



Promising Solutions

Government & Education | Economics & Public Finance | Health & Human Services | Nonprofits & Communities

An Assessment of the Future of the Tompkins County Jail

July, 2017

Prepared for:

Tompkins County Legislature

Prepared by:

Donald Pryor

Project Director



© CGR Inc. 2017 – All Rights Reserved

1 South Washington Street, Suite 400, Rochester, New York 14614
(585) 325-6360 • info@cgr.org

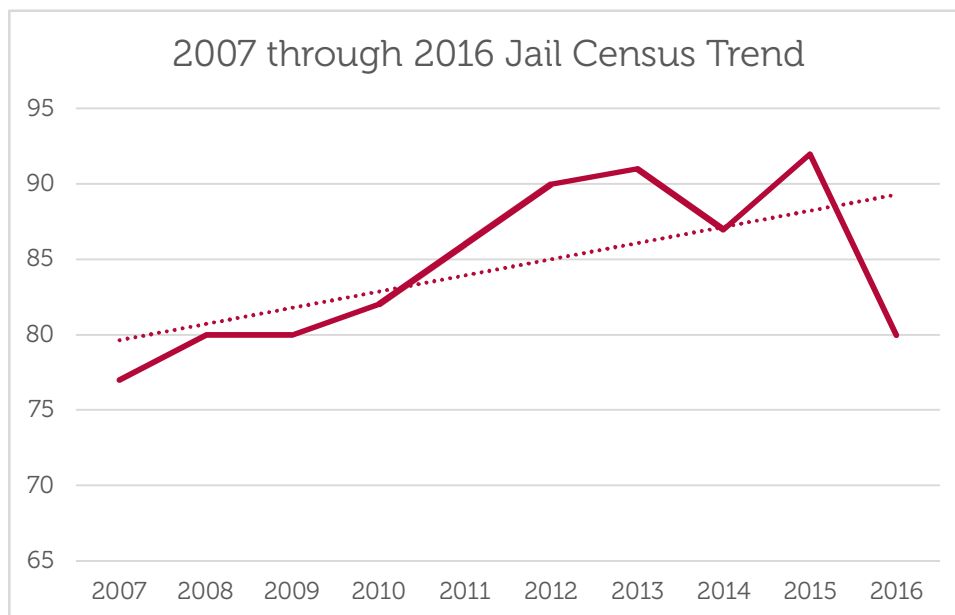
www.cgr.org

Summary

CGR (Center for Governmental Research) was hired by Tompkins County to conduct an assessment of the County jail; alternative-to-incarceration and other criminal justice programs, policies and practices affecting the jail and its inmate population; trends over time in the numbers and characteristics of that population; and future jail population projections under various scenarios and assumptions.

Tompkins County prides itself on its historic and continually-evolving commitment to diverting individuals wherever possible from jail, having developed an extensive array of preventive programs and alternatives to incarceration (ATI) provided through programs operated by the County and via various community-based organizations.

Nevertheless, despite such initiatives, the County jail population in most recent years has consistently exceeded its official capacity, even with the jail's expansion of that capacity in 2016 from 75 to 82 beds. In each year beginning with 2008, the jail's census has averaged at least 80 inmates per day per year, though with substantial declines in the average daily census occurring in 2016 and the early months of 2017.



The New York State Commission of Correction (CoC) in 2009 granted Tompkins County a temporary variance allowing the use of double-bunking to enable an additional 18 beds to be utilized, thereby increasing the total current jail capacity to 100. Even with this expanded capacity, however, limitations created by classification requirements have frequently forced the County to transfer inmates to other jail facilities in the region, at significant costs to the County. Despite recent declines since early 2016, boarding-out is likely to increase again should the CoC's variance be

removed, unless other steps are taken to otherwise reduce the average daily jail census. And indeed, removal of the 18-bed variance is likely in the near future.

With the probability of having to make do in the near future with 18 fewer beds in the current jail facility, the County Legislature appointed five of its members to a Jail Study Committee (JSC) and initiated a comprehensive assessment of criminal justice practices and jail population trends and future projections prior to making any definitive decisions. The assessment was designed to provide the Legislature and the residents of Tompkins County with the information and perspective needed to make informed decisions about the future of the jail.

CGR's assessment involved a combination of qualitative information, obtained in interview and focus group discussions, and extensive quantitative analyses of empirical data obtained from the jail, Probation, other agencies and various ATI and community-based programs. CGR also reviewed relevant legislation and regulations, and best practices in place in other communities. We reviewed numerous local reports and proposals addressing issues related to the local jail and services and programs impacting on it, or that have the potential to impact on it in the future.

During the course of the study, CGR conducted interviews with more than 125 individuals broadly representative of and knowledgeable about the local community and the jail and criminal justice system; met with the Jail Study Committee, the Criminal Justice Alternatives-to-Incarceration committee, two groups of persons with direct experience as defendants in the local criminal justice system and as inmates in the local jail; and participated in a JSC-sponsored town meeting at which about 20 speakers offered various perspectives on our study and the future of the County jail. Our findings and conclusions were invariably considerably enriched by the diverse views and perspectives shared in those discussions.

Major Conclusions

Our core conclusion is: *There is no convincing rationale for building a new jail, or for expanding the number of beds in the existing one.*

Indeed the opposite is true: significant reductions in the jail population are highly likely by 2020 and beyond, based both on Tompkins County population projections over the next 25 years, and bed days that can be saved as a result of more effective use and expansion of selected ATI programs and community-based initiatives – assuming faithful implementation of the jail-inmate-reduction recommendations outlined below.

The County population, which has continued to increase steadily through 2015, is now projected, based on what we consider to be the best available future projections, to enter into a period of modest but steady decline from now through at least 2040.

Projected declines are prominent among the most historically crime-prone years, coupled with recent declines in the jail population within the most populous 16-24 age range. These projected population trends, overlaid with trends in various ways of looking at the jail population over the years, suggest that ***the average daily jail census will decline modestly over the next 25 years, even if no changes are made in current practices and programs.***

Over and above these demographics-driven declines, ***further reductions in the average daily census of at least 29 beds per night from current census levels should begin to occur within the next year and be fully in place by 2020 if recommended changes are made in several ATIs and community initiatives.***¹

Although the County has in place an impressive array of alternative programs, CGR concluded that more can be done to expand the impact of these and other emerging initiatives, thereby making possible lower numbers of occupied jail beds per night, beginning over the next year or two and continuing over the next 25 years or more.

The recommended inmate-reduction opportunities and estimated initial impact are spelled out in the table below. Based on our analyses and evidence in some cases from other communities, we believe these estimates of beds avoided per night are realistic, feasible, and relatively easy and cost effective to implement. We also believe that it is realistic to expect that even greater reductions of several additional beds per night are likely to occur over the next few years as new approaches take effect.

Proposed Inmate-Reduction Strategies and Estimated Bed Days Saved

Strategy/Opportunity	Average Beds Saved per Night
Expanded substance abuse assessments and expedited access to residential rehab treatment	5
Increased Pre-Trial Release impact	6
Expanded use of Electronic Monitoring	10
Misdemeanor Drug Court expansion	5
Creation of medical detox apart from current jail	8
Total projected impact of beds saved per night every year	34 beds
Total beds saved after applying 15% correction factor	29 beds

Converting the 29 beds to a percentage of the jail's census (a 37 percent reduction) under the three most probable population-driven scenarios outlined in the report, the

¹ Even if an alternative set of population projections are used, showing growth rather than modest declines in the Tompkins County population in future years, the net combined effect of population projections and recommended jail-inmate-reduction strategies would still result in substantial reductions in daily jail census numbers in future years.

average daily census in the jail is expected to fall within the following ranges in the five-year intervals between 2020 and 2040.

Year		Scenario		
		One	Two	Three
2016 Baseline Census		86.8	78.7	72.6
2020 Jail Census	Base Estimate	85.9	78.8	72.7
	w/ 37% Reduction	54.1	49.6	45.8
2025 Jail Census	Base Estimate	84.3	77.0	71.0
	w/ 37% Reduction	53.1	48.5	44.7
2030 Jail Census	Base Estimate	83.0	75.5	69.7
	w/ 37% Reduction	52.3	47.6	43.9
2035 Jail Census	Base Estimate	81.8	74.1	68.4
	w/ 37% Reduction	51.5	46.7	43.1
2040 Jail Census	Base Estimate	80.7	73.0	67.3
	w/ 37% Reduction	50.8	46.0	42.4

Depending on which of the three population- and demographic-driven projection scenarios is favored by the County, CGR estimates that **by 2020 the average number of occupied inmate beds per night in the jail would be as few as 46 and no more than 54**. By 2040, the projected range in occupied beds would be reduced to 42 to 51, based on the combination of population-driven projections and recommended strategies to reduce needed beds.

These projections fall well below the 82-bed official capacity of the County jail (assuming the 18 variance beds are removed), and would also fall below bed levels needed to account for classification restrictions and occasional peak daily spikes above the average daily census. Once the recommended bed-reduction strategies are fully in place, the need for boarding out inmates should become an exceedingly rare event in future years.

Major Recommendations

Building on our overall conclusions, we offer the following specific recommendations, which are spelled out in more detail in the full report narrative. It is important to note that the recommendations are only as good as the ability and will of the County Legislature, the community, and various components of the criminal justice system and community-based agencies to implement them. With the working relationships that currently exist within the County, including collaborative efforts guided in part through the efforts of the Criminal Justice ATI Board, we are confident that the

recommendations presented in this report will be implemented in good faith by the affected parties working together for the public good.

Recommendations Supporting Inmate-Reduction Strategies

- ❖ *Tompkins County should not build a new jail or expand the number of beds in its existing jail facility.* There is no justification for the County to consider any expansion of its existing jail-cell footprint, unless it simply decides it wishes to build a more modern facility enabling direct supervision and greater flexibility in the provision of correctional services.
- ❖ *Tompkins County should begin to implement each of the inmate-reduction strategies summarized in the earlier table and outlined below within a year.*
 - *Expand substance abuse assessments and expedite access to residential rehab treatment.*
 - *Increase the impact of Pre-Trial Release.*
 - *Expand the use of Electronic Monitoring.*
 - *Expand the use of Misdemeanor Drug Court.*
 - *Support creation of non-jail medical detox capacity.*

Recommendations to Further Reduce Jail Population

In addition to the options outlined above that we anticipate will have direct immediate impact in reducing the daily jail census, other recommendations also have the potential to have further impact in reducing the future jail population, although we have conservatively chosen not to include them in our count of estimated bed days saved. These recommendations include:

- ❖ *Re-assess the process of making PSI recommendations.*
- ❖ *Consider expanded use of Day Reporting as a sentencing alternative to jail.*
- ❖ *Consider expanded use of Service Work Alternative Program (SWAP) as a sentencing alternative to jail.*
- ❖ *Restructure and refocus the existing re-entry programs to better meet the intended goals of the programs.* This could include creating space within the existing Day Reporting facility to facilitate services to ex-inmates returning to the community.

- ❖ *Monitor and consider expansion of transitional housing support initiative.*
- ❖ *The County should continue to push for the development and implementation of the Law Enforcement Alternative Diversion concept.*
- ❖ *The County should push New York to reduce the number of parole violators committed to the County jail.*

Recommendations for Improvements within the Jail

A number of issues were raised about expanding services within the jail, and creating additional space to make such services possible. While there is no need to expand the number of beds/cells, the County should consider steps to expand the overall footprint of the jail to enable more services to be provided.

- ❖ *Expand medical services/nursing services within the jail.*
- ❖ *Expand other on-site services, treatment, counseling and links to post-jail services.*
- ❖ *The County should expand space for services within the jail.* Our recommended preferred strategy would involve renovation of adjacent space, by moving the Sheriff's administrative offices and road patrol and related functions out of the Public Safety building, and using the freed-up space for expanded important services.
- ❖ *The County should begin a long-term process of planning for jail replacement or renovation.* While we do not believe that jail expansion is necessary or desirable in the foreseeable future, and while the clear desire of many in the community appears to be to avoid building a new facility, initiation of a long-term planning process would enable the community to obtain full possible value out of the existing facility while also at least considering whether a modern facility with similar or reduced licensed capacity (consistent with our recommendations) would lead to more efficient operation, expanded program space and more humane conditions for those that are remanded to custody in future years.

Judicial/Criminal Justice System Recommendations

A number of recommendations are offered as ways to strengthen aspects of the criminal justice system, many of which are likely to contribute to directly or indirectly impacting the numbers and length of stay of those admitted to the jail.

- ❖ *Judges, attorneys and Pre-Trial Release should commit to the presumption of non-financial release.* Such a presumption is at the heart of many of our

recommendations, and should go a long way toward eliminating the significant number of inmates detained in jail for substantial periods of time on bails of \$1,000 or less.

- ❖ *Judges should be challenged to make more frequent use of ATIs in lieu of, or in conjunction with reducing the length of, jail sentences.* Making greater use of recommended options could make it easier for judicial officials to limit the use of jail sentences where appropriate, while at the same time imposing conditions that place restrictions on offenders, consistent with community safety concerns.
- ❖ *More focus should be placed on training and orienting judicial officials concerning the array of ATIs available to them, the value of various approaches, the degree of supervision involved with various ATIs, and appropriate situations in which it would be justified to make increased use of them.*
- ❖ *Efforts should be invoked wherever possible to limit the use of jail as a sanction for probation or drug court violations.* In some cases this may mean making greater use of ATIs in lieu of the jail sanctions altogether, or to delay use of jail sanctions while trying other approaches initially, or to reduce the length of jail sanctions, imposed more consistently and perhaps in conjunction with ATIs – with use of non-jail sanctions wherever possible based on evidence-based practices.
- ❖ *Similar efforts should be undertaken to create heightened sensitivity to the circumstances of individuals in drug court or under other types of supervision. Circumstances related to family situations, employment, accessible transportation, etc. should all be taken into consideration as people are being judged in these various programs.*
- ❖ *The County should advocate for the creation of a third County judge to help expedite cases through the system.*
- ❖ *Expand the ability of the District Attorney to expedite cases, perhaps including the addition of a new Assistant DA position, consistent with other proposals for how such a position could be used to expedite cases and, in the process, help reduce those in jail who are not a risk to the community.*

Recommendations to Strengthen Data Systems

Data important to our analyses were not always available, or were only partially available, or could not be linked across systems. We offer some modest recommendations to at least begin to strengthen the ability to track cases and to analyze outcomes associated with various programs.

- ❖ *Efforts should be made to be able to interface the jail tracking system with Probation and ATI programs, and ideally the courts and DA's office so that movement through these components can be tracked and outcomes more effectively determined.*
- ❖ *More careful efforts are needed to determine appropriate definitions of program success and to track those accordingly.*

Recommendations to the Community

This report, while officially to the Tompkins County Legislature, is also intended for widespread community consumption and engagement. Some of our recommendations offer a direct challenge to community members to consider how they can invest resources to address issues raised in the report that can only be solved with extensive and thoughtful community engagement and action.

- ❖ *We suggest that the Jail Study Committee invite community members to one or more community forums to review the report and offer their comments on specific conclusions and recommendations, and what actions they hope will be taken in response.*
- ❖ *The community needs to continue to address systemic issues such as racism, affordable housing, transportation, employment, and poverty.* These are all issues which are beyond the scope of this study and what we were asked by the County to address. But they all impact directly on the jail population and certainly the overall quality of life and opportunities available to residents within the larger community. In order for progress to be made in addressing these and related issues, hard conversations will be needed that build on good progress that appears to have been made to date, but that will need to bring different perspectives together in difficult discussions in order to move the conversations to the next level of resolution.
- ❖ *A conscious effort should be undertaken to ensure that public and community-based agencies dealing with persons in jail, returning home from jail, and helping prevent intake to the jail are adhering to culturally competent practices which are viewed as being culturally sensitive to those with whom they come in contact.*
- ❖ *Attention should be given to developing ways to apply restorative justice principles within the criminal justice system.* If there is support for the concept from criminal justice officials, a cadre of volunteers would be needed to help facilitate the discussions necessary between the parties on different sides of the issues in an effort to reach accommodation and reconciliation. Community conversations among proponents of such an approach with leadership in the

criminal justice system could help determine whether there is sufficient traction to move this concept forward.

Recommendation for Criminal Justice Leadership

Many ideas have been floated throughout our report. In order to ensure an orderly processing and oversight of the ideas, and guidance to implementation, targeted leadership may be needed.

- ❖ *The County should appoint a person to oversee the process of reviewing report findings and recommendations, establish a process to determine needed action steps in response, create a clear action plan, and monitor implementation. We suggest that this be a time-limited position, created for perhaps a 12- to 18-month period to make sure key actions are underway, without locking into the need for a permanent oversight position. We suggest that the position should report directly to the County Administrator.*

Staffing Implications

Most of the recommendations in the report can be at least initiated with limited new staffing, but additional new positions may subsequently need to be created pending pilot tests to determine the actual impact of recommended actions, and what effect the proposals will have on staffing going forward.

A new full-time nurse in the jail is recommended. An additional ADA may be needed, pending comparisons with per capita staffing in other counties (relevant data were not available during this study) and assuming such a position is used to help expedite the processing of cases through the system. New Correction Officers may be needed if a secure detox unit is added adjacent to the jail. And a new Mental Health position may be needed, pending an assessment of the impact of expanding hours of MH staff in the jail, currently underway.

Pilot tests to expand the Misdemeanor Drug Court in Ithaca City Court, to make changes in Pre-Trial Release practices, to expand the use of Electronic Monitoring, and to implement the LEAD program could all have implications for either adding new staff or reallocation of existing staff responsibilities, pending assessments of the impact of implementing the recommended approaches.

Acknowledgements

CGR gratefully acknowledges the leadership of the Tompkins County Legislature and County Administrator Joseph Mareane in undertaking this important study to assess the future of the County jail and related components of the criminal justice system. We also appreciate the dedication, extensive work and guidance throughout the study from the County Legislature's Jail Study Committee, and particularly its Chair, Richard John. Thanks also to committee members James Dennis, Anna Kelles, David McKenna and Martha Robertson for their insights and contributions.

Several County staff members should be singled out for their particular assistance and contributions to the study. Joe Mareane was especially helpful in providing guidance, advice and logistical support throughout the study, without ever attempting in any way to shape our analyses or conclusions. His steady presence was particularly instrumental to our ability to successfully complete the study and ensure that the County's goals for the study were met. Probation Director Patricia Buechel and her leadership staff were exceedingly generous with their time and insights, and were particularly helpful in consistently and promptly responding to our numerous never-ending questions of clarification and requests for data, right up to the final editing of the report. We are grateful. We are equally grateful to and appreciative of the assistance of Corrections Division Supervisor/Jail Administrator Captain Raymond Bunce. Ray was unfailingly cooperative, helpful and insightful in responding to our requests for information, data updates, and meetings to discuss numerous aspects of the jail operations. We also received numerous amounts of data and helpful information from Suzi Cook, in her role as Chair of the County's Criminal Justice Alternatives to Incarceration Board.

We also are grateful for the cooperation of the New York State Commission of Correction. Four key staff members, coordinated by Terry Moran, Deputy Director of Operations, provided valuable information and observations about the Tompkins jail in the context of their overall responsibilities, and provided valuable information in response to follow-up requests.

To all of the more than 125 individuals with whom we met, thank you! We met with people representing a wide range of perspectives concerning the County, its criminal justice practices, and the jail, and we learned valuable information and insights from all of them. Although we pledged confidentiality and anonymity of responses to all those we met with, and therefore cannot cite their individual contributions, perspectives shared in those discussions are incorporated in various ways throughout this report, and we are grateful for those contributions.

Staff Team

Donald Pryor directed this project and was the primary author of this report. Peter Nabozny contributed extensive data analyses and interviews, as well as conducting the analysis of various future projection scenarios, and was responsible for authorship of sections of the report. Paul Bishop conducted interviews, oversaw the project website, and was responsible for the development of the Tompkins County profile chapter and other sections of the report. All three were involved in developing the conclusions and recommendations resulting from the study. Amelia Rickard played a key role in drafting much of the profile chapter and creating many of the tables and graphs in the report. Kate Bell was helpful in setting up and maintaining the project website.

Table of Contents

Summary.....	i
Major Conclusions.....	ii
Major Recommendations.....	iv
Recommendations Supporting Inmate-Reduction Strategies.....	v
Recommendations to Further Reduce Jail Population.....	v
Recommendations for Improvements within the Jail.....	vi
Judicial/Criminal Justice System Recommendations.....	vi
Recommendations to Strengthen Data Systems.....	vii
Recommendations to the Community.....	viii
Recommendation for Criminal Justice Leadership.....	ix
Staffing Implications.....	ix
Acknowledgements.....	x
Staff Team.....	xi
I. Introduction.....	1
Background and Context.....	1
Focus of the Study.....	2
Methodology.....	3
II. Demographic Profile of Tompkins County.....	5
Population.....	5
Population by Age.....	7
Population by Race and Ethnicity.....	9
Economics.....	11
Employment.....	11
Educational Attainment.....	12
Income and Poverty.....	13
Household Income.....	13
Poverty.....	14
Poverty and Race or Ethnicity.....	15
III. Relationship of Arrests to Jail Admissions.....	18

County Arrest Trends and Rankings.....	18
Impact of Arrests on Jail Admissions.....	25
IV. Trends in Jail Population and Inmate Characteristics	30
Characteristics at Admission.....	30
Sentenced and Unsented Admissions.....	30
Severity of Charges at Admission.....	32
Arresting Agency	34
Age of Inmates at Admission	34
Gender of Admissions	37
Race and Ethnicity of Admissions.....	37
Previous Jail History at Admission.....	39
Bail Set at Admission.....	41
Education Level of Inmates at Admission	44
Substance Abuse and Mental Illness	45
Internal Survey of Extent of Substance Abuse and Mental Illness Issues.....	46
Assessment of Need for Non-Jail Detox Services	47
Average Daily Census and Length of Stay.....	47
Changes in Average Daily Census	48
Average Length of Stay.....	50
Boarded-Out Inmates.....	54
Recidivism in the Jail.....	55
V. Factors Impacting on Jail Census	57
Existing Jail Capacity	57
Presumption of Non-Financial Release.....	59
Legislation to Raise the Age of Juveniles	59
The Effects of Race and Poverty	59
Substance Abuse and Mental Health Access	60
Dispositions and Sentences.....	63
VI. Conditions, Services and Programs within the Jail	66
Age, Layout and Condition of the Jail.....	66
Jail Budget and Staffing	67

Space	67
Services and Programs within the Jail.....	68
Mandated Services	69
Non-Mandated Services	69
VII. ATI and Community-Based Programs Impacting on the Jail	73
Probation Department Overview.....	73
Probation Department Budget and Staffing	74
Basic Supervision Cases and Selected Demographic Characteristics	75
The ESSO Review Process	76
Pre-Sentence Investigations.....	77
Probation-Affiliated ATI Programs	80
Pre-Trial Release	83
Declining Number of PTR Interviews	84
Impact of PTR Interviews on Court Decisions.....	86
Factors Impacting on PTR Recommendations and Release Decisions.....	90
Impact on Jail to Date.....	92
Likely Future Impact.....	93
Electronic Monitoring.....	93
Cost Effective Use of EM.....	94
Likely Future Impact on the Jail.....	95
Day Reporting	96
Summary of Previous Evaluation.....	97
Impact of the DR Program.....	97
Likely Future Impact on the Jail.....	99
Greatest Risk Supervision.....	100
Program Impact	101
Likely Future Impact on the Jail.....	102
Service Work Alternative Program (SWAP).....	102
Program Impact	103
Likely Future Impact on the Jail.....	104
Drug Court: Ithaca Community Treatment Court (ICTC).....	104

Issues Affecting Misdemeanor Drug Court	106
Misdemeanor Drug Court Impact	108
Likely Future Impact on the Jail.....	109
Drug Court: County Felony Drug Treatment Court.....	110
Issues Affecting Felony Drug Court.....	111
Felony Drug Court Impact.....	112
Likely Future Impact on the Jail.....	113
Non-Probation Community-Based Programs	114
Re-Entry Services.....	114
Ultimate Re-Entry Opportunity	115
Cornell Cooperative Extension.....	115
Linkages.....	116
The Future	117
Opportunities, Alternatives and Resources (OAR).....	118
In-Jail Services	118
Bail Fund	119
OAR Re-Entry Services	120
Re-Entry Transitional Housing Support.....	120
Cayuga Addiction Recovery Services (CARS).....	120
Outpatient Services.....	121
In-Patient Residential Rehabilitation Services.....	121
Anticipated Changes.....	121
Alcohol and Drug Council.....	122
Outpatient Services.....	122
Anticipated Changes.....	123
Potential Alternatives in Process.....	123
Law Enforcement Assisted Diversion (LEAD).....	123
New Residential Rehab Treatment Facility	124
Potential Creation of New Detox/Stabilization Facility	124
VIII. Options for Future Consideration.....	126
Options for Improvements within the Jail	126

Consideration of Expanding Medical Services.....	126
Expanding Mental Health and Substance Abuse Services.....	127
Expanding Substance Abuse Assessments and Treatment Referrals	128
Potential for Expanding other On-Site Services.....	130
Consideration of Expanding Space.....	130
Aspirational Options for Jail Day Reductions.....	132
Potential to Reduce Recidivism.....	132
Potential to Reduce Unsentenced Jail Days.....	132
Potential to Reduce Sentenced Misdemeanor Jail Days.....	132
Presumption of Non-Financial Release	133
Potential to Continue to Limit Board-Outs.....	133
Potential to Reduce Parole Impact on Jail.....	133
Potential to Reduce the Number of Black Inmates	134
Options for Strengthening ATI Programs	134
Potential to Reduce Violation Rates within Probation.....	134
Potential for Expanded Use of PSIs to Reduce Jail Sentences.....	135
Potential to Increase Pre-Trial Release Impact on Jail	135
Potential to Expand Use of Electronic Monitoring.....	136
Possible Expansion of Day Reporting.....	137
Likely Limited Potential Added Impact of Greatest Risk Supervision	138
Limited SWAP Jail Impact without Significant Changes	138
Potential Expanded Impact of Misdemeanor Drug Court	138
Limited Expansion of Felony Drug Court Jail Impact.....	139
Considerations for Future of Bail Fund	139
Considerations for Future of Re-Entry Programs.....	140
Emerging Community-Based Options.....	142
Re-Entry Transitional Housing Support.....	143
Expanded Rehab Residential Treatment Facility.....	143
Options for New Detox Facilities	144
Proposed LEAD Program.....	145
Additional Options for Consideration	146

Opportunities/Challenges Facing the Community	146
Summary Impact of Potential Jail-Reduction Strategies.....	147
IX. Future Projections.....	150
Jail Demographic Profile	150
Tompkins County Future Population Estimates.....	152
Average Daily Census Baseline	153
Jail Census Trends	154
Methodology	156
Peak Factor and Classification Issues.....	157
Scenarios	157
Scenario 1.....	158
Scenario 2.....	159
Scenario 3	160
Scenario 4.....	161
Scenario 5.....	162
Future Census Projection Conclusion.....	163
Impact of Recommendations on Long Term Projections	164
X. Conclusions and Recommendations	166
Conclusions.....	166
Recommendations.....	169
Recommendations Supporting Inmate-Reduction Strategies.....	169
Recommendations to Further Reduce Jail Population.....	172
Recommendations for Improvements within the Jail.....	175
Judicial/Criminal Justice System Recommendations	177
Recommendations to Strengthen Data Systems.....	180
Recommendations to the Community.....	182
Recommendation for Criminal Justice Leadership.....	184
A Final Word about Staffing Implications	185
Additional Staff Likely to be Needed	186
Staffing to be Determined based on Pilot Testing	186
Appendix A – Additional Options for Consideration.....	187

HOPE – Hawaii’s Opportunity Probation with Enforcement	187
24/7 Sobriety Program.....	187
Reduce or Eliminating the Use of Bail.....	188
Restorative Justice and Community Courts.....	188
Forensic Assertive Community Treatment	189
Pre-Trial Diversion Programs	189
Appendix B – Groups with Which CGR Met During the Study	190

I. Introduction

CGR (Center for Governmental Research) was hired by Tompkins County to conduct an assessment of the County jail, built in 1986; programs, policies and practices affecting the jail and its inmate population; trends over time in the numbers and characteristics of that population; and future jail population projections under various scenarios and assumptions. The study was conducted in response to the County's Request for Proposals entitled "Criminal Justice/Jail Population Trend Needs Assessment" issued September 21, 2016. This report summarizes our findings, conclusions and recommendations resulting from the comprehensive assessment.

Background and Context

Tompkins County prides itself on its historic and continually-evolving commitment to diverting individuals wherever possible from incarceration, having developed an extensive array of preventive programs and alternatives to incarceration (ATI) provided through programs operated by the County and via various community-based organizations.

Nevertheless, despite such initiatives, the County jail population in most recent years has consistently exceeded its official capacity, even with the jail's expansion of that capacity in 2016 from 75 to 82 beds. In each year beginning with 2008, the jail's census has averaged at least 80 inmates per day per year. Moreover, in the five years from 2011 through 2015, the average daily census ranged between 86 and 92, with averages of 90 or more in three of those five years.

The New York State Commission of Correction (CoC) in 2009 granted Tompkins County a temporary variance allowing the use of double-bunking to enable an additional 18 beds to be utilized, scattered across six blocks/units of the jail, thereby increasing the total current jail capacity to 100. Even with this expanded capacity, however, limitations created by classification requirements have frequently forced the County to transfer inmates to other jail facilities in the region. In the four years between 2012 and 2015, an average of almost eight inmates per day—often females—were boarded out to other jails. Although that number has decreased considerably in most months in 2016 and 2017 to date, boarding-out of inmates continues to cost the County substantial dollars each year, and the degree to which boarding-out becomes necessary is likely to increase again should the CoC's variance be removed, unless other steps are taken to otherwise reduce the average daily jail census.

And indeed, removal of the 18-bed variance is imminent. Tompkins is currently one of only eight counties in the state which continue to retain "temporary" variances. But while acknowledging the County's exemplary track record of support for ATIs and

related reform initiatives, the Commission of Correction has recently directed the County to reduce its daily inmate population to a level that can be routinely accommodated by its 82-bed facility, with no continuing variance, or to expand the jail capacity to meet a larger potential future inmate population. The CoC has provided the County with sufficient time to assess its options and come up with a viable plan before the CoC removes the variance.

With the probability of having to make do in the near future with 18 fewer beds in the current jail facility, the County Legislature appointed five of its members to a Jail Study Committee and chose to undertake this assessment of criminal justice practices and jail population trends and future projections prior to making any definitive decisions. Accordingly, this study is designed to provide the Legislature and the residents of Tompkins County with the information and perspective needed to make informed decisions about the future of the jail. As Jail Study Committee Chair Richard John stated recently, the pressure from the CoC “can be seen as an unfortunate and potentially expensive problem. But we can also see this as an opportunity to examine how we can make this piece of our criminal justice system work more efficiently, effectively, and fairly for all involved.” This report attempts to provide guidance to the County for ways to do so.

Focus of the Study

The following are among the key issues addressed by the study and throughout this report, based on RFP specifications:

- An overview of criminal justice policies, programs and practices currently in place, and of interactions between the various components of the system, with particular focus on how those programs and practices impact on the jail inmate population;
- Review and analysis of the impact of current ATI programs on the jail population;
- Historical analysis of trends in jail census/average daily populations and characteristics of the Tompkins County jail population, including changes over time in the numbers and types of jail admissions, sentenced vs. unsentenced population, average length of stay, bail amounts, and types of release;
- Examination of sentenced and unsentenced populations in the jail to identify potential ways of facilitating expeditious processing of cases—and to determine if other options could be developed or expanded to reduce these populations;
- Analysis of historic demographic and crime pattern trends compared with trends in numbers and characteristics of jail inmates over time, analysis of future population projections and their likely impact on future jail inmate populations, and analysis of

jail classification requirements and their impact on boarding-out trends (including the cost and social implications of these boarding-out practices);

- Identification of any opportunities for enhancement of existing alternatives programs and system practices, and/or new programs and practices that may help reduce or limit the size of the jail inmate population in the future;
- Assessment of the likely implications and impact of various potential scenarios and assumptions on the beds and space needed in the County jail of the future.

Methodology

To address these and related issues, CGR's assessment involved a combination of qualitative information, obtained in interview and focus group discussions, and quantitative analysis of empirical data obtained from the jail, Probation, other agencies and various ATI and community-based programs.

During the course of the study, CGR met with more than 125 individuals, mostly in face-to-face interviews, as well as some telephone conversations and focus group meetings. These wide-ranging discussions covered a broad range of perspectives on all sides of the issues addressed by the study. All of these discussions were conducted under strict confidentiality understandings that assured participants that what was said would not be shared with others and would not be referenced in our reported findings such that they could in any way be linked to who said what without their expressed permission. Our findings and conclusions were invariably considerably enriched by the diverse views and perspectives shared in those discussions.

Interviews included substantial representation from the following types of stakeholders: judicial officials, criminal justice and court representatives other than judges, law enforcement officials, representatives from alternative-to-incarceration programs, community-based program/agency representatives, corrections officers and other jail service staff, County administration and key agency officials, representatives of re-entry and related programs, current jail inmates, community activists representing various perspectives, and State Commission of Correction officials. A more detailed list of groups with which CGR met during the study is included in an Appendix at the end of the report.

In addition, we met with the Criminal Justice Alternatives-to-Incarceration committee, with 15 to 20 key agency and community stakeholders present, and with two groups of persons with direct experience as defendants in the local criminal justice system and as inmates in the local jail. We also participated in several meetings with the County's Jail Study Committee, and participated in a JSC-sponsored town meeting at which about 20 speakers offered various perspectives on our study and the future of the County jail.

CGR also reviewed relevant legislation and regulations, and best practices in place in other communities. We reviewed numerous local reports and proposals addressing issues related to the local jail and services and programs impacting on it, or that have the potential to impact on it in the future. These include, but are not limited to, such reports as a 2002 consultant report on the jail, 2016 Tompkins County Re-Entry Subcommittee Program report, 2014 Jail Alternatives Task Force report, 2016 Municipal Courts Task Force report, *The Ithaca Plan: A Public Health and Safety Approach to Drugs and Drug Policy* (2016), and numerous other proposals and agency annual reports and other related documents.

In addition, numerous quantitative analyses were undertaken, most prominently including detailed independent analyses of data provided by the County Jail and by the Probation Department, the latter primarily focused on the various ATI programs. Many other analyses were conducted of data from various County and community-based agencies. Other data were obtained and analyzed from NYS offices such as Division of Criminal Justice Services, Commission of Correction, Office of Court Administration, and Office of Alcoholism and Substance Abuse Services.

The analyses of all these quantitative/empirical data and of the information obtained in the various qualitative discussions are integrated and summarized in the various subsequent chapters of this report. Based on these analyses, CGR developed a series of findings, conclusions, implications and recommendations for the County's consideration. The conclusions and recommendations are summarized in the report's concluding chapter.

II. Demographic Profile of Tompkins County

In order to provide context for what follows in the rest of the report, this chapter offers a brief summary of key descriptive characteristics of the population of Tompkins County residents. The chapter is intended to be just that: a brief demographic profile of the County's overall population, and not a detailed treatise on each topic raised. The implications of many of the key issues summarized in overview fashion in this chapter – such as future projections, age, race/ethnicity, poverty – for the current and projected future makeup of the jail population are spelled out in greater detail in subsequent chapters of the report.

Population

Unlike most other counties of its size or in upstate New York, the population in Tompkins County has increased since 1990 (up 10.4 percent, including a 7.6 percent increase since 2000). However, according to Cornell University's widely respected Program on Applied Demographics population projections, the population (as shown in Table 1 below) is projected to experience a gradual decline in subsequent five-year intervals from now through 2040, when the overall population is projected to be about 5 percent lower than in 2015.²

² Population projections are not guarantees for the future, and many unknown variables will likely influence the future population of the county, including enrollment in higher education institutions, the attractiveness of the post-college job market, and affordability in the region. Cornell's PAD population projections model, which relies primarily on birth rates, mortality rates, along with domestic and international migration patterns, projects a modest decline over the next 25 years.

Woods & Poole Economics, a firm that specializes in long-term county economic and demographic projections, projects a 12% increase in Tompkins' population between 2015 and 2040. However, the Woods & Poole population projections also include a great deal of troubling inter-period variability. For example, the Woods & Poole model expects the number of 30 to 34 year old women to grow from a projection of 3,107 in 2020 to 4,154 in 2025, and then fall to 2,675 in 2030. This seems unlikely. The Cornell model anticipates a modest decline from 3,239 in 2020 to 3,225 and 2,935 in 2025 and 2030 respectively. For these and related reasons, and given our historical confidence in the Cornell PAD population projection model, CGR is relying on Cornell's estimates in this report.

Table 1

Year	Population	Change from Previous
1990	94,097	
2000	96,501	2.6%
2010	101,564	5.2%
2011-15	103,855	2.3%
2020*	101,732	-2.0%
2025*	101,538	-0.2%
2030*	100,893	-0.6%
2035*	99,844	-1.0%
2040*	98,606	-1.2%

Source: U.S. Census Bureau Decennial and American Community Survey 5-year estimates.

*Projected data from Cornell Program on Applied Demographics

The table includes those in college and university student housing, which was just under 12,000 according to the 2010 U.S. Census, or approximately 12 percent of the total County population. Such on-campus residents are in addition to students living in off-campus housing.

Subsequent chapters of the report will address the implications of the projected future changes in the County's total population on the average daily census likely in the County jail in future years.

As indicated in Table 2 below, the City of Ithaca and the nine towns of Tompkins County and their villages have each contributed to the growth in population since 2000.

Table 2

	2000	2011-15	Change	% Change
Tompkins County	96,501	103,855	7,354	7.6%
Town of Caroline	2,910	3,358	448	15.4%
Town of Danby	3,007	3,462	455	15.1%
Town of Dryden	13,532	14,840	1,308	9.7%
Town of Dryden (TOV)	11,195	12,302	1,107	9.9%
Village of Dryden	1,832	2,014	182	9.9%
Village of Freeville	505	524	19	3.8%
Town of Enfield	3,369	3,614	245	7.3%
Town of Groton	5,794	6,097	303	5.2%
Town of Groton (TOV)	3,324	3,561	237	7.1%
Village of Groton	2,470	2,536	66	2.7%
City of Ithaca	29,287	30,565	1,278	4.4%
Town of Ithaca	18,198	20,254	2,056	11.3%
Town of Ithaca (TOV)	14,925	16,465	1,540	10.3%
Village of Cayuga Heights	3,273	3,789	516	15.8%
Town of Lansing	10,521	11,347	826	7.9%
Town of Lansing (TOV)	7,104	7,718	614	8.6%
Village of Lansing	3,417	3,629	212	6.2%
Town of Newfield	5,108	5,292	184	3.6%
Town of Ulysses	4,775	5,026	251	5.3%
Town of Ulysses (TOV)	3,194	3,389	195	6.1%
Village of Trumansburg	1,581	1,637	56	3.5%

Source: U.S. Census Bureau Decennial and American Community Survey 5-year estimates.

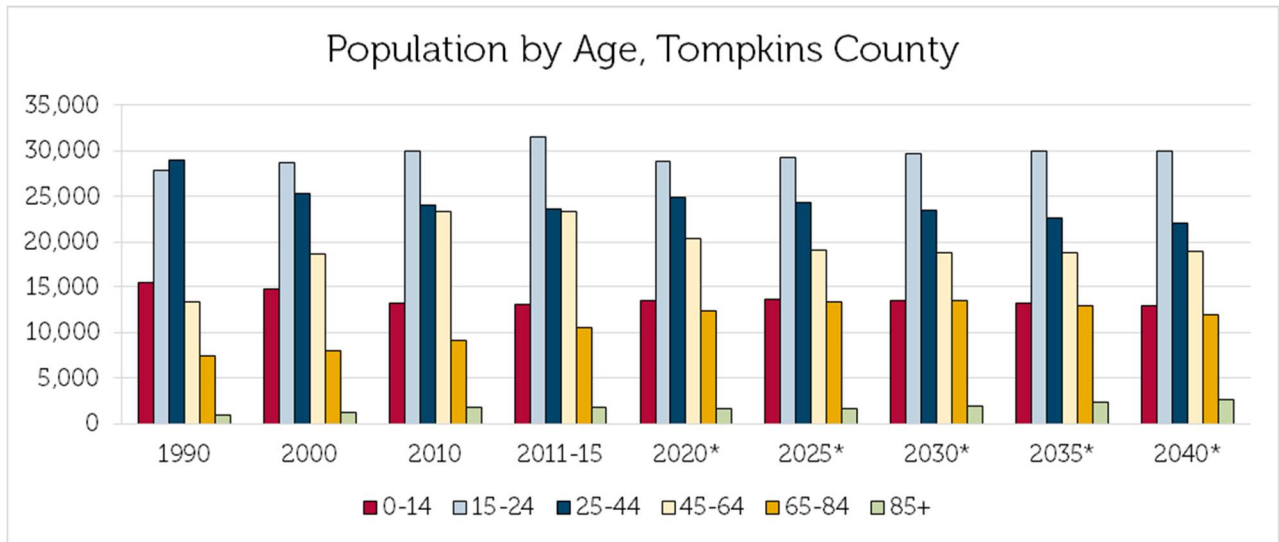
TOV = Town outside village.

Population by Age

A reflection of the large student population and desirability to reside in Tompkins County, the largest share of residents are consistently between 15-24 years of age, as reflected in Graph 1 below. Going back to 1990, and projected to remain about the same over the next 25 years, this age group consistently accounts for about 30 percent of the total County population. Combined with residents up to age 44, residents aged 15-44 consistently comprise over 50 percent of the County's population historically and going forward, based on Cornell Applied Demographic projections. However, the 25-44 segment of that age cohort has been declining, and is projected to continue to do so, both in total numbers and as a share of the overall population. From a high of 31 percent of the population in 1990, this age group currently represents about 23 percent of the total population, and is expected to range

between a high of 25 percent in 2020 to a low of 22 percent by 2040. The implications of these trends for the probable jail populations of the future are spelled out later in the report.

Graph 1



Source: U.S. Census Bureau Decennial and American Community Survey 5-year estimates.

*Projected data from Cornell Program on Applied Demographics

As shown in Table 3, the County's median age was 30 in 2015 – the lowest in the state – also a reflection in large part of the significant college and university student population in the County.

Table 3

Five Lowest and Highest Median Age, NY 2011-15	
Tompkins County	30
Jefferson County	32
Cortland County	36
Rockland County	36
Orange County	37
Schuyler County	46
Essex County	46
Delaware County	46
Columbia County	47
Hamilton County	52

Source: U.S. Census Bureau American Community Survey 5-year estimates.

Population by Race and Ethnicity

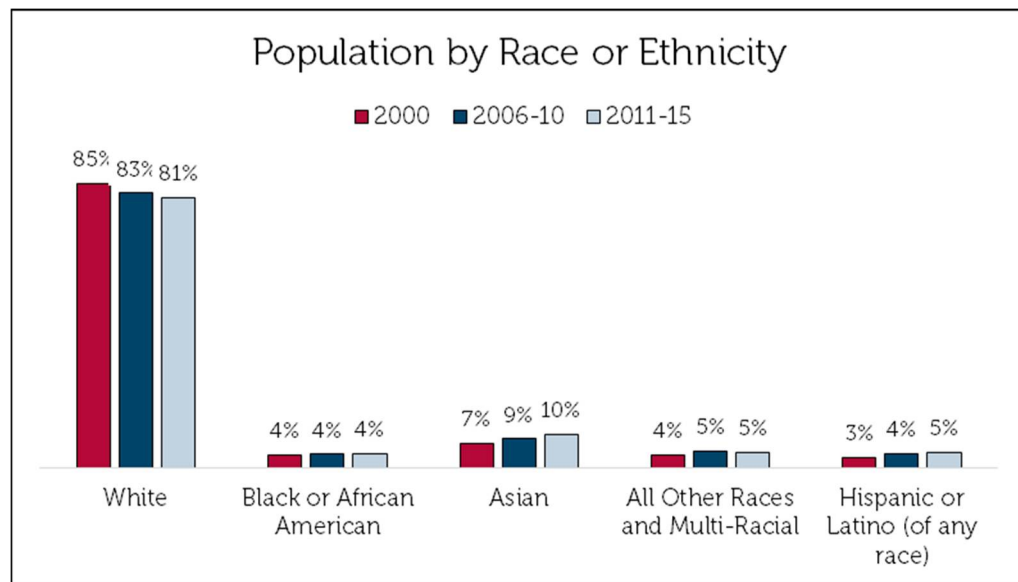
Although the population of all the major racial and ethnic groups among Tompkins County has increased since 2000, their respective shares of the population have for the most part remained relatively steady, as shown in Table 4 and Graph 2 below. Although the white population increased slightly over the past 15 years, it declined by four percentage points as a proportion of the total population over that period. The largest growth, both numerically and as a proportion of the population, has been among Asian residents, many of them with college/ university connections. Hispanic/Latino residents increased by more than 60 percent, and increased from 3 percent to 5 percent of the overall population. The black or African American population increased by 23 percent, while remaining a constant 4 percent of the total County population. Multi-racial residents and those of all other races increased by 33 percent, increasing slightly from 4 percent to a total of 5 percent of the total population.³

Table 4

	2000	2006-10	2011-15	2000	2006-10	2011-15
Total population	96,501	101,564	103,855	% of Population		
White	82,507	83,941	84,393	85%	83%	81%
Black or African American	3,508	4,020	4,315	4%	4%	4%
Asian	6,943	8,737	10,433	7%	9%	10%
All Other Races and Multi-Racial	3,543	4,866	4,714	4%	5%	5%
Hispanic or Latino (of any race)	2,968	4,264	4,818	3%	4%	5%

³ The US Census Bureau uses the terms Black or African American when asking respondents to self-identify themselves by race. Similarly, respondents are offered a choice of Hispanic or Latino in describing their ethnicity. Accordingly, we have used these various terms interchangeably, though leaning more often to use of the term Hispanic, since it refers more broadly to people of Spanish-speaking origin, versus Latino, which typically refers to persons of Latin American ancestry. The category "All other races and multi-racial" includes Native American/American Indian, other races, and those with mixed-race parents.

Graph 2



Source: U.S. Census Bureau Decennial and American Community Survey 5-year estimates.

Note: The Census Bureau asks people to identify their race (white, African-American, etc.) separate from their ethnicity (Hispanic or non-Hispanic). The totals for these categories cannot be added together, as people show up in both a racial and ethnic group.

Multi-racial residents with African American or Asian ancestry may share similar life experiences with those identified strictly as African American or Asian. Thus it is important to include their data when considering the total number of African American and Asian residents of the county. Adding mixed-race blacks adds about 1,400 to the total in Table 4 of about 4,300 African Americans, raising the total to more than 5,700, and the proportions of county residents who identify as having a black "lived experience" to about 5.5 percent. Similar increases among mixed-race Asians increase the total number of residents with Asian ancestry to almost 12,000, representing about 11.5 percent of the total county population.

Overall, Tompkins County remains primarily white, but with growing non-white populations comprising just under one-fifth of the total population. The implications of overall race/ethnicity proportions in the population for the makeup of the jail census are addressed later in the report.

Economics

Employment

As indicated in Table 5 below, 55 percent of the working age population in Tompkins County was employed in 2011-15, and just under four percent of residents were unemployed. Fifty-eight percent were in the labor force, somewhat lower than in the rest of the state – in large part a reflection of the large student population within the County. Among those ages 20-24, only 49 percent were in the labor force, compared with 70 to 80 percent in most counties among that age range. By contrast, for all age ranges beginning 35 and up, Tompkins work participation rates were consistently higher by several percentage points than in the rest of the state (NYC excluded).

Table 5

Employment Status, 2011-15	
Population 16 years and over	89,862
Employed	55%
Unemployed	3.5%
Armed Forces	0%
Workforce Participation Rate	58%

*Source: U.S. Census Bureau American Community Survey
5-year estimates*

As shown in Table 6, the Educational Services, Health Care and Social Assistance industry employs almost half of the working residents in the county, including 35.5 percent in Educational Services and 10.8 percent in Health Care and Social Assistance.

Table 6

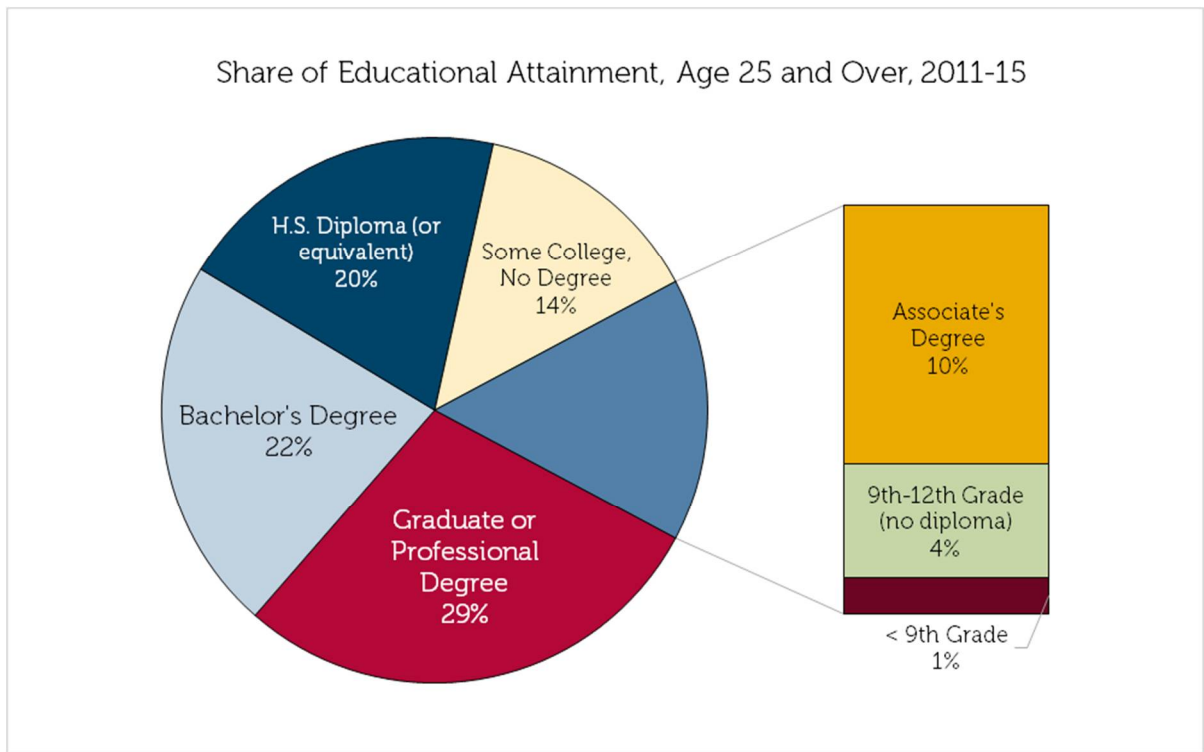
Employment Sector, 2011-15	Share
Educational Services, Health Care and Social Assistance	46.3%
Arts, Entertainment, Recreation, Accommodation and Food Services	9.7%
Professional, Scientific, and Waste Management Services	9.1%
Retail Trade	8.7%
Manufacturing	5.8%
Other Services, Except Public Administration	4.3%
Finance and Insurance, Real Estate Rental and Leasing	3.9%
Construction	3.2%
Public Administration	2.8%
Transportation and Warehousing, Utilities	2.7%
Agriculture, Forestry, Fishing, Hunting, Mining	1.8%
Information	1.3%
Wholesale Trade	0.5%

Source: U.S. Census Bureau American Community Survey 5-year estimates.

Educational Attainment

It has been said that an educated population represents a region's investment in human capital and preparation for long-term growth. If so, Tompkins County would appear to be well positioned for the future, as just over half of all residents over the age of 25 have attained a graduate or professional degree (29 percent) or a Bachelor's degree, as indicated in Graph 3 below. When combining this with those holding an Associate's degree, over 60 percent of the population over the age of 25 are college educated, with an additional 14 percent reporting at least some college experience. Later in the report, these overall rates are contrasted with educational attainment levels within the jail population.

Graph 3



Source: U.S. Census Bureau American Community Survey 5-year estimates.

Income and Poverty

Household Income

Per capita income in the county is \$28,460. Of the 38,400 households in Tompkins County, just over one-fourth had incomes below \$25,000⁴ in 2011-15, and a similar proportion (just under one-fourth) had incomes above \$100,000, as indicated in Graph 4. Just under 17 percent of the households have annual incomes under \$15,000 a year, including 11 percent under \$10,000 a year.⁵ Average household size is 2.35 persons, and average family size is 2.91.

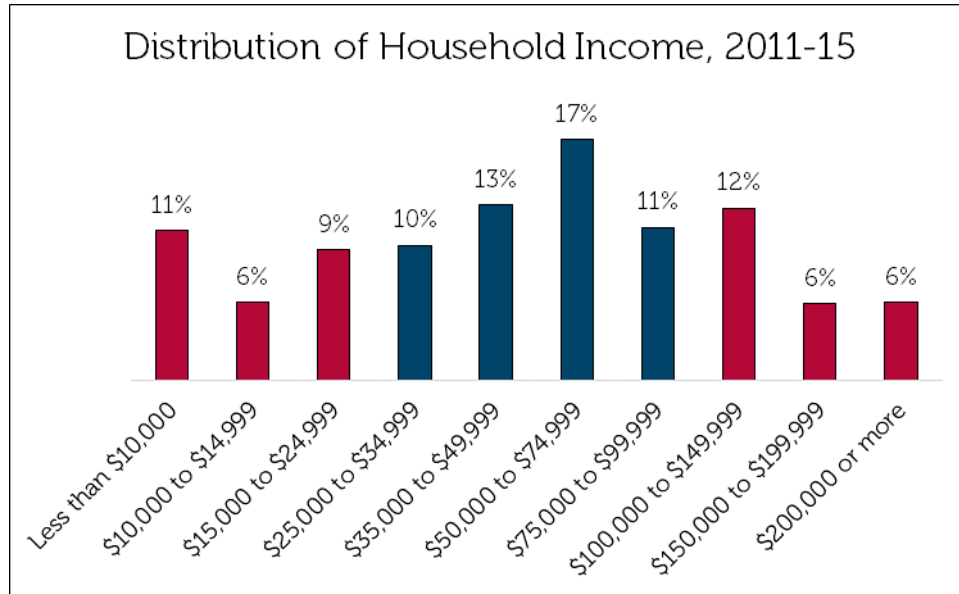
Compared to the rest of the state, household income in Tompkins County has remained relatively stable over the past 15 years. Overall, median household income in the County was \$52,624 in 2011-15, a 0.8 percent decline since 2000. By contrast, there was a 6.9 percent decline over those same years in upstate New York (NYS

⁴ The poverty threshold for a family of four with two children in 2015 was \$24,036.

⁵ Requests to provide proportions of households or individuals earning particular hourly rates could not be met by Census data.

minus NYC). Family households had a median income of \$74,524 and nonfamily households had a median income of \$30,660.

Graph 4



Source: U.S. Census Bureau American Community Survey 5-year estimates.

Poverty

As indicated in Table 7, the overall Tompkins County poverty rate for individuals is among the highest counties in the state: almost 21 percent, compared to 16 percent for the rest of the state minus NYC. This appears to be largely driven by the high poverty rates among the area's large proportion of college and university students (see below). Although students living in dormitories are not included in census counts for poverty, individuals living off-campus are.

Table 7

Individuals Living in Poverty	2000	2011-15
Tompkins	18%	21%
NYS (excluding NYC)	10%	16%
United States	12%	15%

It is important to note, by contrast, that among families, the poverty rate was much less, at 9.5 percent, and only 4 percent for married-couple families, as indicated in Table 8.

Table 8

Percentage of Population Type Whose Incomes Are Below the Federal Poverty Level Tompkins County, 2011-15	
Individuals	20.5%
All families	9.5%
Married couple families	4.0%
18 years and over	21.1%
Unrelated individuals 15 years and over	41.3%
65 years and over	5.0%

Source: U.S. Census Bureau American Community Survey 5-year estimates.

Poverty and Race or Ethnicity

As shown in Table 9, the share of both Asian and white residents whose incomes were below the federal poverty level has remained higher than the state (excluding NYC), and relatively unchanged since 2000. The high Asian poverty rate is likely influenced to a great extent by the high proportion of “temporarily poor” Asian college and university students. While the Census Bureau does not estimate the college student poverty rate by race and ethnicity, it does estimate college enrollment by race and ethnicity and, separately, the poverty rate by school enrollment. Sixty percent of all Asian residents of Tompkins County are enrolled in an undergraduate or graduate program. Nearly 57 percent of undergraduate and graduate students in the County who reside off-campus have incomes below the poverty threshold. Thus it is reasonable to assume that the high Asian poverty rate is driven largely by the large number of Asian post-secondary students in the community.

Due to a small population, County poverty rates for Black or African American and Hispanic or Latino residents are subject to a high margin of error. The rate for Black or African American residents (48 percent) has a margin of error of 10%, meaning the population poverty rate is likely between 38 percent and 58 percent. Similarly, the rate among Hispanic or Latino residents (33 percent) has a margin of error of plus or minus 7 percent.

Table 9

Share of Race/Ethnicity in Poverty	Race	2000	2011-15
Tompkins County	Asian	42%	45%
	Black or African American	20%	48%
	Hispanic or Latino (any race)	33%	33%
	White	15%	16%
New York State (excluding NYC)	Asian	10%	13%
	Black or African American	23%	24%
	Hispanic or Latino (any race)	19%	19%
	White	8%	10%
United States	Asian	13%	13%
	Black or African American	25%	27%
	Hispanic or Latino (any race)	23%	24%
	White	9%	13%

Source: U.S. Census Bureau Decennial and American Community Survey 5-year estimates.

Note: The Census Bureau asks people to identify their race (white, African-American, etc.) separate from their ethnicity (Hispanic or non-Hispanic). The totals for these categories cannot be added together, as people show up in both a racial and ethnic group.

CGR also analyzed Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamp) enrollment data (from July, 2017) provided by Tompkins County DSS. County residents in households with income less than 130% of the federal poverty threshold are eligible to receive assistance through this program. SNAP has higher participation rates than other means-tested public assistance programs such as temporary assistance or HEAP, and therefore is the best administrative data measure of poverty at the County level in New York State.

As indicated in Table 10, American Indians/Native Americans, at 33%, and black residents at 27%, had the highest rates of enrollment in the SNAP program. While only 7% of white residents in the County receive SNAP benefits, due to its proportion of the overall population, whites comprise 75% of the total recipients in the County.

Table 10

July, 2017 Tompkins County SNAP Enrollment, by Race/Ethnicity				
Race and Ethnicity	SNAP Recipients	County Population ⁶	Share of Group Receiving SNAP	Share of SNAP Recipients by Race/Ethnicity
American Indian	122	372	33%	1%
Asian	275	10,433	3%	3%
Black	1,144	4,315	27%	14%
Hispanic	479	4,818	10%	6%
Other	16	910	2%	0%
White	6,098	84,393	7%	75%
Total Population	8,134	103,855	8%	100%

The implications of poverty, race, employment and education on the jail population are addressed in more detail later in the report.

⁶ The sum of these population groups do not equal the total population in the County. County data treats Hispanics as a separate racial group, while Census data classifies Hispanics as an ethnicity that could be of any race. In this table, CGR added the total number of Hispanics (of any race). Those individuals are also included the counts of white and black residents in Tompkins County.

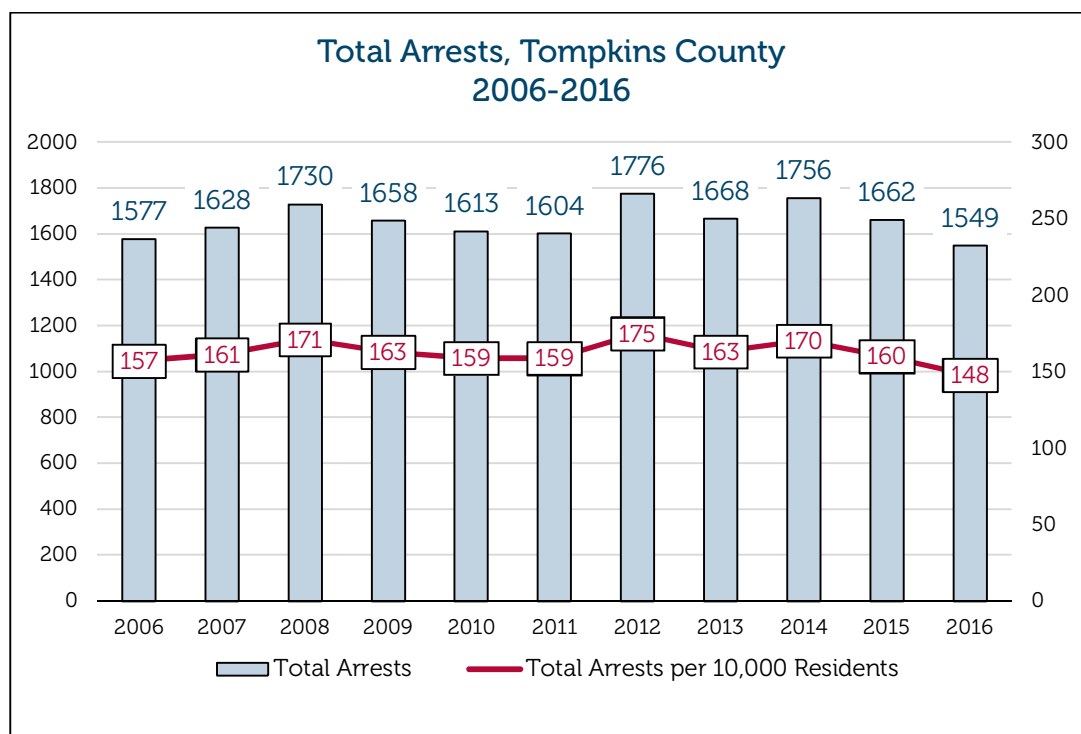
III. Relationship of Arrests to Jail Admissions

In order to put the rest of the report – including discussion of jail inmate characteristics and ATI and community-based programs – into perspective, it is important to first understand recent patterns of arrests in Tompkins County. Since arrests drive what happens in the rest of the criminal justice system, it is instructive to begin with an analysis of arrest totals in recent years.

County Arrest Trends and Rankings

Graph 5 tracks the total number of arrests made by law enforcement agencies across the county each year from 2006 through 2016.

Graph 5

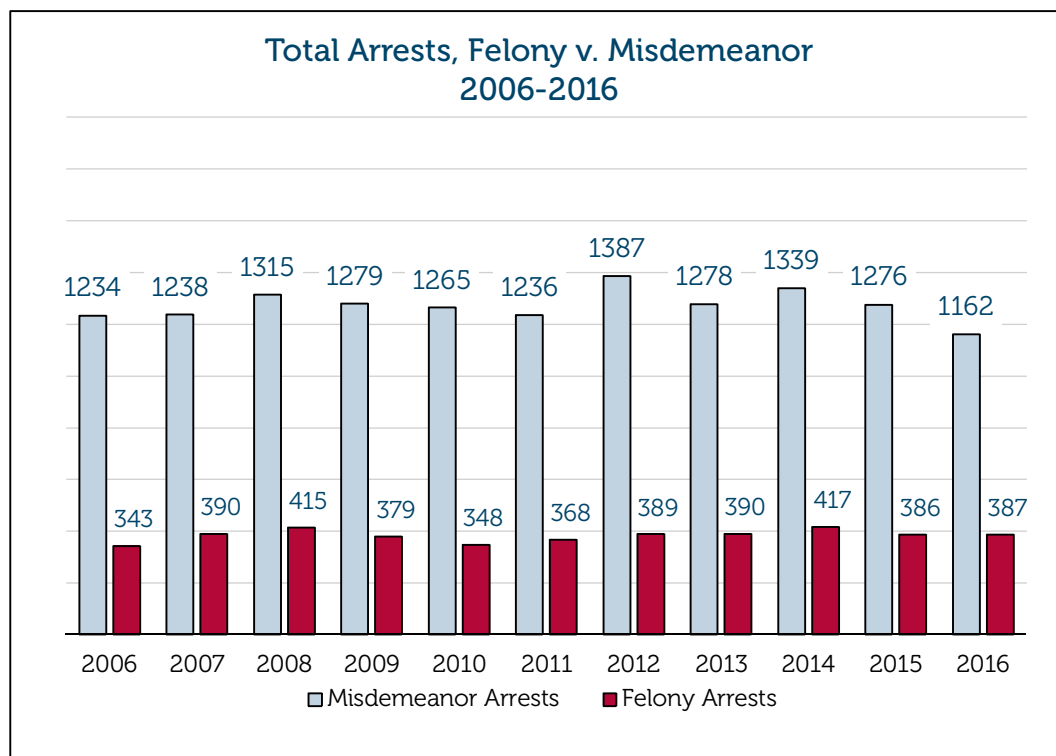


In most years over the past decade, annual arrests have fluctuated with relatively little variation within a narrow range between 1,604 and 1,668 (rates of 159 to 163 per 10,000 residents). Exceptions include three years when the total arrests topped 1,700, including two of the past five years. Arrests in the first half of the decade averaged about 1,635 per year, compared to 1,685 in the past five years. But since 2014, arrests

have declined in each of the past two years, to a decade low of 1,549 in 2016 – a 12 percent reduction since 2014.

As indicated in Graph 6, the pattern of misdemeanor and felony arrests has varied in recent years. Felony arrests have averaged 395 per year since 2012, compared to 374 between 2006 and 2011. But with the exception of 2014, felony arrests have stabilized since 2012, with arrests in the other four years hovering within a very narrow range of 386 to 390. Misdemeanor arrests, by contrast, have fluctuated more widely. Through 2011, there were an average of 1,261 such arrests per year, compared with 1,289 in the most recent five years. However, the past five years have shown the most variation, ranging from a decade high of 1,387 in 2012 to a decade low of 1,162 misdemeanor arrests last year – a 16 percent decline over those five years. Over the years, felonies have averaged about 23 percent of all arrests, ranging between 22 percent and a high of 25 percent of a smaller number of total arrests in 2016.

Graph 6

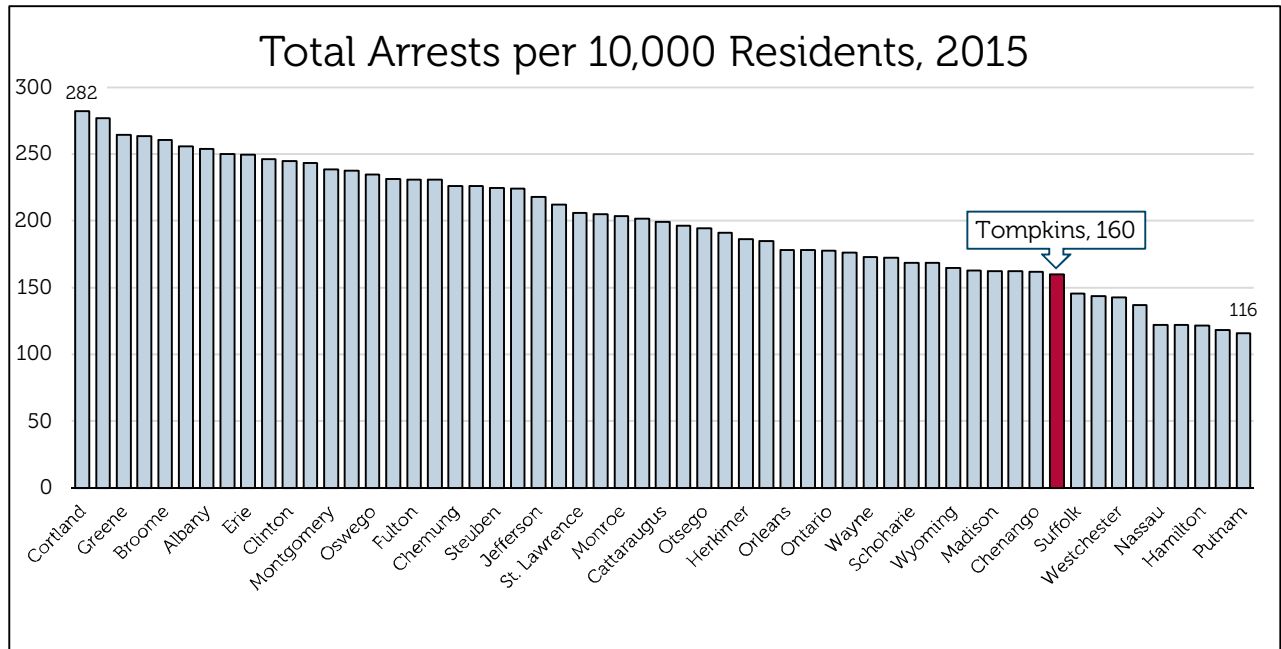


It is difficult to discern a clear pattern in these arrest data. Felony, misdemeanor and total arrests all have increased in the past five years compared to the first part of the past decade, but felony arrests appear to have stabilized in recent years, while misdemeanor rates have shown greater fluctuation, with decade-high and decade-low misdemeanor totals within the past five years. It is not clear whether the decline

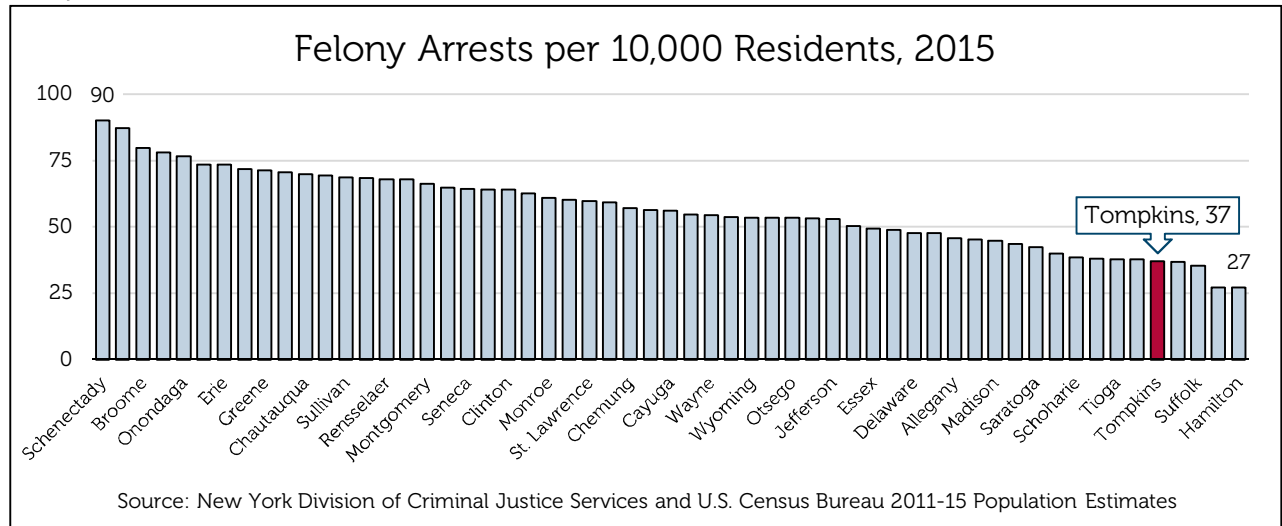
in misdemeanors over the past two years is simply a blip in the data, or is reflective of a trend.

Regardless of recent trends in crime rates, Tompkins County has consistently maintained overall arrest rates that rank among the lowest of all counties in the state: as shown in Graphs 7-9, only nine counties had lower overall rates in 2015; only four had lower felony rates; and 17 had lower rates of misdemeanor arrests.

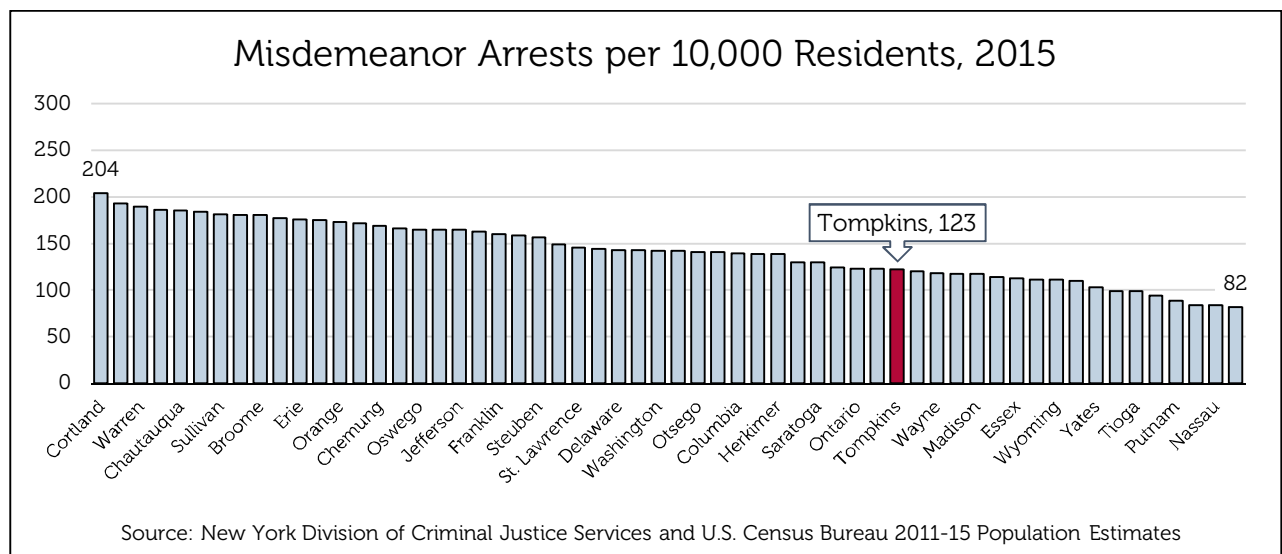
Graph 7



Graph 8

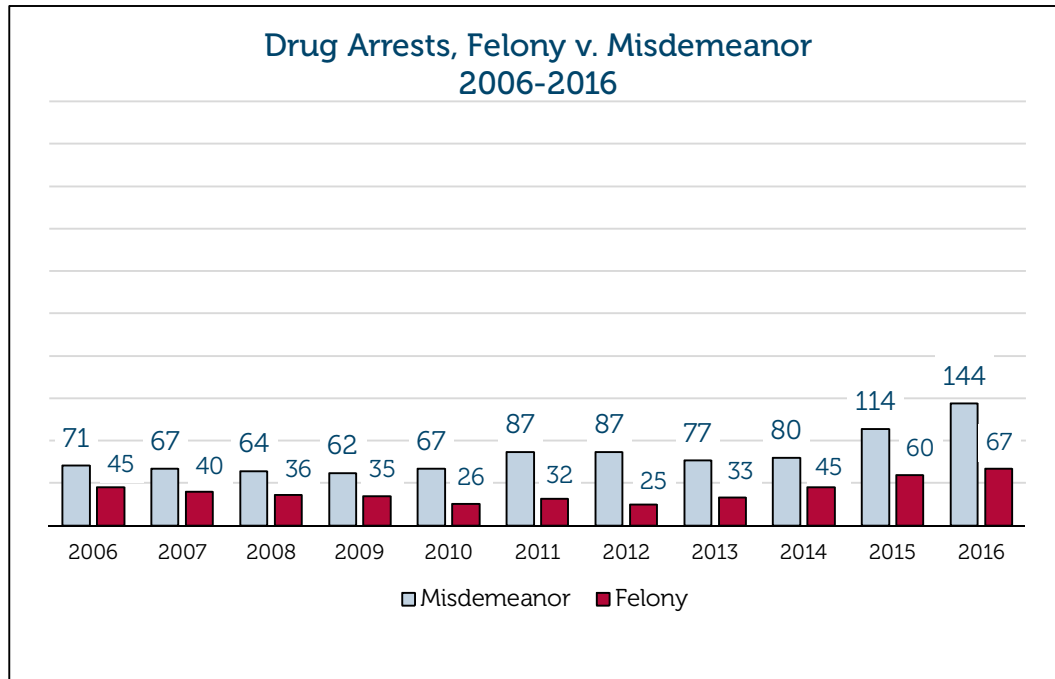


Graph 9



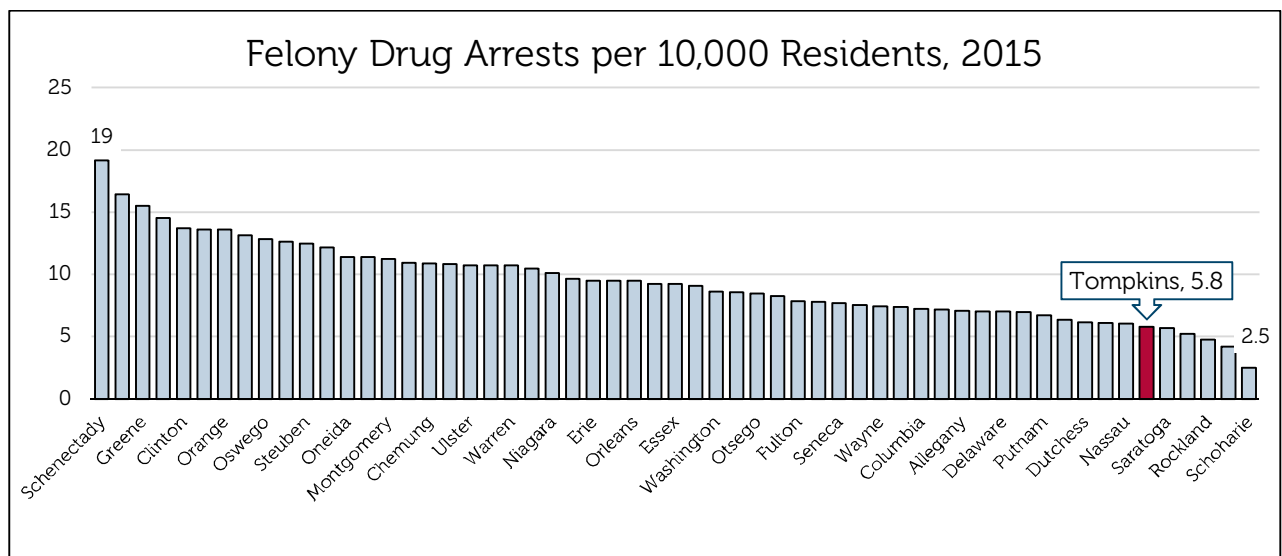
Among major categories of crime, only drug arrests have exhibited clear consistent patterns of increases in recent years, at both the felony and misdemeanor levels. As shown in Graph 10, misdemeanor drug arrests in 2016 had increased by 87 percent since 2013, and felonies by 168 percent since 2012. In 2012, drug felonies represented 6 percent of all felony arrests; by 2016, that proportion had increased to 17 percent.

Graph 10

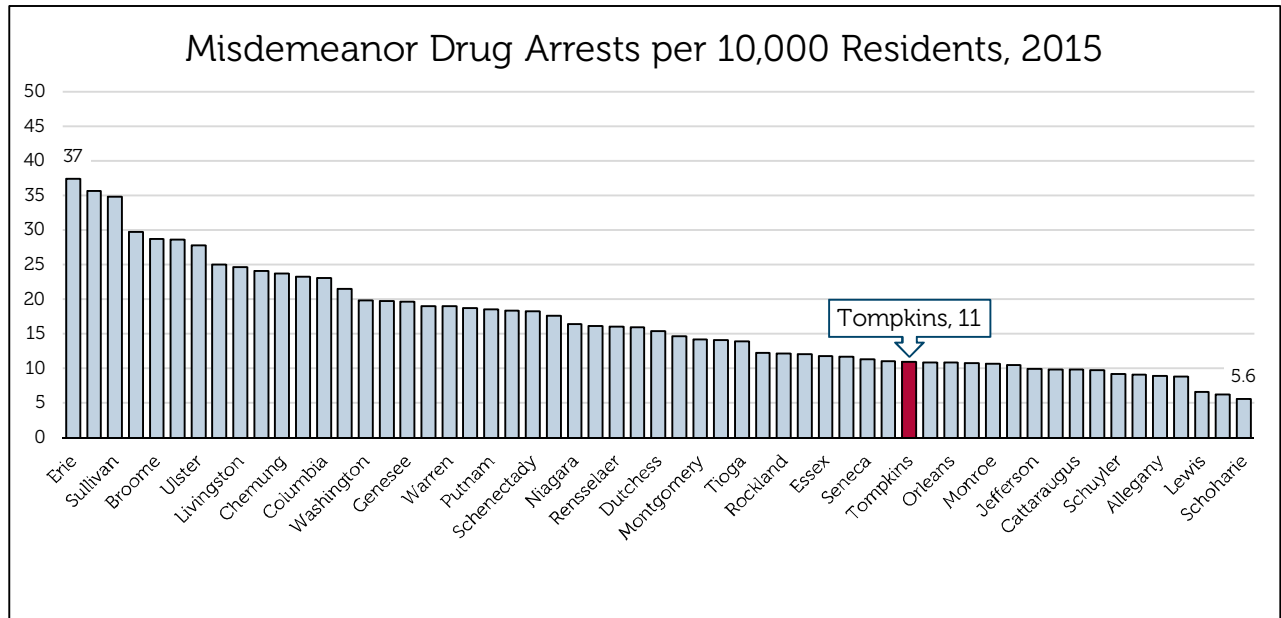


Even with these rapidly increasing rates of local drug arrests, the County rates for both felony and misdemeanor drug arrests remain among the lowest county rates in the state, especially among felonies, as indicated in Graphs 11 and 12.

Graph 11



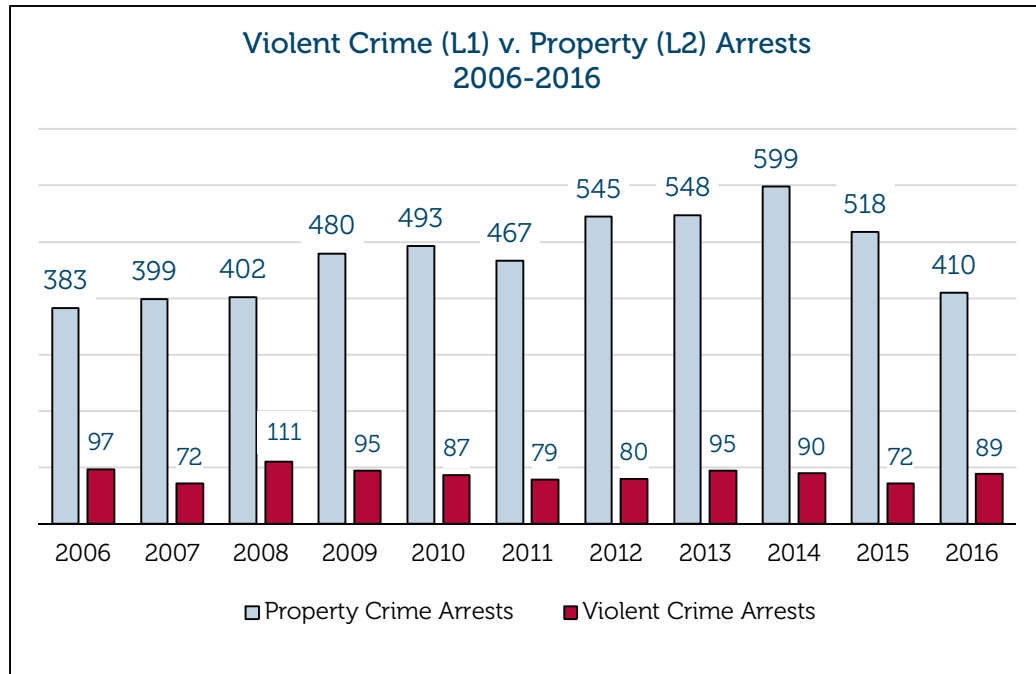
Graph 12



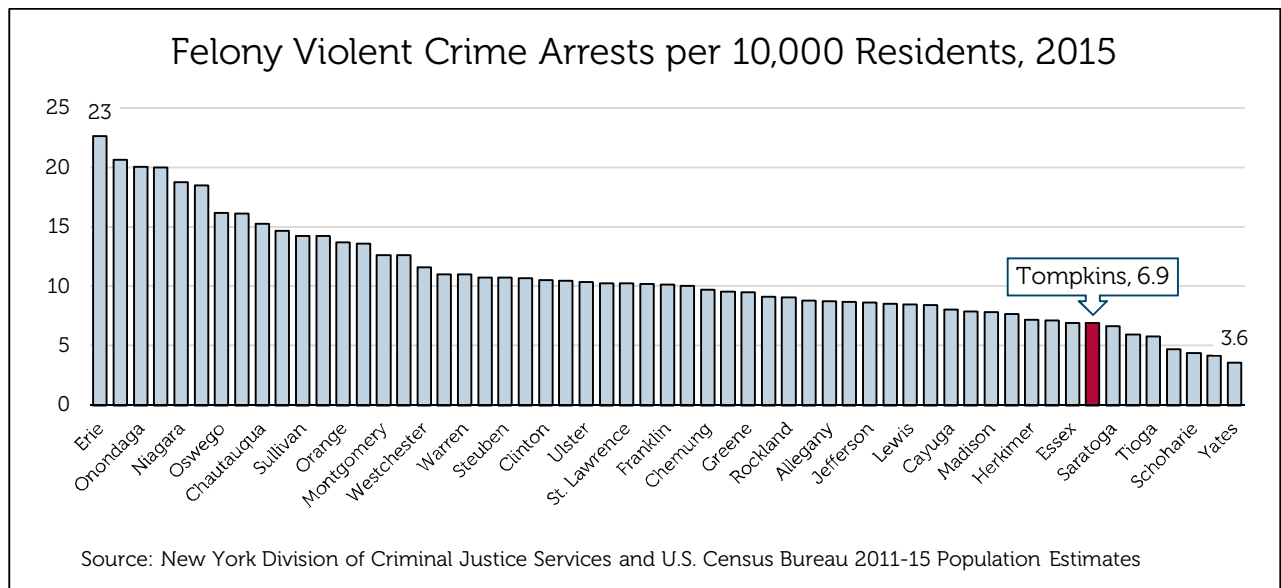
Two other categories of crime appear to have elicited concern among local residents: violent crime and property crimes. As shown in Graph 13, violent crimes have typically generated fewer than 90 arrests throughout the county per year, and the numbers have declined slightly over the past five years, compared to the first half of the past decade. As with other types of crime, Tompkins has among the lowest violent crime arrest rates in the state, with only seven counties reporting lower rates in 2015, as indicated in Graph 14.

By contrast, extensively fueled in the eyes of local law enforcement officials by individuals seeking to support their drug habits, property crime rates had been on an overall upward trend, with arrests increasing nearly every year since 2006, peaking at 599 in 2014, a 56 percent increase since 2006 – before then declining dramatically over the next two years to 410 last year, a 32 percent decline since the 2014 peak (see Graph 13). In 2015, one of those decline years, Tompkins County was in the upper half of all counties in terms of its rate of property crimes – about the only exception of note to the County's low crime rankings compared to fellow counties (see Graph 15 below).

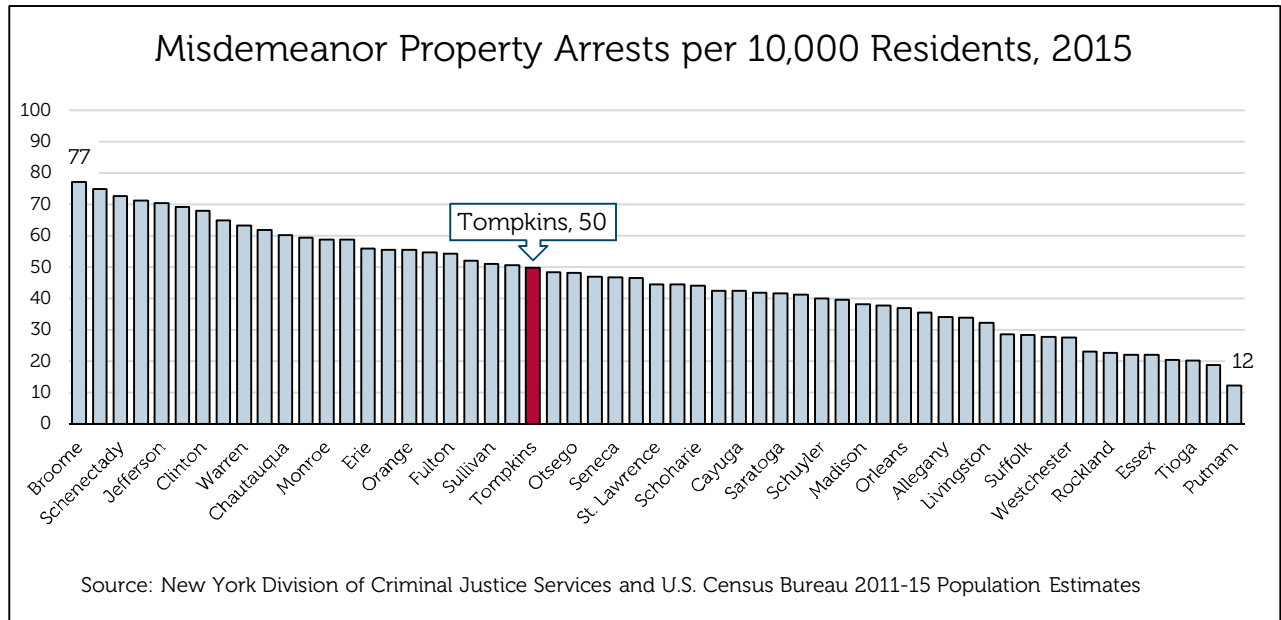
Graph 13



Graph 14



Graph 15



Impact of Arrests on Jail Admissions

Following some years of increases in the size of the jail population, the number of jail admissions has generally trended downwards since 2012, with the exception of a single upwards blip in 2015. The number of admissions in 2016 was 18 percent lower than in 2012, as shown in Table 11.

Using the years 2010 through 2016 for which comparable reliable data existed for both arrests and jail admissions, Table 11 reflects the relationship in recent years between arrests and admissions to the jail.

Table 11

Arrests and Jail Inmate Population 2010-2016							
	2010	2011	2012	2013	2014	2015	2016
Total Arrests	1613	1604	1776	1669	1756	1669	1549
Felony Arrests	348	368	389	391	417	390	387
Jail Admissions	843	884	980	936	838	919	800
Sentenced Admissions	122	146	135	156	168	154	154
Unsentenced Admissions	693	691	791	729	626	725	592
Avg. Daily Jail Population	82	86	90	91	87	92	80

NOTE: Jail admissions reflect all admissions, including sentenced, unsentenced, and others including parole violators, which are not broken out separately in this table. Thus total jail admissions are greater than the sum of sentenced + unsentenced admissions.

In general, the data on jail admissions suggest that Tompkins County in most years incarcerates a little over one inmate for every two arrests. These data suggest that the use of appearance tickets and having defense attorneys present at off-hours arraignments have an effect in reducing the numbers of arrestees who are being incarcerated. While we were not able to access data directly tracking appearance tickets, we can estimate their usage by subtracting the number of unsentenced jail admissions from the total arrests. This analysis suggests that over the last seven years, appearance tickets were issued to an estimated 58 percent of those arrested. In 2014 and 2016, that number was higher than the average with 64 and 62 percent respectively.

The decision to issue an appearance ticket falls primarily to the arresting law enforcement officer. They consider a variety of factors including flight risk, threat to the community or themselves, and severity of crime. All felonies require an arraignment hearing as well as any cases of domestic violence. Arresting officers will also consult with the District Attorney's office on some cases regarding the desired disposition.

In most recent years, the ratio of total jail admissions to arrests in Tompkins has been just over 0.55, irrespective of whether the number of arrests went up or down that year. In the two most recent years in which the ratio was closer to 0.5 or even below 0.5 in 2014, in one case there was an increase in arrests that year, and in the other a decrease. In about half the years, the change from the previous year in number of arrests (up or down) was met by the opposite direction of change in number of jail admissions. The same was true for felony arrests. It would be reasonable to hypothesize that increases in the number or proportion of felony arrests might lead to an increase in the number of jail admissions, either unsentenced or sentenced or both.

Or vice versa, with decreases leading to decreases. In most year-to-year comparisons, however, the directions were just the opposite of what might reasonably have been expected, although there was a consistent ratio of about 0.4 between sentenced admissions and felony arrests.

It is also worth noting that despite the substantial increases in the past few years in arrests on drug charges, those increases have not been accompanied by any corresponding consistent increases in jail admissions, and in fact during the last three years when drug arrests have increased at the greatest rates, the overall jail admission trend, though not a straight line, has been on a downward trajectory. The number of drug arrests, even though increasing dramatically, remains too small to have, by itself, any major impact on jail admissions. However, as discussed in more detail later in the report, this is not to say that substance abuse does not have a major impact on the jail population. Evidence suggests strongly that it does, but that impact is exhibited to a great extent in substance abuse and mental illness prevalence among those in the jail – health, addiction and behavioral issues that may be directly contributing to criminal behavior, but not necessarily drug-specific crimes and resulting arrests.

CGR's overall conclusion is that increases or decreases in arrests across the county almost appear to operate independently of corresponding changes in jail admissions. That is, there appears to be no clear consistent relationship between the two, except in the ratio of felony arrests to sentenced admissions⁷.

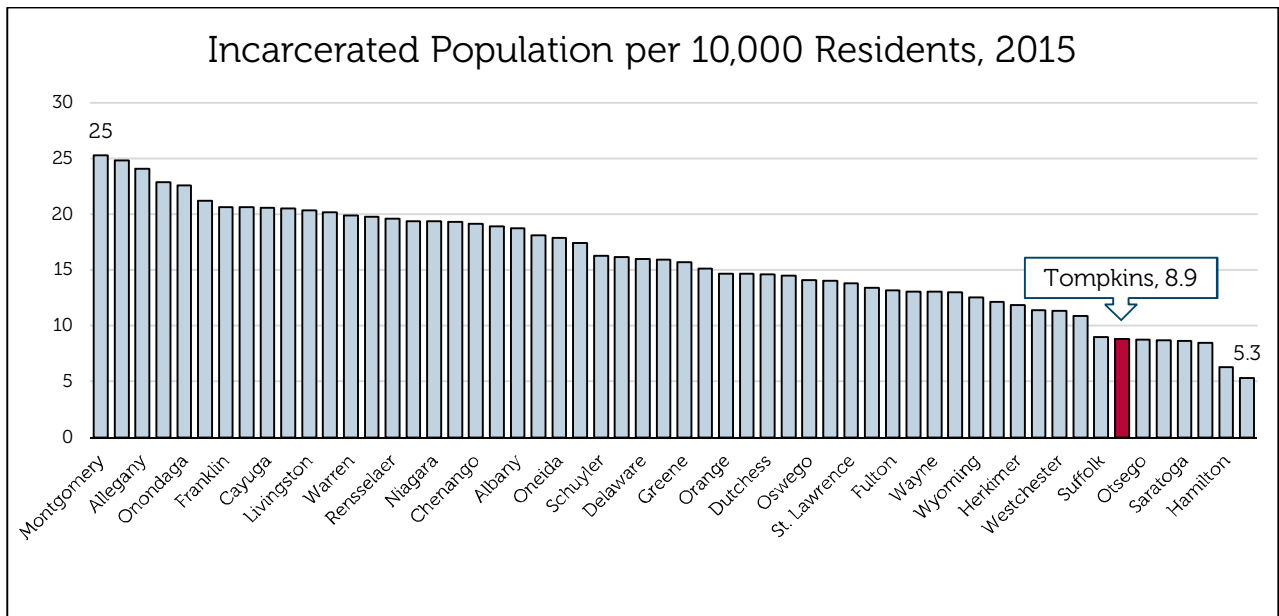
One final note about the relationship between arrests and jail admissions: just as Tompkins County has among the lowest rates of arrests of all the upstate counties in the state, so it also is among the counties with the lowest rates of incarceration in the state, as shown in Graphs 16-18. Even though there does not appear to be a direct relationship between year-to-year fluctuations in arrests and jail admissions, it does appear fair to say from a systemic perspective that Tompkins County, compared to other counties throughout the state, has historically had both low arrest rates and low rates of incarceration. The latter is presumably underscored and strengthened by the contributions of ATI and other community-based programs discussed later in the report, and by community leadership advocating for new policies and practices consistent with reducing the numbers of people in jail.

As of 2015, only six counties in the state had lower overall rates of incarceration per day in their local jail than did Tompkins (see Graph 16). The County had low rates for both sentenced and unsentenced populations, with only four counties having lower unsentenced rates (Graph 17), and 10 with lower sentenced incarceration rates (Graph

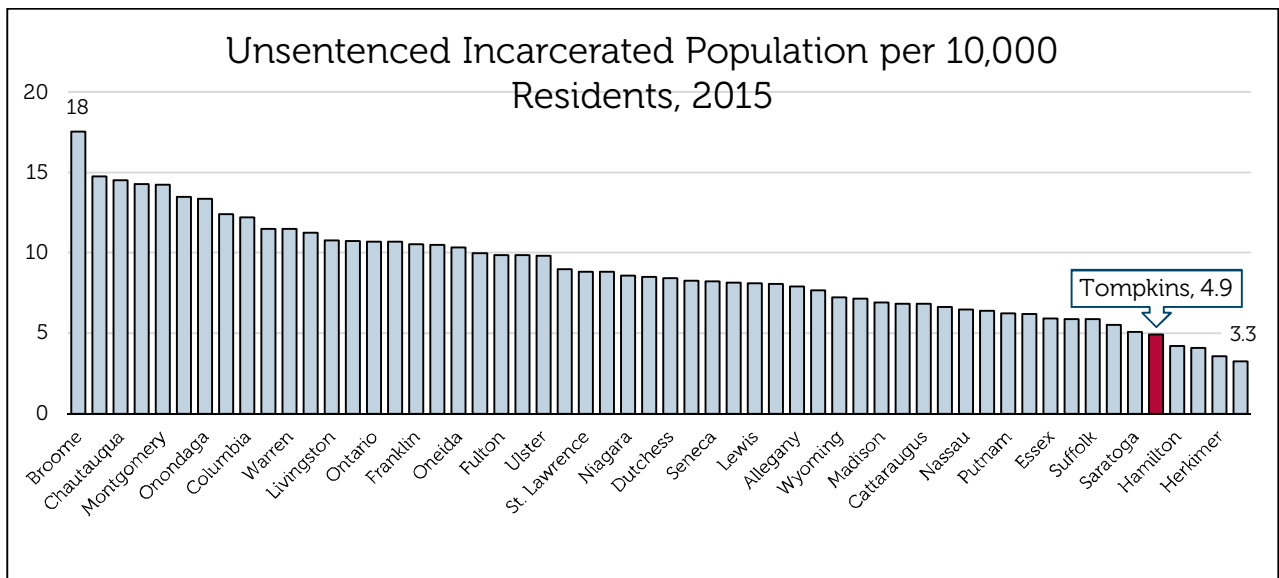
⁷ As noted elsewhere in the report, many charged with felonies serve time in the jail either under the original charge or as a reduced charge.

18). (Note that sentenced plus unsentenced rates do not sum to the total incarcerated population rate, as these sentenced versus unsentenced comparisons with other counties do not include those held on parole violations, state-ready prisoners, or boarded-out inmates for any of the counties. Each of those categories, however, are included in the total incarcerated rates for each county.)

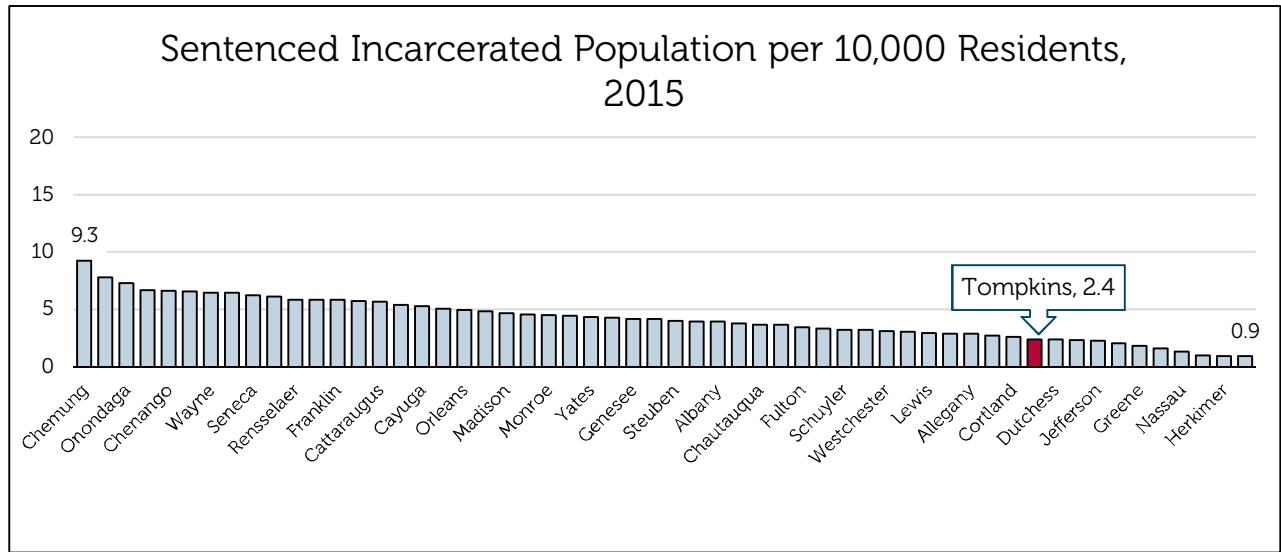
Graph 16



Graph 17



Graph 18



IV. Trends in Jail Population and Inmate Characteristics

This chapter profiles the numbers and characteristics of inmates in the Tompkins County jail facility, and trends over time, in order to provide perspective on issues facing the jail and the community as they seek ways to provide improved services and treatment for those in jail, and to help minimize the size of the jail population of the future.

Characteristics at Admission

The jail is a repository and manager of housing and related services for dozens of persons per night over whom it had no say in the invitation list. Personal circumstances, community policies and practices, and individual and collective behaviors and values in the surrounding community from which jail inmates come largely determine what jail officials will have to contend with.

By profiling some of the key demographic and personal characteristics of the jail inmates, and how they came to be in the jail, we hope that the community will gain a better sense of the issues that need to be addressed in order to minimize the number of such individuals who will need to be housed in the jail in the future, and to improve the quality of life and public safety in the larger community.

Sentenced and Unsented Admissions

As shown in Table 12, since 2010, 78 percent of all admissions to the jail have entered as unsentenced – charged with but not convicted of a crime – typically a misdemeanor or other offense. Other offenses usually refer to minor violations, including a sanction being imposed upon court order following a referral from Probation or a specialty court.

Sentences have accounted for only 17 percent of all admissions over these seven years, including an average of only 26 felony sentenced admissions per year to the jail (another 50+ felony cases result in prison sentences). Judges seem to be making somewhat less use of jail sentences for felony offenses in recent years. In 2010, felonies accounted for 30 percent of all sentenced admissions, but that was down to about 13 percent in the last two years. The flip side of that trend is that there have been virtually the same number of other sentences (mostly violations) to the jail since 2010 as for felonies. Indeed, in the last two years, 67 of the sentenced admissions to the jail have been for such infractions or violations (22 percent of all sentenced

admissions those two years), compared to only 42 felony sentenced admissions. In addition, there have been an average of 58 unsentenced admissions per year for similar lower-level violations. There may be logical reasons for many of these lower-level admissions, but it is worth raising the question of whether many of those could be addressed as or more effectively with non-jail sanctions. This issue is raised in more detail in the context of some of the ATI programs in a later chapter.

The final 5 percent of admissions are parole violators who the County must house for the state, even though they have not been charged with local crimes (additional parole violators also charged with or detained on a local crime are included in the unsentenced admissions). More details are provided below about each of these categories of admission, including lengths of stay and various personal characteristics.

Table 12

Tompkins County Jail Admissions Trends 2010-2016										
	2010	2011	2012	2013	2014	2015	2016	Total 2010- 2016	Avg. 2010- 2016	% of Total Admits 2010- 2016
Total Admissions	843	884	980	936	838	919	800	6200	886	
Sentenced Admissions	122	146	135	156	168	154	154	1035	148	17%
Felony	36	24	25	23	33	17	25	183	26	3%
Misdemeanor	72	99	95	97	106	106	93	668	95	11%
Sentenced Admissions - Other	14	23	15	36	29	31	36	184	26	3%
Unsentenced Admissions	693	691	791	729	626	725	592	4847	692	78%
Held for Felony	291	254	301	294	297	335	300	2072	296	33%
Held for Misdemeanor	343	374	398	361	282	348	261	2367	338	38%
Held for Other Offenses	59	63	92	74	47	42	31	408	58	7%
Parole Violations	28	47	54	51	44	40	54	318	45	5%
Boarded Out	77	102	199	186	109	200	68	941	134	n/a

Source: Tompkins County Sheriff's Office

To put the sentenced admissions in further perspective, although they account for only 17 percent of all admissions, because of their longer average stay in the jail, they account for more like a third of the average daily census.

Another way to examine inmates of the jail is to ask how many separate individuals were admitted. During the period from 2012 through 2016, for which individuals could be reliably and consistently tracked on most variables, CGR learned that 2,438 unique individuals spent at least one night in the jail, comprising 4,473 separate admissions, an average of 1.8 admissions per person over the five years. Table 13 indicates the number of individuals who were admitted each year and their total number of admissions during that year (a person was counted once each year he or she was admitted, whether being admitted once or multiple times).⁸

Table 13

Year	# of Inmates	Total Number of Admissions
2012	757	980
2013	735	936
2014	668	838
2015	683	919
2016	628	800

Severity of Charges at Admission

The earlier Table 12 indicated the overall breakdown of admissions by felony, misdemeanor and violation charges within sentenced and unsentenced admissions. Table 14 below provides further detail on the nature and severity of those charges, for the two years for which such data were most complete. It should be noted that these data are based on analyses by CGR of the inmate database provided by the jail; the jail trend Table 12 shown earlier was based on data reported to the state by the jail. In some cases there were minor discrepancies between the two data sources, but not significant enough to change any overall conclusions. Percentages in the table below may be somewhat higher than in the earlier table because they are based on proportions of only misdemeanor and felony cases, minus parole violations, which were included in the calculations in the earlier table.

In general, Table 14 indicates that about three-quarters of all unsentenced felony-charge admissions, and 93 percent of sentenced felony charges, are for D and E level felonies. (Prominent D level felonies in the jail include 3rd degree burglary, 2nd degree assault, grand larceny 3rd, robbery 3rd, forgery 2nd and criminal mischief 2nd. E level felonies include DWI 2nd offense, grand larceny 4th, criminal contempt 1st, criminal

⁸ The sum of the number of inmates admitted in each year adds up to more than the total number of 2,438 unique individuals who spent at least one night in jail over the five years because a person could be admitted and counted in multiple years. Thus, such a person would show up in each year's unique count.

mischief 3rd, criminal possession of stolen property 4th. A, B and C felonies include higher levels of such charges, as well as murder and criminal possession of a controlled substance.)

Table 14

Entry Status	Charge Level	Class	2014	2015	Grand Total	Grand Total
Sentenced	Felony	A	0.1%	0.1%	0.1%	2
		C	0.1%	0.2%	0.2%	3
		D	1.1%	1.3%	1.2%	20
		E	3.2%	2.2%	2.6%	44
	Felony Total		4.5%	3.8%	4.1%	69
	Misdemeanor	A	5.6%	5.5%	5.5%	92
		B	2.1%	1.0%	1.6%	26
		U	5.3%	4.4%	4.8%	81
	Misdemeanor Total		13.0%	10.9%	11.9%	199
	Violation	O	3.8%	3.2%	3.5%	58
	Violation Total		3.8%	3.2%	3.5%	58
Sentenced Total			21.3%	17.8%	19.5%	326
Unsentenced	Felony	A	0.1%	0.1%	0.1%	2
		B	5.8%	6.8%	6.3%	106
		C	4.4%	3.3%	3.8%	64
		D	16.2%	15.6%	15.8%	265
		E	13.6%	13.6%	13.6%	228
	Felony Total		40.2%	39.4%	39.8%	665
	Misdemeanor	A	26.1%	29.8%	28.1%	469
		B	1.3%	2.4%	1.9%	31
		U	6.9%	6.8%	6.9%	115
	Misdemeanor Total		34.3%	39.0%	36.8%	615
	Violation	O	4.2%	3.3%	3.7%	62
		F	0.0%	0.5%	0.2%	4
	Violation Total		4.2%	3.8%	3.9%	66
Unsentenced Total			78.7%	82.2%	80.5%	1346
Grand Total			100.0%	100.0%	100.0%	1672

Among misdemeanor admissions, three-quarters involved A level misdemeanor charges for unsentenced inmates, but at the sentenced level, only 46 percent were for A level charges; another 41 percent were for U misdemeanors. The vast majority of A misdemeanors admitted to the jail involve petit larceny charges, along with criminal

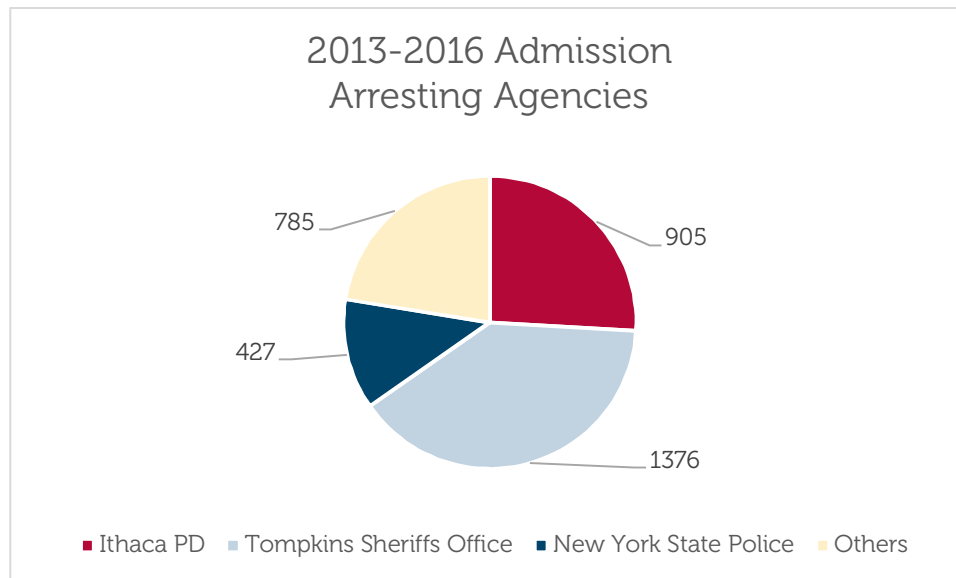
contempt 2nd, criminal mischief 4th, resisting arrest, criminal trespass 2nd. U (unclassified) misdemeanors include DWI 1st offense, DWAI, aggravated unlicensed operation of a motor vehicle, operating a motor vehicle impaired by drugs.

Females are somewhat more likely to be in the jail for violations than are males (10 percent of female admissions versus 7 percent of male intakes), and males are more likely to be admitted on felony charges (45 percent of all male admissions compared with 39 percent among females).

Arresting Agency

As indicated in Graph 19, almost two-thirds of all admissions to the jail between 2013 and 2016 were the result of arrests by the County Sheriff's office (39 percent) and the Ithaca Police Department (26 percent).

Graph 19



Age of Inmates at Admission

The median age of inmates at admission to the Tompkins County jail from 2012 through 2016 was 30 (also the median age for the total County population), with the range spanning from 16 to 70 years old. As shown in Graph 20 and Table 15, the most common age for admissions was 21 and 22, with 105 inmates each, and over 52 percent of inmates were 30 years or older upon admission, including almost 25 percent who were 40 or older.

Graph 20

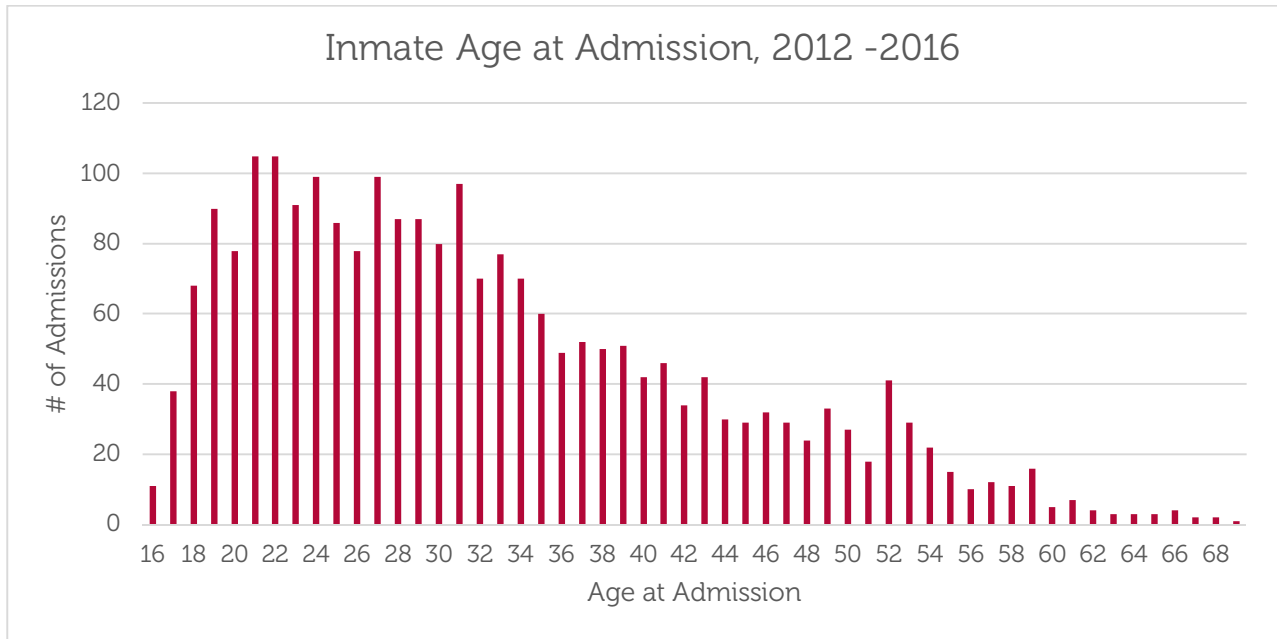


Table 15

Age Profile of Inmates, 2012 through 2016		
Age Group	Share of Inmates	# of Inmates
Under 20	8.8%	207
20 to 24	20.3%	478
25 to 29	18.6%	437
30 to 34	16.7%	394
35 to 39	11.1%	262
40 to 54	20.3%	478
55+	4.2%	98
Grand Total	100.00%	2354

The proportion and actual numbers of younger inmates admitted to the jail declined significantly between 2012 and 2016. Those under 20 dropped from 68 new admissions in 2012 to 31, while those between 20 and 24 declined from 167 to 94. Together, as indicated in Table 16, these represent a decline in the 16-24 age group from 31 percent of the jail admissions in 2012 to 20 percent of a smaller total number by 2016. If these trends continue among what are often viewed as young, crime-prone ages, it could have implications for projected incarceration rates in the future.

Table 16

Age Group	Share of Inmates by Year				
	2012	2013	2014	2015	2016
Under 20	9%	9%	7%	6%	5%
20 to 24	22%	24%	21%	21%	15%
25 to 29	21%	20%	21%	17%	20%
30 to 34	15%	15%	20%	19%	19%
35 to 39	11%	10%	10%	14%	14%
40 to 54	20%	19%	16%	16%	22%
55+	3%	4%	5%	6%	4%
Total	757	735	668	683	628

The age groups between 25 and 39 accounted for 47 percent of all admissions to the jail over the past five years. These represent age groups that are projected to remain relatively stagnant as a proportion of the projected overall 16+ county population 10 and 25 years from now. On the other hand, if the 16- to 24-year-olds are indeed beginning to decline as inmates in the jail, this may offer some future reassurance, as those age groups are projected to continue to represent about a third of the total adult population of the county over the next 10 to 25 years, as shown in Table 17.

Table 17

Age Group	# of Inmates	Share of Inmates by Age, 2012-16	Share of Tompkins 16+ Population by Age, 2015	Share of Tompkins 16+ Population by Age, 2025 (Projected)	Share of Tompkins 16+ Population by Age, 2040 (Projected)
16 to 19	212	9%	10%	11%	11%
20 to 24	497	20%	22%	21%	22%
25 to 29	453	19%	9%	8%	8%
30 to 34	403	17%	7%	7%	7%
35 to 39	276	11%	6%	7%	6%
40 to 54	494	20%	18%	18%	18%
55+	105	4%	27%	29%	28%
Total	2440	100%	100%	100%	100%

Gender of Admissions

Over the past five years, about 28 percent of all arrests have involved females, including about 30 percent of all misdemeanors. However, over that period, as shown in Graph 21, females have consistently made up between 18 percent and 21 percent of each year's jail admissions, or one-fifth of the total admissions during those years.

Graph 21



Clearly females being arrested are disproportionately receiving appearance tickets or other forms of diversion that help them avoid jail a higher proportion of the time than is true for males.

The age breakdown of jail admissions shown above differs very little between males and females.

Race and Ethnicity of Admissions

Consistently for the past 10 years, blacks have accounted for about one of every five arrests made in Tompkins County. As indicated in Table 18, data for the past five of those years indicates that a slightly higher proportion of jail admissions, just over 22 percent, involve African American/black individuals. The slightly higher incarceration rate (compared to arrest rate) for blacks may be partly a function of the fact that the black proportion of felony arrests is higher than for misdemeanors (about 27 percent vs. 20 percent).

For both arrests and jail admissions, the rate for blacks is overwhelmingly disproportionate to the black proportion in the overall county adult population, both

for females and especially males. Blacks comprise only 4 percent of the total county 16+ population, but about 14.5 percent of female jail admissions and 24 percent of all male admissions. Even factoring in an additional roughly 1.5 percent of the population from the Other category as representing mixed black/white races (see earlier discussion in Chapter II), African Americans are several times more likely to be incarcerated than would be expected based on their representation in the overall county population.

Some have suggested that these data speak to the need for an in-depth investigation of the relationship between race, poverty, education, employment, and arrest and incarceration rates. Although this important issue that needs community attention was beyond the scope of this study, we do address it in more detail in other chapters in the report, beginning with Chapter V.

Table 18

	Share of Jail Population Years 2012-2016 by Race and Gender			Share of Tompkins County Ages 16+ by Race by Gender, 2011-15		
Race	Female	Male	Total			
# of Inmates	495	1,945	2,440	Female	Male	Total
White	80.4%	70.6%	72.6%	82.3%	81.0%	81.7%
Black	14.5%	24.4%	22.4%	4.1%	3.9%	4.0%
Other	3.4%	4.0%	3.9%	3.6%	3.4%	3.5%
Asian	1.2%	0.7%	0.8%	9.8%	11.4%	10.6%
American Indian	0.4%	0.3%	0.3%	0.4%		0.4%
Total	100%	100%	100%	100%	100%	100%

In contrast to black incarceration rates, Asians are rarely incarcerated, compared to their share of the adult population. And among Hispanics, as shown below in Table 19, the proportion of arrests and jail admissions is consistent with their overall proportions in the county population. Arrest data indicate that each year 4 percent to 5 percent of all arrests involve Hispanics, with comparable proportions admitted to the jail, as indicated in the following table. (Note that Hispanics are broken out in their own table because the Census Bureau reports race and ethnicity separately. Thus one can identify as Hispanic and white, or Hispanic and black. The jail also collects race and ethnicity separately. Thus CGR opted to follow the convention used by both the Census and the jail's inmate classification system, and therefore will report race and ethnicity separately throughout the report.)

Table 19

	Share of Jail Population Years 2012-2016 by Hispanic Origin and Gender			Share of Tompkins County Ages 16+ by Hispanic Origin and Gender, 2011-15		
Ethnicity	Female	Male	Total			
Count	495	1,945	2,440	Female	Male	Total
Hispanic	3.4%	4.8%	4.5%	4.5%	4.3%	4.4%
Non-Hispanic	96.6%	95.2%	95.5%	95.5%	95.7%	95.6%
Total	100%	100%	100%	100%	100%	100%

Previous Jail History at Admission

For all 2016 admissions, we reviewed their prior history in the jail. As indicated in Table 20, more than half (54 percent) had had at least one previous admission to the jail, including 47 percent between 2012 and 2015. More than a quarter had been admitted at least once during the previous year, and just under a quarter had been admitted in more than one year between 2012 and 2015.

Table 20

Past Admission History of 2016 Inmates				
Prior Admission	Any Admission Prior to 2016	Admitted during 2012-15	Admitted in 2015	Admitted in Multiple Years between 2012-15
No	46%	53%	73%	76%
Yes	54%	47%	27%	24%

Looking at previous admissions at any time, 39 percent had been in jail more than once prior to their 2016 admission, racking up significant amounts of previous jail time, as shown in Table 21.

Table 21

# of Past Bookings	# of Inmates	Total Prior LOS	Average Total Prior LOS per Inmate	Median Inmate Prior LOS
No Past Bookings	289	0	0	0
1 Prior Booking	96	4,485	47	10
2 to 5 Prior Bookings	177	20,932	118	93
6 to 10 prior bookings	57	16,582	291	282
More than 10 prior bookings	9	5,595	622	592
Total	628	47,594	76	78

As indicated in Table 22, of those with previous stays in the jail prior to 2016, many had spent considerable time during those earlier visits. Thirty-six percent had spent more than a month cumulatively in previous admissions, including more than a quarter who had spent more than three months, 16 percent more than six months, and 5 percent who had spent the equivalent of more than a year in jail prior to being booked in 2016.

Table 22

Past LOS of 2016 Inmates		
Past LOS	# of Inmates	Total Past Days in Jail
No History	293	-
One Week or Less	55	185
8 to 30 Days	51	820
31 to 90 Days	59	3,274
91 to 180 Days	68	8,784
181 to 365 Days	71	18,154
More than 1 Year	31	16,377
Grand Total	628	47,594

Males are more likely to have had previous jail bookings than females: 56 percent versus 47 percent of females. Blacks were somewhat more likely to have been booked more than once prior to their 2016 admission to the jail. Limited two-year data on jail admissions from 2015-16 in which partial data were obtained on reported substance use (15 percent acknowledged use in response to limited questions) suggested that

inmates reporting substance use issues were more likely than non-users (39 percent to 29 percent, respectively) to have been admitted more than once before⁹.

Bail Set at Admission

Bail data do not appear to be consistently recorded in the jail database. In many cases, there is an indication of No Bail, but it is not always clear if this means that a judge refused to set bail for a particular defendant with a particular charge and previous history, or whether bail was set and the amount was simply not known to the jail at that time. We could make some educated guesses as to which was most likely, based on the circumstances of the case, but we were not comfortable making any definitive judgments for purposes of this study. Thus the bail data reported below are what we know to be amounts of bail set at the first court hearing after admission to the jail, based on those cases where an amount was clearly recorded. We suspect that the actual numbers of inmates with bail set was somewhat higher than what we report below. We also cannot easily determine from the jail data whether these were the final bail amounts posted when someone was released, or whether the bail amount had been reduced, or whether some may ultimately have been released through some other mechanism such as release under supervision. Attempts to obtain more complete bail data from other sources proved unsuccessful.

Given the caveats, data below refer to 713 unsentenced admissions to the jail during 2014 and 2015 with known bail amounts. This is out of a total of 1,672 total unsentenced cases, with the differences representing those with no bail set, and those who were released on their own recognizance or under supervision. Even with the caveats, we believe the data provide important information about opportunities to reduce the jail population in the future.

Table 23 provides a detailed breakdown of bail amounts set by charge type. It is not surprising that the majority of felony cases have relatively high bails set. What is perhaps more surprising is the numbers of felony charges with bails set of less than \$1,000.

⁹ The limited data regarding substance abuse has been identified as an area for improvement

Table 23

Charge Type	\$500 or Less	\$501 to \$1,000	\$1,001 to \$1,500	\$1,501 to \$2,000	\$2,001 to \$2,500	\$2,501 to \$3,000	\$3,001 or More	Total
Felony	13	30	11	14	26	26	146	266
B		1	1	2	3	3	40	50
C	1	3	2		1	1	22	30
D	5	11	2	6	13	10	58	105
E	7	15	6	6	9	12	26	81
Misdemeanor	115	87	31	22	28	62	54	399
A	77	66	25	18	26	51	42	305
B	8	2	1				2	13
U	30	19	5	4	2	11	10	81
Violation	27	11	4	1	1	1	3	48
O	27	11	4	1		1	3	47
F					1			1
Grand Total	155	128	46	37	55	89	203	713

Summary table 24 indicates the proportions of felony, misdemeanor and violation charges with bail set at various levels.

Table 24

Bail Amount % Breakdown by Charge Level							
Charge Level	\$500 or Less	\$501 to \$1,000	\$1,001 to \$1,500	\$1,501 to \$2,000	\$2,001 to \$2,500	\$2,501 to \$3,000	\$3,001 or More
Felony	5%	11%	4%	5%	10%	10%	55%
Misdemeanor	29%	22%	8%	6%	7%	16%	14%
Violation	56%	23%	8%	2%	2%	2%	6%
Total	22%	18%	6%	5%	8%	12%	28%

Even at the felony level, a quarter of the cases had bail amounts set of \$2,000 or less, including 16 percent with \$1,000 or lower amounts. Just over half of the persons charged with misdemeanors had bail set of \$1,000 or less, as did 79 percent of those charged with violations. More than a third of all misdemeanors had bails set at more than \$2,000, as did 10 percent of those charged with criminal violations and violations of probation. Under the presumption of non-financial release, how many of these cases, regardless of the bail amounts, needed to have bail set at any level? As

suggested in the later chapter on ATIs, it is likely that many of these could have been released, consistent with community safety, without bail ever being set.

Table 25 shows how long it took for inmates at each bail level to ultimately secure their release, either via making bail or some other form of release, or in a few cases being released as part of a conviction with a sentence of jail for the period of time already served unsentenced.

Table 25

Bail Amounts and Time to Release, 2014 and 2015 Admissions							
Bail Amount	1 or Fewer Days	2 or 3 Days	4 to 7 Days	8 to 14 Days	15 to 30 Days	More than 30	Grand Total
\$500 or Less	81	31	17	8	8	10	155
\$501 to \$1,000	45	16	28	11	8	20	128
\$1,001 to \$1,500	10	11	14	3	5	3	46
\$1,501 to \$2,000	6	8	13	1	4	5	37
\$2,001 to \$2,500	14	8	13	5	1	14	55
\$2,501 to \$3,000	6	21	22	7	5	28	89
\$3,001 or More	24	16	36	10	22	95	203
Grand Total	186	111	143	45	53	175	713

There would appear to be low-hanging fruit opportunities represented by these data, such as expediting release for cases with low bail amounts, follow-up on cases still in jail after 3 days or a week, and using forms of release other than financial bail in the first place. In just two years, at least 26 persons were admitted to the jail on bails of \$500 or less, but languished in the jail for more than a week before being released, including 10 who remained for more than 30 days. Another 17 were held on such low bail for 4 to 7 days before being released. In addition, almost a third of all those with bails set of \$501 to \$1,000 were detained for more than a week before being released – 39 individuals, including 20 who remained in the jail for more than a month before being released. Another 28 were held for 4 to 7 days with those low bail amounts. In addition, another 21 inmates were detained for more than a week on bails of \$1,001 to \$2,000.

These cases highlight what would appear to be opportunities to effect earlier releases, and potentially non-financial releases for inmates who are unsentenced and who are eventually getting released prior to disposition of their cases anyway. If they can be released after a week, or after 30 days, why cannot most of them be released much sooner?

The practical effect of holding so many people on such low bails is illustrated in Table 26.

Table 26

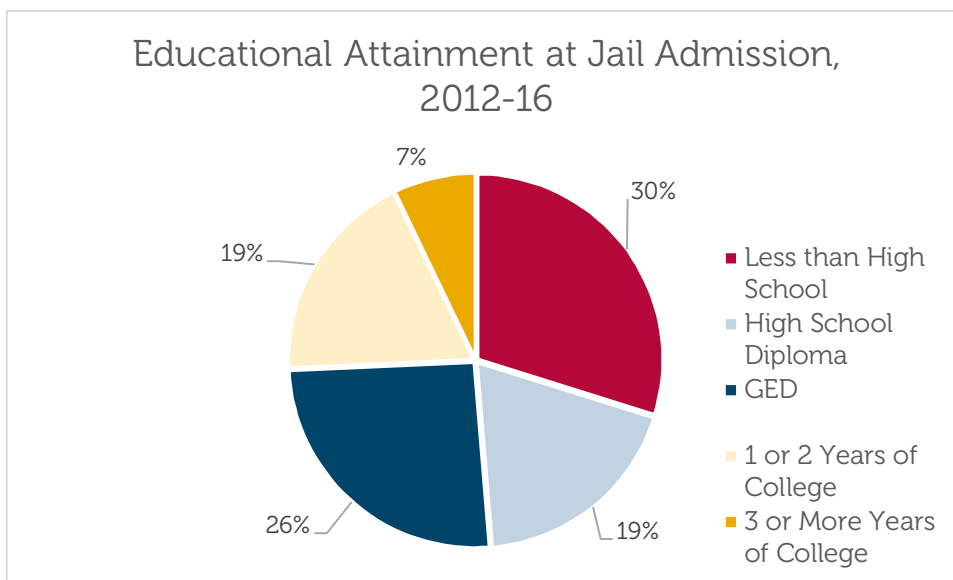
Inmate Bed Days Served by Bail Amount						
	2014		2015		Total	
Bail Amount	# of Admits	Bed Days	# of Admits	Bed Days	# of Admits	Bed Days
\$500 or Less	73	664	82	782	155	1,446
\$501 to \$1,000	58	956	70	984	128	1,940
\$1,001 to \$1,500	25	522	21	83	46	605
\$1,501 to \$2,000	18	164	19	342	37	506
\$2,001 to \$2,500	32	345	23	936	55	1,281
\$2,501 to \$3,000	30	1,629	59	1,711	89	3,340
\$3,001 or More	119	6,842	84	5,120	203	11,962
Grand Total	355	11,122	358	9,958	713	21,080

Just looking at bail amounts of \$1,000 or less, if those persons could have been released on non-financial release conditions (ROR, Release under Supervision, other conditions discussed later in the report) at or even prior to jail intake, 3,386 jail days could have been saved – the equivalent of 4.6 inmates per night in each year. About three-quarters of those saved days involved misdemeanors, with about 7 percent involving violations and 17 percent felony charges. In other words, **four or five fewer beds would have been needed in the jail every night in 2014 and 2015 had all of these low-bail inmates been released immediately.** Some were released the same day as intake, but most were not, as indicated in the previous table. Given the caveats noted earlier, if anything, these estimated jail day savings from expedited low-bail cases probably represent a conservative estimate, assuming that some additional low-bail cases were not recorded by the jail database.

Education Level of Inmates at Admission

As indicated in Graph 22, among all admissions from 2012 through 2016, 30 percent had not completed high school (compared to only 5 percent of the total county population 25 and older); 19 percent had completed a regular high school diploma, and another 26 percent had obtained their GED. About a quarter had completed at least some college (compared to 75 percent of the overall population).

Graph 22



Substance Abuse and Mental Illness

Formal and consistently-recorded data on the prevalence of mental illness and substance abuse are not routinely available from the jail or recorded consistently in the jail database. However, some data are recorded based on partial assessments conducted at intake, other estimates have been provided by knowledgeable officials, and most recently a snapshot was taken of all inmates based on the use of formal assessment instruments. Together, these provide at least rough current estimates of the mental health and substance abuse profile of the jail inmates.

Very limited information in the jail database suggests that at least 15 percent of those for whom data was available were recorded as having substance use issues, with jail officials acknowledging that these are incomplete and conservative estimates of the real proportion. It is not known how representative this subset is of the overall jail inmate population. Thus we believe, as suggested below with new data, that this should be considered the floor or minimal level of incidence in the jail.

In a recent public presentation to the Jail Study Committee, the Deputy Mental Health Commissioner provided information contrasting the incidence of mental illness and substance abuse in the larger population with estimates of incidence within the jail. The baseline in the larger public is that about 20 percent have some type of mental health disorder, with a similar percentage with substance abuse issues. She then

estimated that the proportions of both in the jail are typically two to three times those rates, with many of those also having co-occurring disorders.

Internal Survey of Extent of Substance Abuse and Mental Illness Issues

It is clear from anecdotal comments from a wide array of people with experience with the criminal justice system and specifically the jail (and from ex-inmates offering their perspective) that there are large numbers of inmates on any given night with a variety of mental health and substance abuse and addiction problems, with few in-house services to address them or to prepare inmates for access to services while in the jail or upon return to the community. Now, for the first time, there is substantial data obtained in a consistent, systematic approach that confirms the extent of the prevalence of such behaviors.

In order to provide more complete data and provide greater specificity to the estimates, a recent point-in-time snapshot was completed of virtually all inmates in the jail earlier this spring, focusing on both mental health and substance use issues. Using recognized instruments to obtain a brief assessment of each inmate – the TCU Drug Screen V and the Mental Health Screening Form III – data were obtained about the self-reported tendencies and behavior of inmates on a number of dimensions. (Mental Health officials indicate that there may have been as much as a 25 percent error rate in the survey, but that the data nonetheless provide a useful baseline benchmark for subsequent comparisons.)

The assessment, which would need to be followed up with more extensive diagnostic screening and assessments for some inmates to determine needs for service and treatment, provided initial jail-wide statistics indicating that at the time this survey was completed, 77 percent reported at least a mild disorder, including 60 percent categorized as having a severe disorder. About a quarter were characterized as having no disorder. The following items on the survey instrument each received positive responses from between 60 percent and 65 percent of the inmates:

- Using drugs in larger amounts or for longer periods of time than intended;
- Inability to control or reduce drug use;
- Spending lots of time acquiring and using drugs or recovering from their use;
- Having a strong desire or urge to use drugs;
- Receiving less of an effect from comparable use of a drug over time.

From the mental health perspective, 92 percent indicated experience with at least one mental health experience or behavior, based on self-reports in response to 17 separate questions on the survey. The most frequently identified issues were the following, the

first two checked by two-thirds of the inmates, and the other two by just over 55 percent:

- Ever having talked to a psychiatrist, psychologist, therapist, social worker or counselor about an emotional problem;
- Ever felt that you needed help with emotional problems, or had others advise you to seek help for such problems;
- Experiencing post-traumatic nightmares or flashbacks from previous involvement in some traumatic event;
- Experiencing attacks or periods of feeling anxious, frightened or uneasy, accompanied by specified physical symptoms.

Thus there is now a solid baseline of information to build on concerning the extent of need for expanded substance abuse and mental health services within the jail, for expanded assessments to help access external inpatient treatment based on referrals while in the jail, and for better linkages aided by in-house support services to community-based services upon release from the jail. Fortunately, initiatives are underway to increase the mental health and substance abuse services available in the jail, including the creation of expanded ongoing assessments of substance abuse and mental health issues among inmates. Such initiatives are discussed later in the report.

Assessment of Need for Non-Jail Detox Services

Criminal justice and law enforcement officials also reported estimates ranging from a low of three to more typical estimates of as many as eight to 10 inmates on many nights being at varying stages of the detoxification process within the jail, with little or no comprehensive medical support. Numbers in these ranges are frequently cited as justification for the development of a detox center, discussed in more detail in Chapter VII, but advocates also agree that it is frustrating that no consistent data are currently maintained to document the extent of the problem on a daily basis.

Average Daily Census and Length of Stay

As shown in the discussion of admission data above, the total numbers of admissions to the jail each year have been declining. Although the numbers fluctuate from year to year, the overall trend over the past five years appears to have been an increase in the number of sentenced admissions and a decline in the number of unsentenced individuals admitted to the jail. Beyond initial admissions, however, it is important to examine trends in who remains in the jail and for how long, and the numbers of inmates who are in the jail on a day-to-day basis, i.e., the daily census.

Changes in Average Daily Census

As indicated in Table 27, the average daily census data reflect a somewhat different picture from the admissions data. During much of the 2012-2016 period when admissions were beginning to decline, the average daily census was continuing to grow. Going back even further to 2010, the daily census increased from an average of 82 in 2010 to a high of 92 in 2015. However, by 2016, the increase had reversed, back to an average daily census of 80. This substantial census reduction (a 13 percent decline from 92 to 80) in one year mirrored the 13 percent reduction year to year in the number of admissions (from 919 in 2015 to 800 in 2016).

Table 27

	2010	2011	2012	2013	2014	2015	2016
Total Population	82	86	90	91	87	92	80
Boarded Out	3	4	7	8	6	10	3
In House	79	82	83	83	81	82	76
Sentenced	34	33	28	30	32	25	22
Other Unsentenced	41	44	48	46	43	51	47
Parole Violators	3	3	4	4	3	4	5
State Readies	2	2	2	2	2	2	2

Source: NYS COC

During this period the boarded-out numbers expanded before ebbing as part of the 2016 reduction (see further discussion of boarding out below). It should be noted that the boarded-out inmates are not counted in either the in-house sentenced or unsentenced totals, and the Other Unsentenced numbers are exclusive of both the parole violators and state ready categories, which together continue on the average to take up between five and seven beds per night.

Although sentenced inmates account for only 17 percent of all admissions, they represent a third of the total daily census from 2010 through 2016, because of their longer average stay in the jail (see below). Despite the fact that the number of sentenced admissions has increased and then plateaued in recent years, as described earlier, the average number of sentenced inmates in the jail per night has been declining, as shown in Table 27 above, from a high of 34 in 2010 to an average of 22 per night in 2016.

As indicated in Table 28, the downward trends from 2015 to 2016 have continued or stabilized in the first four months of 2017. The table also makes clear that the downward trend in 2016 intensified in the second half of the year. So the basic

reductions in census and boarding-out have primarily been realized over the past 10 to 12 months. As further evidence of what appears to be a substantial change in the jail population, in the 67 months between January 2011 and July 2016, the average daily census per month only dropped below 80 in three of those months – but since then, the average population has been below 80 for ten consecutive months, through May (including updated information not presented in the table). And in four of those months, the average was less than 70 inmates per night.

Table 28

Average Daily Census by Status 2014 - 2017					
	2014	2015	2016		2017
	Jan-Dec	Jan-Dec	Jan-Jun	Jul-Dec	Jan-April
Total Population	87	92	87	73	75
Boarded Out	6	10	5	2	1
In House	81	82	82	71	74
Sentenced	32	25	24	21	22
Other Unsented	43	51	51	42	44
Parole Violators	3	4	5	6	6
State Readies	2	2	3	2	1
Open Beds*	12	11	13	29	26

Source: DCJS and TCSO

*Includes 18 beds allowed by COC variance

Reasons for the recent declines in the jail census cannot be definitively determined based on available data. However, various explanations have been offered by knowledgeable stakeholders, including the increased presence of defense attorneys at off-hours arraignments, the increasing presumption of non-financial release, the added attention to the jail population resulting from the implementation of this study in conjunction with increased focus from the NYS Commission of Correction on the potential removal of the 18-bed variance, increased attention from the Criminal Justice ATI Board. All of these and other reasons may be contributing to the recent trends, but at this point definitive causal relationships cannot be determined. Nor is it certain that the recent downturn in average daily census counts will continue. But the

combination of data analyzed during this study, combined with observations of knowledgeable and experienced officials, suggest that the overall downward trend is likely to be more than a momentary historical blip.

It should also be noted that the available/open beds shown in Table 28, which have obviously increased as the census has declined, should be considered inflated for purposes of planning for the future, as these include the 18 variance beds. Assuming those beds are removed from the facility at some point in the future by order of the Commission of Correction, the available bed totals will be reduced by those 18 beds, leaving a total of only eight such open beds in reality had the variance not been in effect in the first four months of 2017.

Average Length of Stay

As indicated in Table 29, including both sentenced and unsentenced inmates, half of all persons admitted to the jail and discharged between 2014 and 2016 were discharged within a week, including 30 percent within three days. Another 10 percent were discharged in their second week in the facility. Thus the number of individuals available for extended services or treatment while in the facility is relatively small – about 40 percent remain for more than two weeks, including 28 percent incarcerated for a month or longer and about 10 percent in the jail for three months or longer.

Table 29

Length of Stay, All Discharges 2014 thru 2016		
Length of Stay	# of Discharges	% of Total Discharges
1 or Fewer Days	384	15%
2 or 3 Days	368	15%
4 to 7 Days	501	20%
8 to 14 Days	260	10%
15 to 30 Days	306	12%
31 to 60 Days	312	12%
61 to 90 Days	152	6%
91 to 150 Days	168	7%
151 or More Days	78	3%
Total Admissions	2,529	100%

As shown in Table 30 and Graph 23, although parole violators account for only about 5 percent of all admissions to the jail, they account for a disproportionate share of the jail days filled. The 85 parole violators admitted to the jail in 2014 and 2015 without any accompanying local charges spent an average of just under 60 days (median of 47

days) in the Tompkins jail. Those admitted to the jail upon sentencing spend an average of 36 days before completing terms of their sentence. The two-thirds of admissions who remain unsentenced throughout their stay average 25 days in the facility. That is, unsentenced inmates who never serve any sentenced time in jail remain an average of 25 days before being released. Another 11 percent of admissions do spend both unsentenced and sentenced time before being released. Their unsentenced time morphs into sentenced time upon conviction; these inmates spend an average of almost four months before being discharged.

Table 30

Inmate Status	Admissions 2014-15		
	Ave. LOS	Median LOS	# of Admits
Parole	59	47	85
Unsentenced	25	6	1155
Sentenced	36	10	326
Unsentenced to Sentenced	116	114	191
Grand Total	38	9	1757

Graph 23

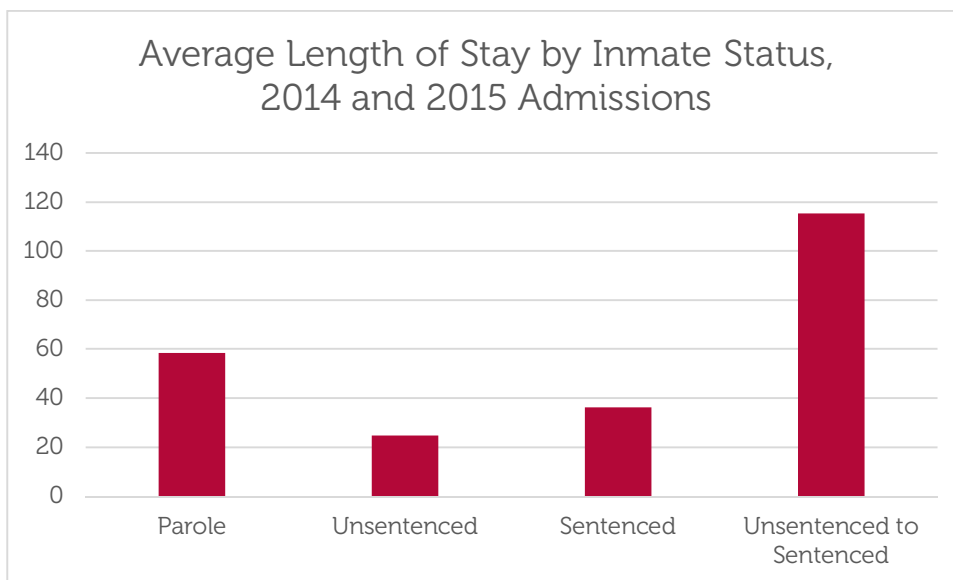


Table 31 breaks average lengths of stay down by felony and misdemeanor charges, based on cases where the charges were clearly indicated. Those admitted on felonies

average almost two months in jail, combining unsentenced and sentenced time, compared with 25 days for those admitted on misdemeanor charges.

Table 31

Average LOS by Charge and Class, 2014-15 Admissions					
Charge Level	Class	Sentenced	Unsentenced	Total ALOS	# of Admissions
Felony	A	324	131	227	4
	B		63	63	106
	C	121	80	82	67
	D	81	48	51	285
	E	52	48	49	272
Felony Total		71	54	56	734
Misdemeanor	A	49	25	29	561
	B	18	10	14	57
	U	20	16	18	196
Misdemeanor Total		33	23	25	814
Violation	O	7	7	7	120
	F		92	92	4
Violation Total		7	12	10	124
Grand Total		36	38	37	1672

In this table, the unsentenced to sentenced cases broken out earlier are combined under the unsentenced column, thereby increasing the average length of stay (ALOS) for the unsentenced population. When combined unsentenced and sentenced jail time is considered for those cases, the average stay of those initially admitted as unsentenced inmates increases to 38 days, as opposed to 25 days for unsentenced time alone.

As indicated below in Table 32, almost 80 percent of parolees admitted to the jail without any local charges or detainers spend more than a month there, despite the fact that they are in theory the state's business, given that they have no local charges associated with the parole violation. The cases that are admitted as unsentenced inmates but ultimately convert to sentenced status as part of a continuous admission also typically spend significant numbers of days in the jail, with more than half spending three months or more before they are discharged.

Table 32

Inmate Status	3 or fewer days	4 to 7 Days	8 to 30 Days	31 to 90 Days	91 to 180 Days	181 or More Days	Grand Total
Parole	4	2	34	132	7	12	191
Unsentenced	826	476	494	383	138	77	2394
Sentenced	166	89	184	107	63	27	636
Unsentenced to Sentenced	9	9	32	77	95	50	272
Grand Total	1005	576	744	699	303	166	3493

Inmate Status	3 or fewer days	4 to 7 Days	8 to 30 Days	31 to 90 Days	91 to 180 Days	181 or More Days	Total
Parole	2%	1%	18%	69%	4%	6%	191
Unsentenced	35%	20%	21%	16%	6%	3%	2394
Sentenced	26%	14%	29%	17%	10%	4%	636
Unsentenced to Sentenced	3%	3%	12%	28%	35%	18%	272
Total	29%	16%	21%	20%	9%	5%	3493

At the other end of the spectrum, about three-quarters of all unsentenced inmates are released within a month, including just over a third within three days. But even among this unsentenced population, almost 600 over five years were detained for more than a month, and more than 200 for more than three months, while awaiting disposition of their cases. Finding ways to reduce this group could have a major impact on reducing the average daily jail census.

Even among sentenced inmates, almost 70 percent are discharged within a month, including a quarter within three days. This would seem to suggest that a fair number of sentenced inmates are receiving short, perhaps weekend, sentences. This may also suggest other opportunities to create even more short jail sentences in the future, or even to reduce the number of jail sentences overall, by making expanded use of various alternative options, as suggested later in the report.

It is also worth noting that relatively few individuals enter the jail as unsentenced inmates and are subsequently convicted and sentenced to jail – only about 10 percent of the total unsentenced admissions. Others are subsequently sentenced to state prison, but it is fair to say that the vast majority of the unsentenced population in the

jail on any given night are not going to experience sentenced incarceration time on their unsentenced charge. **This reality appears to lend further credence to the notion that those who are unsentenced for significant periods of time before being released could with few exceptions be released much sooner than many of them have been in the past – since they are typically being released at some point anyway, and since few will experience a sentence of jail even if convicted.**

Boarded-Out Inmates

Boarding-out of inmates has been a troubling and expensive concern for the jail over most recent years, until 2016, when the numbers dropped dramatically, based on data reported by the jail to the state and shown in Table 33.

Table 33

Year	# of Board Outs	Average per Day
2012	199	7
2013	186	8
2014	109	6
2015	200	10
2016	68	3
Total	762	

Between 2012 and 2015, the average number of board-out incidents per year was 173.5, with at least 186 board-outs in three of the four years. With most of those board-outs representing multiple days, the impact on the daily census was pronounced. Between 2012 and 2015, the facility was boarding out an average of almost 8 inmates every day. By 2016, that average had dropped to 3, and that number hides a further decline: the average had dropped from 10 in 2015 to 5 in the first half of 2016, but then declined further to an average of 2 the second half of the year, and thus far in the first four months of 2017, the average has been just 1 board-out per night. This decline has major cost-savings implications for the County, as well as having social, family, and legal benefits for the inmate in terms of access to attorney, family and support networks.

Primarily due to classification constraints, the board-outs have disproportionately affected female inmates. While females typically constitute about 20 percent of all jail inmates, over the past five years they have accounted for 36 percent of all board-outs, including just over half of the total in 2014. There does not appear to have been any significant disproportionate assignment of board-outs across racial or ethnic groups.

In recent years, about 80 percent of the board-outs have involved jails in three counties: Tioga, Chemung and Chenango. The jail's clear preference, to the extent possible, is to select sentenced prisoners for boarding out, to avoid multiple trips to and from the host county jails to pick up unsentenced inmates for court appearances. However, given the reality that the vast majority of inmates are unsentenced, this is often simply not possible. Over the past five years, 36 percent of the board-outs have involved sentenced prisoners, with a peak of 48 percent in 2014.

As indicated in Table 34, the average length of stay for boarded-out inmates has varied from year to year, depending on how crowded the jail is and what classification issues may be in play, but the overall average has been about 17 days per board-out.

Table 34

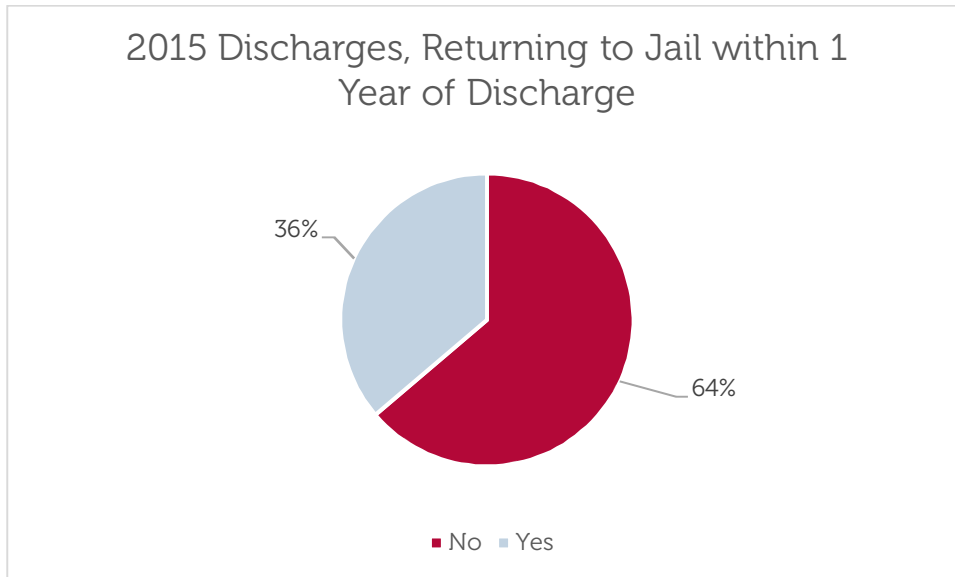
Year	# of Board Outs	Total Days Boarded Out	Average LOS Boarded Out	Median LOS Boarded Out
2012	195	2,789	14	7
2013	175	2,800	16	8
2014	107	2,640	25	10
2015	197	3,345	17	11
2016	66	885	13	11
Total	740	12,459	17	10

Note: these numbers of board-outs vary slightly from the previous table, given different sources. The differences change nothing about core findings or conclusions.

Recidivism in the Jail

As shown in Graph 24, over one-third of inmates discharged from the Tompkins County jail in 2015 were re-admitted at least once within a year of their date of discharge.

Graph 24



There appear to have been no significant differences by race, gender or age between those who have and have not been re-admitted within a year. However, of the partial sample of reported substance users in the jail database, there were significant differences between reported users and non-users: those with reported substance use history were twice as likely as non-users to recidivate – 57 percent to 28 percent.

V. Factors Impacting on Jail Census

Obviously a number of factors impact on size of the jail census and the characteristics of those who populate it on any given night. These include the following issues addressed elsewhere in the report:

- the arrest trends previously discussed;
- recent steady increases in the Tompkins County population, but projected to be followed by slight declines in the resident population in future years, including slight net reductions in numbers of residents in most of the most crime-prone age groups (as referenced briefly in Chapters II and IV);
- what is happening within alternative and community-based programs designed in part to minimize the size of the jail population (discussed in more detail in Chapter VII).

Beyond these factors, some other issues are addressed briefly in this chapter as illustrative of other factors contributing to the numbers and characteristics of individuals likely to spend time in the jail in the future, absent other actions discussed throughout this report. These factors are presented in no particular order of priority.

Existing Jail Capacity

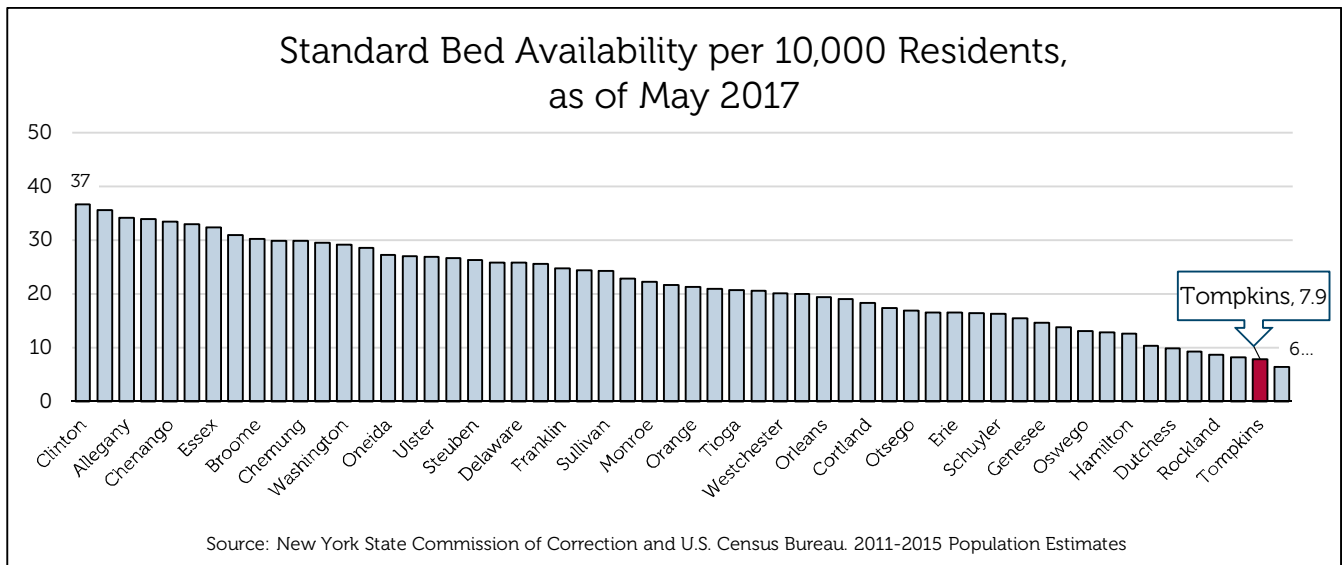
We have previously established that Tompkins has among the lowest arrest and incarceration rates in the state. Also contributing to the low incarceration rate is the fact that the County jail has the second-lowest rate of licensed beds per capita of any county in the state (second only to Herkimer, based on 2015 data), as indicated in Graph 25. The standard bed availability rate is based on the number of CoC-approved, non-variance beds: 82 at the present time, following the addition last year of seven newly-constructed and approved beds in space formerly set aside for recreation activities.

The County jail has regularly reported on a monthly basis the average number of available/open beds, including the variance beds in those calculations. Until about mid-way through 2016, those bed totals have consistently been smaller than the number (18) of the jail's variance beds allowed by the Commission of Correction – meaning that if the variance had not been in effect, there would have been no open beds and even more focus would need to have been placed on boarding out on many nights.

However, beginning in mid-2016, and continuing each month since then, the open bed number has consistently been at or above the variance-bed total. In most

months, the number has been around 25 or above, and in several months above 30 – thereby providing some cushion, subject to classification requirements, to enable the jail to continue to limit the numbers of inmates needing to be boarded out, even if and when the variance is withdrawn by the CoC,

Graph 25



Any estimates of the numbers of future beds required will need to factor in classification requirements set broadly by CoC, and implemented by the jail Captain. In general, though there is considerable flexibility in terms of how the classification requirements are implemented, the general rule of thumb is that the practical realistic capacity of the jail is 80 percent of the official capacity – thus 66 beds based on the County jail's rated capacity of 82, exclusive of variances.

In addition, attention must be paid to peaks of demand for beds that can occur at any time that an emergency occurs, such as if there is a drug or gang raid or other event that leads to an abnormal number of arrests at one time. Peaks in daily census over and above the average daily census for any given time period tend to range to as many as 10-12 needed beds over the average daily census. Chapter IX addresses in more detail how factors such as classification requirements and demand peaks affect future projections of needed jail cells.

Presumption of Non-Financial Release

The recent Tompkins County Municipal Courts Task Force¹⁰ report prepared on justice courts raised a number of issues beyond just local courts, including the larger issue of recommending the presumption of release on recognizance or release under supervision, as opposed to detaining people on bail in most misdemeanors and even in many felony cases, consistent with community safety. Clearly there will be exceptions, but the recommendation is for the presumption and default position to be non-financial release. Importantly, the new District Attorney has independently issued a similar policy directive to shape DA practices.

Although it is too early for the effect of these pronouncements to be fully realized, it is likely that over time such a change in attitude and decision-making should have a profound impact on the overall criminal justice system in general, and the jail and its unsentenced population in particular.

Legislation to Raise the Age of Juveniles

Over the next two years the age of juveniles in New York will increase from its current 16 to 18, meaning that more young people will be covered under the juvenile and Family Court system and fewer in the adult criminal justice system and jail. Local officials, while generally supportive, have some concerns about the added costs to the juvenile detention facility. Jail officials do not expect this to have a major impact on the jail's population, as there have been few juveniles 16 and 17 in the jail in recent years anyway.

Arrests among 16- and 17-year-olds have declined in the county over the past five years, from more than 100 a year from 2012 through 2014, to 80 and 76 the past two years. Reductions have occurred in both misdemeanors and felonies. Straight jail sentences for juveniles have gone from 16 in 2013 to 3 in 2016, and split jail/probation sentences have been reduced from 4 to 1 since 2012.

The Effects of Race and Poverty

Many of those we have spoken with and listened to throughout this study have raised issues about the perception of racial bias against people of color within the law enforcement and criminal justice systems. Several sets of data confirm that these perceptions are partially correct, in particular as it pertains to the black community.

¹⁰ Available at http://www.tompkinscountyny.gov/tccog/municipal_courts

Regardless of motivation, the practical effect is that blacks are disproportionately represented throughout various components of the criminal justice system. Although only making up about 4 percent of the total county adult population (perhaps up to 5.5 percent, factoring in people of mixed races), black/African American people are involved in about 20 percent of all arrests in the county. An even higher proportion – about 22-23 percent – of inmates in the jail are typically African Americans (perhaps slightly higher including those of mixed race heritage). The proportion of blacks in the probation system is about 15 percent – well above the county population proportion, but suggesting in comparison with the jail population that for whatever reason there appear to be differences in the processing of cases and sentences across the judicial system.

Similar differences are not apparent in analysis of comparable data for Hispanics. Consistently across arrest, jail and probation data, the proportion of Hispanic/Latino individuals in these different components of the system is virtually identical to the 4 percent representation in the larger community. By contrast, Asians are significantly underrepresented in the jail compared to their proportion in the larger population.

Financial data are not maintained in a way that enables an objective independent analysis of the impact of poverty on the jail population. Intuitively, however – with the high proportion of repeaters in the jail, a 30 percent proportion of inmates with less than a high school degree in an otherwise highly-educated community (only 5 percent of the county's adult population have less than a high school education), Pre-Trial Release data indicating that 64 percent of those interviewed in the jail were unemployed and many had been in their current residence for less than six months, and conversations with many community residents including ex-inmates – it seems highly likely that there is a direct relationship, even though the data to document it conclusively do not seem to exist.

Many within the community are working to address these issues, through efforts to strengthen employment opportunities, accessible affordable quality housing, education, access to services, transportation – all with strong connections to providing doors out of poverty and low income stagnation. The community's ability to develop policies and practices and connections that help address and correct these larger community concerns is likely to also have a direct impact in reducing the jail population in the future.

Substance Abuse and Mental Health Access

As indicated in the previous chapter, much of the population in the jail on any given night is suffering from substance abuse and mental health issues, and in many cases

both. Far too few services are available within the jail to address either of these sets of issues on a consistent basis, and in some cases even where services do exist, many of the inmates are not in the jail long enough to benefit from them. But efforts are expanding to strengthen those services, and particularly to help link persons in the jail with community-based services once they are released from the facility (see next chapter).

Among other initiatives, the County Mental Health Department is expanding its footprint in the jail, with increased staffing, new programs, and an effort to develop a planned approach to assess the mental health and substance abuse needs of inmates on a regular basis – with the goal of both strengthening those services in their own right, but also to help inmates link directly with needed services once they return to the community. The Department clinic and other mental health providers in the community have instituted a same-day direct access policy to help ensure that people needing services immediately, including those returning to the community from the jail, do not have to wait and can begin to develop a relationship with a provider instantly, once the first connection is made.

As discussed in the previous chapter and in more detail in Chapter VI, one of the major needs impacting the jail population is the need for a medically-oriented detox facility, in part to replace the current need for detox to occur with limited medical support within the jail, surrounded by other inmates – because no other options currently exist in the county. Ongoing efforts to develop a detox center could have substantial value and impact in helping reduce the inmates going through various phases of the detox process in the jail on any given night.

Beyond that, an equally-compelling need exists for expanding in-patient rehab services in the county. A proposal is also wending its way through various stages of approval and funding to create new in-patient residential rehab beds in the county to help make such services more accessible to all county residents – and, in the context of this study, for inmates in the jail. Currently, significant numbers of inmates are thought to need residential treatment, but there have been limits on the numbers receiving adequate assessment to access treatment. Furthermore, even when the assessments are done, many of the services that are ultimately accessed are outside the county, and too often there are long delays in actually accessing the treatment facilities.

As shown in Table 35, an average of 70 assessments were done each year to determine the need for in-patient rehab or other treatment services (not counting 2016, for which only partial year data were available).

Anecdotally, there are substantial numbers of jail inmates on an average night who are in need of treatment for severe substance abuse or addiction issues, and yet only an average of about 1.3 assessments per week were completed in recent years. The person responsible for conducting these assessments was dividing time between this and other assignments, and was only authorized to conduct assessments that were ordered by a court official. Many have argued that a number of other individuals in the jail need to be assessed without having to wait for an official order. Many have suggested that non-judges should have the ability to request an assessment, based on information from correction officers, the nurse, or perhaps re-entry workers who have made connections with individuals and suspect that intensive treatment may be needed.

Table 35

Year	# of Referrals	Average Days from Booking to Eval	Average Days from Eval to Referral	Average Days from Referral to Treatment Admission	Average Days from Booking to Treatment Admission
2010	84	16	10	26	47
2011	69	23	9	18	48
2012	71	26	16	19	59
2013	65	33	12	23	65
2014	59	25	11	18	60
2015	73	27	10	30	57
2016	31	16	8	44	65
Total	452	24	11	24	56

Note: the Average Days from Booking to Treatment Admission does not equal the totals of the separate components of the process in each year. Some may not complete the process or may get released from jail before all the steps in the process are complete; in other cases some data are missing. Thus the final column only includes cases that make it all the way through the process.

Thus the first and perhaps most compelling argument suggested by data in the table is that far more inmates should be evaluated for possible substance abuse treatment outside the jail than has been the case up to this point. The assumption is that many inmates are in effect stuck in the jail, when what they really need and would most profit from is removal from the jail into a residential rehab facility. If the potential for such a referral is only even possible for a little over one inmate per week, the jail will continue to house people with substance abuse issues who in many cases need a level of service and treatment that the jail cannot provide.

For those who are able to have an assessment initiated, a long process up to this point has typically ensued before an actual placement in a facility occurs. After a wait of an

average of 3.5 weeks from admission at the jail until an evaluation/assessment is actually undertaken, in the past it has then taken an average of another 11 days from the completion of the evaluation until an actual formal referral to an existing bed has been initiated. Finally, even after an agreement has been made to admit the inmate in a treatment facility bed, it takes on average another 3.5 weeks before the actual admission and placement happens. On average, the entire period from intake to final treatment admission takes 8 weeks – 8 weeks that a person who needs intensive treatment is sitting in jail.

Data were not maintained consistently about the extent to which treatment was successfully provided in these referrals, or on the recidivism rates. We do know that about 60 percent of the evaluations that were undertaken resulted in admission to treatment. Ways of increasing that number in the future are suggested in Chapter VIII.

If ways can be found to expedite the access to treatment from the date the assessment is completed, to shorten the process between jail admission and initiating the assessment, and to increase the numbers of successful admissions to treatment – and if more assessments can be initiated in the first place – it should be possible to remove significant numbers of people from the daily jail census who would be better served in a different type of facility.

Dispositions and Sentences

Finally, in terms of impacts on the jail population, we return to the judicial process and the decisions that ultimately determine who enters the jail or not at the sentencing level. We have discussed bail and release decisions and timing at the unsentenced level. This section asks of the arrests and initially unsentenced cases, what happens to them in terms of convictions and sentences.

Consistently, of all arrests involving felony charges, about 80 percent wind up with convictions, with nearly all cases disposed of via pleas. Among misdemeanors, the conviction rate is slightly lower – just under three-quarters of all dispositions between 2010 and 2016.

Over the years, just over half of all felony arrests wind up with felony convictions, with 42 percent pled to misdemeanors and 7 percent to non-criminal violations. Of the misdemeanor arrests, 56 percent in the past seven years have resulted in misdemeanor convictions, and about 43 percent of the cases were convicted at the violation level.

The detailed data presented in the following Table 36 indicate what happens at the sentencing level once the conviction has been determined.

Among cases that started with felony arrests, the numbers resulting in a state prison sentence have remained relatively constant over the past seven years, representing about 20 percent of all felony dispositions. Local jail and a combination of jail plus probation account for about 30 percent of all felony charges, with an average of about 5 cases a year being released from jail on a sentence of time served as an unsentenced inmate. Thus, even with felony arrests, only a bare majority of the cases wind up serving an incarceration sentence.

The proportion of cases receiving an incarceration sentence is predictably considerably lower among misdemeanors. About 22 percent receive sentences involving some jail time – 17 percent straight jail, 1 percent jail plus probation, and an average of 27 cases a year released based on time served (3 percent of all original misdemeanor charges). Straight jail sentences in misdemeanor cases have declined steadily from a peak of 200 in 2013 to half that in 2016, bringing the number of jail sentences back to approximately the level in 2010.

Of all felony and misdemeanor cases, almost a quarter of the sentences result in time spent in the jail, either as a direct jail sentence, time served, or jail plus probation. Another 15 percent of all cases get sentenced to probation, some including ATI supplements, and the majority of all convictions (56 percent) receive either a fine or a conditional discharge.

Just as there were fewer arrests in 2016 compared to previous years, the number of cases sentenced to jail also declined in 2016, with most of the decline among original misdemeanor charges (plus some reductions in split jail/probation sentences among initial felony charges). We have seen how these reduced jail sentencing decisions were reflected in the reduction in jail admissions in 2016 and have continued to reflect lower numbers early in 2017. Whether judicial decisions resulting in reductions in numbers and proportions of jail sentences will continue as in 2016 will go a long way to determining the future size of the daily jail census in the future.

Table 36

Sentence by Arrest Charge

Felony	2010	2011	2012	2013	2014	2015	2016	Total	% of Total
Prison	48	62	49	46	46	68	55	374	20%
Jail	41	32	42	41	39	46	45	286	15%
Time Served	3	4	6	1	10	8	3	35	1.8%
Jail + Probation	48	44	41	46	43	36	32	290	15%
Probation	63	62	65	72	81	87	80	510	27%
Fine	11	18	17	22	31	21	29	149	7.8%
Cond Discharge	21	30	44	34	42	43	39	253	13%
Other/Unknown	0	0	3	1	6	3	2	15	0.8%
Total	235	252	267	263	298	312	285	1912	100%
Misdemeanor	2010	2011	2012	2013	2014	2015	2016	Total	% of Total
Prison	5	2	0	1	0	0	2	10	0.2%
Jail	97	135	127	200	185	157	101	1002	17%
Time Served	20	19	23	17	44	44	24	191	3.2%
Jail + Probation	8	6	15	13	11	19	6	78	1.3%
Probation	89	84	100	102	88	102	87	652	11%
Fine	338	383	364	368	436	333	321	2543	42%
Cond Discharge	219	184	211	187	214	202	248	1465	24%
Other/Unknown	10	12	10	3	13	10	8	66	1.1%
Total	786	825	850	891	991	867	797	6007	100%
All	2010	2011	2012	2013	2014	2015	2016	Total	% of Total
Prison	53	64	49	47	46	68	57	384	4.8%
Jail	138	167	169	241	224	203	146	1288	16%
Time Served	23	23	29	18	54	52	27	226	2.9%
Jail + Probation	56	50	56	59	54	55	38	368	4.6%
Probation	152	146	165	174	169	189	167	1162	15%
Fine	349	401	381	390	467	354	350	2692	34%
Cond Discharge	240	214	255	221	256	245	287	1718	22%
Other/Unknown	10	12	13	4	19	13	10	81	1.0%
Total	1021	1077	1117	1154	1289	1179	1082	7919	100%

VI. Conditions, Services and Programs within the Jail

The Tompkins County jail was built as part of a larger public safety building in the mid-1980s. In addition to the primary space allocated to the jail, the building also provides office space for the County Sheriff and the Sheriff's road patrol, among other functions.

Age, Layout and Condition of the Jail

CGR was not asked to comment on the specific condition and layout of the jail. However, it is important to provide some brief summary comments as context to what follows, especially as it relates to available space within the facility.

As a jail which has been in constant use for just over 30 years, it appears from our tour of the facility and from conversations with many knowledgeable stakeholders to have aged relatively well, with normal deterioration and maintenance issues that need constant attention, but it generally appears to be in relatively good condition for a facility of its age. (The County has set aside funds for the possibility of engaging a consultant with expertise in jail design and facility oversight to address any issues related to changes needed in the facility and/or any expansion or new construction issues that may arise from this study.)

Like most county jails built in the 1980s and earlier, the Tompkins jail was constructed under a linear design model in vogue at the time of its construction, but now considered outmoded. Jails built today favor a direct supervision configuration which emphasizes more efficient, direct interaction with inmates and what is generally considered to be a more humane, livable environment for both inmates and staff, including more efficient use of space.

That said, with the exception of space issues discussed in more detail below, the current layout of the facility seems to work relatively well, with relatively few serious formal complaints or disciplinary actions over the years, even with the introduction of 18 additional double-celled beds via variance in 2009.

The jail's rated capacity since early last year has been 82 beds. Prior to that, it was 75, but seven additional beds were created in 2016 as a result of reconfiguration of previous indoor recreation space. In addition to these 82 beds, since 2009 the jail has contained the additional 18 double-celled beds, via temporary variance granted by the State Commission of Correction (one of eight such county variances in the state). The current configuration of the jail includes nine blocks (each containing from three to six

permanent beds and six of which also contain the 18 additional variance beds), five dorm areas (each containing between seven and nine beds), and one holding cell with one bed for intake or temporary housing.

Though not built in accord with current building specifications and preferences promulgated by the Commission of Correction, the current jail configuration and conditions, and its basic staffing and space arrangements – though not considered ideal – meet the basic standards of the CoC. Therefore, although the Commission is not likely to renew the current temporary variance for the additional 18 beds, there is no indication that there will be any concomitant required jail expansion or new construction, unless there are demonstrated projections of probable significant increases in the number of inmates likely in the future.

Jail Budget and Staffing

According to the 2017 County budget, the jail currently costs taxpayers \$4.9 million a year to operate, with almost 80 percent of those costs allocated to salary, overtime and fringe benefits. Based on recent trends in reduced amounts of boarded-out inmates, the budget allocated about \$142,000 to the inmate boarding line for 2017, the lowest amount in several years.

The basic staffing in the jail currently includes a Captain, six Sergeants, and 35 Correction Officers, for a total of 42 corrections staff spread across the three shifts of the jail on a 24/7 basis. This total represents one position more than the most recent minimal requirements established for the facility by the State CoC. Although there has been considerable turnover among the staff over the past two years, all positions are currently filled, based on the most recent quarterly submissions to CoC.

In addition, the jail hires one full-time nurse, who works 40 hours a week. A physician and nurse practitioner are also on contract for part-time on-site and backup coverage. In addition, under the County's Mental Health department, mental health forensics staff have for some time been assigned to the jail for an average of about six hours a week – with a recent increase to an average of 20 hours a week beginning in late May. (See discussion of services below for more detail on the jail's medical and mental health services).

Space

Although the jail meets CoC minimal square footage space requirements, from a practical standpoint space issues create major problems in operating the jail and enabling the efficient and sufficient provision of needed services. Virtually every discussion we had during the study concerning the jail and its services quickly generated often-unsolicited comments and concerns about space limitations and

their implications for service delivery. Already-limited space was further reduced when space previously available for indoor recreation (and occasional other temporary uses) was reconfigured with the addition of the seven new beds added in 2016.

The nurse currently operates in a small converted cell space, and there are no medical cells and no infirmary. There are no cells set aside for detoxification or observation, other than sometimes the holding cell, as inmates needing detox are typically simply integrated into the general jail population, as is the case with individuals needing medical attention which would ideally result in isolation from the rest of the inmate population.

Space available for services and classes, as well as for one-on-one meetings with attorneys or others, is typically limited to three interview rooms, an educational room available for various group activities, and one visitation room. Even the interview rooms, available for meetings with attorneys or other confidential discussions, offer limited privacy, given the ability at times to hear through walls and see through windows. Space limitations place restrictions on the types of individual discussions and group programming that can be offered, as well as helping to limit the amount and nature of effective monitored medical and behavioral health treatment and counseling which can be provided.

Jail officials work hard to juggle space and time, thereby making the available space go as far as possible. But there are limits to what can be shoe-horned into small, restricted space, especially when the jail census is high, and this has clear consequences for the types and amounts of services that can be comfortably offered to inmates of the jail.

Services and Programs within the Jail

Regardless of the County's efforts to provide a wide range of programs and services designed to minimize the numbers of people who enter the local jail, the reality remains that many individuals are not affected by those initiatives and for a variety of reasons wind up admitted to the facility. Jail officials are responsible for serving these individuals as humanely as possible, and for providing a variety of services which, at least in theory, will help prepare the inmate for his/her transition back to the community upon release from the jail.

In response, subject to a variety of space- and provider-driven limitations, the jail offers an array of services and programs to inmates, mostly through contracts or agreements with outside community-based agencies or via voluntary offerings by concerned individuals or groups in the community. Most of the services, except for GED and medical services, are not mandated.

Mandated Services

The jail is mandated to make basic educational services available to inmates, particularly those under 21. This mandate is covered via GED classes which are offered five days a week through a contract negotiated via BOCES.

Also mandated are medical services, although the local jail has a great deal of flexibility in the level of services it chooses to make available to inmates. The County has chosen to provide one full-time, 40-hour-per-week nurse who is responsible for meeting the medical needs of all inmates on a day-to-day basis, backed up by about six hours a week of services provided by a physician and nurse practitioner. The physician as well as per-diem nurses are available as backup for the full-time nurse or on call if emergencies arise during uncovered hours. As a rule, two days a week and all evening and night hours are not covered by the nurse, who by all accounts does a remarkable job of juggling medical needs, though her available hours represent only about a quarter of the 168 hours in a week.

Within the available hours, the following types of medical services are most prominent among those provided: initial medical screenings as part of the intake process, physical exams, management of all medical records for all inmates, coordination as needed with physicians, medication management and disbursement, discharge planning and medical referrals for inmates as they transition back to the community, individual medical education to the extent possible, and routine examinations and provision of medical advice for inmates with routine, acute or chronic medical needs.

The limits on the numbers of available nursing hours often mean that chronic health needs of inmates go unmet or receive limited attention, while more acute needs get addressed. Inmates going through various stages of detox may not receive the attention and monitoring that would be ideal. Correction officers who are not trained to distribute medications are often called upon to do so (with medications distributed twice a day to typically between half and two-thirds of all inmates each day). And yet, limitations notwithstanding, it is likely that many inmates leave the jail in better health than when they entered and having received more medical attention (as well as nutrition and housing) than they had received in the community. Nonetheless, most of those interviewed who commented on nursing services recommended that the County should at least add a second full-time nurse to enable 7-day regular coverage plus additional support for the existing nurse, while others suggested the need for 24/7 comprehensive nursing coverage.

Non-Mandated Services

A variety of non-mandated services are provided, but these are limited, often by space restrictions, with key services unavailable in the jail or underprovided. We heard multiple complaints about the preponderance of “down time” among inmates, with

too few opportunities for recreation, activities, counseling and treatment, self-improvement and preparation for return to the community. Insufficient services in the community were often mentioned as a contributing factor to gaps in services available to jail inmates, but the most common reason cited for the service gaps was the lack of sufficient space to be able to accommodate existing services, and services that could be developed or expanded, were sufficient space available to incentivize the providers to make the additional services available.

Non-mandated mental/behavioral health services have been provided in the jail for about six hours a week by clinical staff in the Mental Health department. These services have primarily involved screenings and assessments, as well as suicide prevention supports as needed, with limited direct provision of clinical or treatment services to individuals or groups. However, effective in late May, those in-house services available from Mental Health staff are being increased to about 20 hours per week, split at least initially among three clinical staff. Those hours are expected to enable more detailed screenings for mental health (and to some extent substance abuse) issues in need of follow-up attention. Some of the focus of these additional hours is also expected to be devoted to the introduction of individual and group sessions offering psycho-educational supports and help in developing techniques for self-relaxation and calming to help reduce stress and behavioral problems in the jail and subsequently upon transition back to the community upon leaving the jail.

The intent of these expanded mental health initiatives is to provide screenings for everyone admitted to the jail, whether for only a day or two or for a more extended stay, and to provide other supports as needed while in the jail – with the intent of making initial connections with inmates, beginning to educate them about options available to them, and priming the pump for referrals to post-jail mental health or related supportive services designed to help reduce the revolving-door jail admissions of people needing access to services in the community. There is also the potential, depending on how the 20-hour pilot period evolves and whether County funding would be allocated, to expand to a full-time Mental Health presence in the jail, consistent with what many other counties provide.

In addition to what is offered via the County's Mental Health Department, the nonprofit Mental Health Association (MHA) of Tompkins County also provides one day a week separate 90-minute Wellness Recovery Action Plan (WRAP) sessions for men and women. These weekly sessions are designed to help inmates develop self-help tools and better coping skills to manage their mental/behavioral health and develop individual recovery plans while in the jail and upon returning to the community. MHA also offers similar weekly TALK sessions for men and women in the jail. These group discussions provide opportunities for inmates to "vent" and express concerns to other inmates and sympathetic voices outside the structure of the jail staff, thereby helping reduce stress within the facility.

Other than substance abuse assessments provided upon formal requests (discussed in more detail in the following chapter), few direct services are currently available for those with substance abuse or addiction issues. Weekly one-hour AA sessions are offered separately for men and women (two for men and one for women). A similar one-hour Narcotics Anonymous session is offered for men, but there is no equivalent program for women. Cayuga Addiction Recovery Services (CARS) is in the process of developing plans to offer a few hours a week of direct services within the jail, including a treatment readiness model designed to help orient individuals to service opportunities to address substance abuse issues once they are back in the community.

Although various mental health and substance abuse services are available in the jail, and they appear to be gradually increasing, many stakeholders expressed concerns about the absence of many direct clinical/treatment or counseling programs for inmates while they are in the jail, and that might help them connect with services upon release. This is a particular concern given the significant proportion of individuals in the jail at any given time with either substance abuse or mental health issues, including those with dual diagnoses.

Beyond the GED program, other educational offerings are provided, including a college initiative program offered once a week, individualized tutoring programs, and a BOCES-sponsored life skills program. Other recent offerings have included a program resulting in eight inmates obtaining an OSHA 10 certificate, and a program resulting in first aid and CPR certificates. A parenting program is in development.

Combinations of staff representing Cooperative Extension, Ultimate Recovery Opportunity (URO) and Opportunities, Alternatives and Resources (OAR) offer various re-entry and community outreach services to inmates. These efforts are described in more detail in the following chapter.

Other ongoing programs include male and female conflict resolution classes, and a wide range of spiritual/religious/faith development offerings are available several days a week, as well as individual clergy visits.

In addition to these services and programs offered on an ongoing basis, inmate visitations are offered two days a week, and attorneys visit inmates as needed. Occasional supervised child visits are provided via DSS.

There appears to be a growing awareness of the need to provide a greater array of services to inmates in the jail, both to help them productively fill their time while in the jail, as well as to begin to help the process of linking with potentially helpful services and treatment upon release from jail to the community. But this growing awareness is only likely to lead to expanded in-house services if more space can be created within the existing facility, or in a new or expanded jail, to accommodate the services.

Options for creating such space are addressed later in the report, including the potential reconfiguration of non-jail space within the existing County public safety building.

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.

• 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.

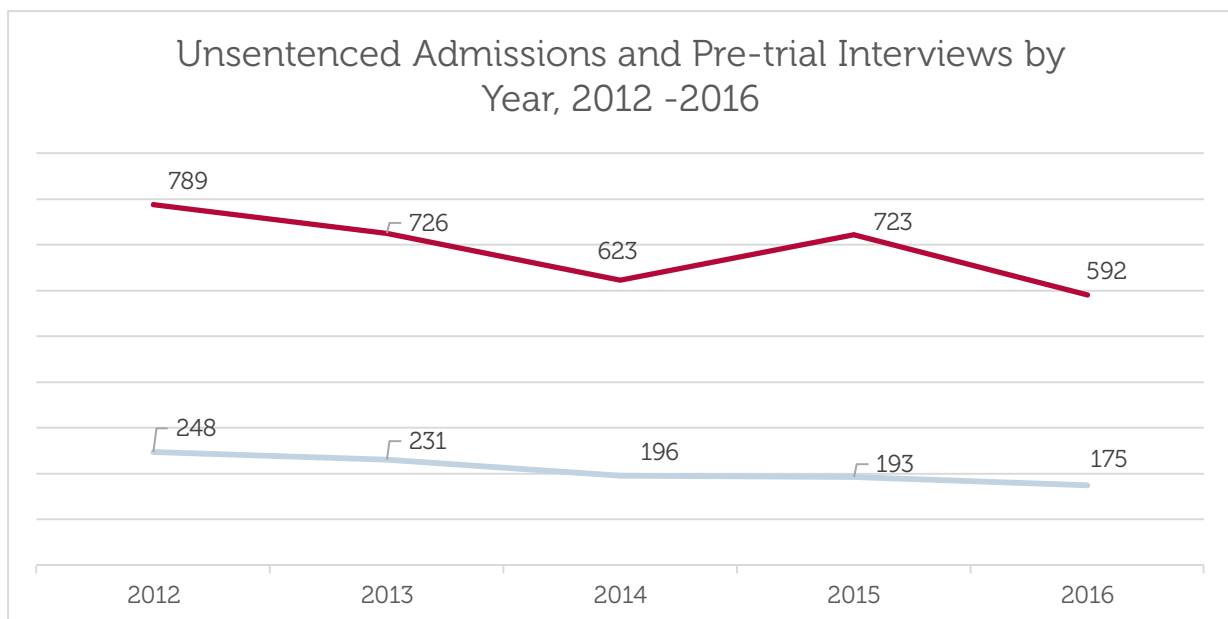
For those who are subsequently released by a court official under the supervision of PTR, the Probation Assistant supervises the defendant and ensures adherence to the release conditions during the pretrial period, for up to 90 days. If the case is still pending at that point, it reverts to ROR status 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

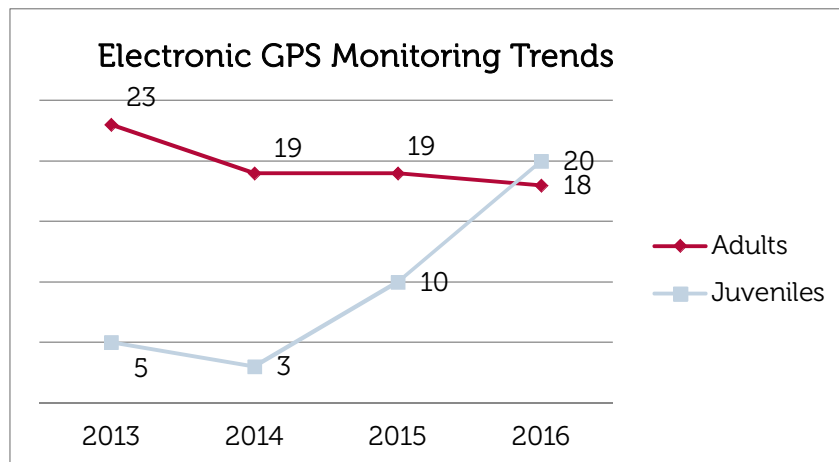
times. EM enables the person being monitored to retain a job, tend to family obligations and, as approved, attend services or treatment, but with appropriate restrictions designed to limit any “unproductive” activities.

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.

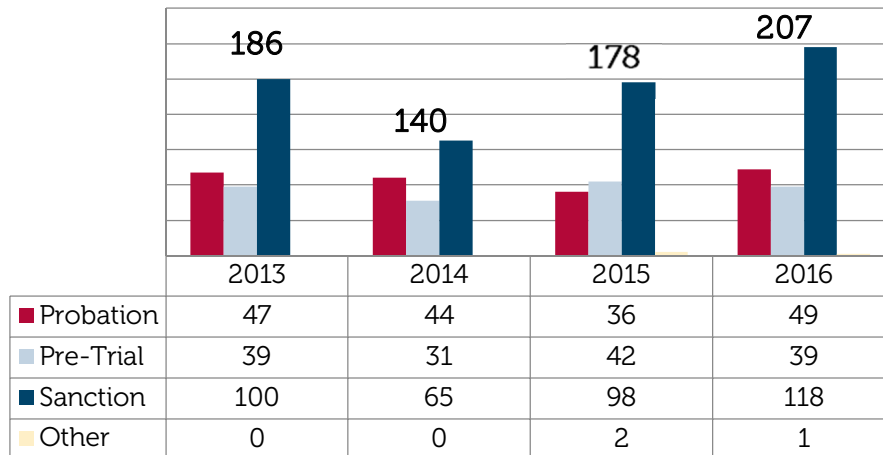
The evaluation showed “strong positive results,” based on 58 percent of the participants over that period of time completing the program or being successfully released. The evaluation also showed strong outcomes regarding the educational and employment services of the program. Of the 35 percent of participants 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. There 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.

VIII. Options for Future Consideration

This chapter outlines various options that have the potential to improve conditions within the jail and to minimize the number of Tompkins County jail beds needed in the future. As such, the chapter serves as background for creating projections in the next chapter for likely jail bed needs in the future under various scenarios, and as a prelude to recommendations at the end of the report.

The options are grouped into several broad categories: improvements within the jail; broad opportunities to reduce jail days within clusters of the jail inmate population; specific opportunities for expansion or modifications of existing ATI programs; emerging community-based options; and opportunities or challenges facing the community. These options should not necessarily be viewed as specific recommendations at this point, but rather as options for consideration, along with their implications. The specific recommendations, how they interact with each other, and the timing of potential implementation, are discussed in the final chapter.

Options for Improvements within the Jail

A number of options should be under consideration concerning services available within the jail. Nearly all of them at some point involve changing the footprint of the jail such that more space would become available for the expansion of services.

Consideration of Expanding Medical Services

One nurse currently provides medical services for the jail 40 hours a week. Two days a week have no coverage, except on a back-up, on-call basis. Physician and nurse practitioner services are also available about six hours per week. Several options have been suggested in various interviews for consideration by the County, including:

Status quo: continuing existing services, which would focus primarily on basic medical assessments at inmate admission, meeting acute medical needs of inmates, providing rudimentary oversight of inmates undergoing detox, and managing paperwork, coordination of medical records and other management functions for all inmates in the jail at any particular time. By all accounts the current nurse provides well-respected medical coverage, but there are limits as to what can be done within 40 hours, e.g., little attention is able to be provided to those with chronic medical needs, and there is little time for focus directed to ongoing mental health and substance abuse issues. Currently Correction Officers are often needed to help pass medications, even though they are not trained to do so from a medical perspective.

Creation of second nurse position: This option would involve the creation of a second nursing position, either part-time or full-time, to at least provide basic coverage on a regular basis seven days a week. Depending on whether this is a part-time position or a second 40-hour position, this could enable some overlap of time with the existing nurse and would enable greater attention to passing of medications and increased focus on inmates not now receiving much attention for ongoing medical and other issues, as referenced above.

Creation of 24/7 nursing coverage: Some have suggested that such coverage, or at least something between a second nurse and 24/7, would recognize the realities of life in an institution that has inmates with medical needs that may surface at any time. This would also provide coverage for middle-of-the-night admissions to the jail, and enable more effective medical support and oversight for inmates in various stages of withdrawal/detox.

Practical Reality: The status quo seems inadequate for the reality of the current jail facility. Office space is limited, coverage is limited, and with the expansion of opioids and heroin use in the community and finding its way into the jail, the basic coverage now provided seems inadequate to meet existing inmate needs. Any consideration of additional space for detox cells (see below) would presumably also include the need for added nursing staff. Whether expansion of nursing services will have any direct impact on the number of beds needed in the future is debatable, but better medical coverage for those in the jail would be strengthened, and could potentially help more inmates return to the community in better medical condition than is now possible.

Expanding Mental Health and Substance Abuse Services

Currently some services are available, but given the evidence suggesting that the vast majority of inmates at any given time have mental illness or substance abuse issues, or both, the current on-site coverage seems inadequate. As discussed earlier, the Mental Health Department is expanding its staff hours devoted to the jail from about six per week to 20, with additional time devoted to basic screening and assessment of needs of inmates, creating expanded group programming, and helping prepare inmates to access needed services in the community once released from the jail. Some expansion of substance abuse services is also in process through the efforts of CARS, with much of the focus also being on helping prepare inmates for the transition to needed services post-release.

Practical Reality: With data suggesting that many inmates have significant mental health and substance abuse needs, including addictions, expanded services are needed within the jail, so the recent developments in terms of expanded assessment and program services are welcome. Although such services may not in and of

themselves have an immediate impact on the number of beds needed in the jail, they may help reduce recidivism and thereby help reduce the numbers of inmates in the future. Furthermore, by providing a better level of ongoing basic screening of inmates for mental health and substance abuse issues, these initial screenings may also have the direct effect of identifying inmates who may need and profit from more extensive substance abuse assessments that can help access needed inpatient rehab facilities outside the jail (as discussed next) or the necessary mental health care.

Expanding Substance Abuse Assessments and Treatment Referrals

As discussed earlier in the report, historically about 1.3 inmates per week have received extensive substance abuse assessments for the purposes of determining needs for rehab treatment, typically in a non-jail in-patient setting. Given the data and extensive anecdotal evidence of major unmet needs within the jail for expanded rehab services, the fact that so few comprehensive assessments have been done in the past seems puzzling. Typically in the past, assessments have only been done upon referrals authorized by a judge. Expansion of referrals direct from the jail would seem appropriate, and the expanded initial screenings of inmates currently being initiated by mental health staff may provide the data needed to initiate such referrals.

Up to this point, many inmates appear to have in effect been stuck in the jail, when what they really need and would most benefit from is removal from the jail into a residential rehab facility. If the potential for such a referral is only even possible for a little over one inmate per week, the jail will continue to house people with substance abuse issues who in many cases need a level of service and treatment that the jail cannot provide.

Not only should more inmates be assessed, but how soon they are assessed, and how quickly they can be referred to and placed in a residential rehab treatment facility once the assessment is complete, will determine the ultimate impact on the jail population in the future. In the past, the assessments that have been done have taken an average of 3.5 weeks from the time of admission to be undertaken, followed by another 11 days from the completion of the evaluation until an actual formal referral to an existing bed has been initiated, and then an additional 3.5 weeks on average before the actual treatment placement occurs. Thus historically the entire period from intake to final treatment admission has taken 8 weeks while the person needing intensive treatment remains in jail.

Moreover, once services are supposedly accessed, there are no guarantees that the treatment will actually be activated. Anecdotally, we heard several stories of inmates

being transported to services only to leave virtually before the transporting Correction Officer had returned to the jail. And indeed, about 40 percent of the assessments did not result, for various reasons, in treatment being activated. But in part this appears to be due to little preparation of the inmate for the rehab experience, little formal follow-up with the inmate and the rehab facility once a “match” has been made, and the fact that most of the referrals have involved rehab facilities outside the county.

Improvements are expected in each of these areas: Better preparation for the rehab experience and better linkages with rehab agencies in the future both appear to be in process now, under the current DSS nurse responsible for substance abuse assessments), and increases are expected now and over the next two years in the number of in-county rehab slots (both as a result of increased beds being developed through CARS and the increased numbers of beds expected to become available as more people cycle through shorter periods of rehab, based on new funding approaches). The combined effect of these developments is expected to help make more rehab beds available, and higher proportions of assessments and referrals to result in actual treatment being activated and successful.

If ways can be found to increase the number of assessments initially, to expedite the process at each step along the way, and to activate successful treatment in greater proportions of cases, it should be possible to remove significant numbers of people from the daily jail census who would be better served in a different type of facility.

Practical Reality: Knowledgeable estimates suggest that perhaps 10 percent or more of the inmates in an average night should be in rehab treatment – roughly 8 to 10 persons per night. By increasing the number of initial screenings, it should be possible to provide evaluations of this subset of the inmate population on an ongoing basis within a few days of their admission to the jail, rather than waiting several weeks. That is, by enabling access to assessments to bypass a judge and be activated by jail officials, assessments should be more frequent and more timely. By building close working relationships with key inpatient facilities, as the current nurse responsible for the assessments is doing, it should become possible to expedite placement in facilities. With shorter lengths of stay in residential rehab facilities resulting from changes in regulations and funding requirements, it will be possible through increased turnover and churning within facilities for more people to be admitted, thereby helping reduce the waiting time to access inpatient beds. And within the next two years, additional residential beds will be available within the county via the new CARS rehab facility, which should increase the timely access to beds in the future. All of this considered, if approval is given for more assessments to be done on an expedited basis soon after admission to the jail, **CGR believes that it is reasonable to assume within the next**

two years a reduction of 5 inmates per night through referrals to inpatient rehab facilities.

Potential for Expanding other On-Site Services

Even services currently provided within the jail are often limited in terms of how often they can be offered, not so much because of unwillingness on the part of providers to be more present, but because of the juggling of available space which is needed by jail officials to fit services into limited space constraints. Many of the programs offered once a week would be open to expanded offerings. Recreation opportunities within the jail have been curtailed as a result of converting recreation space to more cells last year. Space for nursing/medical services, along with mental health and substance abuse services, has been limited. Constant juggling of space is needed to accommodate attorneys, as well as the frequent staff from agencies such as OAR, Pre-Trial Release, re-entry programs, and others needing access to inmates for various purposes. The potential to add a secure detox capacity within or adjacent to the jail, which some have advocated (see further discussion below), would also create the need for more space. Advocates for inmates as well as for improved conditions within the jail – for both inmates and staff – continue to push for expanded services, and the space to provide them, for both individual and group sessions.

Practical Reality: Significant expansion of programs and services for individuals and groups of inmates may have limited immediate ability to reduce the number of beds needed in the jail. However, with a greater ability to provide services and inmate connections that can help improve access to services post-release, there could be a significant impact on beds needed in the future, as a result of reduced recidivism. In any event, expanded services will only be possible if increased space can be made available within the facility.

Consideration of Expanding Space

Within the existing footprint of the jail, there appears to be limited opportunity to create more space for expanded services. Some of the space that had been available was repurposed last year for seven additional cells. Additional space could of course be created via new jail construction or adding space to the existing facility. Some reconfiguration of existing space in the current facility could also be considered. The possible creation of added space for services would seem to involve one or more of the following possible options:

New jail construction: A new jail could be built by the County, incorporating more modern design and supervision techniques, and creating expanded space for services as part of the process. Such a facility would create more high-quality living space for

inmates, and a more pleasant work environment for jail staff, and eliminate some of the maintenance and related issues associated with the current older facility. It could also create staffing efficiencies not possible within the existing jail. But there appears to be little political appetite for building a new jail, and analyses conducted as part of this study do not point to the need for more beds to justify a new or expanded facility.

Expanding the current jail facility: Rather than building an entire new jail, expanding the current facility by adding a direct supervision unit could create added service capacity, create some flexibility for new cells to accommodate peak jail populations over and above the core capacity, and create space for a detox unit, should that be considered.

Conversion of existing cell space: As of now, there is little or no opportunity to create new service space from existing cell space. Should the numbers of inmates in the future be significantly reduced such that blocks of cells could be eliminated, that reality could potentially change. The potential for effecting such reductions is discussed in this chapter.

Converting Sheriff's administrative space for services: The Public Safety Building which houses the jail also houses the Sheriff's administrative offices, as well as space for the road patrol and other services having little or no relationship to the jail. Discussions have occurred as part of this study, and in preceding years, concerning the possibility of relocating those functions and staff to a different location apart from the Public Safety Building, thereby opening up considerable space for expanded services for jail inmates, including the possibility of a secure but isolated detox facility (see below).

Practical Reality: The need for expanded space for services is real, and it is immediate and urgent. While it may be possible to reduce the number of jail cells/beds needed on an ongoing basis, there are no guarantees and, even if options suggested for consideration in this chapter are implemented and have the anticipated impact, some of that will take time for the effects to be fully realized in the jail. Thus even if it becomes possible to reduce the number of jail cells in the future, that is likely to take at least a couple years before that becomes feasible, and before any reductions have sufficiently withstood the test of time to justify eliminating jail cells and beds, and repurposing the space. Thus the most practical option for creating more space to expand internal services in the jail on a relatively quick basis may involve moving the Sheriff and road patrol operations to a different location and reconfiguring that space for other uses related to the jail.

Aspirational Options for Jail Day Reductions

Before examining specific opportunities to modify or expand programs to reduce the jail population, this section notes some broad aspirational opportunities to effect jail day reductions within various subsets of people currently populating the jail. How some of these potential reductions could occur follows in the subsequent section in the discussion of specific program-related potential reductions.

Potential to Reduce Recidivism

Our analyses of the 2016 admissions to the jail indicated that 54 percent of them had previously been admitted at least once, including 39 percent with multiple previous bookings. These previous jail admissions represented more than 47,500 jail days over the years. Reducing the revolving-door prospects of individuals – by improving access to services upon release from jail, by helping them obtain jobs and housing, by getting them the mental health and substance abuse treatment they need – could have a significant impact on these numbers, and more importantly on the lives of the individuals affected. What if community initiatives designed to reduce recidivism could be implemented such that roughly one-third of those days could be prevented? From an aspirational goal perspective, if 15,000 of these previous days could be eliminated, this would represent the equivalent of 41 fewer jail beds on an annual basis, presumably spread over a number of years. Expanded effective re-entry services, along with other new initiatives and improvements to current services outlined below could go a long way toward making such reductions possible.

Potential to Reduce Unsented Jail Days

About 46 percent of unsentenced admissions wind up in jail for more than a week before being released prior to disposition of their cases. At almost 700 unsentenced admissions per year, if all those who get released at some point anyway could be released within a week, this could have the practical effect of saving an average of almost 16 occupied beds each night throughout the year. Again, options discussed below could help begin to make such reductions possible.

Potential to Reduce Sentenced Misdemeanor Jail Days

Changes in sentencing practices that would keep numbers of misdemeanor jail sentences at their 2016 level, compared to the average of the previous six years, would mean about 50 fewer jail sentences a year. At an average sentence for misdemeanors of 25 days, this could result in a savings of about 1,250 jail days a year, or a little over 3 beds per night compared to previous averages. Expanded use of selected ATIs could help make this possible.

Presumption of Non-Financial Release

The presumption of non-financial release for misdemeanors and even some less serious, non-violent felony offenses – as being promulgated by the new District Attorney and as advocated in the 2016 report on municipal courts – is likely to have a substantial impact in reducing the future numbers of unsentenced inmates admitted to the jail. At this point it is too early to calculate what effect this will have on future jail census numbers, but it seems likely to have had some effect already in the reduction of the jail's average occupied beds per month in the second half of 2016 and the first five months of 2017. To a great extent, the practical impact of this policy change should be reflected in some of the specific projected impacts of other options outlined in this chapter.

Practical Reality: As an early suggestion of at least part of what impact a non-financial release policy could have on the jail, analyses reported earlier indicated that releasing all inmates with bails of \$1,000 or less without financial conditions at or prior to jail admission would save the equivalent of an average of 4.6 occupied jail beds avoided per night. We are not counting those as unique beds avoided in our cumulative totals, assuming that they are covered as part of other jail days saved under specific options discussed below.

Potential to Continue to Limit Board-Outs

The recent substantial reductions in the number of boarded-out inmates should have a continued positive effect on the jail census numbers in the future. The numbers of board-outs, and their average stay in a non-Tompkins jail facility, were both significantly lower last year than in any recent year, and the numbers continue to be down this year to date – from an average of 8 board-outs per day between 2012-2015 to an average of 2 in the second half of 2016 and an average of 1 per day thus far in 2017. While some board-outs may continue to be needed in the future, given classification requirements and occasional potential peak nights, it seems reasonable to assume that average board-out numbers should remain much closer to the numbers of the past 10 months than to the averages over the preceding years.

Potential to Reduce Parole Impact on Jail

An average of 45 NYS parole violators are admitted to the County jail each year, strictly on parole violations with no local charges or retainers, and they stay for an average of almost two months. They account for an average of about 5 inmates per night, and as many as an average of 6 early in 2017. The County has no direct control over these inmates, but what would happen if Tompkins, perhaps in conjunction with other counties, were to lobby the state to reduce the number of parole violators

residing in county jails, or at least to reduce the amount of time they spend there before being “reclaimed” by the state? This may be a futile effort, but if in the future the number of parole inmates, and/or their average length of stay, could be reduced by half, this would save the County jail an average of 2 or 3 beds each night. It should also be noted that some defense attorneys advocate to keep their clients in the local jail as long as possible to remain close to family and community connections.

Potential to Reduce the Number of Black Inmates

Many factors within both the larger community and the law enforcement and criminal justice systems contribute to the disproportionate number of African-American/black inmates, and particularly African-American/black males, in the County jail. The large majority of inmates in the jail are white, but about 22-23 percent of all inmates in recent years have been black (including 24 percent of all male inmates), compared to their 4 percent representation within the larger community (or about 5.5 percent when those of mixed races are factored in). A wide range of broader societal issues related to race, poverty, housing, education, employment and transportation all contribute to the jail profile at any given time. Issues within the criminal justice system related to arrest and charging patterns, bail decisions and sentencing decisions – and how they are affected by these larger community issues – all are beyond the scope of this study to resolve, but all of these criminal justice and community issues need further attention by the Tompkins County community. The community and the systems that send people into the jail, or to other options, need to be aware of these disparities and disproportions, and consider the types of actions that need to be taken as part of an aspiration to reduce these disproportions in the future.

Options for Strengthening ATI Programs

Earlier in the report we provided summaries of the current Alternatives-to-Incarceration programs operating within the County. Most of them offer opportunities to expand or be modified in ways that have the potential to reduce the number of jail beds likely to be needed in the future. To some extent, the ability to maximize projected impacts of these options may depend on parallel efforts to educate judges, other court officials, attorneys, Probation Officers, and community-based agencies and advocates concerning the value and appropriate use of these and related options going forward.

Potential to Reduce Violation Rates within Probation

As noted earlier, the proportion of probation cases with violations filed in Tompkins County consistently exceeded the non-NYC statewide proportion of violations filed by almost half from 2012 through 2015, before closing the gap in 2016 – in part due to

high rates of sanctions being imposed through the two adult Drug Courts in the County. Many of these violations resulted in jail re-sentences.

Practical Reality: Although the Probation Department has a comprehensive process in place to review internal sanctions and possible violations that may have jail implications before they are referred to a court, there may be opportunities to make greater use of ATI options such as Electronic Monitoring, Day Reporting and other options more frequently in the future, in an effort to avoid some of the jail sanctions that have resulted from violations in the past.

Potential for Expanded Use of PSIs to Reduce Jail Sentences

Probation has considerable effect on the sentences imposed upon conviction, based on the Pre-Sentence Investigations they are often requested to provide the court. Despite Probation policy of avoiding jail sanctions wherever possible, consistent with community safety considerations, in recent years the PSIs have recommended probation and related alternatives less often than judges have pronounced actual probation sentences, and conversely judges imposed fewer jail sentences than were recommended by the PSIs.

Practical Reality: The data suggest that if PSI recommendations were in the future to emphasize greater use of probation sentences – perhaps combined with combinations of ATIs and other community-based services – they might have a greater effect in shaping increased future proportions of non-incarceration sentences than has been the case in recent years. By combining straight probation recommendations with the possibility of probation plus ATI options in some cases in which a jail recommendation might previously have been made, there might be opportunities for PSI report writers to challenge judges to expand their use of non-jail sentences in the future. There are no data on which to base potential impact of such changes in recommendation patterns, but CGR estimates that these could result in two to three fewer inmates in jail per night. We believe these saved beds are reflected in the program-specific reductions suggested below.

Potential to Increase Pre-Trial Release Impact on Jail

The Pre-Trial Release program is deemed universally by those in the criminal justice system to be a respected provider of useful objective information that helps shape pretrial judicial decisions. However, our analyses suggest that the program could have significantly more impact than it currently does. Data suggest that more unsentenced inmates could be interviewed, as suggested earlier, including revisiting cases that remain in jail several days after admission. Data also indicate that PTR recommendations have often been more conservative than other pre-trial release organizations in other communities, having advocated continuation of some level of

bail in almost two-thirds of the cases. There appears to be a significant opportunity for this program to become even more valuable in the future in helping to minimize the daily jail population.

Practical Reality: CGR believes that County Probation and PTR officials have a realistic and valuable opportunity to expand and modify this program in a way that could have the potential to further reduce the number of inmates in jail each night. We believe it is realistic to expect that it could at least double the number of PTR interviews completed per day – up from the current average of about one interview per day – including revisiting cases not released within a few days of admission to the jail, particularly those remaining on low bail amounts. And that it is also realistic, consistent with community safety, to increase the proportion of non-financial release recommendations from the current 35 percent to 60 percent, combined with expanded use of monitored release conditions where appropriate. Even this suggested expanded proportion of non-financial release recommendations is more conservative than other pre-trial release organizations in other communities. And this direction would be more consistent with the expanded community focus on an increased presumption in favor of non-financial release.

Consideration could be given to testing the necessary changes in the process on a pilot basis and monitoring the impact on outcomes and staffing implications before making any final determinations as to the value of implementing any changes on a permanent basis.

With an addition of 175 to 200 additional interviews over the course of a year – roughly one additional interview per day – and a more aggressive recommendation policy, we calculate the following potential impact on the jail: 200 interviews times 60 percent non-financial release recommendations, with an estimated 18 released days saved that would otherwise have been spent in jail per case equals the potential for reduction of an estimated 2,160 fewer days in jail – **an average of about 6 fewer beds per night.**

Potential to Expand Use of Electronic Monitoring

Most of those we spoke with about ATI options were highly enthusiastic about the potential for expanding the relatively limited previous use of EM devices as alternatives to jail sentences or sanctions, and as possible additional conditions of release to help expand the numbers of unsentenced inmates who may otherwise remain in jail unable to meet bail. With 16 units already in place, it is believed that sufficient numbers exist to enable substantial increased use of this option. There is potential for expanded use of this option with limited budget impact, as in every recent year, actual expenditures for the option have fallen considerably short of the budgeted amount.

Practical Reality: There seems to be little argument about the potential for expansion of the use of this option as a cost-effective alternative to jail time. Simply at one level, it has been estimated by a reliable official that EM could help prevent re-sentencing to jail in as many as 20 percent of all Probation revocations. This would mean about 10 cases per year in which significant numbers of jail days could be saved by using this option as part of revocation proceedings.

As noted earlier, CGR has documented elsewhere that an EM program in place in another county was directly responsible for a reduction in the daily jail population by an average of almost 15 inmates per day. Given the expressed support for this option, its versatility in its ability to be used at various points in the criminal justice system, and its limited cost, we believe a reasonable estimate is that expanded use of EM could result in **jail census reduction of 10 inmates per day**. As Probation officials correctly point out, use of EM is not appropriate in many cases, but used judiciously in appropriate cases throughout the criminal justice system (e.g., as a condition of release, as a sentencing option, as an alternative to jail sanctions), evidence suggests that it can have a significant impact on the jail population, “depending on how and when it is used.”

As with PTR, a pilot project could be undertaken to test the value of expanding the use of EM with appropriate use and safeguards before making any final determinations about its ultimate expanded use.

Possible Expansion of Day Reporting

Our earlier discussion suggested that this option may have already maximized its potential for limiting the number of inmates in jail, due in part to the fact that it seems to be operating currently at close to its ideal capacity. We suggested that further impact on the jail population would only be likely if there were to be significant changes in the numbers or makeup of the Day Reporting program in the future, and that we see little evidence that such changes are likely.

Practical Reality: In general, it remains true that we do not project any future change in the number of jail cells likely to be impacted by this program in the foreseeable future. However, it should be noted that there have been recent discussions in which the idea has been raised of using DR in lieu of short jail sentences and/or in combination with reduced jail sentences. The DR facility could also be used to enable re-entry services to be provided to affected inmates returning to the community. It remains to be seen to what extent such approaches would be employed, but the ideas have appeal. For future planning purposes, we maintain our conservative estimate of **no further impact of DR on future daily jail census counts**, but County officials

should monitor the potential for expanded use of this option, and may find that some limited additional jail days can be avoided in the future via this option.

Likely Limited Potential Added Impact of Greatest Risk Supervision

There is evidence that this enhanced supervision option has an impact in reducing the jail population, as well as helping keep some out of state prisons. The question is whether any additional impact over and above its current value is likely in the future.

Practical Reality: The Greatest Risk program may have reached a saturation point. Thus we would not suggest at this point any increase in the number of referrals to the program, out of a concern that increases could compromise the ability of existing staff to provide the levels of intense supervision expected of the program. Moreover, a focused evaluation of program outcomes and impact would be important before deciding to expand the staff needed to justify any future expansion. In the meantime, our overall assessment is that the County should consider leaving the program as is, with **no likely change in the foreseeable future in its impact on the jail census.**

Limited SWAP Jail Impact without Significant Changes

The data available on this Service Work Alternative Program is unclear as to how much impact it has in reducing the local jail population. It may have some impact as an alternative to jail sentences for felony DWI cases. Beyond that, to the extent that it operates in lieu of jail, it may be in the context of providing an alternative to a probation or drug court violation or sanction that might otherwise have involved jail.

Practical Reality: As currently used, it seems unlikely that SWAP can be expected to have any realistic role in further reducing the numbers of people in jail. This could change if SWAP were to be emphasized more often in PSI recommendations, and if concerted efforts were made to educate and orient judges across the system to become more aware of the program's potential value as a viable option in lieu of imposing a relatively short jail sentence or sanction. Both should be done. But even such efforts seem likely to have, at best, the ability to reduce the jail population by an average of a bed or less per night. So, based on use of the program in recent years, it seems most reasonable to conclude that **SWAP will likely have little enhanced future impact on the jail population over and above what it has today.**

Potential Expanded Impact of Misdemeanor Drug Court

If the Ithaca Community Treatment Court (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 the impact on the jail population already attributable to the DC operation.

Practical Reality: The counter argument is that, with some necessary changes, the program can continue to be an even more positive force, and that there are reasons to support expansion of the program. 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, and if the use of jail sanctions for some relatively minor “misdeeds” by program participants can be replaced by other non-jail sanctions.

If an additional 10 people were added to the Drug Court 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 10-person expansion cohort. That in turn would equate to a total of about 1,550 jail days saved during the course of the year, **an average of about 4.2 beds saved per day.**

This could be tested on a pilot basis to see if such an expansion could be absorbed by existing staff, or if new positions may be needed in the future if the expansion proves justified over time.

Limited Expansion of Felony Drug Court Jail Impact

The primary impact of the Felony Drug Court appears from available data to be on state prison incarceration. It has considerably less impact on the local jail population than does the Misdemeanor DC, and in some cases jail sanctions imposed on Felony DC participants actually add days to the local jail census.

Practical Reality: From the perspective of impact on the local jail, not factoring in other non-jail implications of the Felony DC, there appear to be no compelling reasons to consider major changes to the program. CGR concludes that this is a time to maintain the status quo, leaving the program essentially operating as is for the foreseeable future, with **no expected change in impact on the local jail population.**

Considerations for Future of Bail Fund

The Bail Fund operated by OAR has been an important community player in helping to reduce the impact of financial considerations in keeping people in jail. Over the years it has helped effect the release of numerous people by helping them make bail of \$2,500 or less (\$2,000 more recently with changes in state regulations). But in recent years its impact has begun to dwindle, with only 20 inmates released in 2016, compared to 67 just four years earlier.

Practical Reality: The Bail Fund may continue to enable a limited number of inmates to be released in the future, but it is not likely to have any increased effect over and above the past. And in fact, with the presumption of non-financial release increasingly a factor in setting bail and effecting release, the Bail Fund may continue to have less effect on releases than it has in the past. These funds may only be needed for use on a judicious targeted basis where other forms of release have not proved possible for a particular individual after a particular period of time.

Considerations for Future of Re-Entry Programs

As discussed in some detail earlier, there have been significant startup, evolution, communication and coordination problems with and between the two official re-entry programs in the county (URO and Cooperative Extension), including linkages with an informal but significant re-entry partner of long standing, OAR. Other agencies also have roles to play in the re-entry process, such as Probation through its employment coordinator, DSS through the role it should be playing concerning facilitation of expedited eligibility for various financial support programs upon release from jail, mental health and substance abuse providers concerning service access upon community re-entry, community housing supports, and other agencies that play varying roles. Currently, the coordination and communication between these parties tend to be fractured, limited and all too often confrontational or suspicious and lacking mutual trust. Over time, some of these relationships seem to be beginning to repair themselves, and there are signs of improvement that hopefully will continue and lead to strengthened re-entry services in the future.

Among many issues and options for consideration concerning the future of the re-entry initiatives in the County are the following:

- How should the key intent of helping connect people in jail with post-jail services be best accomplished in the future? Is it realistic to have representatives from Cooperative Extension, URO and OAR all providing various connections in the jail? If so, what should distinguish the roles of each? Should there be a single re-entry coordinator in the jail, assuming space can be provided, to ensure the most effective use of resources and to ensure that individual inmates receive the services and coordination they need?
- How should 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 be built into the assessment process that the re-entry programs are attempting to develop, implement and coordinate?

- How should re-entry efforts best 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 them? What implications do the existence of such services have for existing re-entry staff and how they remain connected with inmates once they return to the community? What are the implications for the URO mentors and how they function?
- Would extended use of existing systems help free up more time of the re-entry staff to cultivate the initial inmate connections within the jail, and prepare them for discharge with the appropriate tools to proceed, with less need for focus on post-release connections? Should the primary focus of re-entry staff going forward be on identifying individual needs of inmates and preparing them for re-entering the community and the connections they need to make, as well as the preparation of service providers for particular issues they are likely to need to address as they work with ex-inmates?
- Who needs to be working with community agencies to ensure the development of culturally sensitive communications skills in working with individuals from varied backgrounds coming out of the jail?
- Should the existing re-entry programs merge, or at least develop a clear structure with clear roles assigned to each? Should there be a single overall Re-entry Coordinator who holds all staff and functions accountable for clearly-defined goals? How do these programs coordinate with the Criminal Justice ATI board? Who at the County level is responsible for broad oversight of the overall re-entry efforts, beyond just the two basic programs, to ensure that overall systemic goals are being articulated and met?
- Who is responsible for ensuring that people leave the jail with clear plans and actions in place, and connections identified to address assessed needs? 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 and building on expanded in-jail services.
- Is the initial Reentry Subcommittee report's recommendation of creating two full-time Re-entry Coordinator/ Discharge Planner positions still viable, or are other models preferable? 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 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.

- What should be the role of mentors going forward? How should such resources be most effectively used? Are they best used to develop connections in the jail, or would they be more effective based in the community as resources available to help returning inmates make sure that they are able to access the services they need? Are changes needed in the allocation of the mentors and how those resources are best deployed to meet the needs of inmates re-entering the community?
- Is there value to having a central place for returning inmates to coordinate with post-release services in the community? Is there value to having a central office or location prominently featured in the community as a place where returning inmates can go to obtain support in accessing services? Is there value to using a location like the Day Reporting center for such purposes, or at least for access to employment/career counseling, given the Day Reporting staff person located there with an employment focus?
- How will the success of the re-entry efforts be measured in the future? 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, and 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?

Practical Reality: There are obviously many questions that need resolution related to the future of the re-entry initiative. It is critical that these issues get satisfactorily resolved, because the future ability to reduce recidivism and help keep many community members productively engaged in the community and outside the criminal justice system largely depends on it. When these issues are resolved and an efficiently-functioning re-entry system is fully in place, we believe that it is reasonable to anticipate that these efforts to limit the number of future “jail repeaters” will have a significant impact in reducing the future daily jail census. There is little quantitative basis for estimating what that impact will be, but we think it reasonable to **assume a reduction of 3 to 5 beds a night could result within two to three years of full re-entry implementation.** However, given that this initiative is still new and the outcomes not yet clear, **we have chosen to be conservative and not to include this estimate in our composite total days of potential impact on the jail population.**

Emerging Community-Based Options

In addition to the existing ATI options discussed above, other options are in various stages of planning and development within the community, each with potential

impacts on minimizing the jail population in the future. They are briefly summarized below:

Re-Entry Transitional Housing Support

OAR has received funding support to underwrite the purchase and development of this home, Endeavor House, in Ithaca. It is designed to provide stable transition housing for four or five former inmates returning to the community. From this support base, it is anticipated that the housemates will be able to work on other re-entry issues such as employment, mental health and substance abuse and other issues pertinent to each individual.

Practical Reality: With the home scheduled to open later this year, it will obviously be a while before its impact can be determined. Given its goal and working premise, it seems reasonable to assume that over time, working with people with a history of incarceration, having an opportunity to help stabilize their lives could have the practical effect of reducing future recidivism. We estimate a cumulative effect across all residents of the **equivalent of 1 bed per night avoided** during the course of a year. Because this is conjecture at this point, with no base of experience, **this is not counted in the expected total impact of options on the jail population of the future.**

Expanded Rehab Residential Treatment Facility

In addition to the rehab facility already operated by Cayuga Addiction Recovery Services (CARS), a new 25-bed rehab facility is being developed, with particular focus on women. The facility is targeted for a late 2019 opening.

Practical Reality: Because of its ability to reach out to women who have been historically delayed in being able to access rehab inpatient services, and because it adds local beds to the residential treatment options available to local residents, this new facility should help residents reduce the time from assessment to admission to treatment, without having to wait long periods to access a facility in other parts of the state. We are estimating, perhaps conservatively, that this option, by expediting access to treatment services for several women per year, will result in a **cumulative avoidance of a bed or more each night of the year on average.** This would be over and above the estimated five bed nights saved via the expanded substance abuse assessment and placement initiative discussed earlier in the chapter. This savings would of course not kick in until around 2019-20 when the facility is up and running.

Options for New Detox Facilities

There appears to be universal acknowledgement that too many people are admitted to the jail on a regular basis with serious alcohol or substance abuse overdose issues in need of detoxification. They are admitted to the jail in the absence of other options. The local hospital will provide some basic short-term detox in its emergency room, but without an overlapping additional medical issue, the hospital is unlikely to admit the person for continuing oversight. Ideally detox should be overseen in the context of a medical model, but with that option only partially available now in the community, admission to the jail has, ironically, become the only viable alternative for the several-day detox process to run its course, albeit with little medical oversight.

In response, the Tompkins County community has recognized the need for a non-incarceration option to providing detox services, and two models are currently under consideration:

Voluntary Detox/Stabilization Center. A proposal from the Alcohol and Drug Council, in conjunction with Cayuga Medical Center has received a half million dollar initial grant toward the development of a 20- to 24-bed voluntary residential detox facility that would combine an anticipated three to five days of detox followed by up to 14 days of stabilization. This in turn would be followed as needed with additional rehab time to be provided in the CARS residential facility. This detox center is expected to help relieve demands on both the local medical community and the jail.

Secure Short-term Detox Facility Linked to the Jail. Under this option, those needing detox, at least those who surface within the criminal justice system, would be referred as now to the jail, but to a detached detox unit. Rather than being integrated with the rest of the inmate population, those experiencing various phases of the detox experience would be isolated in a separate detox unit with appropriate oversight and medical support not now routinely available within the jail. Proponents of this option typically also support the voluntary detox option, but fear that without a secure option to which a person needing detox could be referred under court order, individuals could leave the voluntary facility prior to having received the full array of detox services and support. Once the initial detox has occurred under this secure option, it is possible that the person could then be transferred to the voluntary facility for stabilization and possible rehab follow-up. For a detox unit to be linked with the jail, it would presumably need to be either part of an addition built onto the current jail facility, or space would need to be cleared by reconfiguring the current Public Safety Building space by moving Sheriff and road patrol functions to a different location.

Practical Reality: It is possible that the community could go from no local full-service detox program to as many as two within a relatively short period of time. One option

could also be to try the voluntary model by itself on a pilot basis and see how well it does in retaining those who would otherwise have been referred to the jail for the detox period, and based on the trial period, then determine to what extent an additional secure experience in a separate unit may or may not be needed at the front end of the process.

Either way, whether with a single facility or a combination, criminal justice officials anticipate a major impact on the current jail facility. Informed estimates are that as many as 10 and some suggest more inmates per night are dealing with immediate drug/substance abuse or addiction issues at various stages of the detox process – inmates who would, under detox proposals, be removed from the main jail and its limited medical resources and placed in a separate detox unit with full medical oversight and treatment protocols. For planning purposes, we believe a realistic estimate would be to assume that the existence of the voluntary detox facility already in development, perhaps subsequently supplemented as needed by a front-end secure detox unit adjacent to the jail, would **remove an average of 8 inmates per night from the current jail facility**. The voluntary detox facility appears to be on track for startup within the next year. We anticipate that the projected reduction of occupied beds in the jail could begin as early as late 2018 or in 2019.

Proposed LEAD Program

The proposed Law Enforcement Assisted Diversion Program relies on law enforcement officers to divert individuals at the point of arrest or field contact to a community-based intervention, as part of an effort to divert them from, or minimize, their involvement in the early stages of the criminal justice system. The intent of LEAD is to refer individuals to services designed to address the individual's underlying lifestyle, medical or behavioral health or substance use needs, with the goal of helping get the person's life on track and avoid future recidivism within the criminal justice system. To the extent that officers are already issuing appearance tickets, the addition of an accompanying diversion/service referral may be seen by some as a logical extension of current efforts, as long as a person is available to follow through on the referral. A case manager is typically part of such a program, as the person accepting the handoffs from law enforcement and helping to effect the referrals and followup with service and treatment providers. All of this concept seems to have support within Tompkins County at this point, but no case manager position exists, and implementation has yet to begin.

Practical Reality: The ability of this proposed program to succeed is dependent of course on the cooperation of the local law enforcement community, and equally on the effectiveness of a case manager to make appropriate referrals to community

agencies, and to ensure that needed services result from the referrals. It seems reasonable that any decision about the case manager position should be made in the context of discussions about the re-entry program. For example, could a position that is part of the re-entry structure moving forward also double as the point person/case manager for LEAD referrals? Or could there be a linkage with a care manager in the health home network within the behavioral health/mental health system? Such efficiencies would seem worth exploring before final decisions are made.

LEAD would appear to be a promising opportunity with the potential both to divert individuals in the short run from the jail, as well as to have an even greater longer-term impact on reducing recidivism. Without knowing how this initiative may evolve, and how extensively it may or may not be implemented, **it is premature at this time to estimate any jail day savings resulting from this proposed approach.**

Additional Options for Consideration

In addition to the options outlined above, that either already exist or are in various stages of planning and implementation, various other initiatives from other communities seem worthy of community consideration. Some have been tested and evaluated in other communities, while others are more in the conceptual stages of development. Some of the more promising of such options are briefly summarized in an Appendix to this report.

Opportunities/Challenges Facing the Community

Beyond issues discussed above, a variety of broad issues or challenges face the Tompkins County community that impact on the overall quality of life in the community and, at varying levels, on the numbers and makeup of the current and future jail population. These are issues which go far beyond the scope of what CGR was asked to do in this study, and in many respects are part of ongoing community conversations. They are briefly mentioned here only in passing, more as reminders of community-wide issues that may not bear directly or immediately on the jail population, but which certainly have an effect on the community environment which can impact the jail population of the future. We believe each of these is worthy of further consideration by the community. We comment in more detail on some of these and related issues in the context of the recommendations made in the final chapter. These types of issues include, but are not necessarily limited to:

- Need for expanded affordable quality housing, expanded employment opportunities, transportation that can meet needs of rural residents and residents

working in off hours – needs that affect those returning from jail as well as the broad community. Expanded attention to these issues can also have a preventive effect in helping reduce motives to enter into criminal behavior.

- Perceptions of racism in the community and within the criminal justice system, and related issues of inclusion or lack thereof in discussions about solutions to community issues. These perceptions are heightened by data reflecting disproportionate concentrations of people of color in the criminal justice system.
- A related issue has to do with the perception among many that there needs to be increased focus on cultural competence across public and community-based agencies that are integral parts of many of the options raised above for community consideration. As agencies deal with diverse residents in the community, and are asked to work with growing numbers of individuals from diverse backgrounds returning from the jail, it will be increasingly important that the internal culture of these agencies is sensitive to different cultural backgrounds and that staff are comfortable working with, and sensitive to, people coming to their agencies with increasingly diverse backgrounds and expectations.
- Restorative justice concepts and approaches have been raised during our community conversations as potential new ways of resolving issues more typically addressed in confrontational modes within the criminal justice system and other segments of the community. The potential for developing community leadership around such issues has been discussed, and this is addressed further in the final chapter of the report.
- With community residents between the ages of 16 and 24 making up the largest segment of the adult population in the county, and the proportions of those ages beginning to decline in the jail, there appears to be an opportunity to build on and reinforce those trends by providing expanded services targeted to young adults in their crime-prone years, with more focus on employment readiness, training and job opportunities, and on expanded GED, college readiness and non-college track educational opportunities for those outside the local college and university settings – all designed to provide options that will help prevent engagement in the criminal justice system among young adults in the future.

Summary Impact of Potential Jail-Reduction Strategies

Based on the options discussed above, Table 45 summarizes what we believe to be realistic estimates of jail bed days that could be saved/avoided per night if the following strategies were to be implemented by Tompkins County:

Table 45

Proposed Inmate-Reduction Strategies and Estimated Bed Days Saved

Strategy/Opportunity	Average Beds Saved per Night
Expanded substance abuse assessments and expedited access to residential rehab treatment	5
Increased Pre-Trial Release impact	6
Expanded use of Electronic Monitoring	10
Misdemeanor Drug Court expansion	5
Creation of medical detox apart from current jail	8
Total projected impact of beds saved per night every year	34 beds
Total beds saved after applying 15% correction factor	29 beds

CGR believes these to be realistic estimates of jail days that could be avoided or saved each night during the year, once these strategies are fully implemented. We believe that each of the potential approaches could be in place within a year, assuming the detox center is up and running that soon. We anticipate that with time factored in to enable the proposed strategies to be fully implemented and tested, the full jail-cell-reduction impact would be apparent within the next two to three years.

The table reflects the fact that we prefer to be conservative in our estimates, so we have applied a correction factor to our estimates of 34 beds saved per night. Based on the assumption that there could be some overlap in the above estimates (e.g., assume use of an EM device may help make possible a pre-trial release under supervision), we have assumed that there could be as much as a 15 percent overlap in these numbers. We have therefore applied a .85 correction factor to the total of 34. Thus for planning purposes, we are assuming that **full implementation of these options would result in a reduction in the average jail census per night of 29 beds** below current census counts, and below future projections of occupied beds, as outlined in the next chapter.

The actual number of potential reductions in occupied jail beds could be even higher in the future. We have not included in these estimates the following additional potential savings that we believe to be reasonable in the future:

- Re-entry services once fully implemented: 3-5 bed days saved per night
- Transitional housing support once fully implemented: 1 day
- New CARS rehab facility once fully implemented: 1 day
- Changes in PSI recommendations: 2-3 days

- Parole if can obtain state support: 2-3 days
- Days saved by releasing all those with bail of less than \$1,000: 5 days (we have not counted this separately on the assumption that these days are covered in other strategies, but it is possible that at least one or two of these days would not be covered elsewhere).

Thus we believe it is completely realistic to plan for a reduction within two to three years of 29 beds per night, assuming these strategies are fully implemented. We also think it is not unreasonable to consider that this could be a conservative estimate, and that actual reductions could wind up closer to 35 beds per night over the next few years as other longer-term approaches/strategies are implemented.

IX. Future Projections

CGR's approach to estimating the likely future population of the Tompkins County Jail is based on five main components:

- An age and gender profile of inmates in the Tompkins County Jail, factoring in what we know about race and poverty
- Cornell University's 2015-2040 population projections for Tompkins County
- The average daily census of the Tompkins County Jail
- Trends in the Tompkins County Jail average daily census over time
- The anticipated impact of the changes recommended in this study.

The first four components are discussed below, assuming no programmatic changes, while the anticipated impact of the recommended changes was discussed above in Chapter VIII. The five components are tied together, overlaying trends and projections with estimated impacts of programmatic changes, at the end of this chapter.

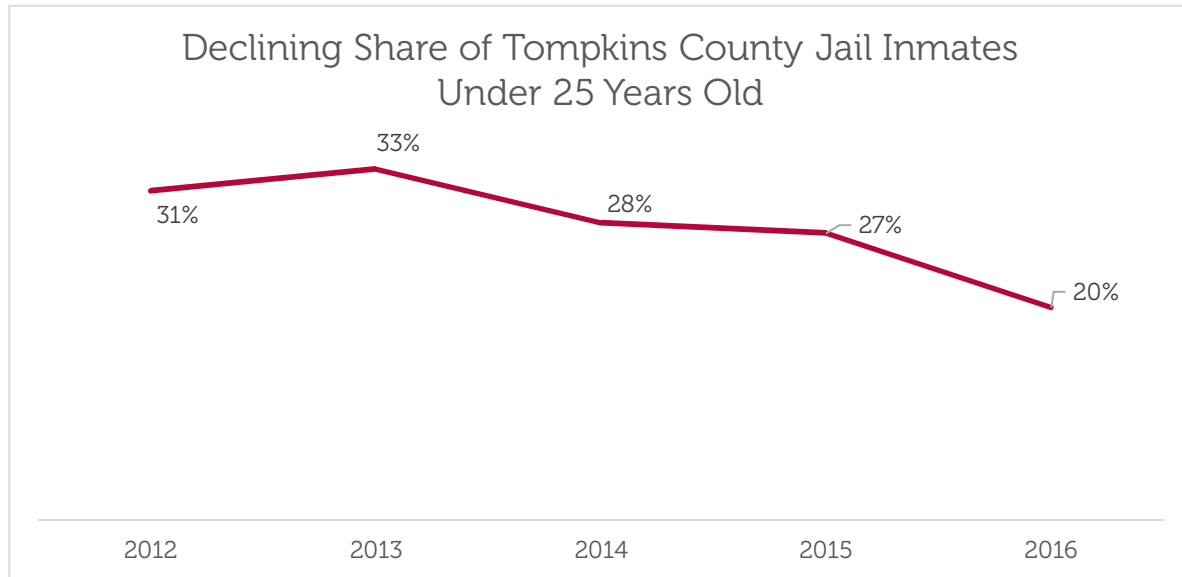
Jail Demographic Profile

CGR has examined a number of descriptive demographic characteristics of the Tompkins County jail, including age, gender, race/ethnicity, education and employment levels and many others. However, only age and gender were included in this effort to project the future jail census, primarily because those are the only demographic components included in typical population projections (described in detail below).

Age and gender are key factors to predicting a jail's future population, as inmates tend to be younger men relative to the overall county population.

Interestingly, while the Tompkins County jail has consistently remained around 80 percent male and 20 percent female for the past five years, the jail has experienced a declining share of younger inmates throughout that period, as reflected in Graph 29.

Graph 29



This trend, if it continues, could have a significant impact on the jail's future population. While the number of adults 25 to 34 in Tompkins County is expected to decline considerably over the next 25 years, the number of younger adult residents is projected to remain much more stable. To account for this shift, CGR prepared two separate demographic profiles of the Tompkins County jail, one based on the jail's 2012-2016 demographic profile (Table 46), and the other based on the jail's 2016 profile alone (Table 47). The two demographic profiles are detailed below.

Table 46

2012-2016 Jail Demographic Profile		
Age Group	Female	Male
Under 20	1.6%	7.2%
20 to 24	4.0%	16.0%
25 to 29	3.4%	15.2%
30 to 34	3.6%	12.8%
35 to 39	2.6%	8.8%
40 to 54	4.0%	16.0%
55+	0.8%	3.2%
Total	20%	80%

Table 47

2016 Jail Demographic Profile		
Age Group	Female	Male
Under 20	1.4%	3.3%
20 to 24	2.7%	12.6%
25 to 29	4.9%	15.5%
30 to 34	4.1%	14.7%
35 to 39	3.3%	11.1%
40 to 54	3.8%	18.1%
55+	0.5%	3.8%
Total	21%	79%

Tompkins County Future Population Estimates

As noted earlier, for this study CGR is relying upon the methodology and assumptions of Cornell University's Program on Applied Demographics projections, which produce future population estimates in five-year increments for each county in New York State. Had we chosen to use the Woods and Poole projections also known to the County, population projections would have been somewhat higher in future years, rather than the declines forecast by Cornell. We believe the latter are more realistic. Regardless of the population projection method used, however, its impact is far outweighed by the estimated programmatic impacts on the jail population outlined in the previous chapter, and summarized at the end of this chapter.

According to the Cornell projections, as indicated in Table 48, Tompkins County will experience a 3 percent decline in overall population from 2015 to 2040 (101,657 to 98,606).¹³ The 16+ population is also expected to decline by 3 percent from 86,156 to 83,333. The rate of change varies considerably by age group and gender, though, with a larger decline expected among male residents.

¹³ Cornell's original projections for 2015 were 101,657, but as shown earlier, the 2011-15 Census Bureau's American Community Survey's 5-year estimate was 103,855. These differences have been factored into the projections for the outlying 5-year intervals beginning in 2020.

Table 48

Female	2015 Pop	2015 - 2020 % Change	2015- 2025 % Change	2015-2030 % Change	2015- 2035 % Change	2015- 2040 % Change
16 to 19	4,382	3.9%	4.4%	6.9%	7.2%	7.3%
20 to 24	9,213	-6.4%	-4.4%	-3.5%	-2.2%	-2.2%
25 to 29	3,725	3.2%	-7.4%	-9.0%	-11.3%	-12.9%
30 to 34	3,259	-0.6%	-1.0%	-9.9%	-10.5%	-11.6%
35 to 39	2,702	10.0%	8.8%	7.4%	-1.7%	-1.6%
40 to 54	8,157	-4.7%	-3.9%	-0.9%	0.3%	-3.1%
55+	12,827	4.1%	5.6%	4.4%	2.9%	2.2%
Total	44,265	0.2%	0.3%	0.0%	-0.7%	-1.7%
Male	2015 Pop	2015- 2020 % Change	2015- 2025 % Change	2015- 2030 % Change	2015- 2035 % Change	2015- 2040 % Change
16 to 19	4,251	4.4%	5.1%	6.4%	6.6%	6.4%
20 to 24	9,674	-6.9%	-4.9%	-3.9%	-2.9%	-2.9%
25 to 29	3,917	2.5%	-8.4%	-10.1%	-12.8%	-14.6%
30 to 34	3,170	0.0%	-1.3%	-10.3%	-11.3%	-12.6%
35 to 39	2,462	8.1%	7.1%	4.8%	-4.3%	-4.8%
40 to 54	7,715	-3.7%	-4.4%	-2.9%	-2.3%	-5.8%
55+	10,702	1.7%	1.8%	-0.7%	-3.4%	-4.8%
Total	41,891	-0.7%	-1.4%	-2.4%	-3.6%	-4.9%

Average Daily Census Baseline

Determining the baseline average daily jail census is an important, and challenging factor in estimating the future jail population. For this analysis, CGR prepared four different census baselines. As noted earlier in this report, the Tompkins County jail's census has been abnormally low (relative to the past ten years) since August, 2016. This recent trend complicates our effort to establish a baseline census from which to calculate an expected future jail population, as it is unclear whether this persistently low census since August 2016 represents a new normal in the jail, or is simply a short term blip that will inevitably recede.

CGR prepared four different jail census baselines to inform our future population estimates. These markedly different baselines demonstrate the uncertainty inherent in estimating the likely future census of the Tompkins County Jail.

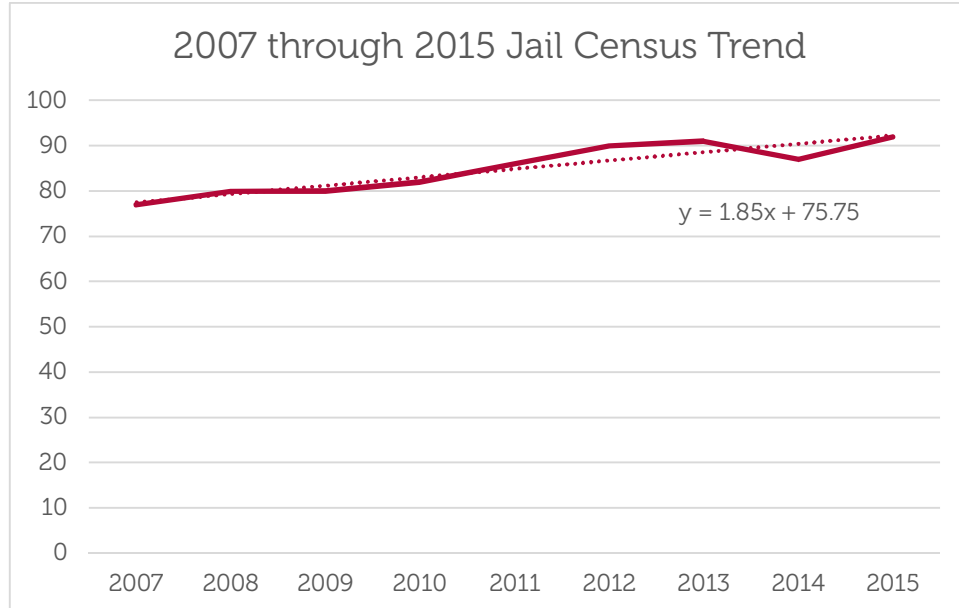
- January 2012 through July 2016 Average – 89.18
- January 2012 through December 2016 Average – 86.84
- January 2016 through April 2017 Average - 78.69
- August 2016 through April 2017 Average – 72.56

Jail Census Trends

The recent changes in the Tompkins County Jail average daily census also complicate our efforts to confidently establish a long term jail census trend. Each of the trends calculated below would, if they continued, significantly impact the jail census, particularly in the latter years of our estimates.

If this study had begun earlier in 2016, CGR would have likely relied upon the long term trend detailed below in Graph 30. Doing so would have prompted us to build an annual census increase of 1.85 inmates per night into our estimates of the future jail population, minus any impact resulting from programmatic changes. While not a substantial total in one or two years, the cumulative effect of this trend over 20 years would be considerable.

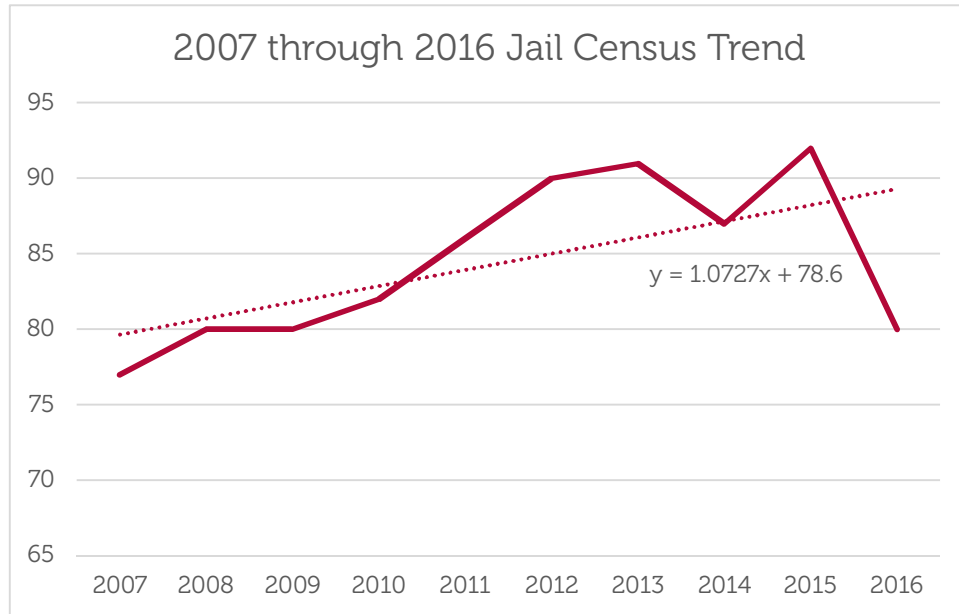
Graph 30



However, reduction in the jail's census from August, 2016 through the end of the year had a notable impact on the anticipated annual census increase. Adding data from

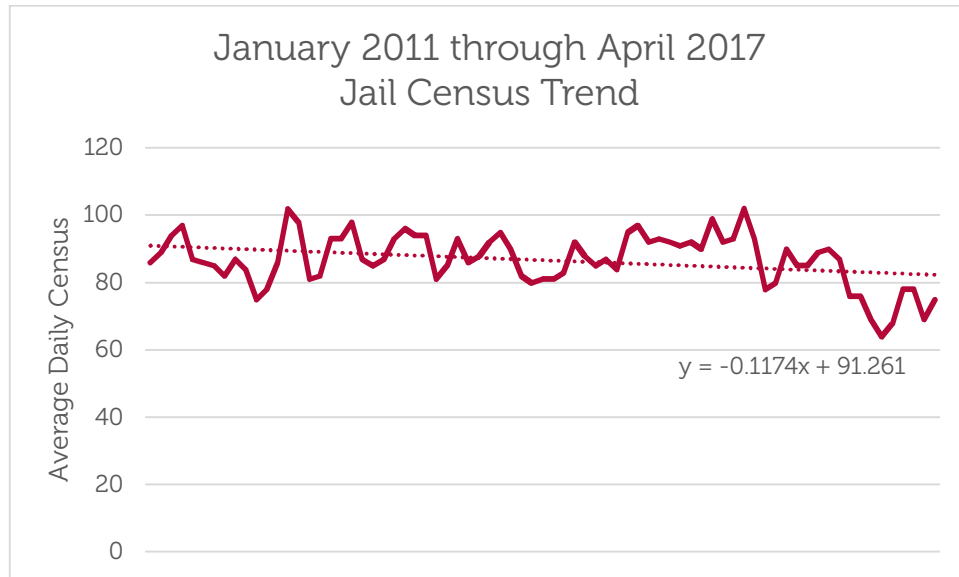
2016 to our estimates reduces the expected annual increase from 1.85 beds per night per year to 1.07, as indicated in Graph 31. Over 20 years, this reduces that anticipated increase by more than 15 beds/inmates per day (before factoring in demographic changes).

Graph 31



Finally, if one adopts a more responsive trend line, based on the monthly average census from January 2011 through April 2017, we discover a slight downward trend, reflected in Graph 32. When annualized, this trend would reduce the census by an average of 1.41 per night per year.

Graph 32



Methodology

CGR's basic methodology for projecting the future census of the Tompkins County jail is outlined below

- Calculate the relative share of each gender and age combination of jail inmates
- Apply the average daily jail census baselines to that demographic profile
- Multiply the share of jail census for each age and gender combination by the anticipated population change rate for that age and gender group in Tompkins County in five-year increments
- Apply the trend estimate

The sum of each of these individual calculations (by five-year increments) creates a future average jail census estimate. For example, 25 to 29 year old men (at admission) comprised 15 percent of the total jail population in 2012-2016. If the average jail census during this time was 88 inmates per day, 25 to 29 year old men occupied 13.38 beds per day over this period.

Our methodology then incorporates the future population projections for Tompkins County, which project that the number of 25 to 29 year old males in Tompkins County is expected to decline from 3,917 in 2015 to 3,344 in 2040. If this 15 percent decline is reflected in the Tompkins County jail population, 25 to 29 year old males will occupy an average of 11.42 jail beds per day in 2040.

Peak Factor and Classification Issues

CGR examined quarterly Commission of Correction census data regarding census variations in the Tompkins County jail. These data revealed that the highest census on a day in a particular quarter from 2011 through 2016 was 5 percent to 16 percent higher than the average census during that period. Accordingly, to avoid the need to board inmates out to other county jails, the Tompkins County jail would ideally need the capacity to manage a likely short-term census as much as 16 percent higher than the average census during a particular period.

In addition, classification concerns can limit the ability to fully use the jail's licensed capacity of 82 beds. Classification issues could result in as few as 80 percent of beds being available for use at a particular time. Therefore, the effective capacity of the jail is often as low as 66 beds (in the absence of a variance). Given the variability in the daily census, the average census for a given period would need to be no more than approximately 56 inmates per day to fully avoid the need for any board-outs in the future.

These numbers assume that the County would be preparing for the worst case scenario and planning for that – i.e., planning for a jail that could always accommodate the worst possible combination of classification restrictions and a peak census of 16 percent over the average, the highest at any time in the past six years. Such a combination is likely to occur rarely if ever, so is probably not realistic in determining numbers of cells needed for the future. But we have incorporated these numbers in the following scenarios so the County can understand what would be necessary to avoid virtually any prospect of future boarding-out of inmates. What is probably more realistic is to create future scenarios that will limit the future daily census as much as possible, but recognize that some boarding out may occasionally be necessary, given rare days when the perfect storm of classification restrictions and peak numbers of inmates come together.

Scenarios

CGR prepared five different estimates of the Tompkins County jail's expected future census, summarized in Table 49. All five estimates rely on the jail's demographic profile, recent average censuses at the jail, and expected population changes in Tompkins County. Scenarios 4 and 5 also incorporate trends in the jail's census. None of these scenarios incorporate any estimates of the impact of recommendations found elsewhere in this report, although those estimates will be applied to these scenarios at the end of this chapter and in the conclusions in Chapter X.

Table 49

Scenario	Jail Demographic Profile	Average Daily Census Baseline	Trend
Scenario 1	2012-16 Profile	2012–16	No Trend
Scenario 2	2016 Profile	January '16 through April '17	No Trend
Scenario 3	2016 Profile	August '16 through April '17	No Trend
Scenario 4	2016 Profile	January '16 through April '17	2012 – April '17 Trend
Scenario 5	2012-16 Profile	January '12-July '16	2007-15 Trend

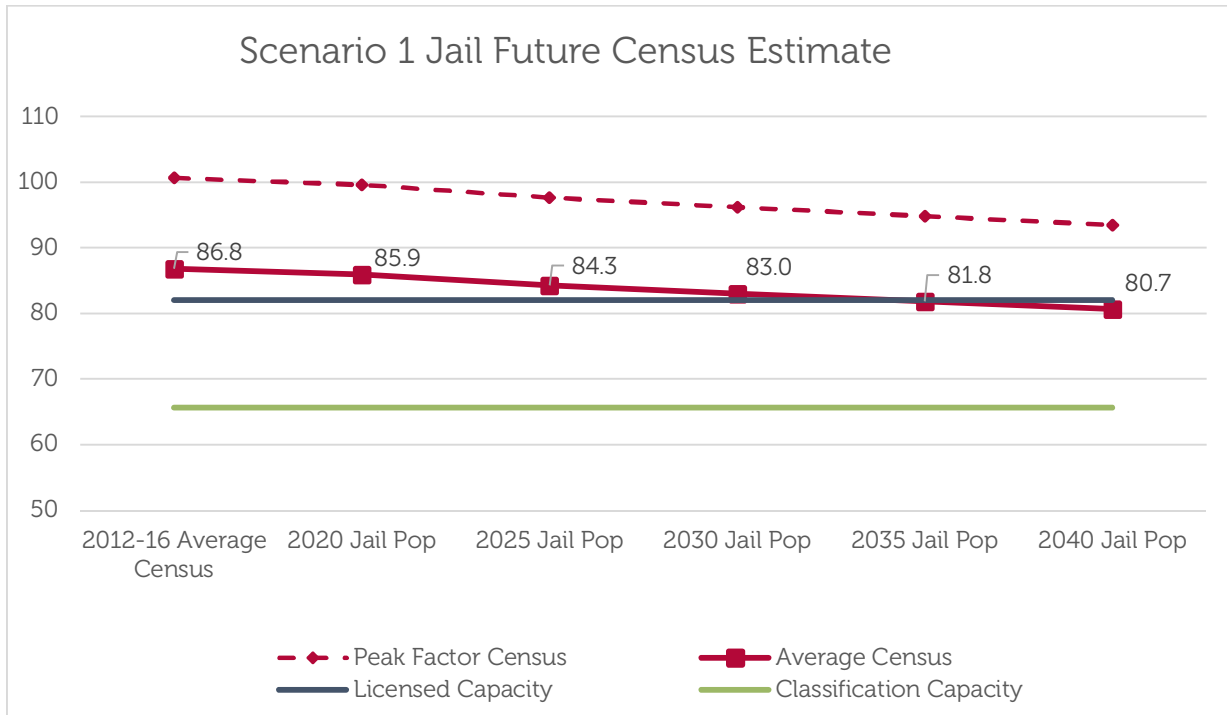
In all scenarios but one, the expected decline in population in Tompkins County, particularly among residents in more crime-prone age groups, indicates that over the next 25 years, demand for jail beds will decline somewhat. Obviously, a great deal can change over the course of the next 25 years, but if these demographic patterns hold, and are accompanied by a commensurate reduction in crime, the average daily population of the Tompkins County jail will slowly decline on its own, with no other intervening strategies. However, the rate of decline, and the baseline from which to measure the decline, could vary greatly, as shown below.

Scenario 1

One approach to estimating the future jail census is to simply use the average daily census over the past five years and apply the jail's demographic profile over those years to the anticipated demographic changes that will take place in Tompkins County from 2015 to 2040. This scenario does not assume any underlying jail census trend. The demographic changes anticipated for Tompkins County over the next 25 years would result in an anticipated 7 percent reduction in the jail's census from the baseline of 86.8 in 2012-16 to 80.7 in 2040.

As Graph 33 indicates, while the average daily census would decline under this scenario, it would remain above the jail's licensed capacity until 2035. When one accounts for classification issues or the day-to-day variation in the jail's population (also known as the jail's peak factor), it seems likely that the jail would retain a substantial need to continue boarding out inmates.

Graph 33

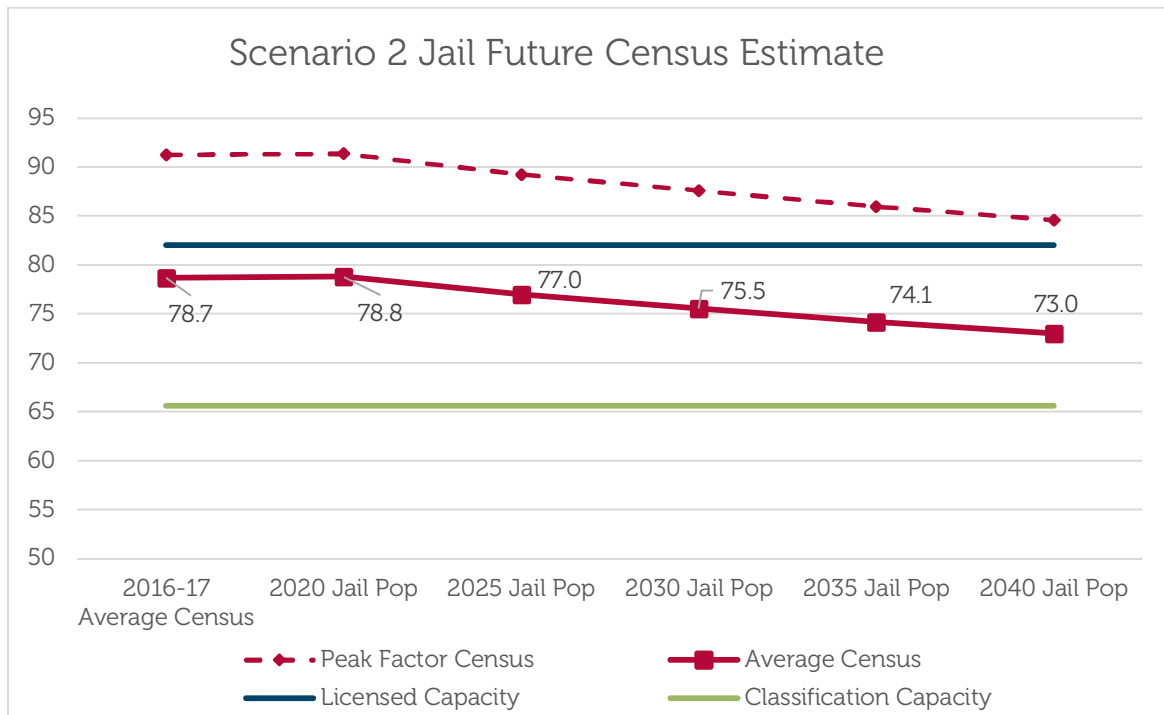


Scenario 2

Another approach to estimating the future census of the Tompkins County jail relies on a more recent profile of jail inmates and the average daily census. Specifically, this scenario relies upon the 2016 jail demographic profile and the average monthly census from January 2016 through April 2017. This scenario also does not assume any underlying jail census trend, and merely applies the demographic estimates on a more recent baseline census and jail demographic profile.

While this scenario does envision an average jail census below the facility's licensed capacity of 82 beds, as shown in Graph 34, it is likely that given classification and regular fluctuations in the census, Tompkins County would likely still need to board out some number of inmates each year.

Graph 34

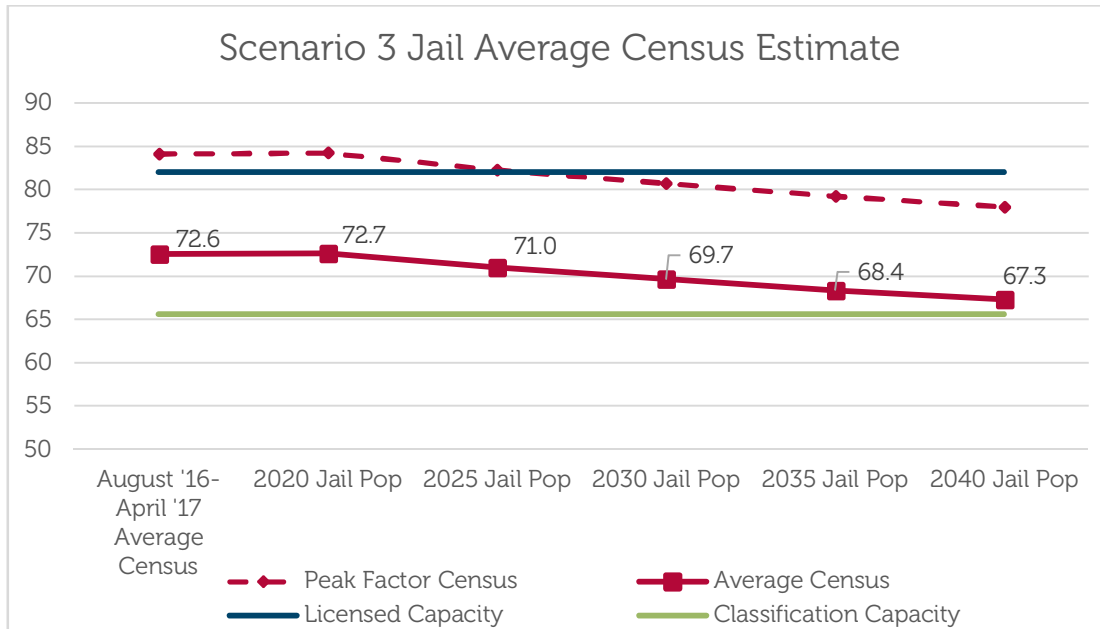


Scenario 3

The third scenario explored by CGR assumes that the lower average census that emerged in August, 2016 is not temporary, but instead represents a new normal jail bed usage. Specifically, this estimate relies upon the average monthly census from August, 2016 through April, 2017, and the 2016 jail demographic profile. It does not include any trend line.

As with Scenario 2, the average daily census at the Tompkins County jail in this scenario is below the licensed capacity of the facility, and the peak factor census will fall below the licensed capacity after 2030, as shown in Graph 35. However, given classification constraints, it is likely that the County would still need to occasionally rely on board outs to other counties.

Graph 35

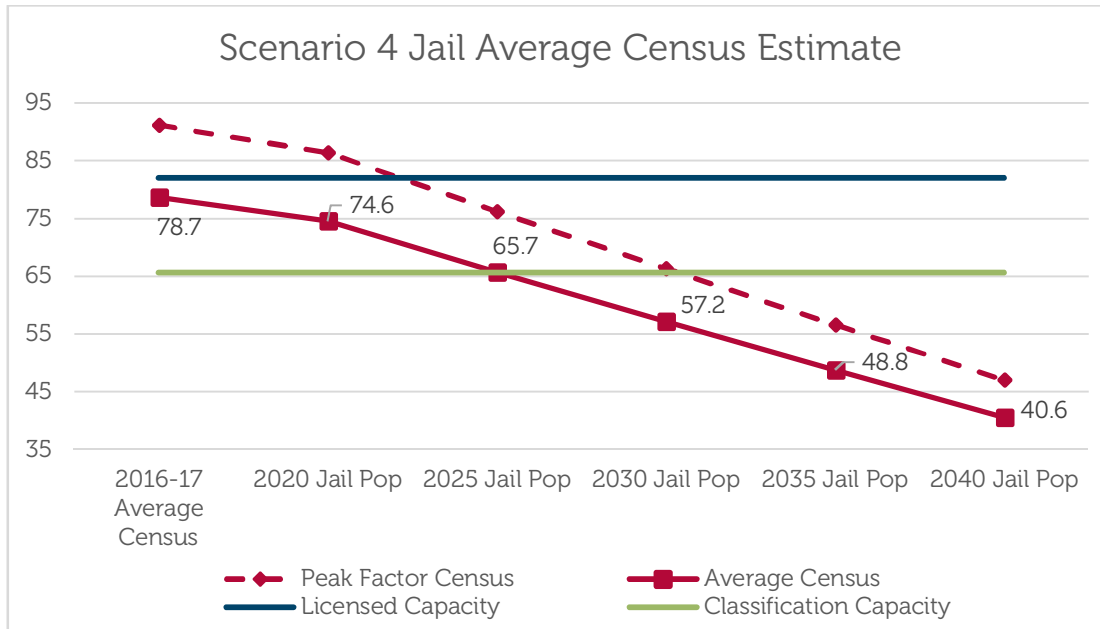


Scenario 4

As noted above, even a minor trend in a jail's average census can, if it continues, have an enormous impact over the course of many years. The slight downward trend in the jail's census from January, 2011 through April, 2017, when combined with the expected demographic changes in Tompkins County and applied to a relatively low baseline census, has a considerable effect over time.

Graph 36 applies the 1.40 annualized decline in the jail's daily census since 2011 to the assumptions that formed Scenario 2 above. The compound effect of that annual decline and the expected demographic changes in the future would result in a 46 percent reduction in the jail's average census from 2016 to 2040.

Graph 36



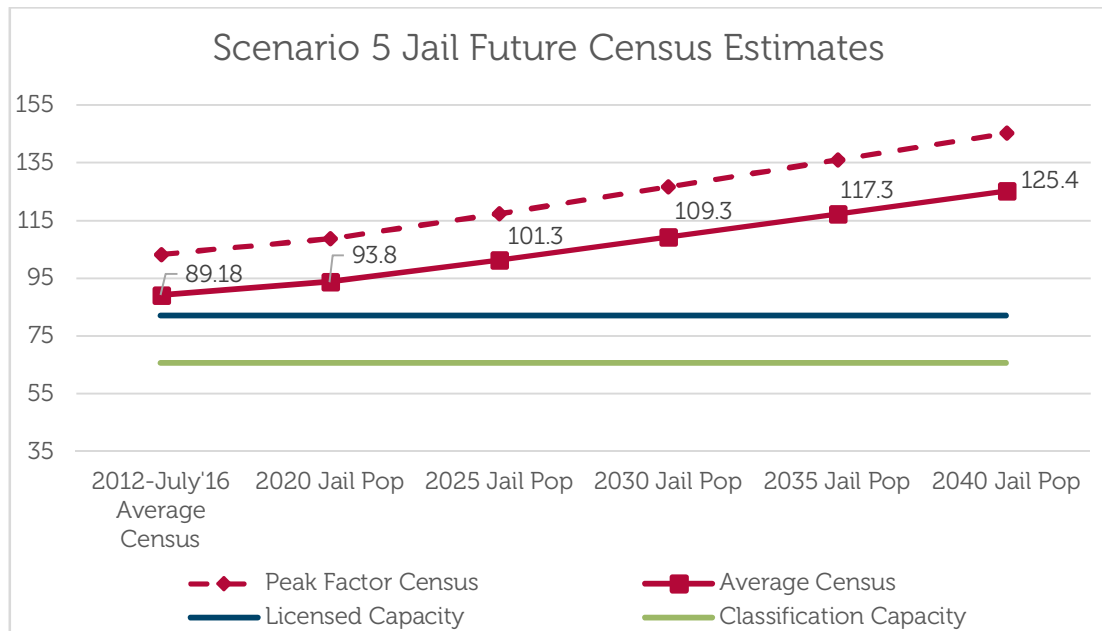
Under this scenario, the jail would stop needing to board out inmates due to classification concerns in 2025 and due to routine fluctuations in usage (combined with classification concerns) in 2030.

Scenario 5

This final scenario was developed in part to show the limitations of this approach to estimating the future jail population on these quantitative data factors alone. If CGR had been asked to estimate the future census of the Tompkins County Jail during the middle of 2016, we would have relied upon the average census from 2012 through the middle of 2016, the jail's demographic profile from 2012 to 2016, and a multi-year trend showing an increased jail census over the years. Specifically, an annual increase of 1.85 inmates per year from 2007 through 2015.

Under this scenario, as shown in Graph 37, the Tompkins County jail would exceed an average of 100 inmates per day in 2025, and reach 125 inmates on average in 2040. This increase is offset slightly by the changing demographic patterns in Tompkins County, as the average census would be nearly 132 inmates per day if the 2015 population profile continued indefinitely.

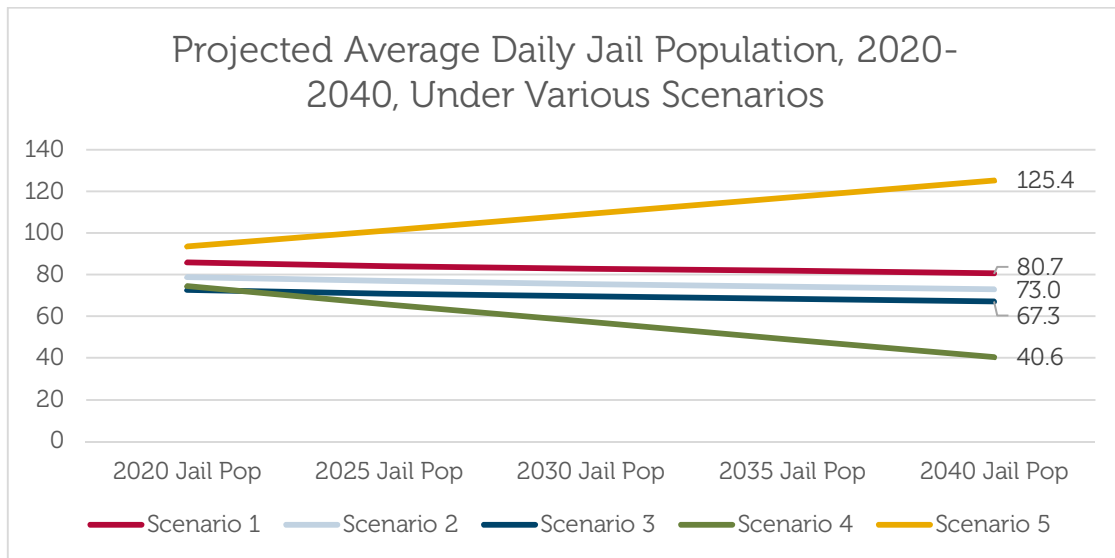
Graph 37



Future Census Projection Conclusion

Each of the five scenarios presented above relies on the same core set of information, but arrives at vastly different projections. This highlights the uncertainty of making long range projections about the likely future jail census. Given the five projections summarized in Graph 38 below, it appears wise to discard scenarios 4 and 5. Scenario 4 assumes that a short term downward trend in the jail's census will continue in perpetuity, while Scenario 5 discounts what appears to be a significant shift in jail admissions in Tompkins County over the past year.

Graph 38



Therefore, it is our assessment that the likely future average daily census of the Tompkins County Jail, not yet factoring in any potential implementation of the options outlined in Chapter VIII, would lie somewhere in the range of scenarios 1, 2, and 3. As shown in Table 50, in all instances, the average daily jail population would decline from 2020 to 2040, but the County would struggle to avoid boarding out inmates to other counties (peak days are not included in this table).

Table 50

Scenario	Baseline Census	2020 Jail Census	2025 Jail Census	2030 Jail Census	2035 Jail Census	2040 Jail Census
One	86.8	85.9	84.3	83.0	81.8	80.7
Two	78.7	78.8	77.0	75.5	74.1	73.0
Three	72.6	72.7	71.0	69.7	68.4	67.3

Impact of Recommendations on Long Term Projections

As noted in Chapter VIII, we believe that, upon the full implementation of a number of different strategies, 29 jail bed days can be reduced from the current census levels. If the average census were to decline for reasons unrelated to these strategies (such as through the various scenarios listed above), the number of days reduced by these

interventions would likely decline as well, since a smaller denominator from which to calculate the expected reduction would likely result in a smaller total reduction.

Therefore, it seems wise to treat these 29 jail bed days as a percentage of the jail's census. These 29 days represent a 37 percent reduction off Scenario 2's baseline census (29 of 78.7). If that 37 percent reduction is applied consistently across the three most likely projected future jail census scenarios outlined above, Tompkins County would be able to avoid the need to expand the number of beds available in the jail, as summarized in Table 51.

Table 51

Year		Scenario		
		One	Two	Three
2016 Baseline Census		86.8	78.7	72.6
2020 Jail Census	Base Estimate	85.9	78.8	72.7
	w/ 37% Reduction	54.1	49.6	45.8
2025 Jail Census	Base Estimate	84.3	77.0	71.0
	w/ 37% Reduction	53.1	48.5	44.7
2030 Jail Census	Base Estimate	83.0	75.5	69.7
	w/ 37% Reduction	52.3	47.6	43.9
2035 Jail Census	Base Estimate	81.8	74.1	68.4
	w/ 37% Reduction	51.5	46.7	43.1
2040 Jail Census	Base Estimate	80.7	73.0	67.3
	w/ 37% Reduction	50.8	46.0	42.4

X. Conclusions and Recommendations

The conclusions and recommendations outlined in this concluding chapter are based on a thorough review of the census and admission trends at the Tompkins County jail in recent years; the demographic characteristics and criminal justice histories of the inmates over that period; historic arrest and disposition patterns in the county over those same years; an assessment of the array of existing and evolving Alternative-to-Incarceration and other community-based programs having implications for the jail; the development of projections of jail beds needed over the next 25 years under various scenarios and assumptions; and extensive discussions and community meetings involving well over 125 community stakeholders representing a wide range of official positions and community perspectives covering virtually all sides of the ongoing community discussion about the County jail and its future.

Conclusions

Our core conclusion is: *There is no convincing rationale for building a new jail, or for expanding the number of beds in the existing one.*

Indeed the opposite is true: significant reductions in the jail population are highly likely by 2020 and beyond, based both on Tompkins County population projections over the next 25 years, and bed days that can be saved as a result of more effective use and expansion of selected ATI programs and community-based initiatives – assuming faithful implementation of the jail-inmate-reduction recommendations outlined below.

The County population, which has continued to increase steadily through 2015, is now projected to enter into a period of modest but steady decline from now through at least 2040. Projected declines are prominent among the most historically crime-prone years, coupled with recent declines in the jail population within the most populous 16-24 age range. These projected population trends, overlaid with trends in various ways of looking at the jail population over the years, suggest that *the average daily jail census will decline over the next 25 years, even if no changes are made in current practices and programs.*

Over and above these demographics-driven declines, *further reductions in the average daily census of at least 29 beds per night from current census levels should begin to occur within the next year and be fully in place by 2020 if recommended changes are made in several ATIs and community initiatives.*

The recommended inmate-reduction opportunities and estimated initial impact are spelled out in Table 52 below, a repeat of a table from Chapter VIII. Based on our analyses and evidence in some cases from other communities, we believe these estimates of beds avoided per night are realistic, feasible, and relatively easy and cost effective to implement. We also believe that it is realistic to expect that additional reductions of several additional beds per night could occur over the next few years as new approaches take effect.

Table 52

Proposed Inmate-Reduction Strategies and Estimated Bed Days Saved

Strategy/Opportunity	Average Beds Saved per Night
Expanded substance abuse assessments and expedited access to residential rehab treatment	5
Increased Pre-Trial Release impact	6
Expanded use of Electronic Monitoring	10
Misdemeanor Drug Court expansion	5
Creation of medical detox apart from current jail	8
Total projected impact of beds saved per night every year	34 beds
Total beds saved after applying 15% correction factor	29 beds

Using the logic spelled out in the previous chapter, converting the 29 beds to a percentage of the jail's census (a 37 percent reduction) under the three most probable population-driven scenarios outlined above, the average daily census in the jail is expected to fall within the following ranges in the five-year intervals between 2020 and 2040, as indicated in Table 53 (previously presented in Chapter IX).

Table 53

Year		Scenario		
		One	Two	Three
2016 Baseline Census		86.8	78.7	72.6
2020 Jail Census	Base Estimate	85.9	78.8	72.7
	w/ 37% Reduction	54.1	49.6	45.8
2025 Jail Census	Base Estimate	84.3	77.0	71.0
	w/ 37% Reduction	53.1	48.5	44.7
2030 Jail Census	Base Estimate	83.0	75.5	69.7
	w/ 37% Reduction	52.3	47.6	43.9
2035 Jail Census	Base Estimate	81.8	74.1	68.4
	w/ 37% Reduction	51.5	46.7	43.1
2040 Jail Census	Base Estimate	80.7	73.0	67.3
	w/ 37% Reduction	50.8	46.0	42.4

Depending on which of the three population- and demographic-driven projection scenarios is favored by the County, CGR estimates that **by 2020 the average number of occupied inmate beds per night in the jail would be as few as 46 and no more than 54**. By 2040, the projected range in occupied beds would be reduced to 42 to 51, based on the combination of population-driven projections and recommended strategies to reduce needed beds.¹⁴

These projections fall well below levels needed to account for classification restrictions and occasional peak daily spikes above the average daily census.

More specifically, implementation of the bed-reduction strategies will enable occupied beds per night to fall well below the 80 percent classification guidelines that can restrict the 82-bed official capacity of the Tompkins County jail (minus temporary variance) to as few as 66 available beds under certain classification restrictions. Beyond that, given the need ideally to account for occasional spikes of up to 16 percent above the average daily census, the Tompkins County jail would need to maintain an average daily census below 56 to avoid needing to board out inmates during peak days. The 37 percent reduction in the average daily census by 2020 and in subsequent years would achieve that goal under all three plausible scenarios.

¹⁴ Even if the Woods and Poole projections had been used, projecting population increases rather than declines, this projected range of occupied beds would still have been much lower than current census numbers, spanning a range of 52 to 61, based on the various scenarios.

It should be noted that this does not mean that there will never be a need to board out an occasional individual in the future, as a perfect storm of classification restrictions and peak census on a given day could force the jail to do so on a rare occasion. But it does mean that, with the recommended bed-reduction strategies fully in place, the need for boarding out should continue to be an increasingly rare event in future years.

Recommendations

Building on our overall conclusions, we offer the following specific recommendations. Much of the details supporting many of the recommendations can be found in earlier chapters, particularly Chapter VIII, and may not be repeated here. It is important to note that the recommendations are only as good as the ability and will of the Legislature, the community, various components of the criminal justice system and community-based agencies to implement them. Successful implementation will necessitate a collaborative relationship and spirit of cooperation and communication between judges, Probation and ATI programs, District Attorney's office, defense attorneys, jail officials, and selected community service providers – as well as support from the County Legislature, Criminal Justice ATI Board and the larger community. With the working relationships that currently exist within the County, including collaborative efforts guided in part through the efforts of the Criminal Justice ATI Board, we are confident that the recommendations presented in this report will be implemented in good faith by the affected parties working together for the public good.

Recommendations Supporting Inmate-Reduction Strategies

- ❖ *Tompkins County should not build a new jail or expand the number of beds in its existing jail facility.*

Consistent with our core conclusion, our lead recommendation is that there is no justification for the County to consider any expansion of its existing jail-cell footprint, unless it simply decides it wishes to build a more modern facility enabling direct supervision and greater flexibility in the provision of correctional services.

However, there is a need for more space to accommodate needed expanded services, but we suggest ways in a recommendation below that would enable expanded space to be created within the existing public safety building facility, without having to do any new construction. And from a daily inmate census perspective, there is simply no justification for additional beds being needed in the foreseeable future.

❖ ***Tompkins County should begin to implement each of the inmate-reduction strategies outlined above within a year.***

The County, with the support of specific agencies, is in position to begin to implement these recommendations, in some cases on a pilot basis, over the next several months. The one exception could be the detox recommendation, where the lead agency is the community-based Alcohol and Drug Council. As of now, we understand that this voluntary detox center appears to be on schedule to open within the next year, though many decisions have yet to be worked out. During that time, the County can begin to analyze and begin to make a decision about whether, in addition to the creation of the voluntary detox center under the auspices of the ADC, it wishes to also consider creating a mandatory secure short-term detox facility connected with the jail.

❖ ***Expand substance abuse assessments and expedite access to residential rehab treatment.***

Implementation of this recommendation would involve some reallocation of time of the DSS nurse assigned to complete assessments upon referral at the jail. Our assumption is that as outlined in Chapter VIII, more cases would be referred for assessments, so more of her time would be spent doing jail assessments and follow-through to expedite placements in appropriate rehab facilities. But we expect no additional staffing costs to result, as we anticipate, based on discussions with affected staff, that other assignments could be absorbed without adding to staffing levels. There may be a need to create more space within the jail for her to do more assessments, but at least in the short run this would appear to be a matter of continuing to juggle existing space, as the jail has become a master at doing under difficult conditions. Longer-term space issues are covered in a subsequent set of recommendations below.

❖ ***Increase the impact of Pre-Trial Release.***

The County and Probation should begin to implement this detailed recommendation on a pilot basis as outlined in Chapter VIII. At least initially, there should be no added staff or costs associated with this expanded role of PTR, as any expanded interviews, recommendations and resulting supervision can be handled by the PTR Probation Assistant, perhaps with supervision assistance from an existing Probation Officer. Beyond that, based on the pilot project, determination would be made concerning whether there are any long-term implications for new staff or reallocation of time of existing staff.

❖ ***Expand the use of Electronic Monitoring.***

This expansion should involve no additional staff. Any additional costs of using the unit/ankle bracelet (\$7 a day) should be absorbed entirely or in large part within the existing EM budget line, which has typically been significantly underspent in recent years. The Probation Department already has 16 units in place. The expanded scale we have recommended may involve some additional daily use costs, but this should have a modest impact on the existing budget, or may at most necessitate a request for a modest budget line increase. Equally crucial for this recommendation to be fully implemented is for providers and potential users of this option to reach agreement on its value. Up to this point, this ATI has been relatively underused, as noted earlier, so different components of the criminal justice system must reach a greater mutual understanding of the value of the option and the variety of circumstances in which it can act as a valuable alternative to a jail remand, sentence or sanction. A pilot test of the projected increase in use of this option would determine whether additional staff, or reallocation of existing staff time, would be needed to monitor increased usage.

❖ ***Expand the use of Misdemeanor Drug Court.***

Expansion should be accomplished at least in part by attempting to obtain more referrals from justice courts. At least initially, we anticipate that the proposed expansion of 10 Drug Court slots should be able to be absorbed within the work load of existing Probation and DC Coordinator staff. We have proposed that this expansion be done on a pilot basis to assess the impact on existing staff and whether future adjustments may be needed going forward. The issue may be in part a question of whether the DC Coordinator can absorb the additional cases, and if not, whether the Office of Court Administration will make a decision to provide support for additional staffing – or if the County would subsidize such costs if necessary. Tracking during the pilot period the added time spent on additional admissions to DC, and what impact it has on other ongoing cases already on the caseload, should provide the information needed to know if added costs may be needed in the future, either for expanded Probation or Court Coordinator positions.

❖ ***Support Creation of Non-Jail Medical Detox Capacity.***

The County should fully support the new voluntary detox/stabilization center to be operated by the Alcohol and Drug Council. Beyond that, it will need to spearhead a process to determine whether, in addition to the voluntary facility, there is sufficient merit to also creating a secure mandatory detox unit connected to the jail, but separate from the rest of the inmate population. Potential space issues

related to the possible creation of such a unit would be addressed as part of a broader space recommendation below.

There may well be merit to the value and creation of both facilities, but we suggest that the County may wish to first see how well the new voluntary center retains those referred to it who would otherwise have been admitted to the jail for detox, as is now the case. If the voluntary center is able to retain the individuals throughout the needed detox period, that may suffice as a solution in the long run. If not, the County should consider establishing a second detox unit for mandatory short-term detox, followed by subsequent referral for the up-to-two-week stabilization period to the voluntary center. If such a facility is created, it would need to be staffed in part by a nurse (see separate recommendation below for a second nurse in the jail). The extent to which additional COs may be needed to monitor a secure unit would need to be determined, based on the size and design of the unit.

Recommendations to Further Reduce Jail Population

In addition to the options outlined above that we anticipate will have direct immediate impact in reducing the daily jail census, other recommendations also have the potential to have further impact on the future jail population, although we have conservatively chosen not to include them in our count of estimated bed days saved. These recommendations include:

❖ *Re-assess the process of making PSI recommendations.*

Data presented earlier suggest that Probation Officers conducting PSI investigations could safely make fewer recommendations for jail time, and more for probation sentences and/or sentences involving added ATI conditions such as Electronic Monitoring and perhaps Day Reporting or SWAP in lieu of recommended jail sentences. Given judicial respect for the thorough approach Probation gives to PSI investigations and resulting reports, and given the impact selected ATIs can have on outcomes and the jail population, we project that a willingness on the part of POs to recommend more non-jail sentences could have the cumulative effect of reducing the daily jail census the equivalent of two to three beds per night. There would be no cost or staffing implications of this recommendation.

As a way of protecting POs against a reasonable concern that a “lenient” recommendation may backfire, with additional crimes committed by someone who did not receive a jail sentence that was contemplated, consideration should be given to creating an expanded review committee or a group that evaluates

common characteristics of those where a recommendation does not work out to the community's benefit, so corrections can be made as needed in the future.

❖ ***Consider expanded use of Day Reporting as a sentencing alternative to jail.***

Earlier in the report we did not project any expansion in the use of Day Reporting, given that it appears to already be operating at relatively peak efficiency levels. But given recent conversations involving people in a position within the criminal justice system to help effect change, there appears to be some movement toward the possibility of making greater use of the DR option either in lieu of jail, or in conjunction with reduced jail sentences. Referrals to DR should be monitored, and any judicial referrals as an alternative to jail time should be carefully tracked to determine the utility and impact of such referrals, and their impact on existing DR staff should be assessed. It is our expectation that some increase in referrals of such cases could be absorbed by existing staff, but if significant increases in active cases were to result, possible staff increases or reallocation of time commitments might need to be considered.

❖ ***Consider expanded use of Service Work Alternative Program (SWAP) as a sentencing alternative to jail.***

Similar to Day Reporting, we saw little evidence to suggest any likely expansion of SWAP sufficient to impact significantly on the jail population. There is little indication that the SWAP option has been used consistently as a true alternative to incarceration, and we saw few signs that this is likely to change. However, if PSIs were to build in more consideration of SWAP in lieu of short jail sentences and/or if SWAP were to be used more as a sanction instead of jail sanctions with probation or in drug courts, there could be opportunities to expand its use as a true ATI. Any modest increases in the use of SWAP should be absorbed with no impact on existing staffing levels.

❖ ***Restructure and refocus the existing re-entry programs to better meet the intended goals of the programs.***

A number of questions and suggestions concerning the future of this important initiative have been laid out in Chapters VII and VIII. They are not repeated here. But recent discussions to bring different components of the re-entry process to the table for collaborative planning and improved communications appear promising. This initiative is critical to the ability to address issues of recidivism and prevention of future criminal behavior, but the available resources must be used more effectively and more collaboratively than they have in the past. The two existing programs have each made initial contributions, but must find ways going forward

to blend their resources to a common purpose. There should be an overall coordinated leadership for the effort, future best deployment of mentors should be clarified, outcome measures of program success should be clearly identified and tracked, and approaches should be established that make clear the roles in the re-entry process of not only the two formal re-entry programs (URO and Cooperative Extension), but also important support roles of agencies such as OAR, Mental Health Department, Human Rights Commission, Probation and Day Reporting (particularly the employment component), and Department of Social Services, so that it can become more a facilitator of change and expeditor of approval for services to take effect immediately upon release from the jail. The potential for linkage with the emerging LEAD initiative should also be explored. CGR anticipates that with effective realignment of these efforts, it is not unreasonable to expect that over the next few years, the preventive effects of re-entry efforts can be instrumental in further reducing the jail population by between 3 and 5 persons per average night.

Thought should also be given to the potential to locate some community-based re-entry services in the Day Reporting facility, as an accessible location where inmates returning to the community could link with re-entry staff, with each other, and with needed services.

❖ ***Monitor and consider expansion of transitional housing support initiative.***

The OAR Endeavor House initiative to provide transitional housing support for four or five former inmates offers promise as a stable base of reconnecting with the community in a safe way. The effects of this effort should be monitored, and if it works as intended, consideration should be given to expanding the network of such homes.

❖ ***The County should continue to push for the development and implementation of the LEAD concept.***

Although some uncertainties remain about how this Law Enforcement Alternative Diversion program will be implemented, evidence from Seattle – and the growing commitment of other communities throughout all regions of the country – suggest that this is an idea that can work in Tompkins. The County should support the creation of a case manager function to work with law enforcement officials in accepting handoffs from law enforcement and in turn making referrals to appropriate community-based agencies. The case manager function may be able to be integrated with future re-entry staffing, or perhaps linked in some way with case managers in the mental health system and/or care managers in the health home system. Considering such options may prove an efficient way of backing

into the LEAD case manager function without adding new staff initially until the overall impact of the new approach and its demands on the system can be determined. Another option apparently receiving some consideration could involve contracting with a community-based organization to provide the service. Whatever the approach, it probably makes sense to provide some type of trial period to make sure there are sufficient law enforcement referrals to make the idea productive.

❖ ***The County should push New York to reduce the number of parole violators committed to the County jail.***

Each night the local jail houses an average of five parole violators charged with no local crimes, and simply retained in the jail because the state has chosen to leave them there, even though technically they are not the County's responsibility. This may seem like a futile, quixotic venture, but we recommend that Tompkins take the lead, along with other counties facing similar issues, in lobbying the state to take back at least some of these parole violators, with a goal of at least reducing the number of parole violator days in the jail by half.

Recommendations for Improvements within the Jail

A number of issues were raised earlier about expanding services within the jail, and creating additional space to make such services possible. While there is no need to expand the number of beds/cells, the County should consider steps to expand the overall footprint of the jail to enable more services to be provided. This section offers specific recommendations to build on those earlier discussions.

❖ ***Expand medical services/nursing services within the jail.***

Options were outlined for medical service expansion in Chapter VIII. It is our recommendation that the County should hire a second full-time, 40-hour-a-week nurse to supplement the efforts of the existing nurse who is responsible for more than one person can reasonably be expected to do in her limited time at the jail. A second nurse would be able not only to provide expanded medical services within the basic jail, but could also help provide oversight and medical attention to an adjacent short-term secure detox unit should that be created (see above). There would obviously be added costs to the County of creating such a position, but we believe those costs would be justified by improved medical care within the facility, better transition to medical care upon release from the jail, better ability to monitor detox situations (either in the existing jail or if a new unit were created), and better ability to oversee the passing of medications, update medical records and attend to the more chronic and long-term medical needs of all inmates. To the extent that a

second nurse would overlap at least a portion of his/her time with the existing nurse, creation of this position would also necessitate the creation of some additional office space. The goal should be to provide coverage on all seven days and into the evenings on most days. An expanded pool of appropriately trained and screened per diem nursing staff should also be developed to provide coverage for the jail during vacations and other absences.

❖ ***Expand other on-site services, treatment, counseling and links to post-jail services.***

A number of existing services currently provided in the jail were discussed earlier, many of which would ideally be expanded, as well as new services to be added in the future. Most of these would be provided by community-based agencies, volunteers, or through reallocation of staff time of County agencies such as Department of Mental Health. Particular attention should be given to continuing recent efforts to expand mental health and substance abuse services within the jail. The County may need to consider funding of some of the expanded services on a contractual basis with various community-based agencies. Added space would likely be necessary to fully meet the outlined needs, as discussed next.

❖ ***The County should expand space for services within the jail.***

Given the conclusion and recommendation that there is no need to build a new jail or expand the number of cells in the existing one, the question becomes one of whether space to accommodate needed services can be created within the existing facility. We believe the answer is yes. As recommended strategies are implemented to expand the use of various alternative programs to reduce the jail population, the number of beds in use within the jail should decline over time, perhaps enabling existing specific cell blocks to be freed up and converted to other uses. But it is understandable that jail officials would be cautious in not wanting to remove jail cells on any permanent basis without clear assurances over time that any projected declines in the jail population are likely to continue.

Thus we are recommending what we believe to be a preferred strategy of renovation of adjacent space, rather than expansion or new construction – by moving the Sheriff's administrative offices and road patrol and related functions out of the Public Safety building adjoining the jail portion of the building, moving them to an alternate site, and using the freed-up space for expanded core services that have been recommended, and also as space for a free-standing secure detox unit separate from the main jail, should a decision be made to create such a unit.

❖ ***The County should begin the process of planning for jail replacement or renovation.***

While we do not believe that jail expansion is necessary or desirable in the foreseeable future, all buildings have a useful service life. The jail has been in constant use for three decades and the building is beginning to show its age. Mechanical features such as plumbing and locking doors fail on a regular basis. The jail is built on an outdated design known as linear or indirect supervision that has been demonstrated to require more staff and lead to more negative outcomes than the modern direct supervision jail. While the clear desire of many in the community is to avoid building a new facility, it should at least consider whether a modern facility with similar or reduced licensed capacity (consistent with our recommendations above) would lead at some point to more efficient operation, expanded program space and more humane conditions for those that are remanded to custody. A long-term planning process would enable the community to obtain full possible value out of the existing facility while ensuring that future needs are met consistent with community standards.

❖ ***Review inmate conditions on a regular basis.***

The County operates the jail consistent with established regulations and standards. However, during our study we heard several complaints related to the conditions within the jail ranging from meals to the apparel provided to female inmates to the costs of the services provided to the inmates. An evaluation of the merit of the complaints was beyond the scope of our review, but they highlighted a perception from interested parties that conditions could be reasonably improved consistent with appropriate operation of the jail. We believe that a process including inmate advocates, the Legislature, correction officers and the Sheriff to periodically and formally discuss the conditions in the jail should be established,

Judicial/Criminal Justice System Recommendations

A number of recommendations are offered as ways to strengthen aspects of the criminal justice system, many of which are likely to contribute to directly or indirectly impacting the numbers and length of stay of those admitted to the jail.

❖ ***Judges, attorneys and Pre-Trial Release should commit to the presumption of non-financial release.***

The default position should be ROR or Release under Supervision, rather than setting bail, in the large majority of cases, including misdemeanors and even many non-violent felonies, absent major extenuating circumstances. The new District Attorney has expressed support for this concept, as did the 2016 report on municipal courts task force. Such a presumption is also at the heart of our

suggestions for enhancing the role of PTR in making more aggressive release recommendations in the future. Starting with this presumption in courts and across judges/justices throughout the county makes many of our other recommendations above more feasible, and should go a long way toward eliminating the significant number of inmates detained in jail for substantial periods of time on bails of \$1,000 or less.

- ❖ ***Judges should be challenged to make more frequent use of ATIs in lieu of, or in conjunction with reducing the length of, jail sentences.***

Recent data suggest that there may already be at least the beginning of a trend toward reduced use of jail sentences, and some judges have begun to discuss ways of more aggressively combining selected ATIs with short jail sentences, or to avoid jail sentences completely in some cases. Making greater use of options recommended above could make it easier for judicial officials to limit the use of jail sentences where appropriate, while at the same time imposing conditions that place restrictions on offenders, consistent with community safety concerns.

- ❖ ***More focus should be placed on training and orienting judicial officials concerning the array of ATIs available to them, the value of various approaches, the degree of supervision involved with various ATIs, and appropriate situations in which it would be justified to make increased use of them.***

This recommendation is consistent with recommendations in the 2016 municipal courts report, and some such orientation already occurs, such as occasional sessions involving the DA, Probation Director and others in meeting with justice court officials at their annual meeting. Other opportunities may present themselves, or should be sought out. Opportunities should be created to meet not only with judicial officials, but also with ADAs, defense attorneys, Probation Officers and others who make decisions and recommendations concerning people in the criminal justice system – to make them more aware not only of traditional ATIs, but also of new approaches being proposed and new initiatives in the community which could impact on defendants and offenders they may be dealing with. Such education efforts could also focus on the opportunity several judges and justices create to release defendants from jail in between court appearances, based on information from PTR or others, rather than waiting for the next scheduled court appearance, which may not occur for several days in some town/village courts.

There also appear to be significant numbers of inmates held in the jail for long periods of time where no bail is set by a lower court judge, often in anticipation of the case being reviewed ultimately at the County Court level in felony cases. Such

defendants may sit in jail for prolonged periods of time while awaiting a next court appearance or an indictment. If such cases could be expedited, and/or a reminder system created by PTR to review such cases and make updated recommendations to judges, and if release conditions could be fashioned and recommended making use of various ATI approaches to help ensure safe releases, some additional jail days might be saved over time.

- ❖ ***Efforts should be invoked wherever possible to limit the use of jail as a sanction for probation or drug court violations.***

It is clearly understood that jail sanctions may not be avoidable in some cases, but at the same time efforts appear to be underway or at least under serious consideration to limit the use of jail sanctions where possible. In some cases this may mean making greater use of ATIs in lieu of the sanctions altogether, or to delay use of jail sanctions while trying other approaches initially, or to reduce the length of jail sanctions, imposed more consistently and perhaps in conjunction with ATIs. Standard protocols suggesting the use of certain amounts of jail time as sanctions for certain types of “failures” or problems within drug courts, for example, should be revisited, with adjustments made as warranted. Again, this seems to be beginning to happen in some cases, and the potential would appear to exist for significant modifications in the use and timing of sanctions in various situations going forward, with particular use of sanctions based on evidence-based practices. For further perspective on the use, type, timing and frequency of sanctions, see an evaluation of the HOPE program - <http://hopehawaii.net/>.

- ❖ ***Similar efforts should be undertaken to create heightened sensitivity to the circumstances of individuals in drug court or under other types of supervision. Circumstances related to family situations, employment, accessible transportation, etc. should all be taken into consideration as people are being judged in these various programs.***

In general, the County’s Probation Department and Drug Courts and other ATIs get positive ratings from most knowledgeable stakeholders concerning their efforts to work with clients in their best behalf. But a number of examples were also cited in discussions where there were at least perceptions of cases in which program participants were held accountable for missing court or supervisory appointments that could have been avoided by scheduling around known employment schedules, bus route access, etc. We have no way of knowing to what extent such issues are prevalent, but since we heard in a wide range of interviews about such perceptions, we suggest that the issue be discussed concerning the extent to which it may or may not be valid. A related issue may lead to placing more focus

on a medical public health model as part of the Drug Court approach, as much as a criminal justice approach. To some extent this is already in place, but more attention to this approach may help address some of the concerns that some have raised about DC practices.

- ❖ ***The County should advocate for the creation of a third County judge to help expedite cases through the system.***

Compared to nearby Chemung, a county of similar size to Tompkins, Tompkins County has one fewer County judge. This can lead to backlogs in case dockets, or to City Court judges getting administratively upgraded to Acting County Court judge in order to handle the overflow of cases. This may solve the County Court backlog for a period of time, but in so doing creates delays and potential backlogs at the City Court level. Individuals sitting in jail on an unsentenced basis can be the unwitting victims in such cases, as their cases drag on through the judicial system. Although it is not known how many jail days could be saved through having a third County judge, there does appear to be an issue of delayed justice that is related to the absence of a third judge.

- ❖ ***Expand the ability of the District Attorney's office to expedite cases.***

The New District Attorney is in the process of contemplating various ways to expedite cases through the criminal justice system, including cases that often languish in the jail. Such efforts should be encouraged, and discussed in more detail under the auspices of the Criminal Justice ATI Board. It is also likely that an additional Assistant DA may be needed to help expedite cases. We were not able to obtain comparative data from all other county DA offices to confirm this, but anecdotally it appears as if the local DA's office may have one fewer ADA per capita than most other counties in the state. The County should attempt to confirm such information, and if it is true, it may be that a new ADA position should be created, in conjunction with proposals for how such a position could be used to expedite cases and, in the process, help reduce those in jail who are not a risk to the community.

Recommendations to Strengthen Data Systems

As referenced in other sections of our report, data important to our analyses were not always available, or were only partially available, or could not be linked across systems. We offer below some modest recommendations to at least begin discussions by officials within the County concerning ways to strengthen the ability to track cases and to analyze outcomes associated with various programs. CGR is willing to flesh out some of these recommendations in greater detail should the County be interested.

- ❖ ***Efforts should be made to be able to interface the jail tracking system with Probation and ATI programs, and ideally the courts and DA's office so that movement through these components can be tracked and outcomes more effectively determined.***

The ability to track defendants through the courts while in jail is limited, as is the ability of PTR data to monitor what happens to recommendations they make. There is very limited ability for various ATI programs to track and analyze or report outcomes, the extent to which cases may wind up in jail on subsequent charges, or how long people are in jail on sanctions or violations. Probation is limited in its ability to track cohorts of individuals who enter a program during a particular period of time. Currently successes can be reported within a given year, but those rates are unrelated to when those cases entered a program or data about their characteristics and whether there may be differential patterns of outcomes across subgroups. The jail data often cannot distinguish the basis on which someone is released, whether someone is held on a bail amount not always specified vs. having No Bail set, or whether someone has re-entered the jail as the result of their probation being revoked, or on a new charge. Subsequent dispositions and sentences are rarely recorded anywhere that can be easily tracked. The ability to track the outcomes of placements resulting from substance abuse referrals is not always complete. Clear data to document the number of jail inmates in various stages of detox are not always available. And so on. Some of these issues would likely involve IT efforts to fix, while others may be a matter of simply agreeing that certain issues need to be included in data bases and to support consistent data entry. Either way, they need attention if the County is to be able to track outcomes, the value of particular programs, and what impacts various programs are having on jail reduction efforts in the future.

- ❖ ***More careful efforts are needed to determine appropriate definitions of program success and to track those accordingly.***

For example, some programs count in their proportions of successful participants cases that remain active, plus those successfully discharged from the program. In some cases, remaining active in a program for some specified period of time is a useful measure of a program's impact, but for programs seeking to report what proportion successfully "graduate" or complete a program having met its objectives, including those still in the program in that percentage may artificially inflate the apparent success indicator. Some of those still in the program are likely to not be a successful discharge in the future, so it would be better in such cases to track only those who have left the program, either successfully or not, and track

the proportions of each, while separately reporting the numbers of those who entered at some point who remain engaged at various subsequent intervals.

Recommendations to the Community

This report, while officially to the Tompkins County Legislature, is also intended for widespread community consumption and engagement. Residents of the county have been very vocal in sharing their views about this study and how it was carried out, and in offering their recommendations as to what they hoped the outcomes of the study would include. Now is their opportunity to engage beyond process and to focus on specific findings, conclusions and recommendations, and to let the Legislature know their degree of support for or disagreement with particular issues raised in the report. And in some cases, our recommendations offer a direct challenge to community members to consider how they can invest resources to address issues raised in the report that can only be solved with extensive and thoughtful community engagement and action.

- ❖ *We suggest that the Jail Study Committee invite community members to one or more community forums to review the report and offer their comments on specific conclusions and recommendations, and what actions they hope will be taken in response.*

CGR has done the relatively easy part of the County's efforts to address the issue of the future of the jail. Now the difficult part comes for the Legislature and the public. The Legislature must decide how it wishes to process the report and obtain community feedback and to make the decisions of where it agrees or disagrees with the report's findings, and where it is willing to invest in response.

Most of our recommendations involve relatively little direct outlay of dollars, at least initially. In most cases, recommendations can proceed to implementation with few implications for hiring additional staff, though added staff may be needed at some point in several cases (see final section below). Some involve grant dollars or other investments already made or in the process of being made by others. Some space reallocation within the jail could be needed if certain recommendations are followed. And some longer-term investments will be needed to make some of the recommendations happen in the future. But beyond those, some of the recommendations in the remainder of this section may require community investments of time and energy and commitment beyond just dollars. Those may be the more difficult ones to address.

- ❖ *The community needs to continue to address systemic issues such as racism, affordable housing, transportation, employment, and poverty.*

These are all issues which are beyond the scope of this study and what we were asked by the County to address. But they all impact directly on the jail population and certainly the overall quality of life and opportunities available to residents within the larger community. Each is currently receiving attention at various levels by various individuals and advocacy groups within the county. Many of those we talked with during the study indicated their concern that as such crucial issues are being discussed, some feel excluded from being at the table or having their views taken seriously. In order for progress to be made in addressing these and related issues, hard conversations will be needed that build on good progress that appears to have been made to date, but that will need to bring different perspectives together in difficult discussions in order to move the conversations to the next level of resolution.

- ❖ ***A conscious effort should be undertaken to ensure that public and community-based agencies dealing with persons in jail, returning home from jail, and helping prevent intake to the jail are adhering to culturally competent practices which are viewed as being culturally sensitive to those with whom they come in contact.***

Several examples were given in interviews during the study where the culture of the agency and/or behavior of particular staff were viewed as being insensitive or oblivious to needs and circumstances of people coming before them for services. Some agencies were viewed as being more about control and in the mode of “do it my way,” rather than trying to be responsive to the individual in front of them. Examples were given of an agency being totally unwilling to reach out to inmates in the jail, while at the same time being unwilling to take steps needed to process paperwork from individuals operating on the inmates’ behalf. More detailed discussions are needed with advocates working with inmates in the jail to assess the extent and validity of such comments, and to determine how such issues get addressed.

- ❖ ***Attention should be given to developing ways to apply restorative justice principles within the criminal justice system.***

We heard a variety of perspectives concerning the potential utility of applying such principles within a criminal justice system context, ranging from little interest, to skepticism as to whether they could work in most cases, to enthusiasm for the concept and eagerness to provide leadership in helping make the concept work. This is a concept that seems to be gaining traction in various settings, particularly involving young people in school settings. How effectively and extensively it can

be employed, and in what settings within the criminal justice system in Tompkins County, remains to be seen.

For this concept to have any substantial impact, there would presumably need to be buy-in from judges, Probation, the District Attorney, defense attorneys and perhaps jail officials, depending on at what levels the principles would be applied. And, assuming that there were to be support and openness from officials to the concept, a cadre of volunteers would be needed to help facilitate the discussions necessary between the parties on different sides of the issues in an effort to reach accommodation and reconciliation. We detected some strong interest from a handful of individuals in being willing to take the lead in such an endeavor. Community conversations among proponents of such an approach with leadership in the criminal justice system could help determine whether there is sufficient traction to move this concept forward.

Recommendation for Criminal Justice Leadership

Many ideas have been floated throughout this report. In order to ensure an orderly processing and oversight of the ideas, and guidance to implementation, targeted leadership may be needed.

- ❖ ***The County should appoint a person to oversee the process of reviewing report findings and recommendations, establish a process to determine needed action steps in response, create a clear action plan, and monitor implementation. We suggest that this be a time-limited position, created for perhaps a 12- to 18-month period to make sure key actions are underway, without locking into the need for a permanent oversight position. We suggest that the position should report directly to the County Administrator.***

The County's Criminal Justice ATI Board oversees at a broad level the myriad of criminal justice activities that the County provides and coordinates with. It could and should provide broad oversight of the process of dealing with this report and its implications and next steps. But we suggest that the Board, even as broad and well-connected and aware as it is, is not sufficient to make things happen in response to the report. It may lay out broad policies and strategies, but we believe that one person will be needed to take the broad ideas and make them happen – to provide the day-to-day follow-up and guidance that a committee cannot provide by itself. Individual agencies will have specific assignments for action, but someone will need to provide a big-picture oversight, holding everyone accountable for their actions and progress.

Many issues growing from this study will need careful attention. These include, but are not limited to:

- Overseeing the process of expanding and modifying the various ATI and community programs that need attention in order for the forecasted jail bed savings to occur;
- Monitoring the progress of jail reduction strategies;
- Coordination with the jail and perhaps with the state Commission of Correction concerning changes affecting the jail, especially with regard to the elimination of the bed variance;
- Overseeing and coordinating with the Alcohol and Drug Council concerning the introduction of the voluntary detox center, and also coordinating activities related to any decision whether or not to create a secure mandatory detox unit connected with the jail;
- Overseeing in conjunction with the Sheriff and jail leadership the process of any reallocation of space within the Public Safety Building, including the possible relocation of the Sheriff and road patrol offices;
- Working with various agencies to address data development and coordination and linkage issues, along with development of improved metrics for evaluation and assessing program outcomes and progress toward goals established in response to this study; and
- Coordinating with the Legislature, the Jail Study Committee and the community regarding progress toward implementation of a project action plan.

It is possible that the necessary steps to make decisions in response to this report and implementing a plan of action could occur without such a dedicated position, but we believe having the position in place will significantly improve the odds of success in developing a coordinated, cost effective, timely approach that ensures that the appropriate steps are implemented in the short run and that the County's goals and needs are met going forward.

A Final Word about Staffing Implications

Throughout this chapter, references have been made to potential staffing implications of various recommendations. In most cases, implementation of recommendations can at least begin without increasing staffing, though there are some exceptions, and several cases in which we suggest pilot projects during which implications of the proposed changes, including possible staffing implications, could be ascertained before final judgments are made. The following is a brief summary of potential staffing implications:

Additional Staff Likely to be Needed

We suggest that there is a strong possibility that the following positions may need to be created:

- A new full-time nurse in the jail;
- The possibility of a new Assistant District Attorney, pending further analysis of comparative data with other counties that was not available during this study;
- Likely additional Correction Officers if a new secure detox unit is created, based on staffing analyses that would be needed as part of the detailed planning process;
- Possibly added Mental Health staff, depending on how the current initiative goes in which the number of hours of MH staff in the jail have been increased from 6 per week to 20. Depending on how that impacts other non-jail services, and/or if this leads to a defined need to increase hours in the jail from 20 to a full-time commitment, for example, added staffing in that department could be needed.

Staffing to be Determined based on Pilot Testing

Several additional positions could be needed, pending initial experiences with recommended pilot test periods to assess the impact and feasibility of various recommended program expansions:

- Possible added staff associated with the possible expansion of the Ithaca Misdemeanor Drug Court; we recommend initiation of the recommended expansion with existing staffing, but suggest that new staff, or reallocation of additional staff assignments, could be necessary based on the pilot test period;
- Similarly, we suggest that Pre-Trial Release modify its efforts in ways that could have additional staffing implications, either by a combination of added responsibilities for existing staff and/or an additional staff person in the future, again with the final determination to be made based on a pilot assessment of the implementation of the recommendation;
- Possible addition of a position to monitor the recommended expanded use of Electronic Monitoring; this proposed expansion can be undertaken with existing staff, but during the pilot test period, the impact on staffing going forward should be assessed. Our best estimate at this point is that expansion could be handled with reallocation of existing staff or a shared part-time position, but the pilot testing period will provide the true test of what changes if any will be needed;
- A decision will need to be made about the potential addition of a LEAD Case Manager; several options for staffing this position were discussed above, ranging from contractual arrangements with an existing agency to sharing staffing responsibilities to a full-time new position, with a pilot testing period again recommended to assess the option and its staffing implications.

Appendix A – Additional Options for Consideration

The options for consideration outlined in Chapter VIII focus heavily on changes to existing practices, modifications to current programs, and opportunities currently under consideration within Tompkins County. There are several other options that are in use or being actively explored elsewhere in the United States that could potentially benefit Tompkins County if implemented locally. Some of those that seem to offer particular promise are included in this appendix. Each initiative has a variety of characteristics that influence their impact on a community, and therefore their potential impact on Tompkins County would need to be explored further as part of a more formal planning process focused on how they might be implemented locally, over what period of time, and with what potential costs and benefits.

HOPE – Hawaii’s Opportunity Probation with Enforcement

Started in 2004 in Hawaii, the HOPE program has since spread to more than a dozen other states including Washington, Minnesota, Michigan, Indiana and Massachusetts. The premise of the program is that probationers are more likely to follow the conditions of their sentence if the sanctions for violation are known in advance, are relatively modest but are carried out quickly and consistently. These programs are also sometimes referred to as Swift and Certain. A 2015 study by Washington State University of the statewide program implemented in 2012 found that there were substantial reductions in days confined and future convictions, and increased participation in chemical dependency and cognitive behavior therapies.¹⁵

24/7 Sobriety Program

South Dakota’s 24/7 Sobriety Program aims to apply the principles of the HOPE program to the challenge of alcoholism and DWI charges. It requires those convicted of alcohol-related offenses to either submit to a twice-daily breathalyzer test or use a continuous alcohol monitoring bracelet. Those who fail to comply with the monitoring requirements are subject to swift and certain sanctions such as a night or two in jail. This program, which has also been adopted in Montana and elsewhere in

¹⁵ https://wsicj.wsu.edu/wp-content/uploads/sites/436/2015/11/SAC-Final-Report_2015-08-31.pdf
“Evaluation of Washington State Department of Corrections (WADOC) Swift and Certain (SAC) Policy Process, Outcome and Cost-Benefit Evaluation

the US, has demonstrated significant reductions in the number of repeat DWI/DUI arrests.¹⁶

Reduce or Eliminating the Use of Bail

Several states, including New Jersey, Maryland, New Mexico, and Kentucky (along with the District of Columbia), have recently adopted laws or policies that move away from bail as a tool in the pre-trial release array of options. The specific rules vary by state, but some require judges to consider an inmate's financial capacity to make bail before issuing it.¹⁷

Evidence from these states and communities around the country indicates that bail is not a particularly effective tool in reducing the rate of subsequent criminal behavior; nor does it reduce the flight risk of an arrestee awaiting trial.

These efforts in other states are consistent with the expanding presumption of non-financial release being promulgated by the District Attorney, and various judges and recent reports in Tompkins County.

Restorative Justice and Community Courts

Restorative justice focuses on making the victim (or larger community) whole as the objective of the justice system. There are numerous examples of restorative justice from elementary schools to various nationwide programs. For example, Vermont has a 20-year history of reparative probation boards that focus on lesser crimes. The program involves victims and volunteer community boards that assist in determining the sentence. They have also begun to implement Circles of Support and Accountability (CoSA) for some more serious criminal offenses. CoSAs are designed specifically for individuals on release from incarceration. In general, these programs have been shown to reduce recidivism and reduce the number of days incarcerated. A key component in most restorative justice models is substantial community volunteer involvement.

New York has several operational "community courts," including the Midtown Community Court in Manhattan that has operated since 1993. The court focuses on solving the problems that lead to the criminal activity. The court has goals of reducing incarceration, providing immediate access to social services and giving prompt, proportional sanctions. The court has evolved over the decades to include addressing

¹⁶ See <https://www.rand.org/health/projects/24-7.html> for a comprehensive summary of research into this effort.

¹⁷ See <https://www.csmonitor.com/USA/Justice/2012/1216/Jailed-without-conviction-Behind-bars-for-lack-of-money>

human traffic, youth crime and drug treatment. The court has been a part of a 75 percent reduction of crime in the area.

Forensic Assertive Community Treatment

The Forensic Assertive Community Treatment (FACT) program integrates the criminal justice and mental health systems. It is well known that untreated severe mental health issues lead to a higher incidence of interactions with the criminal justice system. FACT programs include a dedicated mental health court, specially-trained therapists, social workers, and clear connections with probation and parole to ensure that individuals receive essential care and services. The goal is to use legal sanctions as a lever to engage individuals in appropriate treatment that gets to the root of their mental health issues and to help reduce interactions with the criminal justice system. Rochester (NY) has a well-established program that has been able to demonstrate substantial reduction in convictions, days in jail and days in hospital. The participants also have more days in outpatient mental health treatment.

Pre-Trial Diversion Programs

Diversion programs are in use in many communities throughout the country. Defendants are released into the community as part of a sentencing agreement involving a performance contract signed by the defendant and committing him/her to enter treatment and consultation working with Diversion staff to address the identified problems deemed to be at the root of the criminal behavior. If all parties agree in a formal court setting, the case is adjourned while the defendant completes the diversion program. Satisfactory completion may result in a dismissal or at least reduction of the pending charges. Programs have been shown to be effective in reducing recidivism in subsequent years, particularly one in Monroe County NY which was the subject of an extensive controlled experimental-design evaluation several years ago.

A variation of the overall diversion model is a felony DWI diversion deferred-prosecution program, such as one currently in operation in Monroe County, as well as in other communities. The Monroe County model is focused on individualized treatment intervention for those charged with felony DWI and screened for acceptance by the District Attorney. If the program is successfully completed, the defendant is able to plead to a misdemeanor DWI in satisfaction of the felony. The program is targeted to providing quick intervention with a multiple-offender population, typically ones with previous related misdemeanor offenses.

Appendix B – Groups with Which CGR Met During the Study

CGR met with more than 125 individuals during the study. In many cases, we held separate meetings with more than one person from specific organizations.

Individual interviews and group discussions occurred with the following:

- Both County Court judges
- Both City Court judges
- Four Magistrates representing town/village courts
- Sheriff's office and jail officials and key staff
- Correction officers
- Inmates
- Chiefs of police and law enforcement officers from City of Ithaca, Village of Cayuga Heights, Village of Dryden and Village of Groton.
- Several Probation staff, including Director, Senior staff, representatives of all ATI programs
- Multi-Cultural Resource Center staff and Ultimate Re-Entry Opportunity program and mentors
- Cornell Cooperative Extension staff and re-entry program
- Opportunities. Alternatives and Resources (OAR)
- Cayuga Addiction Recovery Services (CARS)
- Alcohol and Drug Council
- Challenge Industries
- Tompkins County administration officials
- County Legislators
- Criminal Justice ATI representatives
- County Health and Mental Health
- County Department of Social Services
- County District Attorney
- County Assigned Counsel and defense attorneys
- County Office of Human Rights
- Drug Court leadership
- Cayuga Medical Center
- Various community activists
- College/University Professors
- Two groups of ex-offenders
- Decarcerate Tompkins County

- Park Foundation
- NYS Commission of Correction