
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.