
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.