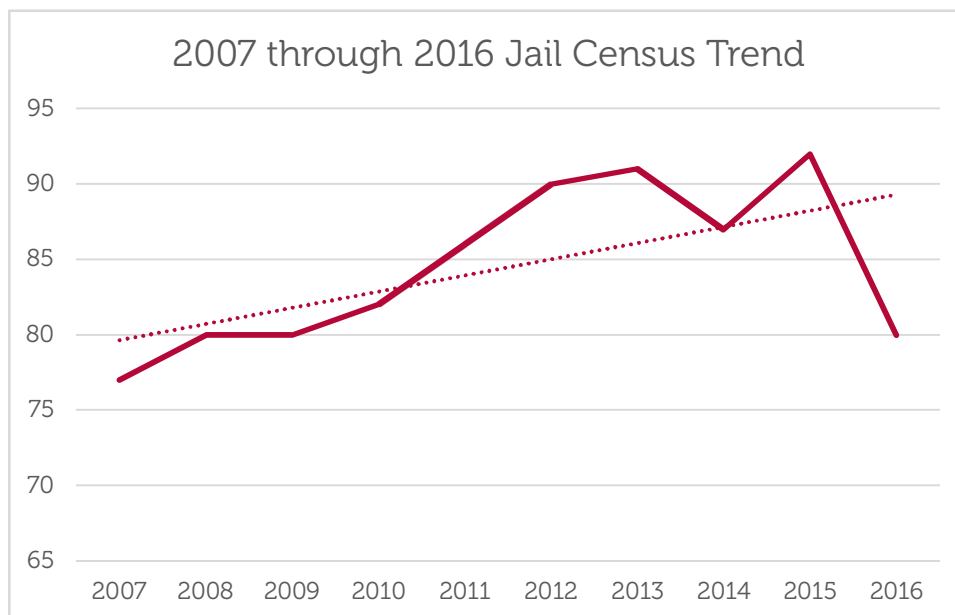


## Summary

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

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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.***<sup>1</sup>

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
<b>Total beds saved after applying 15% correction factor</b>	<b>29 beds</b>

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

<sup>1</sup> 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

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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.

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- ❖ *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

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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



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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.

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## 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.

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