

## MEMORANDUM

**To:** Bradford Kendall, Chairman of the Dutchess County Legislature

**From:** Dutchess County Criminal Justice Council Executive Committee

**Date:** May 9, 2006

**Re:** ATI Cost Analysis of February 10, 2005 Report

Pursuant to your written request of January 11, 2006, the Criminal Justice Council Executive Committee (CJC) has estimated potential cost, benefit, action, and progress attributed to each of the Alternatives to Incarceration (ATIs) proposed within its report dated February 10, 2005, entitled, **Response of the Dutchess County Criminal Justice Council Executive Committee on Jail Crowding and Offender Management within Dutchess County** (herein after referred to as "the report"). It remains important to note that the CJC report of February 10, 2005 iterated a comprehensive approach to jail crowding, including jail expansion, and offender management within Dutchess County. The CJC offers this cost/benefit analysis of the ATIs contained within the report, as part of its comprehensive approach to offender management. The CJC believes at a minimum, all existing ATI's should continue to be funded at existing levels.

Indeed, "...there still exists significant opportunity to *ease or lessen the projected increase* in prisoners held within the Dutchess County Jail" (CJC report, p. 5-6). In fact, it is the desire of the CJC to recommend fully researched ATIs that will divert offenders from our jail while considering long-term public safety. ***Many of the ATIs described herein fall into the realm of prevention; therefore immediate impact on jail beds is limited, for early or primary prevention is aimed at diverting at-risk youth from our criminal justice system before they become part of the system.*** In its role as an advisory body and in its interest in long term public safety, the CJC will continue to explore options that result in the best outcomes and that consider the nature of an over-arching system of prevention. It is also imperative that any initiative that is undertaken is evidence-based in that it is measured over time for its effectiveness and contribution to our collective public safety.

The following table provides a summary of the ATIs analyzed herein that are projected to have an immediate impact on the jail population.

<b>Program Name</b>	<b>\$ Cost in Dollars to Dutchess County</b>	<b>Potential # of Inmate Beds Saved</b>
Supervised Community Residence for Youth	Cost Study Underway	5-10
Supervised Electronic Monitoring Housing	\$230,000 per year plus \$54,789 start-up costs	5-16
Mental Health Court	\$250,000 per year Additional services will be provided through external NYS funding	3-5
Women's Residence	Fully funded through NYS OASAS	6-12

**ATI Recommendation #1:**

**Recommendations for Youth (7 to 20 Years):**

The CJC Prevention Committee embraces the youth development philosophy to build competencies and skills, provide positive experiences and adult relationships for all youth as a prevention model. The *Community That Cares* Framework to reduce risk factors and increase protective factors, along with the *Search Institute's Forty Developmental Assets* structure to increase both internal and external assets are endorsed by the Committee. The mission of the Prevention Committee is to enhance the continuum of prevention and intervention services for youth under 21 years of age. There are numerous prevention programs that target at-risk youth and the following are some of the current initiatives.

In addition, the Children's Service's Council (CSC) is a public-private partnership made up of 50 people from youth service agencies and all walks of life who work together to improve the quality of life for Dutchess County's children, youth, and families. The CSC itself does not provide direct services, but instead works very closely with local providers to assure all CSC supported programs produce measurable and verifiable results for the program customers.

While it is always difficult to measure the impact of prevention, the fact that Dutchess County has such a rich variety of prevention programs has probably contributed to the fact that we have not experienced an explosion in the jail population.

## **Prevention**

### **Mental Health/ Juvenile Justice (MH/JJ) Family Therapy Program by Astor Home for Children**

This program is currently in place and is fully funded. A youth (any age) on probation with Juvenile Delinquent status and with 3-6 months left on Probation is eligible.

This program is designed to keep at-risk, probation involved youth out of placement by involving the youth and their family in short-term counseling sessions, support services and referrals. The youth and their family are referred to this program by their probation officer.

The counseling takes place on-site at Dutchess County Probation, either at 50 Market St. in Poughkeepsie or 223 Main St. in Beacon. There are evening hours available at both sites. Counseling sessions may be held 2-4 times a month.

**Cost: 100% funding from the New York State Office of Children and Family Services (OCFS) which is about \$117,000 a year. We are in the 5th year of the first contract. We were told by OCFS that they will most likely fund another round of 5 years starting in 2007 at the same amount. We serve over 50 youth and their families a year. We started in August of 2002 and have served 40-50 kids a year.**

## **Youth Gangs**

### **Dutchess County Executive's Youth Gang Prevention Initiative**

Youth who feel disengaged from school and from the community, and lack positive caring adult role models are attracted to the gang environment. Gangs provide them a sense of belonging, safety, structure in their lives and financial gain. In a number of Dutchess County communities the influence and effects of gangs is inescapable for some youth. Gangs may become a very real part of their lives.

The Dutchess County Youth Gang Prevention Initiative supports building a community that values, supports and challenges our youth. Youth-serving organizations are vital to providing a positive culture for local youth. By filling a youth's life with caring adults, a safe and engaging environment and opportunity, perhaps the draw of gangs can be averted.

The Dutchess County Workforce Investment Board (DCWIB) administers the grant from the Dutchess County Youth Bureau. The three contract agencies to receive the funding include Mill Street Loft Habilidad, ERVK Partnerships with Schools & Business, and Cornell Cooperative Extension Green Teen.

**Cost: This program is currently in place and is funded at \$115,000 for 2006. 100% of the money is County dollars.**

### **Gang Resistance Education & Training (GREAT) Program**

The G.R.E.A.T. Program is a school-based, law enforcement officer-instructed classroom curriculum. The program's primary objective is prevention and is intended as an immunization against delinquency, youth violence, and gang membership. G.R.E.A.T. lessons focus on providing life skills to students to help them avoid delinquent behavior and violence to solve problems.

The G.R.E.A.T. Program consists of four components: a 13-week middle school curriculum, an elementary school curriculum, a summer program, and a family component.

Five regional training centers provide training to sworn law enforcement officers to teach the G.R.E.A.T. curriculum in elementary and middle schools across the country. The federal government provides the training as well as lodging free of charge to participating agencies.

Additionally, the program will begin providing the Summer and Family components in 2006 at the New Hope Community Center, Poughkeepsie. The other two components are already in place.

**Cost:** In Dutchess County, the City of Poughkeepsie Police Department provides \$37,509 to the Dutchess County Office of Probation with funding from United States Department of Justice. The funding is used to support travel, supplies, and a portion of the salaries for two GREAT Officers. The salary reimbursement pays for the GREAT/Probation Officers time teaching the program to students in the Poughkeepsie Middle School. Additionally, the program will begin providing the Summer and Family components in 2006 at the New Hope Community Center, Poughkeepsie. No additional funds are needed at this time.

### **Youth Violence Reduction**

In 2005 City of Poughkeepsie Police Department was awarded a grant for \$56,000 from the New York State Division of Criminal Justice Services to conduct a needs assessment for youth ages 7-15. Two evaluators were hired to develop, implement, and analyze the results of the community surveys. Two community presentations were held to share the survey findings with stakeholders.

In order to implement the survey findings, the City of Poughkeepsie Police Department applied for a grant in the amount of \$150,000 to the New York State Division of Criminal Justice Services. *If awarded*, the funding will be used to bring programs to City of Poughkeepsie youth aged 7-15 years. Programs will run at the New Hope Community Center, located on Smith Street, Poughkeepsie. The grant was submitted in February 2006.

**Cost:** On Tuesday, April 11, 2006, the City of Poughkeepsie Police Department sent a team of representatives to Albany to respond to questions concerning the grant application. As a result, the Police Department has been awarded the DCJS Grant. This initiative will continue to be overseen by the CJC Prevention Committee.

## **Addiction Prevention and Education**

**Strengthening Families:** The Council on Addiction Prevention and Education has offered three series of Strengthening Families, an evidence-based prevention program for parents and youth ages 10-14 to reduce alcohol, tobacco, and other drugs (ATOD) on site, at Probation with the Juvenile Delinquent and Persons in Need of Supervision (PINS) youth and their families. ATOD is a known risk factor for individuals in the criminal justice system.

**Cost:** NYS Office of Alcoholism and Substance Abuse Services funded. No County cost.

**Enforcing Underage Drinking Laws:** The Campus/Community Coalition is sponsoring this two year effort to enforce underage drinking laws. Compliance checks of establishments that sell alcohol have been conducted and educational programs for servers are some of the efforts to reduce underage drinking. As part of this effort, the District Attorney has developed a diversion program for youth who are drinking under the age of 21. This provides a comprehensive approach to this problem by addressing adults who sell to youth and hold youth who are drinking, accountable. Youth who start drinking by the age of 12 are more likely to develop an alcohol dependency.

**Cost:** NYS Office of Alcoholism and Substance Abuse Services funded. No County cost.

## **Probation Services**

The Dutchess County Office of Probation implemented the following programs:

- Introduction of the Youth Assessment and Screening Instrument (YASI), an actuarial assessment and case management tool.
- V-Disc—computer self-directed mental health assessment developed by Columbia University.
- Community Mental Health Outreach Worker placed on-site at Probation for Persons in Need of Supervision (PINS) in partnership with the Department of Mental Hygiene. This program has been in place for several years.
- Collaborative Solutions Team replaced PINS Assessment Team and is available to both PINS and Juvenile Delinquents.

The Probation Department continues to augment its services through the following efforts:

- Further development and training in use of YASI to target delinquent behaviors and reduce further involvement with juvenile and criminal justice system.
- Lower risk youth are diverted into community based resources (Youth Services Unit)
- Cognitive behavioral groups are offered on-site. More groups will be added in 2006 after additional probation officers and other staff are trained and receive certification as facilitators in April 2006. This is an evidence based initiative shown to be effective. A grant in the amount of \$28,000 funded this training.

- Juvenile electronic monitoring was introduced in 2006 as an alternative to detention and placement and to augment community based intervention. No additional cost to county.
- Drug Court for juveniles through Family Court was introduced. One probation officer was added to participate on the team. This probation officer also oversees electronic monitoring and teaches the G.R.E.A.T. (Gang Resistance Education and Training) curriculum. Another probation officer has been certified to teach this curriculum to younger students.
- A multi-disciplinary team from Dutchess County participated in a full day workshop at the Vera Institute in January 2006 on juvenile detention. This technical assistance was free of charge. The team members will follow up on the ideas presented at the workshop. At the present time, recommendations have not yet been developed. Costs are yet to be determined.

### **Supervised Community Residence for Youth**

The Executive Committee continues to recommend a supervised community residence in conjunction with intensive interventions as an alternative to incarceration for youth. As the 1999 and 2005 recommendations note, “poor educational experiences, possessing low academic and educational skills and lack of stable housing” are significant risk factors. Many of these youth are referred to the Community Transitions Center (CTC) and it is believed that housing would enable the participants in the program to be engaged more effectively. Lack of suitable and stable housing has been identified as a major impediment to successful outcomes. Potential participants will be identified at both the pretrial and sentencing criminal justice stages with an actuarial assessment used at the latter stage to identify both risk level and needs appropriate to the program. All participants will be court ordered.

A Request for Proposal (RFP) entitled, “Exploration of Need and Justification for a Residential Component to the Dutchess County Office of Probation and Community Corrections Community Transitions Center” was issued. The contract for program and cost analysis services is currently being developed by the county Probation department. The RFP allocated \$30,000 to study the issue of a residential component for the Community Transitions Center (CTC). CTC, a day reporting program, provides a wide range of services to a population of primarily young adults. The clientele consists of individuals who lack any positive support system at home or in the community while they are participants in CTC and after they leave the program.

It has been proposed that adding a residential component to this program will significantly increase the chances of the probationers’ success. The County is seeking an analysis of the past and current populations of those attending our Day Reporting program and related jail populations to determine if there is in fact a need for a residential component to the Day Reporting Program. If in fact a population does exist, what size facility would be necessary and what degree of security, if any, would be needed to successfully administer such a program?

Managing or maintaining the jail population requires both controlling the number of admissions and readmissions. By targeting the youthful population who represent the chronic offenders and providing them with housing so that they can engage in programming designed to lower recidivism, we will not only have an impact on the jail, but also on the rest of the criminal justice system.

**Cost: Unknown at this time. Cost analysis to be developed.**

## **ATI Recommendation #2:**

### **Electronic Monitoring/Housing**

The 2005 report notes that the Office of Probation and Community Corrections has had difficulty placing otherwise eligible inmates on electronic monitoring due to the inmate's lack of housing. These inmates are often young, women, and individuals with mental health issues.

In order to meet this need the Council recommends that Dutchess County fund 16 beds in an existing rooming house type structure within the County. We propose contracting with a not-for-profit agency to run and operate such a facility. The Dutchess County Office of Probation would oversee this new Alternative to Incarceration program.

This facility would have a staff member on site 12 hours per day, 7 days a week. In addition, the probation department would be available as needed to respond, 24 hours per day, 7 days a week through the existing electronic monitoring program.

It is expected that the residents of this facility would attend either existing day treatment programs or be employed. Current staff in the Public Defender and Mental Hygiene departments would provide social work and case management type services to the residents. Length of stay is projected to be similar to the existing electronic monitoring program, ranging from 1 to 6 months. This type of housing arrangement is flexible enough to accommodate diverse populations so that the project could be tailored to any changes in the jail population.

**Cost:** The cost of running such a facility would include start up costs of \$54,789 for minor renovations and furnishing of the house. In addition we propose entering into a two- year contract with a not-for-profit agency for approximately \$230,000 per annum. This is a cost of around \$40.00 per bed per day. Some of the per day cost would be offset through funding from the Dutchess County Department of Social Services, the Social Security Administration and rent charged to residents who are employed.

<b>Funding of this proposal is a priority as cost and feasibility are time sensitive.</b>
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The use of GPS (Global Positioning System) is currently being explored for specialized populations, particularly domestic violence and sex offender cases. New technology may be able to address the "dead spots" in the county that impede the effective use of this technology. Research has been conducted on the current technology available and jurisdictions using GPS have been contacted. The cost/benefit of GPS and the possible advantages and disadvantages are being weighed and a recommendation will be forthcoming in the near future. It is not anticipated that GPS will have a major impact on the jail population. Rather, it would provide an extra level of security in appropriate cases.

## **ATI Recommendation #3**

### **Mentally Ill Population**

In 2006, two new mental health workers were added to the Department of Mental Hygiene.

**Mental Health Outreach Worker:** One DMH social worker is on site at the Office of Probation dedicated to those with serious mental health issues who are at risk of a violation or new offense. This outreach worker is working with adult probationers to identify, engage, and link to treatment and other supports. The goal is to reduce probation violations and incarceration.

**Cost:** This program is in place and is currently being funded by Dutchess County-\$60,000 (approximately).

**Mental Health Diversion Project:** One DMH social worker will provide mental health and chemical dependency assessment and develop an alternative treatment and community support plan as a diversion from jail. The worker is dedicated to the City of Poughkeepsie Court, and working in partnership with a Probation Officer, will screen, assess, and make linkages for appropriate individuals. The goal is to prevent unnecessary incarceration.

**Cost:** This program is in place and is currently being funded by Dutchess County-\$60,000 (approximately).

**Transitional Housing:** will be used, if necessary, for individuals with mental health issues in connection with the diversion program in the City of Poughkeepsie.

**Cost:** None.

Four supported apartments will be designated to provide more permanent housing for individuals leaving Transitions.

**Cost:** HUD grant.

**Mental Health Courts:** The Office of Court Administration has indicated that Dutchess County is scheduled to begin planning in 2007 with implementation of a mental health

court in the fourth quarter of 2007. This is a joint project of the Office of Probation and the Department of Mental Hygiene.

**Cost:** Approximately \$250,000 in County funding. Dutchess County's experience with Specialty Treatment Court programs (i.e. Criminal Drug Courts, Family Treatment Courts, Juvenile Drug Court) is that while very effective in reducing recidivism in the target population, the effort is labor intensive and consistency in team membership is a key component. The Office of Court Administration may provide funding for a Mental Health Court Coordinator, but additional staffing may be required in the Departments of Mental Hygiene, Probation, and District Attorney's Office.

**Training:** Training for Probation and staff in Alternative to Incarceration Programs including Transitions, Community Transition Center, all halfway houses, the CD Crisis Center, police departments and Parole Officers.

**Cost:** CONNECT Grant, Office of Mental Health funded.

**Assertive Community Treatment Team (ACT)** has been initiated in the county. The team provides 24/7 community intervention to the most high risk, seriously mentally ill individuals in our county. The goal is to divert/retain individuals in the mental health system rather than have them become involved in the criminal justice system as a result of their behavior.

**Cost:** None, New York State Office of Mental Health funded.

An overriding concern that particularly impacts the mentally ill (as well as others) is the lack of low income, safe and sober housing. The rent for an average studio apartment in Dutchess County is \$690 and for a one bedroom is about \$850. In order to afford these rents which don't generally include utilities, requires an income of \$27,600 and \$34,000 respectively. The vacancy rate at all apartment complexes of 20 units or more is 2.5% which is substantially below the 5% that is recommended as an indicator of a healthy housing market by housing experts. It should be noted that 80 of the vacancies are located in one large complex. If you remove this complex the vacancy is only 1.6%.

In addition, there are restrictions for all public housing including a stipulation that people who have been previously incarcerated need to show they have been rehabilitated. This means no incarceration for a designated period of time (about 3 years for Beacon and 5 years for Poughkeepsie) and no interactions with the criminal justice system. There are similar restrictions on Section 8 and in many of the public-partner affordable housing complexes.

It is clear that the lack of low income housing remains an impediment to rehabilitation and to reducing the recidivism rates. We have no additional, specific remedial recommendations to suggest regarding the housing issues. We will continue to study the issue.

## **ATI Recommendation #4**

### **Women's Issues**

Research indicates that women respond to treatment and other programs differently than men. It is important to understand the key components that women need for success in treatment when developing services for women. In 2005, a Women's Task Force of the Criminal Justice Council was formed to address gender specific issues. The Task Force sponsored a two day workshop with technical assistance from the National Institute of Corrections. The Task Force serves as the Steering Committee to implement the action plan agreed upon at the workshop. Gap analysis is being conducted and a plan will be formulated.

**Cost:** NIC funded technical assistance. Planning process underway, cost to be determined for program development.

**Women's Residential Treatment Program:** In 1999, the CJC identified a need for, and designed a program using a gender specific approach, a residential treatment program for women, women with children and pregnant women. Mid-Hudson Addictions Recovery Centers, Inc. as the lead agency for this program has searched for a site to develop this residential service. Locations identified in 2004-2005 have not gained approval from local government, zoning and planning entities.

**Need statement:** In 2005, approximately 39 women were identified in the Dutchess County Jail as pregnant or women with children who could have been referred to this program. In addition, the Family Treatment Court identified approximately 15 pregnant women or women with children who could have utilized this facility and 45 women with children and 12 pregnant women receiving outpatient treatment services could have been referred. These women were at risk of incarceration if they did not follow treatment recommendations.

**Cost:** New York State Office of Alcohol and Substance Abuse Services will fund capital and operating costs.

**Given past difficulties in gaining site acceptance, strong support by community leaders, local and county government leaders who support effective ATI programs as an effective option for women with alcohol, tobacco, and other drug issues involved in the criminal justice system is necessary to implement this program.**

## **ATI Recommendation #5**

### **Parole Violator Population at the Dutchess County Jail**

#### **A 2005 Decrease in the Parole Violator Population**

The average daily population (ADP) of parole violators at the Dutchess County Jail slightly declined in 2005 from 48.3 to 44.7 parolees as reflected by a 7.5% decrease from the preceding year. The downward trend is continuing in the first quarter of 2006. The ADP for the first three months of 2006 is 42 parolees, a 6% decrease from last year. Parole violation admissions have remained flat for the past two years with an average monthly admission rate in 2004 and 2005 of 22 parolees. The parole violator ADP as a percentage of the overall jail ADP for the past two years was 13.6% for 2005 and 14.6% for 2004. In the first quarter of 2006 through March 31, 2006, the ADP of parole violators by percentage further declined to 12.5% of the Jail's overall ADP.

This downward trend is despite a significant increase in the number of parolees under supervision in the community. According to figures provided by the Poughkeepsie Area Office of the New York State Division of Parole ("the Division"), as of March, 2006, the Division was responsible for the supervision of approximately 400 parolees who reside in Dutchess County, a 33% increase in the past year. The Poughkeepsie Area Office (Region III) supervises approximately 1000 parolees from Dutchess, Sullivan and Ulster Counties, a 25% increase from a year ago.

In March, 2006, the parole violator ADP rose to 47 or 14% of the overall jail ADP of 336. Still, this is less than the 20% of the Jail's census at the time of the CJC Executive Committee Briefing Report to the County Executive, Legislature and Sheriff ("Briefing Report") based upon a January 14, 2005 census of 64 parole violators in the County Jail out of an overall count of 317 inmates. As pointed out in last year's Briefing Report, about 50% of the parole violators at the County Jail are also held on a new charge following rearrest. Of the remaining 50% who are booked into the Jail on a parole warrant only, approximately 50% of those parole violators have also been rearrested, but they have been released on the new charge. Thus, the parole violation warrant is the sole legal basis for the parolee's incarceration in the County Jail in these instances despite the existence of the new charge.

As the Briefing Report noted, the Division has recognized that local jail management is a core component of the agency's mission. In Dutchess County, parole officials continue to be involved in strategic planning and dialogue with the County's criminal justice officials. Local Parole officials attend Criminal Justice Council meetings and actively participate on a number of the Council's committees including the Jail/ATI Census Task Force. This has fostered greater coordination and communication regarding strategies to streamline the adjudication process for parole violation proceedings. This rapid processing of most parole violation cases in a period of weeks is a major factor in the decline in the parole violator ADP.

Unfortunately, at the State level, the lack of commitment by Parole and other State officials to pursue meaningful changes in certain policies, practices and laws overshadows the recent innovations in the adjudicatory process at the local level.

Without such meaningful change, the parole violator population will continue to impose substantial costs on Dutchess County. Meaningful change would include: 1) a solution to the overarching unfairness of the continued housing of state parole violators in local jail facilities and the inequitable reimbursement rate to the Counties; 2) a willingness to employ the most recent electronic monitoring and Global Position Satellite technologies as a smart, less drastic alternative to imprisonment, particularly for non-violent parole violators; and 3) the employment of a fulltime case manager in the local parole office to facilitate the placement of "at risk" parolees in treatment programs or other alternatives to incarceration. None of these recommendations in the Briefing Report have been pursued by State Parole or other State Officials and the unwillingness to do so has never been explained.

### **A Report Card on the Briefing Report Recommendations**

In the February, 2005 Briefing Report, the Criminal Justice Council Executive Committee made six (6) recommendations to Parole and State officials regarding the parole violator population at the County Jail as discussed below.

#### **1. Processing Initiatives to Reduce Delay in the Parole Violation Adjudication Process**

A streamlining in the parole revocation processing of cases has resulted in most cases reaching a disposition at a far earlier point in the revocation process. Case delays resulting from indiscriminate adjournments have been significantly reduced. This has significantly reduced the average length of the adjudicatory process for the majority of parole violators. Previously, the adjudicatory process for parole violation proceedings far exceeded the average length of court case proceedings for a non-parole pre-trial inmate. Since bail is denied on a parole violation warrant, the average length of stay (ALOS) for the parole violator far exceeded the ALOS for the non-parole violator at the County Jail.

The Division has increased the schedule of final hearing calendars from three calendars per month to weekly calendars. It has also increased the size of each calendar from 10 cases to between 10-15 cases weekly as necessary. As of September, 2005, most parole violators are arraigned before an Administrative Law Judge within eight (8) days after the parole warrant is enforced. Rather than rotating judges, the Division has specifically assigned one Administrative Law Judge and a Parole Revocation Specialist to the County Jail for continuity's sake and to focus on the arraignment process. This Administrative Judge had previously implemented the arraignment process at Riker's Island with positive results.

To further expedite cases, an attorney from the parole violation assigned counsel panel is present at every calendar to provide legal representation. Four attorneys rotate on a monthly basis to cover the weekly calendars. Previously, the inability to assign counsel expeditiously was identified by the Jail/ATI Census Task Force as a source of significant delay. This has been resolved with the assistance of the Dutchess County Court Judges who have ensured the availability of assigned counsel at the weekly calendars.

Recent statistics provided by the Poughkeepsie Area Office indicate a greater rate of disposition far earlier in the process. From September, 2005 to March, 2006, the Office enforced 117 parole violation warrants. Of the 117 cases, 20 were the result of new felony arrests. These were placed on the K-Calendar, a control mechanism for parole

violators with pending felony charges in which an adjournment is granted - chargeable to the parolee - until the pending felony is decided. State law provides that upon conviction for a felony and a new prison sentence imposed, parole is revoked without a hearing. Executive Law, §259-i (3)(d)(iii) The K-Calendar results in cases moving to a control calendar, thereby clearing up calendar space for other cases that are more likely to come to a disposition.

Of the 97 cases not placed on the K-Calendar, 78 cases (80%) resulted in a disposition at the first calendar. The remaining 19 cases (20%) were adjourned for a period of 2-3 weeks for various reasons such as further investigation by one or both parties. At a recent parole violation calendar at the County Jail held on March 2, 2006, 8 of the 11 cases were disposed of by the parolee's guilty plea, 2 cases were adjourned for 2 weeks and 1 was placed on the K-Calendar.

Clearly, more parole violation cases are being resolved more expeditiously. This demonstrates the Division's commitment to pursue strategies to facilitate more speedy dispositions and reduce the ALOS for parole violators. However, the K-Calendar with its often open-ended adjournments remains of concern. The Division's position is that in such cases, the felony criminal proceedings should conclude prior to the parole violation proceedings due to evidentiary and other legal issues. Nevertheless, since 20 of the 117 cases (17%) in this time period went on the K-Calendar for often lengthy periods, the ALOS of those parole violators with new felony arrests significantly increased the overall ALOS of the parole violator population.

The Executive Committee continues to support case processing innovations that will result in a reduction of the ADP and ALOS for the parole violator population at the County Jail.

## 2. Electronic Monitoring

The Executive Committee recommended that the Division utilize electronic monitoring in selected pre-delinquency and parole violation cases. This would be particularly appropriate for parolees charged with rulebook or technical violations. It would provide a cost-effective intermediate sanction to parolees consistent with a guiding tenet of the Criminal Justice Council that at the post-conviction stage, the least drastic alternative which will preserve public safety and offer the offender the opportunity to reduce his/her risky behavior or risk of recidivism should be utilized. The use of the advances in Global Position System technology should also be explored.

The Division has not implemented this recommendation. It has only used electronic monitoring locally as part of its Sex Offender Containment Strategy. The Poughkeepsie Area Office currently has only two parole officers trained in the use of electronic monitoring and only four or five parolees on electronic monitoring. It has not been provided any training or equipment for Global Position System monitoring of parolees.

## 3. Parole Case Manager

The Executive Committee recommended that the Division hire an Alternatives to Incarceration (ATI) case manager at the Poughkeepsie Area Office to provide needs assessments and facilitate access to treatment and/or other ATI programs. This social worker professional would greatly enhance the capability of the Poughkeepsie Area

Office to identify appropriate candidates for alternatives to incarceration who are parole violators, or at high risk to violate their parole. The case manager would partner with parole officers to facilitate delivery of treatment services. Currently, parole officers are hard-pressed, with little expertise or inadequate training for assessing parolees with special needs, to make appropriate recommendations for program placement. They further lack the knowledge and training to facilitate admission of the parolee into treatment programs.

A full-time case manager for parolees, similar to the Public Defender's ATI Worker funded upon the recommendation of the Executive Committee, would be an essential partner in the Poughkeepsie Area Office to link parolees under supervision and parole violators with community-based service providers and to assist in monitoring parolees for program compliance. Unfortunately, the Division has not implemented this recommendation despite the need for a full-time case manager on site at the Poughkeepsie Area Office where 1000 parolees are being supervised, including 400 who reside in Dutchess County.

In response to this absence of staffing, since January, 2006, the Mental Health Association of Dutchess County (MHADC) has assigned a case manager to be at the Poughkeepsie Area Office one afternoon per week to provide forensic consultation to parolees who may need treatment and to suggest resources. The case manager meets with parolees who are identified by parole officers as being in need of forensic assessment for treatment. Others require assistance in making treatment arrangements. The Dutchess County Department of Mental Hygiene (DMH) also plans to provide education to the parole officer staff regarding mental health and chemical dependency issues.

These triage efforts by MHADC and DMH are in no way a satisfactory solution to the genuine need for an on-site, full-time case manager at the Parole Office to service the needs of parolees with mental health and chemical dependency issues.

#### 4. Legislative Amendment to Permit the Housing of Parole Violators in State Prisons

The Executive Committee recommended in its Briefing Report that local and state officials enter into discussions to coordinate use of state prisons cells within Dutchess County to house selected parole violators. While Executive Law, §259-i (3)(a)(i) provides that the County is responsible for providing lodging for alleged parole violators arrested within the County, Correction Law, Article 5 was enacted, inter alia, to "provide a method of relieving space pressures in correctional institutions operated by local government." The Executive Committee further recommended that State Legislators representing Dutchess County should assist by seeking an amendment to state law to provide that confinement in a local jail facility need not be the exclusive means to confine alleged parole violators, particularly where jail overcrowding exists.

The state prison population continues to decline leaving empty prison cells. From February 1, 2005 to February 1, 2006, the state prison population decreased 1% to 63,040 continuing a downward trend from a 1999 peak of 71, 431. This is an 11.7% decrease in the state prison population in the past seven years.

There has been no action taken by State Legislators or other State Officials to amend state law to permit the housing of parole violators in state prisons. By such inaction, The

Executive Committee believes the State has abdicated its responsibility for those offenders who are committed to its care and custody by the courts.

As a matter of state law, offenders serving state prison sentences who are released on parole or conditional release continue to serve the balance of their prison sentence while under parole supervision. Parole is not a sentence such as probation which is served in the community under the supervision of the local probation agency. Parole is the release of the offender from prison by the State Board of Parole under certain release conditions to be supervised in the community by State parole officers employed by the Division of Parole. The parolee remains in the legal custody of the State of New York until completion of his or her sentence.

The successful completion of parole is a core mission of the Division and in society's interest. When the Division determines that the parolee has violated the conditions of his parole, neither law nor logic should transfer the financial or custodial responsibility for the parolee to County taxpayers. Rather, a parolee having been released from state prison and having subsequently reoffended or otherwise failed to abide by the release conditions, he should remain the State's responsibility during the parole violation process.

It should be underscored that all decision-making authority in the parole violation process rests with the State. The State decides whether to violate the offender's parole. The State decides whether to re-incarcerate the offender to resume service of his state prison sentence. The State decides whether to revoke and restore the offender to parole, often to pursue treatment or other rehabilitative programming. The County has no authority over these decisions and should not suffer the huge financial consequences related to these decisions.

Executive Law, §259-1 (3)(a)(i) is a legal anachronism that is contrary to logic and fairness. It should be amended to authorize the Division to transfer a parole violator to a state prison within the county of arrest for parole violation. For counties without state prisons, the statute should be amended to permit the housing of parole violators at the nearest state prison outside the county.

5. State Reimbursement Rate to Counties is Inadequate and Should be Increased to Actual Per Day Capita Cost

The Executive Committee recommended that the \$34.00 per day State reimbursement rate be revised to provide for reimbursement of the actual per day per capita cost as certified to the State Commissioner of Correctional Services by the appropriate local official for the care of alleged parole violators confined in the County Jail on parole violation warrants only.

The FY2006-07 State Budget raises the reimbursement rate from \$34.00 to \$40.00 per day for parole violators held in local jails. This is an inadequate response to the Executive Committee's recommendation.

A recent joint audit conducted by the Dutchess County Jail and the State of New York determined the reimbursement due to the County at the \$34.00 jail day/parolee rate for "parole warrant only" inmates housed in the Dutchess County Jail from January 1, 2002 to June 30, 2004. It found that there were 728 parolees housed at the County Jail during

this thirty (30) month period who were confined for a total of 31,063 jail days. With the facility operational costs of \$150.00 per day, the net cost to Dutchess County after reimbursement was \$3,603,308.00.

**"Parole Only" Inmates – 01/01/02 – 06/30/04**

# Parole Only Inmates – 01/02 – 06/04	<b>728</b>
Total Jail Days	<b>31,063</b>
Total Costs @ a facility operational cost of \$150/day	<b>\$4,659,450</b>
Reimbursement @\$34/day/Parolee	<b>\$1,056,142</b>
<b>Net cost to Dutchess County</b>	<b>\$3,603,308</b>

Dutchess County will continue to be significantly short-changed under the new reimbursement rate of \$40.00 per day.

**6. Coordinated Parole Case Management of Parole Violator Population**

The Executive Committee renews its recommendation that the Division of Parole manage the parole violator population at the County Jail consistent with public safety. It calls upon the Division to utilize a "best practices" risk assessment approach to its parolee population. The Executive Committee further recommends the Division continue to implement a strategic plan designed to reduce the County Jail's parole violator population.

**Conclusion - Parole**

The reduction or elimination of the parole violator population at the county jail, by itself, will not completely alleviate the overcrowding. Nevertheless, the Executive Committee urges the State of New York to accept responsibility for the huge fiscal and systemic impact in housing parole violators at the County Jail. The State should implement the Executive Committee's recommendations regarding the parole violator population, and otherwise take all appropriate action to rectify the historic and long-term inequities imposed by a State mandate that is woefully under funded.

The Executive Committee recognizes that a coordinated approach to providing delivery of support services in social services, housing, employment, education, mental and physical health, substance abuse, family support and reunification will better assure the successful transitioning of offenders returning from prison to the community. The Executive Committee recommends that the State of New York collaborate with Dutchess County through its respective criminal justice and human services agencies to assess the current system of offender transition in the County and implement strategies to enhance successful transition.