

**Dutchess County
Criminal Justice Council
Executive Committee**

Briefing to the County Executive, Legislature, and Sheriff

February 10, 2005

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Response of the Dutchess County Criminal Justice Council Executive Committee

on

Jail Crowding and Offender Management within Dutchess County

February 10, 2005

CJC Background

DUTCHESS COUNTY CRIMINAL JUSTICE COUNCIL - FOUNDATION FOR ACTION

Over the past several years, the Criminal Justice Council, via its various committees, has engaged in a strategic planning process. The result is a course of action for the next two to five years, which will lead to the following outcomes for which the CJC has assumed responsibility:

- ❖ Ensure public safety
- ❖ Ensure cost effectiveness
- ❖ Enhance system effectiveness
- ❖ Reduce recidivism
- ❖ Increase community involvement

VISION

Full Council: The Criminal Justice Council has become a system where the overriding concern is for the fair, equitable, cost-effective and efficient administration of justice for the immediate and long term; preventive programming is being developed to minimize entry and re-entry into the criminal justice system; planning is system based with goals and outcomes; decisions are grounded in information, research and facts, not politics; all CJC members are committed to actively work together to achieve this goal.

Executive Committee: The Criminal Justice Council is the primary source of policy analysis and recommendation for the County of Dutchess and the Executive and Legislature.

Prevention Committee: We in Dutchess County strongly value children, youth and families. We envision a community environment that is safe, supporting, nurturing, healthy and drug-free. We seek to offer services that are accessible to all diverse groups and provide equal opportunities for education, career development and personal growth. We hope that all children, youth and families can maximize their potential to make contributions to their communities and participate in its leadership.

Consumers Committee: Consumers have a voice in the system of criminal justice and treatment services in Dutchess County.

Community Involvement Committee: All members of the Dutchess County community are aware and involved in bringing about justice for the entire community.

Sanctions Committee: There is a system of graduated sanctions that identifies fair, equitable and cost-effective enforcement and treatment programs that are available to every individual entering the criminal justice system.

Victims Committee: Victims are restored to their sense of dignity and empowerment.

Background – Dutchess County Offender Population

Since 1987, Dutchess County has been faced with an offender population that exceeds the recommended capacity of the Dutchess County Jail. Various initiatives have been undertaken relative to this issue that have netted great benefit. In fact, an aggressive local approach that utilizes alternative means of sanctioning has realized a population of between 400 and 500 offenders who would otherwise be incarcerated. This approach is consistent with past recommendations of the Criminal Justice Council (CJC) which, relative to offenders sanctions within Dutchess County, stated:

- At the pretrial level, there is a presumption for release using the least drastic alternative to assure a defendant's appearance in court and preserve public safety.
- At the post conviction stage, the least drastic alternative shall be recommended as a sentencing option which will preserve public safety, offer the offender the opportunity to ameliorate the conduct which gave rise to the offense and reduce the risk of recidivism.

As is its charge, the Dutchess County Criminal Justice Council (CJC) continually researches and recommends offender initiatives that are deemed most effective and cost efficient. In fact, relative to criminal justice applications, its mission is to:

- Create safe and vital communities.
- Ensure the fair, equitable, cost effective and efficient administration of justice for the immediate and the long term.
- Provide a full range of prevention initiatives, sanctions and community support to minimize entry and reentry into the criminal justice system.

The CJC remains committed to sanctions for offenders that are fair, cost effective, evidence based, and, perhaps most importantly, fall within a range of alternatives and sanctions that are consistent in approach and outcome. It is with this in mind that the CJC offers the following comprehensive proposal to address the management of offenders within Dutchess County. The proposal is intended to address current system needs and suggest long-term initiatives that are designed to mitigate the flow of offenders to the Dutchess County Jail through alternative placement, community support, and, ultimately, recidivism reduction.

The CJC has been tasked on numerous occasions during its existence to study crowding at our county jail. In 1999, The CJC prepared and presented a comprehensive briefing to the county legislature that referenced a "...jail that has been exceeding its design and certified capacity by 15%-20%...[and housing out costs]...that may reach \$900,000 for the year." The briefing outlined a comprehensive 4-point plan that included:

- Immediate measures to reduce the census at the jail;
- Jail expansion and new facility requirements to support the continuum of sanctions;

- Prevention initiatives that will have a long-term impact on crime and delinquency; and
- Innovative approaches to system improvements called for the overcalled for prevention efforts.

Over \$700,000.00 in preventative initiatives designed to reduce the jail census were funded as a result of the CJC's 1999 briefing. Also, in keeping with this briefing, an architectural firm (Vitetta – Cerniglia/Swartz) was to evaluate existing local practices and facility design within Dutchess County.

A four-stage study was commissioned and the architectural firm, aided by the expertise of Dan Smith and Associates, conducted a qualitative and quantitative inquiry, which in 2001, yielded the following recommendation relative to Jail Expansion:

Operational Bed Requirements			
Year	Average	Low	High
2005	385	326	442
2010	401	340	461
2015	422	362	486
2020	422	362	486

This recommended operational bed requirement is posited to allow for classification and vacancy needs and was derived based upon a stable average length of stay among offenders within the county jail.

The CJC studied the recommendations of the architectural firm and on November 30, 2001, subsequent to a series of special meetings and conferences, recommended a jail expansion of 150 beds.

Since this time jail staff has maintained contact with the New York State Commission of Correction (SCOC) relative to the proposed jail expansion and the maintenance of Housing Variance # 88-V-21, which is now in jeopardy. During additional sessions of the executive committee, the recommendations of the Sheriff's Office were also reviewed. Copies of the Sheriff's Office Study and Recommendations including timelines and cost analyses will be sent under separate cover from the Sheriff.

CJC Executive Committee Recommendations

Given the many studies that have been conducted, including its own previous study, the CJC is inclined, so long as the support services remain constant, to renew its recommendation for a 150-bed expansion.

As was noted in its briefing to the legislature in 1999, there still exists significant opportunity to ease or lessen the projected increase in prisoners held within the Dutchess

County Jail. In fact, it is the intent of this comprehensive proposal that all components be considered part of an overarching or whole system approach to offender management within Dutchess County. Such an approach is not only consistent with the CJC mission; but provides the best opportunity to lessen offender recidivism and system crowding. Following are suggested alternatives to incarceration and/or community supports that have not yet been realized within Dutchess County. Further information is available upon request from Carol Levine, CJC Coordinator at 486-3636 or clevine3cjc@optonline.net.

Suggested Alternatives to Incarceration/Community Support

It should be noted that the Executive Committee of the Criminal Justice Council suggests the development of the following alternatives to incarceration and related community actions and/or supports. However, it also recognizes that significant effort and resource must be commissioned so that the following initiatives can be developed properly and subsequently have the capacity to impact the offender population within Dutchess County.

ATI Recommendation #1:

Recommendations for Youth (7 to 20 years):

“Recognition would be given to the existing programs of prevention within Dutchess County which have proven effective for the purpose of linking of all such services with the new innovative initiatives. The results would represent a comprehensive system of prevention related to the criminal justice in which the contribution of all prevention professionals would be valued and recognized as integral components within one system of prevention.”

(CJC Briefing to the Legislature 1999)

Prevention

One of the primary prevention strategies of the 1999 report was the promotion of Search Institute’s Developmental Assets to increase all Dutchess County youths’ well-being through experiences, relationships and skill building opportunities. Since 2000, Dutchess County government has provided \$171,000 through the Dutchess County Youth Bureau under the direction of the Children’s Services Council’s Youth Asset Team to:

- Increase public awareness on the importance of developmental assets and the role of various community sectors to build assets.
- Provide cross-systems training for adult professionals and volunteers working with youth to infuse asset language/services into their programs and operations.
- Provide mini-youth asset grants as seed money to help various youth groups with the assistance of adults to plan and implement asset based activities, events and community volunteer projects throughout the county.
- Organize the annual fall Kids First Fair in the Galleria Mall to reach families with young children with the asset message.

To date, the initiative has been successful in infusing developmental assets into the county’s youth development and intervention services. The future focus is to reach out to

other sectors (schools and faith based organizations) and increase the role for youth in the decision-making and community development to become “actors of change” and not just recipients of services.

Other successful primary prevention and intervention strategies endorsed by the CJC Prevention Sub-committee during the past six years include:

- Healthy Families home visiting program and other child abuse prevention programs,
- Expansion of after school programs through Advantage Afterschool state funding and federal 21st Century grants,
- Teen centers such as the Family Partnership Center’s TRAC,
- Youth employment training/GED preparation opportunities,
- Implementation of LifeSkills Curriculum in schools to reduce smoking and other risk health behaviors funded through the CSC Children’s Health Initiative (county funds),
- Expansion of Astor’s School-based mental health services,
- Mental Health/Juvenile Justice Project at Probation,
- Parent training using several evidenced based curriculums targeting different skills and age groups.

It should be noted that many of these community based services are currently funded through a variety of state and federal dollars that are at risk of being reduced or eliminated in upcoming state and federal budgets.

Youth Gangs

With the proliferation of gangs and the rise in juvenile violent crime, particularly in the City of Poughkeepsie, both the Criminal Justice Council’s (CJC) Prevention Committee and the City of Poughkeepsie’s Weed & Seed Prevention, Intervention and Treatment Committee have identified the need to address these issues in their Juvenile Plans. According to the National Youth Gang Center, the most effective response to youth gangs is “a combination of interdependent prevention, intervention, and suppression strategies, selected by a community to target their emerging or chronic gang problems, which have been identified by a comprehensive, systematic assessment.”

The CJC sent a team of eight professionals from a variety of fields to Albany to participate in the Office of Juvenile Justice Delinquency Prevention’s (OJJDP) Comprehensive Youth Gang Model. It is a comprehensive, collaborative approach designed to prevent and reduce youth gang violence. The Model calls for five core strategies to be delivered through an integrated approach by a team of community agencies and organizations. The five strategies are as follows: community mobilization, social intervention, opportunities, suppression, and organizational change. Research consistently shows that gang problems differ among and within communities. Prior to implementing program solutions, communities need to conduct a comprehensive assessment of the nature and scope of their gang problem. An assessment of a community’s local gang problem provides an understanding of the problem, its origins, potential causes, and contributing factors.

The NYS Division of Criminal Justice Services (DCJS) has provided a Planning grant to the City of Poughkeepsie Police Department to conduct a comprehensive needs assessment of both juvenile violent crime and youth gangs in 2005. The CJC Prevention Committee and the City of Poughkeepsie Weed & Seed Prevention, Intervention and Treatment Committee are jointly overseeing the DCJS planning grant. After the comprehensive needs assessment is complete, it is our goal to prepare a grant to DCJS for the second phase, the Implementation grant. If awarded, the Implementation grant would allow the committees to make the long term investment to effectively respond to the factors identified in the needs assessment that correlate with both juvenile violent crime and youth gangs by providing an array of prevention, intervention and suppression strategies.

Additionally, with funding provided by the Weed & Seed Initiative, two conferences have been held to date, one in May 2003 and one in January 2005. The conferences attracted professionals from the fields of education, law enforcement, mental health, juvenile justice, government, recreation, and several human service and community based organizations. The conference attendees learned how to identify youth at risk of gang involvement and those who are already gang involved, as well as some prevention programs that work to keep youth out of gangs.

As the CJC Prevention Committee moves forward, it is important to remember that we are in the process of a strategic needs assessment that will identify and prioritize our issues as they relate to juvenile violent crime and youth gangs. This is a long-term investment into developing collaborative and comprehensive approaches to address these ever growing problems that are multi-faceted and deserve our attention. (Additional information is available on youth gangs.)

Probation Services

Two other recommendations of the 1999 Report were successfully implemented: Community Mental Health Outreach Worker placed in the Probation's PINS Services unit and Jail Based Services Transitional Services. In addition, for juvenile youth under 16 years old, both the Office of Probation and Community Corrections and the Youth Services Unit now use the Youth Assessment Screening Instrument (YASI) and case management software to identify youth risk and protective factors to reduce recidivism and divert more youth to community based services. Probation has augmented the assessment process by using the V-Disc software developed by Columbia University, a self-directed youth mental health evaluation.

Based on the Vera Institute training, the PINS Assessment team was restructured into the Collaborative Solutions team to divert both JD/PINS youth from Family Court and the PINS Task Force was expanded into the Juvenile Justice Task Force. Recently instituted is the "Court Involved Youth" Ad-hoc committee of director/supervisor level representatives from the Department of Mental Hygiene, Probation, Department of Social Services, County Attorney's Office, and Youth Bureau to discuss specific high-risk youth cases for plans to avoid placement and identify systems issues. This committee will also study the issue of regional Secure Juvenile Detention Center.

Supervised Community Residence

The 1999 Report also recommended "Supervised Community Residence in conjunction with intensive treatment as an alternative to incarceration for 12-15 youth with substance abuse/mental health problems who would remain a minimum of six months." Such a model exists in Chicago Illinois called Teen Living Programs (www.endhomelessness.org).

The Teen Living programs' youth served mirror the demographics of youth in the jail studied for the 1999 Report including poor educational experiences, possessing low academic and educational skills, and lack of stable housing. The Teen Living service delivery approach is rooted in Positive Youth Development, which promotes bonding with older adults, along with assisting youth to develop social, emotional, cognitive, behavior and moral competencies. Because youth are emerging in adulthood, staff posture themselves as collaborators and consultants rather than as quasi-parents or guardians. Youth are assessed for strengths in psycho-social functioning, physical health, mental health independent living skills, employability and education. To augment comprehensive life skills and educational/training interventions, our jail-involved youth also need mental health/substance abuse services as part of the Transitional housing. This type of facility would be a higher level of supervision than Hudson River Housing's River Haven supportive independent living apartments currently offers. The Transition Housing would also need the employment training/GED preparation and mental health/substance abuse services. (Total cost needs to be identified).

ATI Recommendation #2:

Electronic Monitoring/Housing

The inmate population eligible and suitable for electronic monitoring varies throughout the year. The average daily population on electronic monitoring in 2004 was 92. To be eligible for electronic monitoring, an individual must have a residence and a phone. In the case of indigence, a phone will be provided.

One of the biggest bars to electronic monitoring is lack of a stable residence. Therefore, suitable housing for appropriate individuals would effectively remove this bar. Individuals most often encountering housing issues are the young, those with mental health issues and women. Women with children are another segment of the population with special needs for suitable housing.

Not all individuals who may need the structure of electronic monitoring would need a secure or locked facility. Therefore, an existing house would meet this need. Hudson River Housing has space available at Hillcrest and is interested in providing services for special needs populations released from jail with the provision that electronic monitoring and service coordination is in place.

Several housing/electronic monitoring models are possible and range in cost. One of the least expensive would be to use existing housing and support staff in conjunction with electronic monitoring. For example, Hudson River Housing could provide 24 hour per day staffing with a staff to resident ratio of 1:8. Trained counselors would provide support and program monitoring. Individuals living at the house would participate in recreational, social and educational activities while participating in community programs. Probation officers, Hillcrest counselors and the designated community providers would coordinate services and monitor compliance. Probation officers would be available to respond 24/7 should this become necessary. The newest electronic monitoring technology, expected to be available by June 2005, will not require multiple home lines in order to monitor more than one individual in the same residence. Approximate cost would be from \$2.00 to \$6.00 per day for each individual monitored.

Proposed Populations: Youth - Lack of suitable housing presents a tremendous obstacle for youth transitioning from the jail and directly impacts recidivism. An 8-bed facility, coupled with electronic monitoring, would enable suitable youth to participate in community treatment programs or the Community Transition Center. Counselors would assist youth to resolve housing issues. It is estimated that 6 to 8 youth would be eligible for this program. This is a less expensive alternative to supportive community residence for older youth.

Mental Health - Using the above model, housing would be provided for 6-8 appropriate individuals following legal and mental health screening. Case management could be provided by the Mental Health Association. It is estimated that 6-8 individuals may be eligible for this program.

Costs: In addition to the cost of electronic monitoring, that would range between \$2.00 and \$6.00 per day depending on the type of technology used, housing costs would range depending on the circumstances of the individual. For those with employment, a payment schedule for room and board could be assessed. For those who are unemployed, and eligible and approved for public assistance, the Department of Social Services would pay for the housing until employment was secured. Therefore, estimated cost of this proposal could vary. If existing community services could be used, this would reduce the cost of this project substantially.

ATI Recommendation #3:

Mentally Ill Population

In Dutchess County as well as in jurisdictions throughout the country, the number of mentally ill persons confined in jails and prisons has increased dramatically over the past several decades. President Bush's New Freedom Commission on Mental Health reported that people with serious mental illness who come in contact with the criminal justice system are likely to continually recycle through that system.

In the Dutchess County jail it is estimated that at any given time 10-15% of the inmates have a major mental illness. In a recent review of one month's jail census, there were 30 inmates with a major mental illness diagnosis, most of whom were in with misdemeanors and low level felonies. A number of initiatives could be utilized that have the potential of significantly reducing the number of people with mental illnesses from entering the system in the first place, reducing the length of stay while in the jail or reducing reentry after incarceration.

It is the recommendation of the CJC Executive Committee that diversion, alternatives to incarceration and within jail treatment modalities for people with mental illness be explored and that the programs that have the most promising outcomes be considered for implementation. Current resources, grants and/or local funding need to be identified and devoted to the establishment and operations of these alternatives. According to the Bureau of Justice Statistics, nationwide 75% of mentally ill inmates have been sentenced to time in prison or jail or to probation before their current sentences. By diverting people with mental illness from jail, reducing the length of stay in jail, reducing the rate of recidivism and by using multiple funding sources, there are potential long term cost savings to the community.

Examples of initiatives are:

- Specialized police units such as **Crisis Intervention Teams**, including mental health personnel, who can utilize interventions more appropriate than arrest.
- 24 hour, **no refusal crisis centers** that can be used by police for people exhibiting mental disorders.
- **Mental Health Courts** utilizing release from jail with conditions, deferred prosecution or summary probation have shown promise in reducing criminal justice involvement and enhancing treatment outcomes
- **Alternative Sentencing** offering comprehensive treatment and supervised residential placement.
- **Transitional Housing** (see ATI Recommendation #2)
- **Special Needs Jail Units** with trained correction officers and treatment services.

Along with exploring and implementing the most promising and cost effective initiatives, it is important to continually work on reducing the barriers in accessing treatment, and to working more effectively across systems. It is particularly important to identify youth with serious emotional disorders and prevent them from falling through the cracks and into the juvenile justice system.

The lack of low-income housing is another major issue for this and other at risk populations. Stable housing, whether independent or supervised, is a key component for the success of alternatives to incarceration and for released inmates to reduce recidivism rates.

ATI Recommendation #4:

Women's Issues

Over the past year, the Women in the Criminal Justice System Task Force of the Criminal Justice Council have been analyzing the needs of women defendants and offenders. All current research indicates that in order to be effective, programs must address the unique needs of women. In general, women tend to be poorer, unemployed and the victims of domestic violence, physical and/or sexual assault.

Intervention strategies must take into account both the effects of trauma and developmental issues for women. Effective programming must provide opportunities for women to experience relationships that do not repeat their history of abuse and are ongoing in nature. Duplicating services already present for men is not sufficient.

In the jail, specific programming for women would be available and linked to services in the community. Health, education, parenting, trauma stabilization, job skills, and domestic violence services would be available.

For those under probation supervision, gender specific programming would be available. Coordination with victims' groups, ongoing support and specific interventions, such as the Wings program offered on-site at Probation by Grace Smith House, would address specific needs.

Housing for women and children is a need for women both transitioning from the jail and for those in the community. Housing, combined with appropriate programming, may prevent women from entering or returning to the jail. The 1999 Briefing to the Legislature outlined in detail the need for a residential unit, day treatment center and outreach services.

A basis for comprehensive programming already exists in the community. Building on this foundation, the Women in the Criminal Justice Task Force is planning to formally request technical assistance from the National Institute of Corrections. This assistance would be a request for a workshop to present best practice models from a system's perspective.

ATI Recommendation #5:

Parole Violator Population at the Dutchess County Jail

The New York State Division of Parole supervises approximately 300 individuals on parole who reside in Dutchess County. All parolees have been released to the community after serving a state prison sentence for a felony conviction. The majority of parolees were sentenced to state prison for non-violent felony offenses. Local parole supervision is the responsibility of the Poughkeepsie Area Office that has a caseload of approximately 800 parolees from Dutchess, Sullivan and Ulster Counties. When a parole officer determines that an individual released to parole supervision may have violated the conditions of release, either by committing a new crime or failing to

adhere to the conditions of parole, the Parole Board's regulations provide for the issuing of a parole violation warrant. When the individual is arrested on the parole violation warrant, regardless of whether he has been charged with a new crime, he will be detained in a local jail awaiting the outcome of a parole revocation hearing. In New York State, local jails are required by law to house parole violators awaiting a parole revocation hearing [Executive Law, Section 259-i (3)(a)(i)], and they are not entitled to bail. The State's reimbursement to Dutchess County is set by statute at \$34.00 per day, far less than the actual cost of housing the alleged parole violator, which exceeds \$125.00 per day.

On January 14, 2005, 64 individuals were confined at the Dutchess County Jail on parole violation warrants. This was approximately 20% of the jail population. Of the 64 individuals, 32 (50%) were also held on bail on a new misdemeanor or felony arrest. Approximately 16 of the alleged parole violators (25%) had a new arrest on which they had been released on recognizance, and thereby were being held on the parole violation warrant only. The remaining approximately 16 alleged parole violators (25%) had no new arrest and were being held on rulebook or technical violations, such as failing to report, absconding, unauthorized change of residence, more than two failed drug tests or failure to complete a drug treatment program. Of the 64 alleged parole violators held at the County Jail on January 18, 2005, a substantial majority were on parole for non-violent felony offenses such as felonious possession or sale of drugs, theft or forgery.

The adjudication process for parole revocation proceedings generally exceeds the length of court proceedings in criminal cases. From September 2, 2004 to January 27, 2005, the average time period between the date of arrest on a parole violation warrant to the date of the completion of the parole revocation proceeding was 67.56 days. This is at least twice the average length of stay of a pre-trial detainee at the County Jail.

Historically, jail population management has only been the concern of local officials. Parole officials generally focused on their active parole supervision population. The Division of Parole has now recognized that local jail management is a core component of the agency's mission. At the local level, parole officials have recently been far more involved in strategic planning and dialogue with the County's criminal justice officials than their predecessors. Parole officials attend Criminal Justice Council meetings on a regular basis and actively participate on a number of the Council's committees including the Consumer's Committee and the Jail/ATI Census Task Force. State Parole officials note that the number of parole violators housed in local jails throughout the State has declined in recent years, even while there has been an increase in parole violation cases attributable to tougher enforcement practices of parole authorities for technical violations.

On October 2, 2002, the Jail/ATI Census Task Force hosted a number of State Parole representatives for a wide-ranging discussion regarding the parole violation population at the County Jail. The meeting minutes and an article discussed at the meeting entitled "Reducing the Number of Parole Violators in Local Correctional Facilities in New York State" are available upon request. There was agreement at the Task Force meeting that

communication between local parole officials and local prosecutors would be encouraged to coordinate the adjudication process and ease delays.

Additional discussions at the October 2nd meeting also resulted in instituting a new procedure at the County Jail to expedite the delay in processing a parole violator's request for assigned counsel for parole revocation hearing representation. A parole representative had noted at the meeting that approximately 70% of the originally scheduled final revocation hearings had to be adjourned pending the assignment of counsel. Under the new procedure, a Jail officer would assist the parole violator by collecting the counsel request forms immediately after service of the Notice of Violation form, which includes a request for attorney portion to be completed on the Notice of Violation. The Jail officer would turn the request for counsel over to a Correction Sergeant who would, in turn, send it directly to the Chief Clerk's Office at the County Courthouse for prompt processing of the counsel request. This resulted in a significant improvement in the timely processing of request for assigned counsel and eliminated the need to adjourn many of the hearings for that purpose.

At a September 3, 2003 Task Force meeting, a parole representative noted that the Division Chiefs in Albany has been instructing parole officers to find alternatives to incarceration in appropriate cases, rather than issuing parole warrants. He further informed the Task Force that the Division of Parole is trying therapeutic approaches to keep non-violent offenders out of jail without compromising community safety.

Most recently, Parole area supervisors have been given the authority to declare the parolee to be delinquent following a finding of probable cause after a preliminary hearing or a waiver thereof [see Executive Law, Section 259-i (3)(d)] rather than submit the probable cause determination to a Parole Commissioner for further action. This should reduce bureaucratic delay, which would occur when a final revocation hearing would have to be adjourned due to no declaration of delinquency having been made in some cases by the scheduled final hearing date. The Parole area supervisor may now expedite the process by signing the declaration of delinquency rather than awaiting a Parole Commissioner's signature in Albany.

Parole Recommendations

The Criminal Justice Council's strategic planning and jail population reduction initiatives have long recognized that criminal justice planning and programming may not ignore the significant impact that the parole violator population has on the County Jail census. The Council believes there are further case processing and intermediate sanctioning initiatives, which would reduce the parole violator population at the County Jail.

1. Parole officials have recently discussed with County officials additional case processing initiatives to reduce delay in the parole violation adjudication process. These include: 1) increasing the schedule of final hearing calendars at the County Jail from the current three calendars per month to four calendars per month; 2) increasing each final hearing

calendar from 10 cases to 15 cases; and 3) enforcing a No-Nonsense Adjournment Policy for final revocation hearings. The Council whole-heartedly supports these case-processing initiatives and calls upon the Division of Parole to implement them as soon as possible.

2. The Division of Parole should utilize electronic monitoring in selected pre-delinquency and parole violation cases. This would provide a more 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 Division of Parole seldom, if ever uses electronic monitoring in pre-delinquency and parole violation cases in Dutchess County, while it is utilized in other areas of the State. Dutchess County has been at the forefront in the use of electronic monitoring as an alternative to incarceration for both pre-trial defendants and post-conviction offenders. The Division of Parole should coordinate with Dutchess County in placing selected non-violent parole violators on electronic monitoring as a less drastic alternative than incarceration at the County Jail.

3. There is a genuine need for an Alternatives to Incarceration (ATI) case manager at the Poughkeepsie Area Office to provide needs assessments and assist in accessing treatment and/or alternative programs. The ATI case manager would be funded by the Division of Parole. This social worker professional would greatly enhance the capability of the Parole Area Office to identify appropriate candidates for alternatives to incarceration who are at high risk to violate their parole, or who have violated their parole. The case manager would partner with parole officers to work with the pre-delinquent parolee or incarcerated parole violator and conduct assessments for a drug treatment program, or other alternatives to incarceration. The duties of the ATI case manager would be to facilitate the use of alternatives to incarceration in a manner consistent with public safety. This would include risk assessments, Medicaid qualification, program admission processing and developing appropriate individualized treatment and supervision plans for selected parolees. Currently, parole officers and defense attorneys are hard-pressed with little or no social services expertise or training for assessing parolees with special needs, for making appropriate placement recommendations and assisting in presenting the treatment plan to appropriate parole officials, including administrative law judges at parole revocation hearings.

The Alternatives to Incarceration case manager for parolees, similar to the Criminal Justice Council's successful initiative in 1999 to have an ATI Worker funded in the Public Defender's Office as a defender-based advocate, would be an essential partner in the Poughkeepsie Area Office to link parolees under supervision and parole violators at the County Jail with community-based service providers and to assist in monitoring parolees for program compliance. By providing parole officers and parolees with treatment options, the ATI case manager would enhance Parole's capability of returning parole violators to parole supervision, freeing up costly jail space.

4. Pursuant to Correction Law, Article 5, local and state officials should enter into discussions to coordinate use of state prison cells within Dutchess County to house selected parole violators. There are empty state prison cells in Dutchess County which are available to house parole violators. While Executive Law, Section 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 to, *inter alia*, "provide a method of relieving space pressures in correctional institutions operated by local government;" State legislators representing Dutchess County should assist in effectuating the housing of alleged parole violators in empty state prison cells within Dutchess County. If necessary, our State legislators should propose an amendment to state law to provide that confinement in a local jail need not be the exclusive means to confine alleged parole violators. It should be noted that under state law, if the alleged violator requests a local revocation hearing, he shall be given a revocation hearing reasonably near the place of the alleged violation or arrest if he has not been convicted of a crime while under supervision. Executive Law, Section 259-i (3)(i). The statute has been held to be satisfied when a New York City parole violator was scheduled for a final parole revocation hearing at Ossining Correctional Facility. ("It appears that the petitioner *preferred* to be at Rikers Island, but there is no showing that Ossining was not as "local" as Rikers. There has been no demonstration that holding the hearing at Ossining violated any statutory mandate or inherent right to due process." (emphasis not added) (citations omitted) People ex rel. Weiner v. LeFevre, 78 A.D. 2d 736 (3rd Dept. 1980); *see also*, People ex rel. Cleveland v. NYS Division of Parole, 117 Misc.2d 687 (Sup. Ct., West. Co., 1983) (New York County parole violator's right to a final revocation hearing "reasonably near" the place of the alleged violation was satisfied by holding the hearing at Queensboro Correctional Facility, a state prison in Queens County).

5. The State's reimbursement to the counties for the housing of alleged parole violators which is set by statute at \$34.00 per day pursuant to Executive Law, Section 259-i (3)(a)(ii) should be amended 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 on parole violation warrants only. State legislators representing Dutchess County should propose this amendment to state law which would more than triple the reimbursement rate to Dutchess County for housing alleged parole violators at the County Jail.

6. The Criminal Justice Council calls upon the Division of Parole to manage the alleged parole violator population at the County Jail consistent with public safety, to analyze and assess data, to implement a strategic plan designed to reduce Dutchess County's parole violator population and to follow-up with Division of Parole staff charting its progress.