

Dutchess County Criminal Justice Council

Meeting Minutes

July 9, 2019

Present: Mary Ellen Still, Chair, Director of Probation
William O'Neil, County Executive's Office
Dr. Gary Christensen, CJC Consultant
Honorable Frank Mora, Poughkeepsie City Court
Jon Heller, D.C Probation, Special Populations Chair
John T. Gildard, Citizen Appt.
Tom Angell, Public Defender, Re-Entry Chair
Bridget Goddard, DCFS
Karmen Smallwood, Dutchess County Probation, Women's Chair
Bill Eckert, DBCH
Shirley Adams, CIC Chair
Rebecca Edwards, D.C. Legislator
Honorable Gerald Hayes, Citizen Appt.
Karen DeSimone, D.C. Probation, Juvenile Justice Chair
Kelly Bunt, KB Forensics, Victims' Chair
Barbara Jeter-Jackson, DC Legislator
Loren Petrella, County Executive's Office
Dr. A.K. Vaidian, Commissioner of Behavioral & Comm. Health
William Grady, D.C. District Attorney
Austin "Brud" Hodgkins, Citizen Appointment
Irma Machado, DOCCS
Dawn Hawley, Coordinator

Guests: Joanne Nellis, Dutchess County Probation
Tom Morris, Dutchess County Probation
Martin Lynch, Project M.O.R.E.
Geri Willmott, ENJAN
Christiana Praterlee, ENJAN/NYCLU

1. Approval of May 21, 2019 minutes — The minutes were approved on a motion by Bill O'Neil seconded by Karen DeSimone.

2. Jail/ATI Report - Admissions for the jail are up slightly. The average daily population has also increased over the last month.

3. Projected Impact of Bail Reform - Dr. Gary Christensen – Gary presented a power point which made projections for the jail following implementation of bail reform on 01/01/20. Meetings regarding bail reform are being held locally and at the state level.

Money bail will be eliminated for misdemeanors and non-violent felonies with a few exceptions. When people are arrested for non-bailable offenses, judges cannot set bail or put them in jail at arraignment. A police officer must issue an appearance ticket in most cases. There are some exclusions for non-violent felonies, domestic violence and sex offender cases, but all others will be issued an appearance ticket regardless of risk to reoffend.

Gary asked Jon to speak about release under non-monetary conditions. Jon stated most people will get appearance tickets and therefore screening will not take place early in the process. Under the new law, judges will release people at arraignment under the least restrictive release option. Brud asked if there will be more people on EM. We are not sure at this point. Judge Mora asked if we know how the mandatory notifications of court appearances will work. Mary Ellen said that it is currently being discussed. The method of notification is chosen by the defendant. The defendant may choose: text, e-mail, mail or phone call. Mary Ellen said that they are looking at software that may help with notifications. Implementation of bail reform is under the Office of Court Administration, but they are working very closely with DCJS, New York Association of Pretrial Service Agencies and other entities.

Gary showed that initial admissions will decrease dramatically in the Dutchess County Jail beginning on 01/01/20. Gary reminded us that 1,810 people previously incarcerated would not be remanded to jail under the new bail reform guidelines.

Gary did extensive research that showed that 98.4% of people released after serving 30 days or more were convicted of some crime and sentenced either locally or to state prison. These people were part of the 1,810 number who will not be incarcerated pretrial. Many people will not be accruing any time served. We do not know how the system will respond.

Gary said that the way New York state has implemented bail reform is not reflective of other states, so it is difficult to compare results. Looking at the projections, there are approximately 6,600 people who will now be non-bailable. Those with high Proxy scores are at high risk for rearrest.

Rebecca Edwards said it seems we may have fewer pleas and more trials. Gary said most people will not be in jail initially. The question is how the DA and PD's offices will negotiate. Tom Angell said that almost 100% of sentences are a result of a plea deal. Last year there were about 20 misdemeanor trials. Tom said he doesn't know if the system will be able to ramp up to provide large numbers of misdemeanor trials. Tom thinks an issue will be how many people don't show up for court. Once someone doesn't show up for court, the rules change regarding incarceration. Tom doesn't think a lot of clients will sign up for a jail sentences on a plea. It will take time after 01/01/20 to see how the system responds. Gary said public safety needs to be considered.

Bill Grady said that we need to understand that there will be non-bailable misdemeanor defendants who are drug dependent and/or have a mental health issue. It will be a challenge to engage them in treatment early in the criminal justice process. Currently, defendants in the jail can receive a forensic evaluation and/or participate in RESTART. There is an incentive to do so. Those in RESTART can transition back into the community and continue their programming, most under probation supervision.

In the future, arraignments can take place up to 20 days after arrest. Bill hosted a meeting to discuss what alternatives are available and to look at pre-arraignment options to encourage participation in appropriate programs. There will be more discussion on developing pretrial options.

Rebecca Edwards asked about jail programming for those in need of Medication Assisted Treatment and mental health services. Mary Ellen asked Bill Eckert to talk about the services that are available and those that we are currently working on.

Bill Eckert stated that there is intensive programming in RESTART. Bill said that we have a well-established forensic process. How this service will be accessed after 01/01/20 is not yet clear. There is a jail-based mental health team. We are moving toward induction of MAT in the jail. The impact of bail reform on the jail needs to be seen. Lexington is going to open access for walk-ins. Turning Point and other community agencies will be available for immediate intervention. It is possible that acute walk-in services will see an increase as well as the Stabilization Center.

Gary said RESTART is a comprehensive program which includes mental health services with continuity to the community. The primary participants of RESTART are people who will now become non-bailable and have a proxy score of 4-6. Jon Heller added that Special Populations did an analysis and found that we needed a program such as RESTART to complement our community-based programs. Mary Ellen added that we should continue to look at our current needs and that is why quality assurance plays a vital role. Gary said that we shouldn't assume that someone with mental health needs doesn't also have criminogenic needs that must be addressed. For many people, we need leverage and incentives to get them into treatment. This new system may be expensive; we don't know yet the impact on Probation and other agencies. There are going to be a lot of issues we must deal with before we can get to a system that is as good as the one we have now.

4. Committee Reports:

Raise the Age – Judge Egitto -Mary Ellen reported the Raise the Age plan has been approved with very few modifications. We will receive funding for increased staff and community-based programs targeting the older youth population. Seventeen-year-olds will be coming into our system on October 1. We anticipate many more youth coming into Probation and Family Court. About 1/3 of the appearance tickets issued this year so far have been for 16-year-olds.

Quality Assurance – Gary Christensen – Gary reported they are beginning to look at centralized arraignment. We obtained a policy from the Broome County Correctional Facility in Binghamton, NY. Gary and Mary Ellen met with Judge Hayes to talk about chairing a centralized arraignment work group. They will explore the pros and cons of creating centralized arraignment.

Re-Entry – Tom Angell and Irma Machado – Tom reported they had a meeting with DCJS, their funding agency. They are changing the way Re-Entry is funded. There will no longer be targeted milestones. There will be a focus on assisting Parole to meet the needs of individual clients. Irma reported that the changes are statewide, not just Dutchess County.

The committee met on June 20 and had a presentation by the Salvation Army about their services to the homeless in the county. Re-Entry has a meeting on August 15 at 2:00 p.m., at St. Paul's Church. There will be a presentation on Hudson Link, a program in state prison to help people get a college degree.

Community Involvement Committee - Shirley Adams Shirley reported that CIC met June 19 and discussed bail reform and its implications. They had a lively discussion and there was a recommendation to hold a larger meeting for people in the community. The meeting will be on July 16, and the opioid epidemic and bail reform will be discussed. Because of the timing and the logistics, anyone who can come and support this discussion would be welcome. A flyer will be sent out electronically. Please e-mail it to members and constituency.

Diversion – Steve Miccio— Steve was not present, but Mary Ellen reported that they will hold another CIT class in September. Bill Eckert added that in June there were 297 visits to the Stabilization Center; 25% of those visits were for detox services. The number of guests brought to the Center by law enforcement officers was 22. Of the 22 transports, 17 of the officers have received CIT training. There have been 6,760 visits to the Center. About 44% of those individuals have been diagnosed with a substance use disorder with a roughly 50/50 male/female break down.

Victims - Kelly Bunt - Kelly reported that the committee finalized the magnet project. 600 puzzles went to consumers of Office for the Aging home-based meals. Bill Grady worked with the committee on funding the project and announced the project at the Elder Abuse Awareness Day Conference which was held at DCC this year. The puzzles were delivered during the week of June 17. Kelly said she has received requests for more puzzles and will be giving them out. The Office for the Aging is continuing to expand on the tips contained in their newsletter. The committee is considering their next project and will meet this Friday at 9:00 a.m.

Justice-Involved Women – Karmen Smallwood – Karmen reported that the committee did not meet last month and will resume meeting in August. They have spent the last few months focusing on the collaborative research project with Marist College. The purpose of the project is to explore the lives of justice-involved women in the Criminal Justice System. Faculty from the college's Center for Social Justice Research launched the recruitment and retention phase in June. Karmen said they are looking forward to receiving initial data analysis in the fall.

Special Populations - Jon Heller - The committee met on June 17. The RESTART Quality Assurance committee continues to address QA issues. There was an upgrade to Northpointe software which should be complete within a few weeks and will provide us with more data.

Charlie and Jon presented at the Re-Entry conference in Columbia County on May 22. It was very well received. Jon said it was interesting to hear from rural communities that have different issues with re-entry. There will be a planning meeting July 10 at Bowdoin Park for the entire RESTART staff. The group talked about the next steps for MATs. Jon said they had a meeting to discuss administering buprenorphine in the jail. The committee talked about next steps in light of bail reform. Tom Angell suggested that we should look at emergency departments. Bill Eckert reported that there would be a suboxone provider at the Stabilization Center full time. Dr. Ramsey said that HRH has a provider five days a week. There will be a meeting of Special Needs regarding the 730 process and the time it takes to get someone out of jail. The next meeting is July 15.

Juvenile Justice – Karen DeSimone - The committee met on May 23 and spent most of the meeting talking about the film Resilience and how we might move forward. We should receive access to the film

and training in the early fall. All beds are now open at Woodfield. Dutchess County will host the next Regional Youth Justice team meeting on September 18. The committee's next meeting is July 25.

5. Old Business – At the last meeting, Bill announced they met with the COC and asked them for a delay so that we could work on a design change due to bail reform. The county was granted a postponement. Bill said they are looking at various design options to reduce the size of the JTC based on population projections.

6. New Business - Mary Ellen said that the State Bail Implementation Task Force was recently created by the Executive Chamber of the Governor's Office. They have been empowered to educate on the statutory requirements, to engage state and local agencies, to provide technical support and assistance, to assist the Office of Court Administration in the certification process and to assess the reforms impact. They have met three times in two weeks and will be meeting again soon. It is a tight time frame. It was decided to create a committee to work on standards that will guide the reform. NYS Association of Pretrial Service Agencies is going to be one of the members along with the NYS Division of Criminal Justice Services and the Office of Court Administration. Jon Heller and Kathy McQuade from Probation will serve on that committee. Jon added that the first meeting will be July 29.

Rebecca Edwards asked if officers will have more training for field appearance tickets. Mary Ellen said the need for training for law enforcement, judges and others has been identified.

7. Announcements – Through a grant with OBS, SNUG staff will be expanding to include a social worker and a case manager. There will be a job posting coming out through Family Services.

8. Adjourn – A motion to adjourn was made by Karen DeSimone, seconded by Bill O'Neil.

Next Meeting: Tuesday, September 10, 2019 at 8:00 a.m. at 230 North Road, Poughkeepsie