

**Dutchess County
Criminal Justice Council
Meeting Minutes**

May 19, 2015

Present: Mary Ellen Still, Chair, Director of Probation
Shirley Adams, CIC Chair
Thomas Angell, Public Defender, Re-Entry Chair
Onaje Benjamin, DCJ, Citizen Appt.
Bill Carlos, Citizen Appt.
Gary Christensen, CJC Consultant
John Crodelle, Judge, T/O Northeast
Karen DeSimone, Probation, Juv. Justice Chair
Sharon Doane, Family Services, Victims Comm. Chair
Bridget Goddard, DCFS
William Grady, DA
Barbara Jeter-Jackson, DC Legislator
Sabrina Marzouka, DCFS
Steve Miccio, PEOPLE Inc., Diversion Comm. Chair
Katherine Moloney, Judge, C/Pok
William O'Neil, DC Exec Office
Julia Pagones, DC Planning
Ken Roman, DC Legislator
Frederick Romig, Judge, T/O East Fishkill
Marjorie Smith, Citizen Appt.
Denise Watson, Judge, DC Family Court

Guests:

Fred Bunnell
Karen Johnson
Thomas Morris
Darrett Roberts
Molly Shanley

Mary Ellen Still called the meeting to order at 8:10 a.m.

1. Approval of Minutes

The minutes of the March 24, 2015 meeting were approved on a motion by Marjorie Smith and Bill Carlos.

Mary Ellen introduced Tom Morris, the new Deputy Director of Probation.

2. Jail/ATI Report—Greg Gale and Mary Ellen Still

Jail and ATI reports were emailed. There were no questions.

3. Presentation by Gary Christensen

Gary started by recapping that at the last meeting we looked at the group of people with the most jail days. We know that admissions have remained the same, but the jail count has been increasing. We also know that the driver of the increase is average length of stay (ALOS). We know that sentenced people and those that go to state prison are the largest groups of people contributing to these jail days. We also looked at the group with 100+ days and that group is 15.7% of our population, but makes up 65% of our jail days.

After reviewing this group, we found that housing out, the court process, forensic assessment, and presentence investigations are four major factors affecting the length of stay. We have met with various stakeholders and have also reviewed case files. Gary will continue to evaluate this data by month. ALOS has been increasing since January 2014.

We also reviewed a group with ALOS from 300 – 751 days. We pulled the database of those persons to review the case files, and have met with Probation, the Public Defender's Office and the District Attorney's Office to discuss process.

Bill Grady said that we should discuss the process in general. Bill said that the best way to expedite processing in regard to felonies is through prosecution by Superior Court Information (SCI). Ordinarily, under NYS law, a person must have their case presented before a Grand Jury and there must be an indictment. There are often delays involved and this can be a lengthy process. To reduce this length of time, the SCI method may be used. The defendant must choose to waive all his/her rights and plead guilty in advance of the indictment. A period of negotiation takes place between the DA's Office and defense attorneys and often a month goes by during this period. In Orange County, there are over 700 felonies a year that are prosecuted and only 5% to 10% are done by the SCI method. In Dutchess County, there are about 400 to 500 felonies, and about 70% are done by the SCI method. This is a credit to the PD's Office, DA's Office and the private attorneys.

Bill said that they met with Tom Angell and the Public Defender's Office to expedite the process. They have come up with a plan for jail cases that would require a reasonable offer be put forward within three weeks of arrest on a felony. Within two weeks of that offer, there will be a reasonable response by the Public Defender's Office. If that does not happen and there is no resolution, the case may be presented to the Grand Jury. We will also have checks and balances in place to ensure that this process is being followed. Even if we agree upon a plea, due to court scheduling and pending caseloads, it can often take two to four weeks to get a case on the court calendar. This is another issue that

could be addressed. The waiting period until forensic reports are received often impedes our ability to process a case efficiently. In terms of forensic evaluation, there are often delays due to personnel issues because there are just so many people available to do these evaluations. We also deal with 15 different police departments in the county, and many of those officers are part-time so it is difficult to communicate with them. This is a broad brush-stroke of some of the processes in order to better appreciate the complexity involved.

Tom Angell began by stating that the focus of the Public Defender's Office is upholding the rights of the clients. Tom added that he had a few suggestions. First, often there are cases pending in multiple jurisdictions in Dutchess County and sometimes the Assistant DAs take different positions regarding the resolution of these cases. It may be helpful to agree beforehand on the resolution of all the cases. Second, in the DA's Office, there are different approaches to discovery. It would be beneficial to have a uniform discovery process in the DA's office. Tom also suggested that it would be helpful to have an office-wide approach to resolving cases. The DA's Office controls the flow of cases and the PD's Office cannot move cases. The PD's Office responds to offers.

Tom said that Gary forwarded 40 to 50 misdemeanor cases with ALOS of 100 plus days to him for review. Many of these cases had immigration and/or parole holds. One solution is to have the PD's Office assume parole representation. This is something that has been talked about in the past, and this policy choice will save the county money. There are also issues with people who have developmental disabilities in jail. Finally, many who are listed as misdemeanors had felony charges in other courts. We need to change the culture and processes. The forensic assessments are time consuming. Bill Grady said that all cases are looked at individually and decisions are made according to the circumstances surrounding the case.

Ken Roman added that mental health issues are frequently dealt with in the Town of Poughkeepsie. Police are now called to incidents that occur at facilities that used to be handled internally. There are many smaller residential facilities now. Things are being handled differently today, and there are fewer alternatives for developmentally disabled persons. We need more options for these persons other than arrest. Mary Ellen said that often the state has the final say on placement. Bill Grady complimented Steve Miccio about the Crisis Center, and noted that this will enable persons to be identified and evaluated earlier in the process. Judge Crodelle said that the Office of Court Administration is aware of the situation. Last year, OCA mandated that judges receive training on defendants with mental health issues. Judge Romig said that he would be interested in a comparative study in the indictment model with Orange and Dutchess. We should see how they handle cases. Bill Grady added that Orange has a larger population and staff available. The SCI versus the indictment time period is built into the process. Gary said that he believes

that their ALOS is less than Dutchess, but will look into the numbers. He spoke with Judge Weber and Judge Greller as well as other judges, on how to move the process along more quickly. A major factor is still housing out, and we cannot evaluate ALOS until all the inmates are back and there has been sufficient time for the system to "normalize." Also, when we compare length of time private attorneys take to resolve cases compared to the Public Defender, we found that the Public Defender's Office has a shorter ALOS. All parts of the system have been impacted by housing out, however. We ultimately need to get to decisions more quickly.

Bill Carlos asked if we could have a place where those with mental health issues could be housed instead of jail. Tom said that we cannot place people in alternative sites once they have been remanded. They either post bail or are released by court order. Judge Crodelle said that he has encountered this type of situation regarding mental health issues. It was suggested that there be some type of mental health evaluation at the jail. (There are mental health professionals from the Department of Mental Hygiene at the jail.) Marjorie Smith said that if a person is not competent, we cannot prosecute. This must be determined through an evaluation. There needs to be alternative places for such persons. Bill Grady said that as a consequence of the state not properly subsidizing mental health care, the counties have to deal with this issue. Bill Carlos asked how many in our population have mental health issues. Gary said that it is a pressing problem, but it is not the majority of our population. This is also an issue that is being dealt with at a national level as well. Steve Miccio said that a curriculum is being developed by the Special Populations committee for in-jail programming. Marjorie said that often the DA's Office and PD's Office want an individual to engage in treatment, but ultimately it is up to the defendant, who will often choose to sit in the jail instead of receiving programming. Onaje noted that we need to have a uniform program for persons instead of allowing for various choices. Mary Ellen said that Gary will look at the data from a systems approach. Gary said that this is an effort to utilize jail days more intelligently and efficiently, in terms of long term public safety.

Gary said that there is a tool used throughout the U.S. developed by Texas Christian University called the TCU. This tool is a valid way to evaluate drug and alcohol addiction and produces a diagnosis. We are in a pilot evaluation at this point. Mary Ellen said there are Probation Officers using the TCU and we are getting their feedback. The Department of Mental Hygiene is also reviewing this tool.

Mary Ellen explained that the presentence investigation (PSI) is different from the pre-trial investigation which takes place when someone is initially brought to the jail. Pretrial investigations have very short turnarounds—generally less than 24 hours. The presentence investigation takes place much later in the process following conviction, but prior to sentencing. A judge orders the report and it generally takes four to eight weeks to complete. It requires a face to face

interview with the defendant, obtaining and reviewing criminal history, treatment history, employment/school/medical/military history, completing a COMPAS assessment, contacting victims and obtaining information regarding restitution, contacting arresting officers and gathering other relevant information. The probation officer then evaluates all of the information obtained and provides the court with a report that summarizes and evaluates the information and contains a recommendation for sentencing. The PSI is used primarily as a sentencing tool by courts, but is also used by probation officers as a case management plan, treatment agencies, prisons, parole and other agencies. Tom asked how long they should adjourn the case for a pre-sentence report. Mary Ellen said that this can vary by court and type of case, but adjournments range from four to eight weeks. Cases with multiple co-defendants and victims will take longer to complete. By its nature, the process requires time. The format and contents of PSIs are mandated by law and state regulation. Judge Moloney added that it is usually four weeks if the person is in jail, and eight weeks if the person is not in jail. Sometimes it is longer if the person is being housed out. Mary Ellen stated that PSIs are part of the overall process that we need to look at. Bill O'Neil acknowledged the entire process is complex with no simple solutions. We will have a Recovery Center where people can be stabilized and we already have a mobile crisis unit. We will be getting nearly all of our inmates back in the next few weeks, but we also should not think that this will automatically fix everything. There are internal system issues now at the jail. Our focus needs to be on those with 100+ days or even those with 300+ days. The Criminal Justice Council and the Executive Committee is devoted to trying to address ALOS. Gary added the majority of jurisdictions that he works with would not even understand how to obtain and use data like we do here in Dutchess County and we should be commended for that.

4. Committee Reports:

CIC—Shirley Adams

Shirley reported that their next meeting will be on May 21st at 4:30 p.m. This will be a planning session.

Diversion - Steve Miccio

Steve reported that plans for the Recovery Center are moving forward. We have a focus on trauma and want to be sure we have everyone cross-trained. Due to the intensive nature of the work, four workgroups have been created: Core Values, Training, Public Relations and Assessment. The first CIT training is scheduled for June 22 through 26 and will include: DC Jail, DC Sheriffs, Town of Poughkeepsie, City of Poughkeepsie, City of Beacon, State Police and DC Probation among others. The Mental Health First Aid training will be a one-day training, and there are four trainers in Dutchess County who can do that. Steve said we applied for grant funding to help pay for the CIT training. We plan to get local officers trained as trainers to help reduce costs. Mary Ellen expressed thanks to Steve and to the committee for all their work.

Juvenile Justice—Karen DeSimone

Karen reported that Dutchess County hosted the most recent Regional Youth Justice Team meeting on May 6th. SUNY Albany did a focus group with our committee about needs of youth in the juvenile justice system. The next meeting is scheduled for May 28th and will be a full-day training offered by the Burns Institute. This is made available by a grant from DCJS. The topic is *Strategies to Reduce Racial/Ethnic Disparities in the Youth Justice System*. We will return to a regular agenda in July. Shirley added special thanks to Karen for having attended a recent CIC meeting.

Re-Entry—Tom Angell

Tom reported that he has 20-25 persons regularly attending their meetings. At their last meeting, Mike Hill from Dutchess Community College spoke about how to obtain a driver's license. The next meeting will be on June 18th at 2:00 p.m.

Special Populations—Ron Knapp

Mary Ellen reported in Ron's absence. Their last meeting was on May 18th and Andrew O'Grady from MHA was a guest. Mr. O'Grady was very positive about the RESTART program. He was interested in seeing that the general population had information and programming available as well. There is existing programming at the jail and this will be continued. Mr. O'Grady will meet with Bill Eckert from DMH to review the current programming. Mr. O'Grady had some ideas for enhancements as well. His comments were welcomed by the committee. We are finalizing the draft for the intensive portion of the jail program (RESTART). This core program is evidence-based. In addition to the full committee, there are several workgroups working on logistics. The next meeting is scheduled for June 22nd.

Women in CJ System—Susie Balutis

Mary Ellen reported that Susie is stepping down as chair and a new Chairperson will be appointed.

Victims—Sharon Doane

Sharon reported that the Victims committee did not meet in May. They are drafting a directory for victims, and plan a variety of trainings in the future. The next meeting is scheduled for Friday, June 12th.

4. Old Business

None

5. New Business

None

6. Adjourn

The meeting was adjourned at 9:55 a.m.

NEXT MEETING: TUESDAY, JULY 21, 2015 at 8:00 a.m.

Catharine Street Community Center

Poughkeepsie, New York (Entrance at 152 Mansion Street)