

1. Do you really think it is wise or just to spend time, effort and tax dollars on creating a Criminal Justice Council to focus specifically on diverting individuals with mental illness from entering the criminal justice system?

Dutchess County has for over 20 years offered treatment programs as alternatives to incarceration and as diversion from incarceration. Some of these programs are targeted for individuals with mental-health and chemical dependency issues. It has been recognized that for some individuals, treating the underlying chemical dependency and/or mental illness reduces the risk to commit new crimes.

Individuals are matched by criminogenic risk and by level of treatment need to these programs. Forensic evaluations are completed once the legal system has agreed to treatment, and individuals may enter long-term care, inpatient care or outpatient treatment. Often the outpatient programs are paired with a residential support and a legal system sanction such as probation supervision. One very successful program the County has is the Intensive Treatment Alternative Program (ITAP) for individuals who are chemically dependent. This is a joint program with Probation and provides treatment five days per week, four hours per day, for six to eight months. Upon successful completion, the person has completed any necessary education, is employed and in recovery. There is a Drug Court in the City of Beacon and a Judicial Diversion program in the County Court. All of these programs are collaborative in nature with the criminal justice system holding persons accountable for their behavior while addressing the underlying conditions that may have contributed to their actions.

It must also be noted that the District Attorney's Office makes decisions about the prosecution of cases and defense attorneys represent individuals charged with a crime. Decisions are made at various steps in the legal process which impact treatment decisions and options.

2. In response to your meeting on Thursday, January 29th at 6:00 p.m. at the Bardavon Opera House in Poughkeepsie. I wish you to address the following topics with these considerations in mind:

- Special populations programming;

The County's jail consultant, Alternative Solutions Associations, Inc. (ASAI), has seen great progress by the Special Populations Workgroup and key staff in the county in examining their present system of services for inmates and developing an implementation plan to improve those services. These enhanced services are only part of the committee work, as they continue to look at enrichment through community-based options that provide opportunities for offenders to receive services upon release to the community. (This work includes improvement in jail programming and also enhanced community-based services by improving the level of services in jail and in the community and enhanced transitional services.) ASAI recently issued a report

(http://www.co.dutchess.ny.us/CountyGov/Departments/CriminalJusticeCouncil/ASAI_Nov_2014_report.pdf) designed to assist and guide jail officials with regards to inmate movement and placement within the Dutchess County Jail (inclusive of temporary housing units) consistent with known practice. The report outlines recommended programming that can be delivered and enhanced in the temporary housing units (PODS) to help offenders reduce their chances of future incarceration.

- Creation of a new Criminal Justice Council Diversion committee focused specifically on diverting individuals with mental illness from entering the criminal justice system.

Diversion services currently in existence in Bexar County, Texas, save nearly \$8 million annually. They have since replicated these services in Kansas City, Missouri, and Polk County, Iowa, with similar savings as seen in Texas. In addition, people served are gaining immediate access to appropriate treatment(s) in mental health, substance use and healthcare. By focusing on diversion strategies and services, people served begin to think and make healthier choices, leading to improved quality of life outcomes, decreased involvement in the criminal justice system and fewer costly emergency

services such as emergency room visits. This obviously improves the social fabric of these communities, especially in terms of reduced criminality.

Too often, persons with special needs with various disabilities and/or those with mental-health issues are not appropriately dealt with during their encounters with police representatives.

The Criminal Justice Council Diversion Committee will promote the training of police using the Memphis-designed model, Crisis Intervention Team (CIT) training. CIT is designed to educate police officers in effective interaction with individuals who may be in crisis and/or are current/former recipients of mental health services. The CIT program seeks to bridge the gap between police and mental-health care with integrated behavioral health and human services professionals, service recipients, families and law enforcement. This training focuses on the belief that these relationships are crucial to providing the best possible care for individuals as well as for resolving many healthcare situations that arise from their unique needs. Successfully trained police officers will have the tools to engage and interact with people in crisis in a more compassionate and safe manner, thus reducing/eliminating discriminatory behaviors.

The CIT training consists of 40 hours, and incorporates experts from various fields, such as addiction professionals, mental-health professionals, recipients of services, family members and medical professionals; these experts are all involved in the design and structure of the training.

There are 5 core elements that make this implementation successful:

- 1. Police Training*
- 2. Community Collaboration (Community ownership)*
- 3. A vibrant and successful crisis system*
- 4. Behavioral Health Staff training between law enforcement and mental health community*
- 5. Family, service recipients, advocates providing “lived experience” education and training.*

3. What programs are you proposing for those with disabilities and/or mental health issues?

The Special Populations Workgroup is researching innovative work that is being done across the nation to improve the criminal justice system. One program being closely looked at is in Bexar County, San Antonio, Texas, where they have focused on “smart justice” including specialized mental-health training for police officers and a “Restoration Center,” a separate facility with a full array of mental and physical health services that diverts people with serious mental illness out of jail and into treatment instead. Their work has eliminated overcrowding in the Bexar County Jail, saved the City of San Antonio and the County of Bexar \$50 million over the past five years, and is considered a model for the rest of the nation for how to address those with mental illness who come in contact with the criminal justice system.

Dutchess County government, as a part of the new Justice and Transition Center project, is studying the Bexar County model to determine how we can benefit from a similar approach. In conjunction with the work of the Special Populations Workgroup, we believe this can be extremely valuable to our criminal justice system efforts. In 2015, the Criminal Justice Council plans to place special focus on diversion and to begin training law enforcement and first responders about how to successfully deal with individuals with mental issues, while also fostering positive relationships in the process. In the future, as part of the Dutchess County Justice & Transition Center, Dutchess County is looking to create a recovery center, similar to the San Antonio Restoration Center, to better address the needs of individuals suffering from mental illness.

Additionally, the Special Populations Workgroup consultant, Alternative Solutions Associates, Inc. recently issued a report (http://www.co.dutchess.ny.us/CountyGov/Departments/CriminalJusticeCouncil/ASAI_Nov_2014_report.pdf) designed to assist and guide jail officials with regards to inmate movement and placement within the Dutchess

County Jail (inclusive of temporary housing units) consistent with known practice. The report outlines recommended programming that can be delivered and enhanced in the temporary housing units (PODS) to help offenders reduce their chances of future incarceration.

4. How will you enhance justice for this group of people regarding their legal rights protected under the federal Constitution and ADA laws?

Anyone arrested is afforded all of the rights guaranteed by the Constitution, national and state laws. All individuals who become involved in the criminal justice system in Dutchess County are evaluated using an evidence-based tool to measure criminogenic risk. If one of these individuals also has a mental health issue, an additional evaluation is completed to determine the community supports that would be needed to maintain the person safely in the community. The Department of Mental Hygiene (DMH) is a partner in the criminal justice system and provides services and support to identify and link these individuals to treatment and other supports in a variety of ways. DMH offers a HELPLINE/Mobile Crisis Intervention Team seven days a week. These mental-health professionals are available to law enforcement or anyone in the community to help assist, evaluate and determine what services will best stabilize a person in crisis. Judges are aware that this team is available to provide consultation and assistance so that incarceration is not their only option.

Programs offer open access to treatment so that individuals can begin their care at the time they are ready without a waiting list; training has been provided to our criminal justice partners about mental illness; its signs and symptoms, how to respond to a person exhibiting these behaviors and resources available in the community. Dutchess County, though, has gone beyond just focusing on law enforcement and the criminal justice system, and has developed trainings for the community in general, such as Mental Health First Aid, to help people recognize when a person may be experiencing mental health issues and how to respond. This is an effort to reduce the stigma of mental illness and give community members better

tools so that they feel more comfortable when encountering someone with these issues. Staff in criminal justice sectors, and indeed all sectors, are trained to uphold the rights of all individuals, no matter who they are and those with mental-health or other disabilities are treated with these rights in mind. Confidentiality is important and is safeguarded, no matter where the person is in the criminal justice system. The bottom line: Individuals who have a mental illness can recover. They may need treatment and other supports to attain this goal; and the sooner they are engaged in this treatment process, the sooner they will become productive members of our community.

5. What recommendations will you make to the County's police and legal departments for the civil rights inclusion of protections for the above group?

In addition to the Crisis Intervention Team training, the Criminal Justice Council Diversion Committee will have representatives from law enforcement and legal departments to provide assistance in designing services with civil rights protections at the forefront of all development stages. People with lived experience, family members and advocacy groups will also be a very important part of the Diversion Committee, so that we may move forward with this important work.

Justice is at the forefront of all proposed plans.

6. Why is the length of stay so long? Why are so many unsentenced or untried individuals in the jail?

The length of stay is the result of many factors and remains under study. One of the factors impacting the length of stay has been the large number of inmates, 200-250, housed outside the county in other jails. This makes it difficult for defense attorneys, probation officers and service providers to meet with inmates and slows down the criminal justice processing of the cases. It also is an obstacle to providing services and treatment available in the county and prevents families from visiting on a regular basis. The length

of stay has steadily risen as the number of housed out has increased. Until the inmates return to the county, it will be difficult to determine what other factors, if any, are contributing to the length of stay.

There is a criminal justice process that takes place when an arrest is made. The District Attorney's Office decides whether to prosecute and what charges to bring, and there is involvement by defense attorneys, probation, courts and others such as the Department of Mental Hygiene.

When someone is charged with a crime, a judge may, after weighing all of the circumstances, set bail and remand him or her to the jail. Out of the thousands of arrests in the county, only a small percentage of people are sent to the jail. For those who are remanded, they may post bail and be released. Anyone who cannot post bail will be considered for pretrial release. Pretrial Services, created to provide a means for release from jail for those who cannot afford bail, uses a standardized assessment tool to determine eligibility and suitability for pretrial release pending disposition of a case. Approximately, 1,000 people are released through pretrial services annually.

Perhaps, most importantly, each of these decisions are made and informed by the pretrial assessment tool that has been validated to measure the risk posed to the local community and the likelihood that the individual under consideration will reappear in court.

The county uses the Proxy and COMPAS assessment instruments as the foundation for effective evidence-based practices. Using the COMPAS, we are able to match individuals to programs that fit their risk level and their criminogenic needs. Using data from these instruments, the county has developed a hierarchy of programs and interventions designed to reduce recidivism, promote public safety and address the needs of those in the criminal justice system.

In addition to the Pretrial Services, the county has created a number of Alternatives to Incarceration (ATI) including the Intensive Treatment

Alternative Program, Electronic Monitoring, a day reporting center/rehab housing known as Community Transition Center (CTC), Transitional Housing and our newest ATI—the Women’s Center. These ATIs frequently work in partnership with various treatment programs, both residential and non-residential.

We are known for our innovative work and, in fact, have partnered on various projects with the National Institute of Corrections, the Bureau of Justice Assistance and the NYS Division of Criminal Justice Services, among others. Most recently, we became involved with an ongoing technical assistance project with the Center for Effective Public Policy and the National Resource Center for Justice Involved Women to develop a gender-responsive needs assessment for women. It is expected that the research resulting from this project will have national implications. We not only are the recipients of research, but are sought after as partners because of our progressive criminal justice system.

7. How long do you anticipate that the PODS will be used and what services will be provided for those housed in the PODS?

The expected length of time the PODS will be occupied is 3-4 years. The inmates housed within the PODS will have access to all services currently available to the rest of the jail population. Services include: medical, mental and dental services, education/GED, domestic abuse awareness classes (offenders learn techniques to avoid being abusive, restraining orders and taking ownership of their abusive behavior), Alcoholics and Narcotics Anonymous, religious services, Bible studies, parenting skills, law library and writing groups.

8. Why aren't more people who are arrested released on their own recognizance?

The county operates a Pretrial Services program that is responsible for facilitating the release of approximately 1,000 individuals annually. It must

be noted that only a judge can remand an individual charged with an offense, and only a judge can sign an order releasing that individual unless they post bail.

A probation officer from Pretrial Services is at the jail on a daily basis during the week and once on the weekend to interview newly admitted individuals. Using an objective screening instrument as well as other relevant information, that officer makes a recommendation regarding suitability for pretrial release to the remanding judge. Individuals are recommended for the least restrictive option commensurate with their risk to return to court. All individuals who meet the pretrial criteria would be recommended for release with the decision ultimately resting with a judge. In most cases, however, the judges concur with the pretrial recommendation. Probation Officers in the Pretrial Services Unit have certifications as pretrial specialists. Pretrial Services follows national and state standards established for pretrial programs.

9. How many people are being jailed because they could not make bail of \$1,000 or less? \$2,000 or less?

On January 29, 2015 at 12 p.m., there were 9 inmates in jail on bail of \$1,000 or less and 5 inmates in jail on bail of \$1,500 - \$2,000. It should be kept in mind that the population in the jail is dynamic in the sense that people are admitted and released on a daily basis; many stay short periods of time before either posting bail or being released on a pretrial program.

10. Has the county considered options such as Drew House in Brooklyn for women with children charged with their first felony?

Dutchess County has been a leader in the application of evidence-based practices. In Dutchess County, nearly all first-time offenders are released pretrial within the first 24 hours if they are sent to jail. Most jurisdictions have no method to screen their entire criminal justice-involved population for risk, and this is essential for the application of evidence-based practices.

Dutchess County's robust pretrial release program includes the assignment of a probation officer to conduct risk assessments at the jail facility and the City of Poughkeepsie lock up. This practice results in the opportunity to divert lower-risk individuals who are not incarcerated for a serious offense and to use jail space as a targeted intervention sanction for higher-risk offenders who pose a significant risk to the community. An analysis of the jail populations shows this to be true with a jail population of higher-risk inmates.

Within Dutchess County, similar individuals who are candidates for diversion to such programs would never get to jail or be released quickly given our aggressive pretrial process. Further, New York City Corrections has no validated measure of risk to ensure that the right people are being matched with the right service or the right people are released from jail. Lastly, programs like the Drew House, which is not just for first-time felons, but for the prison-bound as well, must consider more comprehensive practices and intensive targeted treatment to realize the most effective long-term outcomes and mitigating the damage that they may be doing to lower risk, first-time felony offenders who are grouped with prison-bound felons with an extensive criminal history.

It should be understood that other areas do not have baseline risk data and therefore cannot offer valid outcome analyses or any verification that the correct populations are targeted for the interventions most likely to enhance long-term public safety.

11. What programs are available in the jail for the mentally ill and for those with substance abuse problems? What is planned for the future?

The Dutchess County Jail, Office of Probation, Department of Mental Hygiene (DMH) and Criminal Justice Council have been proactive in looking for ways to divert individuals from incarceration for a long time. The Department of Mental Hygiene and law-enforcement agencies have

collaborated to increase communication between law enforcement and HELPLINE staff to provide alternatives to incarceration when first responders encounter individuals in the community with behavioral health issues. Department of Mental Hygiene staff members are available at the time of arraignment to offer assessment and treatment options to judges who may be considering incarceration. DMH has also partnered with the Office of Probation and has embedded staff on site at Probation to work with officers who are supervising individuals with mental-health issues in order to engage them in treatment and reduce the risk of a Violation of Probation and subsequent incarceration.

There are times, however, when individuals with mental-health issues are incarcerated. The Jail has a contract with a private medical provider to provide physicians, including psychiatrists, nurses and social workers to attend to the medical needs of incarcerated individuals.

In addition, DMH has a Jail-Based Team working inside the Jail in partnership with corrections staff and Correctional Medical Care, Inc. (CMC) to identify individuals with mental-health issues who will be returning to the community. This team identifies supports that may be needed upon re-entry and helps with linkages. The staff also provides some groups focused on wellness and recovery. Finally, the Jail-Based Team also facilitates communication between the Jail CMC staff and the community-based provider if a person had been in treatment prior to incarceration.

Additionally, the Special Populations Workgroup has reviewed the necessary programming staff and a subcommittee has prepared a Request for Proposal to secure a vendor to provide these services. This additional staffing will allow for a full program for both men and women in the jail, along with transitional planning for offenders. The new staff will work with

jail, probation and mental-hygiene staff members, who will also facilitate groups and provide services. A full day program schedule has been developed and jail programming space has been designated for programming. The committee will continue to examine community-based services and look towards enhancements of those services. Additionally, the Special Populations Workgroup consultant, Alternative Solutions Associates, Inc. recently issued a report (http://www.co.dutchess.ny.us/CountyGov/Departments/CriminalJusticeCouncil/ASAI_Nov_2014_report.pdf) designed to assist and guide jail officials with regards to inmate movement and placement within the Dutchess County Jail (inclusive of temporary housing units) consistent with known practice. The report outlines recommended programming that can be delivered and enhanced in the temporary housing units (PODS) to help offenders reduce their chances of future incarceration.

12. What plans are being developed for the reentry problems that people with mental illness or chronic homelessness have?

In addition to the current reentry practices in place between the Dutchess County Department of Mental Hygiene Jail based services, the Corrections Medical Group services and the Probation Department, the Special Populations Workgroup is designing programs within the jail to prepare inmates for release. The newly created Criminal Justice Council Diversion Committee will discuss and design additional strategies, based on evidence-based successes, to reduce recidivism and allow for a successful transition back to the community.

The challenges that the committee will address are:

- Housing challenges*
- Public Safety challenges*
- Access to community services (Mental Health, Substance Use)*
- Employment challenges*
- Health challenges*

- *Family challenges*

Some of the strategies that have been successful include but are not limited to:

- *Bridging services that follow the person into the community to ensure access and follow-up to all community services*
- *A step down transitional residence where services can be monitored as the person participates in a healthy learning environment before re-entering into independent living in the community*
- *Intensive outpatient substance-use program development*
- *Intensive outpatient behavioral health services (partial hospitalization, clinic services and peer services)*
- *Immediate Care Coordination services prior to release date and after release to ensure whole health care*
- *Integrated collaborations among community providers to ensure accurate communication, unduplicated service delivery and immediate access*

The Diversion Committee will also research and recommend additional evidence as they meet to develop a sound implementation plan for re-entry services.

Alternative Solutions Associates, Inc. (ASAI) has seen great progress by the Special Populations Workgroup and key staff in the County in examining their present system of services for inmates and developing an implementation plan to improve those services. These enhanced services are only part of the committee's work, as they continue to look at enrichment through community based options that provide opportunities for offenders to receive services upon release in the community. This work includes improvement in jail programming and also enhanced community-based services by improving the level of services in jail and in the community and enhanced transitional services. This is especially beneficial for those inmates who are homeless. Homelessness would be addressed through existing committees working on the issue as well as the new

Diversions committee that has been created to improve case management, coordination and enhanced options for clients to obtain housing.

13. Why are there inmates in the jail who have been charged only with misdemeanors?

Conviction of a Class A misdemeanor may result in up to one year in jail, and many inmates convicted of a misdemeanor are actually serving their sentence. The New York State Penal Law classifies offenses and the sentence that may be imposed by a judge upon a finding of guilt. Misdemeanors include such offenses as: DWI, domestic violence, assault, aggravated harassment, menacing, arson, forgery, stalking, criminal possession of a weapon, criminal mischief, sexual assault, larcenies and drug possession and sale.

14. How many inmates as of December 31, 2014, were being held on such charges?

On December 31, 2014 there were 165 inmates (66 sentenced and 99 unsentenced) in the Dutchess County Jail for misdemeanors.