

External Advisory Group Meeting—September 15, 2015

**1. Is there any plan for juvenile beds to be included in the footprint of the jail expansion?**

*Juveniles are not allowed to be housed in the Dutchess County Jail or in any jail facility in New York State. There is no plan at this time to include juvenile beds in the footprint of the jail expansion.*

**2. Does the District Attorney have a plan to move pending misdemeanor cases out of the jail when those same defendants have a pending felony in other counties?**

The response below was provided by District Attorney Bill Grady.

*The short answer is no. The question asked presumes that this misdemeanor defendant was out on bail on a felony from another county (the question would make no sense otherwise) when he committed a misdemeanor in this county and was remanded to jail because he or she could not make bail. The lower court judge in this county who set bail would have done so based on numerous factors, including the type of crime charged, prior criminal history and ties to the community, to name a few: and I would say that the bail that was set had a lot to do with the fact that the defendant was arrested on the Dutchess misdemeanor charge while out on bail on a pending felony. We would not, obviously, simply because a defendant has a felony pending in another county which the court knew about when it set bail, recommend a change in bail status here. As an aside, there are any number of pre trial programs run through the Probation Department that a defendant such as this will be screened for, and this is done on a daily basis. If the defendant is considered, and will not pose a risk to public safety, the courts will frequently allow such a defendant to be released under the supervision of the Probation Department until trial.*

**3. Considering the current population of the jail, what percentage are violent or arrested for violent offenses? 24%-Taken from a one-day sample of violent felonies.**

**4. It is my understanding that the foundational footings of our current jail are extremely deep and the jail was originally built to go up. Are there any plans to build up and wouldn't this be an economical alternative?**

*The '94 addition was designed to expand to the west into the existing parking lot, if necessary. The '94 addition was not designed structurally to expand vertically.*

5. **The presentation to the CJC by Gary Christensen in November of 2014 based on all inmates in jail from 12/11 through 6/14 (N = 7866) referred to the specific Average Length of Stay (ALOS) for various categories of inmate. Now that 10 months have gone by and most inmates are in the DC Jail, I would like to request an update on the issue of average length of stay.**

*To clarify your statement, we transitioned inmates into the PODs in May 2015, and the PODs were not fully operational until June 2015. So actually, it has been about 3 months, not 10.*

*It is true that most inmates have returned to the Dutchess County Jail, but, there remains a large number who accrued a significant number of jail days while they were housed out. While a slight downward trend in the overall ALOS has already been realized, the effect of having most inmates back in our facility for the entirety of their stay cannot yet be evaluated with validity.*

*In order to obtain a sample that does not contain a significant number of inmates who have been housed out before returning to our jail, several more months need to pass. Separating out the impact of housing out will not be possible until inmates have spent time solely in our jail facility. By the end of the year, we should be able to get a more accurate picture of what our new ALOS will be.*

**What has been accomplished to:**

- a. **Reduce the ALOS for 23% of the population who are sent on to prison from 155 days since that represents 78,825 jail days?**

*Using a smaller sample size, such as people incarcerated since the PODS have opened, will help us to evaluate trends, but it is still too early to conduct this study. Our consultant, Dr. Gary Christensen is working to establish Quality Assurance processes that will help lead to a reduction in ALOS. Such processes include establishing an "alert" for cases that have reached a certain amount of time in the jail and evaluating individual cases with lengthy stays. The new Quality Assurance process will include an ongoing review of all groups of offenders. But, those who end up going to prison have cases that are often delayed for procedural reasons and plea negotiation tactics.*

- b. **Reduce ALOS for parolees returning to Dept. of Correctional Services (DOCS) which last November took 53 days and represents 16,681 jail days?**

*Parole has a legal process to follow that can be time consuming. Parolees with new felony charges may opt to wait until disposition of those charges before a parole*

*hearing is held. Parolees charged with violations of parole, regardless of new charges, have the right to a hearing and this must be arranged along with the opportunity to consult with legal counsel. As a parole official sits on the CJC, parole is aware of the need to be as efficient as possible within the constraints of the system. When cases involve new charges, expediting cases as quickly as possible helps to reduce ALOS, but each case has unique circumstances and a quick disposition is not always possible. Public Defender involvement is being considered to help speed up the hearing process.*

**c. Reduce ALOS for those released to the Federal system which took 72 days or 10,168 jail days?**

*The best way to reduce length of stay for federal holds is to expedite local charges as quickly as possible. This is being addressed through criminal justice processing reviews.*

**d. Reduce ALOS for those who stay in jail an average of 89 days before they are sent to a state hospital?**

*It is frequently a complicated legal and bureaucratic process to transfer someone to a state hospital or other facility. Legal decisions must be made, mental health evaluations completed and a treatment bed available. State and county officials have met about this issue and continue to work together. The Department of Mental Hygiene has been proactive in resolving any issues that may arise when consideration of an alternative placement is being considered.*

*Additionally, each of the above inmate categories is being monitored monthly as they are released from the jail to identify specific areas or decision points at which the legal process can be streamlined. We have learned, especially with longer lengths of stay, that each case has unique factors. Consequently, finding areas in common to create general solutions that would decrease ALOS are difficult to establish.*

**6. What is the progress on the stated goal in the original CJC Assessment in 2012 for streamlining case processing to reduce the ALOS for unsentenced inmates?**

*Research is underway to identify common factors that contribute to ALOS. The 60 day review process for pending cases will allow us to evaluate on an ongoing basis the amount of time spent from arrest until disposition as well as to move the case through various steps in the system. This "alert" is one of the most significant steps we have taken as it will notify defense attorneys and the District Attorney's Office when a case is beyond the maximum amount of days allotted without resolution. It will become clear*

*what factors are contributing to protracted jail stays and whether they are related to processing.*

*In addition to reviewing aggregate data, individual cases have been reviewed to determine what factors have played a role in the length of stay. In addition to processing issues that have been identified, it should be noted that there are often circumstances unique to a particular case that are not process related. For example, a defendant may decide to withdraw a plea and go to trial resulting in a longer jail stay. It can therefore be challenging to find an effective solution that has applicability to a large group of individuals.*

*The new RESTART in-jail program will provide a quick assessment (using existing Proxy data) for inmates newly admitted to the jail. We can then quickly differentiate between those who may be eligible for in-jail programming from those who may be suitable for pretrial release or other alternatives. Sharing this information earlier in the criminal justice process (with defense and DA's) could help to move cases forward more quickly if both agree to use the information in this manner. RESTART will also help reduce recidivism by providing intensive evidence-based services that are linked to community programs.*

*The Texas Christian University screening tool for alcohol and substance abuse, TCU Drug Screen V (TCUDS V), has been employed as a screening tool that may help to expedite cases when used by agencies to make early determinations. The TCUDS V was piloted by Probation and is now being used routinely.*

*The presence of Public Defenders at first arraignment is another factor that can contribute to reduced ALOS.*

*The CIT training, which is currently underway, will give law enforcement new tools and skills for dealing with people with behavioral health issues and the Mobile Crisis Intervention Team is now available 24/7. The Crisis Stabilization Center will help to divert eligible individuals with mental health, chemical dependency or co-occurring issues from the jail, when it becomes operational in 2016.*

**7. What is being done in the City and Town of Poughkeepsie to reduce admissions (46% of the total jail census N=7866 ) and/or the ALOS (54 days for the City and 31 days for the Town)?**

*The efforts to evaluate ALOS as a whole and the various initiatives mentioned will also have a beneficial impact on both courts.*

*A new pilot has been introduced in the City of Poughkeepsie—Saturday arraignment court. A probation officer and public defender are available to come into court when anyone is being held in the lockup. A court session is then held with a judge making a determination regarding bail/pretrial release based on the information provided. This initiative, started a few months ago, is already showing positive results and, if it continues to do so, could be expanded into other jurisdictions.*

*The CHIP program (Coordinated Hybrid Intervention Program) started in the Town of Poughkeepsie, but now available county-wide, is a blend of pretrial and interim supervision. It provides defendants, with the agreement of the defense and DA's Office and approval of the judge, an opportunity to receive a non-jail disposition and reduce the length of the court process related to reaching a disposition.*

*Representatives from the Magistrates Association, who sit on the CJC, have expressed interest in addressing systemic issues affecting the courts. The President of the Dutchess County Magistrate's Association has invited representatives of the CJC to the October meeting to share current research findings, discuss the initiatives of the CJC, and offer suggestions to expedite the legal process county-wide.*

*We must remember, neither the county nor the CJC has the authority to determine or directly affect the number of admissions to the jail. However, the various initiatives and programs implemented will have an impact on these courts as well as others.*

**8. What is the unduplicated number of individuals admitted to the jail during the period 12/11 thru 6/14 given the fact that many individuals 'recidivate' and what is the breakdown of number of times individuals have 'recidivated' over that period?**

*Consistent with best practice guidelines and all of the research related to evidence-based policy and practice, the CJC has studied its criminal justice population extensively and now understands the risk posed to the community by all groups of incarcerated people, factors influencing operating costs, and methods to reduce recidivism that are applicable locally. In short, the county has at its disposal sufficient data to make informed decisions regarding people who have become involved in our local criminal justice system and take actions best suited to change their behavior. Using these data, these decisions (and related actions or initiatives), must be evaluated to understand their cost vs. benefit(s) derived and insure their effectiveness in changing the behavior of incarcerated people. Quality Assurance practices must then be developed and implemented to realize continual improvement to insure that the best possible long-term public safety outcomes are realized.*

*As part of this overarching practice, every incarcerated individual is screened to evaluate risk and evidence-based assignments are then pursued. Therefore, utilizing all that it has learned, rather than pursuing redundant retrospective analyses, the county is choosing a proactive approach to prove through objective, scientific evaluation that its practices are consistent with nationally recognized best practice standards and that, ultimately, every dollar is spent wisely to improve long-term public safety within Dutchess County.*

*As a footnote, the complexity of what we are doing is immense. The coding, extracting and analysis of data is laborious and time consuming. Once data is available it requires the understanding of the patterns and often times we must pull individual records to fully decipher the nuance of why certain length of stays have occurred. When we do see some cause, trend or pattern, addressing it usually requires coordination among a number of criminal justice agencies including the Jail, Probation, Mental Hygiene, Public Defender, District Attorney and various judges, possibly some third party agencies. Solutions are rarely acceptable at first blush and it takes time to achieve an effective compromise. Even then, the individual involved may or may not agree with the recommendation or may agree and then withdraw their approval sending us back to the drawing board.*