

Dutchess County Criminal Justice Council

Meeting Minutes

January 16, 2018

Present: Mary Ellen Still, Chair, Director of Probation
Dr. Gary Christensen, CJC Consultant
Kelly Bunt, Victims Committee Chair
Honorable Gerald Hayes, Citizen Appt.
Honorable Frank Mora, Poughkeepsie City Court
William O'Neil, D.C. Executive's Office
Chief Tom Pape, City of Poughkeepsie Police Dept.
Jon Heller, D.C Probation, Special Populations Chair
Honorable Frederick Romig, East Fishkill Town Justice
Tom Angell, Public Defender
Hon. Denise Watson, DC Family Court
John T. Gildard, Citizen Appt.
Steve Miccio, PEOPLE Inc., Diversion Committee Chair
Kari Rieser, Citizen Appointment
Karen DeSimone, D.C. Probation, Juvenile Justice Committee Chair
Bridget Goddard, DCFS
Austin "Brud" Hodgkins, Citizen Appointment
William Grady, D.C. District Attorney
William G. Carlos, Jr., Citizen Appointment
Hon. Joseph A. Egitto, DC Family Court
Barbara Jeter-Jackson, DC Legislator
A. Gregg Pulver, DC Legislator
Karmen Smallwood, Dutchess County Probation
Dr. A.K. Vaidian, Deputy Commissioner, DBCH
Bill Eckert, DBCH
Dawn Hawley, Coordinator

Guests: Thomas Morris, Dutchess County Probation
Joanne Nellis, Dutchess County Probation
Shannon Wong, NYCLU Intern
Jeffrey Schneider, ENJAN
Dean Michael, Deputy Sup/ Town of Clinton
Molly Shanley, DCJ volunteer
Lisa Kaul, Vassar College
Martin Lynch, Project M.O.R.E.
Laura Benton, Project M.O.R.E. Women's Center
Quincy Mills, Citizen
Fred Bunnell, Citizen
Rebecca Edwards, DC Legislator
Sam Busselle, Citizen

1. Approval of November 21, 2017 minutes — The minutes were approved on a motion by Bill Carlos, seconded by Tom Angell.

2. Welcome of new members – Mary Ellen announced that Dan Hairston will be joining the committee as a citizen appointee although he was unable to make the meeting today. Kari Rieser will continue her membership on CJC as a citizen appointment. Mary Ellen also acknowledged Legislator Rebecca Edwards who joined us this morning.

3. Jail/ATI Report—John Alessi and Mary Ellen Still

The reports were sent out by e-mail. Copies were available at the meeting. The jail representative was unable to attend the meeting this morning, but Mary Ellen said she would try to answer any questions or get the answers if she could not. The Jail report as well as the ATI report contains 2017 data. There were no questions.

4. Criminal Justice Report—Dr. Gary Christensen

Gary prepared a power point presentation that evaluated data from the prior year. Gary did a comparison of 2017 to 2016. Throughout the early part of 2017, admissions were up, but they did level off during the latter part of the year. The year totals for 2016 and 2017 admissions were very close. The admissions in the city were up and the admissions in the town were down. Gary showed the admissions for each jurisdiction. We don't know why admissions were up in the city, but we do know that there were initiatives in the city that may have contributed to the increase. Gary showed numbers for releases next. The chart showed the number of releases to prison and the number of releases directly from the DC Jail to the community. Our releases to prison increased a little in 2017 and our releases to the community decreased a little. We had talked about achieving an overall reduction of five days in average length of stay. We did not achieve this reduction, but we did put significant resources into reducing the time cases take from local criminal courts to County Court. For those going to state prison, the data shows that we achieved a significant reduction in jail time.

Gary reviewed the number of releases by actual crime type. Releases were up or about the same for all categories with the exception of misdemeanors which had fewer releases during 2017. The number of jail days used was actually more for misdemeanors. There were fewer people, but the actual number of jail days increased. When we look at average length of stay for violent felonies, we see a significant reduction. There was a slight reduction in non-violent felonies. Gary said the Special Populations work group is looking at non-violent felonies. For misdemeanors, we saw an increase in excess of three days. Looking further into the increase in misdemeanor ALOS, we broke it down to those who served at least 100 plus jail days per year. The most significant increase is Petit Larceny which is our number one reason for jail admission in Dutchess County. Gary said that he broke down Petit Larceny into sentenced and non-sentenced. The computer records may not reflect when a person changes status depending on how the entry is made. Gary said that they are looking for ways to get that recorded differently. Gary said that we can tell that people sentenced to the Dutchess County Jail have a significant increase in average length of stay. The Quality Assurance Committee is reviewing the data. People who score 4-6 on the Proxy are generally not good candidates for release, but are usually appropriate for the RESTART program. We have very good results from our RESTART program so we want to get people who are incarcerated on misdemeanor offenses with high Proxy scores into RESTART as soon as possible. Of the 113 people sentenced for Petit Larceny in 2017, 70 posed a high risk to reoffend. This high risk misdemeanor population will be prioritized for RESTART in 2018. Parole remains a significant user of our jail days so Gary looked at 2016 verses 2017. In 2017, there was a slight reduction in average length of stay from 2016. Gary attributes this to the continuing work of the Public Defender's office. There are

fewer people with parole and other charges than there is parole violation only, but their average length of stay is quite a bit higher. Gary said it is a common misconception that parolees, especially parole only warrants, are released to the community. In fact, 82% of all parolees held in jail return to prison. Tom Angell said that they have noticed that there is a significant lag from the time a case is adjudicated until they go to prison. This can be as much as 45 days. Tom said that Bill O'Neil coordinated a meeting with Parole to encourage them to be more efficient. Bill O'Neil added that it is significant when you realize that ten to fifteen percent of our jail population are parolees. Bill said that this is contributing to our ALOS and we can't move them to one of our alternatives. It is outside the realm of our ability to do anything with them and we get no funding for them. Bill added that the state is looking to their own alternatives to help resolve the issue.

Bill Grady brought up the "730" issue. When a defendant is found to be incompetent by two psychiatrists, the judge will sign an order remanding the person to the custody of the state Office of Mental Health. The time between when the judge signs the order until the inmate is removed to a state facility has steadily increased. We have some individuals that have spent 45 days or more waiting. Tom Angell said that previously a removal would occur very quickly after the judge signed the order. Tom said that doesn't happen anymore. Bill Eckert works very hard to get people placed in psychiatric hospitals and he's not been able to do it. Tom said that it is terribly inhumane to have these people sit in the jail without treatment. In the past, we were sometimes able to get people into treatment without a 730 order. Tom continued that now we go through the whole 730 process and the person still sits in jail for 45 days or more. This is bad for the person and for the jail staff doing their best to cope. Bill Eckert agreed it has gotten worse in the last year for people going through the 730 process. The wait is too long and the state is cutting back on acute beds. Bill continued that the corrections staff does a remarkable job managing these situations. Tom Angell said that he has not found anyone among the state legislators interested in getting involved. Steve Miccio said that some of the work we need to do is with local mental hygiene directors from every county. We need to find out what is happening in other counties. Steve said that a major problem is that our communities don't want this housing next to them. Bill O'Neil said the state has the responsibility and the authority to act.

Bill O'Neil added that we also have an issue with finding detention space for youth as a result of the Raise the Age (RTA) initiative. The state expects the counties to find appropriate detention space and mandates the separation of certain populations by age.

This power point will be sent to CJC members and will be on the website.

Summary of 2017 Activities and 2018 Goals

5. Committee Reports:

"Raise the Age" - Hon. Joseph Egitto – Judge Egitto said that we are looking at about 60 additional youth coming into the juvenile system during the first phase of RTA implementation. Probation will have additional youth to provide Intake and services for. There will be between five and ten youth that will be handled under the new "adolescent offender" category (AO) but the problem is not the number of youth, but how many need to be housed in detention. We need to find a place to house them. Judge Egitto said he was part of a conference call with judges from other counties and all the counties seem to be at about the same stage as we are. There will be a meeting with Judge Davidson on Friday at the White Plains Court House. Judge Egitto is hoping that he will get some answers or at least some guidance. The Judge continued that he thought the county will have to plan for a lot more resources for

Probation. There will be many more youth automatically designated as JDs that were not in our system before. Judge Egitto said that Family Court has only one court room that can accommodate the new category of youth. They can't be held with other juveniles or adults in the Family Court building. The Sheriffs' Office will have a tough time figuring out when to bring the youth to Family Court as the populations cannot be mixed. The Judge spoke to a representative from OCFS with respect to finding space for detention for these older youth. Their position is that the county might look for a facility which could be brought into compliance. Ulster County is working on improving their Highland facility. Mary Ellen said that Westchester County may be expanding their detention facility, but they cannot make any commitments presently. Judge Egitto's next committee meeting is Monday, January 22.

CIC – Shirley Adams – Shirley reported that CIC continues to try to keep community residents informed about issues and encourage them to participate in public forums and community discussions. The committee also works to make information and material accessible to the community. This year the committee continued to look at ATIs and ways that we can reduce jail days and reduce the number of individuals incarcerated. The committee was pleased to learn that RESTART showed early promising results. The committee also reviewed the Hierarchy of Alternatives to Incarceration chart. CIC was pleased to have a number of presentations and discussions including members of the new Community Collective Impact. The Community Involvement Committee looked at the most recent substance abuse report that was issued and the impact of the opioid epidemic.

One of the things of interest to the committee for 2018 is the discussion on the bail system that is underway. Another is the design of the Justice and Transition Center and how it will impact the special needs population. The committee meets an hour before the ReEntry Task Force at St. Paul's Church.

Diversion- Steve Miccio – Steve reported that about 35% of law enforcement has been trained in CIT in 2017. We also trained 32 dispatchers so that they can request a CIT trained officer when necessary. Steve said that Troop K is a training barracks so we are also helping the state when we train these troopers. We have had great participation from the state troopers. For this year, we have five trainings planned and OMH will do one for us. In 2017, we held our first academy training. There will be another academy training this year. The majority of the officers are from the city and town of Poughkeepsie.

Juvenile Justice – Karen DeSimone--reported that the Juvenile Justice Committee met six times last year. The focus of the regional meetings this year was the revision of the DRAI (Detention Risk Assessment Instrument) detention screening tool. The DRAI is a tool required by the state that looks at risk. This team also looks at regional training needs. Raise the Age has been a main focus of conversation this year. Another agenda item for the committee has been disproportionate minority representation. There are two other committees in the county that are working on that issue. Karen added that they spent two full committee meetings looking at the needs of mentally ill youth in the juvenile justice system. This led to a discussion about doing sequential intercept mapping for the juvenile justice system. The mapping was done on March 31. The mapping process had about 40 participants representing 21 agencies in Dutchess County. The mapping process took nearly seven hours and helped to identify strengths and challenges as well as service gaps and opportunities. We received a report after the mapping which contained a list of recommendations. Some of the items were a need

for more intensive outpatient treatment for youth as well as transportation issues. Karen continued that the system is very complicated to navigate and asked the attendees to imagine themselves as a parent trying to navigate this system. The committee has spent time trying to figure out how to help parents. There is no inpatient care for youth in the county and there is a need for more family support. The report also noted that there is a strong multi-faceted county response and we have an impressive system in place to build upon. The challenge in doing the mapping is that Raise the Age came out at the same time as the mapping results and it was difficult to keep the focus on the mapping because of all the concerns about Raise the Age. In September, the committee had a presentation on Health Home Care Coordination and Children's SPOA, which is single point of access. There are more agencies involved now which is helpful. At the November meeting, Judge Egitto reported on Raise the Age. The Building Bridges committee had their conference in October. At the conference, there were over 165 participants from 23 agencies. The J-FIRE program had 13 referrals in their first year and in 2017 there were 17 referrals. Thanks to more funding from the District Attorney's office, J-FIRE will have more training and increase its size. The committee will use the next meeting to discuss the goals for 2018. Karen hopes to continue the discussion about mentally ill youth and see where we can enhance our services and identify any gaps. Karen would like the committee to look at Raise the Age from a service perspective since other groups are working on logistics. We can use the time to talk about how we will serve the needs of the youth and what family support we can offer.

Re-Entry - Tom Angell and Teresa Burgess – Tom reported that the committee had another good year. Re-Entry programs in Dutchess County are funded by the New York State Division of Criminal Justice Services. Tom said we work with Exodus Transitional Community which is a local not-for-profit to provide services; the Re-Entry Coordinator is Carlos Valencia. In 2017, services were provided to 325 different individuals. We had people in the Anger Management program, Ready, Set, Work, which is an employment program, and MRT, which is a cognitive behavioral program. In addition, we provided many people with advocacy counseling, case management services and community building exercises. The Re-Entry Center has moved to 97-99 Cannon Street in the City of Poughkeepsie. Tom added that we hope to expand and add housing at that location. The committee meets bi-monthly with usually about 30 attendees. The Re-Entry committee also works with Fordham University and the Unitarian Church with the *Coming Home* program which is a mentoring program for parolees in Dutchess County. The committee has worked very hard to come up with a housing solution and recently thought they had found a location. However, an engineer could not approve it. We continue to search for an appropriate facility. Tom continued that it is a huge need because we have many people coming out of prison that are homeless. These people are often housed at Hillcrest and it is an inappropriate setting for someone trying to maintain sobriety. Tom said that there is high recidivism because we don't have stable housing for this population. Tom added that almost every person who is incarcerated due to a parole technical violation is homeless. Tom was happy to report that the re-arrest rate for 2016/2017 for re-entry participants statewide was 6 %; Dutchess County's was 1%. Tom's goal for 2018 is housing solutions.

Quality Assurance – Gary Christensen—said we continue to work on the average length of stay and want to reduce the ALOS by five days. We have made major progress with people who have been incarcerated on violent felonies. We will now continue to focus on non-violent felonies and

misdemeanors. We participated in the development of the TCU matrix. It is a screening tool that is used to identify people with substance abuse issues so that we can get them into treatment much earlier. We expect that will affect both the misdemeanors and the non-violent felonies. Regarding parole, in addition to the lag of approximately 45 days from disposition to leaving the jail, we will look at the effect of 18B attorneys. 18B attorneys are attorneys that are appointed by the court because of a conflict with the Public Offenders office. We have found the length of stay in the jail is significantly longer for people represented by an 18B attorney even for a similar offense. We are also looking at different types of programming for opioid involved people. We know that most of our opioid population has a lower criminogenic risk but a very high need for treatment. Tom (PD) and Matt (DA) continue to review cases weekly to make sure there are no unwarranted delays and to identify cases that need additional attention. Tom added that another area to look into is the significant amount of time needed to get reports back from the crime lab. Bill Grady added that in regard to the laboratory reports, the state is inundated and gives priority to the violent cases. Misdemeanor cases in the jail are problematic because they have already been screened by Probation; many have other holds or issues attached. We have at any given time approximately 500 people on ATI programs, many of whom are misdemeanors. The District Attorney's office tries to get people in appropriate programs, but has to be concerned with victim safety as well as public safety.

Victims – Kelly Bunt – Kelly reported that her committee was tasked with enhancing the response to victims as they are navigating the criminal justice system and identifying gaps in that system. In 2017, the committee met monthly and has about 14 regular members. They continued to work on the project that was started in 2016 to develop a tracking system for sexual assaults that occurred throughout the county. This tracking system would look at the victims' journey through the process. A tracking form was developed to track victims as they come into the system starting with law enforcement as first responders. The form was finalized in June of 2017. In July a pilot was started with the city and town of Poughkeepsie and the Sheriff's Office. There was a lot of support from all three agencies. The pilot ran from July through December. There were 27 forms completed. It was noted that more training is needed for law enforcement. Some officers didn't have information about available services. Dutchess County has a Sexual Assault Response Team (SART). SART is tasked with tracking sex assaults in Dutchess County, but there was a missing component. They did not have the alleged perpetrators information. SART is now able to get the information from this form that we developed. The goal is for this form to be used across the county and that information will go to the SART coordinator. They will take over this project and it will help make their data more complete. The committee has decided to continue the tracking until the end of June to get a full year of data. The committee will then look to roll it over to the SART program. Kelly added that when this is complete, they will identify what the next task will be. The Chairman of the Legislature has created a task force and tasked Legislators Marge Horton and Rebecca Edwards to facilitate. Kelly will give Marge and Rebecca her card so they can contact her. Bridget Goddard (DCFS) asked to see the form because her department has the SART contract. Kelly will send it to Bridget and Mary Ellen.

Special Populations – Jon Heller – The Special Populations committee is tasked with identifying special populations and developing resources to meet their needs. In 2017, the Special Populations Committee

continued to provide support to both RESTART and the Stabilization Center and provided guidance to the design team for the Justice and Transition Center specific to program space and the infirmary design. In addition, work groups were established to address other needs of special populations in the jail. In February, the committee meeting was held at the Stabilization Center and Steve Miccio gave a tour. At the March meeting, a work group was established to look at the needs of inmates on the autism spectrum and individuals with severe and persistent mental health issues. The June meeting was held at the Dutchess County Jail where the committee viewed the current facility as well as the RESTART unit.

The TCUDS-V screening tool was introduced mid-year. This is an evidence-based screening tool for substance abuse. People with higher scores are referred for an assessment by DBCH. When used in conjunction with the Jail Admittance Screening Matrix developed by Dr. Christensen, it helps identify potential treatment and criminal justice referrals. The goal of the process is to identify those in need of treatment and place them in an appropriate program as expeditiously as possible. Data is being provided to Gary Christensen for analysis. It is anticipated we will move the project from pilot to permanent status in spring 2018.

The RESTART Quality Assurance Committee took steps to ensure fidelity to MRT (Moral Reconciliation Therapy) which is the core of RESTART. MRT is also offered by many providers in Dutchess County and it is essential to have fidelity and consistency. QA assembled a group of 35 MRT facilitators representing nine programs in Dutchess County where MRT is used: RESTART, Hudson Valley Mental Health, ITAP, Office of Probation, Women's Center, Project M.O.R.E. employment program, Lexington Center for Recovery, Transitional Housing and the Community Transitions Center.

Marty Lynch, Project M.O.R.E., presented the MRT fidelity checklist and an overview of quality assurance. Senior Probation Officer Tom Jones spoke about portability and the flow process. There was an open discussion on facilitating the MRT in various locations. Local guidelines were established. Everyone agreed that it was very valuable exercise. The group will reconvene in March 2018.

Plans and Goals for 2018:

It continues to be the overall goal of this committee to create, implement and evaluate programming for special populations and examine how these programs will work within the framework of the Justice and Transitions Center as well as the community.

In 2018:

- Continue to monitor and guide the progress of the RESTART program;
- Ensure a smooth transition from RESTART that continues treatment programs;
- Review treatment options for opioid and heroin use;
- Address issues of the mental health population.

Women in Criminal Justice System – Karmen Smallwood, transitional chair, introduced Laura Benson from the Women's Center. Karmen reported that the committee looks at participation in ATI programs on a monthly basis. Marty Lynch gave a presentation on Project M.O.R.E.'s ATI programs. The committee also looked at the RESTART program. The committee is looking for more evidence-based

programs as well as a continuation of the programming started in RESTART. They want to encourage a solution-focused strategy.

At the last committee meeting, Janet Tullo, attorney assigned to DCFS, gave a presentation on the intersection of justice-involved women and the Family Court. Specifically, they are looking at justice-involved women with CPS involvement and time spent in criminal and Family Court. They want to explore how these two systems can work together to support children and families. Janet has agreed to continue to be a part of this committee. They want to continue to support evidence-based programs. The committee discussed the reduction in jail visitation hours. The committee wants to look at systems and solutions. Chris Dennehy will speak on the opioid crisis at the next meeting.

6. Criminal Justice Planning Update – Bill O’Neil – Bill reported that the Law Enforcement Center and the Justice and Transition Center are on schedule and on budget. Part of the Law Enforcement Center has been encased and will be heated so work can continue regardless of weather. We are finalizing the schematic design of the Justice and Transition Center. We are working with the COC which has to approve the design.

7. Old Business – none

8. New Business – Brud Hodgkins asked if there is data on whether people are employed prior to being incarcerated. Tom Angell said during the last review, over 50% claimed employment at time of incarceration. Brud asked if we have a dollar amount of what it costs to incarcerate someone. Tom answered that you could take the Sheriff’s jail budget and divide it by the number of inmates and then add the housing-out costs. Brud said that investing in prevention and rehabilitation are alternatives to spending approximately \$150,000 per inmate annually and should be brought to politicians’ attention.

9. Announcements - none

10. Adjourn- There was a motion to adjourn by Bill Carlos, seconded by Tom Angell.

Next Meeting: Tuesday, March 13, 2018 at 8:00 a.m. at Catharine Street Center, Poughkeepsie