

Dutchess County Criminal Justice Council

Meeting Minutes

March 13, 2018

Present: Mary Ellen Still, Chair, Director of Probation
Kevin Warwick, ASAI, Consultant
Honorable Frank Mora, Poughkeepsie City Court
William O'Neil, D.C. Executive's Office
Jon Heller, D.C Probation, Special Populations Chair
Honorable Frederick Romig, East Fishkill Town Justice
Honorable Peter Forman, Dutchess County Court
Tom Angell, Public Defender, Re-Entry Chair
Kari Rieser, Citizen Appointment
Bridget Goddard, DCFS
Hon. Joseph A. Egitto, DC Family Court
Barbara Jeter-Jackson, DC Legislator
Karmen Smallwood, Dutchess County Probation, Women's Chair
Bill Eckert, DBCH
Dan Hairston, Citizen Appt.
Shirley Adams, CIC Chair
Rebecca Edwards, D.C. Legislator
Dawn Hawley, Coordinator

Guests: Joanne Nellis, Dutchess County Probation
Jeffrey Schneider, ENJAN
Molly Shanley, DCJ volunteer
Martin Lynch, Project M.O.R.E.
Sam Busselle, Citizen
Prue Posner, Citizen
Nick Page, D.C. Legislator

1. Approval of January 16, 2018 minutes — The minutes were approved on a motion by Judge Mora, seconded by Judge Romig.

2. Welcome of New Member – Mary Ellen welcomed our new member, Dan Hairston. Dan is a citizen appointment.

3. Raise the Age – Hon. Joseph Egitto – Judge Egitto reported that he attended a regional meeting where they discussed *Raise the Age* issues, including housing for youth placed in detention. Judge Egitto noted a section of the Corrections Law: Section 77 provides that any new adolescent facility shall, to the extent possible, consider smaller home-like facilities located near the youths' home and families and provide gender-responsive programs and treatment in small, closely supervised groups that offer extensive and ongoing individual attention and encourage supportive peer relationships. Judge Egitto said it seems to him that we need a place that has open areas like a camp setting with small cottages. Not many youth will need detention, but we need to prepare.

Judge Egitto continued that there will be a meeting today with four Family Court judges and two County Court judges to discuss how RTA cases will be handled. The Youth Part is supposed to be in a Superior Criminal Court, but may not need to be physically located there. Judges presiding in the Youth Part shall be Family Court Judges. There will be specially appointed magistrates to do arraignments after hours. Tom Angell said that his office would much prefer having Youth Part in one court. Any other arrangement will be very hard for the Public Defender to cover. Judge Egitto will have more information following today's meeting.

4. Presentation by Kevin Warwick--Screening and the TCUDS-5

Kevin reported on the TCU screening process. We began testing the tool in September and finalized the process last week.

The TCU screening tool for substance abuse has been validated with criminal justice populations. It is used at the beginning of the criminal justice process and has a high accuracy rate. It is available free of charge and is used nationally as well as in some other countries. During the selection process, the developer of the instrument, Dr. Knight, was consulted.

The process begins with Probation using the TCU during pretrial screening. Based on the results, a referral may be made to the Department of Behavioral and Community Health for a full assessment. It is used to evaluate treatment needs as well as supervision levels for people either in jail or in the community. Staff has been trained to administer the tool. The goal is to place people in the appropriate treatment as quickly as possible. The TCU is an enhancement to a process that is already working well. Kevin said that as an outsider, he sees Dutchess County as an advanced system and a community that works well together. Kevin showed the matrix which considers both criminal justice and treatment needs. For example, a low risk individual may be placed in a community treatment program with minimal supervision. People that are high risk may need more intensive treatment and supervision. The matrix has multiple options for treatment. Being able to pick the right program based on risk to reoffend and treatment needs is the key to successful outcomes. We know from research that the longer people stay in jail without programming, the poorer the outcomes. The agencies and individuals involved in designing this protocol are: Office of Probation, Department of Behavioral and Community Health, the District Attorney's Office, the Public Defender's Office, judges, Dr. Gary Christensen and Kevin.

There was a question about in-patient treatment from Rebecca Edwards. Bill Eckert explained that we also use another tool called the LOCADTR which is an evidence-based instrument woven into the Medicaid reimbursement system that we use for placement. The TCU gives a range of scores and at the high end it would indicate there is an issue and trigger a referral to DBCH. The forensic team would then use the LOCADTR to determine level of care. The matrix identifies the substance abuse need, the criminogenic risk and what is the best option for the particular person.

Kevin continued that the opioid epidemic is being experienced all over the country. The best thing we can do for people is to treat them with the most effective, least restrictive appropriate option. The key is to act quickly and appropriately. Our target is to get everyone processed within 48 hours. This takes communication among many agencies. A few circumstances where an assessment might not occur within 48 hours might include someone with a significant mental health issue or a need to detox. For people recommended for assessment, their private attorney or the Public Defender is notified so that

permission can be obtained. Getting people to the appropriate level of care promptly will result in better outcomes as well as save jail days.

Dan Hairston asked how the information is shared with other outreach workers and organizations. This may be accomplished through releases, referrals or other arrangements among agencies.

Bill O'Neil thanked Kevin for presenting and for his work with the county and asked what additional screening tools might be added to enhance the process. He also asked what happens if the no-bail legislation is enacted. Kevin said that there are multiple points in the system for screening to take place. Jon said that pretrial services may play a greater role with screening people at arraignment if the no-bail initiative is implemented. Bill Eckert said the infrastructure is in place. We have the Stabilization Center; we have the Mobile Team that can transport someone directly from court to the center. The Stabilization Center is OASAS licensed so we can do a LOCADTR there. Kevin said we are in a very good position if the no-bail system is implemented. In regard to other screenings, there is a brief mental health screen. Mary Ellen added this screening tool will be included in the Probation screening and assessment system.

Kevin said that we built a trauma-informed system. Everything in our system is evidence-based and trauma-based. If you don't deal with trauma, you are not going to be as effective.

Rebecca Edwards asked the average amount of time it takes to have the TCU administered and the results to the courts. The TCU is done by pretrial services at the first contact with the defendant. The full assessment average is 4 days; although many are completed within 48 hours. Bill O'Neil said that one of the reasons we started using this tool was to reduce the amount of time for an assessment to be completed from months to days and therefore place people in treatment more quickly. Mary Ellen noted it is also an evidence-based instrument. Mary Ellen thanked Kevin for this presentation and for all the work he has done in the county. Tom Angell added that without Kevin's help, we would not be where we are today.

5. Jail /ATI report- John Alessi and Mary Ellen – The Jail/ATI report was sent out electronically. The jail census has been down. The census today was 381.

6. Committee Reports:

CIC – Shirley Adams –Mary Ellen thanked Shirley for again hosting the council. Shirley reported that they are rescheduling their April 19 meeting because there is a chemical dependency public forum from 4:00 p.m. to 6:00 p.m. on the same day. They are encouraging all to attend this important forum.

Re-Entry –Tom Angell – The committee met on February 15 at the Family Partnership Center where Dutchess Community College runs their program. Tom was very impressed with what they had to offer. They are welcoming to people re-entering the community. Tom said that the number of people attending the re-entry meetings is encouraging and shows the community is interested. The next meeting is April 19 at St. Paul's Church. There will be a presentation by Abilities First on the work they are doing with special populations in the criminal justice system. Tom said the committee is making progress on their big goal of housing for homeless parolees. A location has been identified and so has a contractor. An individual has been identified to run the program and they are working with someone who will do case management. A community foundation has pledged support of \$50,000 and they hope to come up with another \$50,000 by this summer for the initial investment.

Diversion – Steve Miccio – was not here today but Mary Ellen reported that they are continuing to schedule Crisis Intervention Training. They are also continuing to look at the issue of people with severe mental health issues remaining in the jail because no appropriate placement can be found.

Juvenile Justice – Karen DeSimone - Karen was not in attendance but the committee will meet on March 27 and continue their discussion on youth with mental health issues in the juvenile justice system.

Quality Assurance – Tom Angell- Tom reported that the committee continues to look for ways to speed up the criminal justice process in an appropriate way. The jail numbers are down significantly in recent months. Tom believes there are still areas where we can make improvements and there is commitment from all parties to do that.

Victims – Kelly Bunt - Kelly was not in attendance but sent a message that they are wrapping up the sexual assault tracking project. They are looking at developing trauma training.

Special Populations –Jon Heller –Jon reported that the committee met on February 26 and April 5. At the February meeting, Tom Quinn, the new Deputy Commissioner of the Department of Behavioral and Community Health, was a guest. They outlined the purpose of the committee and gave him a description of some of our initiatives. There was a lengthy discussion on housing needs.

RESTART has begun the New Directions curriculum for co-occurring disorders. We are centralizing probation's interface with RESTART. Jon said the committee reviewed feedback from focus groups that were held at the jail. Some of the highlights included: women reported that the groups, including MRT and Seeking Safety, will help them prepare for release. Currently, the women feel the living conditions are not optimal for treatment. This will be addressed by the new facility. They reported that this was the first time they encountered a program that dealt with trauma related to recovery. The men reported that they appreciated the DBT and other groups. We will have a presentation on DBT at our next meeting. The men like MRT classes and feel that it offers skills they can use post-release.

On March 8, the Anderson Center for Autism gave a presentation on Autism Supported Environment Training as part of the Think Differently initiative. This was held at the Probation Department for probation, public defender and jail nursing staff. There will be training for corrections officers at the jail as well. The training was about recognizing signs and symptoms and appropriate ways to deal with individuals on the spectrum. The next meeting is April 16.

Women in the Criminal Justice System – Karmen Smallwood- Karmen reported that when she was a student in 2004 with Dr. Gary Christensen as her instructor, they talked about the use of actuarial assessments tools, particularly the LSI-R and COMPAS and their foundational use in identifying criminogenic risk and need factors. Fourteen years later, we are still talking about the importance of these assessments and now have specific tools for women. The overall probation population has remained relatively unchanged during the past decade, but the percentage of women on probation has increased by 2%. Women now represent 25% of the country's total probation population. Women are entering the criminal justice system at an increasingly alarming rate. Women are most often convicted of property crimes and drug offenses related to supporting their addiction.

Karmen reported that she attended training in Albany on a women's risk and need assessment, the WRNA. The tool was designed and validated by the University of Cincinnati in 2008. The additional scales include relationship difficulty, relationship support, post-traumatic stress disorder and physical and

sexual abuse. It also includes a case planning component that incorporates the use of trauma-informed care. Probation is working with Project M.O.R.E. to streamline the use of the WRNA tool to assess risk, prioritize services and develop goals with probationers as well as to explore the barriers to achieving these goals. The Women's Committee will also continue to explore ways to incorporate gender-responsive practices and policies in all the programs in Dutchess County.

When we are looking at pathways to criminal behavior, it is important to note the influence of drug abuse and addiction. Last week Dr. Kia Newman from the Medical Examiner's office attended the Women's Committee meeting and gave a presentation about opiate addiction and death in Dutchess County. Part of her discussion focused on medication assisted treatment (MAT), specifically Narcan, Methadone and Suboxone. She also spoke about the good work being done in the county. The committee will continue discussion on this topic at upcoming meetings. The next meeting is April 3.

Criminal Justice Planning Update – Bill O'Neil- Bill addressed the COC's (Commission of Correction) report on the jail. The report garnered considerable media attention. Many of the items contained in the report stem from a September 2017 minimum standards evaluation. These evaluations are conducted annually. It is customary to have an exit interview following these audits, but the COC did not conduct one this time. When the jail inquired about an exit interview, they were told that everything was fine and not to be concerned. Normally, any findings are addressed at the exit interview and some findings may be modified or eliminated because of the explanations provided. Had that exit interview occurred, many of the issues noted in the report could have been addressed. Bill said that a report came out of the governor's office which contained excerpts from this document along with comments on the medical services. It generated a news article which referred to the Dutchess County Jail as one of the five worst jails in NYS. Bill noted that issues can be highly politicized. The county is providing a response to the COC later today. A copy will be sent to the County Legislature and Criminal Justice Council. A copy will also be on the CJC web page. Some of the highlights are: the report indicated the jail doesn't provide required educational services for 16 and 17 year olds. However, Dutchess County doesn't house 16 and 17 year olds as they are sent to the Ulster Jail in a separate area. If an 18, 19 or 20 year old was in school at the time of incarceration, they are entitled to teaching assistance from the local school district. In Dutchess County, this is the City of Poughkeepsie School District. Jail administrators met with the district regarding specific educational requirements. Currently the GED program is provided by Dutchess Community College. Youth may also get help with financial aid and move into college courses. We are providing very good educational services.

The COC findings are primarily about administrative issues. There is a handbook on inmate rules and regulations that we are required to give everyone. Whenever changes are made by the state, the handbook has to be updated. Many of the issues mentioned are related to updates in the handbook. Bill added that this is archaic because we have over 300 iPads for inmates. If we were able to make the updates electronically, it would be easier and faster to keep the handbook updated. The COC doesn't allow this, however. There were also classification issues. When we brought in the pods for temporary housing, it changed procedures. We had the COC help us establish our new classification system. During the audit, they said the new system was incorrect and we needed to refine it.

There were commissary issues; they disagreed with the spending. None were major issues and mostly administrative in nature. They said we didn't have audits of the commissary fund, although we produced

two requests for audits. Some issues were human mistakes, although minor in nature. They certainly don't compare with the problems that New York City is facing with Rikers Island.

Other issues included two suicides in the jail in the last seven years, three in the last 38 years. Of course, we don't want any inmates to hurt themselves or others but when these incidents occur we analyze them, try to understand why they happened and make any changes needed to see they don't happen again. In 2014, the CMC (Correctional Medical Corporation) signed an agreement regarding care that they have been adhering to. Bill added that we are issuing an RFP for medical services later this year. The last time we issued an RFP, CMC was the only proposal. Bill said this is a well-run facility. The people that staff this facility are dedicated and work hard. Bill referenced Kevin's observation that the county is doing great things no other jails are doing, but our facility is old and highly dysfunctional and we are moving forward with our new facility, on time and on budget. The COC is very involved in our project and attend most of our meetings. We recently had a presentation to the legislature by the Commissioner of Public Works and he explained where we are and the time line. Bill closed by saying that this project is very complicated, there are many moving parts and it requires an extraordinary amount of attention to detail.

7. Old Business – None

8. New Business - Rebecca Edwards asked about the jail facility and services provided at the jail. Rebecca asked if there would be a discussion about staffing in the new facility at an upcoming meeting. Bill O'Neil answered that we are creating the schematic design which needs to be approved by the COC. The Special Populations group has been meeting with our designers and giving them recommendations. Bill said that we have a very strong group of experts involved in the project. LaBella has built many jails and the designers are familiar with the need for programs. Bill said he does not see us making major changes to what the experts recommend. When the COC validates the plan, we will look for an agreement on required staffing. Kevin added that there have been productive discussions about programs and functions. Kevin described the conceptual design as state of the art. The architectural team and the RicciGreene team worked with us for several years on the basic design. At the next meeting, there will be a presentation and discussion on current and future programming.

9. Announcements - None

10. Adjourn - Motion to adjourn made by Tom Angell, seconded by Rebecca Edwards at 10:00 a.m.

Next Meeting: Tuesday, May 15, 2018 at 8:00 a.m. at Catharine Street Center, Poughkeepsie