

The Dutchess County Criminal Justice Council
The use of Jail Bed Days within the Dutchess County Jail
 Report and Recommendations
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 July 2016

Background/Analyses

Over the past several years, in response to severe overcrowding at the Dutchess County Jail, the Dutchess County Criminal Justice Council (CJC) has been conducting research and monitoring criminal case processing to evaluate the effect of various factors on increased average length of stay (ALOS) for offenders incarcerated within the Dutchess County Jail (DCJ). Despite the fact that admissions have decreased at the DCJ by over 11% since 2007, the average daily population (ADP) has increased by nearly 42%. This is attributed largely to a 55.5% increase ALOS (see charts below).

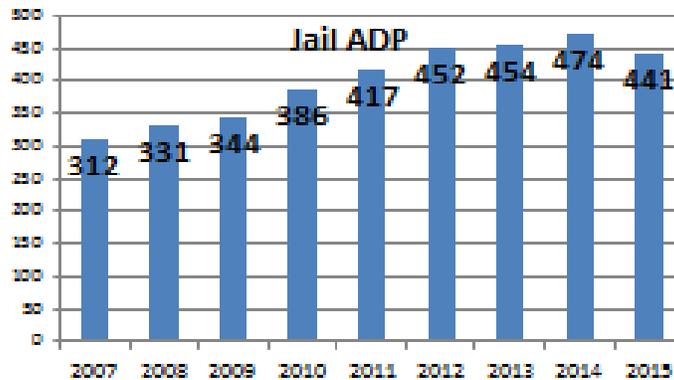
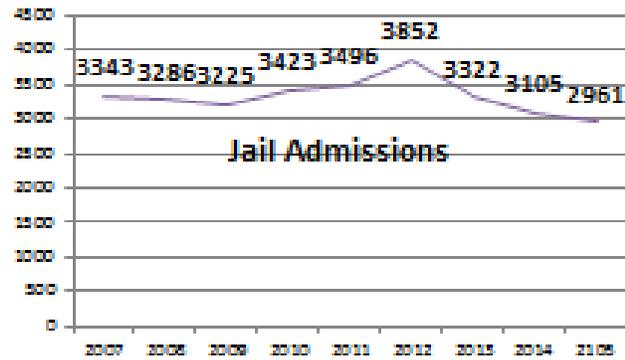
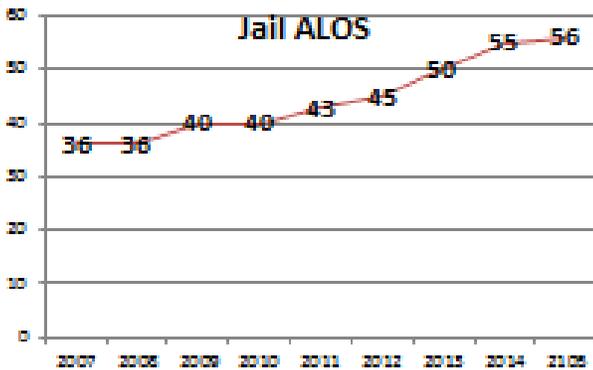


TABLE #1

Until mid-2015, due to state imposed classification issues and overcrowding at the DCJ, a significant factor in increased ALOS was Dutchess County’s long-term reliance on Substitute Jail Orders (SJO) to house DCJ inmates in other county jails. In addition to the considerable cost of this practice, it is evident that the use of SJO also contributed to significant slowdowns in case processing time for inmates housed outside of Dutchess County. TABLE #2 illustrates the results of a study of DCJ inmates (n=7863) proving that inmates of every level of risk spent significantly more time in jail the longer they were housed outside of Dutchess County.

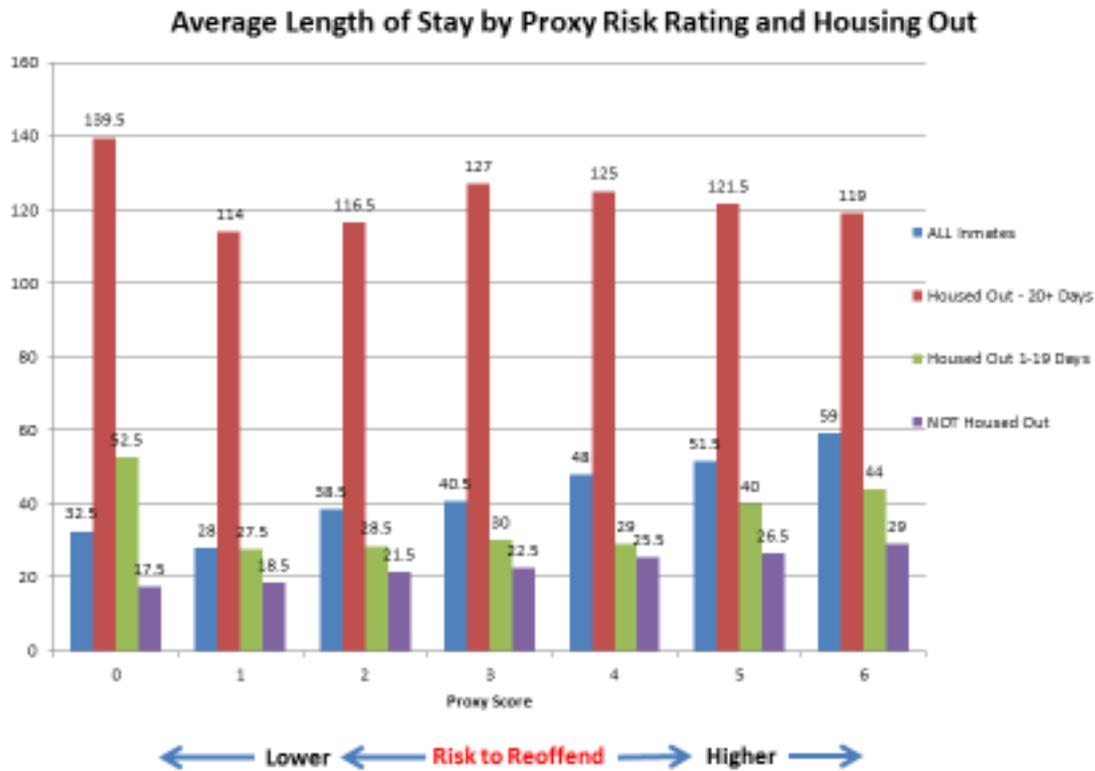


TABLE #2

To ease the burden associated with SJO, Dutchess County contracted for the use of temporary jail pods at the DCJ, and in mid-2015, the new DCJ PODS became fully operational, expanding DCJ capacity by 200 beds. Given the findings outlined within TABLE #2, as inmates returned to Dutchess County, it was expected that ALOS would level and then decline slightly once capacity at the DCJ was increased. As shown in TABLE #1, ALOS leveled in 2015 and resulted in less demand for jail beds in 2015. However, despite the increased capacity at the DCJ, a significant number of inmates who returned to the DCJ in 2015 had already been affected by significant periods of housing out, thereby slowing the overall reduction in ALOS. With the continuing attrition of DCJ inmates affected by housing out, a slight downward trend in ALOS continued into 2016 for all DCJ inmates (depicted in TABLE #3 below) contributing to a declining ADP to 409 inmates in May 2016. It must also be noted that the reduction in ALOS and ADP is also reflective of the efforts to reduce case processing time of major criminal justice stakeholders in Probation, the Public Defender’s Office, and the District Attorney’s Office.

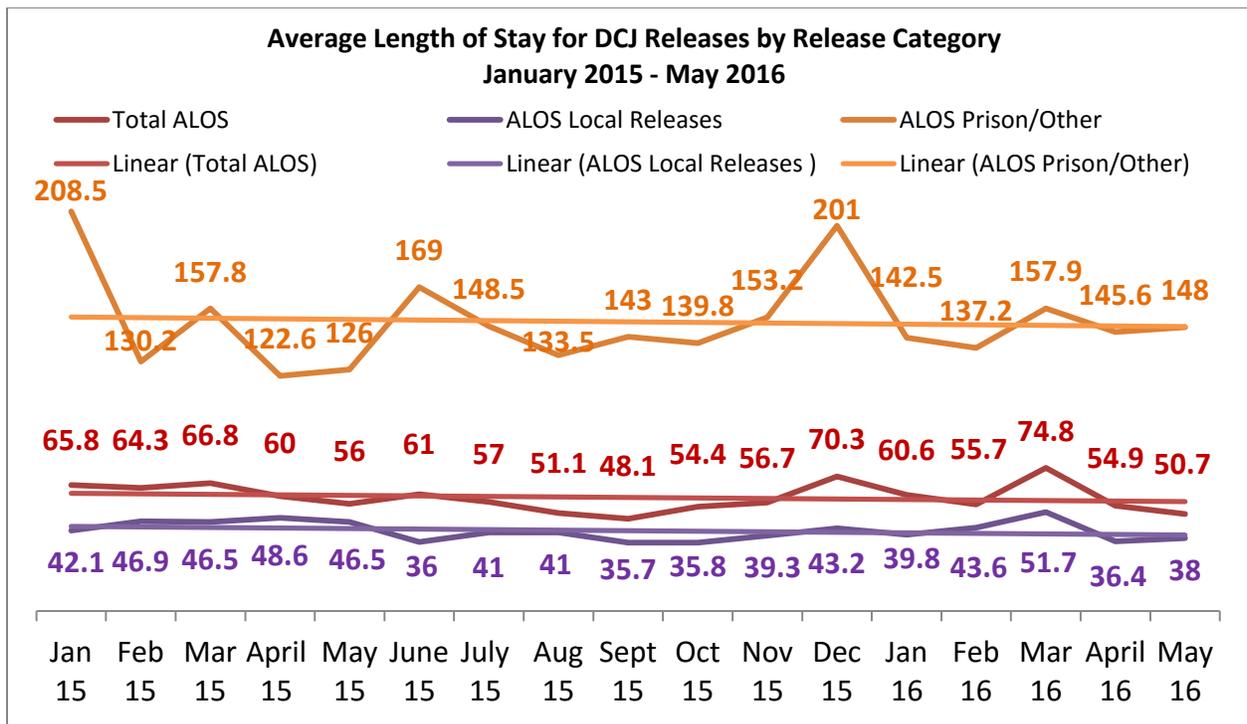


TABLE #3

Local Pretrial Release Practices, Longer-Term DCJ Inmates, and ALOS by Jurisdiction: Effect on Total Jail Bed Days Used/Needed

As has been noted on many occasions, led by the Dutchess County Office of Probation and Community Corrections, pretrial release practices and alternatives to incarceration have led to a significant number of people being supervised within the community while they undergo the criminal justice process. TABLE #4 reflects the number of people supervised under an alternative to incarceration program from January 2015-May 2016 who might otherwise be incarcerated.

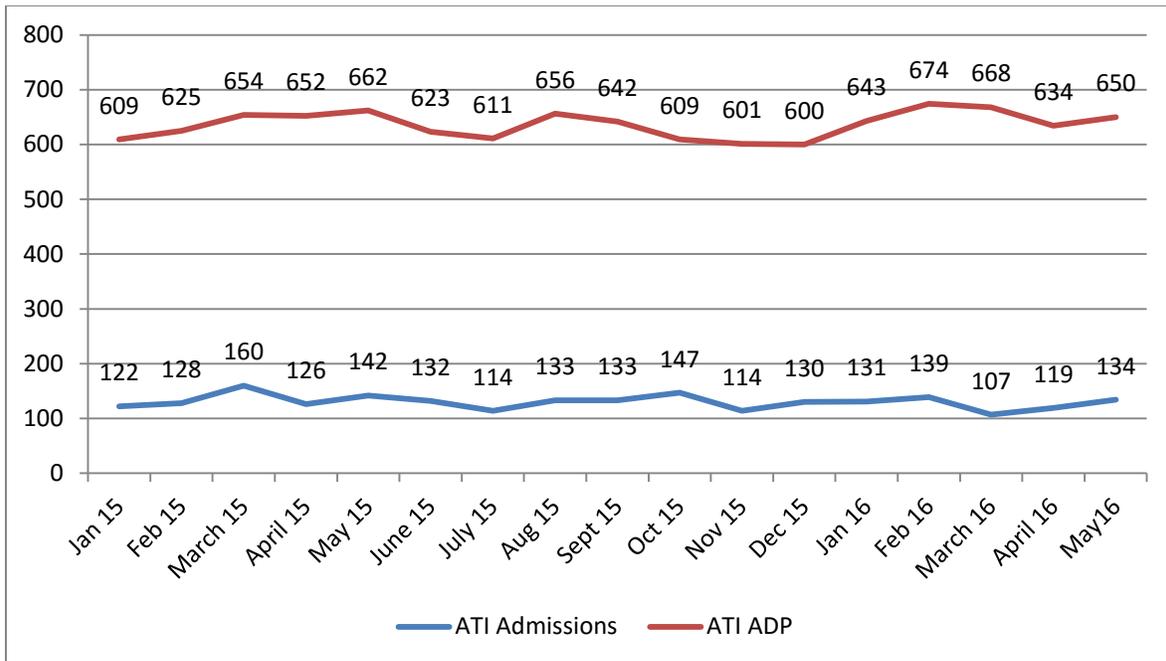


TABLE #4

Despite aggressive local pretrial release and alternative to incarceration efforts, it is clear that the vast majority of DCJ bed days are used by longer term inmates who are not eligible for pretrial release due to their higher risk to public safety. This is not to diminish in any way the importance of evidence-based pretrial release practices. When used correctly, as it is within Dutchess County, evidence-based pretrial release is most cost effective for lower-risk offenders and results in the best possible long-term public safety outcomes.

To evaluate the effect on jail bed days used by longer-term, higher-risk inmates, a study was conducted of all admittances to the DCJ from December 15, 2011 through May 2, 2016 (N=13,236). TABLE #5 depicts the results of that study revealing that 2338 inmates who spent 100 days or more within the DCJ represented 17.7% of all admittances, yet they accounted for 68.7% of the 659,132 jail bed days used during the study period.

ALL Admittances 12/15/11 – 05/02/16 (Total N = 13,236)

BY ALOS	Inmates	% Inmates	ALOS	# Jail Days	% of all Jail Days
ALL	13236	100%	49.8	659132	100%
100 + Jail Days	2338	17.7%	193.6	452706	68.7%
All Others	10898	82.3%	18.9	206426	31.3%

TABLE #5

TABLE #6 categorizes by jurisdiction all of the 2338 100+day inmates reported in TABLE #5.

Venue	# Admittances
CO Beacon	128
CO Poughkeepsie	722
Dutchess County Court	264
Dutchess Family Court	20
DC SCRT	4
Violation Parole	58
TO Amenia	28
TO Beekman	20
TO Clinton	10
TO Dover	67
TO East Fishkill	65
TO Fishkill	61
TO Hyde Park	126
TO LaGrange	61
VO Millbrook	3
TO North East	15
TO Pawling	11
TO Poughkeepsie	416
TO Pleasant Valley	74
TO Pine Plains	3
TO Rhinebeck	8
TO Red Hook	12
TO Stanford	9
TO Union Vale	11
TO Washington	12
TO Wappinger	63
VO Fishkill	9
VO Pawling	5
VO Red Hook	10
VO Rhinebeck	2
VO Tivoli	3
VO Wappingers Falls	38

TABLE #6

Further study of this population revealed that nearly all offenders who spend 100+ days within the DCJ are eventually convicted of a crime and serve either a local sentence or a state prison term. A recent study conducted with the assistance of the Dutchess County Offices of Central and Information Services and the District Attorney evaluated case outcomes of 285 inmates who spent at least 100 days in the DCJ and were incarcerated by January

2015 and released or transferred by February 2016. This study revealed that of these 285 inmates, 261 were convicted, 8 were parole violators, 14 have pending court cases, one was released on a Final Order of Observation (CPL 730), and one was released in the interest of justice after the victim in the case died. This is instructive when considering what might be done to reduce the use of jail days while maintaining the same or better public safety outcomes; for at the time of the study, over 94% of 100 + day offenders were convicted of a crime, and potentially, when the pending cases are completed, the percentage convicted could increase to over 99%.

When evaluating all offenders released from the DCJ for any reason (n=7866), TABLE #7 shows that sentenced offenders (either to the DCJ or to State Prison) use well over half of all DCJ jail days.

Release Reason	ALOS	# Inmates	Jail Days	% of Jail Days used
Sentence EXP	97.8	1238	121096	35.1%
Transfer to DOCS	154.6	510	78825	22.9%
Court Order	26.3	2517	66191	19.2%
Probation (Transition House)	53.6	353	18930	5.5%
Parole (Return to DOCS)	53.3	313	16681	4.8%
Release to Feds	72.1	141	10168	2.9%
Bail	4.2	1942	8082	2.3%
Parole (Release from Detainer)	74.3	86	6391	1.9%
Probation (Electronic Monitoring)	18.8	328	6177	1.8%
Other	80.9	47	3801	1.1%
Transfer to State Hospital	88.8	38	3335	1.0%
Bond	7.3	248	1819	0.5%
Fugitive Return	25.5	71	1810	0.5%
Writ	61.1	22	1345	0.4%
Probation (Release on own Recognizance)	50.8	4	203	0.1%
Conditional Release	14.4	5	72	0.0%
Misc.	9.7	3	29	0.0%

TABLE #7

It is also evident that criminal defendants originating in the City and Town of Poughkeepsie Courts represent over 50% of all 100+ day DCJ inmates (with recognition that a significant number of offenders in Dutchess County Court originate in the City or Town of Poughkeepsie). This information led to further analysis of the impact that the City and Town of Poughkeepsie Courts have on jail bed days used within the DCJ.

TABLE #8 below summarizes the current ALOS for all offenders originating in either the City of Poughkeepsie Court or the Town of Poughkeepsie Court, categorized by their risk to reoffend, who were booked on or after 6/1/15 and released by 4/1/16.

City vs. T/O Poughkeepsie - ALOS by Risk to Reoffend of Inmates Booked on or after 6/1/15 and Released Locally by 4/1/16

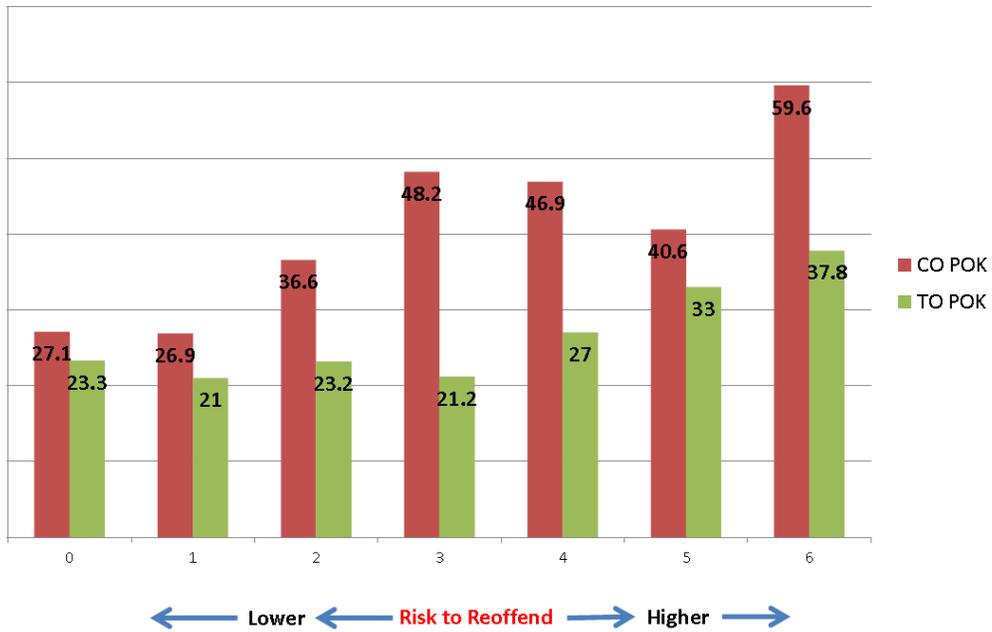


TABLE #8

As reported in TABLE #8, ALOS for inmates of all levels of risk originating in the City of Poughkeepsie Court is significantly longer than in the Town of Poughkeepsie Court. Further analysis was performed to evaluate crime types and volume in each of the courts also stratified by risk to reoffend. TABLE #9 depicts all 100 + day inmates in each of the courts by risk to reoffend and TABLE #10 illustrates the percentages of offenders in each of the courts by crime type.

City vs. T/O Poughkeepsie - # of Inmates Booked on or after 6/1/15 and Released Locally by 4/1/16

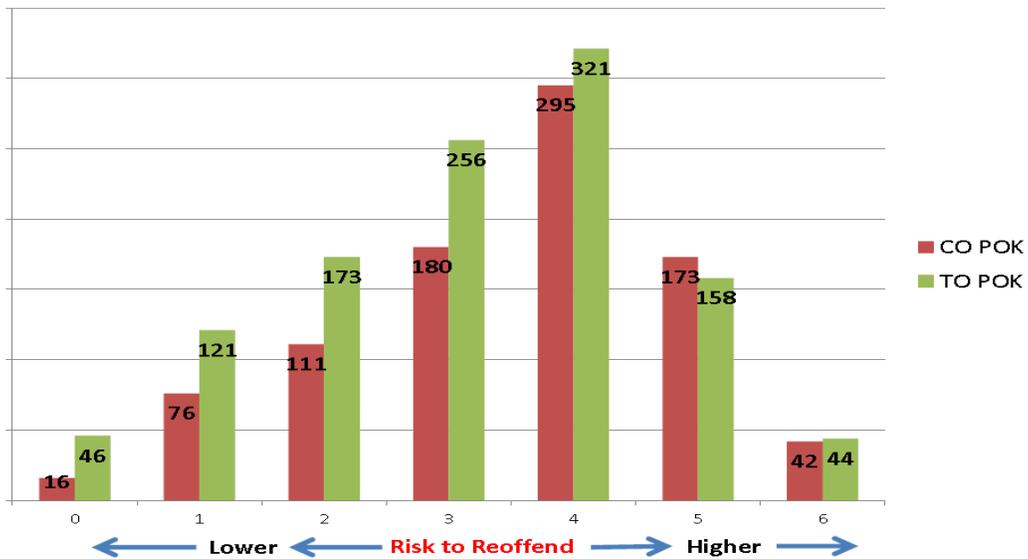


TABLE #9

City vs. T/O Poughkeepsie - % of Crime by Crime Type - All Local Releases Booked on or after 6/1/15 and Released Locally by 4/1/16
City (N=893); Town (N=1119)

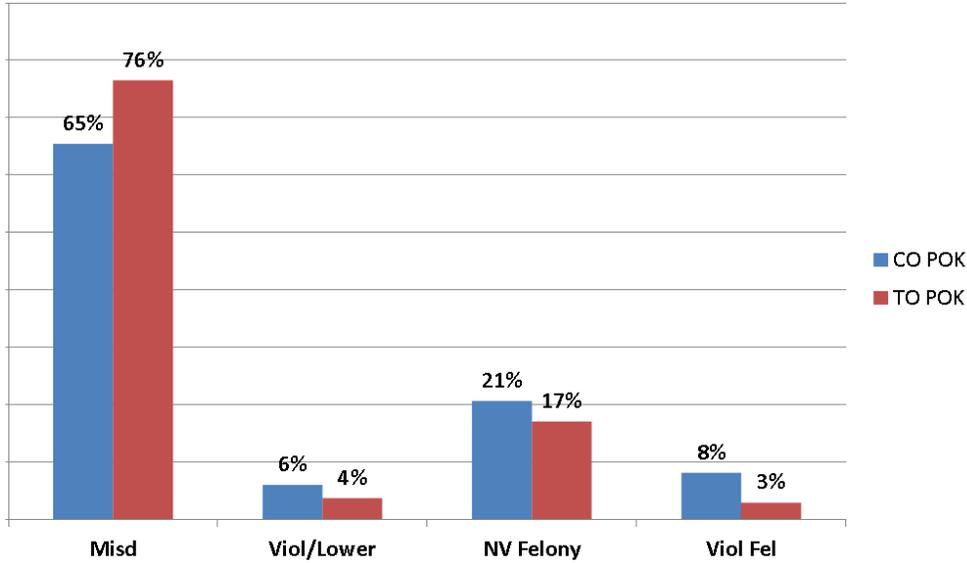


TABLE #10

Review of the data above reveals that the T/O Poughkeepsie Court manages a higher volume of offenders in nearly all risk categories; but the C/O Poughkeepsie Court manages a higher percentage of felony cases.

TABLEs #11 and #12 below (derived from a “snapshot” of DCJ Inmates in February 2016) offer additional confirmation of the conclusions above related to volume and crime type for inmates originating in the City and Town of Poughkeepsie Courts.

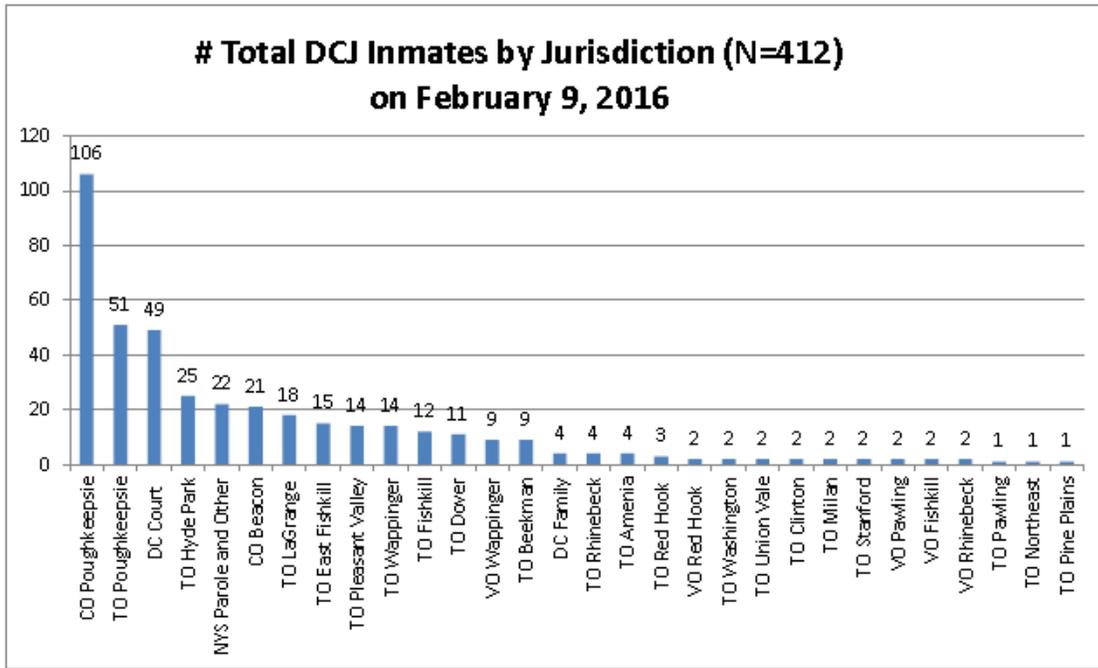


TABLE #11

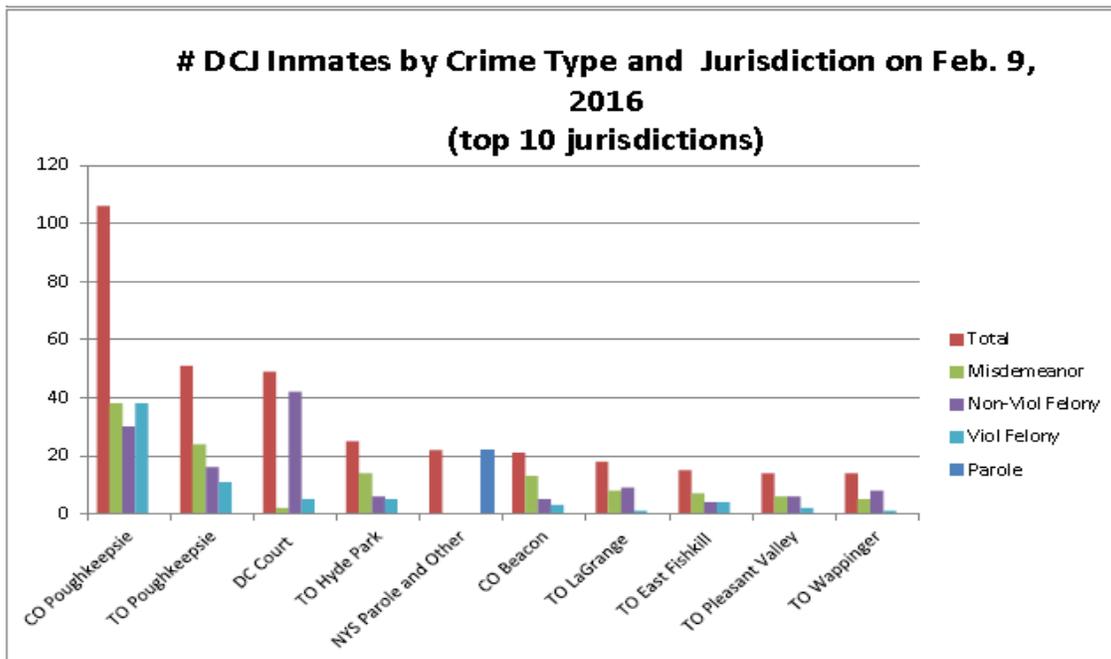


TABLE #12

Observations/Recommendations

In addition to the studies outlined within this report and conducted locally, many studies and analyses have confirmed the positive correlation between the average length of time spent in jail, the number of jail admissions (ADM), and the need for jail capacity (ADP). The simple equation used widely throughout the field of corrections to conduct an initial forecast of jail bed need is $(ADM \times ALOS)/365 = ADP$. Given the continuing decline in jail admissions in Dutchess County, it is irrefutable that the increase in length of stay for DCJ inmates is the major factor driving the need for jail beds within Dutchess County. While this assertion is simple, the reasons for increased length of stay are complex. In advanced jurisdictions, such as Dutchess County, where evidence-based pretrial release practices are utilized to their capacity, longer ALOS is most commonly driven by longer-term, higher-risk offenders who are engaged in complicated court cases. Accordingly, Dutchess County criminal justice stakeholders have identified and begun work to understand and streamline criminal case processing issues that could decrease length of stay for longer-term DCJ inmates and lessen the need for jail beds.

The data within this report are not intended to draw conclusions beyond that which the data show; nor should these data be used to cast aspersions related to any jurisdiction or criminal justice stakeholder. As stated above, the study of length of stay is complex and influenced by myriad factors; therefore, case processing efficiency or inefficiency cannot be attributed to any one person or entity. Criminal case processing time correlates with daily system practices that need to be addressed by all within a given system or jurisdiction. However, within Dutchess County, case processing time is most affected by officials from the Offices of the District Attorney, the Public Defender, and Probation and Community Corrections; for it is seldom that a judge in any jurisdiction will not accept a recommendation agreed upon by these entities.

In no way do the opinions, conclusions, or recommendations offered herein imply that our current jail facility would be adequate if system processing times were improved. While well beyond the scope and purpose of this report, myriad arguments have been made otherwise and indeed there is a need for a new and updated jail facility. However, to the credit of Dutchess County Officials, options are available regarding sizing and use of the proposed Dutchess County Justice and Transition Center. The opinions, conclusions, or recommendations contained herein are offered for the purpose of informing these decisions.

Dutchess County is unique, in that all of the critical agencies and departments that deal with aspects of the criminal justice system are committed to enhancing the processing of cases so that they can be adjudicated in a timely manner without compromising each agency's responsibilities. Therefore, as a result of a consensus among all of these critical agencies, the following recommendations are offered with the goal of enhancing case processing to maximize system efficiency:

- All offenders incarcerated more than 60 days should be identified in order to determine if case processing issues are present and whether those issues can be effectively and realistically addressed, resulting in a more efficient criminal justice system.
 - This group of offenders should be stratified by risk to reoffend, crime type, and jurisdiction.
 - A computer query of the DCJ database should be designed by Dutchess County OCIS to establish a regular report containing this information that is readily available without special request or effort.

- A Quality Assurance Committee should be created to streamline the review and identification of case processing issues. The Quality Assurance Committee should be established as a sub-committee of the Dutchess County Criminal Justice Council (CJC). Regular reporting to the CJC and the Executive Committee of the CJC should occur similar to the practice established by other CJC sub-committees.
 - The Quality Assurance Committee should consist of officials from the office of the District Attorney, the Office of the Public Defender, the Office of Probation and Community Corrections, the Department of Behavioral and Community Health and the Dutchess County Jail. Other departments and organizations having interaction with the criminal justice process can be asked to participate on an as needed basis.
 - The Quality Assurance Committee should agree on pre-determined measures and ‘identifiers’ affecting case processing to best accommodate comprehensive and objective review of longer-term cases.
 - Data from a number of departments will be a critical component of effective analysis of case processing. Therefore, Dutchess County OCIS should work in conjunction with the Quality Assurance Committee to develop a report containing the necessary measures and ‘identifiers’ discussed above that will be generated on a monthly basis for review and discussion by the Committee.
- Using the measures and identifiers discussed above, the Quality Assurance Committee should prioritize its initial effort by impact on jail bed days focusing on differences in case processing practice/times in the City and Town of Poughkeepsie Courts to identify efficiencies that might be applied universally. At minimum, the following areas of practice should be evaluated and compared:
 - Processing time for felony cases adjudicated within Dutchess County Court inclusive of time elapsed during case transfer from these courts to Dutchess County Court;
 - Processing time for all misdemeanor cases adjudicated by the City and Town of Poughkeepsie Courts stratified by release reason, risk to reoffend, and misdemeanor class;
 - Jail time spent in pretrial status vs. the jail time spent as a sentenced inmate in cases where an inmate is sentenced to the Dutchess County Jail; and,
 - Case processing times for offenders of all levels of risk and crime types in cases where an inmate is sentenced and transferred to State Prison.
- County Officials should also evaluate resources available (or need for additional resources) either assigned to or within the Offices of the District Attorney, the Public Defender, and/or Probation and Community Corrections to monitor and address ongoing case processing issues for offenders incarcerated for 60 days or more.

Respectfully Submitted,



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