

## **Dutchess County Criminal Justice Council**

Meeting Minutes

January 14, 2020

Present: Mary Ellen Still, Chair, Director of Probation  
William O'Neil, County Executive's Office  
Dr. Gary Christensen, CJC Consultant  
Honorable Frank Mora, Poughkeepsie City Court  
Jon Heller, D.C Probation, Special Populations Chair  
John T. Gildard, Citizen Appt.  
Tom Angell, Public Defender, Re-Entry Chair  
Bridget Goddard, DCFS  
Karmen Smallwood, Women's Chair  
Bill Eckert, DBCH  
Shirley Adams, CIC Chair  
Rebecca Edwards, D.C. Legislator  
Karen DeSimone, D.C. Probation, Juvenile Justice Chair  
Kelly Bunt, KB Forensics, Victims' Chair  
Barbara Jeter-Jackson, DC Legislator  
Loren Petrella, County Executive's Office  
Steve Miccio, PEOPLE Inc., Diversion Chair  
William Grady, D.C. District Attorney  
Austin "Brud" Hodgkins, Citizen Appointment  
Kari Rieser, DCFS  
Matt Weishaupt, DC District Attorney's Office  
Faye Garito, DC Legislator  
Jacqueline Johnson, DBCH  
Dawn Hawley, Coordinator

Guests: Joanne Nellis, Dutchess County Probation  
Tom Morris, Dutchess County Probation  
Kathy McQuade, DC Probation  
Kelly Myers, DC Family Court

1. **Approval of November 19, 2019 minutes** — The minutes were approved on a motion by Bill O'Neil, seconded by Karen DeSimone.
2. **Jail/ATI Report—John Alessi and Mary Ellen Still** – The jail and ATI stats were sent out electronically. Mary Ellen reported that we are not seeing any significant impact from bail reform yet. Bill O'Neil said that the parole numbers have been going up.
3. **Bail Reform Update** – Jon Heller, Kathy McQuade, Supervisor of the Probation Pretrial Unit, Matt Weishaupt, DC District Attorney's Office, District Attorney Bill Grady, Tom Angell, Public Defender, Alex Rosen, Public Defender's Office and Gary Christensen have been working to prepare for bail

reform. Jon reported that preparing for jail reform dominated their work from October through December. Gary provided a jail list each Monday organized by offense. Jon said they reviewed the list every week to plan for people being released under bail reform. Kathy added that Gary's help made this possible. Treatment or any other needed re-entry services were put in place. Where possible, dispositions were agreed upon to help alleviate undue burdens on the courts. Jon said they identified between 50-60 people that needed Writs from the County Court. Alex Rosen in the PD's office and Matt Weishaupt in the DA's office worked collaboratively to make this possible. Today, there were 18 unsentenced misdemeanants in the jail for a variety of reasons. We have 65 non-violent felonies unsentenced. Twenty-two are pending sentence, twelve are qualifying offenses, eleven are violations of probation, nine are parole holds and four we are expecting release on Writs. Three are out on Writs already and two are judicial remands from the County Court. One will be released today and two have 730 reports pending. Jon added that in the future people with non-qualifying offenses won't be in the jail. Mary Ellen said that we expect the jail population will decrease even more as cases work through the system. Jon said that the level of cooperation and collaboration by all parties and agencies was outstanding. Mary Ellen thanked everyone for their work and cooperation and added that the Department of Behavioral and Community was also extremely helpful in this effort.

4. **Research and Planning Update** – Dr. Gary Christensen – Gary said the purpose of the Quality Assurance Committee is to help inform local decision-making to ensure equity, maximize system efficiency and confirm that local resources are utilized to improve long-term public safety outcomes.

Gary presented a power point analysis of the jail population from 2016-2019. The admissions continued to decrease from 2016 through 2019. Two of the factors we believe contributed to these reductions are the Stabilization Center and Crisis Intervention Training for law enforcement. In addition, the efforts of the Pretrial Services Unit and the joint efforts of the Public Defender and DA's Office have contributed to the reduction. Gary detailed a breakdown by jurisdiction. There is a 15.7% overall decrease in admissions.

Based on this data, we made projections for 2020. We estimated 776 admissions for 2020 with the caveat that we do not know how bail reform will impact violations of probation and parole which are not affected by bail reform. Additionally, we don't know if there will be any changes to the types of offenses/risk level of people placed on community supervision. Gary said for low-risk people, bail reform will be beneficial.

Tom Angell added that people are presumed innocent until proven guilty. When that determination is guilty, the system determines an appropriate sentence. Tom said he understands the concerns about public safety, but that pretrial release is supposed to be about whether a person will return to court. It has never been about public safety. Gary added that he is a proponent of bail reform, but NY's law raises some concerns. For instance, there is no validated risk assessment instrument to determine likelihood to return to court. In most other states, dangerousness can be taken into consideration by a judge. Mary Ellen said the bail reform law did not mandate the use of assessment screening tools, but the Office of Court Administration supported the use of a validated instrument to aid in decision-making. Mary Ellen suggested that we not solely focus on bail vs. no bail when, in fact, there is a third option—pretrial release facilitated by a pretrial services agency. Mary Ellen added that our pretrial staff are trained and certified in pretrial practices.

Bill Grady added that New York State is the only state in the country that has bail laws such as ours. There are many excellent models we could have followed. It totally divests the court from being able to consider any other factors that they feel might be appropriate such as dangerousness.

Gary showed parole data and said the average length of stay for parole holds has gone down considerably over the past four years. Recidivism data shows that we can predict accurately the rate of recidivism for all people who will be released in 2020. Gary said that in Dutchess County we know exactly who is released which is not the case in many other places.

Bill O'Neil said that in Dutchess County we created a system that provides judges with the information they need, but judges don't have much discretion now. It will be difficult to get people to engage in services. In the meantime, we are doing everything we can do to provide those services. He is concerned about the victims. Tom Angell said he believes changes need to be made to the law, but thinks we need to have a mental health system that is responsive to the needs of the community. Bill O'Neil said that we are limited in what we can do, and the state needs to step up and take responsibility for long-term mental health needs.

Steve Miccio added that Dutchess County is very progressive. He said that we advocate every day, but managed care is driving the ship. They are not going to pay the expensive cost of rehab when on average it takes a person eight admissions to rehab before being successful. They are not going to pay for mental health care because they do a value-based approach. The state is not providing services. Gary said we need to think about the 745 higher risk people who were incarcerated pretrial last year but wouldn't be in jail this year. We know without question many of these people will be committing crimes while they are pending disposition of their case. Bill Grady added that at least 80% have drug, alcohol or mental health issues. Before we had the leverage to mandate them to treatment; we now have no leverage. We are looking at pre-diversion programs but are limited to our ability to persuade them to participate.

Gary explained that we use the TCU tool and the LOCADTR tools in the forensic assessment process. We track the actual number of referrals for people and the time that it takes for them to get that service. This data collection began in October 2017 and we see continuing improvement. There has also been a lot of improvement in the way that case processing is done.

We are currently conducting an in-depth analysis of people who were assigned to the forensic assessment process 2016-2018. Bill Eckert and his staff are gathering the data—an arduous process. This is also being done for the RESTART program. We also want to evaluate the impact of bail reform overall. We want to assist in efforts to mitigate the impact of bail reform specifically related to higher risk defendants in the community. We have begun to do some of these studies already.

## **5. Committee Reports:**

**Quality Assurance** – This topic was covered in earlier discussions.

**RTA – Hon. Joseph Egitto** -Kelly Myers, Judge Egitto's court attorney, reported for Judge Egitto. In the Youth Part, the number of Adolescent Offenders currently is 16; there are five Juvenile Offenders. There were a total of 17 Adolescent Offender and Juvenile Offender removals from the Youth Part to Family Court or probation intake. There have been four after-hour Adolescent Offender arraignments and one Juvenile Offender after-hour arraignment. There were four after-

hour pre-petition detention applications for Juvenile Delinquents. In the Youth Part, 12 cases were filed in the Family Court upon Youth Part removal. Currently, there is one case open with an extension of adjustment and five cases that initially went to probation and have been referred to the presenting agency. The total cost for placement was \$253,435 from December 12, 2018 to July 31, 2018. The average length of stay for the AOs was 230 days and the average length of stay for all JDs was 25. There was one RTA youth that was placed in the Capital District facility that should be reimbursed 100% by the state. Kelly added that she is aware of at least one case where a judge wanted to remand an AO but was forced to release due to no beds available in the state.

**Juvenile Justice- Karen DeSimone**— Karen reported that the committee meets bi-monthly. In 2019, Raise the Age and other Juvenile Justice reforms dominated the discussions. There was also discussion on the lack of available detention beds. In January, the committee revisited the 2017 focus on mentally ill youth in the juvenile justice system. The demand for increased mental health services for youth and the severity of issues has increased but the services have not. It is extremely difficult to get a psychiatric evaluation for youth. Often youth struggling with mental illness have parents struggling with mental illness. The committee feels that better intervention with entire families is needed. The county has undertaken a Path to Promise initiative. This is a county-wide youth engagement effort. Karen has put Path to Promise on the regular agenda so they will discuss this initiative at each meeting.

Persons in Need of Supervision—(PINS) reform – Starting January 1, 2020 some of the changes to the PINS program are: new pre-dispositional PINS placement is allowable in limited 3-day increments only; no state funding for PINS pre or post dispositional placements, detention is eliminated for PINS youth; no truancy only youth can be subject to an out of home placement. In addition, schools will be required to attend to the needs of students at an increased level prior to filing PINS and a school representative may be required to appear in Family Court.

Further reform of the Juvenile Delinquency Intake process became effective on December 12, 2019. These changes include the 30-day increase of diversion services and the ability of probation services to assign a JD case to diversion without consent of the complainant. This discretion cannot be considered if the victim is seeking an Order of Protection, although the case may be returned to Probation.

The Mid-Hudson Regional Youth Justice Team received a \$250,000 training grant that will be used to increase trauma-informed care and awareness for agencies, schools, and the public via a Trauma Task Force to be created in each county within the region.

Karen added that in 2019, the Youth Justice Institute was established. The institute will seek to provide evidence-based resources, trainings, and research to the agencies serving at-risk youth.

**Centralized Arraignment – Hon. Jerry Hayes** – In Judge Hayes' absence, John Gildard gave the report on Centralized Arraignment. This committee has been charged with looking at whether a central location for arraignments would be beneficial rather than conducting arraignments in separate municipalities. Central Arraignment in other counties often occurred due to a requirement to have an attorney present at arraignment. The committee obtained information concerning the operation of Centralized Arraignments Parts (CAP) in other counties and discussed the general implications of establishing a CAP in Dutchess County.

There was also discussion on the feasibility of having a CAP at the present jail as well as the proposed new facility. They also considered whether there would be requests for additional personnel to implement CAP.

The OCA representative had indicated that they would become involved in the discussion if they received a written request from the Magistrates Association. The Magistrates Association will vote at their next meeting on whether they should request support in establishing a CAP. The next meeting is February 24.

**RE-Entry--Tom Angell and Irma Machado--**The Re-Entry task force meets every other month. The task force works with Exodus in the community. The funding for Exodus comes through NYS DCJS. In 2019, services were provided to 391 individuals; 241 participants completed the Anger Management program, 119 completed the READY, SET WORK program and 132 participants found employment. There are a multitude of additional services provided by Exodus daily. The center is located 97-99 Cannon Street, Poughkeepsie. The task force continues to work on the homeless parolee problem. They are currently evaluating the Re-Entry home on West Hamilton St. The goal for 2019 was to institutionalize MAT which was successful. They continue to work on lowering the recidivism rate for parolees. The next meeting is February 20, 2020.

**CIC – Shirley Adams** - The Community Involvement Committee is charged with facilitating access to information about the criminal justice system in Dutchess County. It is an issue-driven committee. During 2019 there was a lot of the e-mail contact from people asking where they could get information. Some of the topics discussed in 2019 were ATIs, the Law Enforcement Center, the Justice and Transition Center, the average daily population at the jail, special populations and available resources for homeless. The opioid epidemic and its impact on the Stabilization Center was discussed as well as Bail Reform. The committee conducted three community forums in 2019. Two were with city council members regarding public and community safety. The largest forum was on the topic of Bail Reform. There were several guest speakers at the forum. In 2020, the committee plans to have four community forums. They are working on issues and format for the forums.

**Diversion – Steve Miccio** Steve reported that since 2015, 610 first responders have been trained on CIT. That is 79% of first responders in the entire county and 100% of the City of Poughkeepsie, Town of Poughkeepsie, Beacon and East Fishkill. There have been 32 dispatchers trained. On average, about 95% of the officers that bring people to the Stabilization Center are CIT trained. Steve reported that in 2020 we will have four more CIT trainings and continue to work on outcome reports. There will be a CIT luncheon. Steve said that they will continue their relationship with the MTA because they are very interested in getting more of their people trained.

Stabilization Center- Bill Eckert reported – The center opened in 2017 and has had three continuous years of operation. The population has been 50/50 male/female. The largest age cohort is from 22-59. That makes up 64% of the people who utilize the services. Approximately 19% of people using the services are age 17 or under. Ages ranged from 4-93. There have been 8,197 visits since the center opened which were generated by 4,208 individual clients. 70% of the people that utilized the center was primarily for mental health reasons and 43% of those people had a co-occurring disorder. Of the 8,197 visits, about 31% utilized some form of sobering services which is a non-medically supervised detox where people are made comfortable.

**Victims – Kelly Bunt** - Kelly reported that 2019 was a successful year. The goal was to do outreach to the senior population, primarily seniors that are homebound, to bring awareness and information regarding elder abuse. The committee, in collaboration with the District Attorney's Office, Office for the Aging and the Mediation Center developed a puzzle magnet. Arlington Ink designed the puzzle. In collaboration with the home-based meal program at Office for the Aging, which reaches between 500 and 600 people at any given time, the puzzles were distributed with meals. Each puzzle piece had a tip targeting specific areas of elder abuse along with contact numbers for help. In addition, from July through December, an excerpt on one of the topics from the magnet was added to the monthly newsletter that is produced by OFA. There were two questions regarding this initiative added to OFA's yearly survey. We found this initiative to be effective and Office for the Aging has requested more puzzles. Kelly has been asked about turning the puzzle into a poster that may be hung in police agencies as well as other possible sites.

In 2020, the Victims Committee plans to have focus groups with victims in order to accurately identify what gaps we may have in the system. It is currently in the development phase.

**Justice Involved Women – Karmen Smallwood** - Mary Ellen thanked Karmen for all the work she and the committee have done. Karmen will lead the Path to Promise initiative so will no longer chair the Women's Committee. Karmen reported that the committee work culminated in the development of the collaborative research project with Marist Center for Social Justice Research. The committee sought to explore the lives of female offenders prior to, during and following their involvement in the criminal justice system. Committee members' input was used to develop the research project questionnaire. Female offenders with misdemeanor and felony level convictions were invited to participate in one or two rounds of interviews conducted by members of Marist's clinical research team. Each participant received a monetary incentive.

The five emerging themes included the following:

- Stigma
- Development
- Disempowerment
- Community
- Empowerment

Justice-involved women who experience trauma may also experience significant cognitive delays. The ability to meet the demands of community supervision can be challenging especially when their support systems are weak or non-existent. Strengthening and building community ties can have long lasting positive effects. Cognitive behavioral interventions i.e. Moral Reconciliation Therapy (MRT) helped participants recognize and embrace shared experiences.

Increasing access to mental health services throughout all stages of the criminal justice system process can help the women cope with feeling isolated and assist them with developing effective coping skills. Providing opportunities to promote empowerment through "voice" can lead to increased engagement in pro-social activities. This concept led to the creation of the "Voices" newsletter spearheaded by Molly Shanley in the Dutchess County Jail. The committee is exploring ways to expand this newsletter to include writing excerpts from currently and formerly incarcerated individuals as well as those under community supervision.

The research project provided a foundation for deeper understanding of the challenges experienced by justice-involved women. Information obtained from the qualitative research affirmed our understanding of their needs as well as their assets. It is evident that many factors influence their ability and motivation to succeed. Reduction in recidivism rates among this population can be achieved when all the emerging themes are taken into consideration when implementing gender-specific programs, policies and services.

**Special Populations – Jon Heller** – Jon reported that Special Populations meets monthly with our consultant, Kevin Warwick.

RESTART continued to be a focus for the committee. The RESTART Quality Assurance group continued to monitor RESTART's performance and ensure program fidelity. Two RESTART focus groups were held: one in March and one in October. The discussions were reviewed with the RESTART staff and the Special Populations Committee. Moral Reconciliation Therapy (MRT) quality assurance meetings were held to bring all the providers together to help maintain fidelity of program delivery. There were 35 attendees representing nine different providers at the May meeting and 27 attendees representing seven different providers at the last meeting. It is notable that this level of collaboration and consistent delivery of cognitive based interventions are generally not the norm. In July, the entire RESTART staff attended teambuilding exercises.

General RESTART program improvements included the addition of the Stephanie Covington curricula, "Helping Women Recover" and "Helping Men Recover" which replaced the New Directions curriculum. Additionally, two new case managers were hired by Project MORE under the NYS Jail Based CBI grant. This allowed for current staff to do more re-entry work outside of the facility.

There was a significant focus on the introduction of Medication Assisted Treatment (MAT) for our incarcerated and re-entry populations. Early in the year, policy and procedure was established in order to continue methadone treatment for individuals already on methadone when admitted to the jail. The Special Populations committee arranged a trip to Franklin County House of Corrections in Greenfield, Massachusetts, nationally renowned for their MAT program. The information gathered on this visit, as well as significant work by a group spearheaded by the County Executive's office, the jail medical services provider, the jail administration and Special Populations Committee, resulted in the inclusion of buprenorphine to the Jail's MAT protocol. The jail can now offer all three types of MAT.

The new bail reform legislation was a frequent topic of many of the committee's meetings, particularly in the second half of the year. Discussions involved the impact on the planning for the new Justice and Transition Center, RESTART, and the Stabilization Center. Central to the discussions was the overall cultural shift in our current criminal justice process that placed a reliance on the jail and incarceration in order to mandate treatment services. Because of the increase in individuals abusing opiates, as well as a lack of adequate mental health services, the jail had become the default method of obtaining services. Significant study and planning went into preparation for release of individuals impacted by the legislation to ensure that they were connected to services at re-entry. Collaboration between agencies and the participation of some members of the committee on statewide workgroups undoubtedly placed Dutchess County in a better position to transition to the new environment under bail reform.

As the prospect of bail reform prompted a reevaluation of the design of the JTC, a group of Special Populations committee members were again called upon to inform the design and capacity of the proposed program units and infirmary spaces. We appreciate that our input was valued and can report that the new design has ample space for programming.

There were advancements for incarcerated individuals with special needs. The new Jail medical provider, Prime Care Medical, launched an improved screening and assessment protocol that allows for enhanced service delivery. Additionally, records have been computerized.

In the fall, the committee had a presentation by Family Services who recently obtained a federal grant called Intimate Partner Violence Initiative (IPVI). It's a focused deterrence model for domestic violence being piloted in the City of Poughkeepsie but will be expanded throughout the county if successful. It is a joint effort between Family Services, Probation, City of Poughkeepsie Police Department, District Attorney's Office, Sheriff's Office and the Center for Victim Support. Family Services will provide ongoing updates to the committee.

The use of the TCUDS continued to be monitored. The TCUDS Quality Assurance committee led by our consultant, Gary Christensen, met about every 2 months to review and revise processes.

On May 22nd, Charlie Robitaille, Program Director at RESTART and Jon Heller, Special Populations Committee Chair, presented an overview of RESTART and in-jail programming at the Rural Re-Entry Conference in Columbia County. The conference was sponsored by Re-Entry Columbia, Columbia County's Re-Entry Task Force and was held at Columbia-Greene Community College/Professional Academic Center.

#### Plans and Goals for 2020:

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

In 2020, we will focus on the following:

- Enhancing community-based aspects of RESTART to ensure a smooth transition that continues treatment programs outside of the jail;
  - Continue the work of the RESTART Quality Assurance Group to ensure fidelity to curricula and review recidivism data;
  - Continue to explore the impacts of bail reform and make appropriate recommendations for resources;
  - Continue to monitor the TCUDS-V and treatment evaluation process;
  - Opioid addiction and support of Medication Assisted Treatment (MAT).
- 6. Old Business** – Update on JTC – Bill O'Neil - Bill reported that work on the final design of the 325-bed (25 medical) facility is being completed. There is a meeting scheduled in March with the COC where we will seek their approval on this design. We have been working with COC staff and



they are familiar with what we are proposing. If all moves forward as planned, we will have construction documents ready to put out to bid in early summer with a project labor agreement. We hope to break ground in the fall.

7. **New Business** – none
8. **Announcements** – none
9. **Adjourn** – A motion to adjourn was made by Bill O’Neil, seconded by Karen DeSimone.

**Next Meeting: March 10, 2020 at 8:00 a.m.**

**Meeting location: 230 North Road (Training Room) Poughkeepsie, NY**