

**Dutchess County  
Criminal Justice Council**

Meeting Minutes  
May 19, 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  
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  
Loren Petrella, County Executive's Office  
Steve Miccio, PEOPLE Inc., Diversion Committee Chair  
William Grady, D.C. District Attorney  
Austin "Brud" Hodgkins, Citizen Appointment  
Jacqueline Johnson, DBCH  
Hon. Joseph A. Egitto, DC Family Court  
Honorable Gerald Hayes, Citizen Appt  
Honorable Frederick Romig, East Fishkill Town Justice  
Dawn Hawley, Coordinator

Guests: Joanne Nellis, Dutchess County Probation  
Tom Morris, Dutchess County Probation  
Sam Busselle  
Molly Shanley

- 1. Approval of March 10, 2020 Minutes** - The minutes of March 10, 2020 were approved on a motion by Tom Angell, seconded by John Gildard.
- 2. Jail/ATI Report—Lt. John Alessi and Mary Ellen Still**  
The Jail/ATI report was sent out electronically. Both the jail and ATI census decreased. No questions.
- 3. RESTART Update—Kevin Warwick**  
Kevin reported that RESTART staff have been working on a remote basis. The jail staff have been very helpful getting homework assignments and work to inmates on the units. Google phone calls have been established to do case management and clinical work inside the facility. Remote intakes have been established to screen people for the unit. Transports are

being done by RESTART staff to get people to community agencies and residential facilities after they are released. Zoom meetings are being held in the community.

Kevin reported that they discussed the needs of RESTART with the architects and jail staff. They looked at the men's and women's units as well as the infirmary. There is a tentative meeting set for mid-June. From what Kevin has seen, the units seem very conducive for programing. There is plenty of group space as well as individual space.

The entire staff is being trained on Interactive Journaling. Probation staff are providing the training. IJ is a CBT based program. This is exciting because it can also be provided to non-RESTART people in the jail. The RESTART staff are doing weekly progress reports on all individuals we are working with in the jail and the community. We are discussing next steps; looking at how we might do groups differently, perhaps remote work and smaller groups.

There is an upcoming meeting with the fidelity group to talk about utilizing technologies like Zoom for remote work. Kevin said we would like to thank the jail staff for working with us throughout the pandemic. Kevin said we have been looking for alternative ways to communicate with people. There are three meetings a week with RESTART staff. Jon Heller and Charlie Robitaille chair a meeting every Wednesday with the jail, community and Public Defender staff to talk about case flow. On Mondays, there is a RESTART administrative meeting where programing and services are discussed. There have been remote trainings as well. We continue to provide information to Gary so he can update and evaluate the program. The case management system has been updated to provide more data for Gary. Kevin feels things have gone well under challenging circumstances. Kevin added that many people were released from the jail during covid. They have been connected with services. The coordination between the jail, community agencies, Probation, DBCH and RESTART staff from Project MORE and Family Services has been very effective.

Mary Ellen thanked Kevin for his guidance and assistance throughout the covid-19 pandemic and for the presentation.

#### **4. Planning and Research Update--Dr. Gary Christensen**

Gary presented slides to help us understand the impact of bail reform. Looking at the first quarter, you see the difference in both the number of admissions and type of crime for which people were admitted compared to first quarters in previous years. As expected, there was a sharp decline in admissions. Gary has been sharing the names of people comprising those admissions with members of the Quality Assurance and Bail Reform work group on a weekly basis so each case can be researched. As part of the state budget process, there was also a "reform to bail reform" which will go into effect in July. A list of new qualifying offenses was compiled with the assistance of Tom Angell.

Gary looked at first quarter admissions from 2016-2019 to see which offenses resulted in bail being set. Projections on the impact of bail reform were then made using the same offenses allowable by the bail reform of July. A projection in the range of a 15-25% increase over the current population will most likely result from the July changes to bail reform. The unknowns that will affect the jail population and may result in additional admissions are:

non-qualifying felonies that are committed while an individual is either on probation or parole, is a persistent felony offender or would qualify as a persistent felony offender if sentenced on the current charge. Gary cannot predict the impact of these factors at this point. Gary also has no way to determine the number of people convicted for a non-qualifying offense who will be remanded to the DCJ pending sentence. There is a meeting of the QA group today to discuss the impact, if any, on the rule changes to Discovery. There were no questions. Mary Ellen thanked Gary for his extensive research.

## 5. **Committee Reports:**

**Quality Assurance**—Dr. Gary Christensen, Tom Angell, Bill Grady  
The Quality Assurance report was included in Gary's update.

**RTA**—Hon. Joseph Egitto

Judge Egitto reported that the group met on March 10. The main issue is locating secure detention beds. Woodfield Detention has had over 30 staff out sick and they were under lock down because of covid positive staff and youth. Because of this lock down, they were not accepting any admissions, and no one was being moved in or out. It has gotten better over the past two months, but they are still down staff. Because of some construction requirements, they have not been able to move forward with one of the wings they were approved for. No other detention facility in the state was accepting youth from the 9<sup>th</sup> Judicial District and that directly affects us. OCFS has said that there are no new detention beds being approved in NYS and there won't be for the foreseeable future. The new facility being built at Woodfield has consistently had their number of beds reduced. Judge Egitto said that he expects the need for secure detention beds to go up, especially with 17-year-olds coming into the system. Judges are looking for more clarity regarding certain definitions and terms in the RTA law.

**Juvenile Justice**—Karen DeSimone

Karen reported that the committee last met in January. Karen said that from the perspective of her work at Probation, she knows that this is a very challenging time for youth at home. Our more challenged at-risk youth are really struggling. Parents are having an issue keeping youth at home and keeping the households safe. There is increased vulnerability for some of our mentally ill youth as well.

**Centralized Arraignment**—Hon. Jerry Hayes

Judge Hayes said that essentially, we are on hold for a number of reasons. Bail reform and legal representation at first appearance has changed some of the circumstances that would impact Centralized Arraignment. Currently, the courts are operating virtually. The committee was in the process of obtaining more information from stakeholders when interrupted by the covid pandemic. These efforts will resume, and a meeting of stakeholders may be scheduled once additional input is obtained.

**Re-Entry**—Tom Angell and Irma Machado

The Re-Entry meeting was held virtually on April 23. Rachel Sanders from Legal Services of the Hudson Valley spoke on the updates to the Landlord-Tenant Law. At the next meeting, Anthony Dixon from the Parole Preparation Project will speak. Tom reported that they have

had meetings with CHI and Exodus to see how they are faring in this current environment. The Re-Entry house on North Hamilton St. has been full and four people have successfully transitioned from the residence to permanent housing since the beginning of the year. Some group meetings that Exodus facilitates could not continue due to a lack of technology. Parole has made changes in how they are supervising. Irma reported that Parole is not seeing anyone in the office. All contacts are being done on the phone at least until June. The officers are still making initial visits for anyone coming out of a facility. Every week they are working on a list of people to release. They are releasing anyone with less than a year to go on their sentence if they did not commit a violent crime. All violations are held virtually. Some jails that have staff who tested positive for covid-19 are currently not doing violation hearings. The next meeting is June 18 at 2:00 p.m.

#### **CIC--Shirley Adams**

Shirley reported that the members are actively promoting and working to increase the public response to the 2020 census and the covid-19 virus. No meeting is scheduled at this time.

#### **Diversion—Steve Miccio**

Steve reported that we will miss two CIT trainings but are still hoping to get four trainings in this year including the academy. They can't be done virtually. The Stabilization Center is also virtual right now and will be discussing reopening as rules are relaxed going forward. Jackie said that at next month's meeting we should have some decisions about what programming will look like when we reopen.

#### **Victims—Kelly Bunt**

The Victims Committee met in May and is closely watching how the system's response to victims has been impacted by covid-19. Victim services had initially seen a decrease in reports of domestic violence, sexual assault and trafficking in March. By April, they have seen a resurgence of reports for those types of crimes. They are interested in ensuring victims receive services and will also look at what resources need to be put in place should there be another spike. There has been an increase in online trafficking trends. With school being out, children are more at-risk. The committee will meet again virtually in June.

#### **Justice-Involved Women—Mary Ellen Still**

Mary Ellen reported that Joanne Nellis from Probation has been coordinating for the committee. Like other committees, there has been some interruption due to covid-19. The committee had been working with Marist College on a research project. Joanne reported that she had talked with Dr. Rink and her colleagues from Marist College about continuing our work with the Women's Center. Unfortunately, because of covid-19 they are unable to resume the project until at least the fall. They would like to build on the research that has been done. We would like to continue our collaboration with Marist. Joanne said that Marist is also eager to continue the collaboration and have been very impressed with the programming at the Women's Center.

Kevin said that the Special Populations group is looking at services for women both in the jail and in the community. They are also trying to work on a collaboration between the Women's Center and RESTART. We want to be sure the new facility meets the needs of women. Tom Angell added that the current situation for women in the jail is very difficult. They have no

access to programming for safety reasons and can't be connected remotely because there is no WiFi in their units. Tom added that if there is anything that we could do in the interim in this difficult time, it would make a tremendous difference. Kevin said they have been discussing this at the meetings on Wednesdays and agrees we should try to improve the situation if possible. Jon added this will be the focus of the next Special Populations meeting.

### **Special Populations—Jon Heller**

Jon reported that the committee met on May 11 virtually. The meeting began with a review of the remote work conducted by RESTART. With phased reopening, the number of RESTART staff permitted in the jail will still be limited. The group size will also be smaller so we will have to adjust accordingly.

The RESTART Quality Assurance work group met on May 5 virtually. A virtual fidelity meeting is scheduled for MRT facilitators on June 11. We have been using probation staff to back fill some of the new fields we added to Northpointe. We will use this data for recidivism studies and program evaluation. We are going to begin virtual screening and intake for RESTART so we can accept new clients. New inmates are subject to a 14-day stay in reclass, so we are using that time to plan and schedule intake.

A training for Correction Officers that was planned for March so that specific COs could be permanently assigned to the unit was postponed. Jon said it will be rescheduled as soon as possible. There was a MAT update from Kyle. There will be an upcoming meeting focused on maintaining the momentum of MAT. Currently, there are eight people in jail receiving medically assisted treatment. Over the last three weeks, ODs are on the rise. Dr. Ramsey reported that OASAS has relaxed some requirements that should make the transition from jail easier. They are now allowing video visits. Jenna Sarvis from Family Services gave an IPVI (Intimate Partner Violence Initiative) update. Initially there had been a decrease in Domestic Incident Reports but in the last few weeks there has been an uptick. Bail reform-reform was discussed. There was a brief discussion on program units in the new facility. At our next meeting, the topic will be women's programming. It has been difficult for women in the jail because they don't have WiFi on their units nor a centralized unit. The next meeting is June 15 at 1:00 p.m.

### **6. Old Business—Update on JTC—Bill O'Neil**

Bill reported they attended the COC meeting virtually in April and presented the new design for the Justice and Transition Center. The power point of that presentation, minus the internal diagram, will be made available to the CJC and put on the website. The new design shrinks the footprint so the number of beds in the new facility will be 300 for the general population and 28 medical beds. The 100 beds from the 1995 section will not be used in the new facility. All the beds and services for the Justice and Transition Center will be under a single roof. We will be ready to go out to bid in June. It appears that construction services will be available and our consultant and construction manager, Turner Construction, feels very strongly that we are in a favorable position to get good pricing if we go out to bid sooner instead of later. We would then be able to build the new facility according to plan in the mid to late 2022-time frame. There are some who think we should pause in our building of the new facility because of the lower average daily population which occurred due covid and bail reform. Some may advocate for a smaller

facility or see no need for a new facility. Bill said our existing facility needs to be modernized. The 1980 section is archaic. Trying to refurbish that section is throwing good money after bad. Our new design provides modernized services and space that will enable us to focus on rehabilitation of inmates. The new design will also provide staff efficiency. We have 235 correction officers, sergeants, lieutenants and senior administrators; 205 of those are COs. Looking at our current census of 156, that certainly speaks to the inefficiencies of this current facility. There is more than a 1-1 ratio. We believe our staffing could be substantially reduced. Some designs favor a 3-1 ratio which would bring our staff numbers down considerably and result in significant operational savings. Even if this ends up being a 2-1 ratio, this will result in savings that could easily cover the debt service for the new facility. We are updating our staffing analysis which was done originally when we had more cells planned. We will work with the COC and through attrition and part-time COs we will scale back so that at the time of opening we will have a workforce that meets the new staffing needs and provides the necessary annual operational savings. Additionally, as Dr. Christensen has told us through his analysis of the no-bail legislation and changes that are going into effect in July, we will likely see at least another 15% population increase. Our ADP could reach 200 or higher. We are considering the need to accommodate inmate classification and allow for some growth. We do not want to repeat what has been done in the past—building a facility that is too small the day we open. We believe that our current plans size the JTC appropriately. Bill added that our Special Populations Committee and consultant have been very supportive of the planned programming and JTC space.

Kevin commented that he has been involved with the planning of about 20 facilities around the country and has never seen a better plan. When you plan a facility, you must plan for the next 30-35 years. Legislator Edwards said that the JTC has gone through two major downsizings since the original plan and there has not been a public meeting or a presentation to the full legislature since that time. Legislator Edwards said a small group made the decisions that have a substantial financial as well as human impact and asked how we plan to go forward in the next few months. Bill said it depends on the ability to have large gatherings and he does not think we will be able to do so until sometime next year. Bill added that the power point would be available on the website. We would be glad to answer questions from the legislature at a future meeting and would take questions that may be asked by the public from the power point. They do not feel it makes sense to delay any longer and incur the costs that would entail. Legislator Edwards feels that alternative forms of public input could be sought.

7. **New Business** —none

8. **Announcements** —none

9. **Adjourn**—A motion to adjourn was made by Tom Angell, seconded by Karen DeSimone.

**NEXT MEETING**—Tuesday, July 14, 2020 at 8:00 a.m. This will be a virtual meeting.