

Agenda
Jail Study Committee
Thursday, August 17, 2017 5:00 PM
Legislature Chambers

1. **Call to Order (5:00)**
2. **Minutes Approval (5:00)**
 - a. July 20, 2017
3. **Changes to Agenda (5:05)**
4. **Public Comment (5:10)**
5. **Resolutions (5:20)**
 - a. **Resolution:** Amending Resolution 2016-234 to Increase the Criminal Justice/Jail Population Trend Contract with the Center for Governmental Research by \$15,000 (ID #7233)
6. **Reports (5:30)**
 - a. **Report/Discussion:** Physical Condition of the Jail (ID #7224)
7. **Reports/Discussion (5:50)**
 - a. Probation and Community Justice Department
 - b. Mental Health Department
 - c. Sheriff's Department
8. **Discussion of Task List (6:20)**
9. **Adjournment (7:00)**

Jail Study Committee
 Regular Meeting Minutes (same as Notes) – Draft 7-26-17
 Thursday, July 20, 2017 5:00 PM
 Legislature Chambers

Attendance

Attendee Name	Title	Status	Departed
Rich John	Chair	Present	
Anna Kelles	Vice Chair	Present	6:53 PM
James Dennis	Member	Present	
David McKenna	Member	Present	
Martha Robertson	Member	Present	6:45 PM
Michael Sigler	Legislator	Present	
Will Burbank	Legislator	Present	
Daniel Klein	Legislator	Present	
Joe Mareane	County Administrator	Present	
Patricia Buechel	Probation & Community Justice Director	Present	
Frank Kruppa	Public Health Director	Present	
Matthew Van Houten	District Attorney	Present	
Kenneth Lansing	Sheriff	Present	
Paula Younger	Deputy County Administrator	Present	
Marcia Lynch	Public Info. Officer, County Administration	Present	
Lance Salisbury	Supervising Attorney, Assigned Counsel Program	Present	
Sharon MacDougall	Deputy Commissioner of Mental Health	Present	

Guests: Don Pryor, Peter Navarri, CGR; Members of the Public

Call to Order

Mr. John, Chair, called the meeting to order at 5:12 p.m.

Changes to Agenda

There were no changes to the agenda.

Minutes Approval

June 15, 2017

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	David McKenna, Member
SECONDER:	Anna Kelles, Vice Chair
AYES:	John, Kelles, Dennis, McKenna, Robertson

Introduction from the Chair

Mr. John said this is a day we have been waiting for and the report from CGR on the Jail is now available on the County's and on the CGR website. The Committee has been meeting since last fall and the CGR consultants have been working on their report in parallel with the Committee's work. He said

Minutes Acceptance: Minutes of Jul 20, 2017 5:00 PM (Minutes Approval)

Minutes
 Jail Study Committee
 Thursday, July 20, 2017

the Committee has been listening to a lot of people and preparing to consider recommendations of CGR. He extended appreciation to the many individuals and groups who have spoken to the Committee, CGR, and members of the Committee for their attendance at meetings and for fully participating.

Mr. John said the Committee has received a lot of input that has been greatly helpful. It is now time to take the report and synthesize the results into the recommendations that we will take to the Legislature. He stated we live in a world of limited resources so we will have to consider cost and feasibility and will have to quantify what each one of these recommendations will cost. The County will also need to proceed quickly to respond to the New York State Commission of Correction. In conclusion, Mr. John thanked all the people who have come to meetings to express viewpoints and said the public comment has been robust, useful, and informative, and another feature of Tompkins County that provides great benefit. He said this is a starting point for the Committee to begin moving forward.

Ms. Robertson thanked Mr. John for his leadership of the Committee and said he laid out a process and helped the Committee get through a lot of information in a very thoughtful way.

CGR Presentation

Mr. John introduced Don Pryor and Peter Navarri of CGR. Mr. Pryor spoke of CGR having received input from a variety of perspectives from a very engaged community and said this helped shape the report. He thanked everyone for their input, noting they conducted over 125 interviews that included the public and those with public policy perspectives. He stated CGR didn't come in with any preconceptions and they let the facts shape their recommendations. He hopes the report will provide the County with a roadmap to make objective decisions moving forward. At this time Mr. Pryor and Mr. Navarri provided a presentation on highlights and recommendations from the report.

CGR Jail Assessment (ID #7174)

Ms. Robertson spoke of what a big deal this report is and said the County has been here before with different consultants that have drawn a straight population line that just goes up. She said the information is thoughtful, comprehensive, innovative, enormously helpful, and offers a menu of many different things to try. She said the Legislature is not under any illusion that the real solutions are going to be cheap or free but she believes Legislators and the community are ready to spend money on a problem like this. She said the report's overall message is that we are doing well and can do even better. This goes back a long way in this community and noted the establishment by former judges of the first drug courts 20 years ago. Tompkins County is very fortunate to have that kind of history, community, and collective consciousness. Ms. Robertson said she looks forward to hearing what the public has to say about the report but also noted the County does not have influence over the courts as that is a separate system. She urged the public to find out when their town court meets, watch, take notes, and ask questions, and said justices are elected and usually elected without any opposition. In New York State it is a lay justice system where anyone can run for justice, be elected and serve. She also said the Director of Probation and Community Justice has tried for many years to encourage the use of alternatives-to-incarceration but this is an area that has room for growth.

Ms. Kelles said she appreciates that this report will bring a lot of people to the same page so we can have the same conversation. She views this as the beginning and asked the public to stay engaged. One of her main concerns involves the financial impact and said there should be a focus on programming that is really good and effective but should be seen as a significant financial investment. If the County does not invest enough in programs it won't be as effective. She thanked CGR for explicitly outlining the areas for growth and data collection and said Mr. Pryor has noted these are investments and they will not

Minutes
Jail Study Committee
Thursday, July 20, 2017

be cheap and said it was indicated from the beginning that this community will have to invest in a facility or in programs.

Mr. Dennis said CGR has done a great job surveying the community and gathering information. He knew from the beginning the County would need to spend money and make an investment although Tompkins County is doing good with alternative-to-incarceration programs in comparison to other counties. He said CGR has involved the community and if we are looking for ways to reduce the population and satisfy the Commission of Correction the CGR’s report is a roadmap to do that.

Mr. McKenna thanked CGR for their hard work and said they have done an excellent job. It is now up to the Legislature to use the recommendations as a roadmap to get the County where it needs to be.

Mr. Sigler asked for clarification of what a voluntary and a secure rehab would be. Mr. Pryor said the report referenced both and stated that a detox in the Jail might suffice but there could be a need for a site outside of the Jail; the clear intent was to separate those engaged in the recurrent detox process from other inmates in the Jail. He said there are two options and the Alcoholism and Drug Council has developed an approach for a voluntary detox facility; however, several people suggested in addition or in lieu of that there be a separate, secure detox facility that would allow people to be sent by court order and would not be voluntary. There was a sense that both might be needed. He said they did not say which would be best but believes both are viable proposals that should be looked at. He would not see a secure facility as being a substitute for a voluntary facility but also said both may be needed.

* * * * *

Public Comment

Elan Shapiro, Town of Ithaca resident and member of Decarcerate Tompkins, said he was very impressed with the positive findings in the Study. One of the best things that has come out of this is the hope for a continued robust involvement of the community; he said this will take the expertise of those in the criminal justice system and the active and intelligent people in the community. He hopes the process can move to a place of strong collaboration. He suggested that formerly incarcerated people be included as stakeholders and to consider compensating them to cover their expenses.

Sarah Blucher, City of Ithaca, read a letter on behalf of Lily Gershon, Freeville who stated she was grateful for the results of the study and viewed it as a real opportunity to reduce the Jail population. She spoke of the importance of the recommendation to hire a Coordinator and urged the Legislature to move forward with this.

Sarah Blucher, City of Ithaca, spoke in support of a LEAD Program and suggested creating a position dedicated to that may be critical to having a successful program. She also said it may be necessary to tap into some creative sources of funding and referenced funds that have been accessed elsewhere: Medicaid Redesign funds, New York State Health Foundation, and the New York State Division of Criminal Justice Services (for data evaluation). Mr. Pryor said she makes a compelling argument that a case manager and a full-time Coordinator manager may be needed but this was one of the areas that needs to be examined and perhaps tested over a pilot period.

Stuart Friedman, Town of Ithaca, expressed appreciation for the report and said it is important for the Legislature to set clear goals and demand accountability of the employees hired to do the work. He referenced an initiative that is taking place in other areas called “Stepping Up” which is focuses on mental illness; he said it is a wonderful model and something that should be considered and could offer an

Minutes Acceptance: Minutes of Jul 20, 2017 5:00 PM (Minutes Approval)

Minutes
 Jail Study Committee
 Thursday, July 20, 2017

interesting opportunity. Mr. Friedman spoke in opposition to creating a involuntary detox facility and said it is not a good thing to do in prisons.

Shari Korthius, City of Ithaca, thanked everyone for the efforts that went into the report. She said detox does not belong in or attached to the Jail and should not be overseen by Corrections Officers. Those are issues that should be treated humanely and in the community. She listed numerous reasons of how she believes people can come together to care for the weakest in the community and eliminate the need to have a Jail. Mr. Pryor clarified that the report provided an option of having a free-standing detox facility but nowhere did they imply there should be any rehab services in the Jail.

Tree Tiphereth, Danby, thanked CGR for the study and said he would like the County to invest resources on treatment services outside the Jail and he would not like resources to be used to support the criminal justice system. He sees the report as a positive step towards addressing systemic issues such as racism and poverty and believes the results of the study show great social change is necessary.

Ms. Robertson suggested identifying some priorities such as lobbying the Commission of Corrections and perhaps moving forward with the second study. She said the County had set aside money for an architecture study and suggested for the remainder of the year looking at improving program areas in the Jail.

Ms. Robertson was excused at this time.

Lauren Hill, City of Ithaca, thanked CGR for the study and said she supports the recommendations. She said there are many ways we can prioritize building a healthy and resilient community without building a bigger jail by improving and expanding alternatives-to-incarceration. She also expressed concern that the study may not have racial disparities and arrests that are driving the mass incarceration problem. She thinks the improper use of jails will continue to marginalize people in different classes and races.

Eric Chen, Ithaca, thanked CGR for the study and said he supports many of the recommendations, particularly optimizing the Pre-Trial Release Program.

Closing Comments

Mr. Burbank thanked the Committee. He spoke of the concerns related to the bail system and asked if the County has any discretion at the local level to change that. Mr. Pryor said there are discussions at the State about this but no change has been made. He said the local community has a lot of discretion in how it uses or not uses bail. A lot comes down to individual judges, recommendations from the Pre-Trial Release Program, and recommendations from the District Attorney.

Mr. Van Houten, District Attorney (DA), said Criminal Procedure Law sets the parameters; however, it is his policy as District Attorney, that there should be presumptive release (no bail for all non-violence criminal cases) and when the DA's office is asked this is what they will tell a court; however, he noted there are many cases when a local judge does not ask his office. He has talked to town judges and will continue to talk to judges because it is this community's values that someone should not be in jail because of a lack of financial resources.

Ms. Buechel, Director of Probation and Community Justice, thanked CGR for listening to Department of Probation staff and taking the time to understand their work.

Minutes Acceptance: Minutes of Jul 20, 2017 5:00 PM (Minutes Approval)

Minutes
Jail Study Committee
Thursday, July 20, 2017

Mr. Lansing, Sheriff, thanked CGR for the report. He said the Sheriff's Office will continue to encourage alternatives-to-incarceration programs and working with groups as they form. There are things at the facility that need to be addressed but he has never supported constructing a new jail.

Ms. Kelles reminded the public that town magistrates are elected and encouraged the public to attend town courts and to have conversations. She also suggested Decarcerate Tompkins could choose a spokesperson to attend meetings on a rotation basis.

Ms. Kelles was excused at this time.

Mr. John said this opportunity to comment on the report is not closed. He welcomed more comments and the public at the next meeting. He said this is the beginning of a lot of work that needs to be done.

Adjournment

On motion the meeting adjourned at 7:00 p.m.

Minutes Acceptance: Minutes of Jul 20, 2017 5:00 PM (Minutes Approval)



Tompkins County Legislature
Governor Daniel D. Tompkins Building
Ithaca, NY 14850

Meeting: 08/17/17 05:00 PM
Department: County Administration
Category: Agreements, Bids, Contracts, Grants
Functional Category: Contingent Fund

SCHEDULED

RESOLUTION NO. *DOC ID: 7233*

**Amending Resolution 2016-234 to Increase the Criminal Justice/Jail
Population Trend Contract with the Center for Governmental
Research by \$15,000**

WHEREAS, by Resolution 2016-155, this Legislature authorized \$85,000 in funding from the Contingent fund to study the County's Jail population and population trends and to subsequently develop design options to accommodate that population trend, and

WHEREAS, by Resolution 2016-234, this Legislature authorized the County Administrator to execute an Agreement with the non-profit Center for Governmental Research (CGR) to Undertake a Criminal Justice/Jail Population Trend Analysis, and

WHEREAS, that Agreement anticipated the need to conduct thirty interviews, including a combination of individual interviews and group discussions, and

WHEREAS, during the course of the study, CGR was strongly encouraged to significantly expand the number of interviews conducted in order to increase the inclusiveness of the process and the breadth of perspective brought into the analysis, and

WHEREAS, CGR ultimately conducted more than sixty in-person meetings involving more than seventy-five individuals, as well as more than ten teleconference meetings and two meetings with groups of between fifteen and eighteen former inmates and family members with experience in the local jail, and

WHEREAS, CGR also encountered problems with the County's jail data base and other automated systems that further added to the time necessary to undertake the analytical studies, and that also resulted in improvements to the County's ability to monitor the Jail population in the future, now therefore be it

RESOLVED, on recommendation of the Jail Study and the Budget, Capital, and Personnel Committee, That the County Administrator be and hereby is authorized to amend the Agreement with CGR to reflect the increased scope of work undertaken by CGR, and to increase the fee by \$15,000 to a total fee of \$78,000.

RESOLVED, further, That the Finance Director be and hereby is authorized and directed to make the following budget adjustments for 2017 to support the cost of undertaking such studies:

FROM:	1990.54400	Contingent Fund	\$15,000.00
TO:	A1230.54442	County Administration-Professional Services	\$15,000.00

SEQR ACTION: TYPE II-20

TO: TOMPKINS COUNTY LEGISLATURE
FROM: JOE MAREANE
DATE: AUGUST 8, 2017
RE: PROPOSED AMENDMENT TO CGR JAIL STUDY CONTRACT

Background: The County retained the non-profit Center of Governmental Research (CGR) to undertake a Criminal Justice/Jail Population Trend Assessment last November at a cost not to exceed \$63,000. The agreed-to scope of the study anticipated “a total of up to 30 meetings, including a combination of individual interviews and group discussions.” CGR also assumed that the various County data bases needed to undertake the analysis would be readily available and in a condition that allowed the data to be easily migrated and used by CGR’s analysts.

The Issue: As CGR progressed in the study and was encouraged to substantially increase the number of individuals interviewed, the number of individuals actually interviewed grew to 60—double the number included in the scope of CGR’s proposal. Additionally, the consultants conducted a dozen or so telephone interviews and two meetings with groups of between 15-18 former inmates and family members with experience with our Jail. To assure the NYS Commission of Corrections of the progress and seriousness of the study, and to gain the Commission’s insights, CGR representatives also visited Commission staff in Albany.

Additionally, the quality of electronic jail data available to CGR became an issue in the analytical part of the study, and required substantial adjustments and time-consuming “work-arounds”. The work done by CGR to address these problems should make it easier for the County to generate high quality, reliable reports regarding the jail population in the future.

As a result of these additional tasks, CGR initially advised that the time invested in the study exceeded the scope of the original agreement by approximately 45%, or \$30,000. A later estimate indicated that the firm incurred additional expenses exceeding \$50,000. CGR has requested consideration of its request for compensation for these additional services.

Recommendation: It is clear that CGR should have requested a change order when it became evident that it needed to conduct many more interviews than anticipated in the original Agreement. However, the County has received significant value in return for the additional work. By expanding the number of individuals interviewed, CGR enabled the County demonstrate the sincerity of its commitment to incorporate a broad range of perspectives in the development of the Jail Study. It also resulted in richer study and stronger recommendations than might have otherwise been achieved. Additionally, the County’s ability to monitor jail population trends in the future will improve as the result of the “data cleaning” done by CGR.

I have therefore recommended a compromise increase of \$15,000 in the fee paid to CGR for the Jail Study.



Jail Study Committee

121 East Court Street
Ithaca, NY 14850

Meeting: 08/17/17 05:00 PM
Department: Tompkins County Legislature
Category: Buildings and Facilities

**REPORT OR DISCUSSION ITEM NO.
(ID # 7224)**

Physical Condition of the Jail