

# To Build or Not to Build

AN ALTERNATIVES TO INCARCERATION  
APPROACH  
IN TOMPKINS COUNTY

# A Disclaimer and a Thank You

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- ▶ The information and opinions provided here are personal to the speaker and do not represent an official statement of Tompkins County government.
- ▶ I wish to acknowledge the assistance of our Jail Administrator, Captain Bunce, our Criminal Justice Coordinator, Dave Sanders, and the Center For Governmental Research in the evaluation of the Tompkins County Jail and ATI programs.

# The Regulatory Environment

- ▶ Constitution Article XVII Section §5

The legislature may provide for the maintenance and support of institutions for the detention of persons charged with or convicted of crime and for systems of probation and parole of persons convicted of crime. **There shall be a state commission of correction**, which shall visit and inspect or cause to be visited and inspected by members of its staff, all institutions used for the detention of sane adults charged with or convicted of crime.

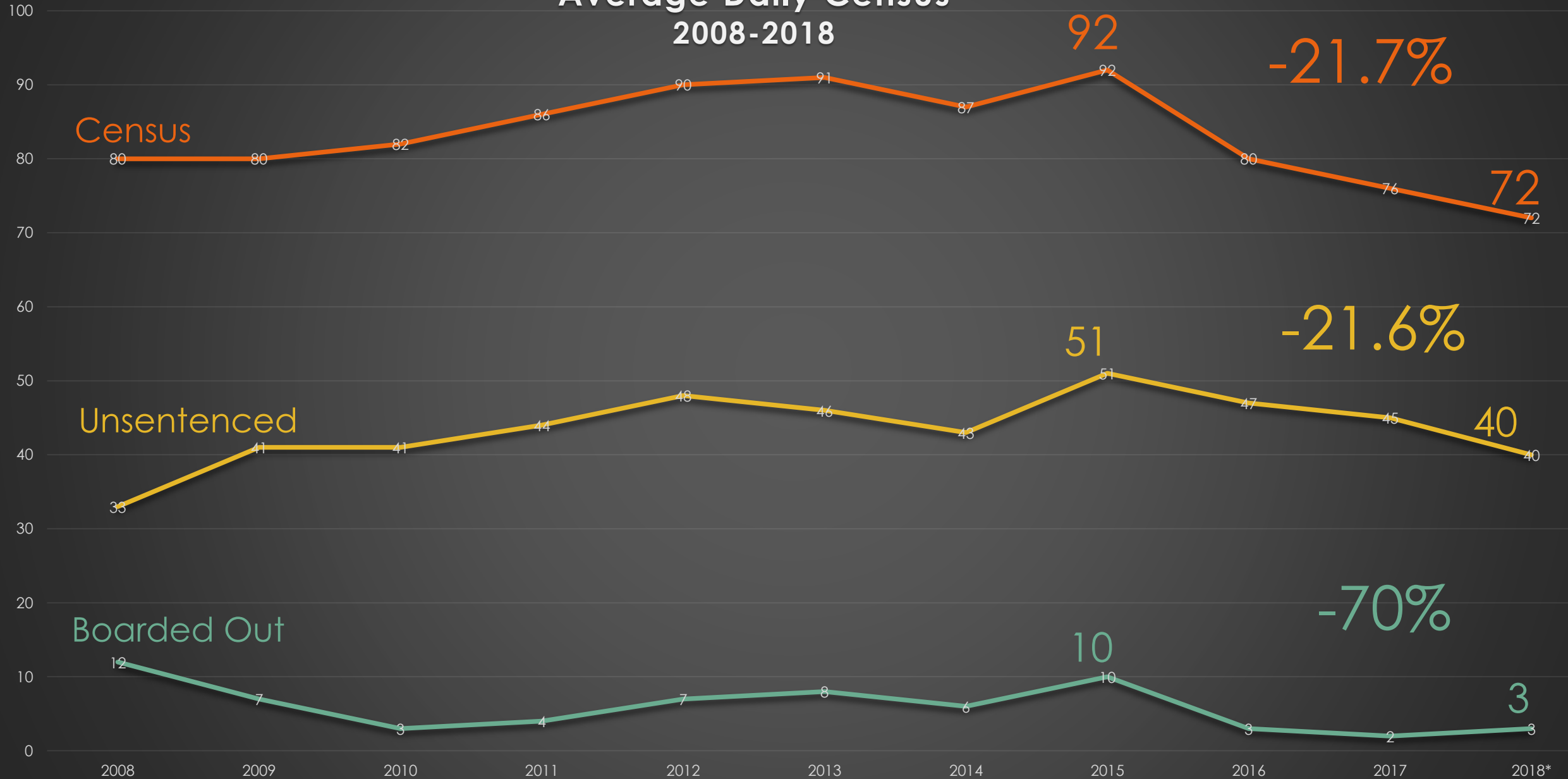
- ▶ County Law Section 217

“**Each county** shall continue to maintain a county jail as prescribed by law.”

# Studying Potential Jail Expansion

- ▶ Phase One
  - ▶ Are the current ATI programs working and can they be improved?
  - ▶ Are there new ATIs that could be implemented that would eliminate board outs?
- ▶ Phase Two
  - ▶ If ATIs cannot work, then what expansion to the Jail is necessary?

# Tompkins County Jail Average Daily Census 2008-2018



Source: Sheriff's Annual Report & NYS Division of Criminal Justice Services

# The ATI Programs

- ▶ Counsel at first arraignment
- ▶ OAR Bail Fund
- ▶ DA presumption of RoR
- ▶ Release under Supervision
- ▶ Intensive Supervision
- ▶ Day Reporting
- ▶ Electronic Monitoring
- ▶ Service Work Alternative Program
- ▶ Felony Drug Court
- ▶ Misdemeanor Drug Court
- ▶ Tompkins County Family Treatment Court
- ▶ Mental Health Court
- ▶ Tompkins County Sexual Offender Supervision Court
- ▶ Integrated Domestic Violence Court
- ▶ College Initiative Upstate
- ▶ Additional ADA position
- ▶ Mobile Crisis Intervention services

# Additional ATI Related Initiatives Underway and in Development

- ▶ Community Outreach Worker Program
- ▶ Law Enforcement Assisted Diversion
- ▶ Coordination with NYS Parole
- ▶ Third County Court Judge position
- ▶ Regional detox/stabilization facility
- ▶ Additional 25 drug treatment beds
- ▶ Medically Assisted Drug Treatment commencing at the Jail
- ▶ Endeavor House (supportive housing)
- ▶ Annual Probation program on ATIs with local judges
- ▶ Ban the Box
- ▶ Making the Jail stats public
- ▶ Results Based Accountability model
- ▶ Mental Health assessments at Jail
- ▶ Additional Jail nurse
- ▶ Re-entry coordinator

# Assessing Public Safety Risk

Short Term

Long Term

Jail

Reduces public safety risk through incarceration and control



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Renewed public safety risk upon release if root causes not addressed

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Greater public safety risk through release and lack of control

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Reduces public safety risk through incarceration and control

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## Long Term

Jail

Renewed public safety risk upon release if root causes not addressed

ATI

Reduces public safety risk if root causes addressed

# The Value of an ATI Dollar

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- ▶ An ATI Dollar is more flexible
- ▶ An ATI dollar goes further
- ▶ An ATI dollar is less disruptive to social structure
- ▶ An ATI dollar has a chance at reducing further criminal behavior

# Judges and ATIs

- ▶ Judging is HARD
- ▶ We want independent judges to use the ATI tools in the toolbox
- ▶ ATIs add both complication and possibility to judging

# ATI Program Support

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- ▶ Criminal Justice Coordinator
- ▶ CJATI Committee
- ▶ Redundancy and gap analysis
- ▶ Results Based Accountability model
- ▶ Annual Probation Department review of programming with local judges
- ▶ Marketing and sales

# Normalization of the Jail Experience

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- ▶ Tompkins County (Population 105,637)  
2018 - 68 jail inmates per 100,000 residents.

- ▶ Nationally, there were 229 jail inmates  
per 100,000 U.S. residents at midyear 2016.

U.S. Dept. of Justice Bureau of Justice Statistics





# One Person - 74 Admissions = 4,386+ Bed Days

- ▶ 09-18-1982 - unknown release date
- ▶ 06-03-1983 - unknown release date
- ▶ 07-28-1984 - unknown release date
- ▶ 08-02-1988 - unknown release date
- ▶ 09-23-1989 to 09-28-1989 = 6
- ▶ 04-27-1990 to 05-03-1990 = 7
- ▶ 11-14-1990 to 11-19-1990 = 6
- ▶ 03-11-1991 to 03-11-1991 = 1
- ▶ 08-28-1991 to 04-21-1992 = 237
- ▶ 07-10-1992 to 07-17-1992 = 8
- ▶ 01-21-1993 to 01-28-1993 = 8
- ▶ 04-04-1993 to 06-01-1993 = 59
- ▶ 06-01-1993 to 07-02-1993 = 58
- ▶ 08-21-1993 to 08-26-1993 = 6
- ▶ 10-02-1993 to 01-21-1994 = 112
- ▶ 06-14-1994 to 06-20-1994 = 7
- ▶ 09-17-1994 to 09-19-1994 = 3 = 39
- ▶ 10-13-1994 to 10-21-1994 = 9
- ▶ 10-21-1994 to 10-28-1994 = 8
- ▶ 02-16-1995 to 04-14-1995 = 58
- ▶ 02-07-1996 to 02-15-1996 = 9
- ▶ 06-28-1996 to 06-29-1996 = 2
- ▶ 08-03-1996 to 09-11-1996 = 40
- ▶ 11-07-1996 to 11-15-1996 = 9
- ▶ 11-15-1996 to 05-06-1997 = 181
- ▶ 07-20-1997 to 07-24-1997 = 5
- ▶ 08-28-1997 to 10-29-1997 = 63
- ▶ 01-28-1998 to 03-06-1998 = 38
- ▶ 08-27-1998 to 10-23-1998 = 58
- ▶ 10-23-1998 to 01-25-1999 = 95
- ▶ 03-23-1999 to 07-20-1999 = 120
- ▶ 07-20-1999 to 08-27-1999
- ▶ 01-30-2004 to 02-06-2004 = 8
- ▶ 04-15-2004 to 04-21-2004 = 7
- ▶ 04-30-2004 to 06-08-2004 = 40
- ▶ 08-20-2004 to 08-23-2004 = 4
- ▶ 10-26-2004 to 07-20-2005 = 268
- ▶ 09-14-2005 to 09-20-2005 = 7
- ▶ 09-27-2005 to 09-29-2005 = 3
- ▶ 10-04-2005 to 11-30-2005 = 58
- ▶ 12-22-2005 to 01-09-2006 = 19
- ▶ 03-01-2006 to 05-03-2006 = 64
- ▶ 05-08-2006 to 06-01-2007 = 390
- ▶ 06-27-2007 to 07-13-2007 = 17
- ▶ 07-27-2007 to 08-01-2007 = 6
- ▶ 08-12-2007 to 08-13-2007 = 2
- ▶ 09-27-2007 to 10-05-2007 = 9
- ▶ 10-09-2007 to 10-09-2007 = 1
- ▶ 11-04-2007 to 11-08-2007 = 5
- ▶ 12-08-2007 to 07-17-2008 = 223
- ▶ 07-23-2009 to 07-29-2009 = 7
- ▶ 08-08-2009 to 08-17-2009 = 10
- ▶ 10-23-2009 to 12-03-2009 = 42
- ▶ 01-22-2010 to 02-03-2010 = 13
- ▶ 03-18-2010 to 07-16-2010 = 121
- ▶ 12-30-2010 to 07-20-2011 = 203
- ▶ 09-09-2011 to 03-16-2012 = 190
- ▶ 04-06-2013 to 04-09-2013 = 4
- ▶ 04-24-2013 to 04-25-2013 = 2
- ▶ 09-04-2013 to 09-09-2013 = 6
- ▶ 09-26-2013 to 05-27-2014 = 244
- ▶ 08-11-2014 to 08-29-2014 = 19
- ▶ 08-29-2014 to 09-08-2014 = 11
- ▶ 11-24-2014 to 12-31-2014 = 38
- ▶ 03-30-2015 to 07-02-2015 = 95
- ▶ 07-26-2015 to 07-29-2015 = 4
- ▶ 07-30-2015 to 10-01-2015 = 64
- ▶ 10-19-2015 to 10-21-2015 = 3
- ▶ 10-29-2015 to 12-07-2015 = 40
- ▶ 01-05-2016 to 09-02-2016 = 242
- ▶ 09-11-2016 to 09-20-2016 = 10
- ▶ 09-20-2016 to 11-17-2016 = 59
- ▶ 01-16-2017 to 03-17-2017 = 61
- ▶ 04-03-2017 to 08-30-2018 = 515



# Advantages of Using an ATI toolbox

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- ▶ Challenge the idea of removing someone from the community as "the" solution
- ▶ Avoid "normalization" of incarceration in the community
- ▶ Challenge a "build it and fill it" pattern
- ▶ Treat the criminal justice system as a locally controlled "system"
- ▶ Make judging harder and better - non-binary
- ▶ Retain county financial ability to maneuver and adapt
- ▶ Treat criminal behavior as an actionable signal requiring a proactive response