

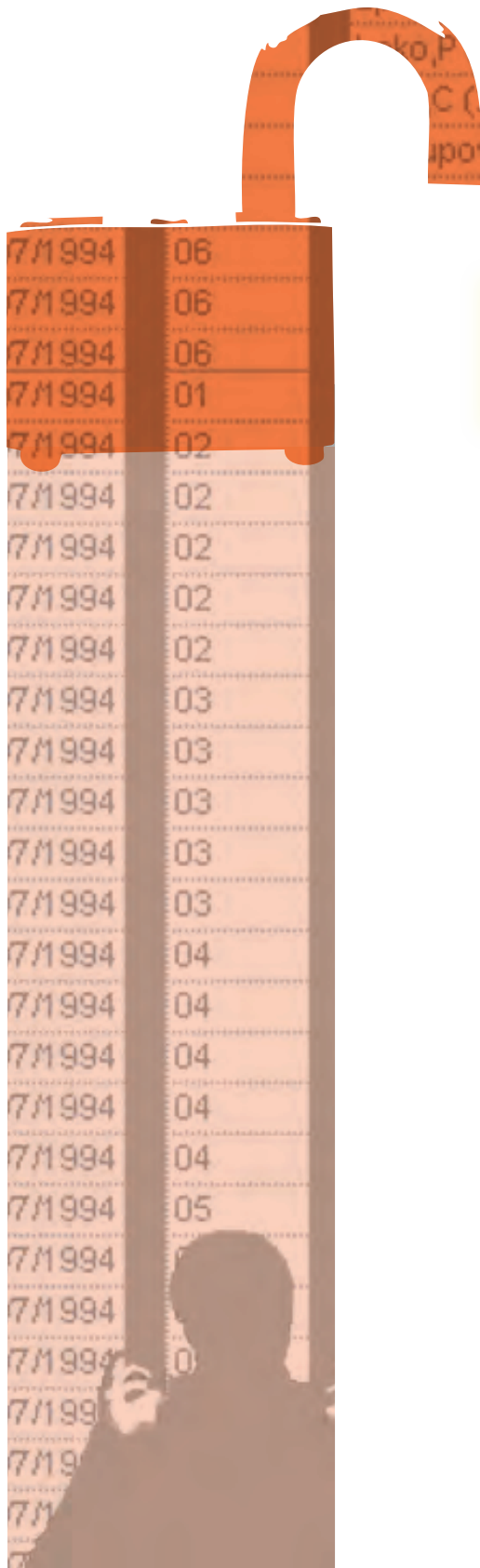


ALTERNATIVES TO INCARCERATION

Strategies for Success

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6	20/7/1994	05	Adams, M (2640)	Timman, J (2635)	1/2-1/2	C
6	20/7/1994		Epishin, V (2650)	Dreev, A (2650)	1/2-1/2	D
6	20/7/1994		Leko, P (2555)	Piket, J (2640)	1/2-1/2	C
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Final Report Submitted to the
Erie County Holding Center Task Force
The Regional Institute
University at Buffalo
State University of New York
October 10, 2007



ALTERNATIVES TO INCARCERATION

Strategies for Success

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EXECUTIVE SUMMARY

Like criminal justice officials throughout the country, Erie County officials and criminal justice system stakeholders are grappling with jail conditions at the Erie County Holding Center and Erie County Correctional Facility that can be summed up in two words: chronic overcrowding. With jail construction costs skyrocketing and the nature of the jail population changing, identifying obstacles in the system that contribute to overcrowding and implementing alternatives to incarceration (ATI) programs have emerged as strategies for managing the inmate population at these two facilities.

The University at Buffalo Regional Institute, a research and public policy center of UB and a unit of the UB Law School, has been asked to gather data and conduct a system-wide analysis of the Erie County criminal justice system through *Alternatives to Incarceration: Strategies for Success*. Sponsored by the Erie County Holding Center Task Force and funded by the Erie County Fiscal Stability Authority, this report provides a holistic analysis of the Erie County criminal justice system. Specifically this analysis, which took place between January 1, 2007 and September 30, 2007, is based on 1) interviews conducted with more than 55 criminal justice system officials; 2) a critical assessment of information technology capabilities of the Erie County criminal justice system; 3) an analysis of data mined from the Erie County Sheriff's Office and Department of Probation; 4) a model constructed to represent the typical case flow through the Erie County criminal justice system and highlight obstacles and potential populations eligible for ATIs; and 5) recommendations and action steps – including best practices – for successfully tackling obstacles and implementing ATI programs.

Alternatives to Incarceration: Strategies for Success concludes:

1. Jail overcrowding at the Erie County Holding Center and Erie County Correctional Facility is the result of fragmented criminal justice system dynamics that create obstacles, resulting in certain inmate populations remaining in jail longer than necessary and hampering proactive planning

Specifically the following systemic obstacles are in place that affect the jail population:¹

- **New York State law regarding parole violators.** Pursuant to Executive Law §259-i(3)(a)(i), parole violators must be housed in local facilities and are not eligible for bail. An inmate who violates parole without committing any other crime spends a median 21.5 days in the Holding Center

¹ As noted in the body of this Report, critical prior criminal history data (including information on warrants and flight risk) were not obtainable for this project. Thus figures calculated by the Regional Institute as to population subset totals, percentages, median length of confinement and potential jail bed savings should be viewed as targets or estimates.

- **Lack of mental health and substance abuse diversion services and facilities.** Fourteen percent of the population at the Holding Center was flagged, at one point in time, as forensic, with these inmates spending a median 7 days in the Holding Center. Another 15 percent of the population has a substance abuse or mental health issue and spend a median 1.2 days in confinement. Several interviewees indicated that many of these inmates do not belong in the Holding Center – particularly those whose highest crime charge was a misdemeanor – however, there is a lack of programs and services to address these populations
- **Fragmented efforts to deal with ATI programs and jail overcrowding.** There is no single entity in place to coordinate stakeholder input regarding alternatives to incarceration initiatives – rather several efforts are underway in the region regarding alternatives to incarceration programs, including those of the Erie County Holding Center Task Force and the Alternatives to Incarceration Advisory Board
- **Obstacles created by weak coordination among criminal justice system actors, such as:**
 - The split between arrest and booking in the City of Buffalo – which potentially affects 2,207 inmates per year – results in fewer appearance tickets issued to eligible offenders
 - Offenders who commit a misdemeanor or violation and are released on their own recognizance – presumably because they pose little threat to the community and have a high likelihood of returning for the next court appearance – spend a median 6 days in the Holding Center
 - Offenders charged with a D or E felony and ultimately convicted of a misdemeanor A spend a median 33 days and 62 days, respectively, in the Holding Center, whereas offenders charged with, and convicted of, a misdemeanor A spend a median 30 days in confinement
 - Between commencement of a pre-sentence investigation (PSI)² and sentencing, 85 days – almost three months – elapse
 - State readies spend a median 17 days in the Holding Center after sentencing for processing before they are transferred to a state facility

² Although PSIs also are required in certain misdemeanor cases, the obstacle in Erie County concerns PSI preparation in felony cases. Pursuant to Criminal Procedure Law § 390.20(1), in any case where a person is convicted of a felony a court must order a PSI of the defendant and it may not pronounce sentence until it has received a written report of the investigation.

- Offenders from Amherst who are charged with a misdemeanor A spend a median 6 days in the Holding Center, which is significantly longer when compared to the median length of confinement (1 day) for offenders from other jurisdictions
- Offenders from Amherst and Cheektowaga who are convicted of a misdemeanor A crime spend a median 95.5 days and 39.5 days, respectively, in confinement compared to inmates convicted of similar crimes in other jurisdictions (median length of confinement = 24 days)
- **Lack of sentencing protocols and state of the art electronic monitoring equipment for post-conviction electronic monitoring.** Data suggest certain segments of the jail population may be eligible for ATI programs such as electronic monitoring³ – in particular, inmates sentenced to 30-, 45- and 60-days (approximately 2,158 inmates per year). Interviews indicate that Buffalo City Court judges would be amenable to sentencing this type of inmate to electronic monitoring for a portion of their sentences, however, sentencing protocols are not yet in place. Additionally, stakeholders revealed that state-of-the-art equipment is not yet available

2. *Data are fragmented horizontally and vertically throughout the Erie County criminal justice system and obstacles are in place that serve as barriers in the short- and long-term for jail population information management planning and integration*

- There is no single agency with the capacity to store and manage all data necessary to analyze criminal justice processes
- The Sheriff's Office has only one person on staff with the necessary training and understanding of the Jail Management System
- Several agencies, including the Department of Probation and Sheriff's Office, do not have the application development support necessary to create technical solutions
- Complete inmate criminal and social history data, which is important for analyzing issues such as eligibility for appearance tickets and pre-trial programs as well as bail setting practices, is inaccessible from New York State or any other source

³ Electronic monitoring is a cost-effective alternative to incarceration for appropriate offenders. A single electronic monitoring unit that costs \$1,526 used over a 14-day period pays for itself, whereas the County spends \$115 per day to house an inmate. This is the case even if a policy of charging offenders a \$3 daily fee is eliminated.

- Although the jail management software (iTag) has the capacity to be utilized as a tool for jail overcrowding analysis, it is underutilized because the primary focus of the iTag application is management of jail operations

Strategic Recommendation

The report makes a two-part strategic recommendation:

- **Strengthen jail population management, planning and collaboration by establishing a Criminal Justice System Coordinating Council**, which would have the clout to address issues that cut across the entire criminal justice system. *Executive Summary Chart 1* outlines potential populations that a Council could address to proactively managing the jail population:
 - Amending Executive Law § 259-i(3)(a)(i) to allow for confinement at state facilities for parole violators, potentially saving 3 jail beds per day
 - Ensuring that adequate diversion facilities are available for individuals with mental health or substance abuse issues whose top charge is a misdemeanor or violation could potentially free up 13 jail beds per day
 - Providing appropriate mental health treatment for inmates flagged forensic with a top charge of a violation or misdemeanor could result in jail bed savings of 37 per day
 - Reducing by half the median length of confinement for offenders ultimately released on their own recognizance could result in savings of 11 jail beds per day
 - Addressing the overcharged issue potentially could free up 6 jail beds per day
 - Processing state readies more efficiently could free up 16 jail beds per day
 - Engaging suburban jurisdictions potentially could result in 19 jail beds saved per day

As Executive Summary Chart 1 suggests, addressing these discrete inmate populations in a systemic fashion potentially could save 105 jail beds per day.
- **Once established, hire a Coordinator to establish a dedicated criminal justice system information management model.** The coordinator could immediately:
 - Expand the current dataset to include medical and forensic datasets into iTag, court data (i.e., more detail on reason for appearance (e.g., arraignment, second

- appearance) and names of the presiding judge for all court appearances
- Achieve a greater standard of consistency for data and information that are currently in the system such as improved classification of criminal charges (e.g., felony, misdemeanor) and enhanced information on offender addresses (incomplete, missing fields or entry errors)
- Create reporting tools that give policy-makers access to detailed information on the jail population

Short-Term Action Steps

Establishing a council, getting the players on board and strategizing as to funding and mission all take time. Recognizing that jail overcrowding is a chronic issue that has reached a critical point, in the short-term stakeholders could strategize as to how to realistically and immediately tackle some of the more pressing obstacles and address potential ATI populations pending formal establishment of the Council. ***Executive Summary Chart 2 outlines immediate steps to take within the next 60 days that could result in savings estimated between 152 to 194 jail beds per day:***

- Strategizing ways to complete PSIs in 30 days and sentence offenders within 7 days thereafter potentially could free up 110 jail beds per day
- Sentencing offenders to 30-, 45- or 60-days (2,158 inmates per year) with half of the sentence spent on electronic monitoring potentially could free up 42 jail beds per day; on the other hand, sentencing offenders to 30-, 45- or 60-days with the entire sentence spent on electronic monitoring potentially could free up 84 jail beds per day

Also, to assist the Task Force in efforts over the next 60 days, the Regional Institute will work with staff at the Holding Center to strengthen the reporting capabilities of the Jail Management System so that decisions regarding the inmate population are driven by up-to-date data.

In sum, systemically addressing chronic jail overcrowding in both the short- and long-term could result in daily jail bed savings ranging between 260 to 300 jail beds per day.

Executive Summary Chart 1

Long-Term Potential Jail Bed Savings

Inmate Population	Unique Annual Population Estimate	Potential Jail Bed Days Savings/Yr	Potential Jail Beds Saved/Day
Appearance ticket eligibles (top charge of marijuana possession, shoplifting, prostitution or fraud)	931	140	less than 1
Parole violators charged with the violation only	49	976	3
Drug/Alcohol/MH population with top charge of violation or misdemeanor	4,022	4,826	13
Flagged forensic with top charge of violation or misdemeanor	3,875	13,562	37
Released on own recognizance	1,324	3,973	11
Overcharged: charged with felony D; convicted of misdemeanor A	83	248	1
Overcharged: charged with felony E; convicted of misdemeanor A	62	1,986	5
Transfer of state readies	834	5,837	16
Unconvicted from Amherst	414	2,276	6
Misdemeanor A convicts from Amherst	41	2,793	8
Misdemeanor A convicts from Cheektowaga	166	1,904	5
TOTAL	11,801	38,521	105

** Total potential jail bed savings is based on an estimate of the number of unique offenders falling within these target populations. We estimate there are 11,801 unique offenders since many inmates fall within two or more of these target inmate populations (for instance, they are both flagged forensic and released on their own recognizance).*

Executive Summary Chart 2

Short-Term Potential Jail Bed Savings

(target areas for reducing the holding center population by at least 100 inmates over the next 60 days)

Inmate Population	Annual Population Estimate	Median LOC	Target LOC	Potential Jail Beds Saved/Yr	Potential Jail Beds Saved/Day	Cost Per Year*	Assumptions
Awaiting psi preparation and sentencing (for discharge to state)	834	85 days	37 days	40,032	110	Cost of add'l PO's	PSI's completed in 30 days (vs. 66); Sentencing within 7 days (vs. 19)
Sentenced to 30 days or less	1,717	10 days	5 days	8,585	24	32,895	Jail time reduced by half through electronic monitoring (30 units)
Sentenced to 30 days or less	1,717	10 days	0 days	17,170	47	58,161	Jail time eliminated through electronic monitoring (55 units)
Sentenced to 31-45 days	245	25 days	13 days	2,940	8	15,425	Jail time reduced by half through electronic monitoring (13 units)
Sentenced to 31-45 days	245	25 days	0 days	6,125	17	30,482	Jail time eliminated through electronic monitoring (26 units)
Sentenced to 46-60 days	196	38 days	19 days	3,724	10	24,929	Jail time reduced by half through electronic monitoring (20 units)
Sentenced to 46-60 days	196	38 days	0 days	7,448	20	48,332	Jail time eliminated through electronic monitoring (39 units)
TOTAL (assuming jail sentences time reduced by half)	2,992	158	74	55,281	152	73,249	
TOTALS (assuming jail sentences time eliminated)	2,992	158	37	70,775	194	136,976	

** Costs reflect the purchase price of electronic monitoring units at \$1,526 each. It's also assumed that half of all offenders released on electronic monitoring pay a \$3 daily charge. The cost of add'l probation officers depends on the number that need to be hired to complete the necessary backlog of psi reports as well as all newly ordered psi reports within the 30 day target timeframe.*

INTRODUCTION

Over the past twenty years jail overcrowding has become the albatross around the necks of local criminal justice officials throughout the United States. With inmate populations at local jails up almost 90 percent from 1990 levels and jail construction costs soaring into the hundreds of millions of dollars, criminal justice systems are bursting at the seams. There are increased calls – in fact demands – for local officials to devise alternatives to incarceration (ATI) strategies and programs while at the same time maintain public safety.

Criminal justice officials in Erie County, New York are no exception. Administrators at the Erie County Holding Center (Holding Center) and Erie County Correctional Facility (Correctional Facility) (collectively, jail) have faced the issue of inmate overcrowding since at least the 1990s. During the past six years the inmate population at these two facilities has grown steadily, with admissions

*“County Sues State Over Crowding of Jails.”
Buffalo News
October 31, 1999*

*“Erie County Jail Overcrowded and Unsafe, Report Says . . .”
Buffalo News
August 5, 2006*

jumping from 22,565 in 2000 to 26,633 in 2006 – an increase of 18 percent. Nonetheless the maximum capacity of these facilities to house offenders – pegged at 1,409 inmates without variances⁴ – has not significantly changed since the year 2000 when new dormitories opened at the Correctional Facility.

The character of the jail population also has changed, with unsentenced inmates now comprising 83 percent of all Holding Center admissions in 2006 – up from 57 percent in 2000, with a majority (52 percent) admitted on misdemeanor charges.⁵ Adding to the mix, preliminary estimates for building a new jail facility in Erie County suggest it would cost somewhere in the \$100 million to \$200 million range. Proactively planning to better manage the jail population, pinpointing obstacles to successful implementation of ATI programs and strengthening alternatives to incarceration to combat jail overcrowding are no longer options for Erie County criminal justice system stakeholders. These are necessities.

⁴ With a maximum capacity totaling 611 inmates plus 1 variance, the Holding Center houses pre-trial misdemeanants and pre-trial and post-conviction felons pending case disposition and transfer to a New York State prison. The Correctional Facility, with a maximum capacity of 798 inmates plus a variance of 112, generally houses inmates sentenced to one year or less, as well as other types of inmates depending on space demands at the Holding Center (**See Chart 7**).

⁵ Data was obtained from various reports generated by the Erie County Holding Center.

SCOPE

A systemic collaborative “50,000-foot view” of the criminal justice system has proven to be critically important to local officials grappling with jail overcrowding throughout the country.⁶ These officials, too, have increasingly turned to utilizing data and information technology as tools to plan for and manage jail populations as well as to coordinate an ATI action plan among disparate agencies.

In 2005 Erie County Executive Joel A. Giambra convened the Erie County Holding Center Task Force (Task Force). Comprised of key stakeholders drawn from across the Erie County criminal justice system, this Task Force was charged with examining inmate overcrowding at the Holding Center and Correctional Facility and recommending action steps with respect to systems, technology and process improvements and ATI programs to reduce overcrowding.

To assist the Task Force with this mandate, the University at Buffalo Regional Institute was engaged to achieve the following six deliverables for the Task Force:

- Attend all Task Force meetings to establish the working agenda for the group
- Consult with stakeholder groups, including Task Force member organizations, and complete related research to assess obstacles to, and issues facing, ATI programs
- Review and assess Task Force members’ methodologies for collecting, filing and using data on inmates housed at the Erie County Holding Center
- Create a criminal justice system case flow model specific to Erie County to assist in determining strategies that ensure the success of ATI initiatives
- Recommend an implementation strategy to achieve the strategic goal of reducing the inmate population as proposed in Erie County’s four-year fiscal plan for 2006-2009
- Devise a program for building a permanent inmate management database that the Task Force will use for improved tracking and management of the flow of cases through the Erie County criminal justice system.

⁶ See, for example, Michigan Task Force on Jail and Prison Overcrowding (2005, March). *Michigan Task Force on Jail and Prison Overcrowding, Final Report*.

The *Alternatives to Incarceration: Strategies for Success* report summarizes the Regional Institute’s analyses, findings, conclusions and recommendations based upon this scope of work.

ATI PROGRAMS AND JAIL OVERCROWDING IN ERIE COUNTY: STAKEHOLDER INPUT

The first step to gaining an understanding of obstacles facing alternatives to incarceration and devising strategies to alleviate overcrowding at the Holding Center and Correctional Facility is obtaining stakeholder input on the root causes of jail overcrowding. Between February 2007 and April 2007 the Regional Institute interviewed approximately 48 criminal justice system officials from across 15 different agencies by asking a series of questions (2-10, depending on the actor) related to jail overcrowding, alternatives to incarceration and information management. Those interviewed included policymakers, judges, administrators and staff from the following courts, authorities, departments and agencies: Erie County Executive’s Office; Erie County Sheriff’s Office; Erie County District Attorney’s Office; Erie County Department of Social Services; Erie County Department of Mental Health; Erie County Department of Probation; Buffalo City Court (including Mental Health Court, Drug Court and Domestic Violence Court); Erie County Court; New York State Supreme Court; Legal Aid Bureau of Buffalo, Inc.; Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (The Assigned Counsel Program); Town of Amherst; Town of Cheektowaga; Buffalo City Court C.O.U.R.T.S. Program; and City of Buffalo Police Department. Through these interviews the Regional Institute garnered insights into how an actor’s position in the criminal justice system impacts perspective on jail overcrowding and how relationships among actors affect strategies for achieving efficiencies, jail bed days savings and implementation of successful ATI programs and policies.

Employing a systemic lens to analyze the Erie County criminal justice system has shed light on how stakeholders operate as independent but interrelated members of the system.

“When push comes to shove, jail overcrowding is not something that we can do much about. We must build more jails.”

Local Criminal Justice Stakeholder

Demonstrating the maxim “where you sit is where you stand,” interviews broadly revealed the existence of two camps related to ATI programs and jail overcrowding. On the one hand, some criminal justice system actors indicated that most people who are in the Holding Center belong there and ATI programs will not alleviate overcrowding. Individuals with

this perspective include those drawn from the Erie County District Attorney’s Office, Buffalo Police Department, various Courts, and the Erie County Sheriff’s Office.

Conversely, others indicated that there is a core contingent of inmates who may be better served through either traditional ATI programs – enhanced Released Under Supervision or electronic monitoring – or better case management – issuing more appearance tickets, having

“To be honest, the most serious problem concerns inmates with mental health and substance abuse problems. We need more programs such as Drug Court and Mental Health Court, which have demonstrated that ATI programs can be successful in keeping individuals out of jail and providing necessary community services.”

Local Criminal Justice Stakeholder

access to mental health diversion facilities and efficient completion of PSIs in the case of inmates convicted of felonies. Actors with this perspective include those drawn from the Erie County Sheriff’s Office, various Courts, Erie County Department of Mental Health, Erie County Department of Probation and the Buffalo and Erie County Legal Aid Bureau.

With respect to the latter contingent of stakeholders who think that alternatives to incarceration are an option, the following

emerged as among the important obstacles to, and issues facing, ATI efforts:

- Neither the Buffalo Police nor the Erie County Sheriff’s Office issues enough appearance tickets
- Electronic monitoring, as an ATI option, is limited at both the pre-trial and sentencing stages
- Defendants from suburban jurisdictions spend too much time in the Holding Center for low-risk crimes
- Many inmates are overcharged
- Parole violators who are technically the responsibility of New York State take up much needed jail bed space
- The Holding Center is swamped with persons in need of mental health and drug/alcohol addiction placement services
- PSIs take too long to complete, which impacts the length of confinement for inmates who have been convicted of a felony but must await sentencing and transport to a New York State correctional facility.

“If you want to fix overcrowding, you must fix the mentality of [system actors] who believe that every offender must be confined. Electronic monitoring for appropriate pre-trial and post-conviction offenders would provide for community safety and help alleviate jail overcrowding.”

Local Criminal Justice Stakeholder

Additionally, the interviewees suggested that efforts to deal with jail management were fragmented, with the existence of at least two entities (the Task Force and the Erie County Alternatives to Incarceration Board) in place doing “the same thing.”

Interviews also revealed the significance of actor interdependencies in the criminal justice system, which are important when strategizing about alleviating obstacles, achieving cost savings and freeing up jail beds on a daily and annual basis. One example of an interdependency brought out in interviews is the preparation of PSI reports. Interviewees

“Investments in the Department of Probation are investments in alternatives to incarceration and proper management of the jail population.”

Local Criminal Justice Stakeholder

stated that Department of Probation delays in processing PSI reports contribute to overcrowding because those delays – estimated in interviews at anywhere between 8-12 weeks – result in more jail bed days for defendants convicted of felonies but

awaiting sentencing. Thus, obstacles in one part of the system impact actors in other parts of the system, which affect the ability of a single agency to strategically manage jail overcrowding.

In the end, although it is no surprise that criminal justice system actors have different views, these differences highlight the fragmented nature of the system as an obstacle in and of itself to successful implementation of ATI programs and proactive management of the jail population.

DATA, INFORMATION TECHNOLOGY AND CASE FLOW: TOOLS FOR ANALYZING THE ERIE COUNTY CRIMINAL JUSTICE SYSTEM

Stakeholders provided invaluable insights into possible obstacles facing successful implementation of ATI programs and alleviating jail overcrowding. Enhancing this understanding with data and typical criminal justice case flow is a critical next step to properly address overcrowding issues.

Data Collection and Information Technology

Data on characteristics of an inmate population and case processing can serve as a powerful tool for alleviating jail overcrowding and implementing ATI programs. Preventing jail overcrowding requires a fundamental understanding of the jail’s offender population, including the differences between sentenced and unsentenced offenders, felony and misdemeanor offenders, where inmates are arrested and length of confinement, as well as where choke points or obstacles may exist in the system that contribute to overcrowding. Whether coined as “data-driven decision making” or “evidenced-based policy making,” this cutting-edge strategy is employed by local criminal justice stakeholders nationwide.

Robust research based on data can lead to thoughtful examinations of criminal justice system practices and outcomes.

The Pretrial Reporter, April/May 2006

At the same time the ability of Erie County criminal justice system stakeholders to accomplish the dual goals of alleviating overcrowding and implementing ATI programs is affected by how data are captured, stored and accessed throughout the system. Hence an understanding of information management systems in place in the Erie County criminal justice system and how stakeholders collect, file and use data on inmates housed at the Holding Center and Correctional Facility is critical to gathering data that will shed light on obstacles to ATI programs and pinpointing certain segments of the jail population that are ripe for alternatives to incarceration.

A number of methods are used to gather data on a sample of inmates from which projections can be made to the entire population. In order to capture the requisite data necessary for analysis, the Regional Institute first constructed an ideal data matrix that captured all relevant information on the inmate population and case processing. Next we developed an exit survey, one of three methodologies approved by the United States Department of Justice Bureau of Justice Assistance (the other two being the in-jail snapshot and the admission cohort methods).⁷ The exit survey method requires data collection on all inmates released from jail over consecutive days. According to the Bureau of Justice Assistance, an exit survey sample must include at least 10 percent of the entire relevant population or approximately five hundred persons, whichever is smaller. The advantage of using the exit survey method is that the data are collected over a longer period of time and provide more reliable length of confinement information than data obtained from the 1-day in-jail snapshot. Also, because the sample is selected over consecutive days, the exit survey more accurately identifies the number of defendants admitted to jail who remain in custody only a short period prior to pretrial release. The disadvantage to this method is that sentenced offenders tend to be under-represented in the sample because they are released less frequently than pretrial detainees.⁸

The Regional Institute then interviewed officials in the Sheriff's Office, Department of Probation, Erie County Division of Information & Support Systems (DISS), Erie County Central Police Services (CPS), Department of Mental Health and Buffalo City Court regarding information technology capabilities, data methodologies and data storage and usage. These interviews reveal that the Erie County Sheriff's Office Jail Management System contains much of the data required for an analysis of the jail population. The jail management software (iTag) currently utilized by the Erie County Sheriff's Office is a customized offender management system developed by SYSCON Justice Systems, a leading developer of solutions for the

⁷ See Appendix A.

⁸ Each methodology has advantages and disadvantages. For example, although the in-jail snapshot method is easily administered, the disadvantage is that it captures local jail populations at only a single point in time. On the other hand, the admission cohort method is the most comprehensive and reliable available, however, it can take up to an entire year to administer and is very expensive. Despite the fact that the exit survey method has the drawbacks discussed above, it was deemed the most appropriate for analyzing systemic dynamics impacting the Holding Center and Correctional Facility as well as the inmate population therein based upon admissions data provided by the Holding Center, which suggested that unsentenced inmates accounted for almost 100 percent of the increase in admissions between 2000 and 2006.

corrections industry. The system was put in place in 1996 initially to manage the Holding Center and was expanded in 2001 to include the Correctional Facility.

Consequently Regional Institute staff reviewed the content and structure of the Erie County Sheriff's Office Jail Management System with respect to the data elements necessary for analysis; identified and verified data fields, tables and columns in the Jail Management System that contain data highlighted in the exit survey; reviewed the methodology utilized to populate the fields in the Jail Management System; and designed and developed queries to export content from the Jail Management System in a format necessary for research and analysis.

The Jail Management System currently maintains detailed information about all offenders that pass through the Holding Center or Correctional Facility. Although it contains many aspects of offender activity, the Regional Institute focused on datasets relevant to ATI programs and issues of jail overcrowding. Toward that end, the Regional Institute pulled a sample of 543 inmates who were released from the Erie County Holding Center and Erie County Correctional Facility between April 21 and April 30, 2007 and gathered the following data:⁹

- Demographic Data (e.g., age, race, gender)
- Incarceration Data
 - arrest and release dates
 - reason/type of release
 - arresting agency
 - charges
 - sentencing information (sentence/term, sentence date, convicted charges)
 - bail amounts
 - court dates

Although these data provide a solid foundation for analysis, data and information gaps exist that hinder a complete analysis of the jail population. The primary focus of the iTag application is management of jail operations. Although it has the capacity, it is currently not utilized as a tool for assessing obstacles to ATI programs, targeting prime populations for alternatives to incarceration or conducting an overcrowding analysis. For example the Jail Management System does not contain critical data such as 1) inmates in the Holding Center and Correctional Facility with mental health, drug and/or alcohol problems who have not been flagged as forensic, 2) PSI report preparation time,¹⁰ 3) whether an individual was convicted by plea to

⁹ Our sample includes offenders who were admitted and discharged from the Holding Center in less than a day. Although these offenders might not occupy a jail bed, they contribute to the problem of overcrowding and burden limited system resources. They also were included to be consistent with inmate admissions and discharges reported annually to New York State by the Holding Center – reports which include all offenders who are booked, even if the stay is as short as an hour.

¹⁰ Regional Institute staff manually pulled files at the Holding Center and Department of Probation on subsets of the sample to obtain mental health/substance abuse information and PSI preparation information contained in this report.

reduced charges or bail amount, and 4) individual criminal history, including warrants. In addition, consistency problems exist and reporting capability is low.

Additionally, fragmentation of data and information management exist throughout the criminal justice system both horizontally and vertically, which serves as an obstacle to analysis. Specifically with respect to criminal history and warrants, for example, although this information is contained in “eJusticeNY,” which is operated by the New York State Division of Criminal Justice Services, obtaining this information was impossible. This is due to the fact that stakeholders advised that it would constitute a misdemeanor to obtain criminal histories from eJusticeNY for this project. Along the same lines the RIC system utilized by Erie County Central Police Services does not contain final disposition data for offenders. In the Department of Probation, digital data specific to PSI preparation, state ready inmates and pre-trial services (e.g., social history, risk assessment) are not available. Last, final disposition data could not be obtained from Buffalo City Court due to inconsistencies across data fields.

Erie County Criminal Justice System Case Flow Model

Data gathered from the Jail Management System cannot be analyzed within a vacuum. A comprehensive understanding of the Erie County criminal justice system is essential to pinpointing obstacles and strategizing as to workable solutions.

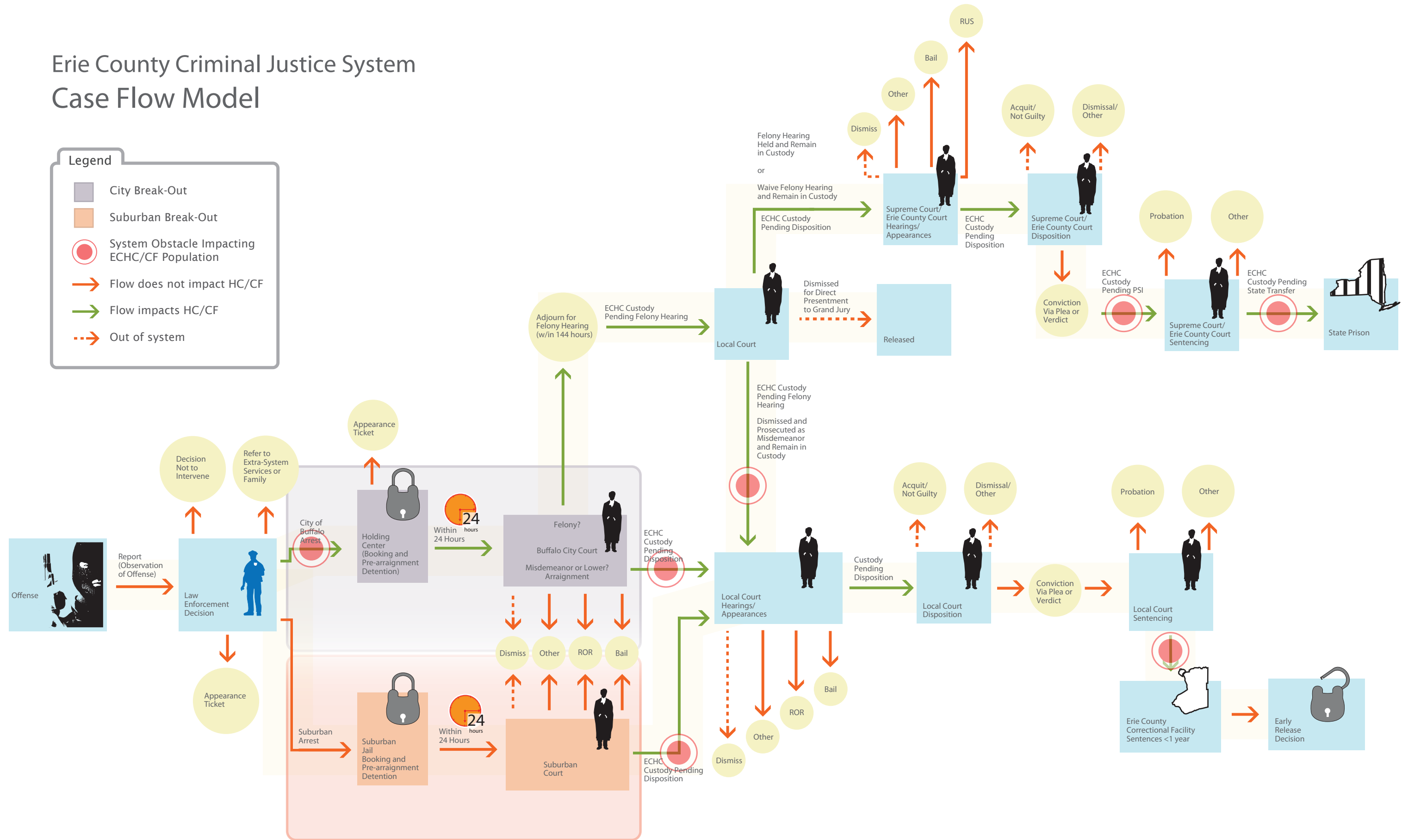
The Regional Institute met with and interviewed 22 criminal justice system officials to ascertain case flow. These interviews included not only discussions with officials, but touring the Correctional Facility and Holding Center “from soup to nuts,” attending arraignments, Drug Court and Mental Health Court proceedings, interviewing City of Buffalo, Town of Amherst and Town of Cheektowaga police officials, examining the interplay between the mental health and criminal justice systems, and attending pre-trial early morning interviews at City Court with Department of Probation officials.

The resulting case flow model depicts the flow of a typical misdemeanor or felony case through the Erie County criminal justice system. It identifies the actors at specific decision points and options that can impact management of the jail population at the Holding Center and Correctional Facility. It also provides an understanding of the role that each criminal justice system actor plays in populating the jail.

Erie County Criminal Justice System Case Flow Model

Legend

- City Break-Out
- Suburban Break-Out
- System Obstacle Impacting ECHC/CF Population
- Flow does not impact HC/CF
- Flow impacts HC/CF
- Out of system



A CRITICAL EXAMINATION OF THE ERIE COUNTY CRIMINAL JUSTICE SYSTEM

Data combined with the case flow model highlight the effects of day-to-day decisions and policies on the inmate population as well as certain populations that may be amenable to ATI programs.¹¹

General Characteristics of the Inmate Population

Analysis of jail population data from the sample suggests the following:

- 83 percent of the population is male
- 86 percent of the population is less than 45 years old
- 50 percent of the population is African-American; 48 percent of the population is White
- The inmate population is derived heavily from the City of Buffalo, which accounts for 76 percent of all admissions to the Holding Center, with Cheektowaga and Amherst ranking a distant but firm second (9.5 percent) and third (4.5 percent), respectively, in terms of admissions¹²
- With respect to status, 20 percent of the population is convicted and 80 percent of the population is unconvicted. Status data reflect a broader trend, i.e., between 2000 and 2006, admissions to the Holding Center and Correctional Facility increased 18 percent, with unsentenced inmates accounting for almost 100 percent of increased admissions
- The median length of confinement (LOC) for an unconvicted offender is one day;¹³ the median length of confinement for a convicted offender is 50 days

¹¹ Examining a criminal justice system is not an exact science. This is particularly true in the case at hand, given that critical data necessary for properly analyzing the Erie County criminal justice system and jail population were unavailable, i.e., data on criminal history and outstanding warrants. Nevertheless, the following extrapolations and accompanying analysis can be used as estimates for determining the inmate population and case processing issues that impact jail overcrowding.

¹² Criminal justice system stakeholders suggest that the regional distribution is heavily dominated by the City of Buffalo due to the booking agreement between the City and Erie County. As the case flow model demonstrates, whereas offenders arrested in suburban jurisdictions are booked and detained pre-arraignment at the appropriate suburban jail, offenders arrested within the jurisdiction of the City of Buffalo are booked and detained pre-arraignment at the Holding Center, thus contributing to increased admission numbers.

¹³ To determine how long it takes a typical offender to move from one point to another within the Erie County criminal justice system, median lengths of confinement were examined for various subsets of offenders. The

- The top charge for more than two-thirds of the population is a misdemeanor or violation, again, reflecting a broader six-year trend at the Holding Center suggesting that inmates admitted on misdemeanor charges increased from 46 percent in 2000 to 52 percent in 2006
- This trend also is reflected in the top three municipalities, where a misdemeanor A is the top charge for admissions from the City of Buffalo, Town of Amherst and Town of Cheektowaga

The following section reviews in closer detail the data as applied to the case flow model to highlight potential populations that may not necessarily belong in either the Holding Center or Correctional Facility. Accordingly by alleviating obstacles or establishing ATI programs, these types of inmates potentially could be diverted from confinement in these facilities.

Point 1: Arrest to Detention in the Erie County Holding Center

The case flow model highlights one population that may be diverted from the Holding Center at the point when an offender is arrested in the City of Buffalo (or surrounding municipality patrolled by the Erie County Sheriff’s Office) and detained in the Holding Center.

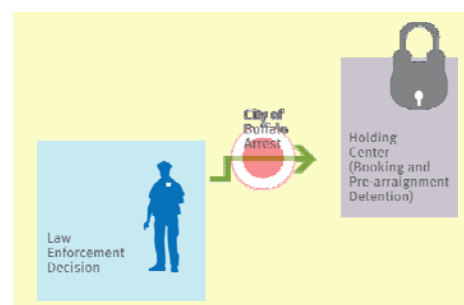


Chart 1
Arrest to Detention in the Erie County Holding Center

Population Subset	% Population	Annual Estimate	Median Length of Confinement	Total Annual Jail Related Cost
Appearance Ticket Eligible	8.3%	2,207	1 day	\$253,823

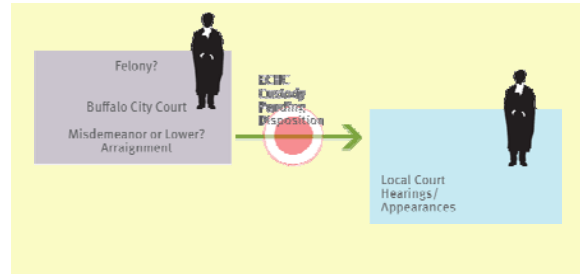
- Appearance Tickets: Preliminary interviews with criminal justice system stakeholders suggested that the crimes of petit larceny (Penal Law § 155.25), marijuana possession (Penal Law §§ 221.10; 221.15) and prostitution (Penal Law § 230) were appropriate for the issuance of appearance tickets. Analysis of the sample suggests that approximately 8 percent of the inmate population have a top charge of shoplifting, marijuana

median was used instead of the mean since the sample contained several outliers, to which the mean is very sensitive. The median, in contrast, is generally not distorted by a few extreme values that are not typical of the others. Mode was not relied upon because of the disadvantages this indicator of central tendency presents; namely, not all datasets contain a mode and those that do might have more than one. For these reasons, mode generally is not used to make statistical inferences as in this kind of analysis.

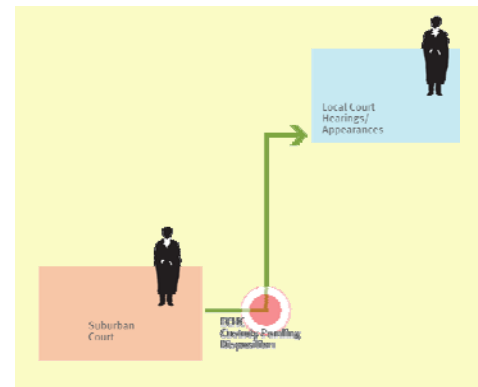
possession or prostitution and spend a median 1 day in the Holding Center. These figures total 2,207 inmates per year at a cost of \$253,823.

Points 2a-2b: Custody Pending Disposition

The second point occurs when an offender is remanded to the custody of the Erie County Sheriff pending disposition of his or her case. Analysis reveals the following populations impacted by obstacles at these points:



- Released on Own Recognizance (ROR): Inmates with a top charge of a misdemeanor or violation who were ultimately released on their own recognizance (presumably because they posed no threat to the community and were not considered a flight risk) constitute 11.8 percent of the population and spend a median 6 days in the Holding Center. This amounts to over 3,100 inmates annually at a cost of \$2.1 million. The length of confinement in the Holding Center is significant when compared to inmates either released on arraignment (23 percent of the population, median LOC of 0 days) or released by judge (16 percent of the population, median LOC of 2 days).
- Parole Violators: Pursuant to Executive Law §259-i(3)(a)(i), parole violators must be housed in local facilities and are not eligible for bail. Although these inmates constitute only 1.5 percent of the jail population, inmates who violated parole without committing any other crime spend a median 21.5 days in the Holding Center. Annually this amounts to 392 inmates at a cost of \$970,167.
- Inmates Flagged Forensic or With Substance Abuse or Mental Health Issues: Time and time again stakeholders indicated that the Holding Center and Correctional Facility are inundated with inmates who have mental health and substance abuse issues. Data suggest that 14 percent of the inmate population whose top charge is a misdemeanor or violation are “flagged forensic” (meaning these inmates requires specialized mental health treatment) and spend a median 7 days during a stay in either the Holding Center or Correctional Facility. This amounts to 3,875 inmates annually at a cost of \$3.1 million.



With respect to mental health and substance abuse issues generally, approximately 15 percent of the population with a top charge of a misdemeanor or violation have a drug or alcohol or mental health issue (that does not warrant a forensic flag) and spend a median 1.2 days in the Holding Center. This totals 4,022 inmates per year at a cost of

\$555,026.

- Unconvicted Offenders from the Town of Amherst: Data suggest that offenders with a top charge of a misdemeanor A who are remanded to the custody of the Sheriff after arraignment in Amherst Town Court spend a median 6.5 days in the Holding Center at an annual cost of \$733,266. This median length of confinement is significantly longer than that of inmates similarly situated from the City of Buffalo and Cheektowaga, who spend the same amount of time in the Holding Center - 1 day, respectively.

Chart 2
Custody Pending Disposition

Population Subset	% Population	Annual Estimate	Median Length of Confinement	Total Annual Jail Related Cost
ROR (Misdemeanor or Violation)	11.8%	3,139	6 days	\$2,165,954
Parole Violators	1.5%	392	21.5 days	\$970,167
Flagged Forensic Substance Abuse or Mental Health Issues	14%	3,875	7 days	\$3,119,200
Amherst: Unconvicted Offenders Misdemeanor A	15%	4,022	1.2 days	\$555,026
	4%	981	6.5 days	\$733,266

Point 3: Overcharging: Felony Dismissed and Prosecuted as Misdemeanor

Several criminal justice system stakeholders indicated that overcharging results in inmates spending long periods of time in the Holding Center.

- Offenders charged with a D or E felony and ultimately convicted of a misdemeanor A spend a median 33 days and 62 days, respectively, in the Holding Center. These constitute 343 inmates per year at a cost of \$1.8 million.

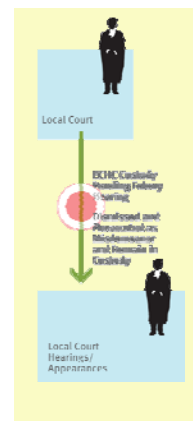


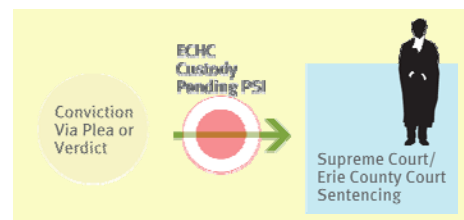
Chart 3

Overcharging: Felony Dismissed and Prosecuted as Misdemeanor

Population Subset	% Population	Annual Estimate	Median Length of Confinement	Total Annual Jail Related Cost
Charged with Felony D; Convicted of Misdemeanor A	1%	196	33 days	\$744,547
Charged with a Felony E; Convicted of a Misdemeanor A	1%	147	62 days	\$1,049,134

Point 4: Felony Conviction and Sentencing: PSIs

Data coupled with the case flow model suggest that one of the costliest points in the Erie County criminal justice system that directly affects the jail population occurs between the time an offender is convicted of a felony and sentenced because of PSI processing. Data reinforce these observations in that:



- Although this segment of the population constitutes only 3 percent of total inmates at the Holding Center and Correctional Facility, the time to process a PSI immediately after conviction to sentencing is a median 85 days at an annual cost of over \$8 million. Broken down into processing segments, it takes a median 66 days to complete the PSI (at an annual cost to the jail of \$6.3 million) and a further median 19 days between PSI completion and sentencing (at an annual cost to the jail of \$1.8 million).

Chart 4
Felony Conviction and Sentencing: PSIs

Population Subset	% Population	Annual Estimate	Median Length of Confinement	Total Annual Jail Related Cost
Inmates Awaiting PSI	3%	834		
Conviction and PSI Start			0 days	\$0.00
PSI Start and Completion			66 days	\$6,328,648
PSI Completion and Sentencing			19 days	\$1,821,884
PSI Start and Sentencing			85 days	\$8,150,532

Point 5: Custody Pending State Transfer (Felony)
 “State readies,” i.e., inmates who have been sentenced to a New York State Correctional Facility, constitute a further population to target:

- Data suggest that, upon sentencing, it takes a median 17 days to process inmates for placement in a state correctional facility before they are transported to that facility. This impacts 834 inmates annually at a cost of \$1.6 million.

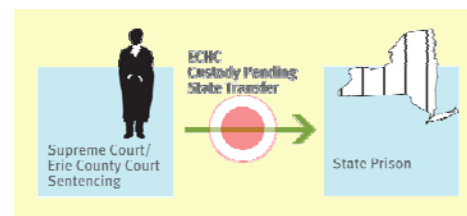


Chart 5
Custody Pending State Transfer (Felony)

Population Subset	% Population	Annual Estimate	Median Length of Confinement	Total Annual Jail Related Cost
State Readies	3%	834	17 days	\$1,630,106

Point 6: Court Sentencing (Misdemeanor)

Two populations are at issue at this point in the system:

- Offenders convicted of a misdemeanor A in the Towns of Amherst and Cheektowaga spend a median length of confinement of 95.5 days and 39.5 days, respectively in the Correctional Facility.¹⁴ This length of confinement is significantly longer when compared to those sentenced for similar crimes in the City of Buffalo (median length of confinement = 24 days).
- Data also suggest that offenders convicted of a misdemeanor A who receive 30-, 45- or 60-day sentencing, who account for 8 percent of the population, may be eligible for post-conviction ATI programs, such as serving part or all of a sentence on electronic monitoring. Inmates sentenced to 30-days or less comprise 6 percent of the jail population and spend a median 10 days in the Correctional Facility. Projections suggest that this amounts to 1,717 inmates annually at a cost of \$1.9 million.



Chart 6
Court Sentencing (Misdemeanor)

Population Subset	% Population	Annual Estimate	Median Length of Confinement	Total Annual Jail Related Cost
Amherst: Inmates Convicted of Misdemeanor A	<1%	98	95.5 days	\$1,077,337
Cheektowaga: Inmates Convicted of Misdemeanor A	1%	392	39.5 days	\$1,782,400
Inmates Sentenced to 30 Days or Less	6%	1,717	10 days	\$1,974,177
Inmates Sentenced to 31-45 Days	1%	245	25 days	\$705,063
Inmates Sentenced to 46-60 Days	1%	196	38 days	\$857,357

¹⁴A small subsample may have affected the calculations for median length of confinement therefore this figure should be interpreted with caution.

CONCLUSIONS

JAIL OVERCROWDING CANNOT BE ATTRIBUTED TO A SINGLE CAUSE. RATHER JAIL OVERCROWDING IS THE RESULT OF DYNAMICS THAT ARE DERIVED FROM, AND PERPETUATED BY, A FRAGMENTED CRIMINAL JUSTICE SYSTEM

Jail overcrowding is not simply the result of the policies, protocols and procedures of a single stakeholder. Analysis suggests that jail overcrowding at the Holding Center and Correctional Facility is the result of fragmented criminal justice system dynamics that create obstacles and hamper proactive and strategic planning.

The case flow model and accompanying analysis suggest myriad obstacles to alleviating overcrowding currently exist:

- **New York State law regarding parole violators.** Pursuant to Executive Law §259-i(3)(a)(i), parole violators must be housed in local facilities and are not eligible for bail. An inmate who violates parole without committing any other crime spends a median 21.5 days in the Holding Center
- **Lack of mental health and substance abuse diversion services and facilities.** Fourteen percent of the population at the Holding Center was flagged, at one point in time, as forensic, with these inmates spending a median 7 days in the Holding Center. Another 15 percent of the population has a substance abuse or mental health issue and spend a median 1.2 days in confinement. Several interviewees indicated that many of these inmates do not belong in the Holding Center – particularly those whose highest crime charge was a misdemeanor – however, there is a lack of programs and services to address these populations
- **Fragmented efforts to deal with ATI programs and jail overcrowding.** There is no single entity in place to coordinate stakeholder input regarding alternatives to incarceration initiatives – rather several efforts are underway in the region regarding alternatives to incarceration programs, including those of the Erie County Holding Center Task Force and the Alternatives to Incarceration Advisory Board
- **Obstacles created by weak coordination among criminal justice system actors, such as:**
 - The split between arrest and booking in the City of Buffalo – which potentially affects 2,207 inmates per year – results in fewer appearance tickets issued to eligible offenders
 - Offenders who commit a misdemeanor or violation and are released on their own recognizance – presumably because they pose little threat to the community and have a high likelihood of returning for the next court appearance – spend a median

6 days in the Holding Center

- Offenders charged with a D or E felony and ultimately convicted of a misdemeanor A spend a median 33 days and 62 days, respectively, in the Holding Center, whereas offenders charged with, and convicted of, a misdemeanor A spend a median 30 days in confinement
- Between commencement of a PSI and sentencing, 85 days – almost three months – elapse
- State readies spend a median 17 days in the Holding Center after sentencing for processing before they are transferred to a state facility
- Offenders from Amherst who are charged with a misdemeanor A spend a median 6 days in the Holding Center, which is significantly longer when compared to the median length of confinement (1 day) for offenders from other jurisdictions
- Offenders from Amherst and Cheektowaga who are convicted of a misdemeanor A crime spend a median 95.5 days and 39.5 days, respectively, in confinement compared to inmates convicted of similar crimes in other jurisdictions (median length of confinement = 24 days)
- **Lack of sentencing protocols and state of the art electronic monitoring equipment for post-conviction electronic monitoring.** Data suggest certain segments of the jail population may be eligible for ATI programs such as electronic monitoring – in particular, inmates sentenced to 30-, 45- and 60-days (approximately 2,158 inmates per year). Interviews indicate that Buffalo City Court judges would be amenable to sentencing this type of inmate to electronic monitoring for a portion of their sentences, however, sentencing protocols are not yet in place. Additionally, stakeholders revealed that state-of-the-art equipment is not yet available

THE JAIL MANGEMENT SYSTEM CONTAINS DATA ON THE INMATE POPULATION. HOWEVER DATA ARE FRAGMENTED HORIZONTALLY AND VERTICALLY AND OBSTACLES EXIST THAT SERVE AS BARRIERS IN THE SHORT-AND LONG TERM FOR JAIL POPULATION INFORMATION MANGEMENT PLANNING AND INTEGRATION

An understanding of the systemic dynamics that lead to jail overcrowding is derived from data. Efforts over the past nine months demonstrate that planning and analysis are handicapped by the fragmented nature of the system, which results in weak collaboration among criminal

justice system officials and the inability to access data. There is no single agency with the capacity to store and manage all data necessary to analyze criminal justice processes; the Sheriff’s Office has only one person on staff with the necessary training and understanding of the Jail Management System; and several agencies, including the Department of Probation and Sheriff’s Office do not have the application development support necessary to create technical solutions. In addition, complete inmate criminal and social history data, which is important for analyzing issues such as eligibility for appearance tickets and pre-trial programs as well as bail setting practices, is inaccessible from New York State or any other source. Finally, although the iTag application has the capacity to be utilized as a tool for jail overcrowding analysis, it is underutilized, as the primary focus of the iTag application is management of jail operations.

RECOMMENDATIONS: STRATEGIES FOR SUCCESS

STRENGTHEN JAIL OVERCROWDING PLANNING, ANALYSIS AND COLLABORATION BY ESTABLISHING A CRIMINAL JUSTICE SYSTEM COORDINATING COUNCIL

Best practices research demonstrates that improved planning, coordination and information management help alleviate local jail overcrowding. Criminal justice system coordinating councils have proved to be key mechanisms for accomplishing these improvements. These councils serve as a critical component when strategizing for successful implementation of ATI programs and alleviating jail overcrowding (*See Appendix B*).

The benefits of criminal justice planning and coordination include:

- Improved analysis of problems
- Improved communication, cooperation and coordination
- Clear goals, objectives and priorities
- More effective allocation of resources
- Improved programs and services
- Improved capacity and quality of personnel.

“Before we initiated a collaborative criminal justice planning process, I had to communicate separately with every single criminal justice official. Now, we have a process that works and a forum for creating criminal justice change that everyone buys into.”

Ross Davis, Chair of the Jackson County Criminal Justice Policy Council, cited in *Getting it Right* (June 2006)

An ideal Criminal Justice Coordinating Council would:

- Encompass broad representation from local, regional and state stakeholders with recognized authority and prestige
- Possess adequate staff support
- Be established by an intergovernmental agreement (effectiveness is enhanced by a degree of independence and the legitimacy accorded by formal authorization)

- Receive funding from each member to ensure a political and financial stake
- Remain administratively independent so that no one jurisdiction or justice system component dominates

A Council would have the clout to address issues that cut across the entire criminal justice system. For example, people with mental illness who have become involved (or are at risk of becoming involved) with the criminal justice system frequently have multiple needs that can be addressed only through the collaborative efforts of several agencies working within the constraints of diverse systems. Thus, the Council could explore ways to increase the number of residential placement services for offenders who are in jail because there are no treatment or secure settings available and tackle issues associated with co-occurring disorders (**See Appendix C**). The Council also would have the clout to lobby to amend New York State Executive Law § 259-i (3)(a)(i), which expires in 2009, to provide that local jails need not be the exclusive means to house parole violators, particularly given that state prison population has been declining. One model in this respect is California, where parole violators with no local charges are returned to state institutions for revocation hearings. Also, California parolees who constitute little or no threat to public safety are allowed to remain in the community pending their revocation hearings. The Council could address some of the obstacles and inefficiencies that exist in the system, including the split in booking that affects appearance ticket issuance, the length of time an individual who is ROR'd spends in confinement, overcharging, processing of state readies and issues associated with Amherst and Cheektowaga that lead to inmates spending more time spent in confinement when compared to other jurisdictions.

The Council also could address information technology issues. The primary role of any information management system is to be a reliable tool for accessing, analyzing and reporting information. For Erie County to realize such a structure, it has to adopt a holistic approach to criminal justice information management. Better information and informed decision making should be the responsibility of the entire Erie County Criminal Justice System as each player has critical information important to the process. It, however, is important to recognize that each agency employs a system configured to advance its primary function and mission, which at times creates technological conflicts and impediments.

“A database that contains complete information on the criminal justice system and jail population would be invaluable . . . [T]he benefits would be immeasurable.”
Local Criminal Justice System Stakeholder

Criminal Justice System stakeholders are already venturing down this path. By serving on the Task Force, there is formal acknowledgement that a critical problem exists. Nonetheless, the Task Force is hampered by several factors, including missing participation from suburban stakeholders and New York State criminal justice agencies. In addition, most members of the Erie County Holding Center Task Force also sit on the Erie County Alternatives to Incarceration Advisory Board. Finally, these councils can work only if member agencies commit to working

together to achieve shared objectives. The lack of consensus among Task Force members as to how to address the jail overcrowding problem must be overcome. We recommend the establishment of one entity with a broad mission, shared objectives and formalized organizational structure in order to proactively plan for and manage the jail population. As Executive Summary Chart 1 suggests, having a Council address the inmate population in a systemic fashion potentially could save 105 jail beds per day.

ONCE THE COUNCIL IS ESTABLISHED, HIRE A CRIMINAL JUSTICE SYSTEM COORDINATOR TO CREATE A DEDICATED CRIMINAL JUSTICE SYSTEM INFORMATION MANAGEMENT MODEL

Once the Coordinating Council is established, we recommend that it hire a Criminal Justice System Coordinator who is data savvy and possesses information management and application development skills. The initial mandate of this position would be to maintain, enhance and manage a new criminal justice information network, primarily working with and providing support to the Sheriff's Office, CPS and the Department of Probation.

The Coordinator could tackle the following three information management areas immediately to ensure that the jail management system can serve as a tool for managing the jail population:

- Expand the current dataset to include the following:
 - Inclusion of medical and forensic datasets into iTag: the system maintains limited information on offenders with forensic alerts and data from the Medical Intake Screening and Suicide Prevention Screening forms are not available digitally
 - Court data
 - More detail on reason for appearance (e.g., arraignment, second appearance)
 - Judges – names of the presiding judge not available for a number of court appearances
 - Bail: more detail is needed on type of bail set, as well as better clarification of multiple bail amounts for the same offender
 - Track incidents where lack of identification, bench warrants and alcohol play a part in the arrest
- Achieve a greater standard of consistency for data and information that are currently in the system
 - Improve classification of criminal charges (e.g., felony, misdemeanor)

- Enhance information on offender addresses (incomplete, missing fields or entry errors)
- Create reporting tools that give policy-makers access to detailed information on the jail population

Other short-term objectives of this position include the following:

- Review and recommend an information technology solution for the Probation Department, which suffers from weak information technology capabilities
- Verify and update information and build appropriate data validation protocols to enhance content management
- Create custom reports and data entry interfaces to advance analyses and assist data entry
- Identify the right pathways and connection points to existing systems (e.g., RICI – CPS Courts applications) to minimize duplication or redundancy and create integration where appropriate
- Review and recommend a revised methodology for reporting admissions at the Holding Center to New York State so that offenders merely booked into the Holding Center are not counted as remanded to the custody of the Sheriff

Medium- to long-term objectives include the following:

- Create a Criminal Justice Technology Sub-Committee of the Coordinating Council that would be comprised of members from the Sheriff's Office, Probation Department, CPS, DISS and the Courts to work toward information integration and data sharing among criminal justice agencies. Almost immediately, the coordinator and sub-committee should create a common unique identifier that makes the tracking of an offender through the entire criminal justice system (jail, probation, courts, CPS) possible
- Create annual, semi-annual and monthly reports to track the status of the jail population in respect to the problem areas identified in this report (e.g., PSI preparation)
- Improve the data import process between the RICI system managed by CPS and iTag

- Coordinate with DISS to improve the hardware and software applications available at the Holding Center, including Oracle Reports and better database management and administration utilities

In sum, effectively preventing overcrowding requires the capability for collecting data, monitoring the population, analyzing offender admissions and lengths of stay and sharing this information with key stakeholders in local jurisdictions. Potential savings in terms of jail bed days by strategically hiring the right person to address these issues are significant.

SHORT-TERM ACTION STEPS

Establishing a council and hiring a coordinator to, among other responsibilities, strengthen the reporting capabilities of the Jail Management System will take time. Nevertheless addressing overcrowding at the Holding Center and Correctional Facility cannot wait. In 2006 average daily occupation at these facilities was approximately 100 jail beds over the maximum capacity, not including variances. Taking into account variances, average occupation was just under total capacity (**Chart 7**). Additionally, the New York State Commission of Correction recently issued a directive to officials at the Correctional Facility mandating that this facility hold no more inmates than its maximum capacity plus variance (a total of 910 inmates).

Chart 7

Inmate Capacity in Erie County Holding Center

	Holding Center	Correctional Facility	Both Facilities
Maximum capacity	611	798	1,409
Variance allowed	1	112	113
Total Capacity With Variance	612	910	1,522
Average occupation, 2006	583	924	1,508
High occupation, 2006	666	989	1,655

Several steps could be taken over the next 60 days to address the jail population:

- **Complete PSIs in a More Efficiently Manner.** Strategizing ways to complete PSIs in 30 days and sentence offenders within 7 days thereafter potentially could free up 110 jail beds per day, which translates into over 40,000 jail beds per year.

- **Implement Electronic Monitoring as an ATI for Certain Post-Conviction Inmates.** Stakeholder interviews suggest that adequate state-of-the-art electronic monitoring equipment currently is not available in Erie County for the potential post-conviction populations identified.¹⁵ Furthermore, risk assessment protocols must be developed to allow inmates sentenced to 30-, 45- or 60-days of incarceration at the Correctional Facility to be released on electronic monitoring devices (**See Appendices D and E**). Sentencing offenders to 30-, 45- or 60-days (2,158 inmates per year) with half of the sentence spent on electronic monitoring potentially could free up 42 jail beds per day; on the other hand, sentencing offenders to 30-, 45- or 60-days with the entire sentence spent on electronic monitoring potentially could free up 84 jail beds per day.

If these steps could be taken within the next 60 days, between 152-194 jail beds per day could be saved. Furthermore, to assist the Task Force in efforts over the next 60 days, the Regional Institute will work with staff at the Holding Center to strengthen the reporting capabilities of the Jail Management System so that decisions regarding the inmate population are driven by up-to-date data.

It is only by viewing jail overcrowding through a systemic lens with coordination among all criminal justice stakeholders that Erie County can hope to successfully address chronic issues concerning the inmate populations at the Holding Center and Correctional Facility. ***The payoff could be immense, as systemically addressing chronic jail overcrowding in both the short- and long-term could result in daily jail bed savings ranging between 260 to 300 jail beds per day.***

¹⁵ Electronic monitoring is a cost-effective alternative to incarceration for appropriate offenders. A single electronic monitoring unit that costs \$1,526 used over a 14-day period pays for itself, whereas the County spends \$115 per day to house an inmate. This is the case even if a policy of charging offenders a \$3 daily fee is eliminated.

Appendices

- Appendix A: Exit Survey
- Appendix B: Criminal Justice Council Best Practices
- Appendix C: Mental Health Best Practices
- Appendix D: Post-Conviction Best Practices
- Appendix E: Post-Conviction Risk Assessment Instruments
- Appendix F: Select Bibliography

Appendix A: Exit Survey

**Alternatives to Incarceration:
Strategies for Success**

**An Assessment of Erie County Criminal Justice System Practices and
Development of an Inmate Management Database**

Exit Survey

Inmate Background Information

Name _____, _____
Last First

Address _____, _____
City Zip

Race (1) White (2) Black (3) Hispanic (4) Asian (5) Other _____

Gender (1) Male (2) Female

Date of Birth _____, _____
Month Day Year

Offender ID: _____
(nysid#)

(icn#)

(SS #)

Crime(s) Charged

Date of booking _____, _____
Month Day Year

Type(s):

- Charge No. 1 (1) Felony (2) Misdemeanor (3) Violation (4) Other _____
- Charge No. 2 (1) Felony (2) Misdemeanor (3) Violation (4) Other _____
- Charge No. 3 (1) Felony (2) Misdemeanor (3) Violation (4) Other _____
- Charge No. 4 (1) Felony (2) Misdemeanor (3) Violation (4) Other _____

Specific Description – Crime and degree (e.g., Assault in Third Degree, Criminal Possession of Controlled Substance in Second Degree, State Parole Violation, etc.)

- Charge No. 1 _____
- Charge No. 2 _____
- Charge No. 3 _____
- Charge No. 4 _____

Arresting municipality _____

On Probation? (1) Yes ____ (2) No ____

If yes, date sentenced and term: _____

Prior Criminal History

Prior Misdemeanor Convictions _____ Describe _____
(number)

Prior Felony Convictions _____ Describe _____

Unresolved Misdemeanor Charges _____ Describe _____

Unresolved Felony Charges _____ Describe _____

Other (*e.g., violations*)

Failure to Appear History and Flight Risk

Outstanding Warrants (1) Yes ____ (2) No ____

If yes, number of warrants and dates:

Escape History (1) Yes ____ (2) No ____

If yes, number of escapes/attempts and dates:

Court Information

Court conducting arraignment or other proceeding (e.g. parole violation)

(1) Buffalo City (2) Erie County (3) State (4) Town (5) Village (6) Other _____

Date of arraignment or other proceeding(s): _____, _____

Month Day Year

_____, _____

Month Day Year

_____, _____

Month Day Year

_____, _____

Month Day Year

Last name of judge _____

Bail set? If so, amount: _____

Conviction Information

Conviction status (1) Unconvicted ___ (2) Convicted ___

Date of conviction, if applicable _____, _____
Month Day Year

Convicted by plea (1) Yes ___ (2) No ___

If yes, plead to reduced charges? (1) Yes ___ (2) No ___

Crime(s) convicted of - type (1) Felony (2) Misdemeanor (3) Other _____

Bail amount posted (if applicable) \$ _____

Date bail posted (if applicable) _____, _____
Month Day Year

Social/Health Issues

Mental Health – number of checks on intake form _____

Referred to forensics (1) Yes (2) No (3) Other _____

Drug, Alcohol Dependency Issues (1) Yes (2) No (3) Other _____

Medical Condition (1) Yes (2) No (3) Other _____

Employment status (1) Unemployed (2) Employed (3) Other _____

Residence Type (1) Permanent (2) Temporary (3) Other _____

Highest Education (1) Less than HS (2) HS (3) Some College (4) College Grad

Appendix B: Criminal Justice Council Best Practices

Best Practices – Criminal Justice Councils

Jurisdiction	Structure	Enabling Legislation	Chair	Funding
<p>Palm Beach County, Florida</p> <p>Population 1,131,184</p> <p>Crime Rate: 4953.3 per 100,000 population</p> <p>Jail Admissions: 18, 261 (in 2006)</p>	<p>21 public sector members representing local, state, and federal criminal justice and governmental agencies, and 12 private sector business leaders representing the Economic Council of Palm Beach County</p> <p>Public Sector Membership:</p> <ul style="list-style-type: none"> • Chair or Commission member of the Palm Beach County Board of County Commissioners • Palm Beach County Sheriff • State Attorney • Public Defender • Clerk of the Palm Beach County Circuit Court • Chief Judge, 15th Judicial Circuit • Administrative Judge, Juvenile Division, 15th Judicial Circuit • Supervisory Special Agent, Federal Bureau of Investigation, West Palm Beach • Senior Agent, Drug Enforcement Administration, West Palm Beach • Member Palm Beach County School Board • Member, Palm Beach County Legislative Delegation • Member, Municipal League of Palm Beach County • Juvenile Justice Manager, Fl. Department of Juvenile Justice • President, Police Chief's Association • Resident Agent in Charge, Bureau of Alcohol, Tobacco & Firearms, West Palm Beach Field Office, U.S. Treasury Department 	<p>CJC was created by an ordinance by the Board of County Commissioners of Palm Beach County in 1988 which provided for the creation, objective, authority, operation, staff cooperation & support, severability & inclusion in the code of laws & ordinances.</p>	<p>The CJC employs an Executive Director who is responsible for hiring other administrative, clerical and professional assistance as necessary, and as provided by in the CJC budget, which is reviewed and approved by the Board of County Commissioners.</p> <p>Currently, the staff consists of:</p> <ul style="list-style-type: none"> • Executive Director • Crime Prevention Project Specialist • Clerical Staff (3) • Research & Planning Manager • Countywide Weed & Seed Coord. • Financial Analyst • Criminal Justice Manager • Court Reporter (Grant funded) • Court Case Advisor (Grant funded) • Community Service Supervisor (Grant funded) • Community Justice Service Ctr. Coordinator (Grant funded) • 3 Criminal Justice Analysts (Grant funded) <p>Goals and performance evaluations of the Executive Director are accomplished</p>	<p>The CJC was originally funded through federal grants, including one from the Dept. of Justice but now support is primarily from the County and local partnerships, either with cities or other criminal justice agencies or not-for profits.</p> <p>According to the bylaws, members do not receive any compensation, however voting members may receive compensation for expenses.</p>

Best Practices – Criminal Justice Councils

	<ul style="list-style-type: none"> • Chief, West Palm Beach Police Department • Circuit Administrator, Florida Dept. of Corrections, 15th Judicial Circuit • Supervisory Special Agent, Florida Department of Law Enforcement • President, Crime Prevention Officers' Association • United States Attorney, Southern District of Florida or Assistant U.S. Attorney, West Palm Beach • Member, Palm Beach County Association of Criminal Defense Lawyers <p>Private Sector Membership: Twelve persons nominated by the palm beach county economic council, not necessarily members of the economic council, and confirmed by the board of county commissioners of Palm Beach County, Florida, which should be representative of all segments of Palm Beach County, Florida</p>		<p>jointly by the County Executive and the CJC.</p> <p>The officers of the CJC are members and consist of a Chair, a Vice-Chair, a Secretary and a Treasurer. The Chair and Vice-Chair are elected from the private sector members and may be re-elected for one additional term. Terms are one year in length.</p>	
<p>Hennepin County, Minnesota</p> <p>Population 1,116,200</p> <p>Crime Rate: 4,701 per 100,000 population</p> <p>Jail admissions: 37,625 (in 2006)</p>	<p>Originally, the CJCC's membership included Hennepin County and the City of Minneapolis. Over the years, representatives from other jurisdictions have been added.</p> <p>CJCC Members:</p> <ul style="list-style-type: none"> • Commissioner Chair • Chief Public Defender, Hennepin County • Hennepin County Attorney • Hennepin County Sheriff • Hennepin County Community Corrections Director • Hennepin County Commissioner <p>City of Minneapolis</p> <ul style="list-style-type: none"> • Mayor 	<p>CJCC was formally established in 1998, but had been in place informally for twelve years prior.</p> <p>The CJCC was formed through a Cooperative Agreement in 1998 between the City of Minneapolis and the County of Hennepin. "In 1997, the Hennepin County/City of Minneapolis CJCC spent much of the year evaluating its effectiveness and direction. The end result was a reorganization, the adoption of</p>	<p>The CJCC appoints from among its members a chairperson and a vice-chairperson representing both parties of the cooperative agreement. Terms are two years or until they leave their office or official position. The vice-chair, after completing his/her term, shall assume the chair.</p> <p>The CJCC has its own budget and staff of two</p>	<p>The CJCC receives it's funding from the city of Minneapolis and Hennepin County.</p>

Best Practices – Criminal Justice Councils

	<ul style="list-style-type: none"> • Police Chief • City Attorney • Councilmember(s) <p>Fourth Judicial District</p> <ul style="list-style-type: none"> • Chief Judge • Juvenile Court Judge • Court Administrator <p>Hennepin County Suburbs</p> <ul style="list-style-type: none"> • Suburban Prosecutors Association • Hennepin Police Chiefs Association • Mayor, Bloomington 	<p>a vision and mission statement, and a formal cooperative agreement between the City of Minneapolis and Hennepin County outlining organizational basics and funding responsibilities. The new organization has fewer members with a slightly stronger suburban emphasis. In addition, a vice-chair position was added along with a provision for the orderly transfer of the chair.</p> <p>—John O’Sullivan, former Staff Director, Hennepin County/City of Minneapolis CJCC</p>	<p>policy analysts who report directly to County Administration.</p>	
<p>Monroe County, New York</p> <p>Population: 735,343</p> <p>Crime Rate: 4786.7 per 100,000 population</p> <p>Jail Admissions: 16,389 (in 2006)</p>	<p>The CJC consists of 26 members:</p> <ul style="list-style-type: none"> • Two legislative representatives appointed by the President of the Legislature • Four members of the judiciary (one from each): <ul style="list-style-type: none"> • Supreme or County Court • Family Court • City Court • Town or Village Courts from names submitted by Monroe County Magistrates Association • The District Attorney or his representative • The Public Defender or his representative • The Sheriff or his representative • Two members from the Law Enforcement Council as appointed by its Chairperson 	<p>CJC was created by the Monroe County Legislature Resolution No. 403 of 1988.</p>	<ul style="list-style-type: none"> • The Director of Public Safety for Monroe County via Resolution #88-0284 will serve as the Chairperson of the CJC by virtue of office. • The CJC will elect from its membership a Vice-Chairperson and Secretary at its January meeting each year. 	<p>Under the by-laws, the officers and members of the CJC shall not receive any compensation for their services.</p> <p>No member of the CJC or any employee of the CJC shall incur any debt or obligation in the name of the CJC.</p>

Best Practices – Criminal Justice Councils

	<ul style="list-style-type: none"> • One member from the City Police Department as appointed by the Mayor • One member from the City Public Safety Commissioner's office appointed by the Mayor • The Admin. of Probation or his representative; • The Director of Public Safety • The Dir. of Community Services or his representative • The Dir. of Social Services or his representative • One member from the Judicial Process Commission • One member from the Rochester Interfaith Jail Ministry • A representative of the Monroe County Academic Community as appointed by the County Executive • A representative from the Monroe County Bar Association or its Pre-Trial Services as appointed by the County Executive from names submitted by the Bar Association • Two citizen representatives as appointed by the County Executive; • Two citizen representatives as appointed by the President of the Legislature • One citizen representative as appointed by the County Executive and the President of the Legislature whose primary concern shall be representing the general interest of victims. 			
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Best Practices – Criminal Justice Councils

<p>Westchester County, New York</p> <p>Population: 923,459</p> <p>Crime Rate: 2523.9 per 100,000 population</p> <p>Jail Admissions: 9,257 (in 2005)</p>	<p>The Criminal Justice Advisory Board is comprised of approximately 26 members representing various criminal justice/community agencies including:</p> <ul style="list-style-type: none"> • the judiciary • law enforcement (police, correction, probation, parole) • district attorney • mental health • youth bureau • legal aid • drug/alcohol treatment • educational providers. 	<p>In 1984, New York enacted the “Classification/Alternatives” Law which laid the foundation for the current CJAB. This legislation required counties to establish a Criminal Justice Advisory Board to submit an annual Service Plan that would serve as the funding mechanism for alternative to incarceration programs developed under this initiative—specifically Article 13a, ATI Service plans. Section two outlines what the composition of the Board should be:</p> <ul style="list-style-type: none"> • County Court Judge • Town/village court representation • District attorney • Legal services agencies • County legislator • Director of Probation • Chief corrections officer • Local police agencies • Private organizations involved with ATI or pre-trial services • Ex-offender (designated by the County Executive) • County Executive <p>There was a Board prior to 1983 which was comprised of 16 members. However,</p>	<p>The Chairman is chosen by the County Executive usually after a recommendation made by the Council and the term is unlimited. Typically the Chairman has a background in criminal justice but may not necessarily held have held a public office. Past chairmen’s have diverse non-traditional backgrounds such as academia but all have some sort of criminal justice background. The Chairman stays on until he resigns. All the members are appointed by the county executive</p>	<p>The Board itself does not receive any funding or stipend. It employs one staff member, the Program Coordinator for the Dept. of Probation, who originally worked out of the County Executive’s office and is now in the Dept. of Probation. Funding for this position comes from the county.</p> <p>The state assistance that Westchester County receives is partially utilized by the CJAB to support ATI programs.</p>
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Best Practices – Criminal Justice Councils

		<p>in 1988 the County expanded the Board membership and broadened its mandate to include the implementation of Westchester County's Action Plan to Correction Overcrowding. In addition, the CJAB was charged with the responsibility of monitoring the County's criminal justice system, developing on-going strategies to reduce persistent overcrowding and implementing programs that achieve that goal.</p>		
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Appendix C: Mental Health Best Practices

Diversion Programs for Co-Occurring Disorders

Program	Point of Diversion	Population Served	Program Description	Funding	Outcomes/Cost Benefit
<p><i>Thresholds</i> Chicago, IL</p>	<p>Post-booking, jail-based diversion program</p>	<p>Chronic non-violent detainees who have severe and persistent mental illness</p>	<ul style="list-style-type: none"> • A psychiatric rehabilitation program using the Assertive Community Treatment Model (ACT). • Caseworkers accompany members to court dates and work with the court to secure release into the program's custody. • Provides a range of intensive case management services, medication monitoring, housing assistance, transportation and money management services. • Finds affordable housing for members & assists with community adjustment. • Delivers long-term services across cases, staying with clients through subsequent hospitalizations and arrests. • Services are available for as long as a member wishes to stay in the program. There are up to 40 members at any one time in the long-term program. • Provides short-term services for a period of 90 days. The short-term program has a capacity of 25 members 	<ul style="list-style-type: none"> • \$495,000 from the Illinois Dept. of Mental Health 	<ul style="list-style-type: none"> • 82.2% decrease in days spent in jail; 85.5% drop in hospitalizations • Thresholds costs \$26 per day per person, compared to \$70 per day in jail. The program has saved Illinois State Hospitals an estimated \$916,000 in one year.
<p>Bernalillo County, NM</p>	<p>Pre & Post-booking diversion program</p>	<ul style="list-style-type: none"> • Individuals placed in jail, determined to have a mental illness and to be suitable for 	<ul style="list-style-type: none"> • County operates both a crisis intervention team (CIT) pre-booking diversion program and a post-booking diversion initiative. • Police department CIT team transports individuals to local mental 		<p>Jail bed days have been reduced by 4, 740 in 6 months, saving the jail \$355,500 and helping to reduce jail overcrowding.</p>

Diversion Programs for Co-Occurring Disorders

		<p>alternative placement.</p> <ul style="list-style-type: none"> • The great majority of those served have co-occurring substance abuse problems. • Almost 40% of those referred were charged with a felony; others, with a misdemeanor. 	<p>health agencies for evaluation and treatment. The post-booking diversion program screens individuals for pretrial release.</p> <ul style="list-style-type: none"> • Pretrial Services receives referrals from attorneys, judges, jail staff, mental health providers, family members or the police, and works with police, judges and mental health professionals. Those referred are assessed to determine if pretrial conditional release is appropriate. If so, the pretrial services staff provide a highly structured, concentrated form of supervision, with stringent reporting requirements. Pretrial specialists conduct regular visits and assess information provided by family members, case managers and service providers. • Pretrial staff work with the local mental health center, where a forensic case manager facilitates treatment and acts as a liaison between treatment services and the criminal justice system. In addition, two officers in the adult probation department in Albuquerque are assigned specifically to work with people with mental health problems. • Under a pilot program, individuals who are themselves in recovery from serious mental illness provide community support. 		
Montgomery County, PA	Pre- & Post-booking Jail-based		<ul style="list-style-type: none"> • In addition to pre- and post-booking diversion for offenders with mental illnesses, “co-terminous jail 		

Diversion Programs for Co-Occurring Disorders

	<p>Diversion Program</p>		<p>diversion” occurs when police arrest an offender and file charges, but also deliver him or her directly into psychiatric treatment.</p> <ul style="list-style-type: none"> • Mental health services are furnished through a comprehensive service agency, Emergency Services (MCES). • Post-booking diversion is the result of regular and direct communication between MCES and the county jail. Inmates with mental health and substance abuse problems are identified by regular screening or by trained correctional officers, or are already known to MCES. They can then be conditionally released, as negotiated on their behalf by MCES, with the promise of mental health services. • Charges may be dropped once someone is identified as an MCES client who may benefit more from mental health treatment than from prosecution. The county has specialized public defenders with training related to mental health. MCES also furnishes mental health services on-site in the county correctional facility and provides mental health training of correctional officers. • MCES services include a mobile crisis intervention team, case managers (short-term, long-term, forensic), a forensic social worker, a criminal justice intern and a transition specialist. 		
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Diversion Programs for Co-Occurring Disorders

			<ul style="list-style-type: none"> • Collaboration is overseen through an interagency task force, which includes every relevant agency. 		
<p><i>Nathaniel Project</i> New York City, NY</p>	<p>Post-Adjudication Diversion Court-Based Diversion Initiatives</p>	<p>Prison-bound individuals with severe mental illnesses indicted on a felony charge or in violation of parole or probation and who are in need of ongoing psychiatric treatment and supportive services.</p>	<ul style="list-style-type: none"> • The Center for Alternative Sentencing and Employment Services (CASES) runs the Nathaniel Project • Candidates undergo a multi-step screening process to assess their current situation, their psychiatric and criminal history, and their potential for success in the program. An assessment is made as to whether the individual will be able to make good use of the program and has the motivation to participate voluntarily in treatment, and to determine the level of support required to return to the community. • Project works with judges, prosecutors and defense counsel to have individuals placed in the program for two years in lieu of a longer prison term. Staff accompany individuals on their court visits throughout their time in the program and prepare progress reports for the court. Client progress is monitored and the project reports to the judges on each individual's progress or setbacks. • Individuals in the program have a long history of falling out of treatment; most have been homeless upon arrest. Most also have co-occurring substance abuse problems. 	<p>City of New York mental health authority and grants from foundations.</p>	<p>Costs per client are \$13,000 a year.</p>

Diversion Programs for Co-Occurring Disorders

			<ul style="list-style-type: none"> • Project first places participants in supervised transitional housing and then moves them into longer-term supervised or supported housing. Comprehensive case management is then provided. • A high level of intensive services is furnished during the first weeks, including at least three weekly intensive case management visits. For many, intensity declines over time; by the end of the first year many participants receive only one case management visit per week. 		
Hamilton County, OH	Pre-trial diversion program	<ul style="list-style-type: none"> • Individuals with a mental illness charged with misdemeanors or felonies who are determined by a pretrial services program to be suitable candidates for community living. 	<ul style="list-style-type: none"> • Following arrest, each detainee is screened by the pretrial services. A defense attorney is assigned as soon as it is determined that a defendant may have a mental illness, so counsel may consult with the defendant before a clinical assessment is conducted by clinicians attached to the court's psychiatric clinic. • Those with mental illnesses have their cases placed on a special Mental Health Arraignment Docket, held the afternoon after arrest to avoid a continued stay in jail. The results of the assessment are presented to the judge who decides on pretrial release and defendants have the opportunity to plead at this hearing. • Court mental health staff are available to link defendants with support services upon release. 	Partially funded through the Public Defender's Office, & the County Department of Pretrial Services.	

Diversion Programs for Co-Occurring Disorders

<p><i>Maryland's Community Criminal Justice Treatment Program</i> Statewide, MD</p>	<p>Various points of diversion</p>	<ul style="list-style-type: none"> • Offenders 18 and older who have a serious mental illness with or without a co-occurring substance abuse disorder • Program targets offenders who are confined as well as probationers and parolees, particularly those who are homeless. 	<ul style="list-style-type: none"> • A multi-agency collaboration that provides shelter and treatment to offenders with mental illnesses in their communities. • Locations provide post-booking diversion and community follow-up after release & some provide pre-booking diversion. • Individuals enter the program in various ways. Some are identified following arrest; others self-refer or are referred by the arresting officer, the classification officer, or medical or other jail staff. Probation and parole officers have support from case managers, who monitor and report clients' progress. • Essential features of the program are: strong collaboration between state & local providers & local advisory boards to provide ongoing leadership; case management, crisis intervention, screening, counseling, release planning and community follow-up services; an emphasis on housing and services for homeless individuals; appropriate services for individuals with co-occurring mental illnesses and substance abuse; and training provided for criminal justice and treatment professionals. 	<p>The state mental health authority has awarded grants to localities.</p>	
<p><i>Project Link</i> Rochester, NY</p>	<p>Various points of diversion</p>	<ul style="list-style-type: none"> • Approximately 100 individuals w/ severe mental illnesses, histories of previous 	<ul style="list-style-type: none"> • Project LINK is a university-led consortium of five community agencies (the <i>University of Rochester</i>, <i>Strong Memorial Department of Psychiatry</i>, <i>Action for a Better Community, Inc.</i>, <i>Monroe County Mental Health Clinic</i> 	<p>Monroe County Office of Mental Health, New York State Office of Mental Health, and a grant from the</p>	

Diversion Programs for Co-Occurring Disorders

		<p>involvement w/ the criminal justice system and of non-adherence to outpatient treatment.</p> <ul style="list-style-type: none"> • Majority have been charged w/ a felony or have a past felony conviction, most of them violent felonies. • 2/3 have no high school diploma, 1/3 are homeless. • About 1/2 are on parole or probation or have charges pending. 	<p><i>for Socio-Legal Services, St. Mary's Hospital Department of Psychiatry, the Urban League of Rochester, Inc., and the Ibero-American Action League, Inc.)</i></p> <p>featuring a mobile treatment team with a forensic psychiatrist & a dual diagnosis treatment residence</p> <ul style="list-style-type: none"> • Services are available 24 hours a day, seven days a week. Case advocates link many individuals to existing services and housing is provided in single-unit supervised apartments. • Individuals with co-occurring substance abuse disorders receive services from the mobile treatment team based on the ACT model & have access to a supervised residential program • Clients are referred from jails, state prisons, public defenders and police departments. 	<p>Robert Wood Johnson Foundation</p>	
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Appendix D: Post-Conviction Best Practices

Post-Conviction Electronic Monitoring/GPS Criteria

Program	Types of Release	Eligibility Criteria	Exclusionary Criteria	Other Notes	Source
<p>Corrections Center of Northwest, Ohio</p>	<p>Electronic Monitoring → average of 115 offenders are monitored post-conviction daily.</p>	<p>A) Offenders will be identified and approved for the EM/HA programs through their respective judge. Courts may refer offenders directly; or offenders may qualify for placement after serving a portion of their sentence at the CCNO in the Work Release, H.I.T.T. Program, Community Public Works Program, or general population.</p> <p>B) Eligible offenders will:</p> <ul style="list-style-type: none"> • Receive an appropriate score on the Community Corrections risk assessment instrument. (Refer to Attachment 4208-B) • Be willing and able to pay a daily fee to help offset a portion of the cost of the program (indigent offenders may qualify for a waiver of fees). • Have a suitable residence, which will be verified in advance of placement on the program with a Home Verification Agreement; when appropriate. • Successfully clear a LEADS/NCIC Criminal History Check. (Refer to Attachment 4208-D) <p>C) Incarcerated offenders must serve 50% of their sentence and must be given final approval by the sentencing judge for house arrest consideration. Sentencing judges can waive the “50% of time” requirement.</p> <p>D) Offenders on pre-trial status may be placed on the program as a condition of bond.</p> <p>E) Offenders charged with a municipal</p>	<p>A) Under the Ohio Revised Code Section 2929.23(3), the following individuals will not be recommended for the program:</p> <ul style="list-style-type: none"> • The person pled guilty to or convicted of an offense, which has a firearm specification. • The person is subject to or is serving a mandatory prison term. • The person is subject to or is serving a life sentence. <p>B) It is the policy of the CCNO to deny participation to those offenders who:</p> <ul style="list-style-type: none"> • Reside at a location where there is no telephone line in the residence or unable to obtain telephone service. • Have pending violations or criminal charges at the time of placement on the program, unless ordered by the court. • Do not meet all the eligibility criteria in I. B). • Convicted of a sex offense, or escaped or attempted to escape from custody within the last 10 years, or otherwise a threat to the community. • Have been previously removed from the electronic monitoring or house arrest to incarceration authorized by law for the violation of any rule, regulation or condition of the program. • Require educational, medical, or other services or programs 	<p>All offenders are assessed a weekly supervision fee of \$4.00. The weekly basic monitoring fee will not exceed \$60.00. The basic weekly monitoring fee is prorated for those participants serving less than or more than complete weeks.</p>	<p>BI, Inc. Case study</p> <p>Ohio Revised Code</p>

Post-Conviction Electronic Monitoring/GPS Criteria

Program	Types of Release	Eligibility Criteria	Exclusionary Criteria	Other Notes	Source
		<p>probation violation may be sentenced to EM as a condition of intensive supervision. Offenders who have been previously removed from an EM/HA program within the last 12 months for the violation of any rule, regulation or condition of the program will not be eligible, unless a judicial override is obtained.</p> <p>F) The local victims rights advocacy group and/or prosecutor's office in the appropriate court jurisdiction will be notified of the program's intent to place offenders with crimes against persons (e.g. domestic violence), on EM/HA, when appropriate.</p>	<p>not available in a community setting.</p> <ul style="list-style-type: none"> • Convicted of a violent felony, have active warrants or active cases pending. <p>C) Exceptions to the above may be made on an individual/override basis by the appropriate sentencing judge.</p>		
<p>Hamilton County, IN</p>	<p>Electronic Monitoring → program monitors anywhere from 60 to 90 convicted adult offenders at one time</p>	<p>Target population of males and females convicted of non-violent D felonies and A misdemeanors.</p>	<p>Convictions of:</p> <ul style="list-style-type: none"> • murder • battery w/ a deadly weapon or battery causing death; • sexual battery w/ a deadly weapon • kidnapping • confinement w/ a deadly weapon • rape as a Class A felony • criminal deviate conduct as a Class A felony • child molesting as a Class A or Class B felony; • robbery resulting in serious bodily injury or w/ a deadly weapon • arson for hire or resulting in serious bodily injury • burglary resulting in serious bodily injury or w/ a deadly weapon 	<ul style="list-style-type: none"> • All offenders are screened for substance abuse at least once monthly. • Unless disabled, a full-time student, or excused by the court for extenuating circumstances, all offenders must work. • Unless indigent, offenders pay \$10 daily or an hourly wage (whichever is greater) to participate. 	<p>BI, Inc. Case Study</p> <p>Indiana Code 35-50-2-2</p>

Post-Conviction Electronic Monitoring/GPS Criteria

Program	Types of Release	Eligibility Criteria	Exclusionary Criteria	Other Notes	Source
			<ul style="list-style-type: none"> • resisting law enforcement w/ a deadly weapon • escape with a deadly weapon • rioting with a deadly weapon • dealing in cocaine, methamphetamine or a narcotic drug if the court finds the person possessed a firearm at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of: <ul style="list-style-type: none"> • school property; • a public park; • a family housing complex; or • a youth program center 		
Cook County, IL Sheriff's Office	<p>The Department of Community Supervision and Intervention (DCSI) is a department of the Sheriff's Office. DCSI runs four programs:</p> <ul style="list-style-type: none"> ▪ Day Reporting Center ▪ Electronic Monitoring ▪ Pre-release Center ▪ Sheriff's Work Alternative Program (SWAP) 	<p>The monitoring program is utilized as a community-based alternative incarceration concept for non-violent, pre-trial and short-time sentenced inmates. The average daily population of this program is approximately 1,200, of which 85% are pre-trial.</p> <p>Individuals enter the program after going through the receiving unit of the Jail or thereafter when determined to meet the qualifications for the program, which are based principally on the nature of their pending charges but may also include consideration of their conduct during incarceration and prior record.</p>	<p>After reviewing jail records, the Sheriff's Office will exclude inmates for the following offenses or previous history from electronic monitoring:</p> <ul style="list-style-type: none"> ▪ All Class X Crimes ▪ "D" Bond > \$300,000 ▪ Most Class 1 Felonies ▪ "C" Bond > \$10,000 ▪ Psychiatric Unit Inmates ▪ Uneven Bond Amounts ▪ Violent Criminal Background ▪ Sex Offenses ▪ Domestic Violence 		<p>Cook County, IL website.</p>

Post-Conviction Electronic Monitoring/GPS Criteria

Program	Types of Release	Eligibility Criteria	Exclusionary Criteria	Other Notes	Source
<p>Tulare County, CA</p>	<p>The County has contracted with BI, Inc. for two programs: adult EM (approximately 100 offenders a day) and low- to medium-risk felony supervision (approximately 700 offenders)</p>	<p>The Adult EM program is for low-risk, non-violent offenders who are able to and obtain employment.</p> <p>The LSI-R risk assessment tool is used for both programs.</p>	<ul style="list-style-type: none"> • Current or prior convictions for murder, attempted murder, rape, assault, serious drug felonies • Felony and Misdemeanor convictions of domestic violence • All sexual offense convictions • Convictions for Felony DUI <p>Applicants / offenders with records of poor conduct in the jail facilities and/or poor performance under probation supervision may be excluded from the program as ineligible, as determined by the Probation Department.</p>	<p>Felony Supervision Program BI opened a community corrections service center locally to perform the felony supervision services. Services performed at the service center include: intake on sentenced offenders; managing an offender's compliance with court orders; preparing reports; maintaining contact with offenders; coordinating and monitoring attendance at special programs such as drug and alcohol treatment, domestic violence treatment; making referrals to outside resources; fine and fee collections; and coordinating case scheduling. To participate in this supervision program, offenders pay up to \$48 monthly.</p> <p>Adult EM The system consists of a transmitter attached to the offender, a field monitoring device installed in the offender's home, and a host computer system, located in BI's national monitoring center.</p> <p>BI provides the county</p>	<p>BI, Inc., Case Study</p> <p>CA Legislative history of EM</p> <p>Tulare County website</p>

Post-Conviction Electronic Monitoring/GPS Criteria

Program	Types of Release	Eligibility Criteria	Exclusionary Criteria	Other Notes	Source
				<p>with EM case management service, including logistical screening, fee determination and collection, and curfew assignment. In addition to equipment maintenance, supplies and inventory, all data entry functions, and notification of alert conditions and program violations, BI schedules offender visits to the local BI community corrections service center (typically weekly) to monitor compliance with the court's terms and conditions of release. Offenders pay a sliding fee daily rate of twice their hourly wage for the EM services.</p>	
<p>Roanoke, VA</p>	<p>Post-conviction monitoring EM & GPS</p>	<p>All placements are made after recommendations by the Sheriff's staff. These officers perform detailed screens that include a review of a probation officer's pre-sentence investigation and a close examination of the individual and the offenses committed.</p> <p>Offenders included are nonviolent, typically convicted of petty larceny or alcohol-related offenses, and all must live within one hour of the monitoring center so officials can respond to alerts promptly</p>	<ul style="list-style-type: none"> • First and second degree murder • Voluntary manslaughter • Mob-related felonies • Any kidnapping or abduction felony • Any malicious felonious assault or malicious bodily wounding • Robbery • Any criminal sexual assault punishable as a felony 	<p>The department developed a specific database using off-the-shelf software to track payments. Offenders pay for program services. Fees are \$11/day for offenders on EM, while those on EM and Sobriotor pay \$15/day</p> <p>Under no circumstances can an applicant for the program have more than one year of either Felony or Misdemeanor time to serve in order to be placed on EM.</p>	<p>Code of Virginia</p>

Appendix E: Post-Conviction Risk Assessment Instruments

COMMUNITY CORRECTIONS RISK ASSESSMENT INSTRUMENT

OFFENDER NAME		DATE	
STAFF SIGNATURE		DATE	
	RATINGS	COMMENTS	SCORE
1.	SEVERITY OF CURRENT OFFENSE CHARGES/CONVICTIONS (Use Severity of Offense Scale)		
	low1 moderate2 high3 highest.....5		
2.	SENTENCE STATUS		
	sentenced: 0-30 days1 sentenced: over 30 days2 pending non-violent pre-sentence charges5 pending violent pre-sentence charges5 sentenced non-violent misdemeanor2 sentenced non-violent felon3 sentenced violent misdemeanor5 sentenced violent felon5		
3.	TRANSPORTATION STATUS		
	transporting self0 employer1 close relative (describe relationship).....2 other (describe relationship).....3 no transportation5		
4.	ESCAPE HISTORY (Excluding current charges)		
	no escapes or attempts0 AWOL in military, absconded parole/probation, jumped bond3 walkaway or attempted escape from a minimum security facility or failure to return from authorized absence3 escape or attempted escape from med. or max. security setting.....5		
5.	BEHAVIOR DURING PROCESSING		
	inmate appears normal well adjusted0 inmate appears mildly uncooperative.....2 inmate is cooperative but intoxicated.....3 inmate appears belligerent or verbally abusive3 inmate appears assaultive or violent5 inmate appears assaultive or violent and intoxicated5 inmate appears withdrawn or depressed.....2 inmate appears frightened, intimidated, or scared.....2		
6.	ALCOHOL/DRUG ABUSE		
	no social, economic or legal problems related to abuse0 abuse resulting in social, economic or legal problems3 abuse resulting in assaultive behavior5		
7.	STABILITY FACTORS		
	age 30 or over -1 lived at same address 12 mo. or more prior to incarceration..... -1 held same job for one or more years -1 has ties to local community..... -1		

RATINGS	COMMENTS	SCORE
8. EMPLOYMENT STATUS		
employed or enrolled in school/trng. 2 or more years0 unstable employment (not worked steady for last 6 mo.)5 not employed at this time.....5 self-employed more than 1 year.....3 self-employed less than 1 year.....5 employed by family member more than 1 year3 employed by family member less than 1 year.....5 erratic work history past year.....5		
9. PAST BEHAVIOR WHILE ON WORK RELEASE		
inmate successfully completed work release1 inmate displayed a mild discipline problem3 inmate removed from work release/HITT - discipline infractions5 (describe)		
10. FAMILY STATUS (Ties to the community)		
Identify close family members located in area: wife or husband.....0 parents.....0 grandparents.....0 children0 estranged from family (describe).....3 has lived at same residence for over one year.....1		
11. MEDICAL/MENTAL HEALTH		
has medical or physical problems1 currently receiving mental health counseling or other3 currently enrolled in substance abuse program3 successfully completed Phase I, Phase II, or Phase III of substance abuse program2 has attempted suicide in the past.....5		
12. CRIMINAL BACKGROUND		
has juvenile record.....3 currently on supervised probation.....3 gang affiliation.....5 not on supervised probation.....1 restraining order imposed by court (describe)5 convicted of violent offense.....5 more than 5 misdemeanor convictions.....5 more than 3 incarcerations for misdemeanors.....3 victim located in community5 prior felony conviction5		
13. EDUCATION		
elementary level education3 successfully completed GED0 high school graduate0 vocational certificate.....0 AA degree.....0 B.S. degree.....0 has not graduated high school nor obtained GED3		
14. CASE MANAGER RECOMMENDATIONS		

Corrections Center of Northwest Ohio Electronic Monitoring / House Arrest Criminal History Check

Offender Name _____ Booking # _____
 Referred by _____ Date _____
 DOB _____ SS# _____

LEADS check date _____ LEADS completed by _____
 FBI# _____ BCI# _____
 Active Warrants _____
 Pending Cases _____

	<u>Arrests</u>	<u>Convictions</u>
Homicide/Manslaughter	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Assault (Other than homicide/manslaughter)	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Robbery	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Weapons Offense	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Burglary/Larceny/Breaking & Entering	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Drug Trafficking	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Drug Charges (Possession)	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Shoplifting/Theft	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Forgery/Fraud	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Driving Under the Influence	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Family Violence	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Non-Support	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Reckless Driving	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
Any sexual offense (rape, etc.)	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3

APPROVED DISAPPROVE

Reason disapproved _____

EM/HA Supervisor Signature

Date

Appendix F: Select Bibliography

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www.bi.com	<i>BI Incorporated.</i>
www.co.hennepin.mn.us/portal	<i>Hennepin County Criminal Justice Coordinating Committee</i>
www.napsa.org	<i>National Association of Pretrial Services Agencies</i>
www.ncjrs.gov	<i>National Criminal Justice Reference Service</i>
www.gainscenter.samhsa.gov	<i>National GAINS Center</i>
www.nicic.org	<i>National Institute of Corrections</i>
www.dpca.state.ny.us	<i>New York State Division of Probation and Correctional Alternatives</i>
www.co.palm-beach.fl.us/criminaljustice	<i>Palm Beach County Criminal Justice Commission</i>

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