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BUILDING ALTERNATIVES INSTEAD OF JAILS: AN ASSESSMENT OF COMMUNITY CORRECTIONS IN ULSTER COUNTY, NEW YORK

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September 1992

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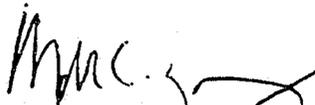
Dear Steve:

Our report "Building Alternatives Instead of Jails: An Assessment of Community Corrections in Ulster County, New York," was prepared under terms of a contract with NIC. The contract specifies that The Sentencing Project may distribute or circulate the report only with permission of the agency which requested our services. We would like to make this report available to county and court officials facing problems similar to Ulster County, as well as to the media, present and future funding organizations, and our general readership. We think the report offers considerable informative value outside Ulster County.

If you accept this request, please sign in the space below and return as soon as convenient.

Thank you very much.

Sincerely,


Malcolm C. Young

phg



Stephen A. Morris

9/8/92

Date

PREFACE

This is a report about the local criminal justice system, sentencing, and corrections programs in Ulster County, New York.

The Director of Probation and County Administrator in Ulster County requested that The Sentencing Project conduct a site visit, assess the effectiveness of a number of community corrections and alternatives to incarceration programs which the county initiated after 1989, and advise the county on program development as it looks ahead toward the year 2000.

In May 1992, staff and a consultant to The Sentencing Project made a three-day site visit to Ulster County, preceded and followed by a review and analysis of a range of data regarding the local criminal justice system. The visit included interviews with approximately 40 local criminal justice and public officials, including the sheriff, the county judge, town justices, prosecutor, public defender, legislators, probation staff, mental health, and staff of all alternative sentencing programs.

The Sentencing Project's work was supported in part through a technical assistance grant from the National Institute of Corrections.

TABLE OF CONTENTS

Ulster County 1

Impact of 1989 Jail Utilization Study
on Criminal Justice Policy 3

Figure A (1989 & 1991 Crime Rate and
Average Daily Population) 6

Role and Operation of Alternatives
Programs After 1989 8

Pressures on the Criminal Justice System 15

Program Recommendations 21

Policy and System Recommendations 27

APPENDICES

Appendix A

Crime and Arrest Rates Data Matrices

Figure B (1989&1991 Crime Rate/ADP Ratios Applied)

Figure C (1989&1991 Arrest Rate/ADP Ratios Applied)

Appendix B

"Should You Send a Probationer Back to Jail"

**BUILDING ALTERNATIVES INSTEAD OF JAILS: AN ASSESSMENT
OF COMMUNITY CORRECTIONS IN ULSTER COUNTY, NEW YORK**

ULSTER COUNTY

Ulster County is a scenic, mostly rural county in the Hudson Valley. The county seat is Kingston (pop. 23,000), located on the Hudson River about 85 miles south of Albany and 120 miles north of New York City. Other larger towns include New Paltz (pop. 11,000), and Wawarsing (pop. 12,000). Smaller townships, many with populations of but a few hundred, sprinkle the county to the south and east. The northwest quadrant of the county, touching the edges of the Catskill Mountains, is even more thinly populated.

Ulster is a county built on farming, commerce and industry tied to the river in the last century and to the railroad in the first half of this century. For many years, the Catskills' "Borscht Belt" has remained as a traditional vacation spot for many New York City Jewish residents. As these commercial activities have declined, they have left their mark -- in classic farm buildings, fallen stone walls marking overgrown fields, converted red brick warehouses, abandoned rail cars, and in the Kingston waterfront area, a collection of old buildings, some abandoned by original owners, some converted to ethnic restaurants and small boutique-styled shops. The county is also home to the State University of New York at New Paltz which draws a student body from both the county and other parts of the state.

Employment in Ulster County reflects the situation nationally and the economics of rural areas. It is clear from conversations with community leaders that job opportunities, especially for young males, are limited.

A strong positive factor in the economy, still suffering from the recession, is an IBM plant and other technical industries which employ large segments of several small communities. Yet, important as they are, the new industries do not dominate the wood frame, brick and stone architecture or the small-town atmosphere that prevails in the county. In Kingston, not many miles from the IBM plant, a hand-painted sign advertises a store whose only trade is the sale and repair of typewriters. The county building, relatively tall at six stories, is a 1960s-era glass and aluminum box amidst higher church spires and modest shops. More in keeping with the character of the county are the stone courthouse, built in 1818 and remodeled numerous times with mixed aesthetic results, and the probation office found just across the parking lot in two older converted houses.

Census data from 1990 show that the demographic makeup of Ulster County is 92.6% white, 4.9% African-American, and 2.5% other minorities. About 4.1% of the population is of Hispanic origin.

The white population suggests ethnic variety: the names of persons interviewed for this report were strongly Italian, Irish, and eastern European. Although a small proportion of the county, minority populations are concentrated in sections of Kingston, New Paltz, and in Ellenville, where many immigrants now labor in the resort hotels. In the last two decades, the county's non-Hispanic minority population has increased from 4.2% to 7.4% of the total population.

Politically, Ulster County has been a strong Republican area for some time, and is generally described as conservative. Legislators we met had business and legal backgrounds. The County Legislature is dominated by Republicans, but has a vocal Democratic minority. The political makeup of the legislature is significant, since there is no elected county executive. Instead, a County Administrator, who is responsible for administration and fiscal management, is appointed to serve for a term of two years at the pleasure of the legislature. Other major elected officials are the district attorney, the sheriff, the one county judge, and local judges.

Ulster County also contains the town of Woodstock, host to the rock concert that for some defined the 1960s, and still home to many residents who would describe themselves as liberal. Although the conservative and liberal residents of the county have their differences on political issues, relationships among them in the criminal justice system seem marked by mutual respect and professionalism.

The county's jail was built in 1972, with a design capacity of 156. Beginning in the latter part of 1988, though, the jail population steadily rose to new heights, and threatened to go higher, apparently as a result of rising crime rates.

In response, the county requested a temporary variance from the state to house additional inmates and also availed itself of technical assistance provided through the state's Division of Probation and Correctional Alternatives. That agency conducted a major, system-wide assessment of Ulster County's jail use in 1989 and recommended programming designed to reduce the pressure on the jail. County leadership responded to the assessment and supported many of the changes recommended to it.

Almost without exception, the County criminal justice and political leadership has united in cautious opposition to construction of a new jail. People who identified themselves in interviews as "liberal Woodstockers" and those who are leaders of the more conservative political establishment share common ground in their opposition to building an expensive new, larger jail. The basis for this position has been a skepticism about the ability of incarceration to reduce crime, combined with concern about the serious fiscal impact which any construction would require.

IMPACT OF 1989 JAIL UTILIZATION STUDY
ON CRIMINAL JUSTICE POLICY

The New York State Division of Probation and Correctional Alternatives, an agency which provides funding and technical assistance to probation and community corrections agencies, completed its Jail Utilization Study in 1989. The study was well-designed, comprehensive, and clear in its analysis of the system and recommendations for change.

The study informed the county that the jail's population increase was not due to increased criminal activity or even increased admissions to the jail, but to dramatic increases in the average length of stay for sentenced inmates. Combined with a modest rise in pretrial admissions and state parole violators, this change accounted for most of the growth in the jail population. While these factors primarily accounted for the population growth, the authors of the study also analyzed data to find other opportunities to achieve jail population reductions. These included releasing inmates held on low bail and inmates with employment opportunities sentenced to relatively short terms on minor offenses. The study also identified factors which did not contribute to overcrowding, such as court congestion.

Rather than recommending one or two single programs, the Jail Utilization Study urged a comprehensive approach:

Experience nationwide indicates that serious responses to jail crowding must be comprehensive and multi-faceted. A "small victories" approach that produces modest changes that cumulatively have significant impact is often advisable. Whatever course of action is taken, it must be acknowledged that virtually all possible responses cost money. The different options must be reviewed on a relative basis, comparing their likely impact on both the traditional justice system goals and on costs.^{1/}

County officials took the report to heart. The legislature supported its general thrust, and the probation department in particular vigorously moved to implement its recommendations. Many of the study's recommendations formed the basis for the development or expansion of programs we were asked to evaluate for this report. The county's record in establishing new programs, modifying existing ones, and otherwise adopting the Jail Utilization Study, is set forth in Table 1.

1 Jail Utilization Study, p. 2.

Table 1

1989 JAIL UTILIZATION STUDY RECOMMENDATIONS

The following table summarizes the Jail Utilization Study's recommendations and indicates which ones were implemented in whole or in part:

Administrative and Policy Options

<u>Recommendations</u>	<u>County Action</u>
1. Establish a criminal justice coordinating committee.	Committee not established, although other entities within the county, such as the Alternatives to Incarceration Board, the Conditional Release Board, and the Sheriff's Jail Overcrowding Subcommittee (1990), perform many recommended functions.
2. Implement a comprehensive management information system.	Several data systems are in use in the county; none like the one proposed in the report has been implemented.
3. Allocate resources to enhance criminal defense services.	The Public Defender staff has been augmented.
4. Prioritize presentence investigations (to reduce jail time prior to sentencing for detained defendants).	Guaranteed 10-day turnaround on investigations for detained offenders; streamlining of PSI format to respond to sentencing requirements of the court.
5. Early intervention by probation and alternatives to incarceration programs.	Several programs -- ROR, RUS, Community Service and Community Corrections -- have established procedures for early intervention to identify defendants for appropriate programs.
6. Institutionalize bail review.	Pretrial Service and the Defender Advocate review bail and advocate release in many appropriate cases.
7. Increase training for local magistrates.	None.

Table 1 (cont.)

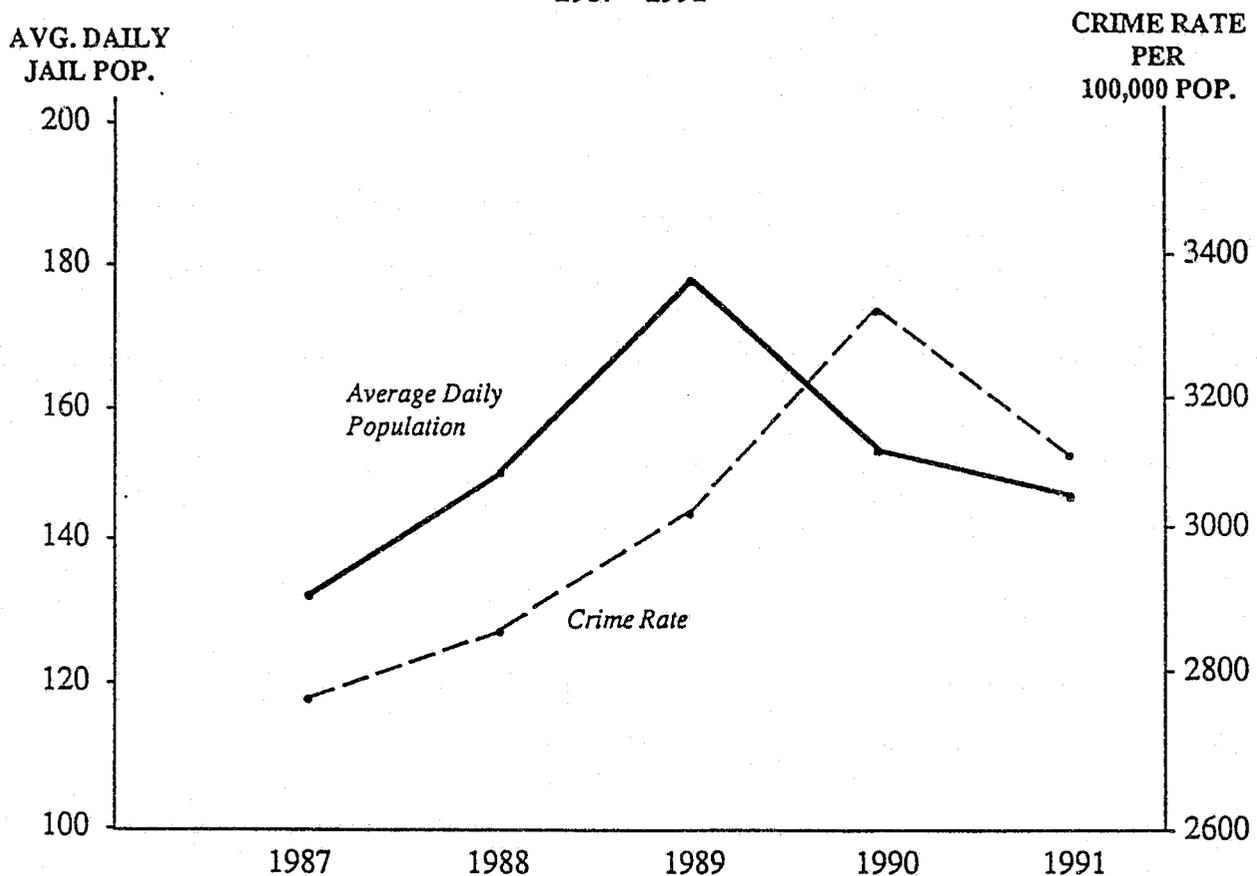
Programmatic Actions

<u>Recommendations</u>	<u>County Action</u>
1. Enhance pretrial release services.	Accomplished; staff for pre-trial release increased.
2. Expand the community service program; establish "work crew" component.	Accomplished through the Alternative Sentencing Program.
3. Increase utilization of intensive supervision.	There is an ISP program in probation; expansion is possible.
4. Implement a defender-based advocacy program.	Accomplished.
5. Increase utilization of treatment options.	Accomplished, primarily through the establishment of the community corrections center and its substance abuse programming.
6. Establish a comprehensive community corrections facility.	Accomplished.
<u>Program Initiatives Not Proposed in the Jail Utilization Study</u>	
Conditional Release (Jail Parole) Program.	Accomplished.

Ulster County began implementing alternatives programs and concepts recommended in the Jail Utilization Study in 1989-1990. If these programs and concepts had an impact on the jail population, one would expect to see a change in the Average Daily Population (ADP) shortly after their implementation. Of course, other factors could well cause a change in the ADP. In particular, a significant change in crime rates or arrest rates might be expected to influence the ADP, as would a major change in prosecutorial charging practices or other policy decisions that affect the criminal justice system.

While unable to measure all factors that might contribute to changes in the ADP, we were able to compare crime rates and arrest rates in the county with the ADP. Figure A shows overall crime rates and the ADP for the years 1987 - 1991.

FIGURE A
CRIME RATE AND AVERAGE DAILY POPULATION
1987 - 1991



As Figure A shows, beginning in 1989 the ADP dropped, even as the crime rate continued to rise. Thus, beginning sometime in 1989 and continuing through 1991, the county jail was used less in

proportion to the overall crime rate and arrest rate than in the preceding two years. If the ADP and these crime rates are compared as a ratio, the ratio of jail use per crime drops in 1990 and remains lower in 1991 than before, in fact coming close to the ratio for 1987. (See Figure B in Appendix A). A similar analysis of ADP and arrest rates is shown in Figure C in the Appendix.

From this observation, we conclude that policy, not crime rates, drives the use of the jail in Ulster County. The most obvious expression of policy was in fact the alternatives programming and concepts which came into play by 1990.

The significance of policy changes on ADP is shown in Figure B which projects the ADP from crime rates using two different ratios of ADP to crime rates: 1) the ADP if jail incarceration occurred at the 1989, or highest, ratio; and, 2) the ADP if jail incarceration occurred at the 1991, or lowest, ratio. Figure B shows that had the county used the jail in the same ratio to crime rates as it did in 1989, the ADP would have exceeded the design capacity for each year. The 1991 ADP would have been 184, or 41 higher than actual.

Figure B also shows that had the county used the jail at the 1991 ratio, the ADP would never have exceeded the design capacity, and in 1989 would have been at 138, or 40 lower than actual. This difference in jail use reflects the impact of policy changes in the criminal justice system.^{2/}

2 A similar relationship exists between arrest rates and ADP. Data supporting Figures A and B, and a representation of arrest rate and ADP, are set forth in Appendix A.

ROLE AND OPERATION OF ALTERNATIVES PROGRAMS AFTER 1989

The major part of our assignment was to analyze the functioning of the county's alternative sentencing and community corrections programming. Following is our assessment of the programs which currently exist.

Pretrial Services

The pretrial services program consists of three staff in a unit within the probation department. The program is responsible for interviewing defendants in the jail, making recommendations for release, and supervision of defendants released on recognizance.

Every weekday, pretrial release staff interview defendants in the jail at 8 a.m. (for persons arrested the previous night) and again in the early afternoon. Staff attempt to obtain information that can be used to determine conditions of release, including residence, employment, family ties, and substance abuse history. Following the interviews, staff attempt to verify the information prior to submitting a report to the judge or magistrate. In making recommendations on release, staff utilize both objective and subjective criteria. Staff recommend either release on recognizance or cash bail, but do not recommend a specific amount of cash bail. In most, but not all, instances, judges rely heavily on staff recommendations. For the first eight months of 1992, 118 defendants had been released on their own recognizance or under supervision through Pretrial Services.

Following the Jail Utilization Study's recommendation for program expansion, two extra staff persons were added to the program. The program will soon also begin using electronic monitoring as a condition of release for some defendants.

Alternative Sentencing Program/Work Crew

The alternative sentencing program is directed by Charlene Cappillino and is largely a community service program in lieu of incarceration. The program was begun in 1985, and is highly regarded by most local officials. This is in large part due to the effort and dedication of its director, to the point where it is often referred to as "Charlene's program."

Although the program has no specific screening criteria, it attempts to accept only jail-bound offenders, as defined by the current offense, criminal history, and local sentencing patterns. Referrals are received from defense attorneys, prosecutors, and judges prior to conviction and sometimes prior to a plea. Program staff then assess the defendant's criminal and social

history -- prior record, employment status, substance abuse history, and other issues, for persons considered to be appropriate candidates for the program, staff write a recommendation to the court describing their assessment.

We were impressed by the program's history of refusing to accept referrals that did not appear to be jail-bound, even when this resulted in very low caseloads in the first year of the program's operation. At present, there are slots for 20 offenders in the weekend work crew, and 10 for the weekday program. Offenders sentenced to the program are required to perform 100 hours of community service for each month that they otherwise would have been jailed.

Typical offenders in the program include those convicted of felony drunk driving, larceny, and third degree drug possession. The 120 job sites include river front cleanup at a YMCA camp and an FBI furniture building facility. The program also incorporates treatment services, when appropriate, as well as traditional probation supervision. Approximately one-third of the offenders fail to complete their community service successfully. These cases are reported to the sentencing judge, and generally result in a term of incarceration.

Defender Advocate Program

This program, established in the first half of 1990, consists of one staff person, assisted by a part-time secretary. Its offices are located in the office of the Public Defender, which is in the basement of the county court building. There have been two staff persons to date; Kelly Antonelli started the program. When she joined the Community Corrections program in the fall of 1991, Tom Siblo-Landsman was hired to fill the position. Both staff have made a positive impression on judges, prosecutors, and others in the system.

The Defender Based Advocate's work involves preparation of individualized pretrial release plans which are designed to "establish conditions sufficient to assure the court of the defendant's future appearances in court," and also preparation of "individualized treatment plans for the court's consideration at sentencing."^{3/} In addition, the Defender Based Advocate handles what has been an increasing number of cases in which he seeks a recent arrestee's release on recognizance, based on quick intervention rather than preparation of a detailed pretrial release plan.

³ Program Description, Division of Probation and Correctional Alternatives, (January 22, 1992 and other dates).

The Defender Based Advocate becomes involved in a case in one of two ways: he is contacted by an attorney for a defendant, usually a public defender, or he is advised of a defendant, for whom another county program, usually pretrial services, was unable to obtain release on bail. Bail advocacy takes the Defender Based Advocate to the local courts, often within two days of a defendant's arrest, or to County Court, where bonds set in the local magistrate (Justice) courts can be reviewed and are frequently reduced by the County Judge.

The Defender Based Advocate prepares written reports for the court in approximately 15 - 30 sentencing cases per calendar quarter. These reports are usually 2-5 pages in length, and emphasize treatment options and other arrangements for a defendant. The recommendations reflect vigorous efforts to appropriately place defendants in programs addressing identified needs. The reports emphasize the defendant's social history, including mental health problems, substance abuse, learning disabilities, and evidence of abuse or neglect. In bail advocacy or pretrial release cases, the Defender based Advocate usually does not prepare formal written reports.

The Defender Based Advocate intervenes early in the judicial process, at both the pre-plea and pretrial stage. Attorneys have learned to make early referrals to the program. This is vital in the Ulster County Court system, because plea negotiations occur within weeks of arraignment. In what appears to be an effective strategy to move the court's docket, County Court Judge Francis J. Vogt enforces his policy of adhering to whatever plea offer is extended during these negotiations.

The Defender Based Advocates have left their footprints all over Ulster County. Public defenders acknowledged their role in educating attorneys to the possibilities of alternatives and to innovative placements. Local magistrates recounted incidents of their forceful advocacy for pretrial release and sentencing alternatives, sometimes with begrudging approval. Pretrial Services staff regularly call upon the Defender Based Advocate to intervene in bail matters for which they fail to obtain release on recognizance. And, uniquely, the District Attorney permits the Defender Based Advocate to participate in his staff's charging conferences. Both the prosecutor and the Defender Based Advocate report that prosecutors will occasionally reduce a charge to allow for an alternative as a result of the Advocate's recommendations during these conferences.

The Defender Based Advocate reports that in the 12 months preceding April 1992 the program was involved in 269 cases; of these, 115 involved some kind of written plan or proposal to the court and the balance were less formal submissions on pretrial release. The Defender Based Advocate reports that courts accepted all or part of the proposals, or pretrial release

recommendations, in 120 cases. There is no separate measure of acceptance of the number of cases involving written plans.

Community Corrections

The Community Corrections program, a program operated at a facility which opened in late 1991, is designed to serve as an alternative to incarceration for persons with substance abuse problems. The facility consists of a 16-bed residential dormitory for men, along with a day reporting component for both men and women. The facility is a relatively spacious, low security building consisting of a dormitory area, administrative offices, and several conference rooms. The conference rooms are used for various classes and counseling programs that operate in the facility.

Community Corrections accepts referrals for person at various stages of the criminal justice system -- pretrial, direct sentenced offenders, probation violators, and parolees from the jail -- who would otherwise be incarcerated. Programming provided at the facility is multi-faceted, and includes alcohol and drug abuse treatment, job skills, remedial education, nutrition counseling, AIDS awareness, and other services.

The community corrections facility is located on the same grounds as the jail, and close to the mental health department. This is generally quite conducive for program staff to interview inmates in the jail and for mental health personnel to provide necessary services. One problem reported by community corrections staff is that the size of the county, and its largely rural nature, makes transportation to the center difficult for many people, thus reducing the potential number of clients in the day reporting program.

Community Corrections is projected to have a caseload of 200 clients a year when it is fully operational. For the first quarter of 1992, the program had received 102 referrals, of which 31 were accepted. Of these, 24 were accepted into the residential component of the program and 7 into the day reporting program. There are currently no residential facilities available for female offenders.

Conditional Release Commission

As of May 1989, New York gave local governments the authority to parole and release certain inmates housed in county jails. The legislation had two basic requirements:

- 1) That a county form a commission to make decisions on releases from the jail; and

- 2) That county probation departments provide pre-release investigation services for the commission's use in guiding its release decision, and supervise and monitor offenders released under authority of the commission.

County Probation Director Stephen Morris quickly moved to establish a "Conditional Release Commission." The Conditional Release Commission operates quite simply. Eligible inmates-- those sentenced to more than 90 days and who have already served 30 days -- may apply to be released after serving 60 days or any greater time that is less than their sentence. Inmates are given applications by jail personnel, with the completed applications sent to the chairman of the Conditional Release Commission (who is the Probation Director), who in turn assigns the case to a probation officer for investigation. Investigations must involve a review of the most recent pre-sentence reports and available information. If the inmate remains a candidate for release, the probation officer must contact family or residence and employer, and must notify the sentencing judge, victim and district attorney.

The assigned probation officer and the Conditional Release Commission apply set criteria to each case, and may deny, approve, or defer a decision for each applicant. Commission meetings are scheduled monthly, so that the process can be completed within 30 days.

A variation in practice occurs when a sentenced offender's defense attorney plans to apply for conditional release at the time of sentencing. Usually, this is done with the assistance of the Defender Advocate, who may prepare a release plan which will be submitted through the probation officer assigned to process the application. Probation is receptive, and the Conditional Release Commission appears to be favorably influenced by applications bolstered with a release plan from the Defender Advocate.

In an October 1989 report to the County Legislature, Stephen Morris noted that "the issue of second guessing sentencing judges and district attorneys is a very strong political liability..." Each of the judges we interviewed felt strongly that releases by the Conditional Release Commission effectively countermanded the judge's intent at the time of sentencing. Judicial support for conditional release is low.

In part out of sensitivity to the judge's position, the Conditional Release Commission approves applications with considerable caution. In 1990 there were 60 applications for Conditional Parole Release; twelve inmates were approved for release. Only in the last six months have the numbers of applications which reach the Commission increased from the low of 4 per month early in the program's operation. Between January

and August 1992, inmates have presented 38 applications for conditional release; the Conditional Release Commission approved 14 through August 1992.

Program Cost

Ulster County's efforts to control the jail population through the use of alternatives programs are not without costs. Approximately \$960,000 is spent annually on alternatives programs. Cost figures for each program are set forth in Table 2.

County officials generally believe these funds are well spent. The cost figures support this conclusion. The jail has operated close to capacity for several years. Absent policies favoring less use of the jail in relation to crime or arrest rates, the jail population would easily exceed capacity by at least 40 inmates. (See text p. 7, and Appendix A). We were advised that the Sheriff's cost/cell year in the jail approaches \$21,900. At only the 40-bed impact of policy change since 1989, a number we believe to be conservative, the county has avoided \$876,000 in annual operating costs alone. In addition, it has avoided construction and financial costs amounting to millions annually. Estimates given to us varied from \$5-7 million initial construction costs for 25 cells to considerably higher amounts for 40 or 64 additional cells.

Table 2

APPROXIMATE DIRECT PROGRAM COSTS - ALTERNATIVES PROGRAMS
 ULSTER COUNTY, NEW YORK

(Based on the County's Adopted Budget 1992)

The following amounts reflect salary, fringe, contract and other direct costs; with the exception of Community Corrections and operation of Probation offices at #1 and #17 Pearl Street, amounts shown do not include building maintenance costs.

<u>Program</u>	<u>Cost</u>	<u>State reimbursement (Estimated)</u>
Community Corrections: residential, treatment and day reporting	\$ 600,000	\$ 375,000
Alternative Sentencing Program community service and work crews	170,717	79,453
Defender Advocate: Defense-based advocate in Public Defender office	34,978	25,712
Conditional Release Commission: two half-time staff persons (does not include P.O.'s assigned to supervised released offenders)*	28,575	9,715
Pre-Trial Release (ROR): one Senior P.O., two probation assistants*	79,253	34,750
Intensive Probation Supervision*	27,476	27,476
Office Maintenance costs (#1 Pearl at 50%, #17 Pearl at 75%)	21,000	---
TOTAL	\$ 961,999	\$ 552,106

* Estimate of costs include only staff salaries and fringe; travel, supplies and operational expenses are not included.

PRESSURES ON THE CRIMINAL JUSTICE SYSTEM

In its continuing efforts to control jail use, Ulster County leadership confronts the complexity of crime, a community's response to it and the difficulty of choosing among correctional resources. Many factors which contribute to crime -- unemployment, drug use, population changes, family and community stability -- are beyond the direct control of the county's criminal justice system. Only in limited areas do local officials have any control and a modest range of potential options. In this section, we examine some of the critical factors which the Ulster County criminal justice system faced in the past several years and which may be expected to be of concern for the near future. We identify particularly those areas in which county government actions may have an impact.

Crime Rates and the Jail Population

In recent years, growing numbers of criminal justice practitioners have come to believe that the relationship between crime rates and the size of a jail or prison population is more complex than it was once thought to be. The amount of crime is but one factor in the size of a jurisdiction's rate of incarceration. Equally of significance are arrest policies, pretrial release policies, sentencing practices, and the use of other community resources. Trends in Ulster County demonstrate this relationship in a positive way.

Reviewing data from the past five years shows that overall crime rates in Ulster County rose steadily from 1987 to 1990, increasing 20% in that period from a rate of 2,791.9 serious crimes per 100,000 in 1987 to 3,352.6 in 1990. These figures more or less paralleled national trends for this period. Data for 1991, though, show a 6% decline to 3,136 serious crimes per 100,000.

Beginning in 1987 the jail population rose steadily from an average daily census of 131 to 178 by 1989. By the end of 1989, daily averages were in the range of 180-190. By early 1990, though, at the time of the release of the Jail Utilization Study, the population declined dramatically, and, has hovered around 150 until the present. (See Figure A).

We were not asked to undertake statistical analysis which might have documented that the programs and policies enacted following the publication of the Jail Utilization Study were responsible for this shift in incarceration trends. Nevertheless, we cannot help but note the apparent correlation between the preparation and publication of the report, the inception and expansion of the alternatives programs, and the consequent decline in the jail

population. In 1990, for example, despite a crime increase of over 10%, the average daily population declined 11%, from an average of 174 in 1989 to 154.

Drug Arrest Trends

Nationally, the "war on drugs" has been one of the most significant factors contributing to the doubling of the prison and jail population in the past ten years. Arrests for sales or possession of drugs increased by 164% from 1980 to 1989. Roughly one-quarter of all jail and state prison inmates are incarcerated for a drug offense, with additional numbers being detained for drug-related offenses such as burglary, larceny, and other crimes.

However, 1990 marked a sharp decline in drug arrests nationally after a decade of steady increases. An analysis by the National Council on Crime and Delinquency suggests that this was due to declines in drug use among some populations, the fiscal crisis and its impact on police resources, and greater selectivity in drug arrests.^{4/} The analysis also projects that this decline will continue for several years, with consequent impact on criminal justice populations.

Because of the significant impact which this has had on institutional populations, we examined Ulster County drug arrest trends as well. We found that although Ulster County lagged behind the national averages somewhat, there is nonetheless a significant decline in drug arrests in the county.

* In 1990, drug arrests declined, albeit 4%, compared to the 20% national decline. In 1991, though, Ulster County experienced an additional 16% decline, leading to a 20% drop in the period 1989-91. If these trends continue, and there is good reason to believe they may, then a significant source of overcrowding pressure on the jail may be alleviated in the coming years.

Composition of Jail Population

As part of our analysis, we reviewed jail intake and release data for 1990 and 1991, and for the three weeks prior to our site visit. We investigated these data to obtain insight into the potential of reducing the jail population through further

⁴ James Austin, Michael A. Jones, Aaron McVey, "The Impact of Declining Drug Arrests," National Council on Crime and Delinquency, December 1991.

politically acceptable policy changes. It should be noted here that the three-week analysis we conducted may not be entirely representative of a full year, although we are not aware of any atypical circumstances for this period.

Pretrial Population

We first looked at the relative proportions of pretrial and sentenced defendants in the jail population:

1. At the time of the JMAT study in 1989, fully 85% of the inmate population were awaiting trial, far above the national average of about 50%. By 1992, that figure had declined to 55%, a substantial decline for a relatively short time period. This change appears to be the result of the implementation of an enhanced pretrial release program, which is successfully providing judges with sound information leading to speedier releases.

2. The JMAT study calculated that 73% of pretrial defendants were released within 10 days of their arrest. In the three-week period we studied in 1992, that figure has increased to 84%.

3. A further analysis of the released population helps to define the policy options available to the county. During the three-week period we analyzed, 106 defendants were released from the jail. The breakdown of the release process was as follows:

- * 58 defendants were released on recognizance, having spent an average of 12 days in detention, with a median stay of 5 days.
- * 48 defendants were released after posting cash bail, having spent an average of 2 days and a median of 1 day in the jail. Over 40% of this group were released the day of the arrest.

Implications for further Inmate Reductions

These pretrial release data tell us several things about policy making and jail populations. First, it seems clear that an aggressive effort on the part of the county has resulted in a substantial decline in the unsentenced jail population -- from 85% to 55% in just three years. Even with this commendable effort, though, the pretrial proportion of the population is now just about at the national average. We have no comparative data available for other New York counties, and so we cannot compare Ulster County with other New York counties.

We believe that further reductions in the unsentenced population can be achieved. Our analysis of length of stay indicates that this may best be accomplished by focusing on the subset of inmates released ROR after a greater than average median stay.

In order to see this, we look at the median length of stay rather than the average, since a handful of cases contribute to the much higher average figure. A median stay of 5 days for those released ROR means that half of this group was released in 5 days or less. If further efficiencies can be introduced into the system and the median is reduced to 3 days, then for each additional 183 persons a year, the average jail population would be lowered by one person. (2 days x 183 persons = 366 person days, or 1 jail bed per year). Certainly, while defendants would be grateful to avoid an additional two days in jail, the effect on the whole system would be minimal.

However, potentially greater reductions can be achieved for the half of all ROR defendants who spend more than 5 days in jail, ranging as high as 90 days for one defendant in our sample. We did not have sufficient background information to determine the reasons for this length of stay.

Sentenced Offenders

The above analysis suggests that while modifications of pretrial practices will somewhat alleviate overcrowding, more significant reductions in the jail population may best be achieved by changes in sentencing practices. For example, we heard of a number of offenders being sentenced to a year in jail for a second felony offense of drunk driving. Taking into account good time release, these persons will generally spend eight months in jail. If just two of these offenders could be appropriately sentenced to a non-jail sentence, it would free up more jail space than the suggested speedier release of 183 pretrial defendants indicated above.

The potential for diverting additional numbers of inmates is quite high. We can see this by looking at the composition of the sentenced population in the jail for 1991.

Fully 90 percent of those sentenced to jail were serving their first jail sentence. Presumably, many, if not most, of these persons had been on probation once or twice previously. But they are clearly not such hard-core offenders that they have cycled in and out of the jail systematically. This suggests that sentencing which imposes greater supervision and/or support than

they may have previously received may provide appropriate sentencing options in many cases.

A starting point for an examination of sentencing alternatives should begin with the offenses of larceny and stolen property, which together represented 21 percent of sentenced commitments in 1991. An additional 16 percent of the total sentenced offenders were committed for DWI, which we discuss in the Recommendations section.

Racial Disparity in the Criminal Justice System

As is true throughout the country, minorities in Ulster County are disproportionately represented in the criminal justice system. While the county's population is about 5 percent African-American, 25 percent of jail admissions in both 1990 and 1991 were African-American. Hispanics represent 4 percent of the population, but were 8.2 percent of admissions in 1991, up considerably from 5.4 percent in 1990. (We have no way of knowing at present whether this represents a trend or is a temporary aberration). The disparity represented by these figures is slightly higher than what is seen nationally although the relatively small numbers make comparisons difficult. Overall, this situation is disappointing but not surprising, given historical trends.

Determining the cause of these disparities is quite complex, of course. They may be due to differences in crime rates, criminal justice policies, or other factors. One contributing factor which we believe may be present in Ulster County, as in other jurisdictions, is the unintended use of surrogate factors for race. That is, there may be factors which appear to be "race-neutral" on the surface, but in fact result in compounding racial disparities. These would include such factors as employment, housing stability, or marital status.

Although we were not able to compile data on the racial breakdown of clients in the various alternative sentencing programs, our impression from observations and discussions was that blacks are underrepresented compared to their proportion of the jail population. A possible factor explaining this discrepancy may be the crimes for which they are convicted.

Two major offenses in Ulster County are drunk driving and drug possession. The vast majority of drunk driving arrests are of whites, while a disproportionate number of drug arrests are of blacks. Upon conviction, drunk driving offenders are often appropriately considered for community service sentencing, while drug offenders appear to be considered less often. In part, this is due to the state's mandatory sentencing drug laws requiring incarceration under certain circumstances. One result of these

laws may be that offenders who are offered a plea bargain below the mandatory charge are more likely to have a jail term included as part of the plea offer. Therefore, the issue of alternative sentencing is framed, at least in part, as "drunk driving vs. drugs," and not "white vs. black."

There are good reasons to make distinctions between these two offenses, but the similarities between them should not be ignored. Both are substance abuse issues which carry the potential for harm to others -- in drunk driving, through death or injury, and in drug cases, through drug-related crime. Both represent public health problems which have escalated to become criminal justice concerns.

Trends in corrections and law-making indicate a growing concern regarding the impact of current sentencing practices on racial minorities and toward reconsideration of a public health approach to substance abuse problems. Looking toward the year 2000, we think it reasonable that a New York county government may anticipate some changes in law enforcement, state law, and the application of the criminal code that will demand less of penal facilities and more of treatment, health and community resources.

In advance of such changes, Ulster County can assure itself that its court system has a minimal unwarranted disparate impact on African-Americans and other minorities. We believe that the data and our observations merit an examination of several aspects of the system. The results of such an analysis would inform local officials about aspects of the system which may contribute to disparity and over which they have influence or control.

PROGRAM RECOMMENDATIONS

Ulster County elected some years ago to build alternatives instead of jail space. It called upon state resources, provided by New York's Division of Probation and Correctional Alternatives, to help identify, design and fund a comprehensive and multifaced response to jail overcrowding. The County's leadership supported the development of most of the recommended programs, and backed highly motivated and creative criminal justice officials in their efforts to implement these.

It is our assessment that the county is now reaping the benefits of its policies, including a lowered jail population. Programming was initiated rapidly and well. Accordingly, our recommendations are for modifications and other improvements in programming that are, for the most part, already in place. Our emphasis is on continued innovation and program development, and incremental improvement in program operations. Only a few of our recommendations require significant investment in capital or staff.

At the same time, we are aware that the jail's average daily population is close to or above its design capacity. It is our conclusion that the jail population can be reduced further through greater application of Ulster County's alternatives programming, and that it is in this direction, rather than construction, that the county will move into the year 2000.

1. Defender-Based Advocate

a. Increase staff. We recommend that the county add an additional defender-based sentencing advocate and retain the present part-time secretarial staff person on a full time basis.

The defender advocate in Ulster County has the ability to intervene on behalf of almost any offender at any point in the court system: after arrest in the local magistrate and city courts, pre-plea and pre-sentence in the county court, and, following sentencing in preparation of petitions for discretionary release from jail. In practice, it is impossible, of course, for one person to be available at all these points in a large county. Adding one more advocate should essentially double the impact of the program.

The secretary to the program is a retiree employed through the federal "Green Thumb" program on a part-time basis. In addition to traditional secretarial support, she monitors cases in county court. Her services are worth more than the relatively low wages paid under the current program, and it is doubtful she could

provide support to an additional defender advocate on the same part-time schedule she now maintains.

b. Modifying the focus of the work. The present defender-based advocate, Tom Siblo-Landsman, is trained and experienced in working with learning disabilities, and a broad range of behavioral problems. His plans and sentencing recommendations tend to focus on treatment alternatives to incarceration.

If a second advocate is hired, that person should focus more than does the present defender-based advocate on developing different community punishment options, as opposed to treatment plans. The second defender-based advocate should also allocate more time to the city and magistrate courts. The purpose of this division of labor is to develop acceptable sentencing alternatives for offenders now sentenced to jail. One group to target are offenders convicted of DWI and some drug offenses. The alternatives which are to be developed need to be perceived as being punitive as well as rehabilitative.

c. Increase cases completed for the Conditional Release Program. The defender-based advocate's reports are now well received by the conditional release board, and by most judges. We have recommended that Conditional Release decisions be supported by a rationale that includes changes in circumstances or new information not known to the judge at time of sentencing. In implementing this recommendation, it makes sense that the Defender Advocate participate in more cases being considered for Conditional Release.

2. Modify the Operations of the Conditional Release Program

The conditional release program staff, as well as the board overseeing its operation, have done a conscientious job in screening and approving candidates for supervised release from jail. At the same time, the program has not overcome judicial objections anticipated from the inception. Several modifications to program operations, though, could enhance the program as well as respond to concerns raised by judges. These are:

a. Focus on cases in which new information not available at sentencing has become known and provides a basis for early release. Rather than "overriding" the judge's initial sentence, the conditional release process often seems to uncover information that may not have been known or predictable prior to sentencing. For example, a mental disability not identified at sentencing, a new job opening, or a change in the defendant's attitude, cannot be anticipated by the sentencing court. Release proposals which highlight these changes may alter the court and community perception of the appropriateness of a community-based sanction.

b. Provide quarterly reports to judges and others in the court system on the success rate of those offenders released under the program. This would provide a mechanism whereby all parties could assess the efficacy of program selection criteria and supervision mechanisms, and make appropriate program modifications as necessary.

c. Increase and simplify publicity in the jail. While information about conditional release is clearly "made available," to all inmates, a more aggressive outreach system will identify greater numbers of inmates who are appropriate candidates for release. This could involve a weekly review by jail or probation staff of all eligible inmates, followed by individual interviews to explain the program.

d. Assist inmates who are functionally illiterate or who do not read English to complete application forms. At least some inmates may be intimidated about applying for early release due to their inability to complete the application form. We recommend making probation staff available to assist those inmates who would otherwise be appropriate candidates.

3. Community Service Sentencing Program Jurisdiction should be Expanded to Include a Broader Range of Cases

The community service program, in contrast to many others in the country, has been very astute in screening offenders whom program staff believe are truly "jail-bound." Having established a high degree of credibility in the community, the court system should now take more advantage of this resource by sentencing a broader range of offenders now being jailed to this sanction. In particular, greater numbers of offenders convicted of drug possession should be considered for inclusion in the program. Combined with appropriate treatment services, such a sentence could meet the sentencing goals of punishment, rehabilitation, and restitution to the community.

4. Expand the Community Corrections Program to Incorporate more Women Offenders

Although women offenders are eligible to participate in the day reporting program, structural problems prohibit them at present from participation in the community corrections program. This is due to the fact that the 16-bed facility is set up for men only, with relatively little additional space that would be converted for women's housing. We recommend that the county consider installing some type of modular housing near the Community Corrections Center, at which women could be housed. In that way, they could participate in appropriate programming at the center,

in addition to any specific women's programming that might be needed.

5. Assess Specific Steps to Increase the Use of Pretrial Release in Appropriate Cases

a. Assess the feasibility of weekend interviews by pretrial services staff. At present, any defendant arrested in the county after Friday afternoon will not be interviewed for release until Monday morning. Since weekends are often periods of higher than average arrests, this situation can result in some defendants being detained for 1-3 days longer than those persons arrested on weekdays. We recommend that the county explore the benefits to be gained by weekend interviewing through examining arrest and release records for several sample weekend periods. Given the small staff size of pretrial services, weekend interviewing may be difficult to implement, but the county should at least assess the potential benefits of such a system.

b. Assess judicial policies and alternatives regarding defendants detained on money bail. Generally, defendants who are not released on their own recognizance do not have sufficient ties to the community in the eyes of the judge or magistrate to qualify as a good risk for release. We suggest that a small working group of magistrates, probation, and pretrial release staff meet to explore whether additional supervision conditions could be developed to respond to the perceived risk posed by an additional number of defendants. The impending use of electronic monitoring is obviously one such possibility; others can be developed as well.

6. Provide Transportation Services for Offenders in the Day Reporting Center

A key problem in a number of alternatives programs in Ulster County, and particularly for the day reporting center, is potential participants' lack of transportation to attend the program. There are several solutions to this problem. We recommend using the community service program to alleviate this problem. Licensed drivers sentenced to community service could be required to provide a specified number of hours to drive other offenders to the day reporting center, to treatment programs, or other court-ordered sanctions.

This recommendation is particularly applicable to persons sentenced as drunk drivers. As recommended below, we recommend the increased use of license suspensions and fines in such cases. Using these sanctions, though, obviously interferes with a person's ability to go to work or school. Having a "designated

driver" available could address this problem while still enforcing the sanction.

Implementing such a process would involve investigating liability and other issues, of course. Inmates serve as vehicle drivers in other states quite satisfactorily. If feasible, such a program could serve as a model for many rural and suburban jurisdictions elsewhere.

7. Impose a System of Day Fines

The concept of day fines has been used extensively in Europe, and recently has been introduced to jurisdictions in the United States. The basic premise of day fines is that when fines are assessed, they should be proportional to the ability of an offender to pay, thus imposing roughly the same degree of punishment on each offender. Day fine systems generally establish a specific "punishment level" for appropriate offenses, and then require an offender to pay a fine equal to that level times his or her day's wages. Successful programs are currently in place in Phoenix and Staten Island.

A common objection to day fines is that they add few options to jurisdictions with high proportions of indigent defendants. In Ulster County, though, there appear to be a sufficient number of offenders who are employed and could therefore serve as appropriate candidates for such a sentencing option.

8. Establish a Victim Offender Reconciliation Program

The Probation Department has maintained a Crime Victims Assistance Program since 1979. The program does an effective job of keeping victims informed of case developments, soliciting victim input into presentence investigation reports, and coordinating a network of services. We recommend that the county now consider establishing a Victim-Offender Reconciliation Program (VORP) as a unit of the Probation Department. These programs bring together victims and offenders with the assistance of a trained mediator in order to respond to some of the underlying issues of crime and to fashion a sentence that meets the needs of both parties as much as possible.

In other jurisdictions, VORP programs have been initiated by or operated by church and community organizations maintaining close ties to the court system. Such a model could be very appropriate for Ulster County. As with other alternative programs, emphasis should be placed on resolving those cases in which the offender would otherwise receive a jail term. As noted above, property offenders represent a substantial proportion of sentenced

inmates. This group of persons and their offenses generally are most appropriate for consideration by a VORP program.

POLICY AND SYSTEM RECOMMENDATIONS

1. Continue the County's Efforts to Coordinate Criminal Justice Agencies.

During our visit, the consultant team was asked whether we would recommend consolidation of alternative sentencing and community corrections services into one agency or under one director. We listened to concerns about duplication of services and inefficiency, and are sympathetic to them. However, we recommend against consolidation into one agency at this time.

The basis for our recommendation lies in our observation of the degree of cooperation now existing among agencies in Ulster County. Policymakers and criminal justice officials have achieved an unusually high degree of cooperation and coordination among themselves. Most parties and agencies share information, are mutually supportive of their different goals, and hold each other in respect. The exceptions are limited.

Given this situation, it appears that there would be only minimal gain in efficiency through consolidation.

Moreover, we observed that Ulster County has developed a near-consensus about the need to limit the jail population, while assuring that the courts provide adequate sanctions for criminal acts and reasonable protection for the community.

In addition, we observed that there is an important advantage to having more than one agency performing various alternatives and advocacy functions. An array of programs provide "more than one bite of the apple." Different programs essentially "compete" for offenders, with the result that there is a better chance of finding the right program or placement for an offender than there would be if a single entity served as "gatekeeper" for all programs.

For example, at present, if pretrial services fails to obtain release for an offender for whom staff feels release is appropriate, the sentencing advocate may be invited to revisit the issue with additional resources. He may follow the case from a magistrate's courtroom to the county court, and seek review by a county judge. This process allows for healthy review and encourages change.

2. Develop a Jail Overcrowding Contingency Plan

The Ulster County Sheriff is concerned about the potential of a sudden increase in criminal activity or arrests, perhaps arising from drug trafficking, and its impact on the jail population.

This is a legitimate concern which the county's fiscally logical decision to avoid new jail construction does not fully address. A jail overcrowding contingency plan should be developed and include:

- Projections of crime rates, demographics and other factors.
- Contingencies and priorities in an overcrowding situation (e.g., which additional groups of offenders would be considered first for alternatives, or would not be considered under any circumstances).

3. Increase the Use of Community-Based Punishments for Drunk Drivers

Although community service and fines are used in a number of drunk driving cases, incarceration for up to one year is a common sentence for a second felony offense on this charge. Without deprecating the seriousness of this offense, the local criminal justice system should consider making greater use of non-incarcerative sentences even for repeat offenders. Research in this area consistently demonstrates that license actions are the most effective sanctions from a number of perspectives. As Nichols and Ross, two of the leading researchers in this field, note:

"While it is desirable and beneficial to modify the behavior of the small proportion of drinking drivers who are caught, the most important function a DWI sanction can have is to effectively deter the many drinking drivers who will never be apprehended. We feel that swift and sure license actions provide the greatest potential on both counts. While the limited number of studies conducted in the United States suggests that brief jail sentences for first offenders can also have a general deterrent effect, such actions are more costly to implement than license actions." (James L. Nichols and H. Laurence Ross, "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers," Surgeon General's Workshop on Drunk Driving, 1988).

4. Utilize "Tourniquet Sentencing" for Probation Violators

Ulster County Probation is clearly quite cognizant of its potential impact on the jail population. When offenders violate the conditions of their probation substantially enough to be revoked, though, a potential systemic problem is created. If the offender is then incarcerated for the length of the originally-imposed sentence, two issues arise: 1) the criminal justice system has used both probation resources and jail resources for the same case; and 2) the offender is justly

penalized for his or her lack of cooperation, but not recognized for having successfully completed part of the probation.

We recommend that Ulster County consider adopting what Judge Albert Kramer of Quincy, Massachusetts terms "tourniquet sentencing." This involves granting "credit" for probation time and conditions successfully completed, and then deducting this proportion of time from the potential jail sentence. For example, suppose an offender would have been originally sentenced to six months in jail, but is instead given a one-year probation with conditions. The offender successfully completes three months, or one-quarter, of the probation, but is then revoked. The imposed sentence is then calculated at the remaining three-quarters, or 4 1/2 months. This process is more fully described in Appendix B, "Should You Send a Probationer Back to Jail."

5. Conduct an Analysis of Two Sets of Inmates to Determine Appropriate Policy Revisions Permitting Additional Releases

a. Inmates detained for more than three days on low bail. Changes in institutional populations are generally, though not always, made "at the margins." That is, it is much more likely that a defendant detained on the inability to post a \$1,000 bail would be considered for pretrial release than one held on \$50,000 bail. A relatively modest shift in supervision conditions or more timely information provided to judges could result in greater numbers of "low bail" defendants being released sooner than at present. For this reason, we recommend that a study be conducted to analyze: the number of defendants being held for more than three days and their bail amounts; the process by which bail is set and/or the pretrial release program intervenes; the relative proportions of local residents and non-residents; and, judicial concerns regarding pretrial release conditions.

b. Inmates released on ROR after spending more than 5 days in jail. We recommend county officials examine a sample of all ROR defendants who spend more than five days in jail prior to release and the process by which they are released. The examination should cover charges and amount of bail for each defendant, ROR recommendations, judicial response, any review of the original bail recommendation and other factors. A primary goal of such an analysis would be to determine if a revised procedure and/or conditions of release might lead to shorter jail stays for some defendants now being released "ROR" after spending a significant amount of time in jail.

6. Address Racial Disparity Issues and Anticipate Changes in Policies that Affect Minority Offenders

Nationally and within New York State, there is an increasing awareness of the impact of current justice policies on African-Americans and other minorities. While many practices and policies which affect minorities are set at the state and federal level, there are nonetheless actions Ulster County can take to address this issue:

a. Review racial patterns in the criminal justice system. The County can quite easily examine and document patterns of pretrial detention and sentencing for African-Americans and other minorities charged with drug and other offenses, comparing this to practices for white defendants with similar charges. Such an examination may include the following: for persons arrested for drug offenses, an examination of the race of the defendant, charge, and prior record as they relate to plea negotiations, ultimate charge of conviction, and sentence (incarceration vs. non-incarceration, and length of incarceration). This information can be used to inform local officials of aspects of the county system which might be modified to minimize racial disparity.

b. Review the racial profile of populations served by alternatives programs. For each program in which minority representation is significantly below representation in the system as a whole, inquire as to program modifications which might permit increased application of the program to African-Americans and other minorities.

c. Anticipate long-term changes in drug law enforcement. The national policies and state laws which have focused so many law enforcement resources on drug abuse and trafficking are under criticism and review at all levels. Particularly when looking toward the next century, it is not unrealistic for a county to anticipate a time when more public health, treatment, and community development resources will be devoted to these problems than at present. In this light, a county may wisely defer expansion of jails and criminal justice facilities which now bear the brunt of government anti-drug policies, and start to lay the ground-work for other community responses.

7. Reconsider the Use of Bail as a Means of Assuring Public Safety

While court officials in Ulster County are committed to the concept that the sole purpose of bond is to assure appearance at trial, in practice there as elsewhere in the country, bonds are on occasion set for other purposes. One example of several given

us is the practice of setting bond to assure the safety of an alleged spouse abuse victim.

The courts should make use of other means of accomplishing the same purpose. Bond or release orders can be set with specific conditions, including relocation of the defendant, participation in counseling or mediation, or the involvement of a third party supervisor. Courts can be reasonably assured of compliance through defendant reporting, third-party supervision, random drug screens, and more frequent notification of scheduled court appearances.

Our recommendation is that judges and others reconsider the purposes for which they set bond. Judges, attorneys, and the Defender Advocate should consciously seek out means other than incarceration for providing community safety.

8. Increase the Use of Appearance Tickets as an Alternative to Arrest

Many jurisdictions have found that using appearance tickets as an alternative to arrest reduces the use of police and jail resources. Particularly in cases such as DWI, arresting agencies should make use of this option as much as possible.

A P P E N D I X A

APPENDIX A

The following data is derived from annual crime rates and the Average Daily Population for each of the years indicated:

CRIME RATE DATA (Crimes per 100,000 population)

Year	Rate	% change	Avg D. Pop.	Ratio	% change
1987	2791	---	131	.0469366	---
1988	2888	3.5%	149	.0515928	9.9%
1989	3029	4.9%	178	.0587653	13.9%
1990	3352	10.7%	154	.0459427	-21.8%
1991	3136	-6.4%	143	.0455995	-.7%

Computation of Average Daily Population based upon various historical ratios of crime rates / ADP (See Figure B in this Appendix).

Year	Crime Rate	1987	1988	1989	1990	1991
1987	2791	131	144	164	128	127
1988	2888	136	149	170	133	132
1989	3029	142	156	178	139	138
1990	3352	157	173	197	154	153
1991	3136	147	162	184	144	143

The following data is derived from annual arrest rates and the Average Daily Population for each of the years indicated:

ARREST RATE DATA (Crimes per 100,000 population)

Year	Rate	% change	Avg D. Pop.	Ratio	% change
1987	3775	---	131	.0347020	---
1988	4175	10.6%	149	.0356886	2.8%
1989	4317	3.4%	178	.0412323	15.5%
1990	4671	8.2%	154	.0329694	-20.0%
1991	4573	-2.1%	143	.0312705	-5.2%

Computation of Average Daily Population based upon various historical ratios of arrest rates / ADP (See Figure C in this Appendix).

Year	Crime Rate	1987	1988	1989	1990	1991
1987	3775	131	135	156	124	118
1988	4175	145	149	172	138	131
1989	4317	150	154	178	142	135
1990	4671	162	167	193	154	146
1991	4573	159	163	189	151	143

FIGURE B

1989 & 1991 CRIME RATE / ADP RATIOS APPLIED

**AVG. DAILY
JAIL POP.**

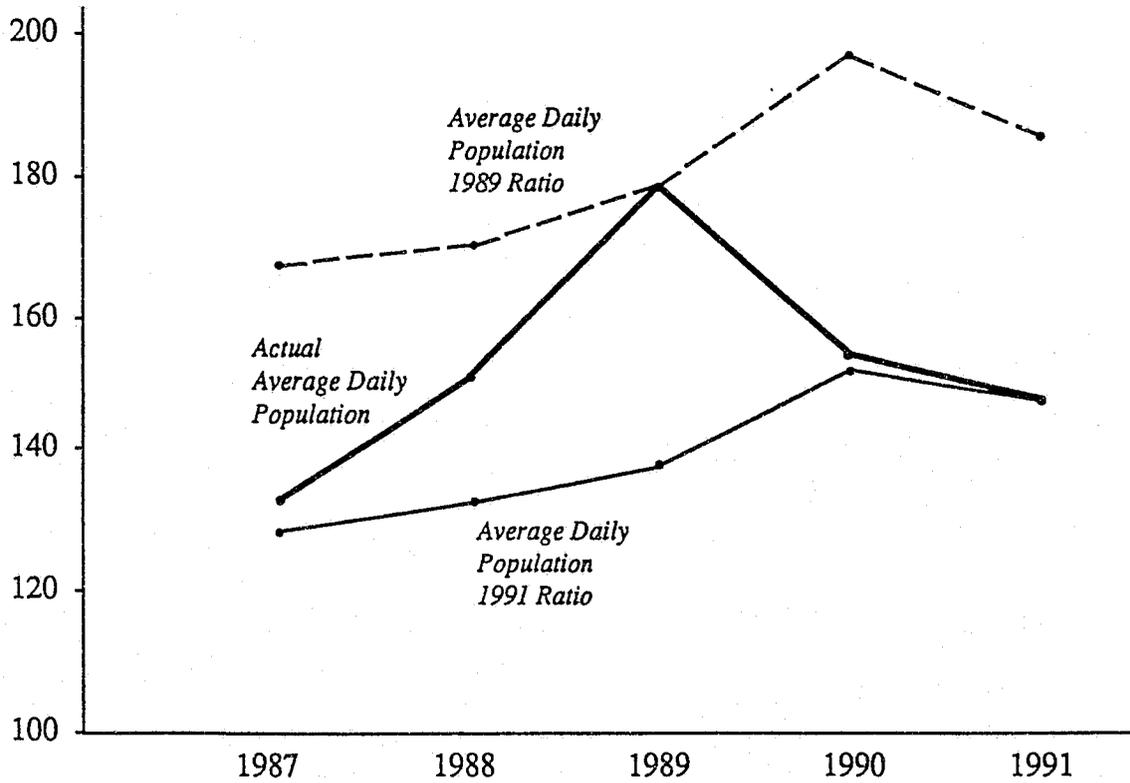
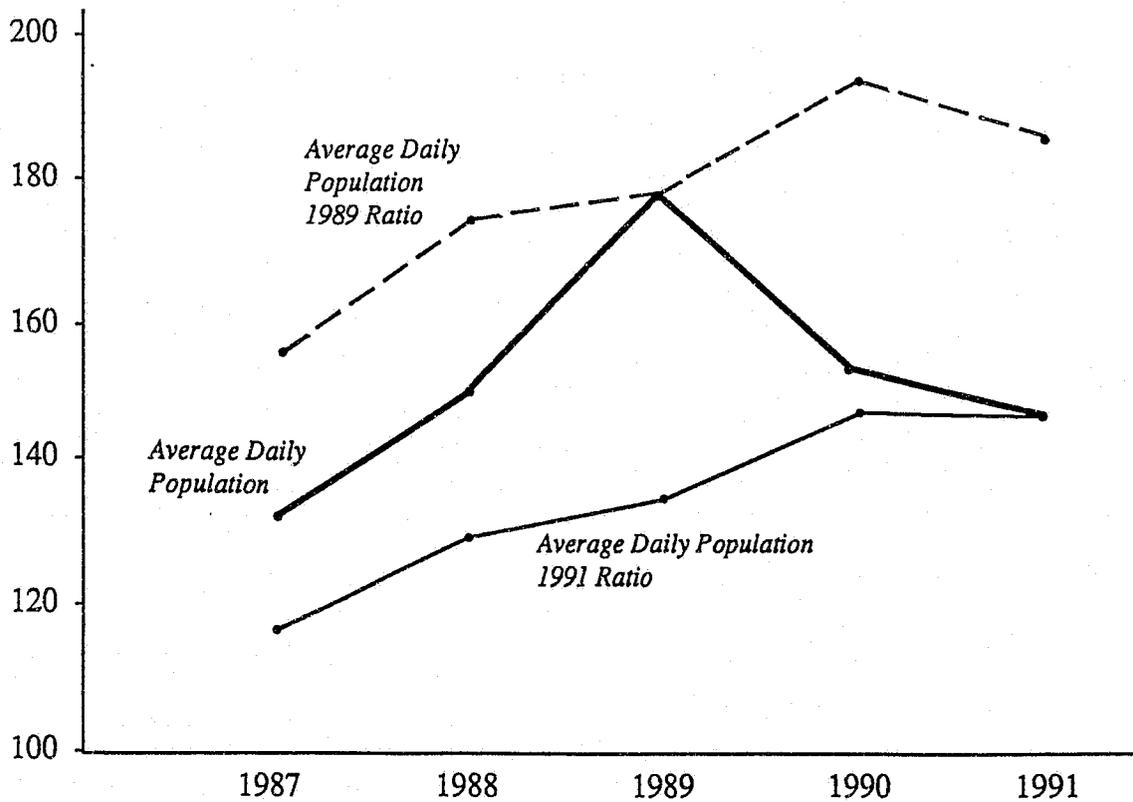


FIGURE C

1989 & 1991 ARREST / ADP RATIOS APPLIED

**AVG. DAILY
JAIL POP.**



A P P E N D I X B