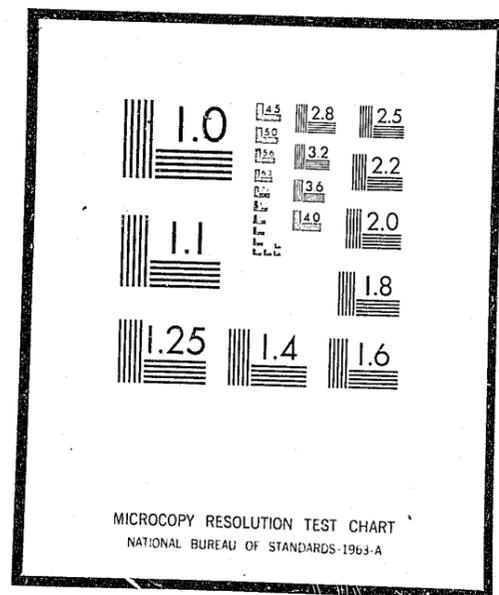


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THE MONROE COUNTY JAIL;  
THE NEED FOR AND FEASIBILITY OF  
RELOCATING INTO OTHER FACILITIES  
SEVEN CATEGORIES OF PRISONERS

Prepared for the  
County Manager of Monroe County  
and the  
Monroe County Sheriff

July, 1975

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ROCHESTER-MONROE COUNTY CRIMINAL JUSTICE PILOT CITY PROGRAM  
UNIVERSITY OF ROCHESTER  
GRADUATE SCHOOL OF MANAGEMENT

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## INTRODUCTION

The Monroe County Sheriff, William M. Lombard, has been concerned both with problems of crowding in the present Jail and in improving the Jail's rehabilitation programs for prisoners. He recommended to the County Manager, therefore, that an in-depth review and analysis be undertaken to determine the feasibility of moving certain types of prisoners to the North wing (the "Men's Building") of the Monroe Community Hospital, which was scheduled to be vacated some time around September of 1976.

The Sheriff indicated that certain types of prisoners, as listed below, did not require the maximum security facilities of the Jail and that their relocation at the Monroe Community Hospital site could result in improved rehabilitation programs, particularly since the Hospital's services could be utilized. At the same time, their removal from the Jail would alleviate Jail prisoner capacity problems. Additionally, the Monroe Community Hospital site might prove a cost-effective solution since the facilities are county-owned and the only capital costs required would involve renovation.

It was thought that some or all of the following seven types of prisoners might be handled more effectively at the Monroe Community Hospital site than at the Jail:

- (1) Sick and injured prisoners requiring in-patient and out patient hospital care,
- (2) Prisoners requiring psychiatric examinations and treatment,

- (3) Drug addicted prisoners -- with the establishment of a drug addiction control center for prisoners requiring daily medical treatment,
- (4) Public intoxicants -- exploring the possibility of the Sheriff's Department establishing a detoxification facility,
- (5) Sentenced prisoners approved for work or education release,
- (6) Prisoners sentenced to intermittent terms, and
- (7) Sentenced female prisoners.

The "Men's Building", which constitutes the North wing of the Monroe Community Hospital, was built in 1932 and contains approximately 116,000 square feet of space in four floors. The Sheriff requested that the feasibility of utilizing this building for housing the above types of prisoners be explored, noting that both the security staff required and the necessary rehabilitation programs could be centralized at this site, thus, as compared to other alternatives, resulting in a minimum number of staff and lower operational costs.

In February, 1975, the County Manager, Lucien A. Morin, requested the Rochester-Monroe County Criminal Justice Pilot City Program staff to conduct a study of the need for and feasibility of developing and operating programs for the above mentioned prisoners out of the "Men's Building" at the Monroe Community Hospital.

The Pilot City staff agreed to undertake the study. This report presents the study findings as follows: Chapter I provides some historical material on the original intent and purpose for building and utilizing these facilities; Chapter II provides a description of the Monroe County Jail and Lock-Up complex; Chapter III examines, in depth,

the capacity of the Jail and Lock-Up complex and details, over time, the prisoner populations and resultant problems of crowding; Chapters IV through X present the findings, for each of the seven types of prisoners, on the feasibility and appropriateness of these prisoners being relocated to the Monroe Community Hospital site; and Chapter XI provides a summary of conclusions along with an outline of some alternatives the County might consider.

## CHAPTER I

### BACKGROUND PERSPECTIVE

As indicated in the Introduction, an underlying reason for this study is the crowded condition of the present Jail. Since the Jail is only four years old, the reader will ask how it could get crowded so soon. The answer is simple: the Jail is being used for a purpose never intended for it. It was designed as a maximum security facility for housing non-sentenced prisoners, primarily persons retained in custody prior to trial. Shortly after it was built, however, sentenced prisoners (previously serving their sentence in the county penitentiary) were moved to the Jail on an "interim" basis while plans were being finalized for constructing a new facility for the sentenced prisoners. This chapter briefly traces the history of both the Jail and penitentiary and, in conjunction with the rest of the report, should provide some insights into the problem Monroe County now faces regarding adequate housing of its prisoner population.

#### Local Responsibilities for Custody of Prisoners

Under law, each county in New York State is required to maintain a county jail for the custody of persons awaiting court action, committed as witnesses in criminal cases, in contempt of court, or committed for civil offenses. In the absence of a penitentiary, the County Jail also is used for the imprisonment of persons convicted of any offense carrying a sentence of one year or under. Persons sentenced to over one year (usually for the more serious, felony, offenses) are sent to state correctional institutions and prisons.

Prior to 1971, when the new Jail was completed, Monroe County maintained both a jail and a penitentiary, the latter included a farm to provide a work environment for the prisoners serving their sentence. Both of these facilities were ancient (the Jail dated back to 1884 and the penitentiary to 1854), were expensive to maintain, and were considered completely obsolete by state correction officials. In fact, starting in the 1950's the State Commission of Correction, responsible for inspecting all local penal institutions, annually condemned both facilities and recommended that a new jail and penitentiary be constructed. Monroe County officials, therefore, began to make plans to replace both of these institutions.

#### Planning for the New Jail

Under law, the County Jail is the responsibility of the County Sheriff's Department. In Monroe County the Sheriff's Department also is responsible for providing police services to most of the towns and villages in the county.

During the 1950's plans were underway to develop a modern Civic Center complex in downtown Rochester comprising a number of buildings to house all City and County local governmental offices plus some state offices. In designing the Center, the County decided to include a separate County Public Safety Building which would house offices for the Sheriff's police department as well as include the County Jail. Since the Jail was being planned to hold only non-sentenced prisoners (primarily those persons who were being held awaiting trial because they were unable to raise bail or were being held on non-bailable charges) it had to be a

maximum security institution.

Locating the Jail in downtown Rochester also made sense since, in theory at least, persons held in the Jail prior to trial would have a relatively short period of confinement and the central, downtown location of the Jail would be an advantage both to the prisoners and the criminal justice system. It would be easily accessible to both attorneys and family and friends wishing to visit the prisoners and, at the same time, would be adjacent to the offices of the police and the courts.

Although the Jail was designed over a period of years, in 1967 the final decision was made on the number of cells it would contain. Jail population statistics on arraigned, non-sentenced prisoners for the preceding six years (1961-1966) showed a range in the daily number of male prisoners of from 49 to 229 (this high was occasioned by the riots) and a range of 1 to 19 for female prisoners. During this period, the average daily population of all prisoners never exceeded 152. A cell bed capacity of 336 was selected for the new Jail — this capacity exceeded the daily average prisoner population by 121% and was 47% in excess of the greatest number of prisoners ever held in one day. It was anticipated that the substantial cell bed capacity would accommodate the non-sentenced prisoner populations well into the future, especially since there was an accelerating movement at that time for speedier handling of cases in the courts, a minimum of pre-trial detention, and a move to develop alternatives to money bail, such as a program for release

of a person on his recognizance.

### Planning for a New Penitentiary

While the new Jail was in the planning stages, a considerable amount of planning also was underway regarding the need for a new penitentiary. In 1962, the legislature of Monroe County authorized an overall study of the penitentiary operation, with particular attention to be paid to such questions as the location for a new penitentiary,<sup>1</sup> type of structure, and various rehabilitation programs for inmates.<sup>2</sup> The ensuing report<sup>2</sup> documented that the majority of the sentenced prisoners serving time in the penitentiary were minimum security risks (63% had been convicted for public intoxication) and that the profile of the penitentiary prisoner was one of failure -- as compared to the general community, the prisoners were disproportionately undereducated, unskilled, and unemployed. The majority also were local residents, not transients, and 60% had been in the penitentiary two or more times.

The report recommended a rehabilitation-oriented, minimum security facility. It noted that the rehabilitation plan, outlined in detail in the report, was not offered as a panacea, but was presented as a systematic approach to deal with some basic problems of the prisoners. The report further stated that to build a new penitentiary would cost approximately \$7 million and recommended that the vacant "Children's Building" on the site of the former Iola tuberculosis hospital complex

<sup>1</sup>  
Resolution No. 266, Proceedings of the Board of Supervisors of Monroe County, 1962.

<sup>2</sup>  
Elizabeth Benz (Croft), Man on the Periphery, Rochester Bureau of Municipal Research, Inc., 1964.

be remodeled, at a cost of approximately \$2.9 million, into a correctional and rehabilitation center for sentenced prisoners.

Utilization of the Iola site was considered by the legislature but, following strong resistance of the community surrounding Iola, the plan was abandoned. In 1966 the County Legislature appointed a Citizens' Advisory Committee on the Penitentiary to make specific recommendations regarding a new penitentiary facility and its programs. The Committee recommended that two detoxification units be established (through the expansion of existing health and mental health facilities) to handle those prisoners sentenced for public intoxication, and that a new rehabilitation facility, with a capacity for 175 inmates, be constructed at once.<sup>1</sup> The Committee stressed that the design of the rehabilitation facility should be simple, flexible, and as inexpensive as possible. Since the majority of the inmates would be low security risks, a structure containing rooms, rather than expensive cells, was recommended.

Following this report, a Continued Care Unit for treating chronic alcohol offenders was established, under Department of Mental Health auspices, but no further action was taken on constructing a rehabilitation facility to replace the penitentiary.

### Considerations for Merging Sentenced and Non-Sentenced Prisoners

In 1969, while the County Public Safety Building was under construction, an interdepartmental committee on the operation of the

<sup>1</sup>  
David Boehm, Chairman, Report and Recommendations of the Citizens' Advisory Committee on the Penitentiary to the Monroe County Legislature, January 13, 1967.

building agreed that, at least on an interim basis, the sentenced prisoners serving time in the penitentiary could be transferred to the new Jail. The population of the penitentiary was declining and the new Jail could easily accommodate both groups of prisoners. While the maximum security setting of the Jail was not necessarily appropriate for the majority of sentenced prisoners, it was agreed that an expanded rehabilitation program would be developed. It was pointed out that most counties in the state did combine sentenced and non-sentenced prisoners and that the plan had the approval of the State Commission of Correction. It was agreed that all the prisoners would be under the jurisdiction of the Sheriff and that the penitentiary and jail guard staff would be merged.

#### Combining Jail and City Lock-Up Facilities

Part of the decision to house both groups of prisoners in the new Jail was based on the fact that the City and County agreed that, under contract, the Sheriff also would operate the large City Lock-Up. The County Public Safety Building was being located adjacent to the City Public Safety Building, already constructed on the Civic Center site. The two buildings were connected on both the plaza and mezzanine floors. The mezzanine connection tied together the security systems of each building, linking the security prisoner elevators of the city building (which serve the City Lock-Up) to the Jail security complex in the county building. Both buildings also were tied into an extensive underground tunnel security system leading to security elevators in the Hall of Justice where prisoners could be taken directly to the court rooms.

As discussed in more detail later, the City Lock-Up was designed for short-term (usually overnight) detention of arrested persons being held for arraignment in court the next day. Since a substantial number of the Lock-Up cells were not being utilized, the incorporation of the Lock-Up as an integral part of the total detention facility appeared to offer additional cell space which would allow for flexibility in the deployment of prisoners in the Jail-Lock-Up complex.

#### Establishment of the Jail-Lock-Up Complex

In March, 1971, the Sheriff's Department, under contract with the City of Rochester, assumed the responsibility for the supervision of prisoners housed in the Lock-Up. In April, 1971, the new County Public Safety Building and Jail was opened, and the non-sentenced prisoners were transferred from the old to the new Jail. In September of 1971, the county penitentiary was closed and the sentenced prisoners were transferred to the new Jail. As subsequent chapters in this report will document, within a relatively short time problems of prisoner crowding within the Jail-Lock-Up complex began to develop.

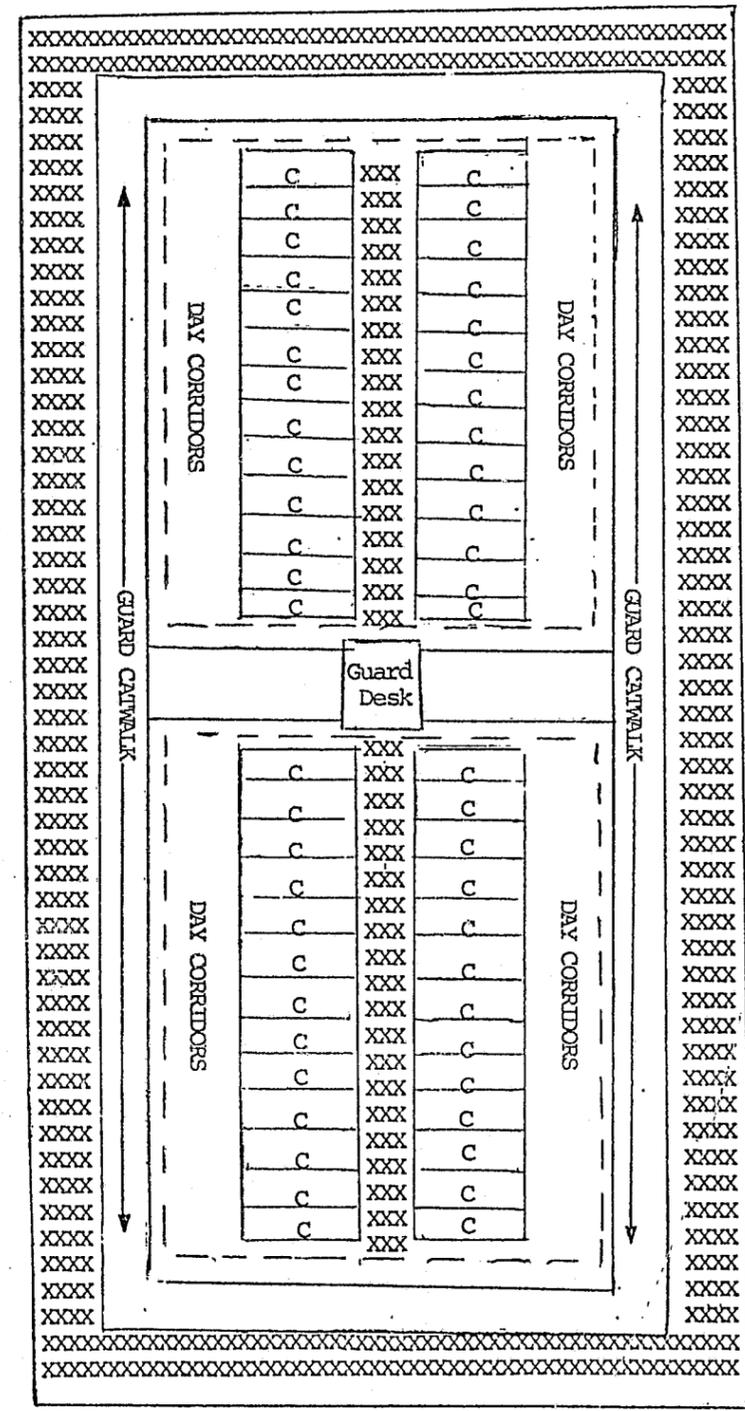
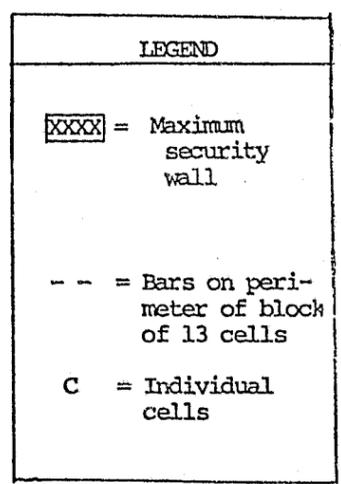
CHAPTER II  
DESCRIPTION OF THE MONROE COUNTY  
JAIL-CITY LOCK-UP COMPLEX

The Monroe County Jail

The Jail, located in the County Public Safety Building, includes approximately 55% of the roughly 183,000 square feet in the building, with the remaining space allocated to the police functions of the Sheriff's Department, general building functions, and parking. In addition to cells, the Jail includes supporting facilities such as a chapel, clinic, kitchen, interview rooms, visiting area, library, rooms for rehabilitation programs, and a year-round roof top gymnasium. The cell block design is standard with cells arranged in double rows, back to back, with a utility corridor between. Each cell opens into a prisoner's Day Corridor area which is used for a recreation area and includes tables for eating.

The Jail has four cell blocks of 13 individual cells each on most of the floors. Each cell has toilet and washing facilities plus a bed and an area for personal items. All of the cell blocks have a locked Day Corridor for that cell block. There also are individual corridors or observation cells which can be viewed directly by the Guard staff. These are reserved for prisoners with psychiatric problems, violent prisoners, suicidal prisoners, or others who need special isolation to prevent harm to self or others. Otherwise, the cell blocks can be observed by Guards who make regular patrols along the outside catwalks which are located between the Day Corridors and the outside wall of the Jail building. Diagram 1 is intended to give the reader

Diagram 1  
 Sketch of a Typical  
 Floor Plan - Monroe  
 County Jail



an idea of the layout of a typical floor in the Jail.

There are six floors on which prisoners are confined. Those floors are designated as 2, 2 Mezzanine, 3, 3 Mezzanine, 4, and 4<sup>1</sup> Mezzanine. There is a maximum cell bed capacity in the Jail of 336. The total of 336 includes all the individual cells and the four dormitory cells (located on 4 and 4 Mezzanine) which can house three inmates each.

The City Lock-Up

The Lock-Up is located on the second and third floors of the City Public Safety Building and is connected to the Jail by a maximum security corridor.

The Lock-Up houses all persons arrested in the City of Rochester who are being held for arraignment in court. Arraignment usually is within 24 hours following arrest, unless the arrest takes place on a weekend or prior to a national or state holiday.<sup>2</sup>

The cells in the Lock-Up were designed for overnight stay only. They are smaller than the cells in the Jail and lack arrangements to keep any personal belongings. Observation of prisoner cells by the Guard staff is done by entrance into the corridors, and two of the cell blocks

<sup>1</sup> For a complete explanation of cell bed capacity in the Jail, consult Chart A-1 in the Appendix.

<sup>2</sup> Persons arrested by other police agencies are arraigned before local town justices and then, if necessary, brought to the Jail.

have corridors with cells opening onto them from both sides. Therefore, these areas cannot be used as easily as day corridors for the prisoners.

The Lock-Up is on two floors. One floor has 81 individual cells arranged in five cell blocks plus 2 observation or corridor cells for a total of 83 cells. The other floor of the Lock-Up has a total of 24 individual cells in two cell blocks, plus 2 observation or corridor cells, for a total of 26 cells.

Counting both floors together, there are 109 individual cells. Via a maximum security stairway, there is easy access from both floors to the courts for arraignments.

### CHAPTER III

#### PRISONER CAPACITY PROBLEMS OF THE JAIL AND LOCK-UP COMPLEX

As previously indicated, shortly after the new Jail opened the Sheriff's Department became responsible for the custody of not only the arraigned, non-sentenced, Jail prisoners, but also for the unarraigned Lock-Up prisoners and the sentenced penitentiary prisoners.

This chapter provides definitions on the types of prisoners housed in the Jail-Lock-Up complex, discusses the state requirements for prisoner segregation and their impact upon utilization of cell space, and documents the prisoner capacity problems of the Jail-Lock-Up complex.

#### Types of Prisoners

A prisoner is "unarraigned" when he has been arrested but not yet had his required appearance, or "arraignment", before a judicial officer on the arresting charge. The purpose of arraignment (usually held within 24 hours of arrest) is to provide an initial judicial screening of the arrest, to advise the arrestee of his rights and to set bail. If the arrestee cannot post bail or is not allowed by the Judge to have bail, he is remanded to the custody of the Sheriff to insure his appearance for trial. After arraignment, a prisoner in custody is referred to as an arraigned or non-sentenced prisoner.

A person is "sentenced" when, after a finding of guilt has been made in the appropriate court, sentence is imposed by the Judge. If the sentence was for a felony conviction (a crime for which a person

may be sentenced to more than one year in confinement), the imprisonment is usually served in a state prison. Sentences of up to one year, usually for misdemeanors and violations, are served in a county jail or county penitentiary.

An intermittent prisoner is a person sentenced to serve jail time for specific days of each week.

Work release is a procedure for allowing certain sentenced prisoners, as a rehabilitation tool, to enter the community each work day and to return to their cell block each evening.

Civil prisoners are those confined by a judicial officer because of contempt of court or other civil process. They are neither accused of nor guilty of a crime.

#### Required Prisoner Segregation

The New York State Commission of Correction, which is legislatively responsible for state supervision of local correctional facilities, has promulgated minimum standards and regulations which prevent mixing together any of 12 classifications of prisoners. Generally, adults and minors, males and females, sentenced and non-sentenced prisoners, and civil commitments cannot be placed in contact together. Chart 1 lists the separate classifications.

<sup>1</sup> An "adult" is aged 21 years and over. A "minor" ranges in age from 16-20 years old. Persons under the age of 16 are almost never committed to the custody of the Sheriff's Department but, rather, are detained in facilities under the jurisdiction of the juvenile justice system.

#### CHART 1

#### Twelve Classifications of Prisoners Not to be Mingled Together in New York County Jails<sup>1</sup>

<u>MALES</u>	<u>FEMALES</u>	<u>CIVIL</u>
1. Arraigned adults	5. Arraigned adults	9. Male adults
2. Arraigned minors	6. Arraigned minors	10. Male minors
3. Sentenced adults	7. Sentenced adults	11. Female adults
4. Sentenced minors	8. Sentenced minors	12. Female minors

In addition to these twelve classifications of prisoners which must be segregated, the unarraigned persons held in the Lock-Up also must be kept separate by sex and age.

These physical separations are necessary, not only under law, but also because the undesirable and potentially criminogenic effects of mixing minors and adults, those proven guilty with those still

<sup>1</sup>

"The law further provides that each of the following classes must not be combined in the same room or allowed to co-mingle in the corridors with prisoners of other classes. This results in the following listed three basic categories which, with four identical subdivisions in each, provides for 12 classifications.

- (1) Serving sentence
- (2) Civil process or contempt
- (3) Criminal process trial or examination, material witness
  - (i) Male adults, ages 21 and over
  - (ii) Male minors, ages 16 to 20 inclusive
  - (iii) Female adults, ages 21 and over
  - (iv) Female minors, ages 16 to 20 inclusive

County Penitentiaries - Correction Law, Section 485, mandates the complete separation of minors from adults which requirements may be waived in the discretion of the official in charge, for the sole purpose of enabling such minor prisoners to participate in vocational and divine worship programs when conducted within the county penitentiary proper." State Commission of Correction. Minimum Standards and Regulations for Management of County Jails and Penitentiaries (New York: State Commission of Correction, 1973), Sec. 5100.14.

awaiting a determination of guilt or innocence, etc., are eliminated.

As previously indicated, most of the cells in the Jail and Lock-Up are in cell blocks. In most of the blocks it is possible for prisoners, when not confined to their cells (e.g., confined at night for sleep), to mix in the Day Corridor of their cell block area. Therefore, since the various classifications of prisoners are not allowed to co-mingle, Jail administration reserves or allocates certain cell blocks for a particular classification of prisoners who may mingle. As we shall see, the necessity of allocating cells in groups, rather than singly, diminishes the effective capacity of the total cell beds in the Jail and Lock-Up complex.

#### Deployment of Prisoners

Table 1 provides a brief history of sentenced and non-sentenced prisoner days over the last three years. As indicated, there appears to be little fluctuation in the daily average number of prisoners. Adding male and female prisoners, the total daily average prisoner population for the three years was 324, 331, and 323 respectively.

Considering that the Jail, itself, has 336 cell beds, on the surface it would appear that there should not be any difficulty housing these prisoners in the Jail. Two factors which have a crucial impact on cell bed capacity, however, are not reflected in the daily average figures. First, there are significant fluctuations in the number of prisoners on any given day -- for example, in 1974, the number of sentenced and arraigned male prisoners ranged from a low of 250 on one

TABLE 1

1972 - 1974 Prisoner Days:  
Sentenced and Arraigned (Non-Sentenced) Prisoners

<u>Year</u>	<u>Total Days All Males</u>	<u>Males: Average Per Day</u>	<u>Total Days All Females</u>	<u>Females: Average Per Day</u>
1972	111,996	306	6,588	18
1973	110,784	303	10,295	28
1974	110,943	303	7,474	20

NOTE: Does not include unarraigned prisoners.

day to a high of 361 on another. Further, there were 37 days in 1974 when the number of male prisoners alone (excluding the female prisoners) exceeded 336 -- the full capacity of the Jail.

Secondly, and most importantly, the need to segregate these prisoners places severe limitations on the full utilization of all the cell beds. The cell blocks (typically with 13 cells) must be reserved for only one classification of prisoners, if the Day Corridors are to be used for mingling and recreation space. For example, if on a given day there are seven minor-aged sentenced prisoners, then they must be housed as a separate group in one of the 13-bed cell blocks, leaving six cells empty which cannot be used for any other classifications of prisoner. Considering that sentenced and arraigned prisoners involve twelve groups requiring segregation, it is apparent that the actual, workable, capacity of the Jail is well below the total number of cell beds.<sup>1</sup> To add to the

1

An additional problem affecting cell bed capacity include cells temporarily out-of-order due to plumbing problems, the necessity for isolating special problem prisoners, separating prisoners arrested for the same crime, etc.

problem of maintaining prisoner segregation, the number of prisoners in each of the twelve groups requiring segregation also varies daily. For example, on one day there might be seven minor-aged sentenced males, requiring one 13-bed cell block; on the next day there might be eighteen prisoners in this group, requiring two 13-bed cell blocks.

In an attempt to meet the problem of cell beds vs. the number and classifications of prisoners who must be accommodated each day, the Jail administration has allocated certain groups of cells for certain prisoner classifications. Obviously, the Jail administration cannot switch around whole cell blocks on a daily basis, especially since there is no certain foreknowledge of the numbers and types of prisoners who will be remanded to custody. The cell block allocation, therefore, is based on trends, and when new trends develop, the cell blocks allocated can and do change.

Table 2 indicates the cell block allocation for both the Jail and the Lock-Up for at least the last nine months. As indicated in the Table, there are a total of 445 cell beds -- 336 in the Jail and 109 in the Lock-Up. All female prisoners are housed in the Lock-Up. As also indicated, the Lock-Up is being utilized as an overflow facility for the Jail; 46 Lock-Up cells are now reserved for male sentenced prisoners.

The following sections of this chapter examine, by each

TABLE 2

Monroe County Jail and City Lock-Up Complex --  
Allocation of Cell Bed Space

<u>CLASSIFICATION</u>	<u>CELL BEDS ALLOCATED</u>
<u>Jail Only:</u>	
Males:	
Arraigned Adults	130
Arraigned Minors	78
Sentenced Adults	65
Sentenced Minors	39
Observation Cells	14 (1)
Civil Cells	10
<u>Lock-Up Only:</u>	
Males:	
Unarraigned Adults and Minors	37 (2)
Sentenced Adults	35
Sentenced Minors	11
Females:	
Sentenced Minors	8
All Other Classifications	18 (3)
<hr/>	
TOTAL ACTUAL CELL BED SPACE FOR PRISONERS	445

- (1) Any arraigned or sentenced males
- (2) Includes 2 Observation Cells
- (3) Includes 2 Observation Cells

classification of prisoner, the deployment of those prisoners in relation to cell bed capacities.

Unarraigned Male Prisoners

As shown on Table 2, 37 Lock-Up cells are allocated for the custody of men arrested by the Rochester Police Department to be held for arraignment.

Table 3 suggests that the allocation of 37 cell beds<sup>1</sup> is adequate for the needs of the unarraigned males. In fact, based on the first four months of 1975, it appears that there are fewer men now held as unarraigned prisoners than in the previous two years. Therefore, it seems clear that the space allocation for unarraigned males is adequate for present needs.

TABLE 3

Unarraigned Male Lock-Up Count

Month	1973			1974			1975		
	Number Of Prisoners	Daily Average	Daily Range	Number Of Prisoners	Daily Average	Daily Range	Number Of Prisoners	Daily Average	Daily Range
January	709	22.9	(11-36)	712	23.0	(11-36)	701	22.6	(11-41)
February	592	21.1	(14-34)	597	21.3	( 9-33)	531	19.0	( 9-30)
March	690	22.3	( 9-42)	669	21.6	( 3-36)	596	19.2	(11-34)
April	685	22.8	(10-38)	729	23.5	(10-48)	578	19.3	( 8-39)
May	706	22.8	( 9-36)	789	25.5	(13-44)			
June	530	24.3	(13-46)	725	24.2	(14-40)			
July	Not Available	---	---	776	25.0	(11-45)			
August	884	28.5	(14-50)	708	22.8	(12-40)			
September	718	23.9	(11-37)	656	21.9	( 9-35)			
October	749	24.2	(11-48)	706	22.8	(12-50)			
November	705	23.5	(12-35)	600	20.0	(12-37)			
December	630	20.3	(10-33)	719	23.2	(11-45)			
TOTAL	7,797*	23.3	( 9-50)	8,386	23.0	( 3-50)	2,406	20.1	( 8-41)

\*11-month total

Arraigned and Sentenced Male Prisoners

All 336 cell beds in the Jail are reserved for arraigned and sentenced male prisoners and an additional 46 cell beds in the Lock-

<sup>1</sup> Cell Block C (17 cell beds) in the Lock-Up, normally reserved for adults serving intermittent sentences, is used for overflow for unarraigned males, making a total of 54 cell beds, if necessary.

Up are available for overflow, for a total of 382 cell beds.<sup>1</sup> In examining whether or not the Jail-Lock-Up complex was crowded, the basic question is: given the number of arraigned and sentenced male prisoners, can they be housed in the 382 available cell beds while still maintaining the necessary segregation required under law? (Note, problems of housing female prisoners are discussed later.)

As a first step, we obtained data on the number of prisoners, by type of classification, for every day in 1973 and 1974, and for the first four months in 1975. We then selected increasingly larger daily male prisoner populations until we arrived at a population size that frequently could not be accommodated in the 382 beds while maintaining the allocated segregation of prisoner classifications.

As detailed in the Appendix in Tables A-1 and A-2, major problems arose when the daily male prisoner population reached 326 to 340. For the 47 days in 1974 when the population ranged between 326 and 340, on 38 days one prisoner classification could not be maintained within the space allocated, and on 4 days two prisoner classifications could not be maintained. In the first four months of 1975, there were 25 days when the prisoner population numbered 326 to 340. During this time, there were 21 days when one prisoner classification could not be maintained and two days when two prisoner classifications could not be maintained.

<sup>1</sup> For purposes of this report, the few civil prisoners held in custody have been included in the number of arraigned prisoners.

It should be reiterated that the problem of maintaining the necessary prisoner classifications occurred when using the available cells in both the Jail and Lock-Up. In this respect, it is stressed again that the Lock-Up facility is not particularly appropriate for housing arraigned or sentenced prisoners. The cells are smaller and the corridors not as easily used for recreation. There is no outside catwalk and Guard staff must pass through the corridors to view each cell on rounds. The prisoners who safely can be placed in this facility are limited to prisoners who need less security than most. Thus, from a security standpoint alone, most arraigned prisoners -- many of whom are charged with serious crimes -- cannot be housed in the Lock-Up.

Since the Lock-Up facilities also are not designed to house prisoners for any length of time, the Jail administration uses these overflow cells, whenever possible, to lodge all intermittent sentenced adults and minors plus all sentenced adults and minors who are approved for work or educational release in the Lock-Up. Clearly, these men are in less need of maximum security since they are only serving overnight or weekend sentences or else have been approved for re-entry into the community for part of most days on work or educational release.

Our research has indicated that if segregation of prisoners is to be maintained, there are serious capacity pressures on the Jail only cell beds (maximum 336) and -- regarding Jail-Lock-Up complex cell beds (maximum 382) -- definite capacity problems are present when the daily number of arraigned and sentenced male prisoners reaches the

326-340 range. The pressures become severe when there are more than 340 prisoners. Table 4 shows that this range was reached and/or exceeded for 67 days in 1973 (18% of the year), 77 days in 1974 (21% of the year), and for the first four months of 1975, 66 days or 55% of the days so far in 1975.

TABLE 4

Daily Number of Sentenced and Arraigned Males 1973 - 1975

Daily Number of Prisoners:	1975 (Jan-April)		1974		1973	
	Number of Days	Percent of Year	Number of Days	Percent of Year	Number of Days	Percent of Year
325 or less	54	45.0%	288	79.0%	298	82.0%
326-340	27	22.5%	47	13.0%	50	14.0%
341 and over	39	32.5%	30	8.0%	17	4.0%
TOTAL	120	100%	365	100%	365	100%

From Appendix tables A-3, A-7, A-8, A-11, A-17, A-18, and A-21, it appears that the 1975 increase is not accounted for by seasonal fluctuation. In 1975 there has been a significant, real increase in prisoner days served over previous years. The increase was both for sentenced and arraigned prisoners, but greater for sentenced males. During the first four months of 1975 there already have been more days (39) where the number of prisoners exceeded 340 than during all of 1974 (30 days).

In conclusion, it appears that if the necessary prisoner segregations are to be maintained as required under law, serious

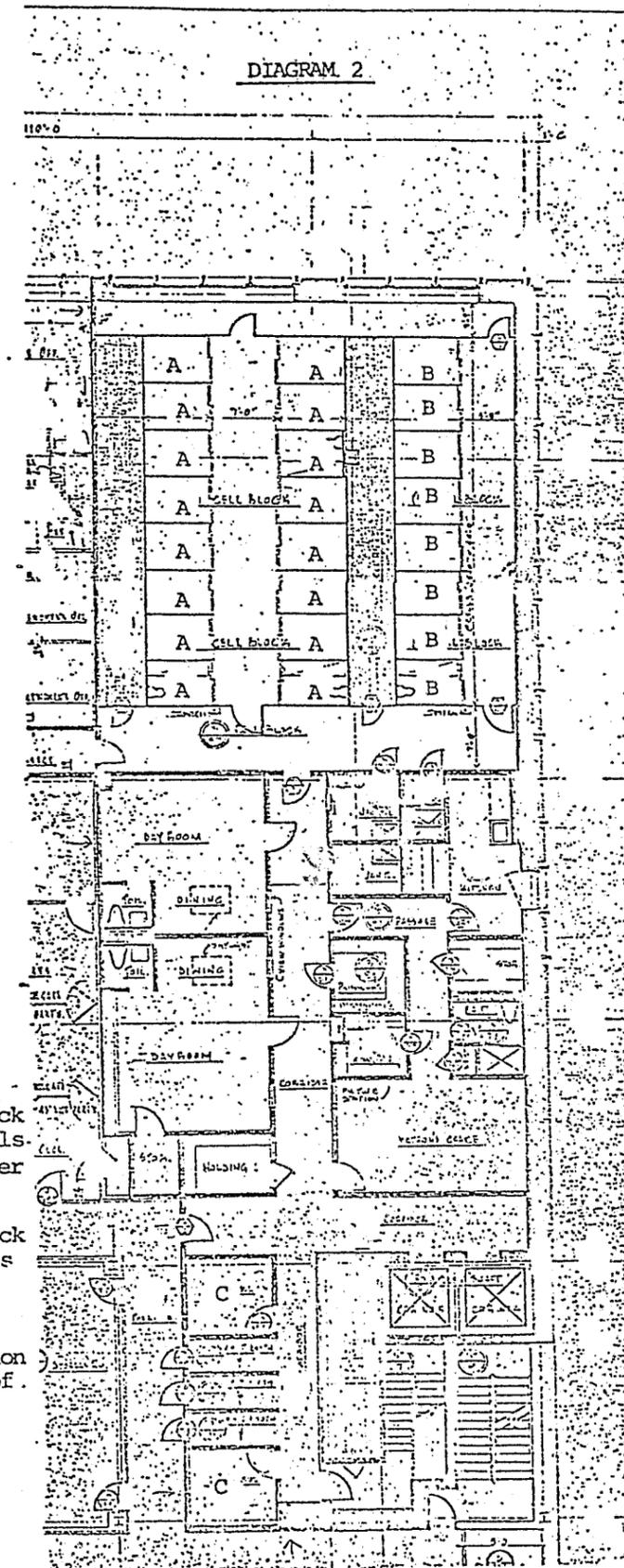
crowding problems of the Jail-Lock-Up complex not only existed for a substantial period of time in 1973 and 1974, but have increased at an alarming rate during the first four months of 1975.

Female Prisoners

All six classifications of female inmates -- that is, all female unarraigned, arraigned, and sentenced adults and minors --<sup>1</sup> are currently housed on the third floor of the Lock-Up. As shown in Diagram 2, this area has a total of 26 available cells, arranged in a cell block of 8, a cell block of 16, and 2 individual observation cells. These Lock-Up cells, as detailed earlier, were originally intended for overnight stay only; i.e., they are smaller than cells in the Jail and lack arrangements for storage of personal belongings.

It has been the practice of the Jail administration to supplement this 26-cell Lock-Up space through transfer of some female inmates to the Erie or Ontario County Jail whenever the count of arraigned and sentenced females has exceeded 20 for three consecutive days. For purposes of examining the real extent of crowding pressures on the Monroe County Jail and Lock-Up complex, however, it seems appropriate to examine data on all female inmates committed to the custody of the Sheriff, whether they have been housed at the Lock-Up or transferred elsewhere.

<sup>1</sup> From September, 1971, through Spring of 1972, all female prisoners were housed on 4 and 4 Mezzanine of the Jail. Space re-allocations in the Jail resulted in the transfer of women to their present location.



WOMEN'S LOCK-UP

- A = One cell in cell block of 16 individual cells.  
(Current Allocation: Other than sentenced minors)
- B = One cell in cell block of 8 individual cells  
(Current Allocation: Sentenced minors)
- C = One of two observation cells for any type of female prisoner

Table 5, which summarizes the daily totals of women committed to the Sheriff's custody, shows that the daily total exceeded the absolute maximum cell capacity of 26 for 13.3% of the time during January through April of 1975. The reader may recall that a comparable state of affairs never occurred for male prisoners in 1975.

TABLE 5

Daily Totals of Women Committed to the Custody of the Sheriff: Jan - April, 1975

<u>Total Daily No. of Women</u>	<u>No. of Days Occurring</u>	<u>Percent of Days Occurring</u>
13 or less	9	7.5
14 - 20	39	32.5
21 - 25	50	41.6
26	6	5.0
27 and over	16	13.3
	<u>120</u>	<u>100.0%</u>

Moreover, there is no reason to believe that the pressures on the women's section in the first third of 1975 were atypically severe. To the contrary, available data on levels of arraigned and sentenced females, shown in Table 6, suggests that the pressures were probably worse in earlier years.

It is not uncommon, then, for total demand for cells to exceed total capacity; as stated earlier, however, examination of the

TABLE 6

Level of Arraigned and Sentenced Women Prisoners by Year

<u>Year</u>	<u>No. Prisoner-Days</u>	<u>Average No./Day</u>	<u>Range in Daily Count</u>
1973	10,295	28.2	17-51
1974	7,474	20.5	11-31
Jan-April 1975	2,009	16.7	7-26

capacity to segregate prisoners by classification is essential to any complete assessment of the extent of crowding. In this regard, a serious drawback of the women's Lock-Up section emerges immediately. The configuration of cells (see Diagram 2) -- two cell blocks and 26 individual cells -- allows very little flexibility for housing six different classifications of women prisoners, and maintaining the segregation required by State law and guidelines. If the day corridors were to be used for recreational areas (the assumption made throughout the discussion of cell allocation for males), then only a single classification of prisoners could be placed in each of the two cell blocks. If the two observation cells were made available for additional classifications, rather than reserved for prisoners with special needs (psychiatric, severely intoxicated, suffering from contagious disease), then a maximum of no more than four classifications could be housed and still maintain appropriate use of the day corridors. Even this could be achieved only when two of four classifications had only one prisoner each.

The accumulated evidence indicates that in 1975 this fortuitous

set of circumstances never occurred. Table 7 shows that during the first four months of 1975, there were only 4 days when there were fewer than five classifications of women inmates in the Sheriff's custody. Inspection of the actual counts in each classification confirmed that none of those days involved a situation where two of the four classifications contained single individuals.

TABLE 7

Classifications of Women Prisoners in Sheriff's Custody: Jan - April, 1975

<u>No. of Classifications</u>	<u>No. Days Occurring</u>	<u>Percent of Days Occurring</u>
3 or less	0	0.0
4	4	3.3
5 or more	116	96.7
	<u>120</u>	<u>100.0%</u>

How then does the Jail staff deal with the pressures outlined thus far? First, as mentioned above, some prisoners have been transferred to jails in other counties. Table 8 indicates that this option has been utilized with declining frequency, however, accounting for only 27 prisoner days in January through April of 1975.<sup>1</sup>

<sup>1</sup> In addition to the charge levied by the Ontario or Erie County Jails, the Sheriff bears the transportation and personnel costs entailed in making these transfers. For the inmates, of course, transfer makes family and legal counsel visits more difficult.

TABLE 8

Number of Female Prisoner Days Served in Ontario or Erie County Jails by Year<sup>1</sup>

<u>Number of Prisoners</u>	<u>1973</u>		<u>1974</u>		<u>1975</u> <sup>2</sup>	
	<u>Number of Days</u>	<u>Total Prisoner Days</u>	<u>Number of Days</u>	<u>Total Prisoner Days</u>	<u>Number of Days</u>	<u>Total Prisoner Days</u>
0	128	0	248	0	111	0
1	38	38	0	0	3	3
2	24	48	2	4	0	0
3	49	147	60	180	0	0
4	91	364	32	128	6	24
5	35	175	23	115	0	0
<u>Totals</u>	<u>365</u>	<u>772</u>	<u>365</u>	<u>427</u>	<u>120</u>	<u>27</u>

The other procedure upon which the Jail staff is forced to rely, given the number and configuration of cells, is to use the two day rooms available to hold two of the classifications of inmates during the day, with two remaining classifications allowed to co-mingle in the day corridors of the cell blocks. This procedure is successful only when there are no more than four prisoner classifications. In 1975 (Jan - April) it was unsuccessful 97% of the time and the required prisoner segregation was not possible.

<sup>1</sup> It costs the County of Monroe \$12 per day to house a woman prisoner in Ontario County and \$15 per day to house a woman prisoner in the Erie County Jail.

<sup>2</sup> Includes January through April, only.

SICK AND INJURED PRISONERS

In conclusion, two main points regarding capacity for women prisoners deserve emphasis. First, it is not unusual for the total number of women committed to the Sheriff's custody to exceed the total cells available for them (occurring on the average, one out of every eight days during the first third of 1975). Second, even when total capacity is not exceeded, required segregation of prisoner classifications can only be achieved by using the day rooms as a supplement to the Day Corridor areas. This was successful only 3% of the time in the first four months of 1975. Thus, capacity problems, while hardly negligible for some categories of male inmates, appear particularly acute in the case of women prisoners of all classifications.

An important factor in studying the feasibility of utilizing the North wing of the Monroe Community Hospital (the "Men's Building") as a minimum security facility for certain categories of Jail prisoners was the possibility of establishing a hospital unit for the care and custody of sick and injured prisoners.

Although the Jail presently has a medical program (as discussed below), each week a number of prisoners are transported to local hospitals and clinics for emergency treatment and/or specialized medical or surgical services. During the year, a number of prisoners also are admitted to local hospitals for treatment.

Since the law provides<sup>1</sup> that duly authorized jail facility personnel must provide the "necessary supervision" of prisoners removed from jail to a hospital, two Deputy Sheriffs accompany each prisoner on hospital and clinic visits, and when a prisoner is admitted to the hospital, one Deputy Sheriff is on duty around the clock (if the prisoner has been charged with a felony, two Deputy Sheriffs are on duty during the day).<sup>2</sup> In the event a hospital security unit were established, it was anticipated that a substantial amount of the time Deputies now spend in transporting and guarding prisoners in hospitals would be released, allowing them to perform other duties.

<sup>1</sup>

New York State Correction Law, Section 508. State Commission of Correction. Minimum Standards and Regulations for Management of County Jails and Penitentiaries (New York: State Commission of Correction, 1973), Section 5100.11 (F).

<sup>2</sup>

Deputies of the prisoner transport division usually provide this service. In the case of female prisoners, a matron accompanies a Deputy Sheriff on out-patient hospital visits and stands guard if the female is admitted to the hospital.

The development of a security wing in a hospital for jail prisoners is not new in New York State. Erie County, for example, operates an eleven-bed hospital security wing in Meyer Memorial Hospital for jail prisoners. Prisoner-patients are cared for by regular hospital staff physicians and nurses. Security is provided by a Deputy Sheriff-Guard staff which apparently increases or decreases in number according to the number of prisoner-patients in the unit. With the building of a new hospital, plans are underway to expand the security wing to twenty beds plus supporting facilities such as a visiting room.

Although several questions are involved in examining the feasibility of establishing a hospital security unit at the Monroe Community Hospital site, the following appear basic: (1) How many jail prisoners receive out-patient and in-patient hospital care every year, and what is the nature of the services rendered, (2) what services are rendered by the Monroe Community Hospital and would these services meet the needs of the prisoners, and (3) assuming the Monroe Community Hospital could serve the needs of the prisoner population, would the establishment of a security unit at the hospital site be more cost-effective than the present system? These questions are addressed below, following a brief overview of the present system for rendering medical care.

#### Brief Overview of Jail Medical Care System<sup>1</sup>

A medical team of physicians and nurses operates within the Jail, providing health care services to the prisoners. A Jail physician is on call at all times and present for sick call for male prisoners Monday, Tuesday, Wednesday, Friday, and Saturday. Sick call lasts until all prisoners requesting care have been seen, usually one to two hours.

A dentist is available in the Jail Mondays and Fridays, and plans are underway for obtaining the services of another doctor one day a week for eye, ear, nose, and throat examinations.

Currently, under a special program, a seven-doctor team from St. Mary's Hospital is providing medical care to female prisoners. Services include complete physical examinations, and sick call is held Monday through Friday; the doctors are on call at all times.

The Jail's nursing staff includes one supervising RN and two full-time and two part-time RNs. Among them, they provide nursing coverage at the Jail from 7 a.m. to 11 p.m. Monday through Friday and all day Saturday and Sunday. At least one nurse is on duty during this time period, and two nurses usually are on duty 9 a.m. to 5 p.m., Monday through Friday. All are on-call.

The nursing staff attends sick call, dispenses medications four times a day, and makes nursing rounds to care for prisoners with minor illness or injuries. They handle all medical problems arising when the doctor is not on duty. In an emergency, such as cardiac arrest, they send the prisoner-patient by ambulance to the hospital. In other cases, they evaluate the situation, call the Jail doctor to advise him of the situation and then, depending upon the decision, may send the prisoner-patient to the hospital. As a matter of policy, prisoners who have major illnesses or injuries, or require surgical or other specialized treatment are taken to a hospital.

As discussed in a following section, the medical team also works closely with the psychiatric team serving the prisoner population.

<sup>1</sup>This is a description of the system. For purposes of this report, no attempt to evaluate the system was undertaken.

Prisoner Out-Patient Hospital Visits

Table 9 summarizes the number of hospital out-patient care visits of Jail prisoners from 1972 through the first four months of 1975.<sup>1</sup> As indicated, the total number of visits has ranged from 194 to 269 per year. Assuming the first four months of 1975 are typical for the rest of the year, total visits for 1975 would be 249.

TABLE 9

Hospital Out-Patient Care Visits of Monroe County Jail Prisoners

1972-1975

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975 4 months (1/1-4/30)</u>
Visits - Males	217	168	174	74
Visits - Females	<u>52</u>	<u>26</u>	<u>71</u>	<u>9</u>
TOTAL Visits	269	194	245	83

In terms of total out-patient visits in the last three years, the number per year does not show major fluctuations. Tables 10 and 11 were calculated in an attempt to determine if there was a relationship between the number of out-patient visits and the number of days served in jail by the prisoners. As indicated, with the exception of 1973 for the females, in gross terms there does appear to be a relatively stable relationship.

<sup>1</sup>Data were obtained from the "hospital list" maintained by jail staff, which indicates the name of the prisoner, hospital sent to, reason, and the time the prisoner was checked out of and back into the jail.

TABLE 10

Comparison of Out-Patient Visits in Relation to  
Total Jail Days: Males, 1972-1974

<u>Year</u>	<u>Jail Days: Males</u>	<u>Out-Patient Visits: Males</u>	<u>Ratio: Jail Days Per Visit</u>
1972	111,996	217	1 visit for every 516 jail days
1973	110,784	168	1 visit for every 659 jail days
1974	<u>110,943</u>	<u>174</u>	1 visit for every 638 jail days
3 Year TOTAL	333,723	559	1 visit for every 597 jail days

TABLE 11

Comparison of Out-Patient Visits in Relation to  
Total Jail Days: Females, 1972-1974

<u>Year</u>	<u>Jail Days: Females</u>	<u>Out-Patient Visits: Females</u>	<u>Ratio: Jail Days Per Visit</u>
1972	6,588	52	1 visit for every 127 jail days
1973	10,295	26	1 visit for every 396 jail days
1974	<u>7,474</u>	<u>71</u>	1 visit for every 105 jail days
3 Year TOTAL	24,357	149	1 visit for every 163 jail days

A review of the Jail's hospital list for the recent twelve-month period (5/1/74-4/30/75) indicates, under "reason" for the out-patient visits, several cases of abdominal pain, possible heart attack, seizures and passing out, major infections, burns, need for suturing, etc. It appears that around 25 percent of the visits involve medical

emergencies. Approximately seven percent of the visits were to an eye clinic. With the eye, ear, nose, and throat specialist being added to the Jail's medical team, the need for these out-patient visits should decrease.

A review of the Jail's hospital list, for this same twelve-month period, regarding the time a prisoner was checked out of and back into the Jail for the hospital visit shows that a visit, on the average, is taking 2 hours, 24 minutes.

Prisoner Hospital Admissions

As indicated in Table 12, the Jail records show that in 1974, 17 prisoners were admitted to hospitals where they spent a total of 65 days. Additionally, one male and one female prisoner, who were admitted to hospitals late in 1973, also spent eight days each during 1974 in the hospital.

TABLE 12

Prisoner Hospital Admissions

	<u>1974, 1975</u>		<u>1975</u>	
	<u>1974</u>		<u>4 months (1/1-4/30)</u>	
	<u>Number of Admissions</u>	<u>Days in Hospital</u>	<u>Number of Admissions</u>	<u>Days in Hospital</u>
Males	14	50	2	19
Females	<u>3</u>	<u>15</u>	<u>4</u>	<u>23</u>
TOTAL	17	65	6	42

Unfortunately, not enough time was available to search the records for prisoner hospital days prior to 1974, but it appears that there were approximately 21 hospital admissions in 1972 and 19 in 1973.

A comparison of 1974 figures with the first four months of 1975 shows some interesting changes which might have an impact in the future. In 1974, three females were admitted to hospitals; in the first four months of 1975, four females were admitted to hospitals. This trend toward a substantial increase in the number of female prisoners admitted to hospitals is largely attributable to the new, intensive Jail medical program for females. In providing complete physical examinations for the females, the team of doctors has discovered major medical problems and, subsequently, has sent the patients to the hospital for the appropriate medical and surgical care.

Assuming that for 1975 the number of male hospital admissions and days are the same as in 1974<sup>1</sup> and that the female admissions and days follow the pattern of the first four months in 1975, then one could anticipate a total of 26 admissions and 119 hospital days during 1975 (14 male plus 12 female admissions; 50 male plus 69 female hospital days).

Jail records indicate the reason for hospital admissions as follows: 1972 -- 11 psychiatric, 1 drug withdrawal, 6 surgical/medical, 3 no record; 1973 -- 8 psychiatric, 8 surgical/medical, 3 no record; 1974 -- 3 psychiatric, 14 surgical/medical.

<sup>1</sup> Although the 19 hospital days for two male admissions which occurred in the first four months of 1975 results in a substantially higher days per admission ratio than in 1974 (9.5 compared to 3.6), it is assumed that this will approach the 1974 ratio as more males are admitted to hospitals. If not, and the pattern persists, then the result would be 6 male admissions and 57 male hospital days in 1975.

Cost of Prisoner Out-Patient and In-Patient Hospital Care

Table 13 summarizes the costs for in-patient and out-patient hospital care for Monroe County Jail prisoners for the years 1972-1975.<sup>1</sup> As indicated, there have been substantial fluctuations in costs over the last few years.

TABLE 13

Costs of Hospital In-Patient and Out-Patient Care

For Monroe County Jail Prisoners

1972-1975

<u>Year</u>	<u>Hospital Costs</u>
1972	\$ 26,490
1973	11,685
1974	19,360
1975 - 5 months (1/1-5/31)	5,859

In order to obtain more detailed information on hospital costs, all of the 1974 vouchers were reviewed. Of the total of \$19,360 in hospital costs paid in 1974, \$9,563 (49%) was for in-patient hospital care. The remaining \$9,797 covered out-patient clinic and emergency care, ambulance services, and doctors' bills, most of which were for rendering emergency services. The majority of out-patient visits were to Strong Memorial and St. Mary's hospitals. The Monroe

<sup>1</sup>These data were obtained from records of the Monroe County Comptroller's Office. These cover bills paid during the year. Because of the time involved both in billing and payment, for a given year some of the costs cover services rendered in the previous year and, similarly, some of the services rendered in the given year would not be paid until the subsequent year.

Community Hospital, Genesee, Rochester General, and Park Avenue hospitals also were utilized, but none had more than seven visits.

Although time was not available to review each voucher for hospital costs in other years, it seems evident that in-patient hospital costs can have a major impact on total hospital costs. For the most part, out-patient visits show a relatively stable pattern. In-patient costs, however, could vary drastically. For example, in 1972 (which had comparatively high hospital expenditures), the in-patient hospital cost for one prisoner was \$12,280.

Time and Costs Involved in Transporting and Guarding Prisoners

As indicated previously, prisoner visits to hospitals for out-patient care average 2 hours and 24 minutes per visit. Assuming it takes 15 minutes for a Deputy to drive to the Jail to pick up the prisoner and 15 minutes to return to other work after returning the prisoner, then a Deputy's involvement in an out-patient visit would be, on the average, 2 hours and 54 minutes. Since two Deputies accompany a prisoner on an out-patient visit, a total of 5 hours 48 minutes of Deputies' time is involved in one visit.

In 1974, there were 245 prisoner out-patient hospital visits (see Table 9). The amount of time spent by Deputies to handle these visits computes to 1,421 hours in 1974 (5 hours 48 minutes times 245).

During 1974, Jail prisoners spent a total of 65 days in hospitals (see Table 12). Since one Deputy is on guard 24-hours a day, the total number of hours spent in guarding in-patient prisoners in

1974 was 1,560. Assuming one-third of the hospital days involved prisoners charged with a felony, (thus requiring two guards during the day) an additional 176 hours are added, resulting in a total figure of 1,736 hours spent in 1974 for guarding in-patient prisoners.

In 1974, therefore, the Deputies<sup>1</sup> time spent in transporting and guarding prisoners for out-patient and in-patient hospital care was approximately 3,157 hours (1,421 for out-patients plus 1,736 for in-patients). This time is equivalent to the number of hours worked a year by 1.7 full-time Deputy Sheriffs.<sup>2</sup> Assuming that even the equivalent of two full-time Deputies was required, the salary and fringe benefit costs for two positions would be approximately \$31,900 per year.<sup>3</sup> Additional expenditures also would be involved in terms of gas, maintenance of vehicles, etc.

#### Services of the Monroe Community Hospital

The Monroe Community Hospital is certified by the New York State Department of Health as a multi-level care facility with: 60 "chronic hospital" beds (implying a stay of 30 days or more); 354 "skilled nursing facility" beds; and 524 "health-related facility" beds (implying minimal care). The North wing, or "Men's Building", of the Hospital contains two units of the "skilled nursing facility" plus all of the "Health-related facility" beds. Of this latter group of beds, only 270 are in use, which is one reason why the "Men's Building" eventually is being vacated.

<sup>1</sup>When the prisoner is a female, a matron would stand guard at the hospital and accompany a Deputy Sheriff during the transport.

<sup>2</sup>A full-time Deputy works 38.75 hours a week for a total of 2,015 hours per year. From this must be subtracted two weeks of vacation (77.5 hours) and eleven paid holidays (116.25 hours), resulting in 1,821 hours a year when a Deputy is on duty. Sick leave would additionally decrease this figure.

<sup>3</sup>The 1975 middle salary bracket (\$11,232) for a Deputy Sheriff was used plus 1975 fringe benefits, which average 42% of salary.

The Hospital is a community-based institution operated under a contract between Monroe County and Strong Memorial Hospital of the University of Rochester, with Strong Memorial providing the services of a staff of doctors, residents and interns.

The Monroe Community Hospital is not classified as a general hospital. It does not have an emergency room and performs only rehabilitative and restorative surgery such as cataract surgery. Although the services of the Hospital are not limited to any age group, the majority of patients are "chronically ill" -- mainly elderly persons, but including some younger clients who are seriously handicapped. For many of these patients receiving long-term care, the Hospital is their home.

#### Services of the Monroe Community Hospital Relative to Prisoner Hospital Needs

The Monroe Community Hospital is a long-term care facility, primarily providing care for the chronically ill, with limited provisions for acute hospital care. From the review of both the out-patient and in-patient hospital needs of the prisoners, it is evident that the services required are those supplied by acute general hospitals -- emergency services, medical and surgical services, and specialized clinic services. The Monroe Community Hospital is not equipped to provide these services, and its long term plans are to remain a hospital for providing care to the chronically ill of this community.

Considering that the Hospital is not an appropriate facility for handling either out-patient or in-patient prisoners, one might question whether it could be utilized for convalescent care for prisoners following hospitalization for medical/surgical treatment. This would seem

to raise several problems: first, acute general hospitals would be hesitant to discharge a prisoner-patient until he was well on the road to recovery -- in which instance, the prisoner-patient probably could be adequately served by the in-house Jail medical team. Second, based on the experience of 1974, even if the hospitals, after one day, transferred all of the prisoner-patients to the Monroe County Hospital, this would mean a total of 48 days spent in "convalescence" at the Community Hospital. Not even considering problems regarding the need for acute medical/surgical care which might arise during this period, it seems obvious that establishing a security unit to be used for 48 days, or only 13% of the year, would not be cost-effective. Further, transfer from the acute general hospital to the Community Hospital would be expensive, requiring not only the necessary Deputies in attendance but also ambulance services.

It is noted that the discussion has centered around the establishment of a security unit for Jail prisoner-patients. Even if such a security unit were made available to other local police agencies, the same problems would arise. Since the Jail houses all arraigned and sentenced prisoners in Monroe County, the only other prisoner group would be those persons who were arrested and being temporarily held (usually 24 hours) in lock-ups prior to arraignment -- with most of the unarraigned held in the City Lock-Up, and a scattering in the towns. Any hospital visits by this group of prisoners definitely would involve emergency problems requiring acute general hospital care. In the event in-patient hospitalization were required, under law the patient either would have to be arraigned at the hospital (at which time the patient would come under the custody of the Sheriff) or else the arrest charges would have to be dropped.

Without belaboring the point further, it seems clear that in terms of both services and costs, the Monroe Community Hospital is not an appropriate facility for establishing a security wing for prisoner-patients. While one might want to explore the alternative of contracting with a local acute general hospital for the establishment of a security unit, it is pointed out that it is doubtful any cost savings would be involved -- hospital costs would still be paid as under the present system and Deputies would still be required to transport the prisoners to and from the hospital as well as guarding them at the hospital. From the perspective of saving time of the Deputies, a substantial number of prisoner-patient days would have to be involved (so that one Deputy could guard several prisoner-patients) and even then, providing one Deputy around-the-clock for a full year would require the equivalent of five full-time deputies at a cost of approximately \$80,000 per year.

The out-patient and in-patient hospitalization costs for Jail prisoners were \$19,360 in 1974. The cost of providing Deputy Sheriffs to transport and guard these prisoner-patients was approximately \$31,900. While these total costs of \$51,260 are in addition to the in-house medical system of the Jail, they seem reasonable in relation to the costs that would be entailed in developing other alternatives.

#### Conclusion

From the evidence presented, it is apparent that the Monroe Community Hospital is not an appropriate facility for including a security unit for sick and injured Jail prisoners. The Hospital is not equipped to serve either the out-patient or in-patient hospital

needs of the prisoner-patients. Further, at this time, the present system is cost-effective compared to other alternatives.

CHAPTER V

PRISONERS IN NEED OF MENTAL HEALTH SERVICES

In considering the feasibility of establishing a security unit in the Monroe Community Hospital for the care of sick and injured prisoners, a related consideration was the possibility of also using the Hospital's facilities for the care and treatment of prisoners with mental health problems. In 1974, the Corrections Law was amended to provide for the admission of a prisoner, under guard, to a psychiatric facility in the same manner as if he were a civil patient. In the past, prisoners often were denied admission because the law made no provision for their admission while under guard.<sup>1</sup> Because a psychiatric unit, operated by Genesee Hospital, was located at the Monroe Community Hospital, it was thought that the services of the unit could be extended to prisoners with psychiatric problems requiring hospitalization.

Since the psychiatric unit is scheduled to move back to Genesee Hospital when their new construction is completed -- probably in a year -- the question of utilizing the Monroe Community Hospital site for the care of prisoners with psychiatric problems would appear moot. Further, as discussed below, because of the level of mental health care presently available for Jail prisoners, it appears that there is minimal need for a separate in-patient psychiatric facility for Jail prisoners.

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<sup>1</sup> To be admitted under guard, they first would have had to be found incompetent under the Criminal Procedure Law, unless the facility agreed to receive them.

Jail prisoners presently receive mental health services under two, coordinated programs: the unsentenced, arraigned prisoners receive services from the staff of the Monroe County Mental Health Clinic for Sociolegal Services; sentenced prisoners receive services, under a special program, from the staff of the Strong Memorial Hospital Community Mental Health Center. One director, a psychiatrist, supervises both programs.

Brief Overview of Jail Mental Health Services - Unsentenced Prisoners

The Mental Health Clinic for Sociolegal Services accepts referrals for evaluation and treatment of individuals who come into contact with various agencies of the criminal justice system and Family Court. The Clinic, which began as a pilot project of the University of Rochester Department of Psychiatry in 1963, is supported primarily through the Monroe County Board of Mental Health, and is viewed as an extension of the community mental health services available in Monroe County.

The Clinic functions with a professional staff of a full-time Public Health Nurse, social worker, and clinical psychologist, three part-time psychiatrists, and two residents in psychiatry from local hospitals.

The Clinic averages 800-900 referrals a year, and persons are referred to the Clinic at a number of stages of involvement with the criminal justice system. Referrals from the court, while an individual's court case is pending, usually involve one of two tasks:

general evaluation and recommendations as to appropriate future treatment or determination of competence to continue court proceedings. Although most of the treatment recommended is provided directly by the Clinic staff, in some cases referrals to other community resources are made.

In terms of the Jail population, in 1974 the Clinic staff formally examined 29 prisoners for competence to stand trial. The majority were found to be incompetent and were hospitalized at the Mid-Hudson Psychiatric Center near New York City, which is operated by the State Department of Mental Hygiene.<sup>1</sup> In 1974, the Clinic staff handled 507 cases from the Jail's unsentenced prisoner population. Services to these prisoners included both psychiatric evaluations and treatment. Upon recommendations of the staff, five prisoners were hospitalized for more intensive treatment.<sup>2</sup>

Brief Overview of Jail Mental Health Services - Sentenced Prisoners

Mental health services for sentenced prisoners are provided under a special program, the Rehabilitation Intervention Program for Sentenced Prisoners. This program involves a three-pronged intervention effort geared toward early identification of problems that impair the social functioning of the offender, the development of a

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<sup>1</sup> These defendants, charged with felonies, remain at the facility until their psychoses are in remission (competence is restored) at which time they are returned to Jail to await trial.

<sup>2</sup> Statistics provided by the director of the Clinic.

treatment plan for the individual prisoner, including group and individual counseling, and a program of after-care treatment and follow-up.

The program initially was established under the auspices of the Rochester-Monroe County Criminal Justice Pilot City Program and received federal funding. Monroe County, as the grantee of the program, subcontracted with the Strong Memorial Hospital, Department of Psychiatry, Community Mental Health Center to provide the required services. The program commenced in 1974 and ran until April of 1975, when federal funds expired. Subsequently, the Monroe County Legislature funded the program through December of 1975. The initial program was placed in an experimental setting and was designed to be evaluated on measures of recidivism, job stability, and social functioning of the prisoners one year after discharge from the Jail. The evaluation is now underway and will be completed within the next six months. The County Legislature has indicated that future funding of the program will be considered pending their review of the program's evaluation findings.

The staff of the program includes a half-time administrative director, one full-time and three part-time mental health counselors, and a psychiatrist who works one day a week. During 1974, this mental health team served 162 sentenced prisoners (145 males and 17 females), which is approximately one-quarter of the total sentenced population. Working with this group of prisoners, the team held individual counseling sessions with an attendance of 477 prisoners and group counseling sessions with an attendance of 867 prisoners. <sup>1</sup> Additionally, the team

<sup>1</sup> Statistics provided by the Program Director. These numbers are attendance figures and thus include the total of persons at each of the sessions. As indicated, the individual prisoner participated in several counseling sessions.

conducted training seminars for the Jail guards on methods for identifying and managing the acutely disturbed and ways of effectively using the mental health services available.

#### Summary and Conclusions

As indicated from the previous discussion, the mental health teams operating in the Jail actually referred very few patients for hospital treatment. As noted in the previous chapter, Jail records indicate that the number of prisoners admitted to hospitals for psychiatric treatment were 11 in 1972, 8 in 1973, and 3 in 1974. It also should be pointed out that when the mental health staff is not available in the Jail, prisoners are transported to local psychiatric clinics for out-patient care. A review of the Jail records from May through December of 1974 indicates approximately 46 visits to hospitals for this purpose. These visits are included in the statistics on sick and injured prisoners and are discussed in the previous chapter.

As stated at the beginning of this chapter, the question of utilizing the Monroe Community Hospital site for the care of prisoners with psychiatric problems appears moot since the psychiatric unit will be removed shortly from the Hospital. Further, considering the mental health program in the Jail and the small number of prisoners referred for in-patient hospital treatment for psychiatric problems, it appears that there is little need for a separate in-patient psychiatric facility for Jail prisoners. As pointed out in the chapter on sick and injured prisoners (which included prisoners requiring psychiatric care), the present system of transporting prisoners to hospitals for in-patient and out-patient services is cost-effective and has the

advantage, particularly for psychiatric cases, that the prisoner can be treated in the most appropriate community facility.

## CHAPTER VI

### PRISONERS ADDICTED TO DRUGS

As in the case of sick and injured prisoners and prisoners requiring psychiatric care, it was recommended that the feasibility of utilizing the services of the Monroe Community Hospital for establishing a drug addiction control center for prisoners also should be explored. Since the Jail, under law, cannot dispense methadone, it was suggested that a methadone maintenance program for prisoners could be established under the auspices of the Hospital and that, further, the Hospital's facilities could be utilized for drug withdrawal cases.

Although specific figures were not available on the number of Jail prisoners who are drug dependent, personnel from both the health and mental health staff indicated that drug dependency and withdrawal did not constitute a major problem. In the last three years, only one prisoner has required hospitalization for drug withdrawal. The staff also indicated that the drug Darvon napsylate, which is available by prescription, is a medically accepted technique for withdrawing addicts and is being used in the Jail.

It would appear that at this time, at least, the utilization of the Monroe Community Hospital for the establishment of a drug addiction control center for prisoners is not necessary. It is further noted that when drug withdrawal problems do occur, it is cost-effective for the Jail to transport the prisoner to a local hospital for the appropriate care.

THE POSSIBILITY OF A DETOXIFICATION CENTER

The Jail and Lock-Up complex have played a central role in the handling of persons charged with the offense of public intoxication since the opening of the new facility. The Lock-Up typically holds a large proportion of public intoxication arrestees prior to their arraignment, and the Jail in turn receives all public intoxicants sentenced to incarceration. In the wake of new legislation addressing public intoxication and mandating treatment for such individuals, the County Manager and the Sheriff raised the possibility of including public intoxicants in the population to be served at an alternate facility, where special treatment services could be provided in accordance with the new law.

The New Law and Local Programming Initiatives

The law addressing public intoxication (S.7783-A.9178) was approved by Governor Malcolm Wilson on June 15, 1974. It removes any mention of public intoxication from the Penal Law and deletes corresponding references to public intoxication as grounds for arrest from the Public Buildings Law and the Second Class Cities Law. The result of this act is the decriminalization of simple public drunkenness, effective January 1, 1976.

The act, through amendment of the Mental Hygiene Law, shifts

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<sup>1</sup> Even before the opening of the new complex, as detailed in Chapter I, the burden of public intoxication cases and the desirability of special alternative programming for them had been the subject of considerable discussion.

responsibility for the observation, care, and treatment of intoxicated persons to the Commissioner of Mental Hygiene and locally, to the Director of Community Mental Health Services. Under this section, police officers are authorized to transport to an alcoholism facility or other treatment facility designated by the Director of Community Mental Health Services any person who appears to be incapacitated by alcohol use to the extent of endangering himself or others. No one can be held involuntarily in such a facility beyond the time he is incapacitated by alcohol, as determined by physician's examination, and in any case, no longer than 24 hours.

The clear intent of this bill is to transfer the burden of responsibility for public intoxicants from the criminal justice system to the mental health services system. Thus, the Governor noted in his memorandum of approval of the bill:

"...The simple state of being intoxicated in public will cease to be a criminal offense. We have long recognized that the alcoholic is not a criminal but suffers from an illness which is very different to cure. This bill appropriately recognizes that fact with a humane approach to the problem of public intoxication that will afford protection to the alcoholic and to society, and also avoids the stigma of criminality."<sup>1</sup>

In keeping with this intent, the Monroe County Department of Mental Health is currently proceeding with a proposal for the establishment and operation of an overnight "sobering-up" facility, which can help provide locally the kind of service envisioned in the bill.

<sup>1</sup>  
McKinney's Session Law News of New York, 1974, No. 9 (July 15), A-377.

While no details on the proposed program are available at this time, the Department is hopeful that some program will be underway before January 1, 1976. This new program will form part of an already existing network of services for the public inebriate supported by the Mental Health Department.<sup>1</sup>

#### Conclusion:

In the light of the passage of the new state law and the ongoing efforts within the local Department of Mental Health, no further consideration should be given by the Sheriff to any provision for a detoxification treatment facility.<sup>2</sup> It appears that development of such a facility under the Sheriff's auspices would be directly contrary to the legislative intent to decriminalize public drunkenness and would, in any case, duplicate services under development by the Monroe County Department of Mental Health.

#### Impact of the New Law on the Jail and Lock-Up

It should be noted that implementation of the new law may be

<sup>1</sup>  
Included in this network are the Monroe County Alcoholic Outreach Service, a 15-bed detoxification treatment unit; the Continued Care Unit, a 127-bed long-term rehabilitation program; and Crossroads House, a 15-bed hostel for rehabilitated alcoholics in need of supportive residential environment.

<sup>2</sup>  
It should be noted that among health and mental health professionals, certain distinctions are made between the terms "detoxification" and "sobering-up". Detoxification refers to the general process by which over time the body removes alcohol or the effects of alcohol from itself. Sobering-up refers to the first phase of detoxification, usually completed within 24 hours, and is the only phase for an intoxicated person who is not addicted to alcohol. For an individual who is addicted, however, the sobering up process is followed by a process of withdrawal; sometimes the term "detoxification treatment" is used to refer to this more lengthy process of detoxification occurring in the addicted person.

expected to produce a substantial reduction in the number of persons arrested and detained for alcohol-related offenses. It is recognized, of course, that due to more accurate charging and/or the police officer's desire to get intoxicated people off the streets, there may be some upsurge in the numbers of persons arrested for offenses such as disorderly conduct, menacing, harassment, etc., when the public intoxication charge is no longer available.

One can, however, estimate the number of prisoner-days accounted for by public intoxicants in the last full calendar year, to project a "maximum feasible" impact of the new law in the future. Data collected show that unarraigned public intoxicants utilized approximately 7 to 10 cell beds daily, and sentenced public intoxicants accounted for another seven beds daily. Numbers of arraigned, non-sentenced prisoners charged with this offense were assumed to be negligible.<sup>1</sup>

Under the most optimistic of assumptions -- that all public intoxication cases are diverted from criminal processing in the future -- then a maximum of 14-17 total cell beds daily might be freed for other uses. This projection is probably unrealistic, in the light of the expected shift to use of other charges in some cases. The author's "best guess", based partly on informal discussions with local treatment and law enforcement personnel, is that in the first year considerable diversion impact will be felt in the area of sentenced commitments, but perhaps only half of the arrests and consequent lock-up days will actually be removed from

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<sup>1</sup> See Appendix for the derivation of these statistics.

the system (i.e., will not remain under another name). This assessment is at best intuitive, however, and any rigorous assessment of the impact of the new law unfortunately will have to await the implementation period.

CHAPTER VIII

WORK RELEASE

1  
Work or educational release is pursuant to New York State Law<sup>1</sup> authorizing county legislatures to allow certain sentenced prisoners the opportunity to go to work or school in the community and return to the custody of the Sheriff each evening. It is viewed as a potentially strong rehabilitation tool and allows a smoother transition to society when the prisoner's sentence is served.

The Commission of Correction has guidelines for approving any individual for educational or work release, and the Sheriff's<sup>2</sup> Department also applies certain additional criteria. At the minimum, each person approved must be sentenced and have no charges of any type pending.

Table 14 lists the number of male sentenced prisoners who have applied for and been accepted into the work release program. The actual number of people employed and/or pursuing educational programs is lower<sup>3</sup> than the approved rate.

1

Effective in New York State in January, 1969, it was authorized by the Monroe County Legislature in April, 1970.

2

For example, any highly violent, frequent repeater or transient offender is viewed as a greater risk to the program and is less likely to be approved.

3

The actual numbers in jobs or educational programs were: 1972 - 48, (total days by all 48 on job or at school equalled 1,986 or an average of 41.4 days per man average), 1973 - 31 (total days by all 31 on job or at school equalled 1,385 or 44.7 days per man average); 1974 - 25 (total days by all 25 on the job or at school totalled 610 or 24.4 days per man average).

TABLE 14

Work Release - Monroe County Jail

	<u>1972</u>	<u>1973</u>	<u>1974</u>
Applicants	100	68	91
Approved	53	38	63

At the present, all male sentenced prisoners approved for work release are moved to the second floor Lock-Up area in the City Public Safety Building. One cell block, of 18 cells, is reserved for adult males approved for the work release program. A second cell block, of 11 cells, is reserved for male minors who have been approved for work release and also houses any minor intermittent sentenced prisoners.

For the last three years it has been recommended in the annual reports on Work Release submitted by the Director of Rehabilitation to the Sheriff that it is highly desirable to obtain a separate facility to house those on work release.

Estimates by the Jail administration suggest that during the last couple of years, on any given day, there have been between six and fifteen males approved for or actually on work or educational release. If a facility could be found to provide minimum security with up to 25 beds available, this would allow for the transfer out of the Jail and Lock-Up of all those sentenced males who have been approved for work release.

This, however, is more an advantage for the work releasees and their potential for rehabilitation than it is an advantage for the Jail administration. The 10-20 cell beds that would be freed are in the Lock-Up area, which needs low risk prisoners anyway and, therefore, is harder to fill. Minimum security arrangements, food, and a Guard staff sufficient to supervise the work releasees on a 24-hour basis would be some of the extra costs that would be entailed if a separate facility were established. To be most effective, the location also would have to have maximum access to public transportation, work sites, and educational opportunities.

The "Men's Building" at the Monroe Community Hospital on Westfall Road is far too large a building to renovate a part of it into a minimum or medium security facility only for 20 to 25 work releasees. The final chapter of this report will address whether a more comprehensive plan, possibly including work releasees as one component, might be explored.

CHAPTER IX

INTERMITTENT SENTENCED PRISONERS

Article 85 of the Penal Code for New York State (1975) permits a judge to impose an intermittent sentence of imprisonment for a conviction on a class D or class E felony or for any offense that is not a felony. This sentencing provision allows a judge to sentence a convicted offender to serve a few days or a few hours of specified days for a certain number of weeks in the county jail; usually the jail time is served on weekends.

Since, in the opinion of the sentencing judge, this offender is able to spend many hours per week in the community without supervision, the intermittent sentenced prisoner is not normally considered a high security risk individual who needs maximum security detention.

Presently, one cell block in the City Lock-Up (17 cell beds) is reserved for intermittent sentenced adult males and another cell block (11 cell beds) is currently used to house both intermittent sentenced minors and sentenced minors who have been approved for work release.

Table 15 gives the picture of intermittent prisoners who served their sentences in Monroe County for the first four months of 1975.

As with work releasees, the small numbers of intermittent prisoners, plus keeping them segregated by age and sex, does not give strong support of the renovation of the large North wing of the Monroe Community Hospital.

TABLE 15

1975 (Jan. - April) Total Intermittent Prisoner Days

	<u>Number of Days Served</u>	<u>Average Number Per Day*</u>	<u>Weekend Daily Range</u>
All Males	755	14.8	10-17
All Females	84	1.6	1-3

\*Average determined by dividing 755 by 51 days (which is equal to 17 weekends of 3 days each).

CHAPTER X

SENTENCED WOMEN PRISONERS

A final category of prisoners, sentenced women, has also come under discussion as possibly appropriate for removal from the Jail to alternative facilities, such as the Monroe Community Hospital North Wing.

There are two main reasons for focusing upon this group. First, as outlined in Chapter III, the current cell allocation for female prisoners of all classifications is quite inadequate to accommodate the number of women committed to the Sheriff's custody. Second, it has long been felt by Jail administrative and rehabilitative staff that most sentenced women prisoners do not need to be confined in a maximum security environment, such as that provided by the Jail and Lock-Up complex. Such women, for the most part serving sentences for misdemeanor offenses, could be satisfactorily supervised in a minimum or medium security facility which has less grim surroundings and provides improved opportunities and more space for educational and other rehabilitative programs.

In Table 16, the size of the sentenced female population, adult and minor, can be seen. Throughout the first four months of 1975 and for most of 1974, the population of adult female inmates ranged between two and six. In 1974, the minor female population had a peak of six, but remained at four or less for nearly 90% of the year. The trend in 1975 has been toward higher numbers of minor females, however, hitting a high of 9 and exceeding 4 for 40% of the time in January through April.

TABLE 16

Daily Population of Female Sentenced Prisoners: 1974 and 1975<sup>1</sup>

Daily Number of Prisoners	1974		MINORS		1975 (January-April)		MINORS	
	ADULTS Number of Days	Percent of Days	Number of Days	Percent of Days	ADULTS Number of Days	Percent of Days	Number of Days	Percent of Days
0	0	0.0	27	7.4	0	0.0	4	3.3
1	5	1.4	101	27.7	0	0.0	6	5.0
2	41	11.2	77	21.1	20	16.7	42	35.0
3	58	15.9	59	16.2	58	48.3	17	14.2
4	65	17.8	61	16.7	25	20.8	3	2.5
5	122	33.4	33	9.0	0	0.0	6	5.0
6	49	13.4	7	2.0	17	14.2	1	.8
7	20	5.5	0	0.0	0	0.0	24	20.0
8	4	1.1	0	0.0	0	0.0	14	11.7
9	0	0.0	0	0.0	0	0.0	3	2.5
...								
<u>16</u>	<u>1</u>	<u>.3</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>
Total	365	100%	365	100%	120	100%	120	100%

<sup>1</sup> These figures do not reflect the 427 prisoner days in 1974 and 27 prisoner days in 1975 served by Monroe County women in the Ontario or Erie County Jails.

It is apparent from these statistics that at least 15 beds would be needed to handle a population of the size reflected in Table 16, assuming that the peak days for adults and minors may have coincided. Adding another 4 to 5 beds to account for Monroe County women transferred to other jails (a daily peak of 5 in 1974 and 4 in 1975), a minimum of 20 beds would appear necessary to satisfy current population pressures.

Obviously, some allowance would have to be made for overall increases in the sentenced population. While 1975 has apparently seen

some decline in the adult group (416 prisoner-days in January-April compared with 431 in the same months of the preceding year), there have been offsetting increases in the minor group (496 prisoner-days compared with 319 for January-April, 1974). This amounts to an overall increase of 21.6%. Additionally, one can speculate that the courts might impose sentences of incarceration more frequently for females, if a less than maximum security environment, with improved rehabilitative services, were available.

Aside from the total capacity required for an alternate facility, several other points deserve mention. Of course, any facility would have to allow for the required segregation of adults and minors. There also might be some instances in which a sentenced woman would need maximum security, requiring special arrangements -- perhaps housing at the Jail and Lock-Up complex itself.

These considerations do not appear to present major obstacles in themselves, but one which may be the issue of staffing. Relocation of sentenced women would entail dividing the current female guard staff and almost certainly would require some additional personnel. One of the few advantages of the current cell allocation for women is that one guard staff can be responsible for all classifications of women.

Another important point is that removal of sentenced women from the cell area they now occupy would not in itself affect crowding conditions outside the Women's Section. Even if all cells currently assigned to women were re-allocated, with non-sentenced women moved to another portion of the Jail or Lock-Up, the particular cell beds being

freed for other use would be Lock-Up beds. That is, they would be the least useful type of beds, for security and other reasons addressed earlier in this report.

Further discussion of these considerations, and their specific applicability to the use of the Community Hospital Wing as an alternative facility, are reserved for the final chapter.

## CHAPTER XI

### CONCLUSIONS

As discussed previously, the staff of the Rochester-Monroe County Criminal Justice Pilot City Program was requested by the County Manager to review the feasibility of moving seven categories of prisoners from the present Jail to the North wing of the Monroe Community Hospital. The study was based upon the request of the Sheriff, who was concerned both with alleviating crowding problems within the Jail and improving the rehabilitation program for the seven groups of prisoners.

An examination of the seven categories of prisoners indicate that three definitely are not appropriate for relocation: (1) prisoners who are sick and injured, (2) prisoners in need of mental health services, and (3) drug addicted prisoners. As detailed in Chapters IV through VI, these groups of prisoners require a variety of specialized services which are most appropriately and cost-effectively rendered under the present system which combines in-house medical and mental health programs with the utilization of local hospitals for necessary in-patient and out-patient services.

As discussed in Chapter VII, a fourth category of prisoners -- those sentenced for public intoxication -- under the law effective January 1, 1976, will no longer be subject to the penal law or jurisdiction of criminal justice agencies. Establishment of a sobering-up facility for these persons, therefore, will be the responsibility of the Department of Mental Health, not the Sheriff's Department.

The study indicates that the remaining three categories of prisoners examined -- those with intermittent sentences, those on work or educational release, and many sentenced women -- could be transferred from the Jail to a minimum security facility. There are several reasons, however, why the North wing, or "Men's Building", of the Monroe Community Hospital would not be an appropriate facility for housing these groups of prisoners. To begin with, these three groups comprise a relatively small number of prisoners. At the maximum, the highest daily population of these groups would be 62; 25 work-educational release prisoners, 17 intermittent prisoners, and 20 sentenced females.

The "Men's Building", which has more square footage than the total Jail, obviously is too large a facility for housing these prisoners. On a per prisoner basis, the costs for remodeling that building would be exorbitant. Further, even if the facility were utilized for these prisoners, only one or two floors would be required, resulting in a substantial amount of vacant space in the building which could not easily be adapted for use by other agencies. Operating costs, including an around-the-clock guard and matron staff, food, laundry, etc., also would be exorbitantly high on a per prisoner basis for this small number of prisoners needing segregation by classification. Lastly, and importantly, transfer of these prisoners would not have a substantial impact on relieving the crowding in the Jail since these prisoners now are housed in the Lock-Up, rather than the Jail.

In conclusion, therefore, this study has determined that only three of the seven categories of prisoners could appropriately be transferred from the Jail to another facility. Utilization of the Men's

Building at the Monroe Community Hospital for housing the three groups of prisoners, however, would not be cost-effective and, at the same time, would not relieve problems of crowding in the Jail.

The study mandate given the Pilot City Program were narrow -- limited to examining the feasibility of transferring seven specific categories of prisoners to a specific facility -- the Men's Building. In the course of our study, however, it became apparent that several other alternatives existed for relieving the problems of crowding at the Jail. While each of these alternatives would require further study, they are briefly outlined here to assist county officials in future planning activities.

#### Outline of Alternative Approaches to Relieving Jail-Lock-Up Crowding Problems and Potential Impact of the Approaches

At the outset, it should be reiterated that this study has shown that the present facilities for housing female prisoners -- unarraigned, arraigned, and sentenced -- is totally inadequate for providing the proper segregation of prisoner classifications as well as handling the number of prisoners. In terms of male prisoners, the study has indicated that even using the Lock-Up facilities for overflow from the Jail, crowding problems do exist if the proper prisoner segregation is to be maintained. If the male prisoner population for the first few months of 1975 is typical of the entire year, then the Jail administration can expect a substantial number of days when not all of the prisoner classifications can be segregated. Following is a list of possible alternative approaches for relieving the crowding problems:

1. Remodeling of Present Facilities: Several remodeling activities could be undertaken which would enable fuller utilization of the existing Jail-Lock-Up complex. Dividing some of the 13-unit cell blocks into units of six and seven cells with their own Day Corridors would enable fuller utilization of the Jail's cell bed capacity -- left over numbers of prisoners requiring segregation would not have to tie up an entire cell block. Further, the Lock-Up area could be remodeled to provide day rooms for prisoners. While some cell bed space would be lost, remodeling could enable greater flexibility in the use of the facility.

With remodeling in both the Jail and the Lock-Up, it would be possible to transfer the female prisoners back to their original location, occupying one end of both the fourth floor and four mezzanine in the Jail. The available cell space in that area (40 cells) would be adequate to house the female prisoner population and maintain the necessary segregation. The males formerly housed in this area could be housed in the remodeled Lock-Up -- for example, a remodeled second floor Lock-Up would have the capacity to house all sentenced male minors -- and the intermittent and work-educational release prisoners could be housed in the Lock-Up area on the third floor vacated by the female prisoners.

The advantages of this alternative are that it would be relatively inexpensive, involving a minimum of capital costs, and would not necessitate any major increase in operating costs. The disadvantages are that it probably only would be a short-term solution. If the trend toward an increasing prisoner population persists, the facility shortly would again become crowded.

2. Adding Two Bays to the Present Jail: Structural footings already are incorporated into the County Public Safety Building to handle the addition of 6,000 square feet to the mezzanine floor of the Jail. It is possible that the addition of this space, coupled with some remodeling of the Lock-Up and Jail would alleviate crowding problems for some time in the future. The advantage of this approach is that it would not require a major increase in operating costs. The disadvantage would be that it would be relatively expensive to construct the addition and, there would be no assurance, without further study, that the increased cell bed space would be adequate to handle prisoner populations over a long period of time.

3. Transfer all Female Prisoners to Another Facility: Transferring all female prisoners to a facility out of the Jail-Lock-Up complex would solve the serious crowding problems in housing female prisoners but would free up a relatively small number of cells in the Lock-Up. Further, the costs of either renovating an existing facility or constructing a new facility for female prisoners would result in a high per prisoner expenditure. While operating costs would not increase greatly in terms of guard staff -- one staff would continue to supervise all female prisoners -- arrangements would have to be made for booking arrested, unarraigned females, transporting prisoners to the courts, etc. A facility for all female prisoners also would have to provide a variety of security levels ranging from minimum to maximum security.

4. Transfer all Male Sentenced Prisoners to Another Facility: In essence, this alternative constitutes the original plan for handling

arraigned and sentenced prisoners. Then, all female prisoners could be moved into the Jail area initially designed for them, where they can be housed adequately. Arraigned males, as initially planned, would occupy the rest of the Jail. The Jail would be adequate to meet the needs of these prisoner populations for the foreseeable future.

Either an existing building could be renovated, or a new one constructed, for housing sentenced prisoners. The facility could be minimum security and thus built or renovated at a cost far less than that required for constructing a steel cell, maximum security unit. The few sentenced males needing maximum security could still be held in the Jail-Lock-Up complex. It is noted that the Men's Building probably would not be an appropriate facility for housing the sentenced prisoners. Not only would it be expensive to renovate and operate, but it would meet with real resistance from the community of chronically ill persons whose home is the Monroe Community Hospital.

The advantages of establishing a separate facility for sentenced prisoners are that crowding problems regarding all prisoners would be solved for a long period of time; and prisoners would be located in facilities most appropriate to their security and rehabilitative needs. The disadvantages primarily are fiscal: substantial capital costs would be involved with either renovation of an existing facility or construction of a new facility; and operational costs would almost be doubled since a separate around-the-clock guard staff would have to be established for the facility housing sentenced prisoners. Some of the financial impact possibly could be lessened if a regional facility could be designed and

approved, housing sentenced prisoners from Monroe as well as surrounding counties.

In closing, this study has addressed the specific areas requested and, in addition, briefly outlined some possible alternatives to relieve crowding of the Jail-Lock-Up complex. From the findings of the study, it is evident that steps must be taken at this time to develop a plan for appropriately housing both the short-term and long-range prisoner populations of Monroe County.

Preface to the Appendix

An introductory word is needed about the sources of the data converted into the charts and tables in the text and Appendix.

The Main Control Morning Count of the "Jail Total" counts all arraigned and sentenced adult and minor males and females at 7:00 a.m. of each day who are assigned a cell bed in the Jail or Lock-Up.

The Matron's Morning Count, only of the women, is a total count made at midnight and records all prisoners presently in the Women's Lock-Up by adults and minors (but not by prisoner classification). The "Evening Count" then adds the total number brought to the Female Lock-Up (but not by adult or minor or prisoner classification) after the last midnight count and also subtracts the total number of women (but not by adult or minor or prisoner classification) who left the Lock-Up since the previous midnight count.

Some material was obtained after requests to the Sheriff's staff and special counts were made from log books and other records.

Due to time limitations, we were not able to include in this Appendix all of the tables we would like to have had prepared. However, those included do provide a basis for the text as well as give an idea of the kinds of charts and graphs which can be constructed and of special use to the planning process of the Jail administration.

CHART A-1

Monroe County Jail and City Lock-Up Facility

Allocation of Cell Space

CITY PUBLIC SAFETY BUILDING - Males and Females

2nd Floor - Males TOTAL CELL SPACE: 83

- A Block (12 cells) for unarraigned adults and minors
- B Block (25 cells, including two observation cells) for unarraigned adults and minors
- C Block (17 cells) for sentenced adults on weekend or intermittent sentence. Also functions during the week as overflow from A and B Blocks, if necessary
- D Block (18 cells) for sentenced adults approved for educational or work release
- E Block (11 cells) for sentenced minors approved for educational or work release or else serving an intermittent sentence

3rd Floor - Females TOTAL CELL SPACE: 26

This area has one cell block (8 cells) for sentenced minors; one cell block (16 cells) plus 2 observation cells to house all other types of women: adult and minor: unarraigned, arraigned, and adult sentenced prisoners.

MONROE COUNTY JAIL - All Males

2nd Floor (4 Cell Blocks) TOTAL CELL SPACE: 56

This area has 52 cells and 4 observation cells and is used for arraigned minors.

2nd Floor Mezzanine (5 Cell Blocks) TOTAL CELL SPACE: 57

- East Low Block (13 individual cells) for arraigned minors.
- East High Block (13 individual cells) for arraigned minors.

- West Low Block (13 individual cells) for arraigned adults
- West High Block (13 individual cells) for arraigned adults
- One Cell Block (5 individual cells) for civil prisoners (can be used as overflow for arraigned adults or minors, as necessary)

3rd Floor (4 Cell Blocks) TOTAL CELL SPACE: 56

This area has 52 cells and 4 observation cells and is used for arraigned adults

3rd Floor Mezzanine (5 Cell Blocks) TOTAL CELL SPACE: 57

This area has 52 cells for arraigned adults plus 5 cells for civil prisoners in a separate cell block (can be used as overflow for arraigned adults or minors, as necessary)

4th Floor (4 Cell Blocks) TOTAL CELL SPACE: 52

- East Low Block (10 individual cells plus 1 dormitory cell into which can be placed 3 cots) for sentenced adults
- East High Block (10 individual cells plus 1 dormitory cell into which can be placed 3 cots) for sentenced minors
- West Low Block (13 individual cells) for sentenced adults
- West High Block (13 individual cells) for sentenced adults

4th Floor Mezzanine (4 Cell Blocks) TOTAL CELL SPACE: 58

- East Low Block (10 individual cells, plus 1 dormitory cell into which can be placed 3 cots) for sentenced adults.
- East High Block (10 individual cells, plus 1 dormitory cell into which can be placed 3 cots) for sentenced adults
- West Low Block (13 individual cells) for sentenced minors
- West High Block (13 individual cells) for sentenced minors
- 6 Observation or Corridor Cells

TOTAL CELL SPACE AVAILABLE IN CITY LOCK-UP AND COUNTY JAIL: 445

This number of 445 represents absolute maximum capacity, but does not include the holding cells used only briefly at the male City Lock-Up, Main Control and the visiting area.

MONROE COUNTY JAIL AND CITY LOCK-UP FACILITY ALLOCATION OF CELL SPACE:

Summary Table

Female Cell Space	26
Male, Unarraigned Cell Space	37
Male, Arraigned Cell Space:	216
Male, Sentenced Cell Space:	156
Male, Civil Cell Space:	10
.....	
TOTAL Female Cell Space:	26
TOTAL Male Cell Space:	<u>419</u>
GRAND TOTAL:	445

TABLE A-1

Days When the Number of Arraigned and Sentenced Male Prisoners Ranged from 326 - 340 in 1974  
(Numbers underlined exceed the allocated cell beds)

	Day's Total Number Beds Occupied	Arraigned Adults	Arraigned Minors	Sentenced Adults	Sentenced Minors
April	337	150	84	80	23
	332	<u>146</u>	77	87	22
	327	<u>148</u>	77	89	13
	328	<u>151</u>	77	80	20
	332	<u>154</u>	75	81	22
	326	<u>146</u>	80	79	21
	326	<u>151</u>	73	80	22
	327	<u>148</u>	75	82	22
	332	<u>148</u>	78	82	24
	328	<u>149</u>	81	77	21
	328	<u>149</u>	79	79	21
	327	<u>148</u>	79	75	25
May	327	<u>135</u>	74	72	46
	337	<u>151</u>	74	68	44
	334	<u>145</u>	66	79	44
	326	<u>146</u>	65	72	43
	327	<u>145</u>	69	70	43
	331	<u>150</u>	71	63	42
	333	<u>151</u>	76	67	39
	326	<u>149</u>	74	63	40
	337	<u>146</u>	73	70	48
	336	<u>150</u>	82	62	42
	340	<u>156</u>	78	63	43
	November	340	<u>151</u>	81	64
336		<u>149</u>	79	64	44
338		<u>149</u>	77	68	44
329		<u>146</u>	78	62	43
329		<u>147</u>	77	62	43
330		<u>147</u>	79	62	42
330		<u>141</u>	84	63	42
336		<u>137</u>	80	71	48
338		<u>142</u>	83	65	48
332		<u>140</u>	81	62	49
332		<u>139</u>	81	64	48
333		<u>137</u>	80	66	50
330	<u>138</u>	70	68	54	
326	<u>138</u>	69	65	<u>54</u>	
328	<u>134</u>	73	67	<u>54</u>	
328	<u>131</u>	72	70	<u>55</u>	
336	<u>140</u>	69	72	<u>55</u>	
335	<u>143</u>	70	70	<u>52</u>	
December	331	<u>145</u>	60	50	76
	327	<u>144</u>	63	67	<u>53</u>
	338	<u>146</u>	70	68	54
	333	<u>143</u>	67	68	<u>55</u>
	340	<u>139</u>	78	68	<u>55</u>
	337	<u>143</u>	69	72	<u>53</u>

1974 Total Days = 47

<sup>1</sup>  
Allocated Beds By Classification

	Arraigned Adults	Arraigned Minors	Sentenced Adults	Sentenced Minors
Jail	140	84	70	42
Lock-Up Overflow	-	-	35	11
Total	140	84	105	53

<sup>1</sup> Since the Civil Cells are most often used for overflow, and the observation cells depending upon need in the Jail, the civil cells and observation cells were added to the cell block allocation by proportion of Jail cell beds excluding civil and observation cells.

TABLE A-2

Days When the Number of Arraigned and Sentenced Male Prisoners Ranged from 326 - 340 in 1975  
(Numbers underlined exceed the allocated cell beds)

	Day's Total Number Beds Occupied	Arraigned Adults	Arraigned Minors	Sentenced Adults	Sentenced Minors
January	330	<u>145</u>	82	62	41
	333	<u>140</u>	83	67	43
	340	<u>146</u>	82	67	45
	331	<u>146</u>	84	59	42
	330	<u>145</u>	84	56	45
	329	<u>143</u>	82	59	45
	332	<u>141</u>	84	63	44
	334	<u>141</u>	92	57	44
February	333	<u>146</u>	<u>78</u>	61	48
	334	<u>137</u>	94	51	51
	326	138	<u>86</u>	61	49
	334	126	<u>84</u>	69	47
March	334	128	87	72	47
	327	129	<u>88</u>	64	46
	329	120	<u>85</u>	74	50
	331	127	<u>90</u>	67	47
	336	126	<u>96</u>	66	48
	330	120	<u>93</u>	69	48
	332	125	<u>89</u>	70	48
	339	125	<u>87</u>	77	50
	334	126	<u>86</u>	76	46
	334	<u>148</u>	<u>85</u>	54	47
340	<u>132</u>	<u>87</u>	73	48	
340	132	<u>86</u>	75	47	
335	125	<u>93</u>	70	47	

1975 Total Days = 25

<sup>1</sup>  
Allocated Beds By Classification

	Arraigned Adults	Arraigned Minors	Sentenced Adults	Sentenced Minors
Jail	140	84	70	42
Lock-Up	-	-	35	11
Total	140	84	105	53

<sup>1</sup>  
Since the Civil Cells are most often used for overflow, and the observation cells depending upon need in the Jail, the civil cells and observation cells were added to the cell block allocation by proportion of Jail cell beds excluding civil and observation cells.

TABLE A-3  
Arraigned and Sentenced Prisoner Days by Month, January, 1973 - April, 1975

Month	1973			1974			1975			
	MALES Adults & Minors Total	Average Daily	FEMALES Adults & Minors Total	MALES Adults & Minors Total	Average Daily	FEMALES Adults & Minors Total	MALES Adults & Minors Total	Average Daily	FEMALES Adults & Minors Total	
January	9,932	(320.4)	874	9,417	(303.7)	692	10,541	(340.0)	547	(17.6)
February	8,922	(318.6)	960	8,419	(300.7)	606	9,533	(340.5)	310	(11.1)
March	10,365	(334.4)	1,284	9,270	(299.0)	734	10,023	(323.3)	537	(20.5)
April	10,035	(334.5)	1,070	9,533	(317.7)	668	8,482	(282.7)	615	(20.5)
May	9,521	(307.1)	804	9,488	(306.1)	590				
June	8,526	(284.2)	903	8,806	(293.5)	525				
July	8,852	(285.5)	742	8,270	(266.8)	461				
August	8,677	(279.9)	660	8,724	(281.4)	666				
September	8,473	(282.4)	672	8,516	(283.9)	577				
October	8,743	(282.0)	711	10,244	(330.5)	675				
November	9,244	(308.1)	802	9,937	(331.2)	676				
December	9,494	(306.3)	813	10,465	(337.6)	642				
TOTAL	110,784	(303.5)	10,295	111,086	(304.4)	7,505	38,579	(321.5)	2,009	(16.7)

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-5

Array of Days in Custody

1

1974 - Total Male and Female Arraigned and Sentenced Prisoners

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL DAYS
261 - 265							1						1
266 - 270							5						5
271 - 275							5						5
276 - 280							2	1					3
281 - 285							5	1					6
286 - 290							7	2					9
291 - 295						1	2	3		4			10
296 - 300		1	1			2	3	5	10				22
301 - 305			5			2	1	6	6				20
306 - 310		1	1		1	5		3	4				15
311 - 315	6	2	2	1	3	13		7	3				37
316 - 320	3	7		1	6	6		2	1				26
321 - 325	4	7	4	2	6			1	2	1		2	29
326 - 330	7	5	9	2	6	1				1			33
331 - 335	6	4	7	6	5					3		1	32
336 - 340	4		1	4	2					3	3	3	20
341 - 345	1	1	1	1	2					2	2		10
346 - 350				4						5	5	1	15
351 - 355				7						1	7	2	17
356 - 360				1						4	8	4	17
361 - 365										5	3	4	12
366 - 370				1						3	1	2	7
371 - 375										2	1	5	8
376 - 380										1		1	2
381 - 385												3	3
386 - 390												1	1
391 - 395													
396 - 400													
													365

1 From Main Control Morning Count.

TABLE A-4

Array of Days in Custody

1

1973 - Total Male and Female Arraigned and Sentenced Prisoners

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL DAYS
276 - 280						1							1
281 - 285						1							8
286 - 290							1	5		1			7
291 - 295						2	5	5	2	6			20
296 - 300						1	5	4	4	6			20
301 - 305						3	5	2	8	4		1	23
306 - 310						5	2	4	3	3		4	21
311 - 315						6	3	6	4	1	1		21
316 - 320					1	2	2	2	5	3		2	17
321 - 325					5	3	2		2	5		5	24
326 - 330					6		1				2	9	19
331 - 335	3			1	9	2	2				8	4	29
336 - 340	3	3	1	1	4		3				4	2	21
341 - 345	4	5		1	2	2					3	3	20
346 - 350	9	6	1		3	1					2		22
251 - 355	3	3	2	1	1						1		13
356 - 360	7	4	4			1						2	18
361 - 365	1	5	2	4								3	15
366 - 370	1	1	2	2									6
371 - 375		1	2	8									11
376 - 380			2	5									7
381 - 385			5	3									8
386 - 390			6	3									9
391 - 395			2	1									3
396 - 400			1										1
401 - 405			1										1
406 - 410													
													365

1 From Main Control Morning Count.

TABLE A-6

Array of Days in Custody

1975 - Total Male and Female Prisoners<sup>1</sup>

Number of Prisoners	January	February	March	April	TOTAL DAYS
276 - 280					
281 - 285					
286 - 290				2	2
291 - 295				4	4
296 - 300				7	7
301 - 305				2	2
306 - 310				6	6
311 - 315				4	4
316 - 320				2	2
321 - 325			4	3	7
326 - 330		2	3		5
331 - 335		2	5		7
336 - 340	1	1	3		5
341 - 345	3	4	1		8
346 - 350	5	1	5		11
351 - 355	3	2	4		9
356 - 360	3	7	1		11
361 - 365	7	5	5		17
366 - 370	5	2			7
371 - 375	1	1			2
376 - 380	2	1			3
381 - 385	1				1
386 - 390					
391 - 395					
396 - 400					
401 - 405					
406 - 410					
					120

<sup>1</sup> Males from Main Control Morning Court and females from Matron's Morning Court.

TABLE A-7  
Array of Days in Custody  
Arraigned Males - 1973

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
111 - 120													11
121 - 130													34
131 - 140													31
141 - 150							1	4	19	5			42
151 - 160							8	7	8	11			41
161 - 170									6	6			41
171 - 180									1	8			42
181 - 190									10	9			41
191 - 200									10	9			42
201 - 210									2	5			48
211 - 220									10	7			89
221 - 230									10	9			48
231 - 240									2	7			16
	9	10	1	3	4				8	1			365
	16	8	16	14	11				10	9			17
	6	10	10	6	4				2	7			9
			3	4						5			3
										1			1
										9			17
										5			9
										7			7
										6			6
										4			4
													5

<sup>1</sup> From Main Control Morning Court.

TABLE A-9  
 Array of Days in Custody<sup>1</sup>  
 Male Adults Arraigned - 1974

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL DAYS
95-100								3					3
101-105							9	12					21
106-110						2	14	6	2				24
111-115						7	7	6	12				32
116-120	1					3	1	3	12				20
121-125	6	5	1			7		1	4				24
126-130	5	4	7		2	9				2	1	1	31
131-135	4	12	14	4	8	2				3	4	3	54
136-140	6	4	9	7	14					1	11	3	55
141-145	6	2		6	4					4	4	5	31
145-150	2	1		9	3					12	7	3	37
151-155	1			4						4	2	7	18
156-160										3		5	8
161-165										2	1	3	6
166-170												1	1
													365

<sup>1</sup>  
 From Main Control Morning Count.

TABLE A-8  
 Array of Days in Custody<sup>1</sup>  
 Arraigned Males - 1974

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL DAYS
161 - 165							2	1					3
166 - 170							8	10	1				19
171 - 175							6	8	2				16
176 - 180						1	8	4	5				18
181 - 185	3	1					4	5	8				22
186 - 190	6	1	4			3	2	2	9		1		27
191 - 195	4	3	6			4	1		4		1		23
196 - 200	2	6	3		1	9				1	3	1	26
201 - 205	5	9	6	1	5	7		1	1	3	3	2	43
206 - 210	5	5	7	4	14	5				2	4	6	52
211 - 215	4	3	5	4	4	1				5	2	1	29
216 - 220	1			7	4					5	4	3	24
221 - 225				7	2					6	8	5	28
226 - 230				6	1					4	3	5	19
231 - 235				1						2	2	5	10
236 - 240										1			1
241 - 245										2		1	3
246 - 250												2	2
													365

<sup>1</sup>  
 From Main Control Morning Count.

TABLE A-10

Array of Days in Custody

<sup>1</sup>

Male Minors Arraigned - 1974

<u>Number of Prisoners</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>TOTAL DAYS</u>
51 - 55									2				2
56 - 60	4		5				1		2		3	1	16
61 - 65	17	3	6				12	13	6	2		1	60
66 - 70	7	18	7	1	6	1	8	11	8	4	8	10	89
71 - 75	2	5	9	13	16	7	9	5	6	15	5	10	102
76 - 80	1	2	4	11	9	17	1	1	4	7	8	7	72
81 - 85				5		4		1	2	3	6	1	22
86 - 90						1						1	2
													<hr/> 365

<sup>1</sup>  
From Main Control Morning Count.

**CONTINUED**

**1 OF 2**

TABLE A-11

Array of Days in Custody  
1  
Arrested Males - 1975

<u>Number of Prisoners</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>TOTAL</u>
156 - 160				1	1
161 - 165				9	9
166 - 170				10	10
171 - 175				3	3
176 - 180				4	4
181 - 185			1	3	4
186 - 190			3		3
191 - 195			5		5
196 - 200			3		3
201 - 205		1	2		3
206 - 210		3	1		4
211 - 215		2	6		8
216 - 220		1	6		7
221 - 225	9	3	2		14
226 - 230	6	3	1		10
231 - 235	3	11	1		15
236 - 240	8	2			10
241 - 245	4	1			5
246 - 250	1	1			2

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1

From Main Control Morning Count.

TABLE A-13

Array of Days in Custody

Male Arraigned and Sentenced Adults and Minors for 1974<sup>1</sup>

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
250							1						1
251 - 255							4						4
256 - 260							5	1					6
261 - 265							6	1					7
266 - 270							3	3					6
271 - 270							4	2	3				9
276 - 280			1			2	4	6	10				24
281 - 285		1	5			2	4	7	6				25
286 - 290		1	2		2	2		5	5				20
291 - 295	2	2	2		2	13		4	3				27
296 - 300	3	1	1	1	1	8		2	1			1	33
301 - 305	7	10	5	3	8	2			2			1	33
306 - 310	6	5	6	5	7	1				1			34
311 - 315	4	4	10	2	2					3			18
316 - 320	5			4	2					5	3		21
321 - 325	4		1	3	3					2			14
326 - 330				7	1					4	5		21
331 - 335				3						3	4		12
336 - 340				1						4	6		14
341 - 345										4	2	7	13
346 - 350										4	2	2	8
351 - 355										1		4	5
356 - 360												3	3
												1	1
													365

<sup>1</sup> From Main Control Morning Count.

TABLE A-12

Prisoner Days: Arraigned Males - 1974, 1975<sup>1</sup>

	1975					1974								
	Adults	Average	Minors	Average	Adults & Minors Average	Adults	Average	Minors	Average	Adults & Minors Average	Adults	Average	Minors	Average
January	4,541	146.5	2,654	85.6	7,195 232.1	4,161	134.2	1,996	64.4	6,157	198.6			
February	3,945	140.9	2,392	85.4	6,337 226.3	3,711	132.5	1,932	69.0	5,643	201.5			
March	3,803	122.7	2,613	84.3	6,416 207.0	4,129	133.0	2,107	68.0	6,236	201.2			
April	2,950	98.3	2,133	71.1	5,083 169.4	4,287	142.9	2,289	76.3	6,576	219.2			
May						4,257	137.3	2,267	73.1	6,524	210.5			
June						3,654	121.8	2,317	77.2	5,971	199.0			
July						3,334	107.5	2,090	67.4	5,424	175.0			
August						3,333	107.5	2,092	67.5	5,425	175.0			
September						3,476	115.9	2,059	68.6	5,535	184.5			
October						4,536	146.3	2,276	73.4	6,812	219.7			
November						4,246	141.5	2,210	73.7	6,456	215.2			
December						4,617	148.9	2,256	72.8	6,873	221.7			
TOTAL	15,239	127.0	9,792	81.600	25,031 208.591	47,741	130.8	25,891	70.9	73,632	201.7			

<sup>1</sup> From Main Control Morning Count.

TABLE A-14

Prisoner Days: Male Adults - 1974 By Month <sup>1</sup>

Month	Arrested	Average Per Day	Convicted	Average Per Day
January (31)	4,161	(134.2)	2,367	(76.4)
February (28)	3,711	(132.5)	1,990	(71.7)
March (31)	4,129	(133.0)	2,371	(76.5)
April (30)	4,287	(142.9)	2,317	(77.2)
May (31)	4,257	(137.2)	2,224	(71.7)
June (30)	3,654	(121.8)	2,029	(67.6)
July (31)	3,334	(107.5)	1,921	(62.0)
August (31)	3,333	(107.5)	2,129	(68.7)
September (30)	3,476	(115.9)	1,782	(59.4)
October (31)	4,536	(146.3)	2,101	(67.8)
November (30)	4,246	(141.5)	1,988	(66.3)
December (31)	4,617	(148.9)	2,061	(66.5)
<u>TOTAL</u> (365)	47,741	(130.8)	25,280	(69.3)

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-15

Prisoner Days: Male Minors - 1974 By Month <sup>1</sup>

Month	Arrested	Average Per Day	Sentenced	Average Per Day
January (31)	1,996	(64.4)	893	(28.8)
February (28)	1,932	(69.0)	786	(28.1)
March (31)	2,107	(68.0)	666	(21.5)
April (30)	2,289	(76.3)	640	(21.3)
May (31)	2,267	(73.1)	738	(23.8)
June (30)	2,317	(77.2)	806	(26.9)
July (31)	2,090	(67.4)	925	(29.8)
August (31)	2,092	(67.5)	1,170	(37.7)
September (30)	2,059	(68.6)	1,238	(41.3)
October (31)	2,276	(73.4)	1,325	(42.7)
November (30)	2,210	(73.6)	1,493	(49.8)
December (31)	2,256	(72.8)	1,531	(49.4)
<u>TOTAL</u> (365)	25,891	(70.9)	12,211	(33.5)

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-17

Array of Days in Custody<sup>1</sup>  
Sented Males - 1973

Number of Priscners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL
81 - 85										2		5	7
86 - 90									5			3	8
91 - 95									17	27	8	11	63
96 - 100	3								3	2	13	9	35
101 - 105	2								2		4	3	11
106 - 110	2	4	1			1	1	1	1				11
111 - 115	7	19	6			14	2	11	2				61
116 - 120	8	4	6		5	10	3	9					45
121 - 125	4	1	2	5	9	3	7	7					38
126 - 130	5		12	17	14	1	5	3					57
131 - 135			4	8	3	1	3						19
136 - 140							2						2
141 - 145							5						5
146 - 150							3						3
													365

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-16

Prisoner Days: Sented Males - 1974, 1975<sup>1</sup>

Month	1975						1974					
	Adults	Average	Minors	Average	Adults & Minors	Average	Adults	Average	Minors	Average	Adults & Minors	Average
January	1,932	62.3	1,414	45.6	3,346	107.9	2,367	76.4	893	28.8	3,260	105.2
February	1,816	64.9	1,380	49.3	3,196	114.1	1,990	71.7	786	28.1	2,776	99.1
March	2,141	69.1	1,466	47.2	3,607	116.4	2,371	76.5	666	21.5	3,037	98.0
April	2,072	69.1	1,327	44.2	3,399	113.3	2,317	77.2	640	21.3	2,957	98.6
May							2,224	71.7	738	23.8	2,962	95.5
June							2,029	67.6	806	26.9	2,835	94.5
July							1,921	2.0	925	29.8	2,846	91.8
August							2,129	68.7	1,170	37.7	3,200	106.4
September							1,782	59.4	1,238	41.3	3,020	100.7
October							2,101	67.8	1,325	42.7	3,426	110.5
November							1,988	66.3	1,493	49.8	3,481	116.0
December							2,061	66.5	1,531	49.4	3,529	115.9
TOTAL	7,961	66.3	5,587	46.6	13,548	112.900	25,280	69.3	12,211	33.5	37,491	102.7

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-19

Array of Days in Custody

Male Minors Sentenced - 1974<sup>1</sup>

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL DAYS
11 - 15				1									1
16 - 20			7	2	2								11
21 - 25	4	4	23	27	18	7	1						84
26 - 30	19	20	1		11	21	15						37
31 - 35	7	3				2	14	5	8				39
36 - 40	1	1					1	20	6	4			33
41 - 45								6	13	25	8	10	62
46 - 50									3	2	6	7	18
51 - 55											16	13	29
56 - 60													
61 - 65													
66 - 70													
71 - 75													
76 - 80												1	1
													365

<sup>1</sup> From Main Control Morning Count.

TABLE A-18

Array of Days in Custody

Sentenced Males - 1974<sup>1</sup>

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL DAYS
71 - 75													
76 - 80													6
81 - 85	3					1	2						37
86 - 90	2	1	1	3	3	5	15	2	4				68
91 - 95	1	10	10	2	13	12	5	5	10			1	64
996 - 100	1	9	11	15	9	10	5	1	2	1			62
101 - 105	4	4	8	8	4	1	3	5	7	7	5	5	62
106 - 110	10	2	1	2	1	1	1	3	3	8	2	1	35
111 - 115	7	2							12	3	8	6	44
116 - 120	2							1	1	4	5	5	18
121 - 125								2			10	11	26
126 - 130	1										2	2	5
													365

<sup>1</sup> From Main Control Morning Count.

TABLE A-21

Array of Days in Custody  
1  
Sentenced Males - 1975

Number of Prisoners	January	February	March	April	TOTAL
96 - 100	1		1		2
101 - 105	10	1	2	5	18
106 - 110	11	5	5	7	28
111 - 115	6	10	5	6	27
116 - 120	2	9	9	8	28
121 - 125	1	3	6	3	13
126 - 130			3	1	4
					<u>120</u>

1  
From Main Control Morning Count.

TABLE A-20

Array of Days in Custody  
1  
Male Adults Sentenced - 1974

Number of Prisoners	January	February	March	April	May	June	July	August	September	October	November	December	TOTAL DAYS
46 - 50												1	1
51 - 55							2	2	5			1	10
56 - 60	2						13	5	14	1	2	1	38
61 - 65	3	4	1		4	8	9	2	6	11	12	6	66
66 - 70	1	10	6	5	6	18	6	7	4	12	13	17	105
71 - 75	5	8	6	1	15	3	1	8	1	4	3	5	60
76 - 80	9	4	11	18	6	1		5		2			56
81 - 85	9	2	4	4				2		1			22
86 - 90	1		3	2									6
91 - 95	1												1
96 - 100													<u>365</u>

1  
From Main Control Morning Count.

TABLE A-23

Prisoner Days: Sentenced Females - 1973<sup>1</sup>

	<u>Adults</u>	<u>Minors</u>	<u>Adults &amp; Minors</u>		<u>Adults</u>	<u>Minors</u>	<u>Adults &amp; Minors</u>
<u>January</u>				<u>July</u>			
Total	252	107	359	Total	213	74	287
Average	8.129	3.451	11.580	Average	6.870	2.387	9.258
<u>February</u>				<u>August</u>			
Total	224	129	353	Total	236	75	311
Average	8.00	4.607	12.607	Average	7.612	2.419	10.031
<u>March</u>				<u>September</u>			
Total	238	193	431	Total	215	72	287
Average	7.677	6.225	13.903	Average	7.166	2.400	9.566
<u>April</u>				<u>October</u>			
Total	149	209	358	Totals	136	55	191
Average	4.966	6.966	11.933	Average	4.387	1.774	6.161
<u>May</u>				<u>November</u>			
Total	211	162	373	Total	160	62	222
Average	6.806	5.225	12.032	Average	5.333	2.066	7.400
<u>June</u>				<u>December</u>			
Total	129	173	302	Total	140	59	199
Average	4.300	5.766	10.066	Average	4.516	1.903	6.419
				<u>TOTAL</u>	<u>2,303</u>	<u>1,370</u>	<u>3,683</u>
				<u>AVERAGE</u>	<u>6.3</u>	<u>3.8</u>	<u>10.1</u>

<sup>1</sup>

From Main Control Morning Count.

TABLE A-22

Prisoner Days: Arraigned Females - 1973<sup>1</sup>

	<u>Adults</u>	<u>Minors</u>	<u>Adults &amp; Minors</u>		<u>Adults</u>	<u>Minors</u>	<u>Adults &amp; Minors</u>
<u>January</u>				<u>July</u>			
Total	352	164	516	Total	343	113	456
Average	11.354	5.290	16.645	Average	11.064	3.645	14.709
<u>February</u>				<u>August</u>			
Total	374	237	611	Total	219	139	358
Average	13.357	8.464	21.821	Average	7.064	4.483	11.548
<u>March</u>				<u>September</u>			
Total	505	336	841	Total	212	166	378
Average	16.290	10.838	27.129	Average	7.066	5.533	12.600
<u>April</u>				<u>October</u>			
Total	460	276	736	Total	386	130	516
Average	15.333	9.200	24.533	Average	12.451	4.193	16.645
<u>May</u>				<u>November</u>			
Total	222	205	427	Total	458	121	579
Average	7.161	6.612	13.774	Average	15.266	4.033	19.300
<u>June</u>				<u>December</u>			
Total	400	192	592	Total	396	219	615
Average	13.333	6.400	19.733	Average	12.774	7.064	19.838
				<u>TOTAL</u>	<u>4,327</u>	<u>2,298</u>	<u>6,625</u>
				<u>AVERAGE</u>	<u>11.9</u>	<u>6.3</u>	<u>18.2</u>

<sup>1</sup>

From Main Control Morning Count.

TABLE A-24  
Prisoner Days: Arraigned Females - 1974<sup>1</sup>

Month	Adults	Average Per Day	Minors	Average Per Day	Total	Average Per Day
January (31)	310	(10.0)	89	(2.9)	399	(12.9)
February (28)	282	(10.1)	130	(4.6)	412	(14.7)
March (31)	294	(9.5)	160	(5.2)	454	(14.6)
April (30)	276	(9.2)	103	(3.4)	379	(12.6)
May (31)	290	(9.4)	89	(2.9)	379	(12.2)
June (30)	237	(7.9)	77	(2.6)	314	(10.5)
July (31)	108	(3.5)	76	(2.5)	184	(5.9)
August (31)	200	(6.5)	122	(3.9)	322	(10.4)
September (30)	175	(5.8)	78	(2.6)	253	(8.4)
October (31)	236	(7.6)	166	(5.4)	402	(13.0)
November (30)	282	(9.4)	138	(4.6)	420	(14.0)
December (31)	<u>274</u>	(8.8)	<u>165</u>	(5.3)	<u>439</u>	(14.2)
TOTAL (365)	2,964	(8.1)	1,393	(3.8)	4,357	(11.9)

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-25  
Prisoner Days: Arraigned Females - 1975<sup>1</sup>

Month	Adults	Average Per Day	Minors	Average Per Day	Total	Average Per Day
January (31)	190	(6.1)	142	(4.6)	332	(10.7)
February (28)	85	(3.0)	84	(3.0)	169	(6.0)
March (31)	159	(5.1)	142	(4.6)	301	(9.7)
April (30)	<u>170</u>	(5.7)	<u>125</u>	(4.2)	<u>295</u>	(9.8)
TOTAL (120)	604	(5.0)	493	(4.1)	1,097	(9.1)

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-26

1

Prisoner Days: Arraigned Females - 1974

Month	Adults	Average Per Day	Minors	Average Per Day	Total	Average Per Day
January (31)	120	(3.9)	31	(1.0)	151	(4.9)
February (28)	77	(2.8)	58	(2.1)	135	(4.8)
March (31)	119	(3.8)	116	(3.7)	235	(7.6)
April (30)	115	(3.8)	114	(3.8)	229	(7.6)
May (31)	72	(2.3)	81	(2.6)	153	(4.9)
June (30)	111	(3.7)	51	(1.7)	162	(5.4)
July (31)	167	(5.4)	56	(1.8)	223	(7.2)
August (31)	155	(5.0)	140	(4.5)	295	(9.5)
September (30)	162	(5.4)	106	(3.5)	268	(8.9)
October (31)	162	(5.2)	72	(2.3)	234	(7.6)
November (30)	190	(6.3)	28	(0.9)	218	(7.3)
December (31)	<u>163</u>	(5.3)	<u>8</u>	(0.3)	<u>171</u>	(5.5)
TOTAL (365)	1,613	(4.4)	861	(2.4)	2,474	(6.8)

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-27

1

Prisoner Days: Sentenced Females - 1975

Month	Adults	Average Per Day	Minors	Average Per Day	Total	Average Per Day
January (31)	155	(5.0)	60	(1.9)	215	(6.9)
February (28)	82	(2.9)	59	(2.1)	141	(5.0)
March (31)	83	(2.7)	153	(4.9)	236	(7.6)
April (30)	<u>96</u>	(3.2)	<u>224</u>	(7.5)	<u>320</u>	(10.7)
TOTAL (120)	416	(3.5)	496	(4.1)	912	(7.6)

<sup>1</sup>  
From Main Control Morning Count.

TABLE A-28

Daily Population of Women Committed to the Custody of the Sheriff: Selected Days in 1975<sup>1</sup>

	Arraigned		Sentenced		Jail		TOTAL		Erie County	Grand Total
	Adults	Minors	Adults	Minors	Adults	Minors	Adults	Minors		
February:										
4	5	3	1	13	1	1	1	1	15	
4	4	3	2	13	4	0	0	0	17	
4	4	3	2	13	13	0	0	0	26	
4	4	3	2	13	2	0	0	0	15	
3	3	4	2	12	5	0	0	0	17	
3	3	4	3	13	3	0	0	0	16	
3	4	3	3	13	1	0	0	0	14	
3	4	3	2	12	3	0	0	0	15	
3	3	3	2	11	1	0	0	0	12	
3	2	3	2	10	4	0	0	0	14	
3	2	4	3	12	8	0	0	0	20	
3	3	4	3	13	3	0	0	0	16	
3	3	3	2	11	2	0	0	0	13	
3	3	3	2	11	11	0	0	0	22	
2	4	4	2	12	0	0	0	0	12	
3	3	2	2	10	6	0	0	0	16	
4	4	2	2	12	3	0	0	0	15	
5	2	2	2	11	9	0	0	0	20	
March:										
5	4	2	2	13	10	0	0	0	23	
4	4	2	3	13	6	0	0	0	19	

<sup>1</sup> This breakdown by classification is presented for all days on which the arraigned and sentenced female population fell between 10 and 13.

<sup>2</sup> Data separating unarraigned minors and adults were unavailable.

TABLE A-29  
Lock-Up Count - All Males Except Unarraigned - Prisoner Days

	1974														
	Sentenced <sup>1</sup> Adults	Daily Average	Daily Range	Sentenced Minors	Daily Average	Daily Range	Arraigned Adults	Daily Average	Daily Range	Arraigned Minors	Daily Average	Daily Range	Total Prisoner Days	Daily Average	Daily Range
January	403	13.0	(0-26)	149	4.8	(0-7)	7	.23	(0-1)	86	2.8	(0-9)	645	20.8	(6-33)
February	442	15.8	(9-23)	178	6.4	(4-8)	0			0			620	22.1	(15-30)
March	476	15.4	(11-19)	62	2.0	(0-4)	0			0			538	17.4	(14-23)
April	506	16.9	(11-20)	0			125	4.2	(0-10)	4	.13	(0-2)	635	21.2	(13-31)
May	451	14.6	(9-18)	0			39	1.3	(0-5)	0			490	15.8	(13-22)
June	365	12.2	(9-18)	0			0			68	2.3	(0-6)	433	14.4	(9-21)
July	420	13.6	(9-22)	0			0			0			420	13.6	(9-22)
August	566	18.3	(9-27)	131	4.2	(0-7)	1	.03	(0-1)	20	.65	(0-8)	718	23.2	(9-33)
September	483	16.1	(8-27)	0			0			81	2.7	(0-4)	564	18.8	(11-29)
October	554	24.3	(20-31)	0			134	4.3	(0-16)	20	.65	(0-4)	908	29.3	(22-40)
November	682	22.7	(19-28)	0			187	6.2	(4-12)	0			869	29.0	(26-34)
December	717	23.1	(20-27)	0			199	6.4	(0-14)	0			916	29.6	(20-38)
Total for Year	6,265	17.2	(0-31)	520	1.4	(0-8)	691	1.9	(0-16)	279	.76	(0-9)	7,756	21.30	(6-40)
1975															
January	513	16.6	(11-22)	32	1.0	(0-8)	44	1.4	(0-14)	185	6.0	(0-14)	774	25.0	(14-36)
February	517	18.5	(13-26)	36	1.3	(0-6)	136	4.9	(0-11)	66	2.4	(0-10)	755	27.0	(19-35)
March	650	21.0	(13-28)	0			0			203	6.6	(0-15)	853	27.5	(17-37)
April	569	19.0	(18-30)	0			0			0			569	19.0	(18-30)
Total	2,249	18.7	(11-30)	68	.57	(0-8)	180	1.5	(0-14)	454	3.8	(0-15)	2,951	24.6	(14-37)

<sup>1</sup> Category of Sentenced Adults includes weekend or intermittent prisoners.

STATE OF NEW YORK

S. 7783

A. 9178

SENATE — ASSEMBLY

January 31, 1974

IN SENATE—Introduced by Sens. GIUFFREDA, TRUNZO, LOMBARDI—read twice and ordered printed, and when printed to be committed to the Committee on Mental Hygiene and Addiction Control

IN ASSEMBLY—Introduced by Mr. WERTZ—Multi-Sponsored by—Messrs. HARDT, H. J. MILLER, Mrs. CONNELLY, Mrs. C. E. COOK, GRAY, GRIFFITH, HARRIS, HERBST, HEVESI, LEVINE, LEVY, O'DOHERTY, RICCIO, SHAROFF, STEINFELDT—read once and referred to the Committee on Health

AN ACT

To repeal section 35.33 of the mental hygiene law, relating to certain admissions for immediate observation, care and treatment of intoxicated persons, and to amend the mental hygiene law, the penal law, the public buildings law and the second class cities law, relating to public intoxication

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 35.01 of the mental hygiene law is hereby
2 amended by adding thereto two new paragraphs, to read as follows:
3 "intoxicated person" means a person whose mental or physical
4 functioning is substantially impaired as a result of the use of
5 alcohol.

EXPLANATION — Matter in italics is new; matter in brackets [ ] is old law to be omitted.

1 "incapacitated by alcohol" means that a person, as a result of the
2 use of alcohol, is unconscious or has his judgment otherwise so
3 impaired that he is incapable of realizing and making a rational
4 decision with respect to his need for treatment.

5 § 2. Section 35.33 of such law is hereby repealed and a new sec-
6 tion 35.33 is added to such law, to read as follows:

7 § 35.33 Emergency services for intoxicated persons and persons
8 incapacitated by alcohol.

9 (a) An intoxicated person may come voluntarily for emergency
10 treatment to an alcoholism facility or any other facility authorized
11 by the commissioner to give such treatment. A person who appears
12 to be intoxicated and who consents to the proffered help may be
13 assisted by any peace officer or by a designee of the director of
14 community services to his home, to an alcoholism facility, or to any
15 other facility authorized by the commissioner to give emergency
16 treatment.

17 (b) A person who appears to be incapacitated by alcohol to the
18 degree that he may endanger himself or other persons or property
19 may be taken by a peace officer of the state, town, village, county,
20 or city who is a member of the state police or of an authorized
21 police department or force or of a sheriff's department or by the
22 director of community services or a person duly designated by him
23 to an alcoholism facility for immediate observation, care, and emer-
24 gency treatment or, if no alcoholism facility is available, to any
25 other place authorized by the commissioner to give emergency
26 treatment. Every reasonable effort shall be made to protect the
27 health and safety of such person.

1 (c) A person who comes voluntarily or is brought without his  
2 objection to any such facility willing to accept him shall be given  
3 emergency care and treatment at such place if found suitable  
4 therefor by authorized personnel, referred to another suitable  
5 facility for care and treatment, or sent to his home.

6 (d) A person who is brought to any such facility and who previ-  
7 ously objected to being brought thereto, shall be examined as soon  
8 as possible by an examining physician. If such examining physi-  
9 cian determines that such person is incapacitated by alcohol to the  
10 degree that he may endanger himself or other persons or property,  
11 he may be retained for emergency treatment. If the examining  
12 physician determines that such person is not incapacitated to the  
13 degree that he may endanger himself or other persons or property  
14 he must be released. In no event may such person be retained  
15 against his objection beyond (i) the time that he is no longer inca-  
16 pacitated by alcohol to the degree that he may endanger himself or  
17 other persons or property, or (ii) a period longer than twenty-  
18 four hours.

19 (e) Prompt notification must be given of a person's retention in  
20 a facility pursuant to this section to his closest relative or friend  
21 and, if so requested by such person, to his attorney and personal  
22 physician. If an adult patient who is not incapacitated by alcohol  
23 requests that there be no notification, his request shall be respected.

24 (f) A person may not be retained pursuant to this section beyond  
25 a period of twenty-four hours without his consent. Persons suitable  
26 therefor may be admitted to an alcoholism facility pursuant to other  
27 sections of this article.

1 who, on taking and filing an oath of office with the county clerk of  
2 Albany county, shall have the same power of arrest and present-  
3 ment of complaint as the commissioner of general services.

4 § 5. Section fifty-seven of the second class cities law is hereby  
5 amended to read as follows:

6 § 57. Additional powers and duties. The mayor shall have such  
7 other powers and perform such other duties as may be prescribed in  
8 this chapter or by other laws of the state or by ordinance of the  
9 common council, not inconsistent with law. In case of riot, conflag-  
10 ration or other public emergency requiring it, the mayor shall have  
11 power to call out the police and firemen; he shall also have power  
12 to appoint such number of special policemen as he may deem neces-  
13 sary to preserve the public peace. Such special policemen shall be  
14 under the sole control of the regularly appointed and constituted  
15 officers of the police department. They shall have power to  
16 make arrests only for [public intoxication,] disorderly conduct or  
17 other offenses against peace or good order. In case of riot or insur-  
18 rection, he may take command of the whole police force, including  
19 the chief executive officer thereof.

20 § 6. This act shall take effect on January first, nineteen hundred  
21 seventy-six.

NOTE.—Section 35.33 of the Mental Hygiene Law, proposed to be repealed by section 2 of this act, provides for immediate observation, care and treatment of intoxicated persons. The subject matter of that section is covered by a new Section 35.33 which deals more broadly with the subject of emergency services for intoxicated persons and persons incapacitated by alcohol.

## APPENDIX

Impact on Jail Cell Beds of Decriminalization of  
Public Intoxication

Any estimate of the impact on the jail of the decriminalization of public intoxication, effective January 1, 1976, must be offered with a prefatory note of warning. We will be discussing potential impact under the most optimistic of assumptions, i.e., that all cases which formerly involved arrest for public intoxication will be diverted from criminal processing. One can reasonably expect, nevertheless, that some proportion of the arrests in which public intoxication was formerly charged will continue to be made, but with a different offense charged, e.g., harrassment, disorderly conduct, etc. It is difficult to anticipate the magnitude of this effect locally, however, since experiments elsewhere with alternatives to criminal processing of public intoxicants have shown that the outcome is a product of a complex set of variables -- including local law enforcement priorities, the nature of support from police command personnel, the quality and location of alternative services, and the climate of public opinion about public drunkenness.<sup>1</sup>

<sup>1</sup> See Raymond T. Nimmer, Two Million Unnecessary Arrests, (Chicago: American Bar Foundation, 1971).

Impact on Prisoner Days Spent in Lock-Up (Pre-Arrest):

In 1973, the most recent year for which relatively complete arrest statistics are available, there were 4,168 arrests (3,888 males and 280 females) for public intoxication made in Monroe County.<sup>1</sup> It is probable that there were slightly fewer arrests for 1974, based on the trend of gradual decline observed from 1970 through 1973,<sup>2</sup> but there should be no major error introduced by using 1973 statistics for our estimates.

The more difficult problem is the estimation of what proportion of those arrested for public intoxication actually are held in the Lock-Up prior to arraignment. We have a few pieces of information to guide us.

Estimate I: From City Court data available for 1970-1973 and Justice Court data for 1970 and 1973, it is known that bail forfeiture is the final disposition in 15% to 25% of all public intoxication cases. (The percentage fluctuates within that range from year to year and from court to court.) This statistic can be used to arrive at an "upper boundary" estimate of those held prior to arraignment as follows:

1.) Assume 4,168 arrests annually (the 1973 figure).

2.) Assume that 75-85% of arrestees are detained prior to arraignment (i.e., that 15-25% who posted bail and forfeited it for non-appearance were not held).

<sup>1</sup> Does not include arrests by federal or state law enforcement agencies.

<sup>2</sup> Public intoxication arrests by local police agencies amounted to 4,794 in 1971, and 4,275 in 1972.

3.) Assume an average 24-hour detention period prior to arraignment, since arraignments are normally held by the morning after arrest except for persons detained on weekends.

Applying the above assumptions, we estimate that 3,126 to 3,543 prisoner-days were spent last year in the jail by unarraigned public intoxicants; this represents a daily average of 8 to 10 persons.

This can be considered an upper boundary estimate primarily because we have not taken into account the number of individuals who post bail and then appear as directed for arraignment -- thus assumption #2 overstates the number of detentions. Also, we suspect arrests may have declined slightly in 1974, affecting assumption #1.

Estimate II: A second kind of information available is based on an informal monthly report made to the Jail Superintendent on the number of unarraigned public intoxicants held in the City Lock-Up. These reports, initiated in July, 1974, show that 1,298 public intoxicants were held during the second half of 1974. If we assume that an equal number were detained during the first part of the year (and retain our 24-hour detention per case estimate), this results in an estimate of 2,596 prisoner-days in 1974. This represents a daily average of 7 persons held for arraignment on public intoxication charges.

This may be considered a "lower boundary" estimate, since it does not take into account the small number of public intoxicant arrestees -- usually those arrested outside the City -- who do not enter the jail through the City lock-up.

Impact on Post-Arrest Pre-Sentence Prisoner-Days:

No impact is expected in this area, since virtually all persons charged with public intoxication enter pleas and are sentenced at arraignment.

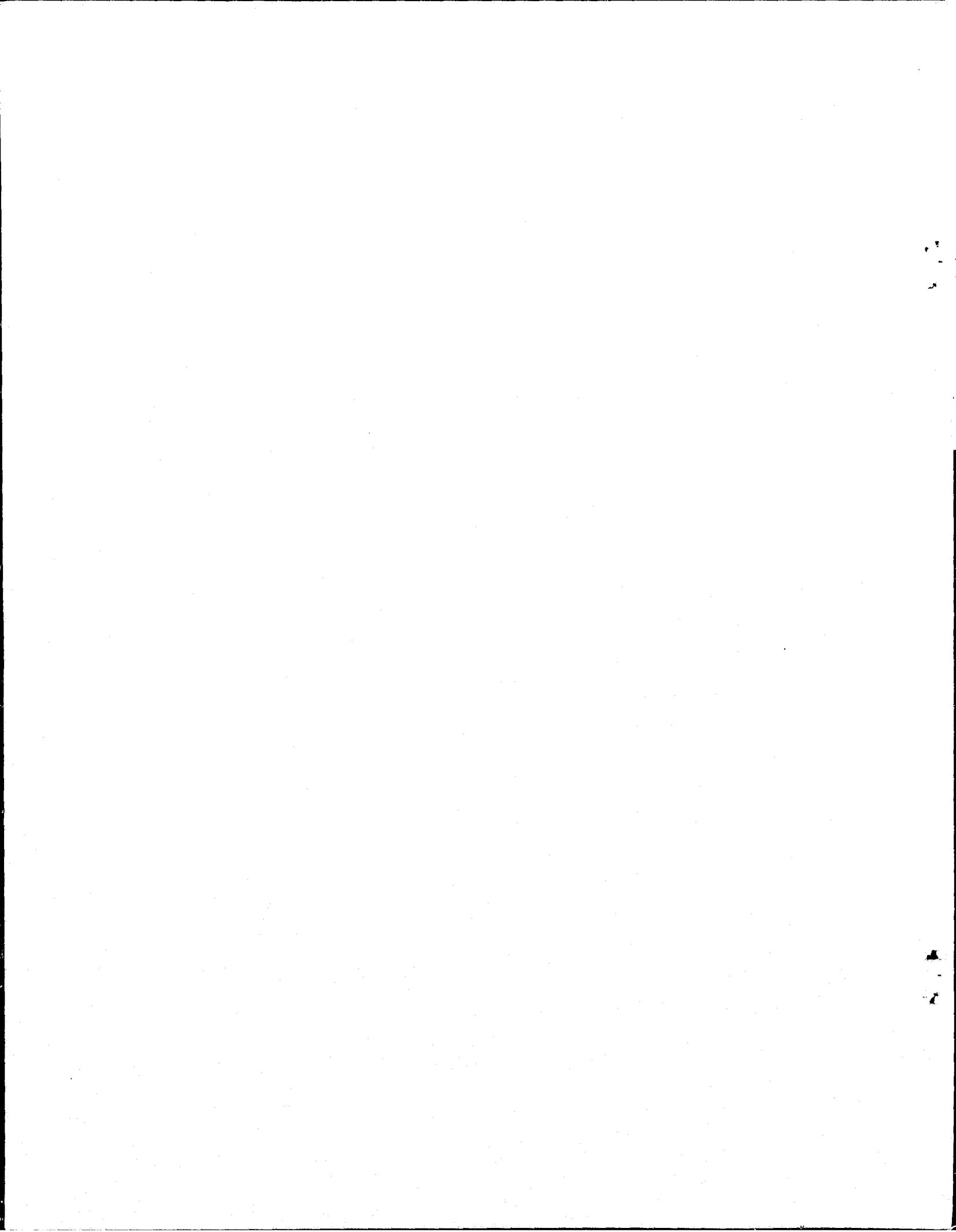
Impact on Sentenced Prisoner Days:

In 1974, there were 219 persons sentenced to the Monroe County Jail for public intoxication, representing a 22.9% decline over the previous year. The maximum sentence for public intoxication is 15 days, with 2 days off allowable for "good time", and another 1-2 days off if scheduled release falls on a weekend. Assuming then that each commitment involved an average of 12 prisoner-days served, an estimated 2,628 prisoner-days were served by public intoxicants in 1974. This amounts to approximately 7.0% of total sentenced prisoner-days (see Appendix Table A-16) and means that on the average day, seven cells were occupied by males sentenced for public intoxication ( $2,628 \div 365 = 7.2$ ).

Of the 219 public intoxication sentences in 1974, only one involved a female. This very small proportion of female commitments has been consistent over the years (from 1970 on, never exceeding 2% of the total public intoxication commitments). Therefore, it is safe to say that the impact of the new law on the sentenced female population will be negligible, and that the potential availability of seven cells per day applies solely to jail area holding sentenced males.

A Final Note:

Of course, for public intoxicants, it is somewhat misleading to speak of the "average day", since the arrest patterns for public intoxicants are known to show definite peak periods, both for warmer months and more importantly, for weekends. To the extent that peak periods for public intoxication arrests and commitments have coincided with peak periods for arrests and commitments generally, removal of public intoxicants from the jail may result in a greater felt impact than our averages suggest, freeing up cells at the time when they are most needed.



**END**