

**STRENGTHENING CRIMINAL JUSTICE  
SYSTEM PRACTICES IN CHEMUNG  
COUNTY, NY – AN UPDATE**

**JANUARY, 2008**

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# STRENGTHENING CRIMINAL JUSTICE SYSTEM PRACTICES IN CHEMUNG COUNTY, NY – AN UPDATE

January, 2008

## SUMMARY

Chemung County has made substantial progress in the 15 months it has been at work to review the 2006 CGR (Center for Governmental Research) report on criminal justice practices and to develop actions in response to its recommendations. The County has responded swiftly, logically, and intelligently to the report, and has backed its commitment to the report's recommendations with appropriate resources.

Significant progress has been made toward reaching the 2006 report's recommended goal of reducing the jail population by 60 inmates per night, and toward reducing the County's dependence on costly Assigned Counsel representation of cases in Family Court. However, much more needs to be done in 2008 to more fully meet the goals outlined in the 2006 report.

2008 is a pivotal year in building on the advances to date, consolidating and firming up progress made thus far, and addressing remaining issues outlined in this update report. While incremental changes can continue to be implemented and perfected in subsequent years, 2008 is the critical year for implementing most of the remaining major initiatives. This report outlines various recommendations to ensure that progress continues to be made in meeting the initial goals laid out in the 2006 report. CGR has every confidence that the County will continue to build on the progress and achievements already in place, and to further implement changes that will make Chemung County a model for other counties to emulate.

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## ACKNOWLEDGMENTS

This project was initiated by Chemung County Executive Thomas Santulli and Deputy County Executive Michael Krusen, in an attempt to assess what progress has been made toward implementation of recommendations made in a May 2006 report on the Chemung County criminal justice system. CGR appreciates their support and their willingness to “let the chips fall where they may” in inviting an objective assessment of how well the County has done in making changes in various components of the criminal justice system.

Paul Corradini, the County’s Criminal Justice Coordinator, has been a great resource to CGR throughout this project. He has generously provided us with his time, support, insights, observations and suggestions, and has also provided extensive support in helping to track down and organize considerable amounts of data needed by CGR in compiling this report. We are also grateful to Shirley Carpenter for her considerable assistance in the data-compilation process. Special thanks also to Steve Hoover, the County Budget Director, for his assistance in providing current and historical cost information about various functions and in clarifying a series of last-minute questions that only he could answer.

Thanks also to the people referenced in the Methodology section of the report who agreed to be interviewed by CGR as part of the study. They each offered very helpful factual information as well as valuable perspectives and insights concerning how selected aspects of the system are currently operating, and thoughts concerning changes that have and have not occurred since the original 2006 study was completed.

Internally, CGR Intern David Landry provided extensive support in analyzing much of the data supplied by the County and referenced throughout this report.

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## 1. BACKGROUND AND CONTEXT

In May 2006, CGR (Center for Governmental Research Inc.) completed an extensive assessment of the Chemung County criminal and juvenile justice system. The products resulting from that study were two companion reports, *Strengthening Criminal Justice System Practices in Chemung County, NY* and *An Assessment of the Chemung County, NY Juvenile Justice System*.

Among the study's many recommendations was one that the County should hire a full-time Criminal Justice Coordinator to "oversee the process of reviewing our report findings and recommendations, establish a process to determine the County's highest priorities, develop a strategic action plan, and monitor implementation of the plan."<sup>1</sup> That position was created and filled in September 2006.

Approximately a year later, the County Executive requested CGR to conduct a followup assessment of how well the County was doing in reforming and strengthening aspects of the criminal and juvenile justice systems. The primary tasks of this limited project update took place during November and December 2007, with final data analyses and report writing occurring in January 2008. Thus this report reflects progress made during roughly the first 15 months since the County began to formally implement changes in components of the criminal and juvenile justice systems under the oversight and guidance of the Criminal Justice Coordinator.

### Focus of the Study

By design, the study was limited in scope. It was not intended to be a detailed assessment of the extent to which each of the initial study's myriad recommendations were implemented. Rather, CGR was requested to focus on a preliminary assessment of three primary issues: (1) the extent to which the County has made progress in reducing the size of its jail population and costs related

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<sup>1</sup> CGR, *Strengthening Criminal Justice System Practices in Chemung County, NY*, May 2006, p. 120.

to the jail; (2) the extent to which the County's hiring of two new defense attorneys to represent cases in Family Court has reduced the costs of having private Assigned Counsel attorneys handle such cases; and (3) a summary overview of the overall progress made in the first 15 months in implementing changes in policies and practices in various components of the criminal and juvenile justice systems in Chemung County.

## Methodology

Given the focus of the study, the methodology was straightforward and relatively limited. It had two basic components: interviews with key policymakers and practitioners instrumental in determining and implementing selected policies and practices in the criminal and juvenile justice systems, and analysis of selected data indicators related to the primary focus areas of this update assessment.

### *Interviews with Key Stakeholders*

CGR spent a day in November interviewing 11 key persons with helpful perspectives related to the study's primary focus areas. These 11 stakeholders were selected by CGR, in conjunction with input from the Deputy County Executive and the Criminal Justice Coordinator. In addition to the initial interviews, there were a number of followup discussions and email exchanges with the Coordinator related to various issues that needed clarification and/or additional data. Interviews were conducted with the following:

- ❖ County Executive Thomas Santulli
- ❖ Deputy County Executive Michael Krusen
- ❖ Criminal Justice Coordinator Paul Corradini
- ❖ The Honorable David Brockway, Family Court Judge
- ❖ Sheriff Christopher Moss
- ❖ Probation Director Thomas Bruner
- ❖ Public Defender Nancy Eraca-Cornish
- ❖ Public Advocate Richard Rich, Jr.

- 
- ❖ Rebecca Kelley, Chief Clerk, Chemung County Family Court
  - ❖ Gloria Varghese, newly-hired Public Defender attorney responsible for Family Court
  - ❖ John Brennan, newly-hired Public Advocate attorney responsible for Family Court

### *Data Analyses*

In addition to the interviews, CGR requested a number of data indicators to help flesh out our information related to the jail population and use of attorneys in Family Court. Data included such indicators as average daily jail population broken down by various factors such as sentenced vs. unsentenced inmates, parole violators, gender, inmates boarded in or out of the jail, and new admissions per day; overtime related to the jail; extensive Family Court data related to types of cases, judges responsible for the cases, and types of attorneys assigned to the cases; and various budget data related to the costs of selected offices and functions. Analyses of these data are referenced at appropriate places throughout the report.

## 2. ISSUES RELATED TO THE JAIL POPULATION

In CGR's initial criminal justice report,<sup>2</sup> recommendations were made which CGR estimated, once fully implemented, would reduce the average jail population by about 60 inmates per day. Thus far, considerable progress has been made in reaching that goal, though much more needs to be done in several areas.

### Recent Trends in Daily Jail Population

Throughout 2004 and 2005, the average daily inmate population consistently exceeded 200, with an average of 212 during the first half of 2005. The daily average remained as high as 213 in the first month of the Criminal Justice Coordinator's tenure, which began in mid-September 2006. Daily populations spiked as high as around 230 inmates. Since then, the monthly averages have been slowly but consistently declining. *During the first half of 2007, the daily population averaged about 197, and the average was reduced to 183 per day during the second half of 2007, culminating in a monthly low of 172 in December.*<sup>3</sup>

*Steady progress has been made in reducing the daily inmate population—from an average of more than 200 in previous years to about 197 in the first half of 2007 to 183 in the second half of the year, culminating in a monthly low of 172 in December.*

Although monthly averages had consistently exceeded 200 inmates per day throughout most of 2004, 2005 and 2006, the average daily population exceeded 200 in only two of the 14 months between November 2006 and the end of 2007. In the final five months of 2007, the monthly average was consistently at or below 185 inmates per day. Thus steady progress has been made in reducing the daily inmate population. Put another way, the average daily census in the jail in the second half of 2007 was about 20 inmates lower than the 2004, 2005 and late 2006 averages—and was about 30 per day lower than the September 2006 daily average.

<sup>2</sup> CGR, *Strengthening Criminal Justice System Practices in Chemung County, NY*, May 2006.

<sup>3</sup> The Sheriff reports that the inmate population on some days during 2007 dipped as low as into the 150s before increasing back into the more typical averages in the low 180s in most months during the second half of 2007.

## Factors Affecting the Jail Inmate Daily Population

### *Reduction in Unsentenced Inmates*

*The unsentenced inmate population has been steadily declining, from more than 140 in late 2005 to just under 112 in the second half of 2007.*

But these reductions, though promising, still fall considerably short of the initial CGR estimates of 60 fewer inmates per day once the 2006 recommendations are fully implemented. The sections below provide additional perspective on what factors have contributed to the reduction in the daily averages, and what still needs to be done to meet the recommended goal.

*Progress in reducing the inmate population has occurred primarily as a result of declines among unsentenced inmates.* As indicated in Table 1, in 2005 and as late as September 2006, an average of 140 or more inmates per day were unsentenced. In the first half of 2007, that average had declined to just over 125 per day, and the daily average was about 112 in the second half of 2007.

**Table 1: Changes in Average Daily Number of Unsentenced Inmates in Chemung County Jail, 2005 - 2007**

2005 – Sept. 2006	First Half 2007	Second Half 2007
140.2	125.7	111.8

Source: Chemung County Jail

Thus the components of the criminal justice system (e.g., judges, defense attorneys, DA, Project for Bail, processing of PSIs through Probation, the Criminal Justice Coordinator) appear to be working more effectively together to facilitate processes and decisions which reduce the period of time defendants are in jail awaiting disposition of their cases, and/or eliminate the initial booking in jail altogether.

It is encouraging that most of the consistent reduction in the numbers of unsentenced inmates was occurring even before the decision by the City of Elmira to increase the use of appearance tickets and discontinue use of the County jail as a lockup facility to house inmates arrested by the Elmira Police Department. *The City's creation of its own lockup in lieu of housing arrestees in the County jail should have the continuing effect of reducing the unsentenced population even further in future months.* The Sheriff estimated that elimination of the use of the jail as a holding center for City arrestees could reduce

### *Little Change in Sentenced Inmates*

*Focused efforts are needed to reduce the number of sentenced inmates in the jail. Electronic home monitoring and a new mental health program show promise in helping achieve this goal.*

the jail's new admissions by about three or four inmates per day on average.

*Less encouraging is the trend in the average number of sentenced inmates per day.* In recent years, the average number of sentenced inmates per day has ranged between about 65 and 70. Throughout 2007, the average daily sentenced population *increased* slightly to a yearly average of about 71.5 inmates per day. The average for the last three months of 2007 was lower—about 65 per day—but that was actually slightly higher than the average (about 63) for the comparable quarter of 2006. *Thus considerable work still needs to be done to reduce the number of sentenced inmates in the jail, consistent with assurances of community safety.*

The encouraging aspect of these sentenced numbers is that they do not include any impact from the use of electronic home monitoring (EHM) devices, which were only beginning to be implemented in the County at the time of the interviews for this study in early November. CGR estimated that full implementation of EHM units as an alternative to incarceration could reduce the average number of inmates in the jail by 20 to 22 per day, including reductions in both the sentenced and unsentenced populations. At year-end, however, only three EHM units were activated, suggesting the need for a much more aggressive effort to promote the use of this proven alternative.

The County is also in the early stages of implementing a mental health program focusing on jobs and housing for convicted inmates with mental health issues. This program, which is funded through a \$600,000 five-year grant, appears to have significant potential for reducing the sentenced population in the coming months.

Further discussions about specific programs and initiatives affecting both the sentenced and unsentenced jail populations, and related recommendations, follow later in this chapter.

### *Reduction in New Admissions*

*There were about 83 fewer admissions per month (about three fewer per day) in the last three months of 2007 compared with the first half of the year.*

CGR did not have access during this study to data on average lengths of jail stays per inmate, but we were able to obtain information on new admissions each month. The number of new admissions to the jail has shown encouraging signs of declining. In the latter months of 2006, an average of 207 new admissions occurred per month (an average of just under 7 per day), including admissions for both sentenced and unsentenced prisoners. During the first half of 2007, new admissions grew to an average of about 228 per month. However, in five of the last six months of 2007, the number of new admissions was below 200 per month, and *the average number of new admissions for the past three months of 2007 declined significantly to about 145 monthly admissions—about 83 fewer admissions per month (almost three fewer per day) than during the first half of the year.* At least some of this reduction presumably reflects the impact of Elmira’s expanded use of appearance tickets and shifting the lockup function from the County jail to the City’s holding cells. But in addition, other changes in the system appear to have also been influencing the numbers of new admissions, which had begun to decline consistently even before the City’s actions.

### *Reduction in Inmates with Parole Violations*

*The number of jail inmates held for violating parole (with no local charges) fell from about 25 per day in the first half of 2007 to 12 in the second half of the year.*

The reduction in jail inmates has been affected in part by a reduction in the second half of 2007 in the number of parole violators. While the number of persons in jail with a combination of parole violations and also arrests on local charges has remained relatively consistent over the past 16 months (about 7.5 per day), the number of inmates being held in the local jail strictly on violations of parole (with no local charges) declined by more than 50% in the last six months of 2007, compared to the first half of the year (from an average of about 25 per day to about 12). Despite the reductions, the County continues to house a total of almost 20 inmates per day with parole violations (counting both those with and without local charges).

### *Declines in Boarded-In Inmates*

Compared to the early part of 2005, the number of inmates boarded-in from other counties or federal prisons has declined to a trickle. In the first half of 2005, an average of 23 inmates were housed each night in the Chemung County jail from other

jurisdictions, with the County generating \$80 of revenue per night for each inmate. By 2007, the number of inmates boarded-in from elsewhere had declined to an average of no more than one or two per night.

### *The Effect of Female Inmates*

The number of female inmates continues to have a significant impact on the jail population and on the staffing of the jail. Because of mandated jail classification requirements, females and males must be separated in different posts/units of the jail, and any minor/juvenile females must be further segregated. Even a single juvenile must be placed in a separate post from other adult female inmates. (On most nights, there are one or two minor female inmates in the jail, typically unsentenced.) Typically two posts/units must be fully staffed each day for female prisoners.

The number of adult female inmates—particularly those with sentences—has grown during 2007 (data from 2006 were not available). As indicated in Table 2, the profile of sentenced and unsentenced female inmates shifted dramatically between the first four months and the remainder of the year.

**Table 2: Average Daily Number of Adult Female Inmates in Chemung County Jail, Sentenced and Unsented, 2007**

<b>Time of Year</b>	<b>Unsentenced</b>	<b>Sentenced</b>	<b>Total</b>
<b>First 4 Months</b>	13.6	6.5	20.1
<b>Last 8 Months</b>	12.3	14.4	26.7

Source: Chemung County Jail

*The number of sentenced adult female inmates per day more than doubled during the latter part of 2007.*

While the number of unsentenced females declined slightly during the year, *the number of sentenced female inmates on an average day more than doubled between the first four months and the last eight months of the year.* According to the Sheriff, many of the women in the jail are incarcerated on minor charges, often from City Court, for nonviolent crimes such as bad checks, suspended licenses, etc. *There may be opportunities to use the new mental health grant initiative and electronic home monitoring, among other approaches, to help significantly reduce*

*this segment of the jail population, with the potential to either close a post or use cells to board in female prisoners from other counties (see below for further discussion).*

## **Impact of Particular Initiatives on Jail Population**

In this brief update assessment of the status of changes in the criminal justice system, it was not possible to conduct detailed analyses of the impact of the various initiatives that have been implemented since the 2006 study was completed. However, some summary comments and observations are offered below, based on our interviews and review of limited data available during the short duration of the project.

### *Presumed Jail Dollars Saved*

First, an overall observation should be made which applies to the impact of a number of initiatives. Data shared with CGR concerning the impact of various programs indicates the total jail days saved, and then translates those reductions in jail days into purported cost savings for the County. Subsequent sections of this chapter discuss the estimated jail days saved by various initiatives, but at this point a general warning or caveat should be noted concerning estimated cost savings. The reported savings are based on the assumption that every jail day saved represents \$103 saved by the County. *The reality is that nowhere near that amount of actual savings occurs.* The average cost per day reflects fixed costs related to staffing, utilities, debt costs and other facility-related costs that remain constant whether 185 or 184 or 174 inmates are staying in the jail on a given day. In other words, most of the costs of operating the physical plant and services related to the jail are fixed, and cannot be reduced with relatively minor reductions in the daily population. About the only real reductions in actual costs that might be legitimate to claim for jail days saved relate to food, the amounts of which needing to be purchased and prepared could vary depending on the numbers of inmates incarcerated from day to day (though even food purchases probably would only vary significantly if the number of inmates were to become lower over a substantial period of time).

*Relatively minor reductions in the daily jail population do not significantly reduce actual jail costs.*

Actual real savings (or increases in revenues) to the County can only be attributed to reductions in jail days if the reductions are

substantial enough over a consistent period of time to justify either (1) closing one or more posts (with resulting staff savings), or (2) reducing the amounts of staff overtime needed to staff posts on a 24/7 basis, or (3) freeing up enough cells to board in prisoners from other jurisdictions, with daily per diem reimbursements to the County, or (4) some combination thereof. If the County were boarding out prisoners, and a reduction in jail days would eliminate or reduce the need to do so, the County could legitimately claim savings in the per diem payments to other jurisdictions that would be saved as a result (but presumably even such rates would be closer to \$80 or \$90 per day in per diem payments, rather than the \$103 rate currently being quoted by officials estimating jail dollars saved). Since the County typically boards out fewer than one inmate per day (presumably for classification or other reasons not likely to be affected by an overall reduction of even a few inmates per day), it would be rare that overall jail days saved could be translated into savings in boarding-out costs.

*Significant reductions in jail days saved must occur consistently over a long enough period of time to activate substantial cost-saving and/or revenue-enhancing options.*

Thus the bottom line is that *in order to claim actual jail savings, significant reductions in jail days saved must occur on a consistent basis for a long enough period of time (such as consistently lower numbers over a 30-day period, for example) that jail officials can activate options listed above related to closing one or more posts and/or boarding in prisoners.* Presumably savings in staff overtime could occur more frequently if a given post does not need to be opened on a given night (e.g., if there is no juvenile female incarcerated on an evening requiring overtime coverage), but consistent savings or revenue enhancement attributable to post closings or conscious efforts to board in prisoners can only be activated with the reasonable assurance that a reduced level of cell and post use have been reached, and are likely to continue on a consistent basis over time. Only in such circumstances is it reasonable to postulate realistic actual savings or increased revenues for the County as a result of jail days saved. Such levels of inmate population have not as yet been reached within the jail.

*Consistent reduction in the female inmate population, and/or expanded use of electronic home monitoring could help reduce the current daily jail population to a level that could potentially activate cost savings and/or revenue generation.*

*Impact of Work Order and Community Service Programs on Jail Population*

Having said that, the Sheriff has suggested that if the female population could be consistently reduced to a level that would enable a post to be closed, or to initiate boarding-in of females from counties such as Tompkins or Schuyler, he would be open to taking such actions, which would result in actual savings to taxpayers. In addition, he has suggested that if the jail inmate population could be reduced consistently to the range of about 160 per day, it would probably be possible to close one or more posts and/or to consider regularly boarding in prisoners from other counties and/or federal prisoners. Expanded use of EHM units as recommended could, for example, help reduce the current daily jail population to a level that could potentially activate real cost savings and/or revenue generation.

The Work Order (WO) program appears to have been restructured and strengthened consistent with CGR recommendations. We initially estimated that restructuring the program would probably result in only limited reduction in jail days, since WO was often used not as an alternative to a jail sentence, but instead as an alternative to non-jail sentences. We suggested that it might ultimately result in an average of one to two fewer jail beds needed per day.

CGR received two sets of somewhat conflicting data about the impact of the WO program on the jail population. One, covering the first nine months of 2007, showed 823 jail days had been avoided. However, there appeared to be no discounting for “good time,” which typically means that only 2/3 of a jail sentence is actually served. Thus, CGR assumes the reported jail day savings were inflated by one-third. The second set of data, covering the final nine and a half months of 2007, showed a much higher total of 2,611 jail days saved for 37 program participants. This equates to about nine fewer cells needed per night over a year. We assume, however, that that figure is also inflated by about one-third due to not adjusting for “good time.” Unfortunately, CGR had no way of independently verifying either set of data, and no way of assessing the validity of the assumptions about jail time that

would have been served if participants had not been in the program.

Similarly, the Community Service (CS) program was cited as saving 4,040 days for 85 participants through early fall 2007—the annualized equivalent of about 14 beds saved per night. Again, it seems likely that no discounting occurred for “good time.” Our experience strongly suggests that these figures are inflated, as CS is purported to be rarely used as a true alternative to a jail sentence.

*CGR cannot independently verify jail days saved for the Work Order and Community Service programs. We recommend that underlying assumptions for both programs should be carefully re-evaluated.*

With no way for CGR to verify any of these numbers, it is difficult to draw any conclusions from them. But, based on what we learned in the initial 2006 study, these estimates of jail days saved as a result of these two programs appear to be considerably higher than what we would have expected, given what we were told about how these programs were used in the past. Perhaps at least the WO program is now being used more frequently than in the past as a legitimate alternative to jail, and is indeed saving significant numbers of jail days. But we recommend that the underlying assumptions for both programs be checked by the Criminal Justice Coordinator with the DA, defense attorneys, Probation and judges, concerning how they indicate these programs are currently being used.

CGR’s cautionary note: if these programs are truly generating the reported levels of jail days saved, we would expect the total number of sentenced inmates per day in the jail to be lower than it has continued to be in 2007. Although it is possible that the sentenced jail population would be considerably higher without these programs, the reported savings for these programs are much greater than when we conducted the initial study. Thus, if the reported numbers are accurate, CGR believes that the overall number of sentenced inmates per day would have been reduced as a result. Our cautionary note should not be viewed as diminishing the value of these programs, as they may have considerable value to the community and to program participants regardless of their impact on the jail population, but some caution and checking of

### *Impact of Electronic Home Monitoring on Jail Population*

underlying assumptions are needed before automatically accepting the reported numbers as “absolute truth.”

CGR estimated in the 2006 report, and continues to believe, that at least 20 to 22 fewer beds per night would be needed in the jail if EHM were fully implemented within Chemung County. It could be used as an alternative to jail for defendants convicted of a crime, and also as an option for unsentenced inmates who might otherwise sit in jail for long periods awaiting resolution of their cases, due to inability to post bail or because of being deemed poor risks to be released on their own recognizance or to supervision by Project for Bail. Bottom line: EHM enables a form of monitoring that should facilitate release for some unsentenced defendants, and, to an even greater extent, serve as a sentencing alternative to jail.

Following the activation of EHM within the criminal justice system in the fall of 2007, it was reported to have saved about 400 jail days in its limited time in operation. Again, CGR has no way to verify that number, although we suspect that it may be inflated for reasons explained above. Its potential as a resource to safely reduce inmates in the jail remains, but only if it is widely used. Data shared with CGR at the end of the year indicated that there were only three active cases in operation at that time. *The use of EHM needs to be aggressively promoted with the DA, defense attorneys, Probation, and judges and town/village justices; and criteria and protocols for the appropriate and inappropriate use of this resource need to be carefully spelled out and disseminated widely to practitioners throughout the criminal justice system, including those in Probation making PSI recommendations.* CGR remains convinced that, appropriately used, EHM can make it possible to bring the current jail population routinely to the level where the Sheriff suggests real cost savings and/or revenue generation can occur, as outlined above.

*The use of electronic home monitoring needs to be aggressively promoted.*

### *Impact of Intensive Supervision Program*

CGR estimated in the 2006 report that nine fewer beds per day would be filled in the jail as a result of expanded focus on the Intensive Supervision Program (ISP). Data were not available to CGR to indicate the actual impact of this program on the jail

*The impact of ISP should be carefully monitored and checked against jail savings assumptions, effective immediately.*

population in 2007. Information provided by the Probation Director indicated that the number of people in the program was increasing consistent with expectations outlined in the 2006 report. He said that the program is being used primarily as an alternative to prison by one judge and primarily as an alternative to jail sentences by another—consistent with our 2006 assumptions. This would suggest that the program, once completed by ISP participants, should be on target to result in the estimated jail savings, but we have no way of knowing at this point. If not already being tracked carefully by Probation and/or the Criminal Justice Coordinator, the impact of this program should be carefully monitored effective immediately, both retroactively and prospectively.

### *Impact of Expedited PSIs*

CGR estimated that expediting the processing of PSIs for defendants in jail awaiting sentencing could reduce the number of inmates in the jail by 16 per day, on average. We were not able to calculate the actual impact to date of Probation's efforts to implement this expedited process, but the Probation Director provided preliminary estimates that suggest that some jail day savings have resulted to date, but with a smaller impact than initially forecast. He indicated that this expedited process to date has focused on defendants in jail on felony charges, since those are most likely to be headed for prison, meaning that the County has a vested interest in transferring them from jail to prison as quickly as possible. This approach makes sense. On the other hand, our analyses in 2006 indicated that a number of other defendants detained pending disposition of their cases wound up with non-incarceration sentences or with sentences to time served—all of whom could have been released from the jail sooner if their PSIs and subsequent court sentencing dates could have been expedited. *Thus we suggest that as the implementation process of expediting PSIs gets refined, all defendants who are detained in jail prior to disposition of their cases and for whom PSIs are ordered should receive expedited PSI processing.*

*There is significant untapped potential, CGR believes, for a greater savings in jail days if more emphasis is placed on expediting PSIs, and using them to recommend alternative sentences, for those in jail.*

Careful tracking of these cases should occur by Probation and the Criminal Justice Coordinator to determine how much more quickly such cases get processed, compared to the normal processing time, and to determine the extent to which the time between PSI completion and the court sentencing date is shortened. We received rough estimates of the savings per case to date from the new Probation Director, but more precise tracking of the cases should be implemented on an ongoing basis, if this has not already been done. The rough estimates suggested that an average of about two or three fewer inmates are in the jail per night as a result of the expedited process, but this may be an underestimate. *We believe better tracking of the actual impact, more extensive use of the expedited process, and more extensive recommendation of alternatives to incarceration as a result of the PSI process should combine to reduce the average daily jail population by much more in 2008 as a result of expedited PSIs than appears to have been the case in 2007.*

### *Impact of Project for Bail*

*The practices and use of Project for Bail should be carefully monitored to ensure that it is having the maximum impact on the jail population.*

The 2006 report projected savings of three to five beds saved per night as a result of strengthened Project for Bail (P4B) practices. With the reduction in numbers of unsentenced inmates in the jail in recent months, some or all of these savings may already be in place, though we were not able to review Project for Bail data to determine how much of the reductions were directly attributable to changes in P4B practices. A number of recommendations were made in the initial report to strengthen P4B's impact, but we were not able to determine the extent to which they have been implemented, or their impact. The Criminal Justice Coordinator should focus attention in early 2008 on a review of this important and respected program, to determine how its practices currently impact the jail population, and to work with the program, judges, defense attorneys and the DA as necessary to make sure that the overall system is taking full advantage of the resources offered by P4B, including ensuring appropriate use by the program of Electronic Home Monitoring when appropriate.

*Impact of the DA,  
Defense Counsel and  
the Courts*

The 2006 report indicated a number of issues needed attention within the District Attorney's office, across defense attorneys (i.e., the Public Defender, Public Advocate, Assigned Counsel), and across County, City and Justice courts. A number of recommendations were made in the report related to changes designed to strengthen these components of the overall criminal justice system and which would, when fully implemented, have a substantial impact on reducing the jail population consistent with community safety. A detailed review of the status of those recommendations was beyond the scope of this update project.

However, some brief observations are in order:

- ❖ In November 2007, a new District Attorney was elected to serve Chemung County. During the first six months of this DA's tenure, the Criminal Justice Coordinator and Deputy County Executive should work with him to review the 2006 report and its implications for his office and his interactions with other key components of the criminal justice system. The DA's active engagement with the issues raised in the initial report should be strongly encouraged, and he should become an active participant in the Criminal Justice Council. The CJ Coordinator should work closely with the new DA to help ensure that implementation of recommendations affecting the DA's office become integral parts of any restructuring plans and revised practices that are set in motion in the early stages of the new DA administration.
- ❖ Defense attorney issues are addressed in more detail in the next chapter, but primarily in the context of Family Court issues. Beyond Family Court, a number of other issues were also raised in the 2006 report concerning ways that defense attorneys can help strengthen the operations of the overall criminal justice system. In general, our observations, and those of others we interviewed in November, suggest that the PD and PA offices are generally doing a good job in meeting their responsibilities. But the CJ Coordinator should spend time in 2008 reviewing the extent to which recommendations made in 2006 have been implemented, and what the PA and PD offices have done to act on the changes suggested at that time. In

*The Criminal Justice Coordinator should work closely with the new DA to ensure that key recommendations are implemented under the new administration, and attention should be paid to how well the new computerized tracking system in the PD and PA offices can be used to monitor the performance of those offices and the overall tracking of cases through the system.*

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particular, the early part of 2008 should include discussions of the PA and PD with the new DA to ensure that effective practices and working relationships get worked out from the beginning that will benefit taxpayers and residents of Chemung County, and help ensure effective operations at all levels of the criminal justice system. Also, attention should be paid to how well the new computerized tracking system used by the PD and PA offices is being used to track the status of cases, and how it can be used by the CJ Coordinator to provide better oversight and monitoring of the performance of these two offices and of the overall tracking of cases through the system.

- ❖ Chemung County has a number of strong, independent judges and magistrates at the County, City and Justice court levels. Their unique strengths, personalities and different approaches to processing of cases are not likely to change as a result of this or the previous report. On the other hand, evidence is presented in the next chapter that suggests that certain long-standing practices can be changed, and have indeed begun to change in Family Court, for the common good when judges are presented with evidence and a sound rationale and logic outlining why change is needed.

However, the data presented earlier concerning the jail population suggest that sentencing practices have not changed dramatically, and that there continues to be room for improvement in the ways in which unsentenced inmates in the jail are processed through the court system. Observations were made during CGR's November interviews that occasional judicial practices suggest some reluctance to attempt to strengthen overall systemic approaches to the processing of cases for the common good.

- ❖ One of the major tasks of the Criminal Justice Coordinator in 2008 may be to adopt a more aggressive effort to promote the expanded use of the array of available alternatives to incarceration, including Electronic Home Monitoring, with judges throughout the system, and to help forge more effective working relationships between the courts, DA, defense attorneys, Project for Bail, and Probation. With new

leadership in two of those offices, new information related to Family Court issues presented in the next chapter, and a combination of new, expanded and revamped ATI programs in place, this is the perfect time to be revisiting judges, revisiting the 2006 judicial recommendations, and seeking strong judicial support for actions they can take individually and collectively to help strengthen the overall system and to help make decisions that reduce the number of inmates in the County jail, consistent with public safety and concerns for taxpayer interests.

## Reductions in Jail Overtime

As noted in the initial CGR criminal justice report, overtime paid to corrections officers in the Chemung County jail increased dramatically between 2002 and 2006. Overtime costs charged to the jail more than doubled during those years, from \$435,136 in 2002 to \$886, 892.<sup>4</sup> But under the leadership of the new Sheriff, this trend has begun to be reversed.

In 2006, almost \$980,000 was budgeted for jail overtime, but actual overtime costs fell almost \$100,000 short of the budgeted amount. Furthermore, data from the Treasurer's Office indicated that 2007 jail overtime costs were reduced by almost \$245,000 from the 2006 levels, to about \$642,000—a 28% reduction from 2006 to 2007. Overtime has been reduced through a combination of initiatives and opportunities, including some in-house renovation/restructuring that had implications for staffing allocations, increased use of part-time staff, and the shift of many City arrest bookings from the jail to the City lockup, thereby reducing, among other things, the number of drunk inmates needing 24-hour/suicide watches, often involving the need to pay overtime. The Sheriff indicated that about \$150,000 of the overtime budget is the result of 24-hour constant watch demands.

*The focus on reducing overtime costs for the jail has yielded significant results, with additional reductions possible.*

The Sheriff believes that further reductions are possible in the jail overtime budget. Among other possible initiatives, he is suggesting

<sup>4</sup> Data supplied by County Budget and Treasurer's offices.

the addition of more part-time staff to create more staffing options at less cost than paying overtime. He has also suggested making further structural changes in the configuration of the jail which, following one-time renovation costs, would enable changing from the current 1:3 staffing ratio needed for constant watch inmates to a 1:5 ratio, thereby reducing the number of corrections officers needed on overtime to meet the 24-hour watch requirements. CGR was not able to conduct an independent assessment of the cost/benefit implications of these and other suggestions offered by the Sheriff, but they appear on the surface to be logical and well thought-out, and CGR suggests that they be given serious consideration as ways of continuing the welcome recent focus on overtime cost reduction within the jail.

## Conclusions and Recommendations

Significant reductions have occurred in the past year in the average daily jail inmate population and in the costs of overtime in the jail. A number of specific actions and new initiatives have been taken by various officials and components of the criminal justice system to contribute to these reductions. But much more needs to be done, as suggested throughout this chapter. The key in 2008 is for all components of the system, under strong leadership and oversight from the Criminal Justice Coordinator, to work together to build on the progress made in the past year while tackling issues not yet addressed or only partially addressed that need concentrated focus in 2008 in order to further reduce the jail population and related costs to taxpayers. *CGR remains convinced, perhaps even more so after this update assessment, that attaining the goal of an overall sustained reduction of 60 inmates per day in the jail population is feasible during 2008 with strong leadership and appropriate actions across the criminal justice system.* To facilitate the accomplishment of this overall goal, CGR makes the following recommendations (in no particular order of priority) for County focus and action during the new year:

- ❖ *Continue to push for full implementation of the inmate-reduction strategies outlined in the 2006 CGR report (as outlined in the table on p. ii of the report summary), and*

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*carefully track and monitor progress toward implementation of these strategies and accomplishment of the numerical objectives for each strategy.* The Criminal Justice Coordinator should be responsible for working closely with appropriate components of the criminal justice system to ensure implementation of each strategy, and to ensure that appropriate tracking mechanisms are in place to document the progress of individual strategies and against the total inmate-reduction goal.

- ❖ *Assess progress in implementing the individual ATI strategies outlined in the 2006 report, with particular attention to fully implementing the Electronic Home Monitoring initiative.* Fully implementing most if not all of the ATI program recommendations, ensuring that effective protocols and criteria are in place to guide their use, and ensuring that all components of the system are fully aware of their value and are using them to capacity—and that they are being appropriately recommended as part of the PSI process—is key to meeting the overall jail population goals. The ATI program likely to contribute the most to achieving inmate-reduction goals is the EHM program, which has yet to receive much use. Expanding its use should be an immediate top priority of the CJ Coordinator.
- ❖ *Work closely with all components of the criminal justice system to hold them accountable for implementing changes recommended in the 2006 report.* This should also be a key priority of the CJ Coordinator in 2008, to help the various components (e.g., courts, defense attorneys, DA, Project for Bail, Probation) implement changes as needed, and to document those changes (and to also document any reasons why implementation of some recommendations may not be feasible or practical—and if there are any actions that should be considered to overcome any of the barriers to change).
- ❖ *Assuming that the overall inmate-reduction goal is met, and that average daily jail population levels of around 160 inmates are met and sustained, the Sheriff, working with the County Executive's office and the Criminal Justice Coordinator, should determine and begin to implement*

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*the most cost-effective plan for either closing one or more posts within the jail and/or using unused cells to board in prisoners on a regular basis from other counties and/or federal prisons.* Cost savings and/or revenue generation implications should be carefully spelled out to guide the decision, using assumptions laid out in the 2006 CGR report and/or additional assumptions that may be pertinent. With full implementation of recommendations from the initial report and as outlined in this chapter, CGR believes that it should be possible to begin to implement this cost saving and/or revenue enhancement recommendation before the end of 2008.

- ❖ *The County should continue to encourage Elmira officials to make expanded use of appearance tickets as alternatives to booking arrestees into jail on minor charges, and to encourage City Court judges to use alternatives to incarceration to the maximum extent possible. The County may also wish to consider reopening discussions with the City concerning absorbing arrestees back into the jail from City lockup facilities, as long as the County is reimbursed at an appropriate level.* CGR is not suggesting that the previous arrangement be reinstated, whereby the City paid the County \$25,000 per year to house its arrestees. But it may be most cost effective for both parties to have the jail reassume the lockup function, hopefully with considerably fewer inmates due to the continuing expanded use of appearance tickets, and with an appropriate per diem fee established that adequately covers the County's actual costs of processing the inmates. If carefully negotiated, this would cover legitimate County costs, while reducing the need for two separate lockup facilities and providing a financial incentive for the City to maximize its use of appearance tickets and thereby limit the costs involved in booking arrestees within the County jail, and thereby minimize the additional impact on the number of inmates in the jail.
- ❖ *The County should carefully implement and monitor the impact of the new grant-funded effort of Probation and Project for Bail to provide alternative mental health*

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*services for persons in jail and/or likely to be admitted to jail in the absence of such services.* This appears to be a promising initiative with the potential to provide more humane treatment and services to people with mental health and related behavioral issues within the criminal justice system, while at the same time helping to reduce the jail population and limit the numbers of inappropriate jail placements.

- ❖ *Particular efforts are needed to reduce the numbers of female inmates detained in the jail, both unsentenced and sentenced, with minor charges. Female prisoners currently account for roughly 15% of the average daily jail population, typically requiring two fully-staffed posts to be in operation.* The Sheriff estimates that about 2/3 of these women are in the jail on City Court charges. The Criminal Justice Coordinator should work with appropriate judicial officials, defense attorneys, the DA, Project for Bail and Probation to see if it is possible to find ways to minimize the number of women who need to be incarcerated through use of various alternative approaches. Linkage with the new mental health program services may be an appropriate alternative to incarceration for some of these women.
  
- ❖ *The Sheriff should continue his leadership in reducing jail overtime costs, and the County should give serious consideration to any suggestions with budget implications that might prove to be cost effective investments resulting in further reductions in costs.* CGR is in no position to judge the ultimate merits and cost-benefit ratios of various proposals, but suggestions discussed by the Sheriff related to jail renovations, expansion of part-time staff, and possible provisions of various incentives to corrections officers are examples of possible initiatives needing up-front investments which might ultimately result in offsetting reductions in overtime which more than pay for the initial investments. The ideas he discussed should receive careful review as part of an overall effort to continue to reduce costly overtime to the extent possible.

### 3. IMPACT OF EFFORTS TO REDUCE COSTS OF ASSIGNED COUNSEL

In 2006, CGR discussed the fact that Chemung County was spending close to \$450,000 per year purchasing legal services from private attorneys through the Assigned Counsel (AC) program to represent parties in Family Court cases (not counting additional Assigned Counsel costs in criminal cases). In order to provide more consistent services, and to reduce the overall cost to the County of legal representation in Family Court (FC) cases, we recommended that the County hire two additional full-time defense attorneys—one each in the Public Defender (PD) and Public Advocate (PA) offices (and a part-time secretary for each office)—to represent cases in FC that were at that time represented by Assigned Counsel. The total cost for the additional staff was estimated to be about \$160,600 a year, compared with the approximately \$400,000 of AC Family Court costs that we estimated could be eliminated as a result of the proposed PD/PA attorneys. Thus our recommendation forecast a net savings of almost a quarter million dollars a year once the new staff were in place and had full caseloads.

The County hired the new attorneys during the latter portion of 2006. Our analyses after about 15 months of operation indicate that the core recommendation was correct. The County is receiving excellent and more consistent legal representation in Family Court than was previously the case, the new attorneys were able in 2007 to approximate the projected caseloads assumed in the recommendation, and savings are beginning to occur. However, *for the first full year of operation, although there was a substantial reduction in the numbers of Family Court cases represented by Assigned Counsel, and substantial reductions in the fees paid by the County for such representation, neither reduction was as great as what CGR initially forecast.*

*The impact of the two new attorneys on AC representation of Family Court cases, while substantial, has fallen short of initial expectations, at least for the first year of operations.*

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This chapter explores this topic in more detail, discusses reasons why results have, to date, fallen short of anticipated savings, examines whether the initial projected level of reductions in Assigned Counsel cases and costs are ever likely to occur in the future, and offers additional recommendations to strengthen the overall impact of the County’s PA and PD legal representation.

## **Incorrect Initial Assumptions**

For each of the two years before the 2006 study was completed, County officials had reported that 860 Family Court “cases” had been represented by Assigned Counsel. The costs to the County of paying for such private attorney legal services were about \$436,000 in 2004 and about \$480,000 in 2005—representing average costs per case of \$508 and \$558, respectively. Our assumption in making our recommendation to hire the two new attorneys was that between the new hires (with some support from an existing PA attorney already covering some Family Court cases), they could handle about 800 FC cases a year, thereby representing all but about 60 to 75 FC cases. We assumed the latter cases would continue to need to be covered by AC attorneys, due to various conflicts. We estimated, based on the 2004 and 2005 average costs per case, that the County would save about \$500 for each of the 800 FC cases that we anticipated would no longer need to be covered by AC attorneys. That is how we arrived at estimated savings of \$400,000, minus costs for added staff.

However, in reviewing the most recent Family Court data for this study, in discussions with the Criminal Justice Coordinator and the Chief Family Court Clerk, we came to the following realization: That the 2004 and 2005 Assigned Counsel “cases” reported by both the County Budget and Treasurer’s office, and referenced as support for a preliminary proposal developed by the PA and/or PD office, actually often included combinations of separate petitions (or episodes or circumstances) in which the same case had multiple attorneys, and that each should have been counted as a separate party to the case. This would have increased the total

AC attorney count that should have been factored into our 2006 estimates.

*Original estimates did not reflect all the separate components that made up each Family Court "case."*

As a result, our initial assumptions understated the total number of separate “episodes or parties” represented by the total number of reported “cases.” In short, the number of cases we used in making our recommendation reflected vouchers paid to attorneys, which often bundled together several separate episodes linked to one case. And because many AC cases also needed dual representation (e.g., a visitation and custody case, or an abuse and neglect case, may involve more than one party, each of which may need indigent representation, perhaps involving both an AC attorney as well, for example, as a PD or PA attorney, or both), our assumption of 800 cases that could be eliminated from AC coverage was an overstatement. *What we ultimately realized is that that number represented an accurate estimate of the number of “episodes” or petitions or parties to a case that could be eliminated through the efforts of the new PA and PD attorneys, but that number overstated the number of bundled cases (sometimes including multiple episodes) that could be eliminated.*

In effect, we were comparing “apples and oranges” in that the case numbers did not reflect all the separate components that made up each case, while the number of “cases” that the PA and PD attorneys could cover were actually the separate components (i.e., the separate parties, episodes and petitions), each of which needed separate representation. Our initial estimate actually wound up being quite accurate, and perhaps even somewhat conservative, in terms of the numbers of *episodes* that the PA and PD attorneys could handle. In fact, the 800+ episodes that they represented did indeed eliminate the need for having those episodes covered by AC attorneys. But because most of the AC cases included more than one episode/petition, those PA/PD episodes should initially have been subtracted from a higher number of episodes bundled within the reported AC “cases”—a total number that had never been reported previously or even acknowledged by County officials.

As noted above, our estimates in 2006 were influenced by data obtained from the PD and PA offices and the Treasurer’s office, which reflected only the total “case” numbers, without an indication that they often represented multiple episodes and parties. We noted in the 2006 report that some of the data we were working with was not as complete and accurate as we would have liked, but we believed it to be accurate enough to make our recommendations. Both the County and CGR share some responsibility related to inaccurate estimates. County officials should have been more thorough in checking the assumptions underlying the data we were given, and in reviewing the PD/PA rough proposals underlying our recommendations. But CGR also should have been more careful in clarifying the assumptions, and in making sure we were comparing “apples with apples,” and not something else.

*Despite data problems related to our 2006 savings estimate, much of the initial objective has been accomplished, though initial AC savings were lower than anticipated. CGR believes the County will still be able to reach or approximate the initially-projected level of annual savings.*

The combination of these factors leads us to draw the following overall conclusions. Our basic recommendation was, despite the data problems, sound and justified overall, and we would have made it even knowing what we now know. But we did wind up overstating the actual Assigned Counsel savings that would result, at least in the first year. On the positive side, we believe, however, that the County will still be able to reach or approximate the initially-projected ultimate level of savings across the indigent defense system, based on data, other factors and new recommendations presented below.

## **Relationship Between Cases and Episodes**

Through the persistent efforts of the Criminal Justice Coordinator, his assistant, and the Chief Family Court Clerk, 2006 and 2007 Family Court cases involving indigent defense representation (by either AC or PA or PD attorneys, or some combination thereof) were identified individually. They were appropriately grouped, with all individual episodes or parties broken out separately, then linked to a common case number if multiple episodes or parties were involved. The CJ Coordinator subsequently conducted an initial analysis of the data, and CGR then conducted additional analyses. The goal was to determine—in light of the new data

and resulting changes in assumptions—the actual cost savings that could be attributed to the introduction of the new attorney staff, and what assumptions should realistically be made about the future impact of the targeted Family Court initiative.

The CJ Coordinator initially organized the data into three groups, based on September 11, 2006—the starting date when the Coordinator began, and when the two new attorneys began to represent Family Court cases. As a baseline, the first group included all cases (with associated episodes) that occurred from January 1 through September 10, 2006—a period of 254 days preceding the changes. The second group covered a comparable period of 254 days from September 11, 2006 to June 2, 2007. CGR looked separately at data for the remainder of 2007 and also grouped the data in other ways to tease out additional relationships.

The data clearly indicate that *most Family Court cases included more than a single episode or petition, and/or often involved more than one attorney representing different parties in the same case*, as noted above. For the two-year period, CGR found that 1,016 separate “cases” were initiated with indigent defense coverage, and they involved a total of 2,693 separate episodes. The average “case” opened during the past two years included 2.65 separate parties or episodes, including an average of about two such episodes during a calendar year. Cases often remained open for more than a year, typically with more than one episode/petition involved, and typically with more than one attorney representing various parties to the case. *Only 39% of the total cases involving indigent defense representation had only one single attorney: 61% had two or more attorneys involved.*

*More than 60% of all cases involving indigent representation in Family Court involved more than one episode and more than one attorney.*

The vast majority of the cases involving public defense attorneys are connected to either visitation/custody petitions (59% of all petitions/episodes in 2006 and 2007) or abuse and neglect petitions (17%). In well over 80% of both such types of cases, more than one attorney is involved at public expense.

Similarly, *only about 36% of the cases involved only a single episode.* Just under 31% had two separate episodes during the period of time we analyzed the data, 25% had between three and five episodes, and about 9% had six or more. Thus, *more than a third of all cases had three or more episodes or petitions involved.* Although some of those involved the same attorney, many required two or even more attorneys because of conflicts between parties affected by the case. This illustrates the reality that, *even with a strong public defense function in place, such as exists in Chemung County, there will always be circumstances in which PA and PD attorneys cannot represent all parties to a case, and where AC attorneys will therefore have to be involved.*

## Decline in Use of Assigned Counsel

Over the past two years, CGR determined that the introduction of the new PA and PD attorneys has effected a dramatic shift in the profile of Family Court cases and their representation. As shown in Table 3, the proportion of cases represented exclusively by AC attorneys has declined sharply, with a smaller rate of decline in cases with both AC and either PA or PD representation—both accompanied by *a dramatic increase over the three time periods in the proportion of cases (from 5% to 70%) represented exclusively by some combination of PA and PD attorneys.*

**Table 3: Proportion of Cases Represented by Various Combinations of Public Defense Attorneys in 2006 and 2007**

Types of Attorneys	1/1/06 – 9/10/06	9/11/06 – 6/2/07	6/3/07 – 12/31/07
<b>AC Only</b>	71%	43%	15%
<b>PA/PD Only</b>	5%	33%	70%
<b>AC + PA/PD</b>	24%	24%	15%
<b>New Cases Opened in Period</b>	490	305	221

Source: CGR Analysis of Chemung Family Court data

*In 2006, pre-new attorneys, 42% of all cases opened in Family Court involved more than one Assigned Counsel attorney. For the last seven months of 2007, with both attorneys in place, that percentage declined to just 5%. During that same time, FC cases represented exclusively by PA and/or PD attorneys increased from 5% to 70%.*

It is particularly noteworthy that during 2006, prior to the advent of the new attorneys, 42% of all cases opened during that time involved more than one AC attorney, each billing the County separately for the same case. Since the new PA and PD attorneys

*AC Representation in New Episodes in Ongoing Cases*

have been in place, that percentage has shrunk to 5% in the last seven months of 2007.

Despite the reduction in the level of AC involvement in new cases, there continues to be a substantial, though declining, level of AC involvement in the larger number of separate episodes making up the components of these cases. That is, given that most cases initiated prior to the advent of the new approach involved AC representation, those attorneys often continued to be involved in subsequent petitions/episodes. Table 4 shows the declining proportion of AC representation for individual episodes and the corresponding increasing proportions of PA and PD representation, broken down by the first and second halves of each of the past two years.

**Table 4: Proportion of Individual Episodes Represented by Different Types of Public Defense Attorneys in 2006 and 2007**

Type of Attorney	First Half 2006	Second Half 2006	First Half 2007	Second Half 2007
AC	89%	76%	58%	39%
PA	11%	20%	27%	34%
PD	NA	4%	15%	27%
Episodes During Period	647	631	600	815

Source: CGR analysis of Chemung Family Court data.

Even though the number of *new cases* declined during the latter part of 2007, as shown in Table 3, the total number of *episodes* represented by defense attorneys increased during that period, to the highest level of any half-year period in 2006 and 2007. The largest portion of those episodes involved carryovers from cases initiated in earlier periods. They suggest the substantial carryover effect of earlier cases assigned initially to AC attorneys. The CJ Coordinator has been working with judges to assign representation of new episodes or petitions to PA or PD attorneys, even if previously represented by AC, unless the issues are so complex that it would not make sense to switch mid-stream. The data indicate that this educational effort is having some effect,

*The Criminal Justice Coordinator's efforts to urge judges to assign representation of new episodes of FC cases to PA or PD attorneys appears to be having a positive effect, but needs to be continually emphasized, with supporting data.*

especially on subsequent petitions/episodes associated with more recently-opened cases. However, for cases that were opened some time ago with an AC attorney, subsequent episodes typically remain assigned to the initial AC attorney. Thus the important initiative by the Coordinator is having some impact, but needs to be continually emphasized. The data on attorneys assigned to followup episodes should be tracked and presented to judges on a regular basis, as a reminder to them of the desirability and fiscal soundness of shifting new components of cases to either PA or PD attorneys wherever it could break previous AC patterns, without negatively impacting effective client representation.

### *Gradual Phasing-Out of AC Cases*

*If recent trends continue, very few cases and episodes should be assigned to AC attorneys in future months.*

The connections between the data in Tables 3 and 4 are important. They suggest that gradually the trend is being established of using the County's in-house attorneys to cover Family Court cases, but that the pipeline of cases initially opened with AC attorneys ensures a continuing stream of episodes likely to continue to involve those private attorneys. On the other hand, the most encouraging data from Table 3 suggests that *as new cases are initiated, the vast majority are being assigned to either the PA or PD office. To the extent that trend continues and can even be strengthened by only opening new AC cases when a clear conflict exists—and as the AC-initiated cases in the pipeline get closed out or subsequent episodes get assigned to PA or PD attorneys—the numbers of AC episodes, and overall AC total cases, should decline to the low level of numbers initially estimated by CGR in the 2006 report.*

### *Potential Expanded Demand for PA and PD Services*

It should be noted that some concerns were expressed in our interviews about the potential for “expanding the net.” That term suggests that it is easier to assign defense attorneys to cases or parties within a case today who might not have received public representation when AC attorneys were the only option, but who might be considered for such assignments with the advent of the new PA and PD attorneys. The data in Table 4 at least suggest that this could be occurring, with the substantially higher number of episodes in the second half of 2007, compared with earlier periods. CGR believes, however, that this increase is less a

*If current trends continue, there is a realistic concern that PA and PD caseloads may approach overload.*

## Variations by Judge in Use of AC

function of net expansion than of the simple fact that during that same period of time, there were more Family Court petitions and cases opened overall. In other words, the increased number of cases with public defense attorneys seems to be in line with those overall increases. However, if FC cases in general continue to rise, and the trends away from AC accelerate as they appear to be doing, there is a legitimate concern that PA and PD caseloads may approach overload. This issue is discussed in more detail below.

Three judges oversee the vast majority of Family Court cases. The judges have had very different patterns in the use of Assigned Counsel over the past two years, and have varied in their evolution toward more consistent use of PA and PD attorneys. The sitting FC judge has been the quickest to embrace the use of PA and PD attorneys, typically involving them in almost all new cases and subsequent petitions/episodes involving such newer cases. Even in cases carried over from earlier times, he is the most likely of the three judges to assign PA or PD attorneys to subsequent episodes.

The other two judges have been slower to embrace the more widespread use of PA/PD attorneys. Through the middle of 2007, about 80% of all Family Court episodes overseen by one judge, and between 2/3 and 3/4 of those of the other, remained assigned to AC attorneys. But in the second half of 2007, the first judge had reduced overall AC involvement in all open episodes from around 80% to 39%, while the second judge continued to have AC assignments in just over half of his episodes. *Even more promising, it should be noted that among new cases being opened for the first time, both of these judges largely avoided assigning AC attorneys during the second half of 2007.* The first made exclusive use of AC attorneys in only about 10% of new cases opened during that time; the second continued to make the most frequent use of the AC option of all three judges, but had reduced exclusive use of AC attorneys to just over one-third of all new cases in the second half of 2007. On subsequent episodes/petitions associated with new cases in late 2007, the second judge was closer to his peers in expanding his assignments to PA and PD attorneys. *Continuing educational*

*There has been considerable variation across judges in the use of AC and PA/PD attorneys. However, in the second half of 2007, all three judges were assigning the majority of new cases to PA or PD attorneys. Data on the use of attorneys should be shared on a regular basis with the judges as part of an ongoing effort to encourage them to use PA and PD attorneys in lieu of making AC assignments.*

*reminders to all three judges on a periodic basis would seem appropriate to help solidify the patterns of using PA and PD attorneys as the norm in the future.*

## **Bottom Line Impact to Date**

As indicated above, CGR initially projected that the addition of the two new attorneys would allow the PA and PD offices to cover about 800 Family Court cases per year. Given the misunderstanding about the definition of cases vs. episodes described earlier, the expectation should have been that they would be able to handle 800 *episodes/petitions* a year. With that understanding, they have indeed somewhat exceeded that expectation: According to data supplied to CGR by the CJ Coordinator, 864 episodes were assigned to those two offices during 2007—499 to the PA office (with about 1.5 FTEs working on FC cases) and 365 to the single attorney in the PD office assigned to FC.

## *Family Court Financial Impact*

The Coordinator recently attributed savings resulting from those case assignments of about \$481,500 in 2007 (minus the costs of salaries and benefits of the new employees), based on the same assumption CGR made in the 2006 study—multiplying the numbers of assignments by the \$557 average cost per AC approved vouchers in 2007. This logic suggests that the presence of the PA and PD new attorneys has enabled the County to avoid payment of those costs. But, given the revised assumptions discussed earlier, it is probably no longer reasonable to use that full average case amount to calculate the impact of the new attorneys, given that it is based on the total case vouchers, which often include multiple episodes. Each episode would individually have a lower average value than the entire “bundled case” figure. Since the PA and PD attorneys are assigned primarily to individual episodes, CGR believes it is more accurate to estimate cost savings by applying a lower per episode figure than the full case average.

Thus, given that our analyses indicated that an average case includes about two episodes activated within a year’s time, it is probably most realistic to divide the case average of \$557 by two, thereby yielding a new per-episode cost saving estimate of about \$278.50. *Applying that figure to the 864 PA/PD assignments would result*

*CGR estimates that the new PA/PD approach for Family Court enabled the County to avoid about \$240,625 in AC costs in 2007. After factoring in costs for new staff, the net savings was about \$100,000.*

*in an avoided cost-savings estimate of about \$240,625 for 2007.* The salary and benefits of the two new attorneys and clerical support staff for the year totaled about \$139,000, according to information supplied by the CJ Coordinator. *Thus, the net savings attributable to the new attorney initiative for 2007 was just over \$100,000.* This represents a significant savings for the first year of any new initiative, but is also considerably short of the projected annual net savings of about \$240,000. It seems highly likely, however, that the magnitude of savings will increase significantly in future years if recent trends continue and accelerate, whereby relatively small numbers of new cases are assigned to AC attorneys, and as AC cases currently in the pipeline close.

### *Broader Defense Attorney Financial Impact*

Table 5, on the next page, provides a broader overview of the overall trends related to the costs of providing indigent legal representation in Chemung County. The data were supplied by the County Budget office.<sup>5</sup> Several points drawn from the table are worth noting:

- ❖ Based on AC vouchers, the County has paid about \$242,800 less to AC attorneys in 2007 than in 2006—representing a gross savings almost identical to our independent calculation reported above. This may be somewhat coincidental, but it seems reasonable to conclude that the similar figures provide some level of assurance that the estimate of about \$240,000 is a realistic figure to use in reporting first-year gross savings. This represents about a 48% reduction from 2006 payments. (The Budget Director indicated that it is possible that some additional vouchers may come in within the next couple weeks

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<sup>5</sup> These data, supplied by the Budget Director, represent the most consistent trend data available during this study update. Other data were also available from the Treasurer's office, but they were not as detailed and inclusive. The Treasurer's data reflected slightly different numbers of cases and amounts paid, but the basic trends were consistent. According to the CJ Coordinator, these reflect long-standing differences between Budget and Treasurer's data that have never been resolved, based presumably on differences in factors such as when vouchers are submitted and when they are paid. Based on our conversations with appropriate officials, we are confident in using the Budget office data as a consistent historical reflection of the costs attributable to the provision of defense attorney services in recent years.

Table 5: Chemung County Indigent Representation History

	2007	2006	2005	2004	2003
<b>Family Court Costs – Total</b>	\$260,222	\$503,023	\$479,962	\$436,464	\$179,040
Cases	462	892	860	860	752
Avg Cost Per Case	\$563	\$564	\$558	\$508	\$238
<b>County Court Costs-Total</b>	\$102,599	\$84,062	\$125,292	\$201,962	\$122,432
<b>Cases</b>	128	119	208	400	306
Avg Cost Per Case	\$802	\$706	\$602	\$505	\$400
<b>Justice Court Costs-Total</b>	\$7,633	\$15,172	\$47,296	\$62,595	\$54,019
Cases	25	41	111	214	313
Avg Cost Per Case	\$305	\$370	\$426	\$293	\$173
<b>Grand Total of Above Courts</b>	\$370,454	\$602,257	\$652,550	\$701,021	\$355,491
Grand Total # of Cases	615	1052	1179	1474	1371
Avg Cost Per Case	\$602	\$572	\$553	\$476	\$259

Assign Counsel Costs	\$370,454	\$602,257	\$652,550	\$701,021	\$355,491
Public Defender Office	\$638,583	\$556,920	\$482,292	\$508,213	\$452,922
Criminal Justice Coordinator	\$185,954	\$92,399			
Public Advocate Office	\$375,936	\$344,627	\$293,821	\$182,368	\$0
Grand-Total Expenditures	\$1,570,927	\$1,596,203	\$1,428,663	\$1,391,602	\$808,413
Reimbursement- Public Defender Grant	(20,364)	(20,364)	(20,364)	(20,636)	(21,164)
Reimbursement-ILSF	(294,000)	(286,949)	(225,000)	(259,886)	\$0
606 Case Reimbursement	(50,000)	(60,042)	(43,444)	(72,610)	(34,561)
Grand Total Reimbursement	(364,364)	(367,355)	(288,808)	(353,132)	(55,725)
Local Share	\$1,206,563	\$1,228,848	\$1,139,855	\$1,038,470	\$752,688

of completion of the update study that could change the final 2007 figure somewhat, but any additional costs would not likely be sufficient to change the basic conclusion of a net savings associated with the new initiative.)

*Assigned Counsel cases in Family Court, County and Justice Courts have all declined substantially through 2007.*

❖ Using the traditional definition of case vouchers as submitted by AC attorneys (using the bundled approach discussed above), the first full year with the new PA/PD attorneys in place resulted in 430 fewer cases submitted in 2007—a 48% reduction from the 2006 baseline. *Clearly, whatever definitions are used, the new attorneys contributed to a substantial reduction in AC involvement in Family Court cases in 2007.*

❖ Although in this limited assessment we did not examine the impact of the creation of the PA office (established in 2004) on overall caseloads and costs related to the criminal justice system, some quick observations may be appropriate, based on the data in Table 5. It is worth noting that since the office's creation, in large part to reduce overall AC costs, combined County and Justice Court AC cases have declined by 75%, from 614 in 2004 to 153 in 2007. That in turn has resulted in reduced costs of \$154,325 since 2004, a 58% reduction.

*CGR analyses indicate that the combined savings in criminal justice and Family Court systems, when compared with peak cost years for those systems, pay for the total cost of the County's PA office. CGR believes that additional savings are likely in the future.*

❖ If the savings compared to peak cost years in the criminal justice and Family Court areas are combined, *the total savings in reduced Assigned Counsel costs slightly exceed the total costs of the PA office.* This may not represent major savings envisioned by the County when the PA office was established, but at least it suggests that the County has not lost money as a result of the decision, and as suggested above, additional savings appear likely in the near future. Moreover, it is our observation from our two studies that the resulting added consistency of more uniform defense attorney services, standards and coverage has added an intangible benefit to the courts and the overall quality of the criminal justice system.

❖ Even with the additions of staff and significant increases in recent years in the County's benefit package, the overall costs of providing indigent defense services have remained relatively constant and may even have declined, depending on what

assumptions are made about inclusion of the Criminal Justice Coordinator's office in this part of the budget. Although the creation of that office obviously represents an added legitimate cost to the County, it is arguable that it should not be in effect charged against the public defense budget. The focus of the CJ Coordinator office is much broader in scope than just this more limited indigent defense cost center, so we would argue that an assessment of the relative costs and benefits of the defense function should not be saddled with this broader Coordinator cost item. Admittedly, at one level it doesn't matter where that office is placed in the County budget, as it ultimately is a legitimate cost to taxpayers. But for purposes of this discussion, in terms of assessing the overall cost effectiveness of the County's indigent defense function, it should probably be removed from the discussion.

*Overall costs to local taxpayers of indigent defense representation appear to be declining.*

If those costs were to be deleted for 2006 and 2007, the remaining indigent representation cumulative costs for 2007, as represented by the local share, would be reduced to \$1,020,609, compared to a corresponding 2006 total of \$1,136,449—a 10% year-over-year reduction of \$115,840. Moreover, *despite inflation and other adjustments over the years, that 2007 indigent defense total would be lower than the County share of indigent costs back in 2004.*

## Conclusions and Recommendation

All indications we received from our interviews and personal observation suggest that the new PA and PD hires represented excellent decisions. The two attorneys appear to be highly competent and well respected. Because of high caseloads, often stressful cases, and the fact that three different judges with very different personalities and court management approaches must be served in Family Court (all by one person in the PD office, and shared by two persons in the PA office), it would appear that the attorneys serving FC are currently operating at or very close to maximum capacity. It is possible that a few extra cases could be assigned to the 1.5 FTEs serving FC in the PA office (if the same level of FC cases were to occur per person in the PA office that occurred in 2007 with the PD Family Court attorney, the PA

office would be able to cover about 50 more cases between the full-time and half-time attorney). But it is perhaps just as plausible to consider that the standard should not be the PD attorney's workload, and that it would instead make sense to go in the other direction, to apply the PA standard to the PD workload, which would have the effect of lowering that caseload in 2008 by about 30 cases/episodes compared with 2007 levels.

Regardless, the larger point is that, based on caseloads and the various perspectives we received in our interviews, *it would not seem feasible to consider adding to the net overall caseloads of the designated FC attorneys in the PA and PD offices.* And yet, if Family Court caseloads continue to increase as they did in 2007, there could be added demand on the existing defense attorney system. Moreover, if the trends away from assignment of FC cases to AC attorneys continue as evidenced in the latter half of 2007, there will be added demand on these same PA/PD attorneys.

Our analysis of 2007 FC data indicated that, despite the efforts of the PA/PD attorneys, almost 675 FC cases/petitions/episodes/parties surfaced during the year which were represented by AC attorneys. Assuming that 100 of those would continue to need to be served by private attorneys because of conflicts and multiple-party cases, this leaves about 575 episodes that in theory could be served through the PA/PD system, if a way can be found to address the caseload capacity issue. *Assuming the same average savings per episode of \$278.50 used above, eliminating the need to pay AC attorneys for those 575 cases could save the County about \$159,000.* On top of the \$240,000 saved in 2007, this would approximate the original estimate of \$400,000 gross savings. The problem becomes how to make so many additional assignments to an already-stressed PA/PD system.

*CGR estimates that about 575 Family Court episodes represented by AC attorneys in 2007 could have been served by PA or PD attorneys, if sufficient caseload capacity existed within those offices. The County would save significant dollars if those cases could be removed from AC representation.*

It seems to CGR that there are several possible options which may need to be considered, either separately or perhaps in some combination. They are briefly discussed below in no particular order of priority:

### *Option to Hire One Additional Attorney*

This may be the least attractive option from the County's perspective, having just hired two new attorneys so recently. However, it seems clear that the initial PA/PD caseload expectations recommended in 2006 have been met and slightly exceeded, and that adding much if anything to those caseloads could be counterproductive in terms of potentially leading to stress-related turnover, which could thereby leave possible time during which the recent trend toward reduced use of AC attorneys might have to be reversed while searching for a new attorney. (It should be noted that neither of the new attorneys mentioned anything in their interviews about reaching a breaking point or feeling overly stressed. They were matter of fact about their workloads and concerned about continuing to do their work at a high quality level, but neither were complaining at all about their situations. Others we interviewed, however, expressed concerns on their behalf about the potential for burnout and premature departure.)

*CGR estimates that hiring an additional defense attorney would result in additional net savings to taxpayers of about \$100,000 per year, given projected reductions in Assigned Counsel costs.*

If the option of hiring an additional attorney were to be considered, it is likely that most of the remaining anticipated Family Court caseload could be covered by the new person, with perhaps some minor "tweaking" of existing PA/PD caseloads, and/or in conjunction with the screening option discussed below. *If this option were to be put in place, we assume that it would cost the County about \$60,000 per year, consistent with the salary and benefit levels of the newest attorneys, which would result in a net savings to the County of about \$100,000 when all costs and savings are factored in.* The issue of where a third new attorney would be housed organizationally would also have to be faced, to ensure that he/she would maximize opportunities to be assigned to cases which would otherwise be assigned to AC, while also not being in conflicts of interest with existing PA or PD attorneys. This could potentially be done on a contractual basis.

### *Option to Hire Part-Time Attorney*

A related option would be to spend less money and hire a part-time attorney, in effect on a retainer basis, without having to pay full benefits, with an agreement that for "x" dollars, the attorney

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would be responsible for handling a certain number of cases that would otherwise be assigned to an AC attorney. The intent of this option would be to work out an arrangement whereby an attorney would be guaranteed a certain amount of money, but at a rate that would cost the County less than paying AC rates, and that a specified number of cases would be completed as part of the agreement.

*Option to Establish a  
Central Screening  
Function*

Various knowledgeable people during the interview process estimated that somewhere between 10% and 20% of the Family Court cases currently being represented by either the PA or PD attorneys or by AC private attorneys may not technically be financially eligible for indigent defense services, and others may not be statutorily required to receive free defense services. No one knows for sure, because there has been no formal attempt to obtain and analyze the needed data to make such a determination. A short-lived pilot project was established by the CJ Coordinator in City Court to do financial screening for criminal cases, but the effort was abandoned because of various complexities that have yet to be resolved. Meantime, a partial screening process occurs for some individuals who fill out a form requesting financial information as part of the Family Court intake process. This screening process, however, does not appear to be implemented on a widespread, consistent basis, and thus does not generate consistently verified information or data that can be used to evaluate what impact such a screening process might have if resulting information were routinely processed and used systematically.

It may be that a more formal screening process should be implemented on a pilot basis in Family Court, in an attempt to further reduce the current caseloads both within the PA and PD systems, and as a means of further reducing the AC demand. As an example of the impact such a screening process could have, using 2007 numbers, *if 15% of the PA/PD caseload could have been eliminated, that would have reduced the combined caseload by 130 episodes, thereby having the effect of freeing up attorneys to handle additional demands*

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*expected in 2008. Similarly, a 15% reduction in 2007's AC caseload of 671 episodes could have reduced that number by 100. At an average cost of \$278.50 per case, that could have saved the County almost \$28,000.*

CGR noted this screening option in the 2006 criminal justice study, though it has not been acted on. It may be worth reconsidering at this time. What we said in the earlier report perhaps bears repeating for consideration at this time: “There have been no uniform standards for determining eligibility, and typically the decisions are left to individual judges to make, usually on the basis of unverified information. A central screening function could offer the potential for creating uniform standards and applying them consistently throughout the County’s various courts. [Or this could, as suggested here, be limited to Family Court alone.] Although we heard considerable support for the creation of this function, we believe it would be premature to create a full-fledged screening function without first testing it, as it may not prove necessary or cost effective. On the other hand, we believe there is sufficient merit to the idea to test the concept for a six-month period, with the results carefully tracked during that time, prior to making a final decision about whether the function should be institutionalized.”<sup>6</sup> *Under such a screening system, the judges would continue to make the final decisions, but would have better and more consistent information upon which to base their decisions. Any such screening function, in order to be feasible, would need to occur early in the process, typically before a case is opened, so that it does not delay activation of court proceedings.*

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<sup>6</sup> CGR, *Strengthening Criminal Justice System Practices in Chemung County, NY*, p.127.

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*Recommendation*

CGR did not conduct a sufficiently thorough review of the relative merits or deficiencies of these various options to offer a specific recommendation, but *it appears, given the likelihood of growing demands on existing PA and PD attorneys, that one or more of these options, or some other options available to the County, will be needed to avoid overwhelming the current PA/PD system or pushing more cases back into the AC option. Before any new resources are allocated, it may make most sense to consider establishing a pilot screening project to determine whether it can solve much of the problem by reducing the demand for services by weeding out people who do not qualify for indigent legal services.*

## 4. SUMMARY AND FINAL RECOMMENDATIONS

Chemung County has made substantial progress in the 15 months it has been at work to review the 2006 criminal justice report and develop actions in response to its recommendations. County leadership was devoted to the issue within a few months of the completion of the report, with the County Executive's creation of the Criminal Justice Coordinator position and the charge to implement the core recommendations of the report, with a particular focus on reducing the jail population and creating the new attorneys in the PA and PD offices. Changes have also been made to strengthen core functions within the Probation Department. *In short, the County has responded swiftly, logically, and intelligently to the report, and has backed its commitment to the report's recommendations with appropriate resources.*

Although much remains to be done, significant progress has been made toward reaching the 2006 report's recommended goal of reducing the jail population by 60 inmates per night, and toward reducing the County's dependence on costly Assigned Counsel representation of cases in Family Court. The previous chapters have outlined the issues, drawn conclusions, and offered recommendations for actions that we believe would supplement the initial recommendations and the actions already taken to date. Without repeating the earlier recommendations, we offer these final suggestions and recommendations to guide the work of the Criminal Justice Coordinator in 2008:

- ❖ *Significant attention should be given in 2008 to the systemic review of the 2006 juvenile justice report and its recommendations.* With the exception of the Family Court defense attorney issue, the juvenile justice system has received relatively little attention during 2007, by everyone's admission. CGR agrees that the primary attention in 2007 needed to be devoted to the higher-priority criminal justice and Family

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Court issues, but it is now time to convene key stakeholders in the juvenile justice system to begin to systematically address the issues facing that system.

- ❖ The County has reactivated its formerly-dormant Criminal Justice Council. Its activities and educational focus received positive comments from several of those who were interviewed for this study update. However, given that progress has been slow regarding some of the issues related to reduction of the sentenced jail population, for example, and other issues have not as yet been addressed, as noted earlier, it may make sense for the next few months to meet more frequently. It is our understanding that the Council now meets quarterly. *It may make sense for the Criminal Justice Council to meet as often as monthly over the next few months, in order to develop action steps around remaining issues, as well as to create a process for holding stakeholders accountable directly to their peers for taking actions and reporting on results and implications for the overall system. It is important that the Council be viewed as a high priority by its members, and that attendance and active participation and follow-through be expected. An additional approach might be to form smaller working groups to take on development of action plans and strategies around specific issues.* We understand that some judges have not been regular in attendance, for often legitimate reasons, but efforts should be made to find ways to increase their participation on a regular basis.
  
- ❖ *The CJ Coordinator should focus attention on ensuring that actions are taken to address the various recommendations offered earlier in the report. He should expect to report on progress against those recommendations regularly to the County Executive and to the Criminal Justice Council, and to be held accountable for their implementation.* He should be aggressive in bringing the appropriate people to the table to hammer out solutions to various issues, and should insist that people who may have been reluctant to cooperate in the past

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must be part of the solution in 2008, rather than dragging their feet. If necessary, he should enlist the active support and power of the office of the County Executive to the extent needed to elicit cooperation and to hold any components of the system accountable for providing active support.

- ❖ ***The CJ Coordinator was very helpful in creating spreadsheets and access to key data in response to CGR requests as part of this study. Some of those data are routinely reviewed and reported on by his office, but other requests made for this study should be translated into routine data collection, monitoring, and reporting procedures to help inform the entire criminal justice system and County policymakers.*** Among other things are the need to better track the female jail population, the impact of new mental health programs in the jail, issues related to the use by judges of PA and PD attorneys, monitoring PA and PD caseloads, Project for Bail practices and decisions, tracking and reporting on the status of unsentenced inmates lingering in jail on low bail and minor charges, etc. In addition, several suggestions were made earlier in this report to address the need for better information about the impact of various programs and new initiatives, and systems to track related information should be put in place within the appropriate agencies. The data should be monitored carefully by the Coordinator and developed into a management system to track the most important indicators needed to measure progress against key objectives and outcomes.
  
- ❖ ***The Coordinator should take the lead in developing an effective and easily implemented screening tool for use in a pilot screening project by Family Court, if the decision is made to set up such a project.*** Forms already exist within FC that can serve as building blocks for an effective screening process, so working closely with the Family Court Chief Clerk should be a priority to quickly establish an effective process that would build on and expand what exists. Much of the Coordinator's role in developing systems and data collection and management procedures should be a facilitative and

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leadership role, with others doing the major work under his overall guidance.

- ❖ ***A priority during the early months of 2008 should be to work closely with the new DA to make sure that as new policies and procedures are implemented in that office, the implications of the 2006 report for that office and its interrelationships with the rest of the criminal justice system receive careful attention. Similar attention should be given to working with the new Probation Director in making sure he receives the support needed to address a number of priority issues facing that Department that are of direct relevance to meeting overall goals laid out in both the 2006 criminal and juvenile justice reports.***

*Although considerable progress was made in 2007, 2008 is a pivotal year in building on the advances to date, consolidating and firming up progress made thus far, and addressing remaining issues before enthusiasm and momentum fade, and while opportunities presented by new leadership are present. While other incremental changes can continue to be implemented and perfected in subsequent years, 2008 is the critical year for implementing most of the remaining major initiatives. CGR has every confidence that the County will continue to build on the progress and achievements to date, and to further implement changes that will make Chemung County a model for other counties to emulate.*