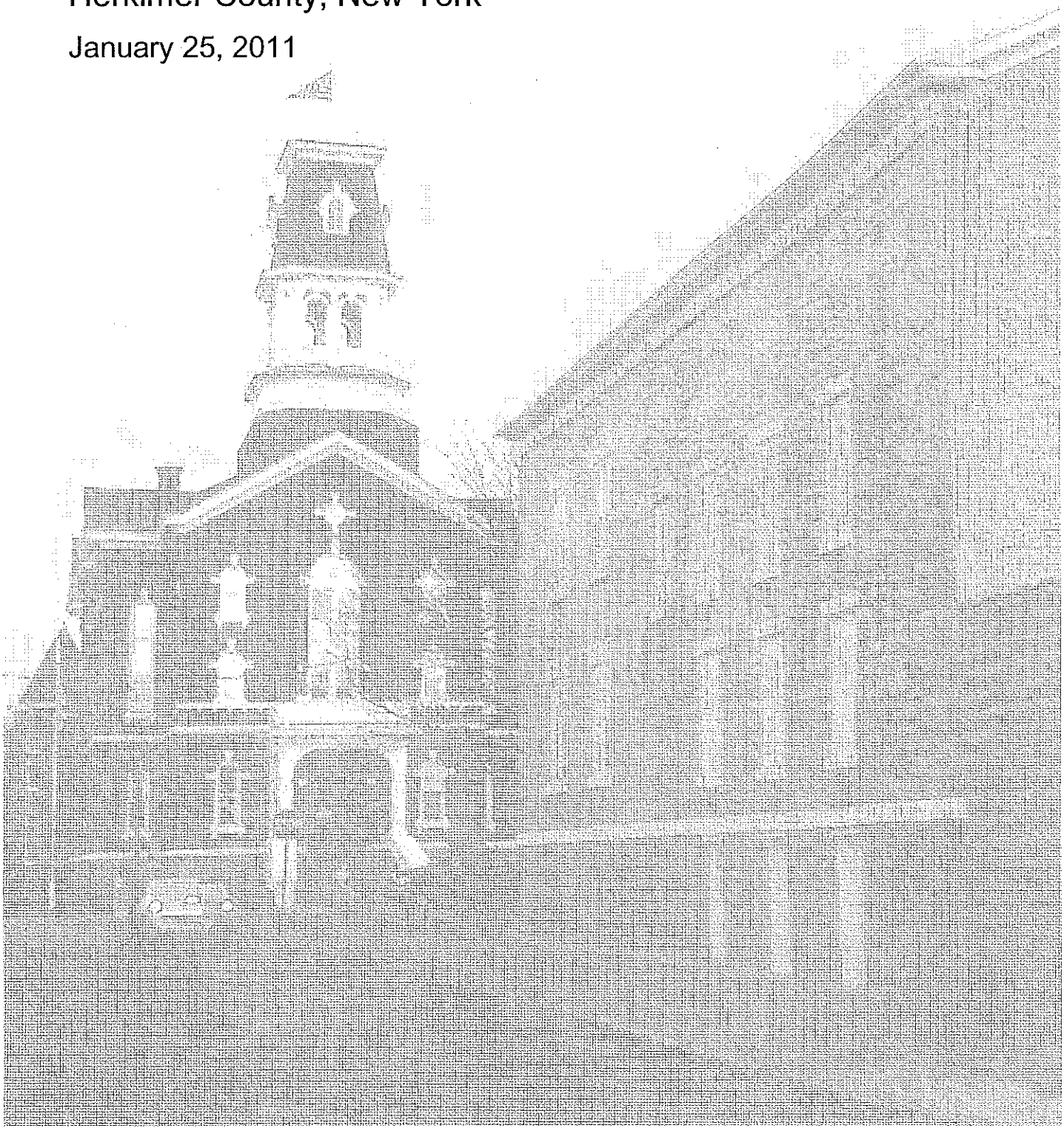
Jail Projections Update

Herkimer County, New York

January 25, 2011



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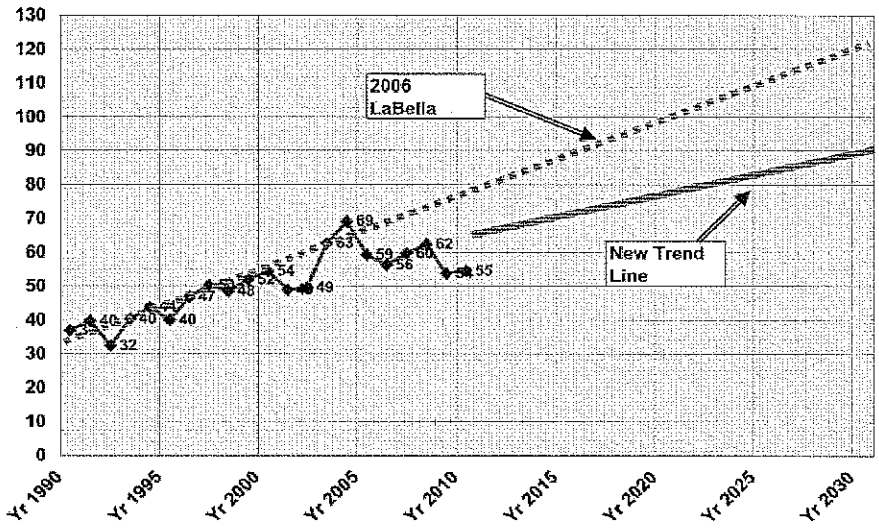
EXECUTIVE SUMMARY

This report presents the findings of a study that updated the 2006 LaBella jail projections. The 2006 LaBella report was based on data through the year 2004. This report is built on the county's experience over the subsequent six years.[1] Rod Miller, President of CRS, Inc., spent four days on site in Herkimer County in early December 2010. During that time he had the opportunity to meet with nearly 40 stakeholders.

PROJECTING AVERAGE DAILY POPULATION (ADP) (Section IV, Page 7)

The six years of experience that has accrued since the most recent LaBella projections were completed provides the luxury of hindsight and the opportunity to compare projected values for the year 2010 with actual values. LaBella predicted that the ADP in 2010 would be 81 inmates. The actual ADP in 2010 was 54.5. Figure ES-1 compares the trend line from the 2006 LaBella report to the new trend line developed in this report.

Figure ES-1: New ADP Trend Line and 2006 LaBella Trend Line



CONVERTING PROJECTED ADP TO BED NEEDS (Section V, Page 23)

Using the baseline ADP projections as a starting point, projected ADP (inmates) was converted into the number and types of *beds* that may be needed. Two "factors" were calculated and applied to the projected ADP: Peaking Factor and Classification Factor.

For the year 2010, our methodology produced a peaking factor of 17.5%. The 12 highest daily counts ranged from 61 to 67, with an average of 64.1. The average highest count was 9.5 inmates higher than the annual ADP of 54.6, a difference of 17.5%. The LaBella report found an 85% peaking and classification factor.

Classification factors were developed for the sub-populations—12.0% for adult male and adult female, 41.0% for minor male and 50.0% for minor females. Figure ES-2 presents the projected *bed needs* after each sub-population has been peaked and classified.

[1] In some instances, information and data was not yet available for the year 2010.

Figure ES-2: Applying Peaking and Classification Factors

	Projected ADP	Peaked	Substitute High Count	Class-ification Factor	Peaked and Classified	Year 2030 Beds*
AM- Adult Male	63.1	74.1	-	12.0%	83.0	83
AF- Adult Female	14.9	17.5	-	12.0%	19.6	20
MM- Minor Male	9.7	11.4	13.0	41.0%	16.1	16
MF- Minor Female	0.8	1.0	4.0	50.0%	6.0	6
Total	**88.5**	**104.0**				**125**

* Peaked and classified figures were rounded to the nearest whole number.

Using the preceding methodology, the 2030 projected ADP of 88.5 inmates has been converted to 125 beds.

INMATE CHARACTERISTICS (Section VI, Page 36)

Planning and designing a jail requires a great deal of information and data. While aggregated data, such as ADP and ALOS are important, more detail about the characteristics of the inmate population and the dynamics of the jail is needed.

An understanding of inmate characteristics is essential for the identification of policies, practices and programs that might reduce the jail population, or have an impact on inmates' rate of return to jail. This report provides some of the additional information and data that has been missing from the analysis.

ALTERNATIVES TO JAIL (Section VII, Page 47)

Several recommendations are offered regarding alternatives to jail:

- *Recommendation*: Arrangements should be made to provide a residential setting for defendants and offenders. These residential beds should not be expected to reduce the need for jail beds.
- *Recommendation*: Herkimer County officials and consultants should work with the Commission on Correction to explore new approaches to the location and staffing of residential settings.
- *Recommendation*. If a new or expanded jail is developed, officials should consider planning and design features that would facilitate the use of inmate labor in the jail, and the advisability of providing low-security beds for inmate-workers and possibly for work- or pre-release. These design features would also facilitate the provision of programs and services.
- *Recommendation*: Officials must establish a policy regarding the maintenance of existing alternatives to confinement and the development of additional alternatives (such as residential) concurrent with making final decisions about the number and types of jail beds that will be needed. The impact of current and planned alternatives must be factored into final jail bedspace projections.
- *Recommendation*: Concurrent with making plans to improve jail facilities, officials and stakeholders should explore and implement "renovation" of the current criminal justice system and a range of options and sanctions.

Addition comments are recommendations about jail planning and design have been provided to the county in a separate memorandum.

I. INTRODUCTION

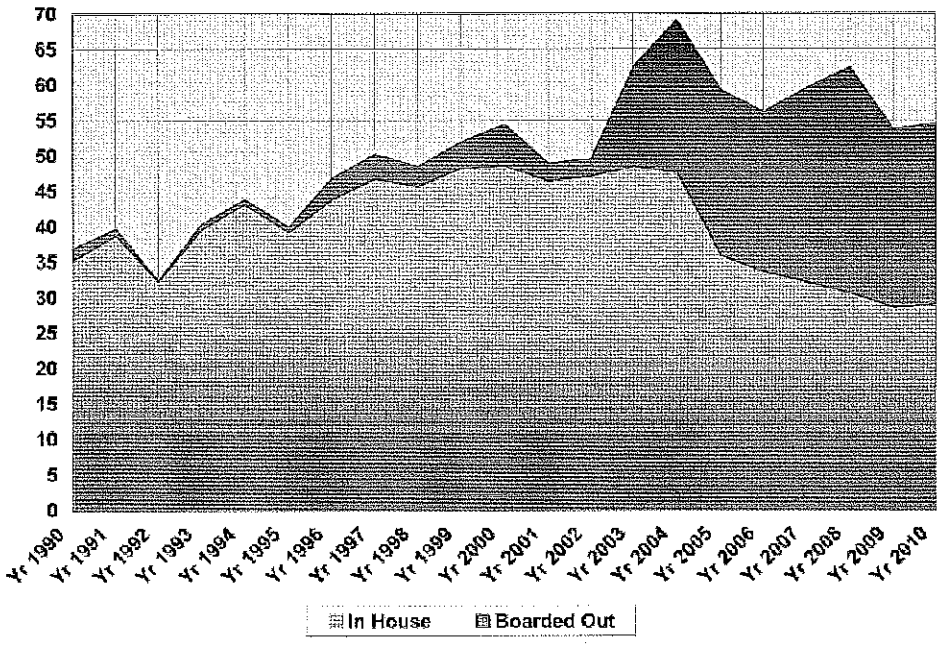
Herkimer County officials have struggled for years to find a solution to the increasing crowding of the county jail. In January 2001, LaBella Associates completed the "Proposed Correctional Facility Study." In 2006, an update of that report was submitted to county officials.

This report presents the findings of a study that updated the 2006 LaBella jail projections. The 2006 report is cited frequently throughout this report to compare and contrast findings.

The 2006 LaBella report is based on data through the year 2004. This report is built on the county's experience over the subsequent six years.[1]

Although this study was informed by six more years of jail experience, it was also constrained by the lack of specificity for some of the data elements. Figure I-1 illustrates the expanded use of jails in other counties in recent years, and the decreasing capacity of the Herkimer County jail. Data describing inmates housed in other jails is not as detailed as it is for those housed in the local jail.

Figure I-1: Annual Average Daily Population (ADP), 1990 – 2010
By Location of Inmates (Local Jail, Other Jails)



[1] In some instances, information and data was not yet available for the year 2010.

II. PROCESS

This study encompassed three major tasks:

1. Update the LaBella projections using their methodology.
2. Generate several other sets of projections using alternate methodologies that should be explored, including the analysis of county population, crime, arrests and court filing trends.
3. Explore the underlying causes of jail population trends by visiting the county, collecting additional data and meeting with criminal justice and other officials. Describe current policies and programs that reduce the demand for jail beds and identify other policies and practices that could safely reduce the use of jail.

Rod Miller, President of CRS, Inc., spent four days on site in Herkimer County in early December 2010. During that time he had the opportunity to meet with:

- Sheriff
- Sheriff's command staff
- Jail administrator
- Jail personnel
- County legislators
- Police chiefs
- President Magistrate's Association
- District attorney
- Assigned [Defense] Counsel Administrator
- Probation Director
- Probation officers
- Electronic monitoring and community service supervisors
- County judge
- Concerned citizen
- New York State Commission on Correction (5 officials)

Nearly 40 stakeholders were interviewed during the site visit and subsequent phone calls and emails. The insights gained from these meetings proved helpful in several aspects of this study.

This draft report was generated in mid-January, providing time for stakeholders to review and comment on it before it is finalized at the end of the month.

III. PROJECTION METHODOLOGIES

There are many methods that may be used to predict future jail needs. This report explores several. The consultants suggest that the overall process consists of three sets of tasks:

1. Generating a baseline forecast of the jail Average Daily Population (ADP), for county inmates only, not discretionary inmates who might be housed in the future to generate revenue. (See Section IV of this report)
2. Identifying the number and types of beds needed to accommodate the projected ADP in compliance with jail standards. (See Section V of this report)
3. Analyzing the jail population and the criminal justice system to inform discussions about potential adjustments to projected needs to reflect changes that are expected or desired. (See Section VI of this report)

The process was constrained by several factors, including:

- Limited data describing the characteristics of inmates housed in other jails
- Lack of inmate-specific data that could be used to explore the impact of alternatives to confinement

The findings and recommendations in this report sometimes differ from those contained in the 2001 and 2006 LaBella reports. The primary factors underlying these differences are:

- A decline in the jail ADP in the past six years (not reflected in 2006 LaBella update)
- Reliance on historical ADP levels as the foundation for the baseline projection
- Use of a different methodology for calculating the "peaking factor" that is used to convert ADP to bed needs

The following pages present many graphs and charts in an effort to inform the decisions that county officials will face in the coming months. Baseline projections provide a *starting point* for making plans for jail improvements.

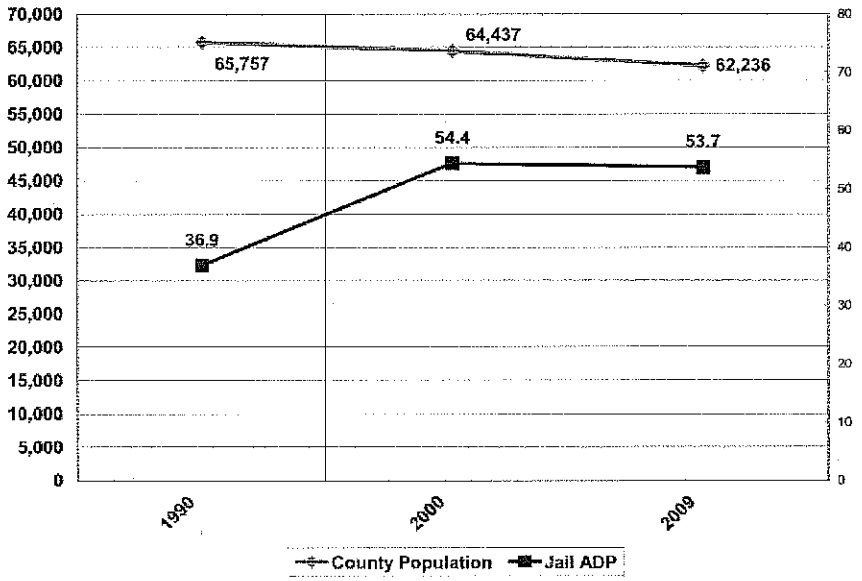
Exploring the "Ratio Method"

In some jurisdictions, changes in the jail population may be closely tied to one or more external factors, such as the county general population, crime, arrests or court filings. The following narrative briefly explores the potential for a ratio method for Herkimer County.

County General Population

Figure III-1 compares general population and jail trends. From 1990 to 2009 the county general population declined slowly but steadily. From 1990 to 2000 jail use increased by nearly 50 percent, while the county population dropped approximately two percent.

Figure III-1: County General Population, Jail ADP, 1990, 2000, 2009



A statistically significant correlation between county population trends and jail use was not found.

Crime

Figure III-2 presents total reported crimes for the years 2005 to 2009. During that period, total crimes dropped markedly for two years and then increased for two years, but sill below the 2005 levels in 2009.

Figure III-2: Reported Crimes, 2005 - 2009

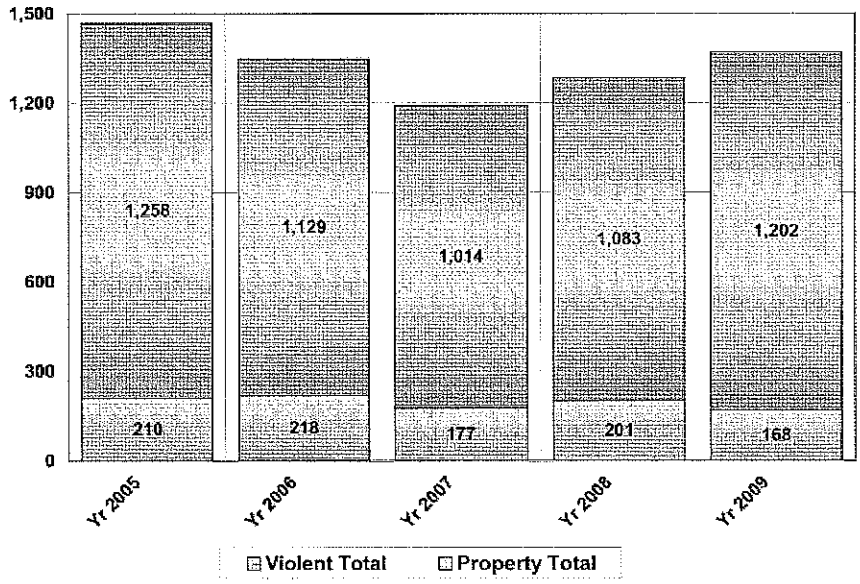


Figure III-3 provides a breakdown of the number of reported crimes.

Figure III-3: Reported Crimes, 2005 - 2009

Year	2005	2006	2007	2008	2009
Index Total	**1468**	**1347**	**1191**	**1284**	**1370**
Violent Total	**210**	**218**	**177**	**201**	**168**
Murder	0	1	1	0	0
Forcible Rape	24	21	10	14	18
Robbery	14	11	9	14	17
Aggravated Assault	172	185	157	173	133
Property Total	**1258**	**1129**	**1014**	**1083**	**1202**
Burglary	256	244	261	226	236
Larceny	973	858	737	837	954
Motor Veh. Theft	29	27	16	20	12

Both violent and property crimes were low in the year 2007. Total crimes in 2009 were 6.7% lower than in 2005.

Figure III-4 compares crime trends to jail occupancy for the five year period.

Figure III-4: Reported Crimes and Jail ADP, 2005 – 2009

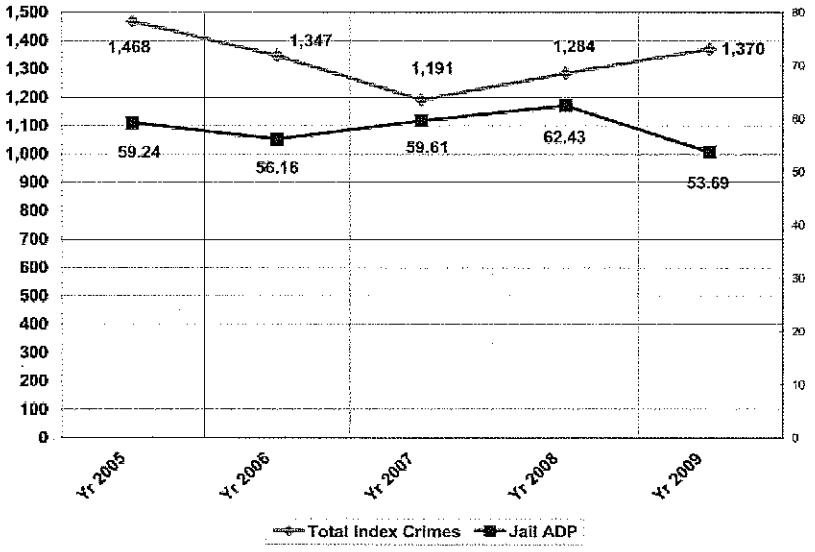
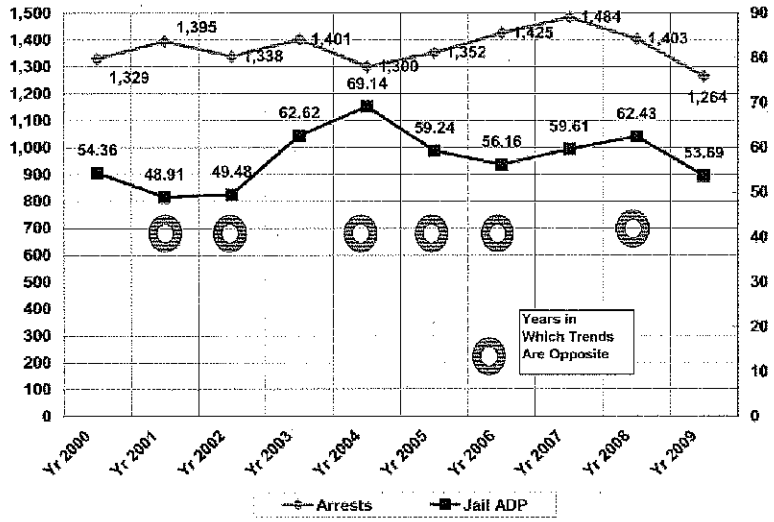


Figure III-4 illustrates the lack of correlation between crimes and jail use.

Arrests

Arrests from 2000 to 2009 varied, peaking in 2007 and dropping to the lowest rate in 2009. Figure III-5 displays the number of arrests and the jail ADP for the 10-year period.

Figure III-5: Arrests and Jail ADP, 2000 - 2009

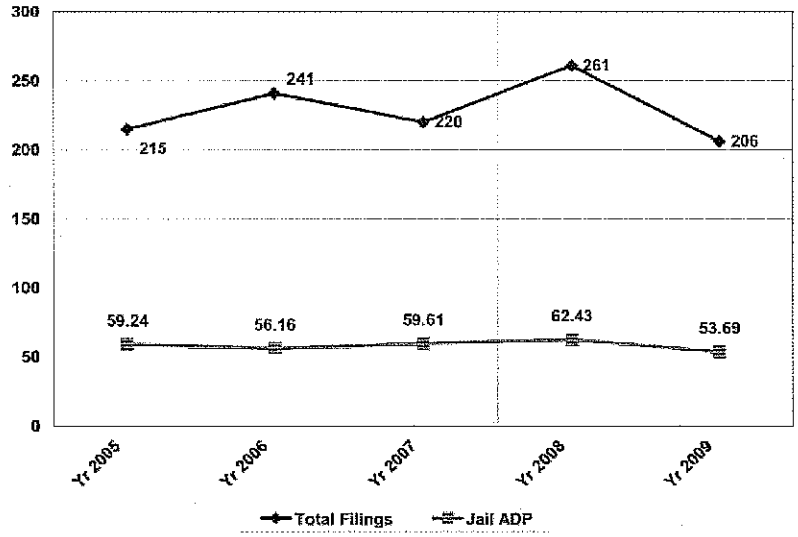


In six of the ten years, arrests and jail ADP were moving in opposite directions, illustrating the lack of correlation between the two factors.

Court Filings

Finally, the number of felony filings in superior and county court are charted in Figure III-6, and compared to the jail ADP for the same time frame. No correlation was identified.

Figure III-6: Felony Court Filings and Jail ADP, 2005 – 2009



Because no significant correlations were discovered between jail use and the four preceding external factors, projections must be generated from internal factors such as jail admissions, length of stay and average daily population (ADP). These factors are explored in the next section.

IV. PROJECTING FUTURE JAIL POPULATIONS

A. AVERAGE DAILY POPULATION (ADP)

Historical levels of jail use provide the foundation for projecting future jail needs. "Average Daily Population" (ADP) describes the average number of jail inmates who were housed in Herkimer County *and on behalf of Herkimer County* for a given period of time.

"Daily Counts" are the foundation for calculating ADP and analyzing the dynamics of the inmate population. Herkimer County is fortunate to have the services of the New York State Commission of Correction (SCOC) when it comes to jail occupancy data. The county submits a daily report to the Commission via the Internet and this information is stored and analyzed by the Commission. A daily count is created at the same time every day. The jail population fluctuates somewhat each day as inmates are admitted and released. The daily count is not an average of the number of inmates housed throughout the 24-hour day, but rather a snapshot of the jail population at the same time every day.

For the purpose of this report, ADP is calculated for a given period by adding all of the daily counts during the period and dividing it by the number of days in the time period. A monthly ADP for February would be calculated as follows:

Sum of Daily Counts for each day of the month
Divided by
Number of days in the month (28 for February)
Equals
Average Daily Population (ADP) for the Month of February

Figure IV-1 illustrates the daily counts for February 2010 and the ADP for the month (dashed line).

Figure IV-1: Daily Counts, February 2010
Total of Inmates Housed In the Jail and Housed in Other Jails

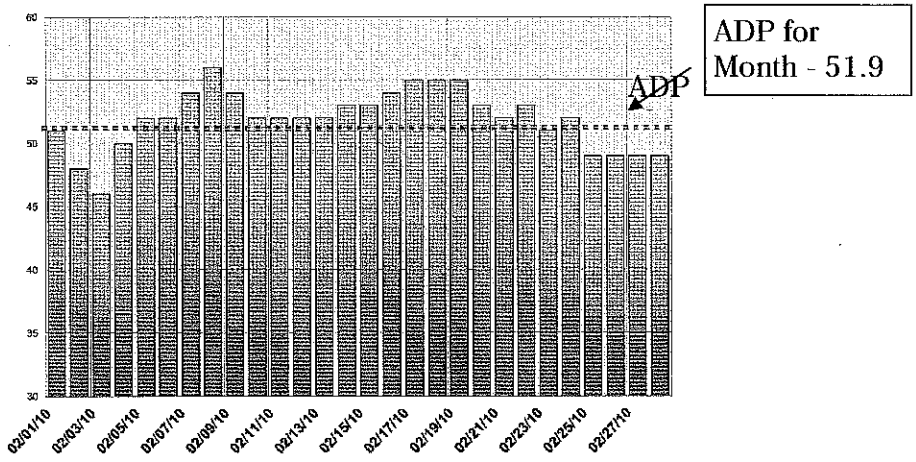


Figure IV-2 illustrates the daily counts for 2010. Monthly ADPs are shown as solid horizontal lines, and the annual ADP is shown as a dotted line.

Figure IV-2: Daily Counts, Monthly ADP and Annual ADP, Year 2010

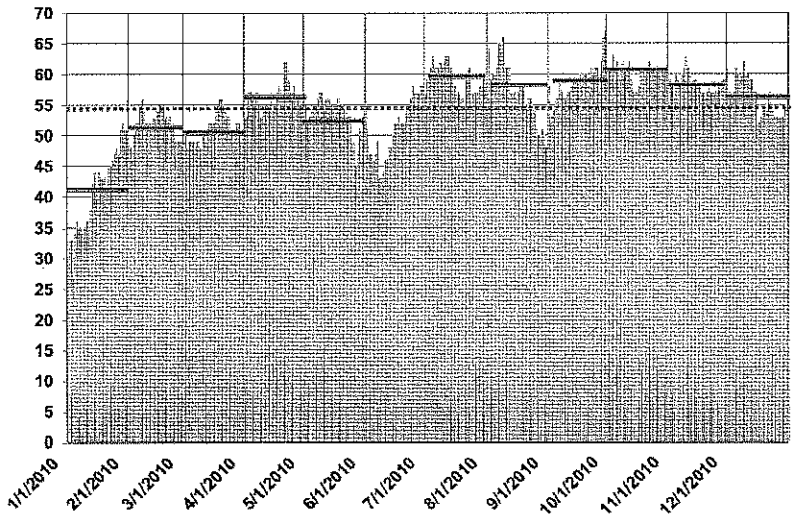
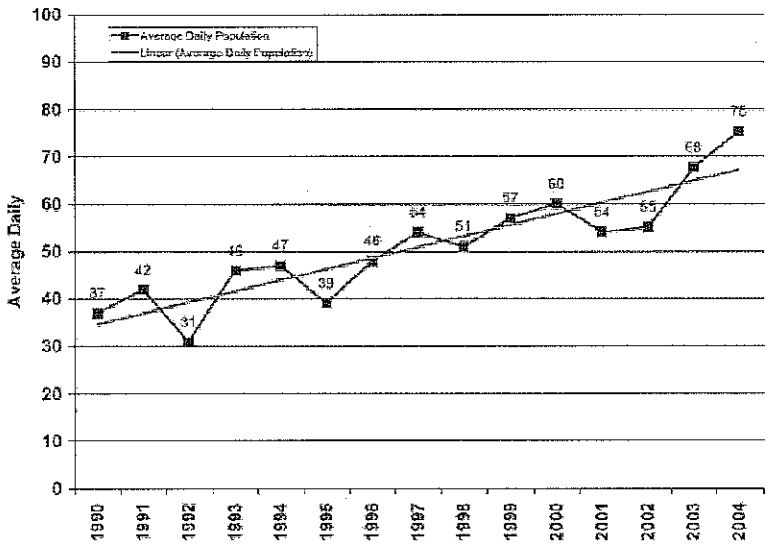


Figure IV-2 suggests the wide variation between daily counts during the year, from less than 30 inmates in January to more than 65 in August. These variations are examined later in this report as "peaking factors" that are applied to the projected ADP to help convert the ADP (number of inmates) to the number of beds needed to accommodate the variation of the daily population.

Previous projections for the jail population were based on the analysis of *annual* ADP. Figure IV-3, from the "2006 Updated Jail Population Analysis" report by LaBella Associates, illustrates the trend in jail population growth from 1990 to 2004 (the last year for which LaBella had data). The trend line in Figure IV-3 depicts the rate of increase calculated by a a linear regression analysis of the annual ADP for the 15 years.

Figure IV-3: ADP and Trend Line, 1990 – 2004, from 2006 LaBella Report



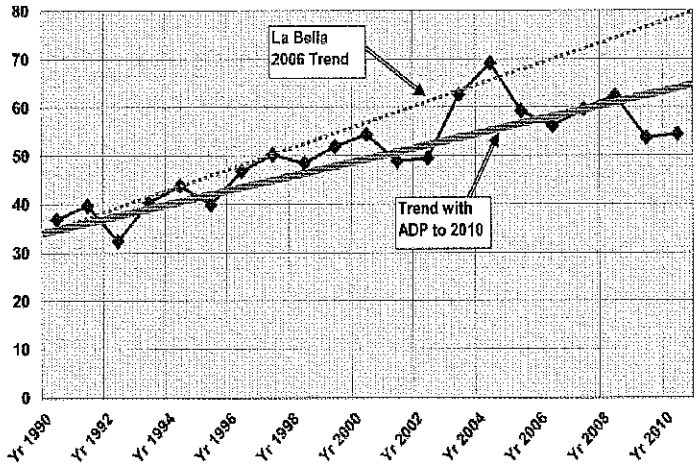
What a Difference Six Years Make!

As it turns out, jail use after 2005 declined significantly. In 2006, the LaBella update found:

> *"With only a few annual exceptions, the Herkimer County Jail ADP has increased consistently for almost thirty years. The jail ADP has increased from 20 in 1978 to 75 in the year 2004, an average ADP increase of about 2.1 population units per year."*

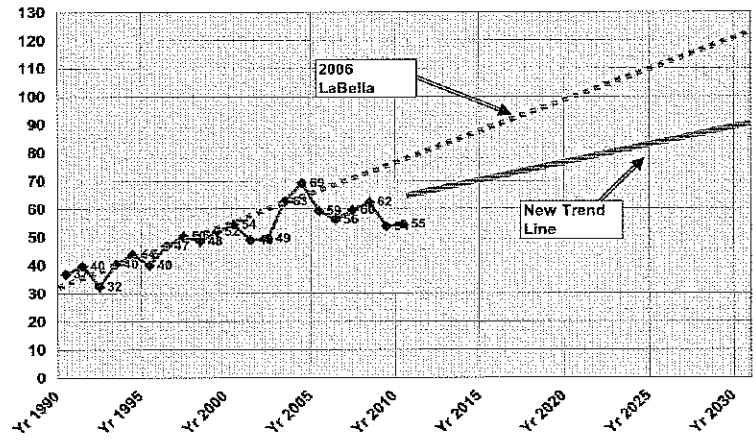
Figure IV-4 displays the ADP from 1990 to 2010, along with the LaBella trend line from 2006 and the new trend line using ADP through 2010.

Figure IV-4: ADP 1990 to 2010 with Trend Lines



The LaBella trend line (dashed line) was much steeper because of the very high jail ADP in years 2003 and 2004. The newer trend line (solid line) has a significantly lower pitch due to the much lower annual ADP from 2005 through 2010. Figure IV-5 suggests the long-term difference between the two trend lines, a variation of 30 in the year 2030.

Figure IV-5: Comparison of Projected ADP (Trend Lines)



What Caused ADP to Decline in the Past Six Years?

Determining the cause(s) of the decline in the jail population since 2004 requires the analysis of a wide range of data and information. Some of the factors that explain the decrease are explored in the following pages. Data for some key factors were not available for this report, but are being explored. Insights from officials have been secured through a series of interviews. Additional discussions with some of the officials may help to interpret the changes in the jail population, using the initial findings of this study. It is likely that some of the decline in the jail population may be attributed to the alternatives to confinement programs that have been developed by the county.

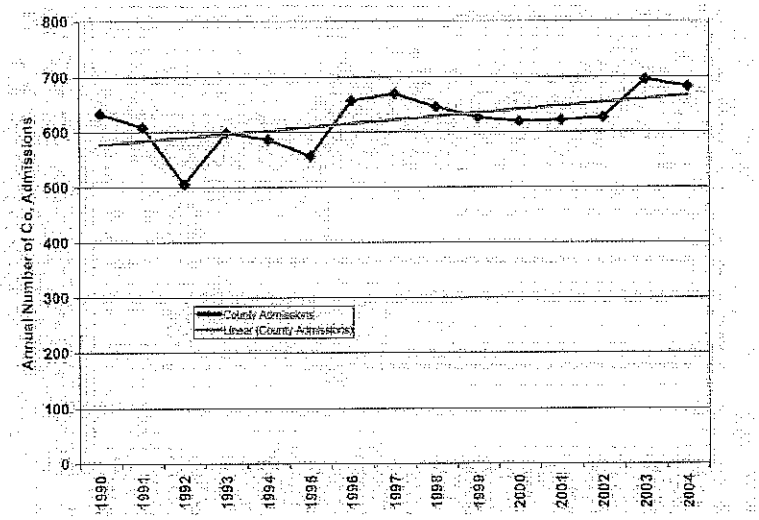
B. ADMISSIONS

Sometimes changes in ADP may correlate to changes in the number of admissions. ADP has two underlying components: admissions and length of stay. Changes in either or both components result in changes in the ADP.

The LaBella report examined past admissions and suggested a trend line with a slope that increased by 1.2% per year, but concluded "*...in the absence of other changes it would be reasonable to anticipate comparable increases in county admissions in the future.*"

Figure IV-6 presents the LaBella chart that identified admissions through the year 2004 and the corresponding trend line derived from a linear regression analysis.

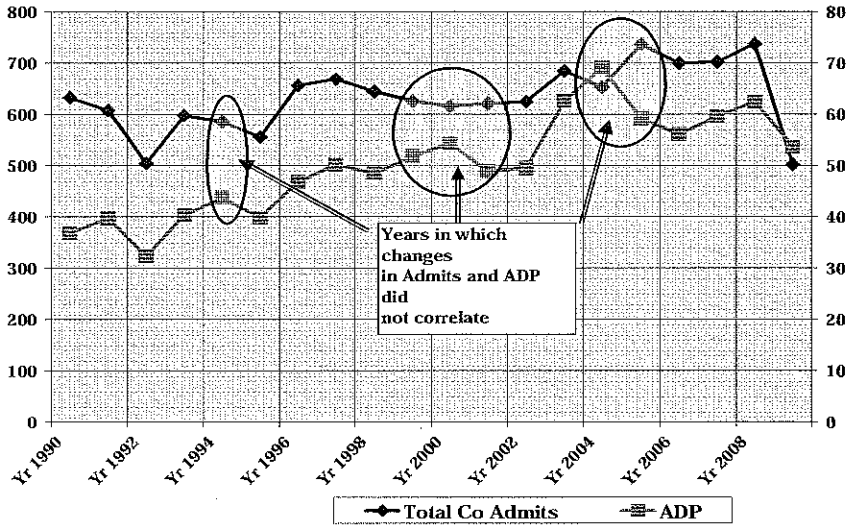
Figure IV-6: LaBella Chart, Admissions 1990 – 2004



The 2006 LaBella report also noted that *"...[T]he variability in the number of admissions from year to year makes recognition of any consistent increase or other trend difficult."*

If the changes in the ADP correlate with the changes in admissions, admissions are considered a major indicator of ADP. But Figure IV-7 illustrates that *lack* of correlation between ADP and admission changes in six of the past 20 years.

Figure IV-7: ADP and Admissions, 1990 to 2009



Although the LaBella report generated a trend line for admissions and used it as a factor in some of the projections calculations, admissions are not used to generate projections in this report because of the many periods during which admission and ADP trends do not correlate.

C. LENGTH OF STAY (LOS) AND AVERAGE LENGTH OF STAY (ALOS)

Length of stay is calculated by dividing the total number of "detention days[2]" accrued by a group of inmates for a period of time, by the number of inmates who accrued those days. Figure IV-8 compares detention days, admissions and ALOS for the years 1990, 2000 and 2009.

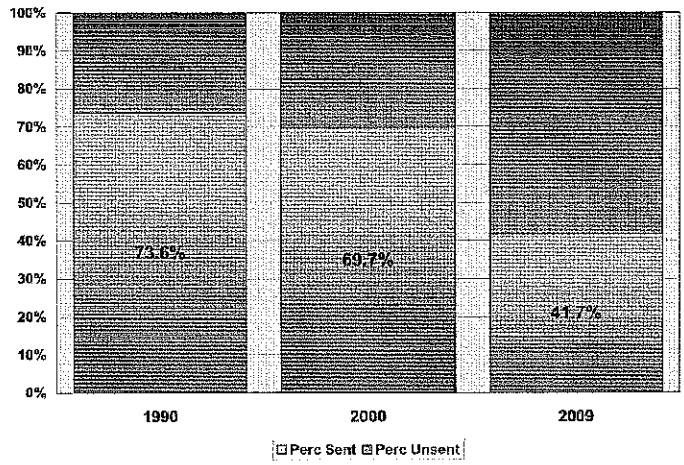
Figure IV-8: Average Length of Stay 1990, 2000, 2009: Sentenced, Unsentenced, Total

	1990	2000	2009
Sentenced Det Days	11,113	13,555	9,664
Unsentenced Det Days	3,985	5,889	13,491
Total Detention Days	**15,098**	**19,444**	**23,155**
Percent Sentenced Days	73.6%	69.7%	41.7%
Percent Unsentenced Days	26.4%	30.3%	58.3%
Sentenced Admits	107	91	88
Unsentenced Admits	526	525	414
Total Admits	**633**	**616**	**502**
Aver Length Sentence	**103.9**	**149.0**	**109.8**
Aver Length Unsent.	**7.6**	**11.2**	**32.6**
Average Length of Stay	**23.9**	**31.6**	**46.1**

[2] A "Detention Day" is defined as one inmate spending one day in confinement. For example, 100 inmates who each spent 9 days in jail in a month accrued 900 detention days during that month. ADP for those inmates in that month would be 9 (900 detention days divided by 100 inmates). The ADP of those inmates for that month would be calculated by dividing the total detention days by the days in the month (if January, 900 detention days divided by 31 days = 29.0 ADP).

The composition of the jail population in terms of status (sentenced, unsentenced) changed markedly over the 20 years, as suggested in Figure IV-9.

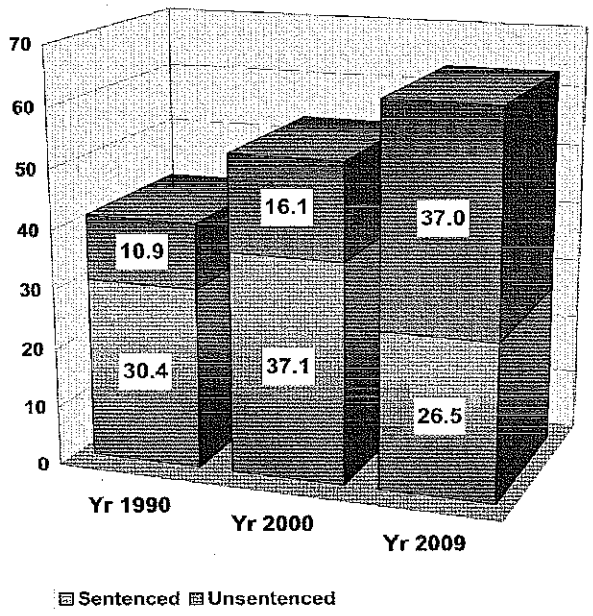
Figure IV-9: Percent of Total Detention Days, 1990, 2000, 2009



As Figure IV-9 illustrates, the proportion of sentenced inmates fell from 73.6% in 1990 to 41.7% in 2009. Most of the change in the proportion of sentenced inmates occurred between the years 2000 and 2009.

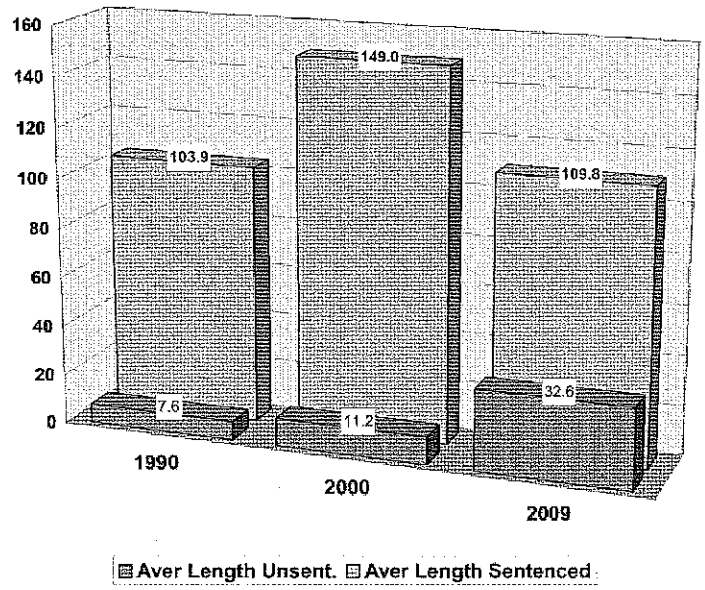
While the proportion of sentenced days fell in the year 2000, the number of beds occupied by sentenced inmates increased. Although there were fewer sentenced inmates, they stayed much longer and accrued more detention days in 2000. Figure IV-10 illustrates this dynamic.

Figure IV-10: ADP Sentenced and Unsentenced, 1990, 2000 and 2010



As if the length of stay picture is not confusing enough, Figure IV-11 provides yet another perspective. The chart illustrates a modest net increase in the ALOS for sentenced inmates from 1990 to 2009 (103.9 days to 109.8 days). At the same time, the ALOS for unsentenced inmates was more than four times higher in 2009 than in 1990.

Figure IV-11: Average Length of Stay for Sentenced and Unsentenced, 1990, 2000, and 2009



The overall length of stay picture continues to change. Figure IV-12 displays the ALOS for the period ending 2009.

Figure IV-12: Average Length of Stay (ALOS), 1990 – 2009

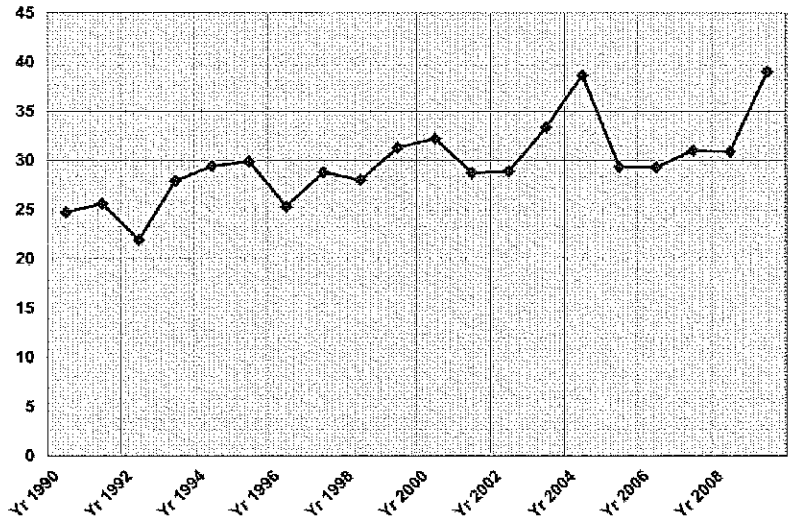
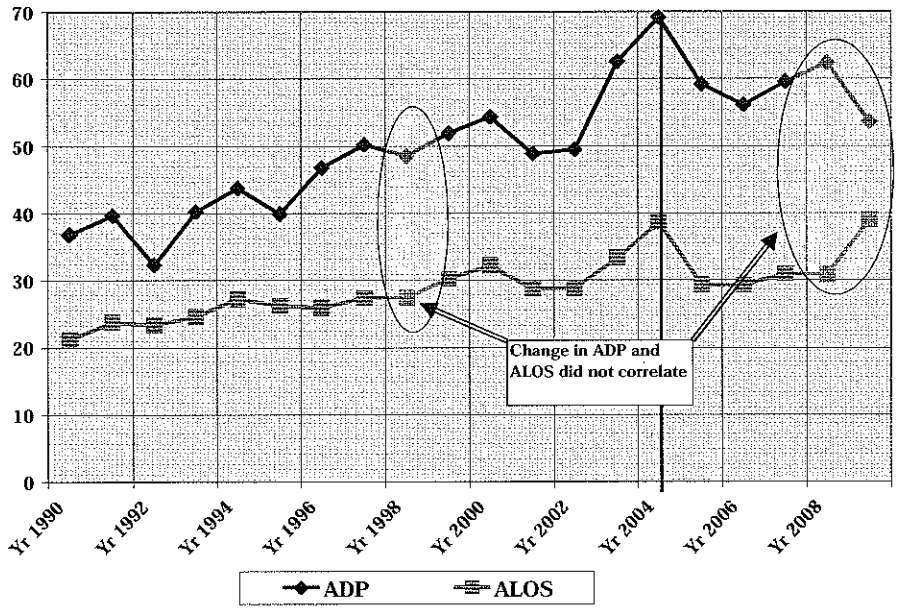


Figure IV-12 shows a marked increase in 2004 and a sharp decline in the next year. ALOS for 2009 increased to the 2004 level. Figure IV-13 compares ALOS to ADP.

Figure IV-13: ALOS and ADP, 1990 - 2009



At the time of the most recent LaBella report (data to 2004), there was a general correlation between the increases and decreases in ADP and ALOS, with only one exception (1998). But Figure IV-13 identifies a lack of correlation in 2008 and 2009. The lack of correlation in 2009 is the most extreme for the 20 year period, with ADP dropping by nearly 20% while ALOS increased by nearly one-third.

The weak correlation between ADP and ALOS in recent years, provides more justification for focusing on ADP as the primary determinate of future needs, rather than ALOS and, as shown earlier, admissions.

D. SUB-POPULATIONS

The 2006 LaBella update focused on four sub-populations that were defined by gender and age:

- Adult Males (AM)
- Adult Females (AF)
- Minor Males (MM) [under the age of 19]
- Minor Females (MF)

Figure IV-14 shows the ADP from 1990 to 2010, identifying each of the sub-populations. The chart shows that Adult Males (AM) were always the primary determinant of the total ADP. Other sub-populations had a lesser impact on the ADP.

Figure IV-14: ADP by Subpopulations, 1990 – 2010

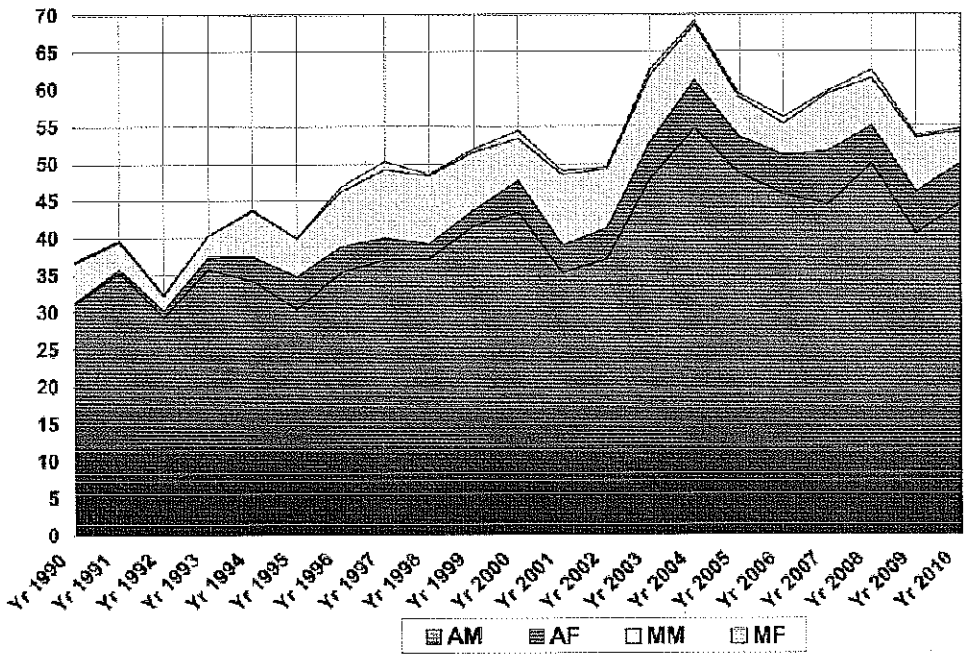


Figure IV-15 presents the same information in a different format, allowing the changes in ADP for each subpopulation to be identified.

Figure IV-15: ADP by Subpopulations, 1990 - 2010

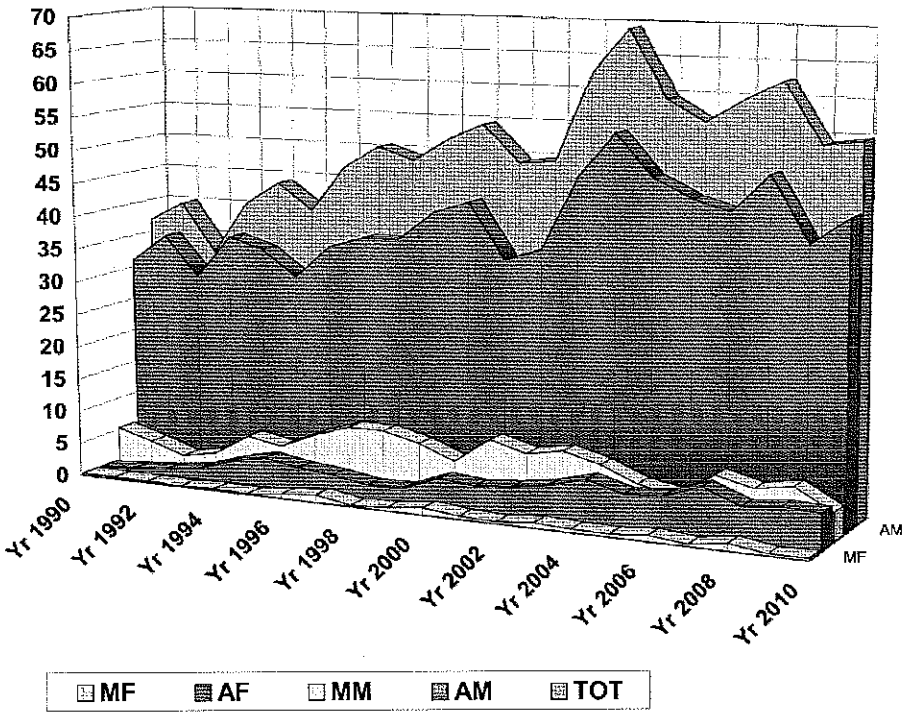


Figure IV-16 presents the ADP for each sub-population for the past 20 years. The lowest ADP for each subgroup occurred between 1990 and 1993. The highest ADP for each subgroup occurred from 1997 (Minor Females) to 2010 (Adult Females). The highest ADP (2004) corresponded with the highest Adult Male ADP, as would be expected

Figure IV-16: ADP by Subpopulation, 1990 – 2010.

	AM	AF	MM	MF	TOTAL	Percent Female
Yr 1990	31.08	0.22	5.28	0.26	**36.86**	0.6%
Yr 1991	35.27	0.50	3.68	0.26	**39.71**	1.3%
Yr 1992	29.28	0.93	1.96	0.21	**32.38**	2.9%
Yr 1993	35.78	1.56	2.94	0.04	**40.31**	3.9%
Yr 1994	34.19	3.31	6.09	0.21	**43.80**	7.6%
Yr 1995	30.36	4.42	5.10	0.05	**39.94**	11.1%
Yr 1996	35.31	3.48	7.38	0.63	**46.80**	7.4%
Yr 1997	37.02	2.98	9.12	1.13	**50.24**	5.9%
Yr 1998	37.10	2.05	9.14	0.19	**48.48**	4.2%
Yr 1999	41.55	2.13	7.79	0.44	**51.91**	4.1%
Yr 2000	43.42	4.21	5.65	1.07	**54.36**	7.7%
Yr 2001	35.23	3.72	9.47	0.48	**48.91**	7.6%
Yr 2002	37.08	4.15	7.97	0.27	**49.48**	8.4%
Yr 2003	47.93	5.02	8.91	0.77	**62.62**	8.0%
Yr 2004	54.66	6.47	7.48	0.52	**69.14**	9.4%
Yr 2005	48.58	4.95	5.25	0.45	**59.24**	8.4%
Yr 2006	45.79	5.24	4.23	0.90	**56.16**	9.3%
Yr 2007	44.32	7.23	7.75	0.32	**59.61**	12.1%
Yr 2008	49.88	5.07	6.38	1.11	**62.43**	8.1%
Yr 2009	40.46	5.63	7.30	0.31	**53.69**	10.5%
Yr 2010	44.51	5.37	4.27	0.38	**54.54**	9.8%
Highest	**54.66**	**7.23**	**9.47**	**1.13**	**69.14**	**12.1%**
Lowest	**29.28**	**0.22**	**1.96**	**0.04**	**32.38**	**0.6%**

Adult Females

The LaBella report addressed trends with the Adult Female population as follows:

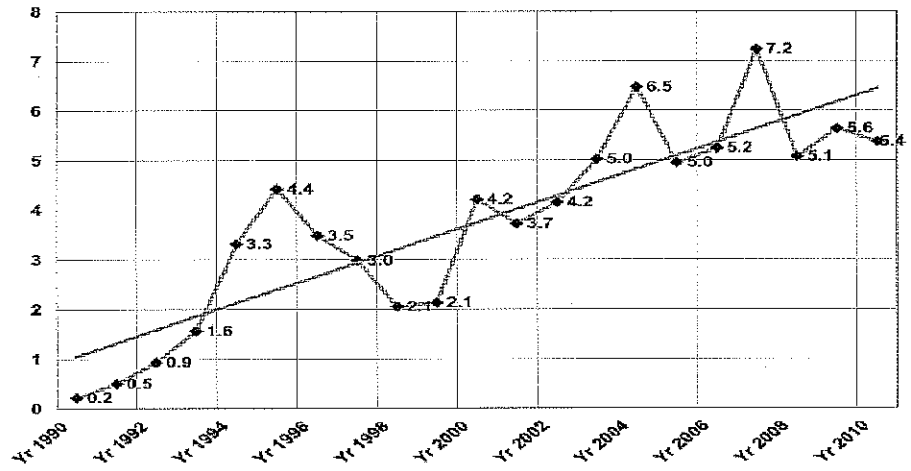
> *"However, the trend line fitted to the Figure 4 plot would indicate that an underlying increase in the proportion of females admitted from approximately 8.2 percent to 13.2 percent. This trend would represent an increase in the proportion of females admitted to the jail of about 0.36% each year."*

The La Bella report presented a graph that depicted female admissions as a percent of all admissions, which had a trend line suggesting an upward trend.

Admissions are not the best measure of the female population, as suggested earlier in this report. Rather, the ADP of females provides a more meaningful perspective. Figure IV-16 identifies the Adult Female ADP for each year, as well as the proportion that Adult Females represented of the total ADP for the year.

Figure IV-17 illustrates the variation in the Adult Female ADP from year to year. The trend line in the graph shows an increase of 5.5 ADP over the 21 year period, an annual increase of 0.28 ADP per year.

Figure IV-17: Adult Female ADP, 1990 – 2010

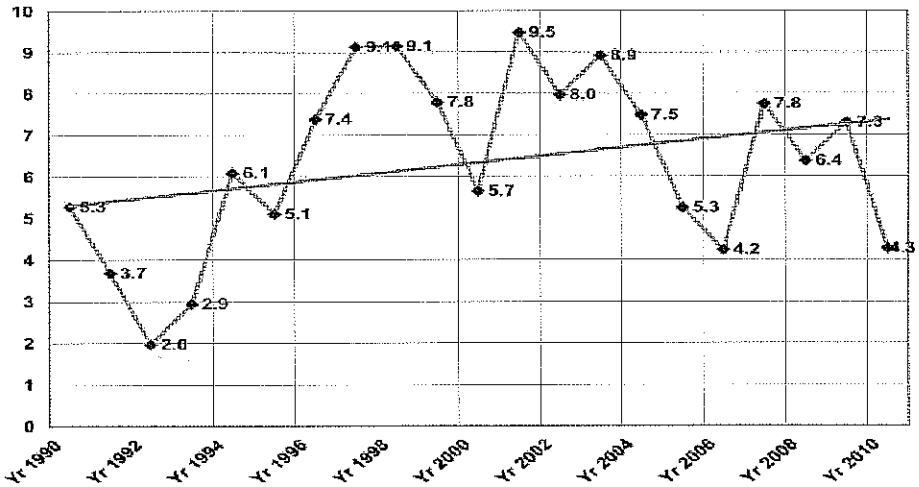


Although the low ADP for Adult Females reduces the confidence level of the trend level, the trend line shown in Figure IV-16 has an R-Squared value of 0.7469, which suggests a relatively strong relationship between the annual ADP and the plot of the trend line. Projected forward, the trend line predicts an ADP of nearly 12 female inmates in the Year 2030.

Minor Males

The average number of Minor Male inmates varied from year to year, as shown in Figure IV-18.

Figure IV-18: Minor Male ADP, 1990 - 2010

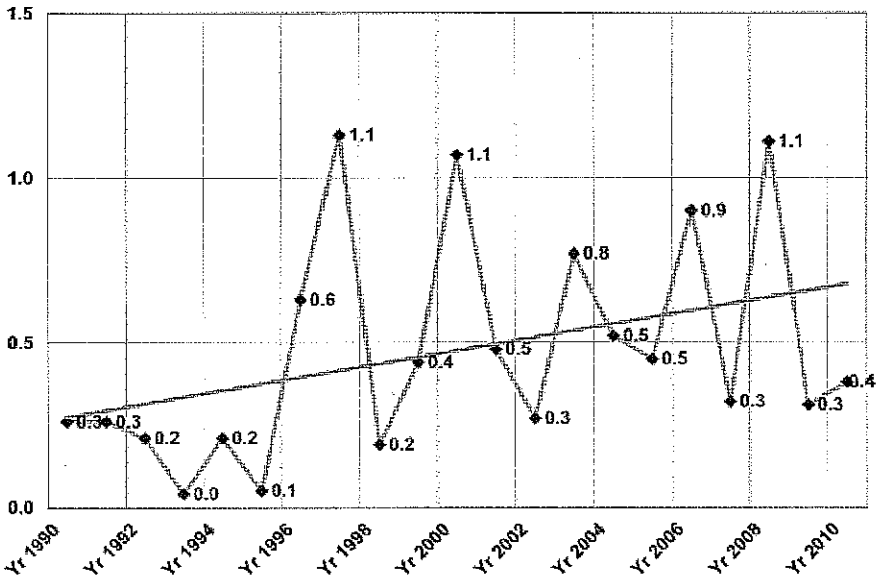


The trend line in Figure IV-18 illustrates frequent variation between the line and the actual MM ADP from year to year. The statistical reliability of the trend line is very low, less than 0.1 R-Squared value. Nonetheless, if the trend line is projected out for 20 years, an MM ADP of 9.5 is predicted, an increase of 2.0 ADP, or 0.1 ADP per year.

Minor Female

The number of Minor Female inmates on a given day in the past 21 years increased from 0.4 in 1993 to 1.13 in 1997. As Figure IV-19 illustrates, the trend line shows a modest rate of growth, from 0.3 ADP to 0.7 ADP in 21 years (an average annual increase of 0.025 ADP per year). When the trend line is projected forward 20 years, it suggests an ADP of 1.1 Minor Females in the year 2030. But the statistical validity of the trend line is very low, at 0.139 R-squared.

Figure IV-19: Minor Female ADP, 1990 - 2010



The preceding narrative examined the ADP for the three smallest sub-populations. The range of variation in the daily counts for each sub-population will be explored later in this report. The peak daily count will prove especially important when the number and types of jail *beds* are projected, because each of the sub-populations must be housed separately from the others.

The 2006 update from LaBella concluded that:

> *Admissions of minors is not analyzed separately in this report. However, it was noted in the 2001 report that admissions of minors had increased from 1990 through 1999.*

In the following section of this report, we reach a similar conclusion about the advisability of projecting the small subpopulations separately, based on the review of ADP, rather than admissions.

E. PROJECTING AVERAGE DAILY POPULATION (ADP)

The six years of experience that has accrued since the most recent LaBella projections has provided the luxury of hindsight and the opportunity to compare projected values for the year 2010 with actual values.

Table 9 of the 2006 LaBella updated report projected the baseline ADP through the year 2010, as shown in Figure IV-20. LaBella predicted that the ADP in 2010 would be 81 inmates.

Figure IV-20: Summary of LaBella 2006 Updated Projections

Comparison of 2001 Peaking Factor to 2005 Factor			
Year	2005 ADP Forecast	Peak at 1.7	Peak at 1.85
2010	81	139	150
2015	93	158	172
2020	105	179	194
Table 9			

The actual ADP in 2010 was 54.5. The LaBella baseline projection was 48.6% higher than the actual ADP in 2010. The discrepancy may be explained, in part, by the decline in the jail population after 2004 (the last year used by LaBella). Many officials believe that this decline was caused by the implementation of new alternatives to jail.

Another explanation for the discrepancy between the 2006 projections may be found in the methodology used to generate the projections. LaBella attempted to project changes in the number of admissions and the ALOS. The projected ALOS and admissions varied significantly from the actual experience in 2009:

- Projected ALOS was 14.3% higher than actual ALOS
- Projected admissions were 39.8% higher than actual admissions

Figures IV-21 and IV-22 illustrate the difference between the 2006 LaBella trend lines for admissions, ALOS and ADP, and the trend lines using data through the end of the year 2010.

The viability of projecting future jail needs based on the past correlation between county population, crime, arrests or court filings was shown to be low earlier in this report. The lack of strong correlations between jail use and any of those external factors makes them unsuitable as the basis for projecting future jail needs.

Figure IV-21: ADP and ALOS 1990 – 2009 with Trend Lines

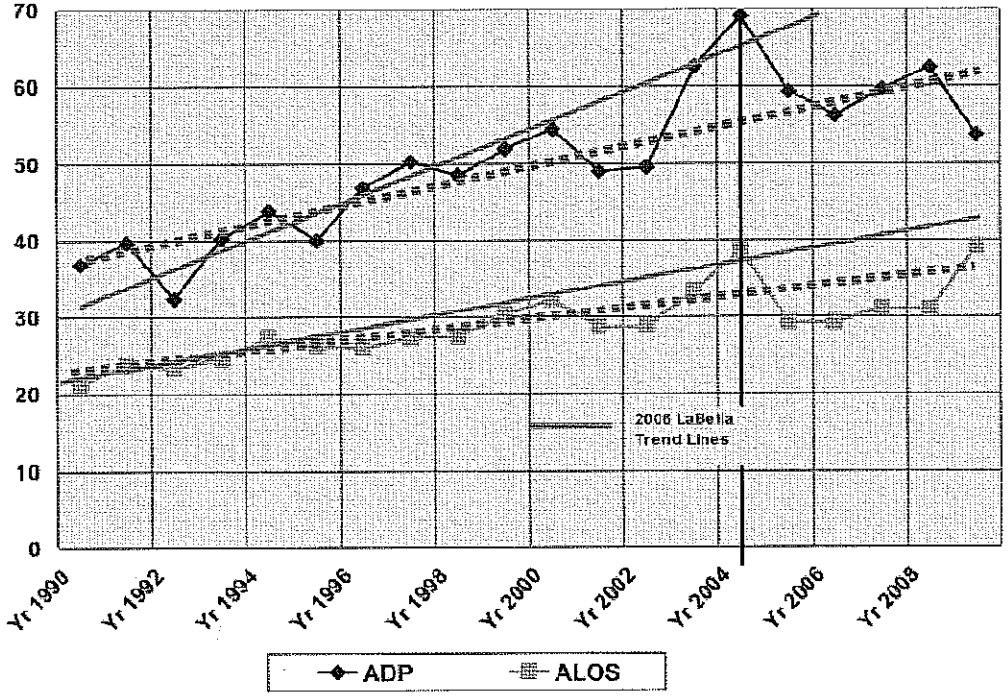


Figure IV-22: Admissions and ADP 1990 – 2009 with Trend Lines

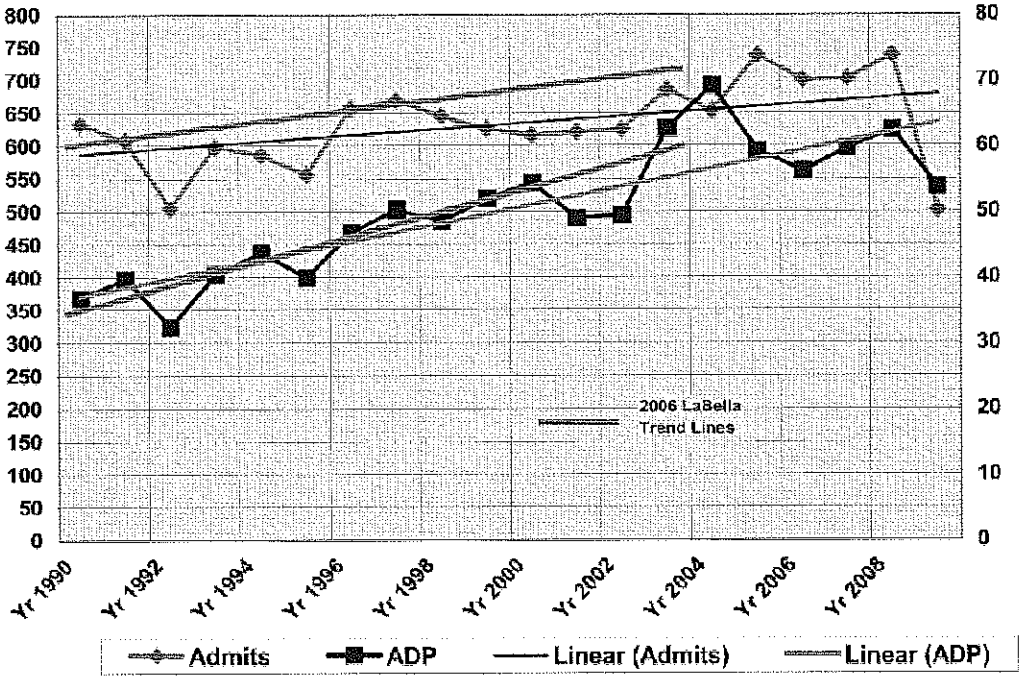


Figure IV-23 illustrates the trend line that is generated from a linear regression analysis of the historical ADP from 1990 to 2010. Projected forward 20 years, the trend produces an ADP of approximately 90 in the year 2030.

Figure IV-23: Projected ADP Based on Historical ADP 1990 – 2010

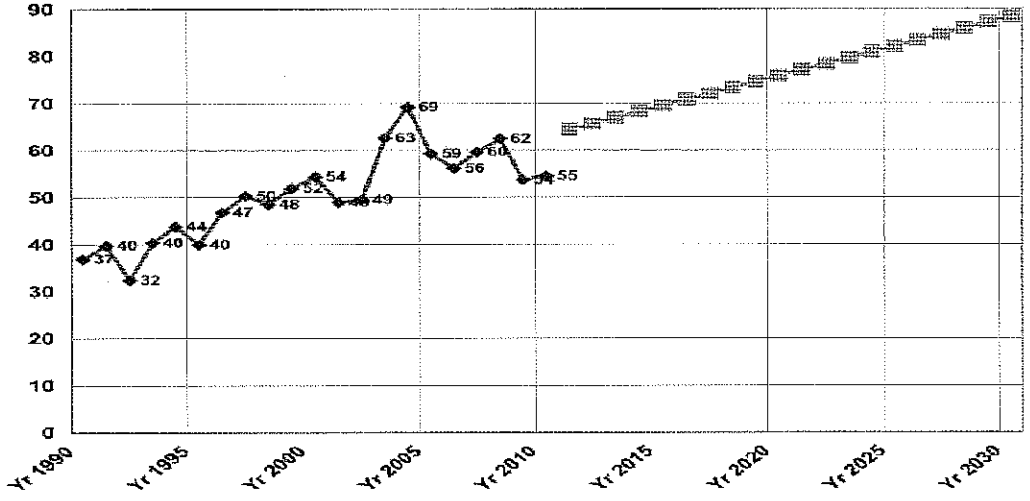
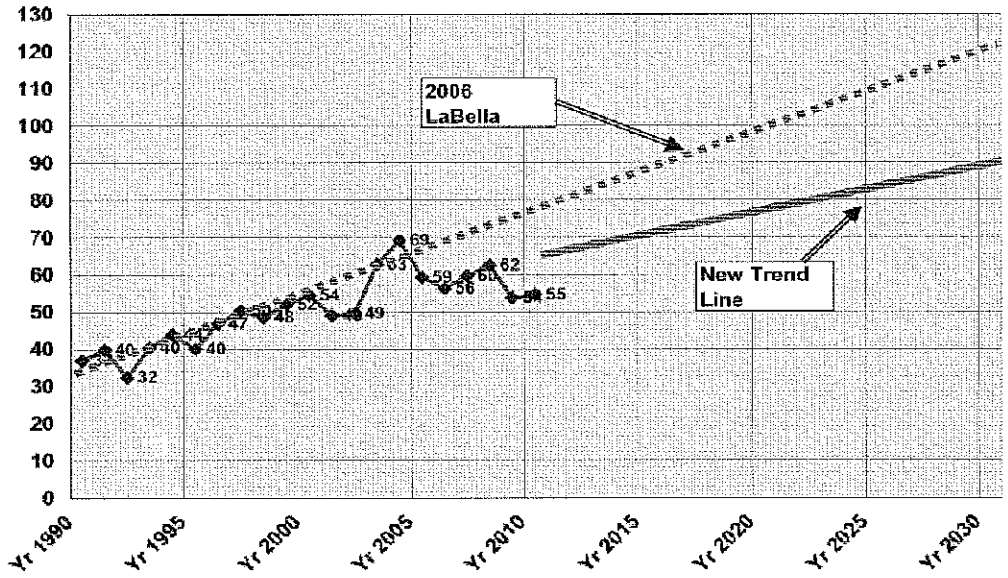


Figure IV-24 compares the new trend line with the one developed by LaBella in 2006 (using the same methodology).

Figure VI-24: New ADP Trend Line and 2006 LaBella Trend Line



Linear Regression Analysis of Historical ADP

Absent a projection methodology that offers a higher statistical significance, the application of a linear regression analysis offers the best method for projecting baseline ADP. The statistical significance of such a linear analysis using data from 1990 to 2010 is moderately high (0.691 R-squared).

The projected ADP values are presented in Figure IV-25, providing a starting point for determining the number *and types* of jail *beds* that may be needed in the future.

Figure IV-25: Projected ADP by Year, 2011 - 2030

	Projected ADP
Yr 2011	**64.4**
Yr 2012	**65.7**
Yr 2013	**67.0**
Yr 2014	**68.2**
Yr 2015	**69.5**
Yr 2016	**70.8**
Yr 2017	**72.0**
Yr 2018	**73.3**
Yr 2019	**74.5**
Yr 2020	**75.8**
Yr 2021	**77.1**
Yr 2022	**78.3**
Yr 2023	**79.6**
Yr 2024	**80.9**
Yr 2025	**82.1**
Yr 2026	**83.4**
Yr 2027	**84.7**
Yr 2028	**85.9**
Yr 2029	**87.2**
Yr 2030	**88.5**

The LaBella report acknowledged the limitations of attempts to project future jail demands based on past experience that was variable:

> *"There is significant uncertainty inherent in forecasts of such highly variable population levels. Although the linear projection is a rational method, it is only an estimate."*

V. CONVERTING PROJECTED ADP TO BED NEEDS

Using the baseline ADP projections as a starting point, the next steps convert ADP (inmates) into the number and types of beds that may be needed. Two "factors" must be developed:

- Peaking Factor
- Classification Factor

The 2006 LaBella report explained the process as follows:

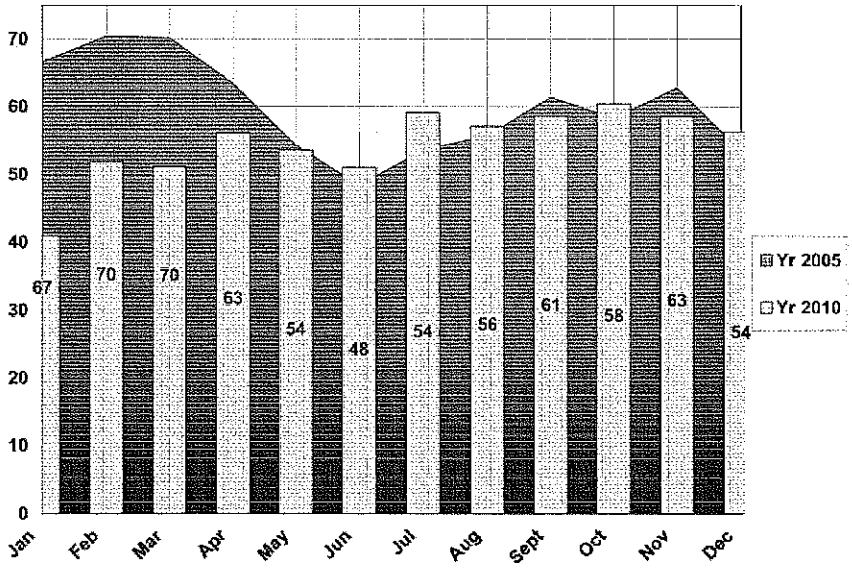
> *"The number of beds required to operate a jail can be estimated by determining the jail ADP, applying peaking and classification factors, projecting these values into the future and making allowances for year-to-year variations in peak levels."*

A. PEAKING FACTOR

Figures IV-1 and IV-2, presented on pages 7 and 8 of this report, illustrated the day-to-day variation on the number of Herkimer County inmates housed at the jail and in other counties. The day-to-day variation in the number and types of inmates underscores the difference between the *average* daily population and the actual daily count.

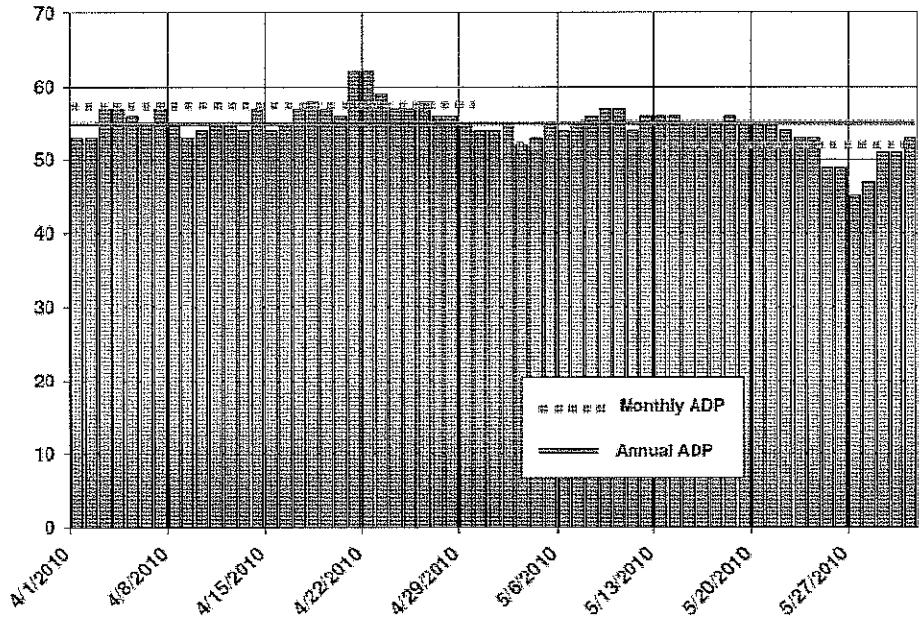
Figure V-1 presents the monthly ADP for years 2005 and 2010. In 2005, the ADP for January, February and March were the highest for the year. Conversely, the 2010 ADP for those months were the lowest for the year. Analysis of jail occupancy patterns for several years did not reveal any consistent seasonal fluctuations.

Figure V-1: Monthly ADP, 2005 and 2010



Daily fluctuations are common, as illustrated by Figure V-2.

Figure V-2: Daily County, April and May 2010



The solid line in Figure V-2 represents the annual ADP. The dotted lines are the respective monthly ADP levels for April and May. For jail planning purposes, it is the days on which the annual average daily population is exceeded that must be factored into projected bed needs.

Figure V-3 presents all daily counts for the year 2010. Selected days are highlighted, representing:

- Highest count per month (pink highlight)
- Lowest count per month (green highlight)
- Days between high and low within a month (yellow highlight)

Monthly averages, high and low counts, are identified at the bottom of the table. The final three rows in the table describe:

- **% Peak in month**, the percentage that the highest count in a month exceeds the ADP for that month.
- **Month Aver. Vs. Year Aver.**, the percent difference between the monthly ADP and the annual ADP—in 5 months the monthly ADP was *below* the annual ADP.
- **Perc. Peak Over Year Average**, the percent that each monthly high count was over the annual ADP (averaged 11.4% for the year).

It is interesting to note the average difference between the high count in each month and the monthly and annual ADP was 11.3% and 11.4% respectively.

Figure V-3: Daily Counts, 2010

Yr 2010	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Average
Day 1	30	51	49	53	54	55	56	57	56	59	60	61	
Day 2	32	48	50	53	55	51	59	54	52	61	58	57	
Day 3	33	46	49	57	52	47	59	59	53	61	56	56	
Day 4	27	50	49	57	53	47	61	60	54	63	57	57	
Day 5	34	52	49	56	55	46	58	60	56	61	60	61	
Day 6	36	52	49	55	54	47	61	61	56	62	59	60	
Day 7	36	54	49	57	55	49	60	65	59	60	58	59	
Day 8	37	55	48	55	56	49	61	66	57	64	60	60	
Day 9	36	54	49	59	57	49	62	66	60	62	61	62	
Day 10	38	52	48	54	57	48	61	62	58	61	58	60	
Day 11	40	52	50	55	54	46	62	61	57	60	61	60	
Day 12	41	52	49	55	56	46	63	61	57	62	60	59	
Day 13	42	52	51	54	56	48	62	57	58	59	58	59	
Day 14	43	53	52	57	56	48	61	57	59	57	59	57	
Day 15	44	53	52	54	55	50	60	57	59	57	59	57	
Day 16	45	54	52	56	53	52	58	56	59	57	58	52	
Day 17	46	55	54	57	56	52	57	57	60	58	56	52	
Day 18	47	55	55	56	56	53	57	58	58	61	57	53	
Day 19	48	56	56	57	55	52	56	58	60	61	57	54	
Day 20	49	53	55	56	55	52	55	55	60	60	56	54	
Day 21	50	52	55	52	56	52	56	55	58	61	57	54	
Day 22	51	53	55	52	54	54	59	56	57	62	58	56	
Day 23	52	51	53	59	53	54	61	55	61	61	57	57	
Day 24	53	52	53	57	53	56	57	54	60	61	57	54	
Day 25	54	49	50	57	49	58	57	54	61	60	57	53	
Day 26	55	49	49	56	49	57	57	51	61	61	57	53	
Day 27	56	49	50	56	45	57	57	50	60	61	56	53	
Day 28	57	49	52	56	47	57	58	50	62	61	59	53	
Day 29	52		52	55	51	58	58	51	56	61	59	53	
Day 30	51		49	54	51	59	60	50	57	61	59	55	
Day 31	51		51		53		59	48		61		54	
													Average
Average	44.1	51.9	51.1	56.1	53.6	51.1	59.1	57.1	58.6	60.4	58.5	56.3	54.6
Highest	57	56	56	59	57	59	63	66	67	63	61	62	60.9
Lowest	27	46	48	53	45	46	55	48	52	57	56	52	48.5
% Peak in Month	29.2%	7.9%	9.6%	10.5%	6.4%	13.6%	6.5%	15.5%	14.4%	4.3%	7.6%	10.1%	11.3%
Month Aver vs Year Average	-19.2%	-5.0%	-6.4%	-2.8%	-1.9%	-6.5%	8.3%	4.6%	7.3%	10.6%	7.2%	3.1%	0.4%
Perc Peak Over Year Average	4.4%	2.6%	2.6%	13.6%	4.4%	6.2%	15.4%	20.9%	22.7%	15.4%	15.4%	13.6%	11.4%

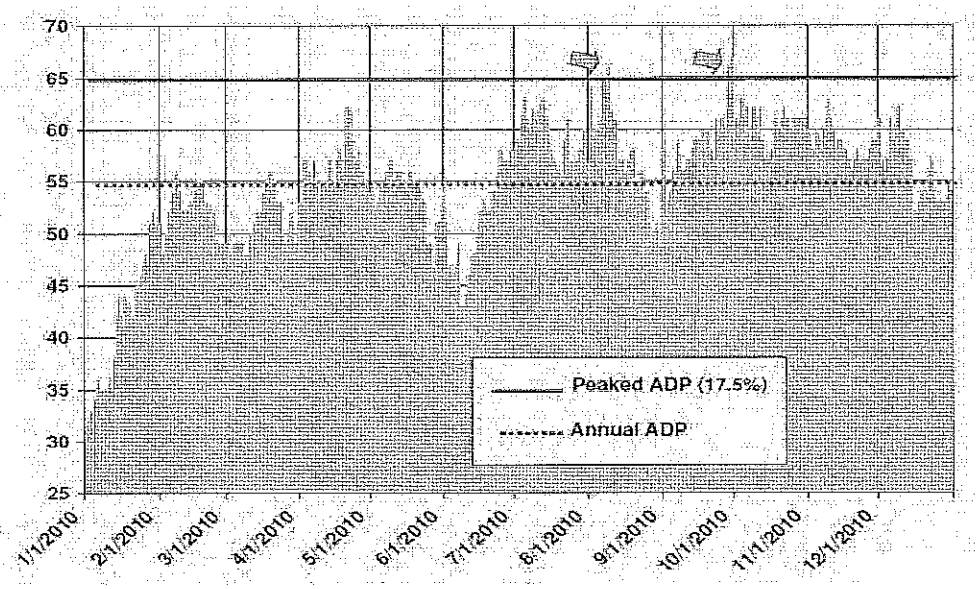
A nationally accepted method for calculating a jail peaking factor has the following elements:

- Identify the 12 highest daily counts for the most recent year
- Calculate the average of the 12 counts
- Calculate the percent that the average of the high counts is higher than the annual ADP

For the year 2010, this methodology produced a peaking factor of 17.5%. The 12 highest daily counts ranged from 61 to 67, with an average of 64.1. The average highest count was 9.5 inmates higher than the annual ADP of 54.6, a difference of 17.5%.

Figure V-4 illustrates all of the 2010 daily counts, the annual ADP and the annual ADP plus the 17.5% peaking factor. The upper solid line is the peaked ADP (annual ADP plus 17.5%). The dotted line is the average ADP for the year.

Figure V-4: 2010 Daily Counts, Annual ADP, Peaked Annual ADP



Note that the peaked ADP is exceeded only *three days* in the year, and on those days the number of inmates above the peaked ADP was four or less. In 2010, a jail with a capacity of 65 (peaked ADP) would have been sufficient to accommodate all but three daily counts.

The LaBella report conveys concerns about the four subpopulations that comprise the jail population: Adult Male, Adult Female, Minor Male and Minor Female. According to LaBella:

> *The same seasonal and daily variations which cause the actual jail population to exceed the ADP also operate independently within each segregated subpopulation. In other words, the days on which population levels within different subpopulations are higher than average or at a peak rarely coincide.*
>
> *The peak daily population measured for the jail as a whole reflects this lack of coincidence. The peak daily population for the jail as a whole will underestimate the actual bed requirement because one or more of the relevant subpopulations may actually be well below it's peak level at the time the population as a whole is measured as having attained a peak.*

LaBella's experts asserted that a more accurate peaking calculation would be based on the single highest annual count for each of the four subpopulations. They carried out that methodology and concluded that an **85% peaking and classification** factor should be added to the projected baseline ADP. Figure V-5 illustrates the marked difference between a 17.5% peaking factor (middle columns) and the "perfect storm" peaking factor advanced in the 2006 LaBella report.

Figure V-5: Annual ADP, 17.5% Peaked ADP, LaBella Peaking Factor 1990 - 2000

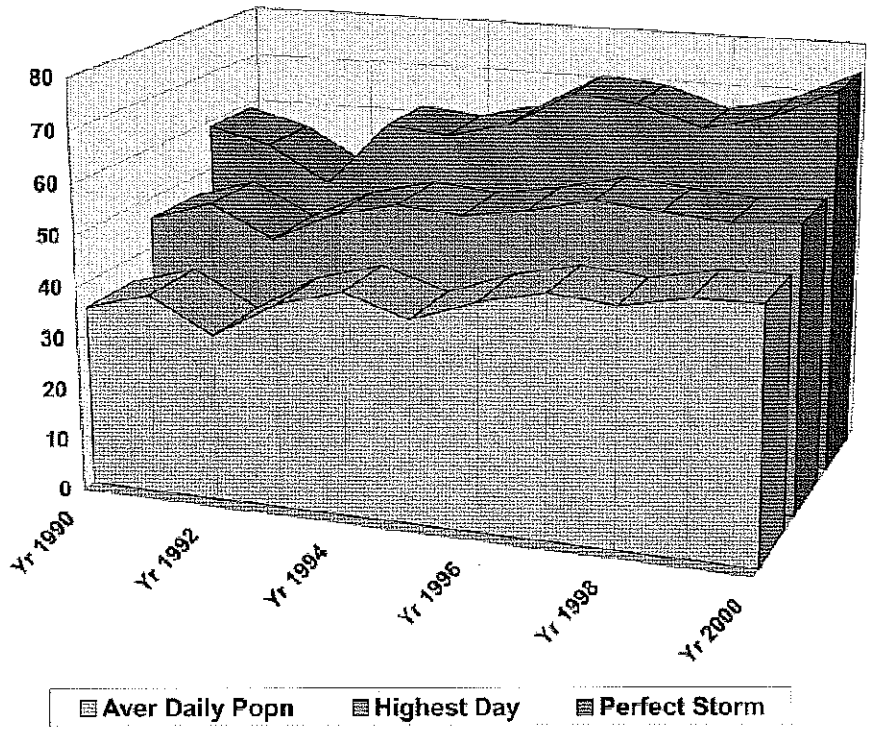


Figure V-6 illustrates the relationship between annual ADP, 17.5% peaked ADP, and the single highest daily count for each year. As the jail population increased, the gap between the peaked ADP and the single highest day of each year narrowed and, in some years, disappeared.

Figure V-6: ADP, 17.5% Peaked ADP and Highest Single Annual Count

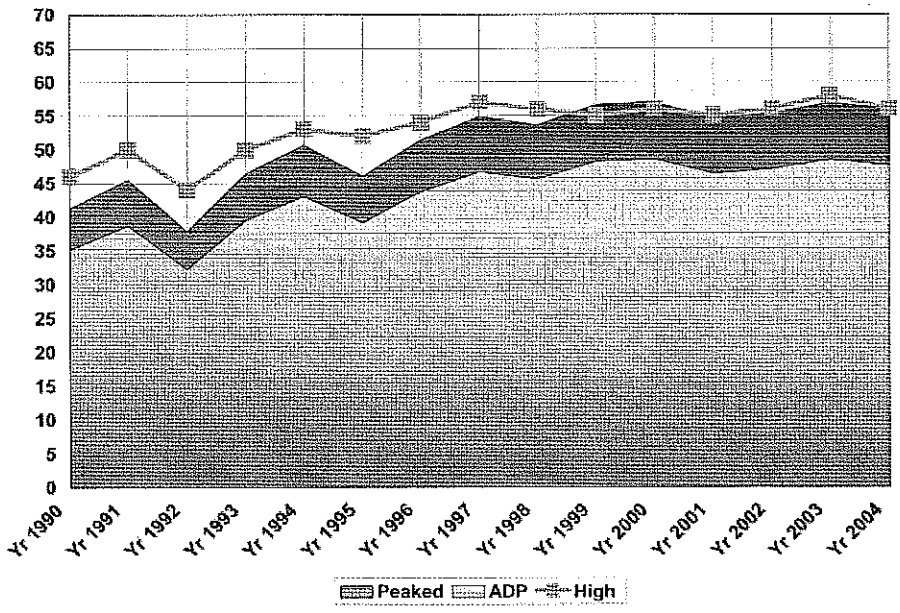


Figure V-6 ends in the year 2004 because of the lack of data describing the growing number of inmates who were boarded in other jails.

Some planners calculate different classification factors for each major classification of inmate—adult male, adult female, minor male, minor female. The low number of female and minor male inmates, coupled with the degree of variation in the daily counts for these inmate groups, made it difficult to calculate a statistically valid peaking factor for each. Further, there is no data identifying the age and gender of inmates who are housed in other jails, making it impossible to calculate peaking factors for anything other than the total inmate population for the past five years.[3]

Instead of applying different peaking factors to the projected Herkimer County inmate population, gender and age considerations will be addressed in the context of the classification factor.

Figure V-7 uses the projected ADP for the year 2030 as a starting point. The ADP is divided into four categories, based on the average ADP for each inmate group in the past five years. A 17.5% peaking factor is then applied to each of the four major inmate groups.

Figure V-7: Year 2030 ADP by Gender and Age, Peaking Factor

	Percent of ADP*	2030 ADP	Peaked - 17.5% Added
AM- Adult Male	71.2%	63.1	**74.1**
AF- Adult Female	16.8%	14.9	**17.5**
MM- Minor Male	11.0%	9.7	**11.4**
MF- Minor Female	0.9%	0.8	**1.0**
Total		**88.5**	**104.0**

* Percent of ADP is the average ADP for each group for the 5-year period ending in 2010

After applying the peaking factor, the projected ADP (*88.5 inmates*) for the year 2030 is now 104 *beds*.

One more factor must be applied to the ADP in order to convert ADP into bed needs—the classification factor.

[3] Although the New York State Commission on Correction collects daily count information from every jail, the level of detail provided for inmates who are housed in other jails is much less than that provided for in-house inmates.

B. CLASSIFICATION FACTOR

In the jail setting, "classification" refers to the process of identifying the appropriate *housing* assignment, operational directives and program needs for each inmate based on:

1. Gender (male, female)
2. Age (under 19, 19 and older)
3. Risk posed to others (usually expressed as low, medium and high)
4. "Keep separate" needs (such as gang members, crime partners, inmates who need special protection)
5. Special needs (such as medical, mental health)
6. Personal history and characteristics (such as education and substance abuse history)

The first two considerations--gender and age--create mandatory separation between housing for:

- Adult male
- Adult female
- Minor male
- Minor female

Within those separations, considerations of risk and special needs are the priorities. After all of the preceding separations have been accommodated, some jails further separate inmates by program needs.

Complying with separation requirements often means that some beds in various housing units are not able to be used every day. For example, if a jail has a 20 bed housing area for adult females and there are only 14 adult females incarcerated, six of the beds in the housing unit will be empty.[4]

A "classification factor" attempts to anticipate the extent to which jail beds are not available due to the need for separation. Viewed another way, it measures the expected efficiency of bed use. As such, it is the final factor that converts projected ADP into bed needs.

It is difficult to calculate a classification factor unless detailed records have been kept on cell assignment and empty cells in various housing units. This information is not accessible for the inmates in housed in the Herkimer County Jail, nor is it available for the inmates housed in other jails.

For the purpose of this study, a 12% classification factor has been applied to the adult inmate population. This is consistent with national experience and practices.

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[4] Some counties selectively fill such vacant beds with inmates boarded for other jurisdictions.

An estimated classification factor was developed the Minor Male inmate population based on the data that was available. This produced a 41% percent classification factor. Such a high factor is consistent with experience in the field with very small inmate groups.

Finally, a 50% classification factor was used for the Minor Female inmate group, again based on experience in the field.

One other adjustment was made to the figures for the Minor Male and Minor Females. When the peaked ADP was examined and compared to actual peak populations for these two groups, a manual adjustment was made when historical peaks exceeded the peaked ADP.

All of these calculations are described in Figure V-8.

Figure V-8: Applying Classification Factors

	Peaked (see Fig. V-7)	Substitute High Count	Class-ification Factor	Peaked and Classified	Year 2030 Beds*
AM- Adult Male	74.1	-	12.0%	83.0	**83**
AF- Adult Female	17.5	-	12.0%	19.6	**20**
MM- Minor Male	11.4	13.0	41.0%	16.1	**16**
MF- Minor Female	1.0	4.0	50.0%	6.0	**6**
Total	**104.0**				**125**

* Peaked and classified figures were rounded to the nearest whole number.

Using the preceding methodology, the 2030 projected ADP of 88.5 inmates has been converted to 125 beds.

C. COMPARISON TO EARLIER FINDINGS

This study had the advantage of six more years of jail occupancy experience on which to base findings. In addition, the methodology used to project future jail ADP and to convert projected ADP to bed needs varied somewhat from the LaBella findings.

Using data through the year 2004, the 2006 LeBella report concluded:

> *"In 2004 the "peak daily subpopulations combined" was equivalent to 1.85 times the ADP, whereas the peak daily population was only 1.45 times the ADP."*

This study concluded that the 88.5 inmates projected for the year 2030 require 125 beds, a combined peaking and classification factor of 41%.

Figure V-9 is from the 2006 LaBella report. It summarizes the projected findings for the year 2015.

Figure V-9: Summary of 2006 Findings

Herkimer County Jail Bed Requirement - 2015						
Predicted ADP	Predicted Peak Daily Population	Predicted Peak Daily Subpopulation Adult Males	Predicted Peak Daily Subpopulation Adult Females	Predicted Peak Daily Subpopulation Minor Males	Predicted Peak Daily Subpopulation Minor Females	Predicted Peak Daily Subpopulations Combined
92	140	110	27	36	7	180
Allowance for year-to-year variance		10	3	4	3	20
Total Estimated Bed Requirement		120	30	40	10	200
Notes:	1. Levels forecast above developed by conservative linear projection which may underestimate actual level of increase.					
	2. Levels forecast above assume continuation of past increase trend and do not attempt to account for changes in laws, social programs or behavior.					
	3. Final allocation of indicated allowance should be determined after taking into account opportunities for dynamic or flexible segregation within the facility and opportunities for limited boarding out during peaks.					
Table 6						

The initial LaBella findings shown above were "adjusted;" the projected bed needs described in this 2010 report are relatively consistent with the number and type of beds in the current architectural program.

The 2006 LaBella report projected future needs to the year 2015, while this report provides projections for the year 2030. Figure V-10 compares the 2015 projections to the new 2030 projections.

Figure V-10: 2015 Projected Bed Needs (LaBella) and 2030 Bed Needs

	Projected Year 2015 Bed Needs (LaBella 2006)	Projected Year 2030 Beds Needs, 2010 Study
AM- Adult Male	120	83
AF- Adult Female	30	20
MM- Minor Male	40	16
MF- Minor Female	10	6
Total	**200**	**125**

The 2006 LaBella report identified a series of "mitigations" that might be used to reduce the size of a new jail.

> *First, consider sizing the facility by taking into account the forecast peak adult male population but only take into account the forecast average minor male population. In this instance, housing of the entire minor male population during peaks would require a combination of rely…a flexible configuration would could permit use of some excess adult male beds that would be segregated to house minors and, should the adult male and minor male subpopulations peak simultaneously, limited boarding out. As shown in Figure 16 (attached), the forecast average minor male population level is only 15, compared with a forecast peak level of 36. This could reduce the bed requirement by approximately 21 beds.*
>
> *Second, consider sizing the facility by taking into account only the forecast average adult female and average female populations rather than the forecast peak levels. This would require more extensive use of boarding out to accommodate peaks in either the adult or minor female populations. However, this approach could reduce the bed requirement by approximately 24 beds. As shown in Figure 16, whereas the forecast adult female peak population level is approximately 27, the forecast average is only 9 and whereas the forecast female peak population level is 7, the forecast average is less than one.*

The results of the mitigations are described in Figure V-11, from the 2006 LaBella report.

Figure V-11: Summary of Mitigations, 2006 LaBella Report

Mitigating the 2015 Forecast Requirement					
Parameter	Peak Daily Subpopulation Adult Males	Peak Daily Subpopulation Adult Females	Peak Daily Subpopulation Minor Males	Peak Daily Subpopulation Minor Females	Combined
Highest Past Level	90	20	24	7	141
Indicated Bed Requirement before Adjustment	**120**	**30**	**40**	**10**	**200**
Forecast - Peak	110	27	36	7	180
Forecast - Average		9	15	1	
Reduction	**-none-**	**(18)**	**(21)**	**(6)**	**(45)**
Reduced Bed Requirement	110	9	15	1	135
Allowance for Year-to Year Variability	10	3	4	3	20
Adjusted 2015 Bed Requirement	**120**	**12**	**19**	**4**	**155**
Table 10					

The mitigations included changing the method used to calculate the peaking factor for Females, Minor Females and Minor Males. This produced a reduction of 45 beds.

Another reduction, for "year to year variability," subtracted another 20 beds from the initial 200 bed projection.

The current architectural program (September 2009) and the corresponding plans reflect further reductions in the number of beds. Figure V-12 compares the findings of this study to the current number and types of beds that are being used to design a new jail.

Figure V-12: Comparison of 2010 Study and Current Architectural Program

	Projected Year 2030 Beds Needs, 2010 Study	Current Architectural Program Beds
AM- Adult Male	83	86
AF- Adult Female	20	16
MM- Minor Male	16	20
MF- Minor Female	6	8
Total	**125**	**130***

* Some of the beds in the architectural program are for segregation and medical care. Such special needs beds are not usually considered part of a jail's regular housing capacity.

Although the historical data, assumptions and methods used have varied, the current bed projections that are being used to design a new jail are very similar to the projected bed needs for the year 2030 in this report.

D. ADJUSTING THE BASELINE PROJECTIONS

The projected numbers and types of inmates that have been generated are based solely on the analysis of prior practices. The projections assume a continuation of past and current practices and trends. But in the short six years since LaBella updated jail projections, the jail population and jail use trends have changed markedly. The assumptions that LaBella used about admissions, average length of stay, and jail ADP have all proven inaccurate—because unexpected changes were encountered with regard to the use of the jail by the criminal justice system and the development of alternatives to jail.

Many forces combine to create the jail population, including but not limited to:

- County population changes
- Reported crime
- Arrests
- Court filings and the efficiency of court processing
- Pretrial detention policies and the availability of alternatives
- Sentencing practices and the availability of alternatives to incarceration
- State prison system policies and practices
- Economic trends

Interviews with stakeholders, conducted in December 2010, identified several types of changes that affect the future jail population:

1. Changes that *have occurred* but which have not been fully reflected in the data used to create projections
2. Changes that are *anticipated* in the coming years (over which the county has no control)
3. Changes that are *desired* and for which local and county officials have control

Each type of change will affect future needs for jail beds, although none of these changes have been factored into the statistical analysis that produced the new baseline projections. Statistics are useful to a point, but must be tempered with the experience brought to the table by stakeholders.

> **Recommendation**: Herkimer County officials secure insights from a wide range of stakeholders in an effort to refine the baseline projections presented in this report. Discussions should address the three types of changes that were identified in this report: occurred but not reflected in data, anticipated but beyond local control, and desired and within local control.

The next section of this report describes some of the characteristics of the jail inmate population. These insights will be helpful to the planning, and process, discussions about policies and practices, and the development of new programs and services.

VI. INMATE CHARACTERISTICS

The preceding narrative describes a few characteristics of the inmate population, including:

- Gender
- Age (Under 19 or 19 and older)
- Average length of sentence
- Average length of stay

Although this study was not funded to develop a comprehensive analysis of the characteristics of the inmate population, several sources were tapped in an effort to describe jail inmates:

- Commission on Correction data
- Sheriff's Annual Reports
- Prior studies
- Analysis of several characteristics of all inmates admitted to the jail between July 1, 2009 and June 30, 2010

The following pages summarize the findings.

A. Length of Stay Characteristics

In addition to calculating an overall average length of stay for the inmate population, it is important to explore changes in the length of stay patterns. To do this, inmate jail stays are divided into several length of stay "cohorts" to provide a basis for comparison.

A length of stay analysis compares two key factors:

- Admissions- the number of persons who were admitted to confinement during the 12 month period

- Detention Days- the total number of days spent in jail by the persons who were counted as admissions above

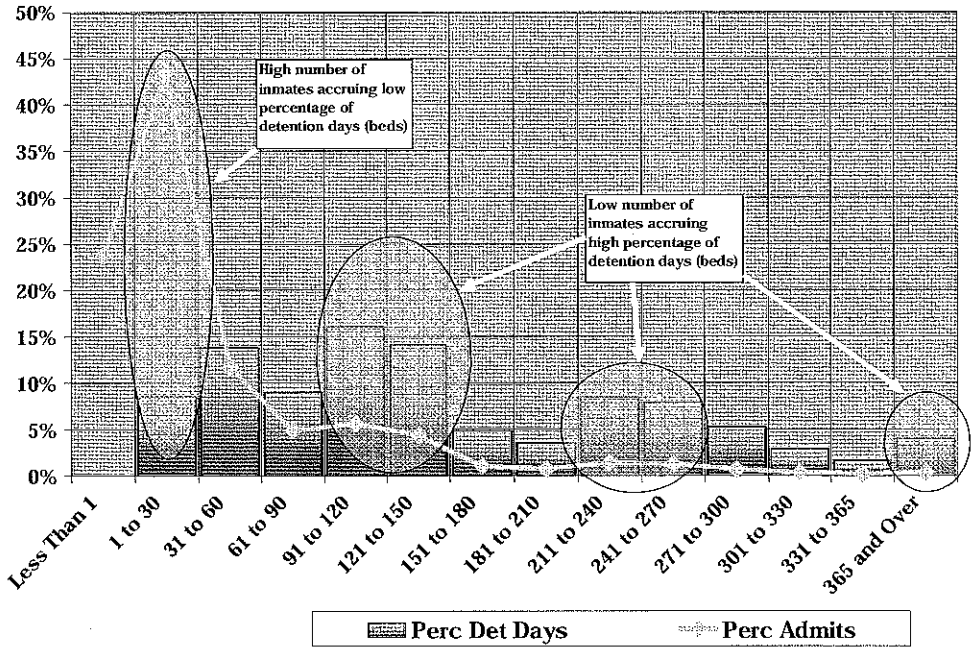
Figure VI-1 describes length of stay patterns for all inmates for the 12 month period ending June 30, 2010.

Figure VI-1: Length of Stay, All Inmates Admitted July 1, 2010 – June 30, 2010

Length of Stay Cohorts	Admissions				Detention Days		
	Admits	Percent Admits	Cumul. Percent Admits	Percent of Admits Remaining After x Days	Det. Days	Perc. Det. Days	Cumul. % Det Days Used (Beds Left)
Less Than 1	131	23.7%	23.7%	76.3%	0	0.0%	0.0%
1 to 30	241	43.6%	67.3%	32.7%	1,840	8.5%	8.5%
31 to 60	65	11.8%	79.0%	21.0%	2,975	13.8%	22.3%
61 to 90	27	4.9%	83.9%	16.1%	1,943	9.0%	31.3%
91 to 120	31	5.6%	89.5%	10.5%	3,478	16.1%	47.4%
121 to 150	24	4.3%	93.9%	6.1%	3,058	14.1%	61.5%
151 to 180	6	1.1%	94.9%	5.1%	1,044	4.8%	66.3%
181 to 210	4	0.7%	95.7%	4.3%	767	3.5%	69.9%
211 to 240	8	1.4%	97.1%	2.9%	1,838	8.5%	78.4%
241 to 270	7	1.3%	98.4%	1.6%	1,706	7.9%	86.3%
271 to 300	4	0.7%	99.1%	0.9%	1,139	5.3%	91.5%
301 to 330	2	0.4%	99.5%	0.5%	620	2.9%	94.4%
331 to 365	1	0.2%	99.6%	0.4%	350	1.6%	96.0%
365 and Over	2	0.4%	100.0%	0.0%	859	4.0%	100.0%
Total	553 admits				21,617 detention days		

According to Figure VI-1, 67.3 percent of all inmates were released within 30 days but these inmates used only 8.5% of the jail beds. Conversely, 9.9% of the inmates spent from 91 to 150 days in confinement, accruing 30.2% of the detention days. The length of stay dynamics from Figure VI-1 is illustrated in Figure VI-2

Figure VI-2: Admissions and Length of Stay, 7/2009 – 6/2010

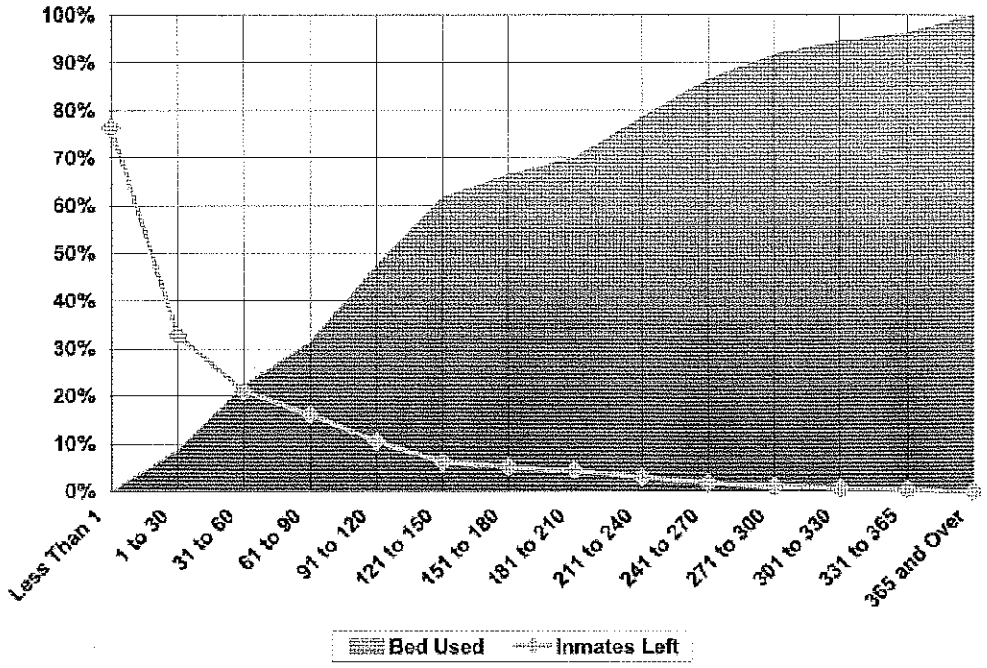


The "detention days" measure is most important when a county is interested in reducing its jail population. For example, Palm Beach County, Florida, thought that implementing a night court would reduce jail crowding. Using this type of length of stay analysis, county officials realized that the impact on the jail would be negligible, while the costs would be substantial.

Suffolk County, New York, found that the largest number of beds were being used by inmates who spent from 121 to 150 days in jail. Further analysis of these inmates identified their potential for diversion from jail to residential settings, or stepping down jail incarceration using residential settings.

Figure VI-3 provides another view of length of stay dynamics. The "beds used" area of the chart shows how many beds have been used cumulatively for each length of stay cohort. For example, by the end of 180 days, 60% of the detention days (beds) have been accrued. The line on Figure VI-3 shows the number of "inmates left" in jail after each time cohort. After 60 days, only 20% of all inmates admitted to jail remain in confinement.

Figure IV-3: Beds Used and Inmate Left by Length of Stay Cohorts, 7/2009 – 6/2010



Using the "Sheriff's Annual Report" to the New York State Commission on Correction, similar length of stay characteristics have been reviewed for the years 1990, 2000, and 2009.[5] Figure VI-4 compares admission characteristics for those three years.

[5] The annual reports do not count the number of inmates who spent less than one day in jail, therefore those inmates are grouped with inmates who spent 1 to 30 days in jail.

Figure VI-4: Length of Stay Cohorts—Admissions, 1990, 2000 and 2009

LOS Cohorts	Yr 1990	Yr 2000	Year 2009	Trends
1 to 30	84.3%	66.8%	32.7%	▼
31 to 60	4.8%	10.5%	21.0%	▲
61 to 90	2.3%	4.9%	16.1%	▲
91 to 120	2.2%	7.4%	10.5%	▲
121 to 150	1.4%	3.1%	6.1%	▲
151 to 180	0.6%	2.9%	5.1%	▲
181 to 210	0.8%	1.4%	4.3%	▲
211 to 240	2.2%	0.8%	2.9%	
241 to 270	0.2%	0.8%	1.6%	▲
271 to 300	0.3%	0.4%	0.9%	▲
301 to 330	0.6%	0.4%	0.5%	
331 to 365	0.2%	0.2%	0.4%	
365 and Over	0.2%	0.2%	0.0%	▲

Figure VI-4 shows a decline in the proportion of inmates admitted who spend from 1 to 30 days—from 84.3% in 1990 to 32.7% in 2009. At the same time, the proportion of inmates in the longer cohorts increased.

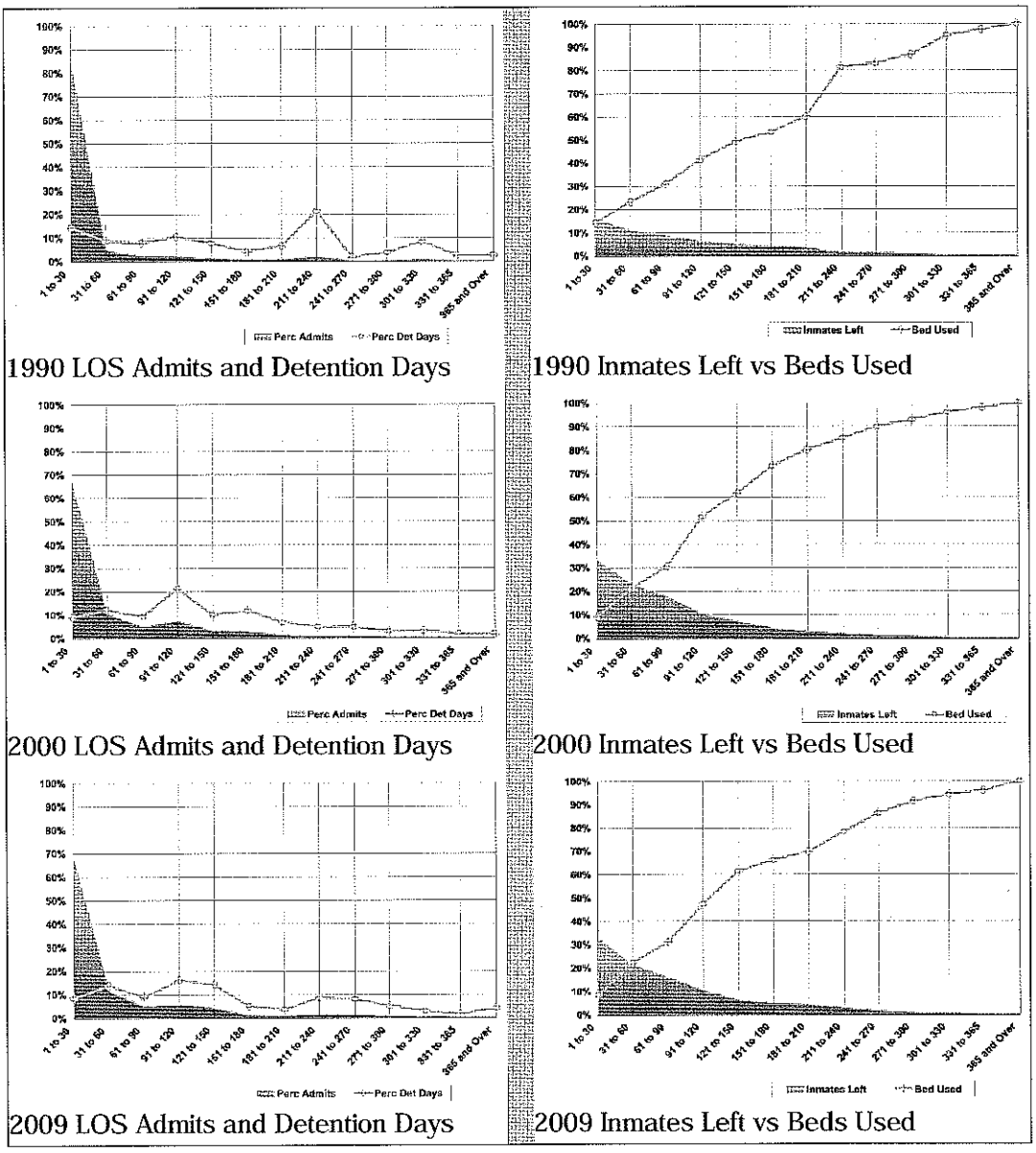
Figure VI-5 provides the same information for detention days. The trends are similar but not identical, with a large decrease in inmates in the 211 to 240 cohort and a decrease in the 301 to 300 cohort.

Figure VI-5: Length of Stay Cohorts—Detention Days 1990, 2000 and 2009

LOS Cohort	Yr 1990	Yr 2000	Year 2009	Trends
1 to 30	14.5%	9.2%	8.5%	▼
31 to 60	8.8%	12.0%	13.8%	▲
61 to 90	7.9%	9.3%	9.0%	
91 to 120	10.5%	21.1%	16.1%	
121 to 150	7.7%	9.9%	14.1%	▲
151 to 180	4.2%	11.7%	4.8%	
181 to 210	6.6%	6.9%	3.5%	
211 to 240	21.4%	4.8%	8.5%	▼
241 to 270	1.7%	5.0%	7.9%	▲
271 to 300	3.8%	3.0%	5.3%	▲
301 to 330	8.3%	3.2%	2.9%	▼
331 to 365	2.4%	1.8%	1.6%	
365 and Over	2.4%	1.9%	4.0%	▲

Figure VI-6 presents graphs of LOS cohorts and "beds used, inmates left" for each of the three years, illustrating substantial change in LOS characteristics.

Figure VI-6: LOS Cohorts, "Beds Use, Inmates Left" Charts 1900, 2000, 2009

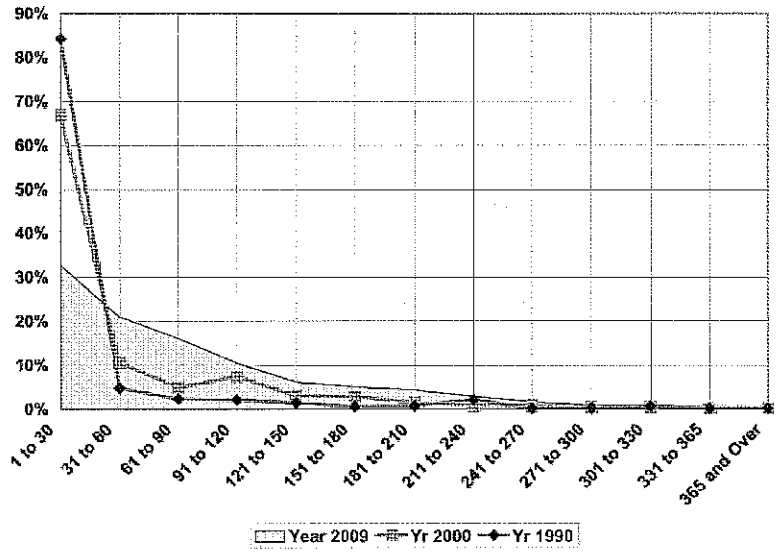


The changes in detention day characteristics are easily identified in the charts on the left side of Figure VI-6—the high proportion of detention days at 211 to 240 days in 1990, a spike at 91 to 120 days in 2000, and a marked increase in the proportion of beds accrued by inmate who spend over 211 days in 2009.

On the right side of Figure VI-6, the very low number of inmates left in jail is shown in the year 1990, as well as the overall increase in detention days accrued by a longer LOS.

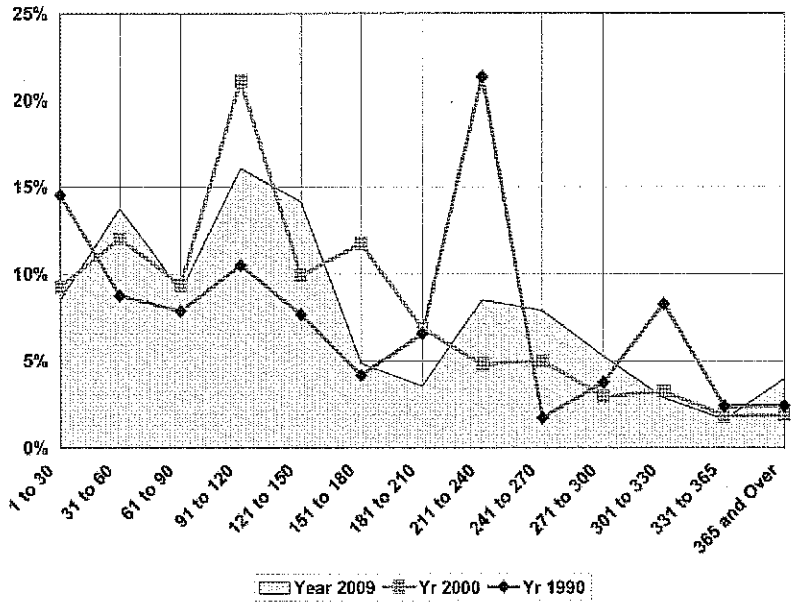
Figure VI-7 compares admissions for all three years, showing the major drop in short term inmates (1 to 30 days) in the year 2009. Note that the year 2009 line is higher than the other two years from 31 to 60 days through 181 to 210 days. A higher proportion of inmates are spending more time in jail over the twenty years.

Figure VI-7: Admissions by LOS Cohort, 1990, 2000 and 2009



The length of stay picture is much less consistent when detention days are considered (Figure VI-8). The peaks at 91 to 120 (Year 2000) and 211 to 240 (Year 1990) are highlighted in the chart. By the year 2009, inmates spending from 91 to 150 days account for nearly one-third of all jail beds.

Figure VI-8: Detention Days by LOS Cohort, 1990, 2000 and 2009



B. LENGTH OF SENTENCE

The Sheriff's Annual Reports also provide information about the length of sentences imposed for each year. Earlier in this report, (Figures IV-10 and IV-11) the decrease in the number of sentenced inmates held on an average day was highlighted. Between 2000 and 2009, the sentenced ADP dropped from 37.1 to 26.5, while the unsentenced ADP more than doubled, from 16.1 to 37.0.

Figure VI-9 presents LOS cohorts for sentenced inmates for the years 1990, 2000 and 2009. Trends are identified, with the proportion of short sentences (under 31 days) dropping in terms of admissions and detention days.

Figure VI-9: LOS Cohorts for Sentenced Inmates, 1990, 2000 and 2009

	Percent of All Admissions				Percent of All Detention Days			
Length of Sentence	Yr 1990	Yr 2000	Yr 2009	Trend	Yr 1990	Yr 2000	Yr 2009	Trend
1 to 30	8.1%	5.2%	3.2%	▼	5.6%	1.7%	1.3%	▼
31 to 60	1.7%	3.7%	2.9%		3.9%	4.7%	3.8%	
61 to 90	0.9%	1.6%	1.8%	▲	3.2%	3.6%	3.7%	
91 to 120	0.2%	1.2%	0.4%		0.8%	3.5%	1.0%	
121 to 150	0.5%	0.4%	0.5%		2.5%	1.4%	1.6%	
151 to 180	2.0%	2.3%	0.9%		15.4%	10.1%	3.8%	▼
181 to 210	0.6%	1.4%	2.9%	▲	4.9%	6.6%	12.7%	▲
210 to 240	0.3%	0.0%	0.2%		3.2%	0.0%	1.0%	▼
241 to 270	0.2%	0.2%	0.4%		1.8%	1.3%	2.3%	
271 to 300	0.3%	0.2%	0.2%		3.6%	1.4%	1.2%	▼
301 to 330	0.0%	0.0%	0.0%		0.0%	0.0%	0.0%	
331 to 360	0.8%	2.5%	0.0%		11.7%	22.3%	0.0%	▼
Over 365	1.1%	1.4%	1.1%		16.9%	13.1%	9.5%	▼
Total	**16.6%**	**20.2%**	**14.3%**	▲▼	**73.6%**	**69.7%**	**41.7%**	▼

The percentages in Figure VI-9 are for the entire jail population—in 2009 sentenced inmates accounted for only 14.3% of all admissions and 41.7% of all detention days. In 1990, sentenced inmates accounted for 73.6% of the jail beds. The largest detention day cohort in 2009 was 181 to 210 days, more than double the proportion in 1990. This cohort accounted for nearly one-third of all sentenced detention days.

C. REPEAT ADMISSIONS

Each inmate admitted to the custody of the Herkimer County Sheriff is assigned a unique identification number that is used whenever that individual is re-admitted. The inmate database identified 8,174 individuals admitted to the jail from 1988 to 2009.

The inmate management information system used by the jail records a separate entry for each *offense* with which an inmate was charged at the time of admission. From 1988 to 2009 inmates were charged with 20,241 offenses, an average of 2.48 charges for each individual.

According to Figure VI-10, the good news is that 54.5% of all individuals admitted to the Herkimer County Jail were not readmitted between 1988 and 2009. These individuals spent an average of 17.5 days in jail.

Figure VI-10: Number of Admissions Per Individual, 1988 - 2009

Number Admits	Number of Individuals	Percent Individuals	Det. Days	Perc. DD	Aver DD Per Individual	ALOS
1	4458	54.5%	78,019	10.6%	17.5	17.5
2	1494	18.3%	88,943	12.1%	59.5	29.8
3	748	9.2%	68,035	9.2%	91.0	30.3
4	427	5.2%	66,355	9.0%	155.4	38.8
5	291	3.6%	62,741	8.5%	215.6	43.1
6	169	2.1%	51,163	7.0%	302.7	50.5
7	136	1.7%	43,385	5.9%	319.0	45.6
8	103	1.3%	41,321	5.6%	401.2	50.1
9	75	0.9%	31,658	4.3%	422.1	46.9
10	53	0.6%	27,876	3.8%	526.0	52.6
11	30	0.4%	13,149	1.8%	438.3	39.8
12	34	0.4%	24,323	3.3%	715.4	59.6
13	33	0.4%	18,223	2.5%	552.2	42.5
14	24	0.3%	18,174	2.5%	757.3	54.1
15	30	0.4%	22,533	3.1%	751.1	50.1
16	9	0.1%	8,846	1.2%	982.9	61.4
17	8	0.1%	9,041	1.2%	1130.1	66.5
18	6	0.1%	6,187	0.8%	1031.2	57.3
19	7	0.1%	8,523	1.2%	1217.6	64.1
20	10	0.1%	9,352	1.3%	935.2	46.8
21	6	0.1%	4,317	0.6%	719.5	34.3
22	11	0.1%	15,204	2.1%	1382.2	62.8
23	1	0.0%	756	0.1%	756.0	32.9
24	1	0.0%	1,724	0.2%	1724.0	71.8
25	1	0.0%	187	0.0%	187.0	7.5
26	2	0.0%	3,181	0.4%	1590.5	61.2
27	2	0.0%	3,661	0.5%	1830.5	67.8
30	2	0.0%	2,778	0.4%	1389.0	46.3
33	1	0.0%	3,067	0.4%	3067.0	92.9
39	1	0.0%	1,940	0.3%	1940.0	49.7
41	1	0.0%	1,023	0.1%	1023.0	25.0
TOTAL	8,184 individuals		735,685 det. days			

Figure VI-10 suggests that a low number of individuals account for many jail beds over time. Further analysis of these "frequent fliers" might identify policies, practices and programs that would reduce the frequency of their return to jail.

D. CRIME CLASS

The crime class for each inmate was recorded at admission. Figure VI-11 describes the crime class characteristics for all 553 individuals admitted in the 12 month period ending June 30, 2010. Where an inmate was charged with more than one offense, the most serious offense was used for this analysis.

Figure VI-11: Crime Class, Most Serious Charge at Admission

Crime Class	Admits	Perc Admits	Detention Days	Perc. Ddays	ALOS
Felony A	3	2.53%	488	2.26%	162.7
Felony B	18	5.24%	1,975	9.14%	109.7
Felony C	28	13.20%	2,532	11.71%	90.4
Felony D	76	14.29%	4,411	20.41%	58.0
Felony E	81	3.07%	4,616	21.35%	57.0
I (Traffic)	10	27.85%	69	0.32%	6.9
Misdemeanor A	180	15.73%	4,788	22.15%	26.6
Misdemeanor B	66	5.97%	1,131	5.23%	17.1
Misdemeanor U	33	4.34%	105	0.49%	3.2
Violation (Ordinance)	28	4.70%	442	2.04%	15.8
Viol. Probation, Parole, Release	17	2.35%	822	3.80%	48.4
Unspec.	13	0.18%	238	1.10%	18.3

Persons charged with A misdemeanors accounted for 15.73% of all admissions and 22.15% of all detention days. Felony D and Felony E charges totaled 41.76% of all detention days. Felonies represented 38.34% of all admission and 64.87% of all detention days.

Figure IV-12 describes charges by gender, showing a markedly different pattern of charges for females, suggested by the disparity in ALOS (26.2 days vs. 41.0 days.)

Figure VI-12: Crime Class by Gender, Most Serious Charge

	Female					Male				
Crime Class	Admits	Perc. Admits	Det. Days	Perc. DDays	ALOS	Admits	Perc. Admits	Det. Days	Perc. DDays	ALOS
Felony A	0	0	0	0	0	3	2.5%	488	2.26%	162.7
Felony B	4	0.7%	180	0.83%	45.0	14	4.5%	1,795	8.30%	128.2
Felony C	3	0.5%	86	0.40%	28.7	25	12.7%	2,446	11.32%	97.8
Felony D	6	1.1%	592	2.74%	98.7	70	13.2%	3,819	17.67%	54.6
Felony E	8	1.4%	655	3.03%	81.9	73	1.6%	3,961	18.32%	54.3
I (Traffic)	1	0.2%	1	0.00%	1.0	9	27.7%	68	0.31%	7.6
Misd. A	27	4.9%	360	1.67%	13.3	153	10.8%	4,428	20.48%	28.9
Misd. B	6	1.1%	13	0.06%	2.2	60	4.9%	1,118	5.17%	18.6
Misd. U	6	1.1%	0	0.00%	0.0	27	3.3%	105	0.49%	3.9
Violation	10	1.8%	23	0.11%	2.3	18	2.9%	419	1.94%	23.3
Vio. Prob, Par., Rel.	1	0.2%	1	0.00%	1.0	16	2.2%	821	3.80%	51.3
Unspec.	1	0.2%	4	0.02%	4.0	12	0.0%	234	1.08%	19.5
TOTAL	73	13.0%	1,915	8.9%	26.2	480	86.3%	19,702	91.4%	41.0

Figure VI-13 presents the individual charges that accounted for the most detention days, and th e corresponding crime classification.

Figure VI-13: Most Serious Charge in Descending Order of Detention Days

Crime Class	Charge Description	Admits	Perc. Admits	Det. Days	Perc. Det. Days
FE	CRIMINAL MISCHIEF-3RD DEGREE	8	1.4%	926	4.3%
MA	PETIT LARCENY	31	5.6%	682	3.2%
FD	ASSAULT -2ND DEGREE	11	2.0%	661	3.1%
MA	ENDANGERING THE WELFARE OF A CHILD	10	1.8%	635	2.9%
FD	BURGLARY-3RD DEG.: ILLEGAL ENTRY W/ INTENT TOCOMMIT CRIME	14	2.5%	603	2.8%
FC	BURGLARY-2ND DEGREE	5	0.9%	558	2.6%
FD	CRIMINAL MISCHIEF -2ND DEGREE	4	0.7%	558	2.6%
FC	ARSON-3RD:INTENTIONALLY DAMAGE	5	0.9%	551	2.5%
VPA	REVOCATION PAROLE/RELEASE	13	2.4%	474	2.2%
MA	VIOLATION PROB	10	1.8%	469	2.2%
FB	MURDER	1	0.2%	463	2.1%
FD	DWI: 2 PREV. CONV. OF DESIGNATED OFFENSES WITHIN 10 YEARS	6	1.1%	425	2.0%
V	FAILURE TO OBEY SUPPORT ORDER	5	0.9%	405	1.9%
FD	ASSAULT 2: WITH INTENT TO CAUSE PHYSICAL INJURY TO OFFICER/FIREMAN/EMT	2	0.4%	397	1.8%
FB	CRIMINAL SEXUAL ACT-1ST DEGREE	2	0.4%	370	1.7%
MA	SEXUAL ABUSE 2ND: SEXUAL CONT W/ PERSON LESS THAN 14 YRS OLD	2	0.4%	363	1.7%
MA	ASSAULT-3RD DEGREE	16	2.9%	359	1.7%
FB	CRIMINAL POSSESSION CONTR SUB-3RD:NARC DRUG INTENT TO SELL	4	0.7%	356	1.6%
FE	AGGRAVATED UNLICENSED OPER. OF A MOTOR VEHICLE-1ST DEGREE	2	0.4%	351	1.6%
FB	RAPE-1ST DEGREE	1	0.2%	350	1.6%
MB	PETIT LARCENY	9	1.6%	332	1.5%
FD	RAPE-2ND:PERSON 18 YRS OLD OR MORE HAS INTERCOURSE WITH PERSON<15 YRS	2	0.4%	323	1.5%
FE	GRAND LARCENY-3RD DEGREE	4	0.7%	302	1.4%
FE	GRAND LARCENY-4TH DEGREE	7	1.3%	294	1.4%
FB	ASSAULT 1ST DEGREE	1	0.2%	288	1.3%
FD	AGG CRIM CONTEMPT:VIOL ORDER PROT.-CAUSE PHYSICAL INJURY	1	0.2%	285	1.3%
FC	BURGLARY:ILLEGAL NIGHT ENTRY WITH CRIMINAL INTENT	3	0.5%	282	1.3%
MA	CRIMINAL POSSESSION STOLEN PROPERTY-5TH DEGREE	8	1.4%	268	1.2%
FE	CRIMINAL MISCHIEF 3RD: DAMAGE PERSON'S PROP- AMOUNT > $250	2	0.4%	250	1.2%
FE	VIOLATION PROB	4	0.7%	250	1.2%
MA	POSSESSION HYPODERMIC INSTRUMENT	1	0.2%	243	1.1%
FC	BURGLARY 2ND DEGREE: ILLEGAL ENTRY- DWELLING	3	0.5%	242	1.1%
FE	GRAND LARCENY-4TH:CREDIT CARD	1	0.2%	241	1.1%
FA	CRIM POSS CONTROLLED SUBS-1ST: NARCOTIC DRUG 8 OZS OR MORE	1	0.2%	240	1.1%
VP	REVOCATION OF PROBATION/DISCHARGE	1	0.2%	240	1.1%
FE	RAPE 3RD: VICTIM LESS THAN 17 YEARS OLD, PERP 21 YEARS OR MORE	2	0.4%	230	1.1%
MA	CRIMINAL POSSESSION CONTROLLED SUBSTANCE- 7TH DEGREE	7	1.3%	213	1.0%
FD	ASSAULT 2ND DEGREE: W/INTENT TO CAUSE SERIOUS PHYS. INJURY	3	0.5%	211	1.0%
FE	OPERATING MOTOR VEHICLE INTOXICATED-PRIOR CONVICTION	4	0.7%	207	1.0%

The number of charges against each inmate at admission was recorded, as shown in Figure VI-14. Over 70% of all persons admitted to the jail had only one charge, and their average length of stay was the lowest for all categories. Inmates had an average of 1.6 charges during the 12 months.

Figure VI-14: Number of Charges at Admission, 7/2009 – 6/2010

Number of Charges	Admits	Percent Admits	Det. Days	Perc. Det Days	ALOS
1	392	70.9%	11,508	53.2%	29.4
2	77	13.9%	3,865	17.9%	50.2
3	41	7.4%	2,505	11.6%	61.1
4	28	5.1%	2,236	10.3%	79.9
5	8	1.4%	314	1.5%	39.3
6	3	0.5%	489	2.3%	163.0
9	1	0.2%	288	1.3%	288.0
10	2	0.4%	230	1.1%	115.0
11	1	0.2%	182	0.8%	182.0
TOTAL	553	1	21,617		39.1

Further analysis of charges brought against inmates may identify inmates who might be eligible for new alternative programs, and provide the basis for estimating the number of jail days that would be diverted. For example, a program that targeted Misdemeanor U offenses would yield, at most, a reduction of one-half percent of the jail ADP. Conversely, a 50% reduction in the number of inmates charged with Misdemeanor A offenses could reduce the jail population by more than 11%.

E. OTHER CHARACTERISTICS AND SOURCES

The Commission on Correction has assembled a very useful database for Herkimer County. Annual reports generated by the Commission identify many characteristics of inmates who were held, including:

- Sentenced or unsentenced
- Unarraigned
- Civil
- Federal
- Coram Nobis
- D and E felonies
- State readies (sentenced to state prison, ready to transfer)
- Convicted felons
- Parole violators
- New arrests with parole warrants
- Intermittents
- Boarded in
- Boarded out
- Out to hospital
- Out to mental hygiene
- Out to other

Unfortunately, the Commission does not receive detailed information about inmates who are boarded—who now comprise over half of the daily jail population in Herkimer County. Hopefully, new protocols will be developed to collect this information for board-outs.

The "Sheriffs Annual Report" provides another source of information. The reports describe the inmate population each year in terms of:

- Admissions
  - Convicted of felony
  - Convicted of misdemeanor
  - Convicted other offenses
  - Held for felony, misdemeanor, other
- Discharges
  - Reason for release
- Inmates temporarily housed out
  - Counties
  - Mental health facility
  - Hospital
- Inmates returned from other locations
- Characteristics of inmates housed at end of year midnight
- Age at admission by gender
- Race, ethnic origin
- Literacy

The value of the Sheriff's Annual Report is diminished by the absence of detention day information. The report identifies admissions and discharges only. Without the days accrued, a one-dimensional picture of the inmate population is provided and may be misleading. For example, 1.4% of all admissions to the jail were charged with 3rd Degree Criminal Mischief, but they accounted for 4.3% of the detention days and had an average length of stay of more than 100 days.

F. SUMMARY

Planning and designing a jail requires a great deal of information and data. While aggregated data, such as ADP and ALOS are important, more detail about the characteristics of the inmate population and the dynamics of the jail is needed.

An understanding of inmate characteristics is essential for the identification of policies, practices and programs that might reduce the jail population, or have an impact on inmates' rate of return to jail.

This report provides some of the additional information and data that has been missing from the analysis, but many elements are missing because of a lack of source data, or the lack of time and resources to carry the analysis further.

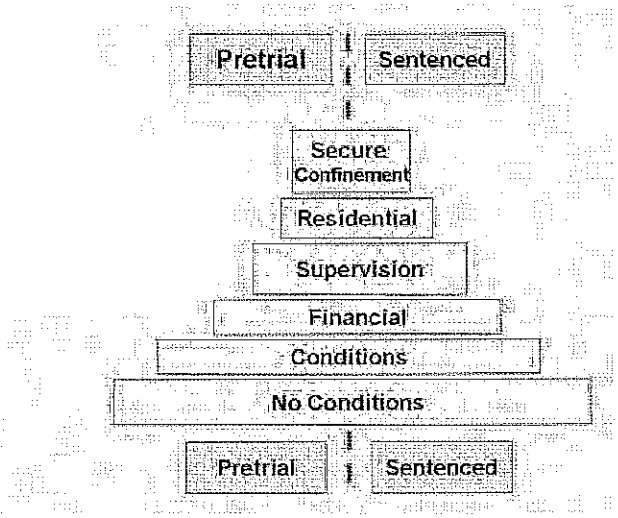
VII. ALTERNATIVES TO JAIL

Herkimer County officials and stakeholders voiced strong support for the existing programs and services that provide alternatives to jail. It is likely that at least some of the decrease in the jail ADP since 2004 may be attributed to the new alternatives.

A. "CONTINUUM" OF OPTIONS AND SANCTIONS

Figure VII-1 offers a schematic view of the types of options and sanctions that comprise a balanced criminal justice system.

Figure VII-1: Elements of a Balanced Continuum of Options and Sanctions



Examples of each type of option or sanction are provided in Figure VII-2.

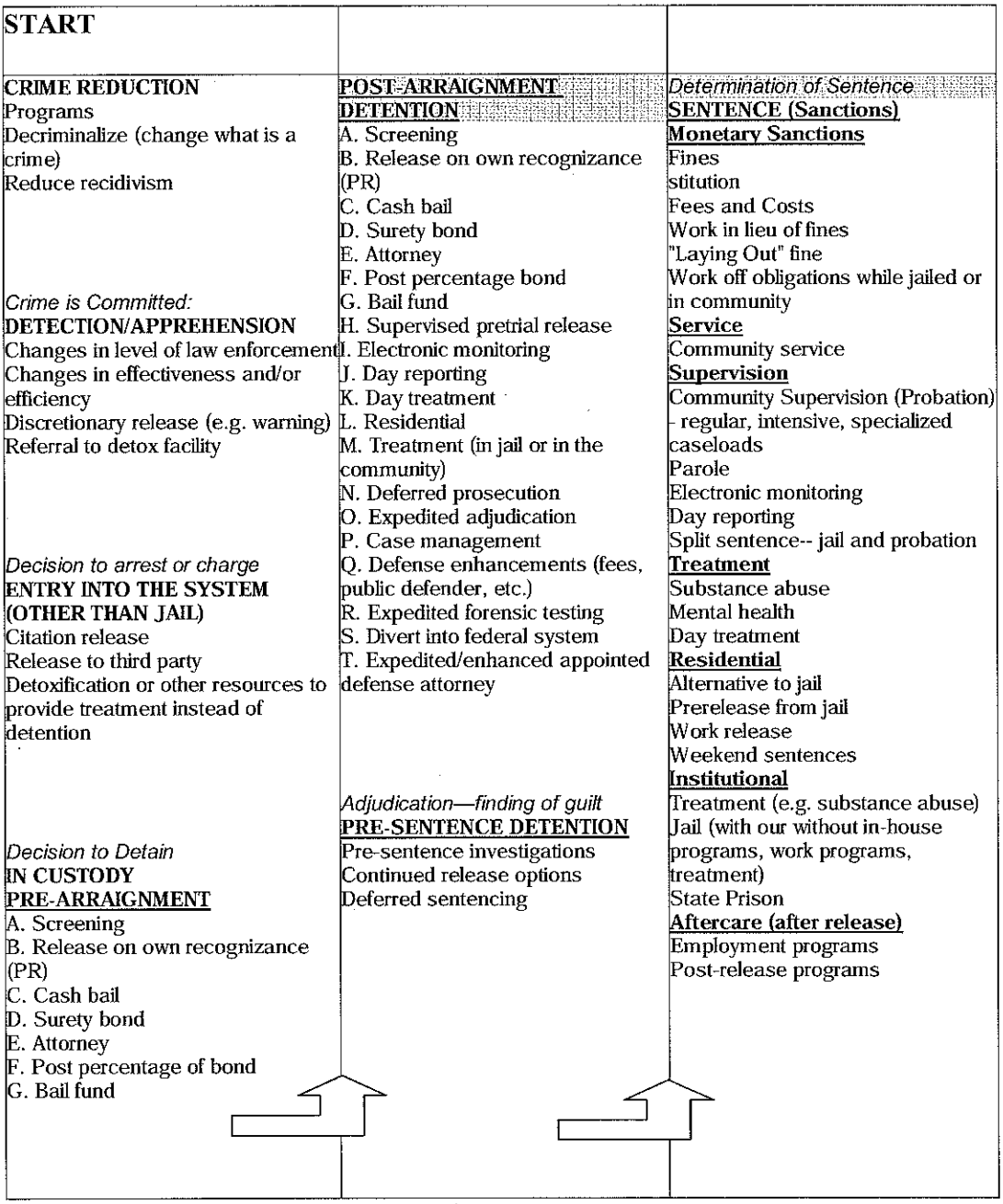
Figure VII-2: Examples of Options and Sanctions

Element	Pretrial (Option)	Sentenced (Sanction)
Confinement	• Jail	• Jail • Prison
Residential	• Residential Alternatives	• Pre-release or Work Release
Supervision	• Supervised Pretrial Release	• Probation • Day Reporting
Financial	• Bail, Bond, Surety	• Fines, Costs • Restitution
Conditions	• Conditions of pretrial release	• Sentencing conditions
No Conditions	• Release on Recog. • Personal Recog.	• Admonition

The range of options and sanctions that have been implemented in other jurisdictions are described in Figure VII-3, at the points in the criminal justice process at which they come into play. Many programs that are "options" for defendants are the same as "sanctions" that may be imposed at sentencing. For example, in Herkimer County,

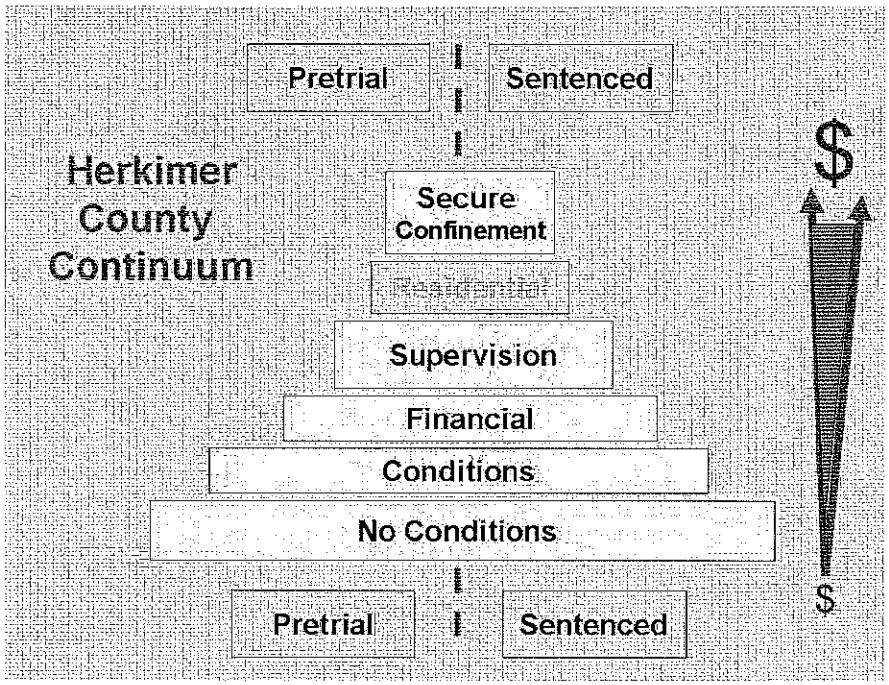
supervised pretrial release is provided by the Probation Department; the Department also provides supervision to offenders who have been sentenced to probation as a sanction.

Figure VII-3: Options and Sanctions at Criminal Justice Process Decision Points



This study did not encompass a criminal justice system review and analysis, but meetings with officials and stakeholders have provided some insights to the local system. Figure VII-4 illustrates the biggest gap in Herkimer County—the lack of residential options.

Figure VII-4: Schematic Diagram of Herkimer County Continuum



The size of each major element of the diagram of the continuum suggests the frequency of use by officials. As options and sanctions become more restrictive, they are usually used with less frequency than elements "lower" on the continuum.

Residential Settings

The Herkimer County criminal justice system is used to operating without residential options and sanctions because of jail crowding. Several key stakeholders expressed strong support for developing residential alternatives that could be used for a variety of purposes, including:

- Alternative to secure confinement
- "Step down" from secure confinement, such as pre-release
- Work-release for defendants and offenders
- "Step up" sanction for offenders who violate probation and conditions of release (in 2010, *all* violators were sent to jail, losing their employment and their ability to pay child support and other obligations)
- Condition of pretrial release for defendants who do not have appropriate housing situations
- Stable housing for offenders involved with treatment programs in the community

The lack of residential alternatives imposes costs on Herkimer County:

- Cost of jail confinement when a less expensive residential setting would be sufficient.
- Lost wages for offenders who are jailed in lieu of a work release alternative (work release offenders pay room and board, family obligations, fines, costs, and restitution as ordered by the court.)
- Lost opportunity to allow some offenders maintain their positive links with the community, making re-entry after confinement more difficult.
- Lost opportunity to link some defendants and offenders to resources in the community which will continue to be available after release.

Recommendation: Arrangements should be made to provide a residential setting for defendants and offenders. These residential beds should not be expected to reduce the need for jail beds.

In Herkimer County, the number of residential beds that are needed is modest. Providing a separate residential setting would prove expensive to operate because of staffing needs and the duplication of support services such as food service. In other states, many jails incorporate a low security work-release/pre-release housing unit in jail plans, often located outside of the security perimeter but still a part of the facility.

Providing residential beds in New York State proves challenging, in part due to the Commission on Correction's interpretation of some jail standards. The consultant met with several Commission staff members to explore this topic. It appears that current Commission policies with regard to low-security beds and staff supervision compel most counties to locate the beds inside the secure perimeter, losing many of the advantages and characteristics of the residential setting.

Recommendation: Herkimer County officials and consultants should work with the Commission on Correction to explore new approaches to the location and staffing of residential settings.

"Enhancements"

Each of the major elements of the continuum may be combined with services, programs or activities. These including:

- Treatment
- Work

For example, as a condition of pretrial release, some defendants are required to participate in substance abuse treatment, counseling or other treatment activities. These treatment services are also used in concert with financial sanctions, supervision, residential settings and secure confinement.

Work Offers Many Opportunities and Benefits

Work is often used as an enhancement for various sentencing sanctions. In Herkimer County, some offenders are sentenced to provide community service labor, sometimes as a condition of probation. The current community service program relies on the host site (non-profits, communities) to provide supervision for the offender, which greatly limits the use of work as an enhancement.

Herkimer County judges used to sentence offenders to jail with the expectation that they be released to go to work every day. But such "work release" options were lost as the jail became more crowded.

Similarly, some Herkimer County offenders were sentenced to jail for weekends, with the requirement that they maintain employment during the week. This option was also lost due to jail crowding.

Every jail uses inmate labor to assist with facility housekeeping and food service. Some jails send supervised crews of inmates into the community to provide services to municipalities and other government entities. For more information on jail work and industry programs, go to the National Jail Work and Industry Center at www.jailwork.com.

Jail crowding in Herkimer County resulted in the diversion of most inmates who would qualify for in-house and external work programs. Inmates in the jail are chronically idle and have few outlets to use their jail time for constructive purposes.

> **Recommendation.** If a new, or expanded jail is developed, officials should consider planning and design features that would facilitate the use of inmate labor in the jail, and the advisability of providing low-security beds for inmate-workers and possibly for work- or pre-release. These design features would also facilitate the provision of programs and services.

Providing storage closets in or near housing dayrooms and multipurpose rooms is an example of a design feature that facilitates inmate work

B. EXISTING ALTERNATIVES

Herkimer County currently operates several programs that function as alternatives to confinement, including:

- Pretrial Supervision
- Community Service
- Electronic Monitoring
- Treatment Court

The New York State Office of Probation and Correctional Alternatives (OPCA) oversees **Alternative to Incarceration (ATI) Programs with the goal of** "continuing to enhance New York State's criminal justice system by providing cost effective programs that reduce unnecessary reliance on local and state incarceration, reduce recidivism, promote public safety and assist individuals to change their lives to become productive

residents of our State." Herkimer County develops and implements an Alternative to Incarceration plan.

The Pretrial Release Program targets pretrial detainees who are housed at the jail, providing screening and assessment to determine eligibility for Release on Recognizance (ROR) or Release Under Supervision (RUS). Eligibility determinations are sent to the appropriate court, and any release from confinement is court ordered. Courts also have the option of releasing pretrial jail detainees on Electronic Monitoring, which allows the offender to be detained at home. For the first three quarters of 2010, 182 detainees were screened and assessed, 49 were released with supervision, and 76 cases had been successfully closed during the nine months. In September 2010, 16 persons were under supervision on an average day.

The Community Service Program provides a sentencing option for criminal courts. Selected offenders are assigned to perform unpaid community work in lieu of incarceration. Offenders are screened for program eligibility and risk to public safety. Community Service may be used as a condition of probation or as a condition of discharge. Each offender performing community service is supervised by the work site. The Probation Department reports to the court and verifies the outcome of the work sentence. Currently, over 30 work sites are being used. Offender supervision is provided by the work site, not by the Probation Department.

Electronic Monitoring (EM) provides an enhanced sanction for sentenced offenders and an alternative to incarceration for selected pretrial defendants. A defendant or offender may be ordered to serve a period of home detention. Pretrial defendants currently comprise more than half of all EM clients. The program has used only GPS monitors since 2008. In a recent quarter, 11 village and town courts used EM in addition to the County Court.

Drug Treatment Court was created in 2003. Individuals convicted of a crime that appears to be due to the offender's alcohol or substance addiction have their sentences suspended while they receive intensive monitoring and assistance from the court. Cases are active for approximately 18 month to two years. A team of professionals from the courts and community agencies work with addicted offenders and provide access to various levels of treatment, intensive monitoring and accountability, and guidance and support.

Substance abuse treatment services are available in the community on a self-pay basis. Officials noted that offenders who are in the community, such as those on EM, may be eligible for Medicare assistance, while the cost of services for jail inmates are born by the county. Mental health services are available at the jail from the point of admission, and in the community.

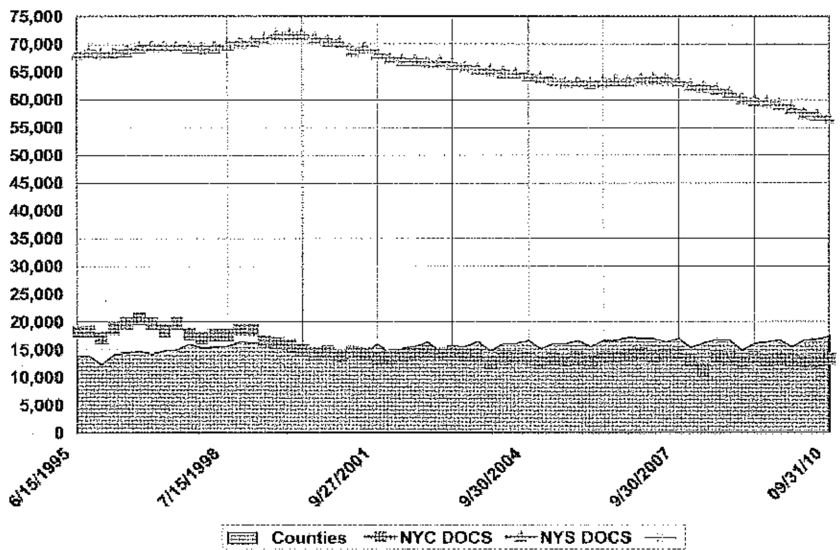
C. MEASURING THE IMPACT OF ALTERNATIVES

Measuring the impact of alternatives is not a precise process. It often involves speculating about what would have happened to a defendant or offender had the alternative not been used. The current methods of calculating "savings" to the system that are generated by program operators should be reviewed to improve the estimation of jail reduction, and calculating the actual savings per day diverted.

Earlier in this report, the changing composition of the jail population was described. The number of sentenced offenders confined in the jail has decreased over the past 10 years. Sentenced offenders now comprise only 42% of the daily jail population, down from 71% in 2000. It is likely that alternatives to confinement programs played a major role in keeping the number of persons sentenced to jail at earlier levels.

Another clue to the impact of alternatives is found in the decline of the Herkimer County jail population since 2004, at the same time that the statewide jail population continued to increase. Figure IV-5 illustrates inmate populations and trends for county jails, the New York City Department of Corrections, and the state correctional system. The continued growth of the statewide jail population is primarily attributed to an increase in pretrial detention.

Figure VII-5: County, NYDOC and State Inmate Populations, 1995 - 2010



Alternatives to incarceration have become an integral part of Herkimer County's criminal justice system. The projected growth of the jail population has been tempered by the impact of these programs. Justifying the cost of these programs is easier when inmates are being housed in other counties. Some counties have found it hard to secure funding for alternatives after a new jail has been opened with sufficient space for all county inmates.

> **Recommendation:** Officials must establish a policy regarding the maintenance of existing alternatives to confinement and the development of additional alternatives (such as residential) *concurrent* with making final decisions about the number and types of jail beds that will be needed. The impact of current and planned alternatives must be factored into final jail bedspace projections.

> **Recommendation:** Concurrent with making plans to improve jail facilities, officials and stakeholders should explore and implement "renovation" of the current criminal justice system and a range of options and sanctions.

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