



Cortland County Sheriff's Advisory Committee

Jail Construction

Report to the Sheriff

May 2006

Advisory Committee Members

**James Cunnigham
Tom Jewett
Scott Ochs
Charles Uttech
Gary Wood**

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Section 1: Summary Report

Historical Perspective

In March 2005, Sheriff Lee Price assembled an advisory committee comprised of members of the community. Participants included professionals, retired criminal justice professionals, academia, and concerned citizens. After several planning meetings, the committee focused its mission on examining the status of the current Cortland County Jail and devising a plan of remedy in relation to crowding and dilapidated conditions. The committee toured the jail, examined its physical structure and blue prints, and conducted several meetings with Sheriff Price, Captain Roy Lewis and Lieutenant Budd Rigg. In addition, one or more members toured other facilities including the Cayuga County Jail and the Tioga County Jail. Data was gathered and examined and arrest, conviction and sentencing trends were analyzed.

All sources, NIC, New York State Comptroller's Office, and local officials agree that the Cortland County Jail remains in a state of continual crowding. The jail has been granted variances to accommodate additional prisoners; however, variances should be viewed as temporary alleviation rather than long-term solutions. Variances are always hinged on special conditions and may be revoked at any time when an infraction occurs. For instance, in early April 2006, the Commission limited use of the holding cells for housing inmates. Single occupants may be housed for up to 12 hours in a holding cell while multi-occupants may be housed for just 4 hours in a holding cell. Jail Division administrative staff report that this will create an increased need to board out prisoners, especially females and 16-18 year old minors. This will most commonly occur on weekends and nights. These processes increase direct and indirect costs associated with boarding out: fees to other counties for the housing and increased salary and transportation costs for the transports.

In addition, unpredictable influxes of offenders, e.g. drug sweeps, regional stings or operations, affect the jail's ability to continue to comply with the Commission of Corrections variances. Our proximity to Interstate 81 and recent increases in drug arrests create a constant challenge for local corrections officials.

Synopsis

The current jail was completed in 1990 and is designed to house 59 inmates. Variances have been granted by the New York State Commission of Corrections allowing capacity to expand by an additional 15 inmates because the jail population has increased beyond design capacity (Audit 2003). In actuality, the jail facility has been crowded for an extensive period (NIC 2004). The jail's statistics corroborate the findings established by outside agencies (Jail Division 2004). Extensive review of the NIC report, the New York State Comptroller's 2003 Audit and Jail Division reports concur that crowding is a continual problem. Arrest, court processing, conviction and sentencing data all indicate that this is likely to continue. For example, Division of Criminal Justice figures for Cortland County indicate increases in certain categories of crimes that are more likely to receive incarcerative sentences upon conviction and that are more likely to receive pretrial detention. In 2004, Cortland City Police observed an increase in aggravated assaults while SUNY Police saw dramatic increases in burglaries, larcenies and related property crimes. (DCJS 2004). The State Police experienced increases in reported burglaries while the Sheriff's Department witnessed increases in other felony property crimes (DCJS 2004).

Although there has been an overall trend of decreased index crimes – robbery, murder, forcible rape, aggravated assault, automobile grand theft, arson, burglary, felony larceny – in the last 5 years, prosecutions and convictions for crimes in Cortland County increased from 2000 to 2003 and then again in 2004. The NIC report confirms increased jail usage.

Crowded conditions lead to a myriad of problems in addition to the obvious budgetary demands for staff, transportation and related services. Crowded jail populations increase the demand for services and also increase rates of deterioration in a facility. Rates of violence and suicide may also increase (Wooldridge and Winfree 1992). A tour of the physical facility revealed an over taxed infrastructure. Plumbing fixtures are nearly impossible to access and not designed for the larger population. HVAC units have been updated and will need additional service and upgrades to meet the demands of the facility and to ensure compliance with New York Commission of Corrections regulations. The continued stress placed upon this system by an over populated jail will only exacerbate the situation.

Remedial Action

~ COST FOR PIPE REPAIR

Staffing

Action must be taken to remedy this situation in order to avoid continued unnecessary expenditures and especially to prevent a catastrophic event. The Jail Division is not adequately staffed. During our initial tour in 2005, 64 inmates were present and only seven corrections officers were on duty. It is our understanding that some must also remain in fixed posts thereby limiting mobility and response to situations. This presents danger for staff as well as inmates and creates a dangerous and potentially litigious situation for the employees, the county and the taxpayers.

Physical Structure

The current facility has outgrown its design as noted and corroborated in this report by the numerous groups who have examined our jail – NIC, the New York State Comptroller's Office and the Commission of Corrections to just name a few. The staff and we cannot control inmates' rights and mandated services as promulgated by the courts and the Commission of Corrections. At his point, we can only respond and ensure compliance and safety for all involved. A new facility is needed and according to current jail research linear design should be excluded from any proposals.

It is impractical to build atop the current structure. The Commission of Corrections will most likely require all inmates to be housed elsewhere during such construction. This creates undue burdens and costs upon the department and taxpayers. It also creates logistical problems for the courts, prosecutors and legal counsel. In addition it places burdens upon inmates and their families. We must bear in mind that our jail predominantly houses pretrial and unsentenced inmates (NIC, 2004 and Annual Report, 2004). These offenders are guaranteed more constitutional rights than convicted and sentenced persons. There is also concern that such construction would only serve to further deteriorate an already overburdened and under-designed infrastructure.

Howson & Partners

Another proposal under consideration is to expand at the local site. Although this will improve problems related to crowding, one must examine the logic of locating any new correctional facility in an urban center. **Current trends in jail and prison construction reveal that facilities are not and should not be centrally located in urban areas.** Although such locations may create convenience for some, containment of incarceration related problems and future expansion are more conducive to areas located outside the nexus of an urban hub. Recent examples may be seen in Tioga, Broome, and Cayuga Counties and through out the country. Such a facility is also more conducive to a central booking option for the county. Central booking alleviates the necessity of an arresting officer having to remain with and process a prisoner. Returning the officer to the street as quickly as possible is more cost effective and enhances public safety. If the current facility is used for central booking, it is imperative that secure, drive-in ports or sallies be established for agencies to deliver offenders. Expanded construction on the current site must take this into consideration. Parking availability for police agencies, visitors and staff is naturally enhanced by design at any newly constructed facility. In addition, a new site affords opportunity for future expansion, an inevitable occurrence, and additional cells create a greater likelihood of boarding-in capabilities.

The committee met with two architectural firms, SMRT Architects and Engineers and LaBella Associates, to discuss design models. The presentations included information in relation to one floor and multi-floor plans, modular and pod designs and pre-fabricated structures. Pre-fabricated structures allow for easy expansion.

Jail Services

A number of services for inmates already exist. For example, Mental Health provides onsite counseling, a Jail Ministry program exists and Pretrial Services, a subdivision of the Probation Department, regularly screens the pretrial population for appropriate candidates. Recent quarterly statistics revealed that 47% (37/79) of those screened for release were interviewed, and of those interviewed, 81% (30/37) were released under supervision (Caflin, 2005). It is important to note that the jail primarily operates as a facility for unsentenced rather than sentenced inmates (NIC, 2004). In other words, it is utilized more for detention than punishment. Jail statistics from 2004 also support this trend (Annual Report, 2004). **Although alternative sentencing options remain important, it is logical to deduce that pretrial services and related initiatives present a higher immediate priority than new alternative sanctions.** Whether utilization of such services is maximized is unknown at this time and is not under the purview of this advisory committee. The Alternatives to Incarceration Program also has a community service component that focuses on sentenced offenders. In addition, NIC (2204) speaks highly of current Probation Department services.

Section 2: New Initiatives and their Impacts

Electronic Monitoring

Cortland County has implemented an electronic monitoring initiative. Words of caution are offered here. Research indicates that electronic monitoring programs have no significant impact on savings and incarceration rates. (NIJ 2000). Extensive research completed by the Justice Department indicated the following:

“The evaluation evidence concerning intermediate sanctions has been less reassuring. Major evaluations of boot camps, intensive-supervision probation, community service, house arrest, and work-release programs show that many new programs do not achieve reductions in recidivism, corrections costs, or prison use. These results occur in part because of two common program characteristics: high failure rates for technical violations and high rates of net widening, that is, sentencing offenders who would otherwise have received less punitive probation sentences to new intensive programs.” (Tonry, 1997).

Any successful endeavors must address net widening and are labor intensive.

Drug Court

Research supports the success of drug court initiatives and Cortland has developed two models: one based in City Court and one in Family Court. We anticipate that the City Drug Court will impact jail processes and the jail census. Historically, drug courts utilize intermittent incarceration as a sanction used in conjunction with the treatment process. This is understandable; however, intermittent sentences clearly impact jail processes and often lead to the need to board out inmates. A larger facility will help alleviate this problem.

Predicting Jail Trends

Predicting any jail population is an extremely difficult task. Numerous uncontrollable factors influence trends. These include but are not limited to: crime rates, sentencing practices and judicial policies, social factors such as unemployment, drug and alcohol use, political ventures – e.g. decreased use of parole violations and deinstitutionalization of state facilities, other criminal justice agency practices, prosecutorial priorities and availability of defense counsel. Research and practices tell us there is no simple relationship between crime rate and incarceration rates (Vose v. Inmates of the Suffolk County Jail, et al, 1990) In an analysis of sentencing trends from 1980 – 1996, **criminological researchers** Blumstein and Beck (2001) **noted nationwide that 88% of incarceration increases were due to systemic practices and policies rather than increased crime.** (MacKenzie, 2001). Furthermore, factors such as increased numbers of probation officers, increased drug arrests, changing judicial policies and population fluctuations all influence incarceration rates (Crowell, 2002).

Most sources agree, the illegal drug trade, increased abuse and the illegal sale or misuse of prescribed medications such as Oxycontin, and increased manufacture and distribution of methamphetamine are leading contributing factors that will influence incarceration rates. Local and national incarceration rates further indicate increasing numbers of incarcerated females. The current Cortland County Jail structure is not prepared to handle this influx, especially increases in female detainees.

Although current crime and social trends indicate that jail populations will rise in the next ten years, accurate predictability is difficult.

Any agency or company that attempts to engage in a predictability and needs assessment plan for Cortland County must take all these aforementioned factors into consideration.

Section 3: Recommendations

It is respectfully recommended that the Cortland County Sheriff's Department develop a proposal for a new jail structure and that the new structure be located outside the confines of the urban center of Cortland for the following reasons.

1. Predicted increases in local incarcerations rates
2. Current crime trends and arrest rates
3. Current criminal justice practices
4. New initiatives and patterns in the criminal justice system
5. Social conditions, such as unemployment, that impact arrest and incarceration rates are not dramatically improving.
6. Projected illegal drug use trends
7. Increase in out of county residents committing crime in Cortland County
8. Dilapidated conditions of the current jail
9. Crowding and unsafe conditions and the deteriorating physical structure at the current jail
10. Practices and policies of the NYS Commission of Correction in relations to conditions and emergency variances at the current jail
11. A new structure outside the urban hub allows expandability for the future and allows for countywide collaboration such a central booking.
12. There is potential for boarding-in revenue with a new facility; however, we must remember that accurately predicting incarceration rates is impossible. Thus, this must not be presented as a primary reason for new construction.
13. Data presented in this report support the need for a new facility.

Respectfully submitted,

Advisory Committee for the Sheriff

James Cunnigham
 Tom Jewett
 Scott Ochs
 Charles Uttech
 Gary Wood

Section 4: REFEERENCES

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Section 5: Appendix

LEE A. PRICE
Sheriff

HERBERT M. BARNHART
Undersheriff

TONI M. SEAMANS
Confidential Secretary



To: Lee A. Price, Sheriff
From: Toni M. Seamans, Confidential Secretary *TMS*
Date: January 9, 2008
Re: Cost for Boarding Inmates

Per Legislator Tom Williams request in "Information for the past 5 years" section 2 (a) – Cost for boarding out all prisoners I calculate the following (I added a couple of extra years, as well):

<u>Year</u>	<u>Cost</u>
2007	\$ 55,660.
2006	\$237,460.
2005	\$113,165.
2004	\$ 12,506.
2003	\$149,160.
2002	\$ 87,225.
2001	\$ 54,812.

\$709,988. Total Expense (7 years)

I would also like to bring to your attention an additional item that is not asked for, but I think bears importance and would be of interest to the committee. I'm speaking of the amount of revenue that was generated when we first opened the "new" jail and had cells that we could board "in" for other counties. The following is a list of such:

<u>Year</u>	<u>Revenue Received</u>
1990	\$225,090.
1991	\$441,745.
1992	\$284,105.
1993	\$170,000.
1994	\$219,480.
1995	\$ 59,640.
1996	\$ 3,280.
1997	\$ 47,300.
1998	\$ 42,615.
1999	\$ 8,890.

\$1,502,145. Total Revenues Received (10 years)

I. Boarding Costs

Jail Boarding Costs

2000.	\$ 43,706.00
2001.	\$ 120,330.00
2002.	\$ 220,246.00
2003.	\$ 257,515.00
2004.	\$ 280,937.00
2005.	\$ 225,102.00
2006.	\$ 50,356.00 (1 st Quarter Jan-March 2006)

- ✕ • Cost includes boarding rates at other facilities, transport costs, other medical costs.
- If extra staffing @ housing facility is needed, Cortland County pays.

Boarding-in Revenue

1990 - 1996 \$1,400,000 +

From 1997-1999, Cortland County boarded-in and boarded-out inmates. The costs offset. (+ \$100,000 in / -\$100,000.00 out). This is no longer true since boarding-in no longer occurs.

Boarding-out costs

From 2000 to the 1st quarter of 2006 approximately \$1,200,000.00 was paid due to boarding-out costs.

II. Demographics – Recent Trends

The following charts indicate recent trends for inmates place of birth and gender.

★ Inmates POB (2005 Incarcerated stats.)

Cortland Area	620	(78%)
Outside Urban Areas (eg. Rochester , Syracuse , NYC , etc..)	162	(20%)
Foreign Born	<u>11</u>	(2%)
Total	793	(100%)

FEMALE Populations (Average Daily Population)

1992 -	.05
1995 -	1
1998 -	2
2002 -	4
2005 -	7