

NYAPSA NEWS

*A Publication of the New York Association of Pretrial Services Agencies
Established in 1976*

PRESIDENT’S LETTER

by Craig McNair

The NYAPSA Board has been busy working on a variety of activities. 2015 will certainly be an exciting year. We welcome two new board members and look forward to their input and contributions to the organization.

Previously I announced that NYAPSA, in conjunction with the NYC Criminal Justice Agency (CJA), received a technical assistance grant by the Bureau of Justice Assistance, who then contracted with the Crime and Justice Institute (CJI) to look at the state of pretrial in NY. NYAPSA and CJA partnered with the New York State Office of Probation and Correctional Alternatives (OPCA), with the aid of CJI, to create and administer a state-wide survey on pretrial release practice.

Our goal is to gather and analyze the survey results to provide a roadmap for future discussion as well as technical assistance opportunities. Thank you to those who participated in the survey, your input is invaluable.

Results were posted on our web site and sent to various officials across the state including survey takers.

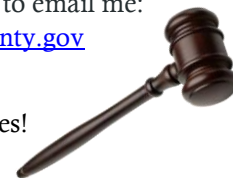
This has been an exciting project, and one that will ultimately guide NYAPSA in assisting jurisdictions throughout the state and help to ensure continued pretrial training and best practices.

Our Board has begun working on our next statewide conference. The conference will be held October 18 - October 19th, 2015 in Troy, New York. We are very excited and believe this will be a wonderful opportunity for pretrial professionals to gather, network, share ideas and plan for the future of pretrial in our state.

Please watch for registration materials or check our web page as we will post more information as it becomes available. I encourage all of you to attend.

Please visit our website often as we continue to update it. If you have questions or need anything please do not hesitate to email me: cmcnair@monroecounty.gov

Thanks and best wishes!



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MacArthur Foundation Announces New Safety and Justice Challenge

The MacArthur Foundation announced a five-year, \$75 million investment that seeks to reduce over-incarceration by changing the way America thinks about and uses jails. This is a great opportunity, and we encourage you to apply.

The core of the Safety and Justice Challenge is a competition that will fund 20 jurisdictions to reduce incarceration and improve the functionality of their local criminal justice systems.

The Challenge is looking to improve local criminal justice systems across the country and safely reduce jail incarceration - with a particular focus on addressing disproportionate impact on low-income individuals and communities of color. Selected sites will reveal new and improved: risk assessment (to determine if confinement is really necessary), public safety returns, social outcomes, and ways of targeting resources.

The competition will unfold in two phases: In May 2015, up to 20 jurisdictions will receive a grant of \$150,000 to support an intensive six-month planning process, during which they will rigorously examine how their jails are being used and what strategies will reduce the inappropriate use of jail without compromising public safety. Each site will produce a plan for implementing these reforms.

Then, beginning in 2016, as many as 10 of these jurisdictions will be selected for a second round of funding of up to \$2 million to support implementation of their jail reduction plans.

You can find more information about the Safety and Justice Challenge, including the competition's request for proposals and instructions on how to apply, at:

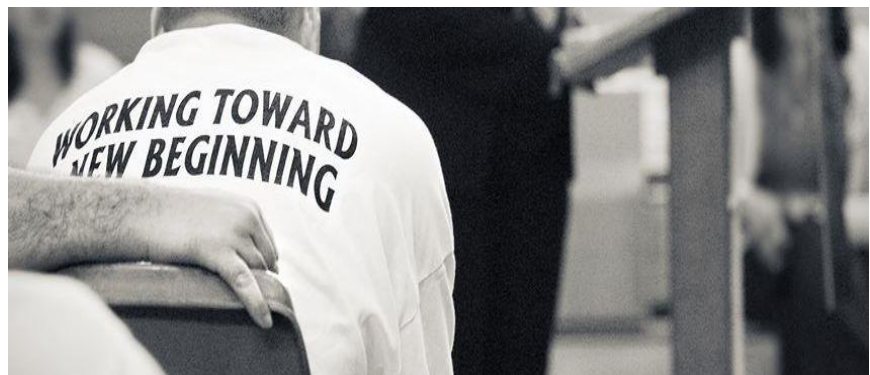
www.safetyandjusticechallenge.org

NYAPSA NEWS is published annually.

Articles for submission relating to pretrial release and diversion in New York State are always welcome.

E-mail your article along with your full name, title, and organization to:

Aida Tejaratchi
 NYAPSA NEWS Editor
 c/o CJA
 52 Duane Street, 3rd Floor
 New York, New York 10007



NYAPSA would like to know your email address for future correspondence!
 You can email it to us at: yreece@nycja.org

Monroe County's Response to Human Trafficking

by Charlene Leistman

In collaboration with our justice system partners, NY Chief Judge Lippman officially announced the Human Trafficking Intervention Initiative, a response to the problem of human trafficking in New York State. His expectation is that "The Human Trafficking Courts, in urban, suburban, and rural areas throughout the state, will identify appropriate defendants charged with prostitution and related offenses and provide linkages to services that will assist them in pursuing productive lives rather than sending them right back into the grip of their abusers."

In response, Monroe County Pre-Trial Services Corporation began accepting clients from Rochester City Court's Human Trafficking Part (HTP). Our Diversion program is working closely with community agencies and the HTP advisory board to develop service plans and protocols for this population. Currently, persons charged with prostitution or loitering for the purposes of

prostitution are arraigned in the HTP. They are released to our Release Under Supervision (RUS) Program until they complete a Diversion intake, usually within the week. While under RUS, the clients must report daily. Two Diversion Counselors, Jenny Kimmel and Cathy Lucisano, are developing an intake format so clients transition smoothly from RUS to Diversion. Information is gathered over time to avoid re-traumatizing victims, and goals are set with input from the client. Together with the RUS case managers, Ms. Kimmel and Ms. Lucisano facilitate a weekly support group that focuses on making clients feel safe, welcome, and free to share with each other.

Over 120 clients have been enrolled in the program since July 2013. We are proud to say that we are already seeing an impact through reduced system contacts and a lower bench warrant rate.

JOIN NYAPSA!

The New York Association of Pretrial Service Agencies (NYAPSA) is an organization of professionals who are dedicated to the advancement of pretrial release services and community-based, non-incarcerative alternatives for the disposition of criminal cases. Through its statewide Board of Directors, NYAPSA provides advocacy and education, hosts an annual conference on pretrial and alternatives to detention and incarceration issues, and releases an annual newsletter.

If you know someone who is interested in pretrial, diversion, and alternatives to incarceration and community corrections, who would like to become a NYAPSA member, or to renew your membership, please fill-out the information below:

Name _____ Title _____
 Agency Address _____
 Phone _____ E-mail _____

Annual NYAPSA Membership Dues:
 \$25 individual

Make check payable to the **New York Association of Pretrial Service Agencies** and mail with this form to:

Aida Tejaratchi
NYAPSA Treasurer
 c/o NYC Criminal Justice Agency
 52 Duane Street, 3rd floor
 New York, New York 10007

SPECIAL OFFER TO NYAPSA MEMBERS:

Since **NYAPSA** is an Affiliate member of the National Association of Pretrial Services Agencies (NAPSA), as a **NYAPSA** member you are eligible to join NAPSA at a special annual "affiliate" membership rate of \$50.00 -- that's \$25.00 off of their full membership! (The only difference in memberships is that you cannot vote or hold a position on NAPSA's Board.) **NYAPSA** members are also entitled to a discounted registration fee for NAPSA's Annual Conference and Training Institute. For more information regarding this special offer, **NYAPSA** members should contact NAPSA's Affiliate Director at affiliate@napsa.org.

Dutchess County Pretrial Innovations: Project MORE's Women's Center and Pretrial Inventory of Need Gender Informed Pretrial Pilot

by Jonathan Heller

Dutchess County has embarked on two innovations in Pretrial Services specifically addressing the needs of pretrial women offenders.

The Office of Probation and Community Corrections has partnered with Project MORE of New Haven, Connecticut to open a Women's Center. This program provides services specifically geared towards female offenders and their unique needs. Opened with the assistance of an ATI grant from DCJS, the program offers a variety of services including case management, cognitive behavioral intervention and employment services. Individual needs of the clients are met with services such as nutritional programs, parenting programs, and a variety of pro-social activities (journaling, book club and others). Transportation is provided to and from the center as well as to outside appointments and court appearances. Case management services are based on the National Institute of Corrections Case Management Model. Staff are trained and certified in the Moral Reconciliation Therapy (MRT) and are Offender Workforce Development (OWDS) certified.

Additionally, Dutchess County has been awarded a technical assistance grant from the National Resource Center for Justice Involved Women (NRCJIW) and the Center for Effective Public Policy. The NRCJIW is funded by the U.S. Department of Justice, Office of Justice Programs and Bureau of Justice Assistance, in partnership with the National Institute of Corrections. It is administered by the Center for Effective Public Policy. We are one of two grant recipients, and are working in tandem with the City of Milwaukee.

The Pretrial Pilot Initiative, the core of the grant, is an effort to identify how evidence-based, gender-responsive practices can be helpful in achieving better pretrial outcomes for defendants. Over the course of the past year, Dutchess County Pretrial Services staff has been working with the NRCJIW and the Universities of Cincinnati and Houston, in the development of a gender-specific needs assessment for pretrial defendants. This preliminary work led to the development of the Pretrial Inventory of Need (ION). The ION was refined and is currently being piloted with our pretrial female defendants. Administration of the tool involves a non-

confrontational motivational 'conversation' in order to quantify criminogenic needs of the defendant and prioritize the needs in a matrix. Noteworthy is that initial observations from the staff indicated that the criminal charges are not always indicative of primary need: many defendants, for example, charged with substance-abuse related offenses have shown unresolved issues surrounding previous trauma, such as childhood abuse or sexual abuse. An associated database has been developed and all of the data will be analyzed by faculty at the University of Cincinnati and the University of Houston. Outcome data around re-arrest is also being collected. The goal is to provide a universal gender-specific needs assessment instrument for the pretrial population.



The State of Pretrial Practice in New York State

by Peter Kiers

On December 2, 2014, OPCA convened a meeting of Pretrial program representatives from around the state to discuss pretrial issues, data, and practices as they currently exist in New York. A presentation by David Parella of *The Crime and Justice Institute (CJI) at Community Resources for Justice* was a highlight of that meeting. Mr. Parella discussed a recent federal grant from the Bureau of Justice Assistance (BJA) that was awarded to NYAPSA and its partner, The New York City Criminal Justice Agency (CJA), to assess the present New York State Pretrial Service Utilization and Practices.

The grant was awarded to CJI to determine the status of pretrial practices within the state, and to create a plan to ensure that all pretrial service agencies are following the best practices and standards of National Association of Pretrial Service Agencies (NAPSA), and Office of Probation and Correctional Alternatives (OPCA.) The following concepts for doing a state-wide pretrial survey were adopted:

- Identify the level of compliance with standards
- Present findings at regional focus groups
- Identify the challenges and barriers to adhering to standards
- Aggregate findings into an implementation plan

The survey sought to determine the degree to which pretrial programs, on a statewide basis, are assisting courts in making release decisions by:

- Helping to reduce unnecessary pretrial detention
- Assisting the court to maximize the number of defendants released under non-financial conditions
- Ensuring speedy release from custody/detention
- Recommending the least restrictive conditions to ensure court appearance
- Helping to minimize failures to appear
- Helping to reduce costs of pretrial detention incurred by the community

CJI in cooperation with NYAPSA, CJA, and OPCA developed a survey that captures pretrial service practices for all pretrial agencies. The 88-question survey was disseminated on June 26, 2013 to all Probation-Department¹ and Community-based Pretrial Release Program Directors including seven counties without a pretrial services program. Ninety-eight percent (98%) of New York State Counties (61/62) responded to the survey with 5 counties not completing the survey. Ninety-two percent (92%) used data from 2012.²

Important Key Elements of the current OPCA Pretrial Release Standards (2007) were used as a benchmark to measure program use of best pretrial practices. Below are the type of services provided, and the number of programs that provided them from the 51 programs polled.

¹ NYC Department of Probation was not part of the survey since NYC CJA provides pretrial services for the city.

² The five counties of New York City were combined into one jurisdiction for the purposes of the survey.

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Number of Pretrial Programs	
Attempt to verify information provided by defendant	51
Check criminal history	49
Provide supervision	48
Provide information to the court on detainees	46
Administer screening tool or risk assessment	45
Screen defendants post arraignment	44
Provide referrals for community programs	43
Recommend release conditions	41
Screen defendants prior to first appearance	32
Issue court date reminders	29
Provide courtesy supervision for counties/states	27
Conduct follow-up reviews for def. not released	19
Administer needs assessment instrument(s)	11

The Best Practices to ensure implementation of the following key elements, as defined in the standards, were examined:

- Key Element:** Interview all detainees over whom the court has jurisdiction to set conditions of release or detention and communicate accurate and objective information to the court at first appearance.

 - Only 12 jurisdictions (24%) interview the majority of defendants prior to arraignment, although 43 jurisdictions (84%) responded that universal screening was a “goal” for their program.
- Key Element:** Policies and procedures should support the presumption of release on personal recognizance, or the least restrictive conditions, and/or options to provide reasonable assurance that the defendant will appear as required by the court and will reasonably assure the safety of the community (if provided for by statute).

 - 80% agree that their jurisdictions support the presumption of release on personal recognizance, and use the least restrictive conditions that will allow reasonable assurance of court appearance.

	Not at all	24% or less	25% - 49%	50% - 74%	75% or more
Release on own recognizance (N=47)	7	16	16	7	1
Financial Release (N=46)	9	23	8	6	-
Pretrial Supervision (N=47)	-	19	8	9	11
Financial and Supervision (N=45)	25	14	3	1	2
Other (N=19)	19	-	-	-	-

- Key Element:** Employ a risk assessment scheme to generate recommendations for release or detention regarding defendants which utilizes locally researched content and is applied equally and fairly.

 - 78% of respondents use a pretrial risk assessment tool, but most do not have a plan to validate it in the near future.

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4. **Key Element:** *The Pretrial Release Program should monitor the jail population and revisit its recommendations if defendants remain detained and/or there is a change in circumstances.*
 - 47% of respondents report that a pretrial interview never takes place before arraignment, and
 - If a defendant is not released at first appearance, only 16 out of 51 jurisdictions conduct follow-up reviews.
5. **Key Element:** *Recommendations for supervision conditions should be individually tailored to meet the assessed needs of each defendant. Any condition recommended should address the particular risk of misconduct or failure to appear presented.*
 - 38 (75%) say recommended release conditions are individually tailored to meet assessed needs.
6. **Key Element:** *Monitor adherence to the release conditions, appearance in court and any arrests for other charges for all defendants under supervision. Provide notification to defendants of upcoming court dates.*
 - 48 of the 51 programs monitor adherence to release conditions.
 - 28 programs do reminder notifications for upcoming court dates using phone and/or letters.

Other Key elements included: dealing properly with violations, organizational structure, collaboration within the Criminal Justice System, and confidentiality.

Where do we go from here?

Three focus groups of pretrial professionals were formed around the state and a final meeting of the steering committee produced the following goals going forward:

Goal #1: Communicate with stakeholders concerning pretrial services survey and lay the foundation to support establishment of a New York State commission on pretrial justice.

This will entail promotion of pretrial, identification of key state stakeholders and policy makers, and requesting support in various forms for the expansion of pretrial. NYAPSA working with OPCA will be key in fashioning the agenda.

Goal #2: Increase awareness of New York State pretrial release services standards and best practices.

This will entail a program of Professional Development, Education, Outreach, Promotion, and Partnering with State OPCA, PJI, and NAPSA.

Goal #3: Find resources to support efforts to increase awareness of pretrial release services standards and universal implementation within the state.

Attempts will be made to acquire funding through possible grant applications with BJA and NIC and possible state resources.

Special thanks to the following practitioners for their hours of involvement in shepherding the process:

Yvonne Behan, ATI/Re-entry Manager for the OPCA

Lisa Brooks, Senior Associate for CJI

Barbara Darbey, Former Executive Director of Monroe County Pretrial Services

Peter Kiers, Director of Operations of CJA

Charlene Leistman, Deputy Director for Monroe County Pretrial Services

Robert Maccarone, Deputy Commissioner and Director of OPCA

Jerry McElroy, Executive Director of CJA

Craig McNair, Executive Director of Monroe County Pretrial Services

Judy Sachwald, Network Consultant for CJI

For further information regarding the full survey go to www.nyapsa.org.

To become part of planning and training please call Craig McNair at 585-454-4411 (x3006).

Washington County Alternative Sentencing/Youth Bureau Agency - Opiate Diversion

by Sue Mowrey

Hello, my name is Sue Mowrey. I was recently appointed as the Region IV Director for NYAPSA and I look forward to representing the dedicated pretrial practitioners and programs in Region IV.

I currently hold the position of Assistant Director for Washington County Alternative Sentencing/Youth Bureau Agency in Fort Edward, New York. I began my journey in the criminal justice field in 1995, when I joined AmeriCorps and worked at Alternative Sentencing as the Day Reporting and Juvenile Community Restoration Aide. I was hired by the County in 1998 and have held the positions of the Day Reporting Program Coordinator, the Juvenile Community Restoration Program Coordinator, the Substance Abuse Services Assistant and Assistant Director. Our core programs were designed using the restorative justice model and the balanced approach, which appealed to my belief that offenders have the obligation to repair the harm they caused and have the ability to make positive life changes.

Our agency has evolved over the years and now has 10 programs designed to help defendants/offenders build competency while being held accountable for their actions. These programs include: Community Service; Drug/Alcohol Services; Day Reporting; Pretrial Services; Juvenile Community Restoration; Opportunity Project; Alive @ 25; Values Improvement; Distracted Drivers and our new addition Opiate Diversion.

In response to the growing population of defendants/offenders who use heroin, Washington County Alternative Sentencing and our District Attorney have developed a pretrial diversion program that addresses the risk/needs specific to opiate abuse.

Defendants are referred to the Opiate Diversion Program by the District Attorney's office, or identified as a candidate for the program during a pretrial interview at the jail. Most defendants are charged with misdemeanors, released under supervision to Alternative Sentencing to participate in the program, and are released prior to a plea agreement being reached. Participants are required to immediately engage in treatment, attend self-help, check in daily, case conference weekly, and submit to random drug testing. Additionally, defendants may be required to attend programs or classes based on their presenting problem and risk need assessment (COMPAS full assessment).

Programs may include any or all of the following; Thinking for a Change; Parenting; Mental Health; Anger Management; Day Reporting; Opportunity Project etc. Progress is monitored and reported to the referral source and the disposition of the case is directly related to the defendant's progress. Although this program is similar to our Day Reporting Program, its main purpose is to actively help opiate abusers gain and maintain sober living.

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SAVE THE DATE!

The New York Association of Pretrial Service Agencies has
set the dates for a 2015 conference!

Please mark your calendar:

Sunday, October 18

through

Monday, October 19

At the Hilton Garden Inn - Troy, New York

More information will be available this summer.

We look forward to seeing you there!

NYAPSA NEWS

NEW YORK ASSOCIATION OF PRETRIAL SERVICE AGENCIES

c/o CJA

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