

**Division of Criminal Justice Services**

# **Criminal Justice Annual Report**



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## **Executive Law Article 13-A Alternatives to Incarceration 2013 Annual Report**

Executive Law Article 13-A §267 requires the Division of Criminal Justice Services to report on county planning and programming efforts regarding alternative to incarceration services. This report complies with that reporting requirement. Criminal justice statistical and research reports, including this one, are available on the DCJS website <http://www.criminaljustice.ny.gov/crimnet/pubs.htm>.

New York Executive Law Article 13-A, enacted in 1984, requires that counties submit an Alternative to Incarceration (ATI) Service Plan for Classification Funding to New York State. The Plan is designed to identify and provide eligible ATI programs as determined by either an advisory board established pursuant to this article, or by an existing criminal justice coordinating council.

The annual ATI Service Plan provides counties the opportunity to examine their criminal justice and jail populations and to conduct planning for effective ATI programs that reduce unnecessary reliance on incarceration. Upon approval of the Plan, state funding (requires 50% match) is provided for such ATI programs, as well as the authority for the continued use of reduced classification at their county's jail facility.

Pursuant to Section 267, the NYS Division of Criminal Justice Services (DCJS) shall submit its evaluation and assessment of ATI planning and programming efforts by the counties. Such report shall include, but not be limited to, the status of the development of such plans, the approval and implementation of such plans, the success of the programs in terms of their utilization, effect on jail population, results of the analyses provided counties and the city of New York on the relationship between alcohol, drugs and crime, and the success of the eligible alcohol and substance abuse programs and sentencing decisions; together with any recommendations with respect to the proper operation or improvement of planning and implementation of effective alternatives to detention and alternatives to incarceration programs in counties.

### **Development of ATI Service Plans**

All counties and the City of New York, with the exception of Hamilton County, submitted an ATI Service Plan Application to DCJS for State FY 2013/14. A total of 56 ATI Service Plan Applications were received. Counties were asked to analyze their jail populations as well as the relationship between substance use and abuse and incarceration practices. Their analysis is to be used to inform the types and nature of programming to be included in the plan when supporting the funds for one or more of the following program model options:

- Pretrial Services
- Defender-Based Advocacy Services
- Community Service
- Specialized and Drug/Alcohol Services
- Treatment Alternatives for Safer Communities (TASC)

Counties responded as follows pertaining to the planning and development of their ATI Service Plans and Advisory Board activities (see Table 1 below):

- 83% (or 45 out of 54 counties) reported that they had analyzed the county’s jail population to determine incarceration practices and trends.
- 81% (or 44 out of 54 counties) reported that they had analyzed the relationship between alcohol, drugs and crime and the effects of alcohol and substance abuse on the local criminal justice system and jail, probation and alternatives to incarceration populations.
- 87% (or 47 out of 54 counties) reported that they had met to review the Annual Service Plans before they were approved and submitted to NYS DCJS OPCA.
- 51% (or 27 out of 53counties) reported that they had met to review the ATI programs’ Quarterly Reports and Tracking Logs prior to their submission to NYS DCJS OPCA.

**Table 1  
Advisory Board Activities**

	Counties Reporting	Does your Advisory Board analyze or review the following?			
		Incarceration Practices and Trends	Relationship between Substance Abuse and Crime	Annual Service Plans before Submission	Quarterly Reports and Logs before Submission
Total Reporting	54	45 - Yes	44- Yes	47 - Yes	27
Percent of Total		83%	81%	87%	51%

## Approval and Implementation of ATI Service Plans

ATI Service Plan Applications were provided to all counties in March 2013 and to New York City in April 2013. ATI Service Plan Applications describing the ATI programs to be delivered were reviewed and approved by the DCJS Office of Probation and Correctional Alternatives by September 2013. A total of \$5,318,310 in funding for such programs was continued through renewal contracts effective July 1, 2013. All ATI contracts are performance-based contracts. Annual submission of the ATI Service Plan to DCJS requires an internal review by DCJS of contractual milestone targets and program performance.

## Program Utilization

Tables 2 through 6 provide information about the numbers of persons served by the various ATI program models funded by DCJS from January 1, 2013 through December 31, 2013. These numbers represent the State’s payment made pursuant to performance based contracts and may not represent the total number of participants served by such programs and funded primarily by localities.

Pretrial Services Programs (44) report 29,672 releases with an overall Failure to Appear Rate of 2.6%.

**Table 2  
Pretrial Services Program Utilization 2013**

	Number Screened	Number Interviewed	Total Number Released	Percent Released	Administrative Discharges	Total Number Under Pretrial Release*	Persons FTA	FTA Rate
Total	92,547	58,953	29,672	50.3%	227	48,445	1,272	3%

\*This number includes those under supervision from previous year.

Defender-Based Advocacy Programs (11) prepared 2,334 individualized client-specific plans and 2,156 were accepted by courts or other releasing authorities.

**Table 3  
Defender-Based Advocacy Program Utilization 2013**

	Number Prepared	Number Accepted	Percent Accepted
Total	2,334	2,156	92%

Community Service Programs (40) report that 84% of participants successfully complete the service.

**Table 4  
Community Service Program Utilization 2013**

	Number Placed	Satisfactory Completions	Unsatisfactory Terminations	Administrative Discharges	Completion Rate
Total	9,518	6,164	1,144	184	84%

Specialized and Drug/Alcohol Service Programs (43) report 9,181 individuals placed in programs and 74% completing.

**Table 5  
Specialized and Drug/Alcohol Service Program Utilization 2013**

	Number Assessed	Number Placed	Satisfactory Completions	Unsatisfactory Terminations	Administrative Discharges	Completion Rate
Total	11,954	9,181	5,219	1,830	133	74%

Treatment Alternatives for Safer Communities (TASC) Model Programs (13) report 5,241 placements and 5,049 successful completions.

**Table 6  
Treatment Alternatives for Safer Communities Program Utilization 2013**

	Number Assessed	Number Placed	Satisfactory Completions	Unsatisfactory Terminations	Administrative Discharges	Completion Rate
Total	5,525	5,241	5,049	1,370	278	79%

## Review of Jail Population

Each year, DCJS publishes the ‘[Jail Population Outside of New York City \(Annual\)](#),’ a report that summarizes census data for local jails outside of New York City for the last ten years. The report includes the average daily population for each local jail, as well as the number of inmates that are un-sentenced. These numbers are provided to each county in a summary table and are used by the counties to develop their ATI Service Plans. The counties compare their individual un-sentenced populations to the average for counties outside of NYC and to the Statewide Total and report they use of this information in preparing and submitting their ATI Service Plan. The summary table, *Un-sentenced Local Jail Population: 2012* is presented in Attachment A.

## Alcohol, Drugs and Crime

Each year, DCJS provides counties with a table summarizing the prison under custody population, by county of commitment. The summary includes the percentage of inmates from the county who are under custody for drug or property offenses. As with the jail populations, counties compare their individual under-custody populations to the regional and the statewide totals and report the use of this information in preparing and submitting their ATI Service Plan. *The 2012 Prison Under Custody Population* table is presented in Attachment B.

Tables 5 and 6 above present the number of individuals assessed for and admitted to drug and alcohol service programs and TASC model programs. Overall, these substance abuse programs placed 14,422 participants. Three-quarters (76%) of discharges successfully completed the programs. (See Table 7 below).

**Table 7**  
**Alcohol and Substance Abuse Programs**

	Number Assessed	Number Placed	Satisfactory Completions	Unsatisfactory Terminations	Admin Discharges	Completion Rate
Alcohol and Substance Abuse Programs	11,954	9,181	5,219	1,830	133	74%
TASC Model Programs	5,525	5,241	5,049	1,370	278	79%
Total	17,479	14,422	10,268	3,200	411	76%

**ATTACHMENT A**  
**Un-sentenced Local Jail Population: 2012**

	Total Average Daily Jail Census	# Un-sentenced Population (ADC)	% of Total ADC		Un-sentenced Rate per 1,000 Arrests*
Albany	622	455	73%		51
Allegany	135	44	33%		38
Broome	501	340	68%		62
Cattaraugus	118	62	53%		32
Cayuga	190	92	48%		52
Chautauqua	287	171	60%		48
Chemung	189	101	53%		37
Chenango	84	43	51%		37
Clinton	209	91	44%		43
Columbia	90	80	89%		64
Cortland	68	45	66%		30
Delaware	64	36	56%		35
Dutchess	446	171	38%		30
Erie	1,326	778	59%		29
Essex	66	38	58%		54
Franklin	114	66	58%		45
Fulton	82	73	89%		59
Genesee	91	43	47%		30
Greene	70	34	49%		27
Hamilton	4	2	50%		20
Herkimer	70	21	30%		16
Jefferson	158	103	65%		35
Lewis	28	16	57%		41
Livingston	104	66	64%		55
Madison	96	43	45%		33
Monroe	1,342	774	58%		42
Montgomery	131	77	59%		65
Nassau	1,416	1,146	81%		64
Niagara	451	213	47%		39
Oneida	424	253	60%		42
Onondaga	1,112	599	54%		52
Ontario	198	105	53%		48
Orange	590	284	48%		33
Orleans	75	45	60%		49
Oswego	187	91	49%		29
Otsego	77	50	65%		31
Putnam	101	87	86%		59
Rensselaer	309	215	70%		59

	Total Average Daily Jail Census	# Un-sentenced Population (ADC)	% of Total ADC		Un-sentenced Rate per 1,000 Arrests*
Rockland	240	179	75%		44
Saratoga	156	86	55%		23
Schenectady	314	216	69%		47
Schoharie**	26	NA	NA		NA
Schuyler	22	9	41%		23
Seneca	77	40	52%		47
St Lawrence	156	102	65%		38
Steuben	190	99	52%		51
Suffolk	1,662	1,024	62%		40
Sullivan	156	106	68%		45
Tioga	80	31	39%		43
Tompkins	90	48	53%		27
Ulster	324	216	67%		46
Warren	133	90	68%		45
Washington	94	70	75%		56
Wayne	108	56	52%		33
Westchester	1,454	771	53%		46
Wyoming	63	37	59%		45
Yates	49	24	49%		54
<b>Non-NYC</b>	<b>17,020</b>	<b>10,157</b>	<b>60%</b>		<b>43</b>
<b>NYC***</b>	<b>11,388</b>	<b>NA</b>	<b>NA</b>		
<b>Statewide</b>	<b>28,408</b>	<b>10,157</b>	<b>36%</b>		

\* Un-sentenced inmate per 1,000 county arrests

\*\* Schoharie County jail population is boarded out to Albany County

\*\*\* NYC DOC Custody as of 12/31/12

**ATTACHMENT B  
PRISON UNDER CUSTODY POPULATION AS OF DECEMBER 31, 2012,  
BY COUNTY OF INDICTMENT**

	Prison Incarceration Rate			Under Custody Population by Commitment Crime Type (% of all Inmates in Prison from County)										
	County Population (2010)	Prison Under Custody 12/31/2012	Prison Under Custody Rate per 10,000 Residents	Violent or Coercive		Drug Offenses		Property/Other Offenses		DWI		YO/JO		Any Crime Type
Albany	295,267	1,796	61	1,122	62%	350	19%	260	14%	42	2%	22	1%	1,796
Allegany	48,531	64	13	42	66%	5	8%	9	14%	6	9%	2	3%	64
Broome	191,892	679	35	432	64%	123	18%	106	16%	10	1%	8	1%	679
Cattaraugus	76,602	206	27	111	54%	30	15%	33	16%	20	10%	12	6%	206
Cayuga	78,400	347	44	164	47%	91	26%	78	22%	10	3%	4	1%	347
Chautauqua	131,411	262	20	137	52%	52	20%	48	18%	7	3%	18	7%	262
Chemung	87,073	346	40	214	62%	48	14%	64	18%	10	3%	10	3%	346
Chenango	49,978	108	22	75	69%	10	9%	20	19%	3	3%	0	0%	108
Clinton	80,874	326	40	131	40%	83	25%	78	24%	23	7%	11	3%	326
Columbia	60,786	124	20	80	65%	18	15%	21	17%	5	4%	0	0%	124
Cortland	47,401	144	30	77	53%	18	13%	41	28%	7	5%	1	1%	144
Delaware	43,997	95	22	57	60%	8	8%	20	21%	10	11%	0	0%	95
Dutchess	291,541	636	22	383	60%	98	15%	98	15%	36	6%	21	3%	636
Erie	895,158	2,753	31	2,232	81%	172	6%	221	8%	44	2%	84	3%	2,753
Essex	35,964	74	21	35	47%	14	19%	15	20%	6	8%	4	5%	74
Franklin	49,634	155	31	87	56%	19	12%	40	26%	6	4%	3	2%	155
Fulton	54,344	137	25	77	56%	20	15%	30	22%	7	5%	3	2%	137
Genesee	56,871	273	48	143	52%	27	10%	75	27%	22	8%	6	2%	273
Greene	48,478	150	31	88	59%	16	11%	37	25%	9	6%	0	0%	150
Hamilton	4,824	5	10	4	80%	1	20%	0	0%	0	0%	0	0%	5
Herkimer	61,330	144	23	106	74%	10	7%	17	12%	7	5%	4	3%	144
Jefferson	118,131	253	21	138	55%	53	21%	50	20%	7	3%	5	2%	253
Lewis	25,785	55	21	35	64%	5	9%	10	18%	5	9%	0	0%	55
Livingston	62,020	177	29	103	58%	12	7%	41	23%	17	10%	4	2%	177
Madison	69,222	116	17	66	57%	15	13%	27	23%	8	7%	0	0%	116
Monroe	724,942	3,035	42	2,482	82%	228	8%	228	8%	30	1%	67	2%	3,035
Montgomery	47,969	159	33	94	59%	30	19%	29	18%	5	3%	1	1%	159
Nassau	1,344,303	1,767	13	1,373	78%	201	11%	142	8%	20	1%	31	2%	1,767
Niagara	211,650	589	28	442	75%	57	10%	71	12%	10	2%	9	2%	589
Oneida	228,059	1,098	48	740	67%	171	16%	135	12%	21	2%	31	3%	1,098
Onondaga	449,339	1,881	42	1,309	70%	239	13%	228	12%	47	2%	58	3%	1,881
Ontario	105,010	479	46	271	57%	85	18%	90	19%	23	5%	10	2%	479
Orange	383,475	1,015	26	725	71%	123	12%	108	11%	46	5%	13	1%	1,015
Orleans	41,377	163	39	90	55%	38	23%	18	11%	15	9%	2	1%	163
Oswego	119,906	362	30	179	49%	31	9%	113	31%	21	6%	18	5%	362
Otsego	60,905	136	22	61	45%	37	27%	27	20%	11	8%	0	0%	136
Putnam	98,472	90	9	55	61%	16	18%	11	12%	7	8%	1	1%	90
Rensselaer	154,087	380	25	276	73%	56	15%	42	11%	6	2%	0	0%	380
Rockland	298,092	413	14	296	72%	67	16%	41	10%	4	1%	5	1%	413
Saratoga	219,519	236	11	145	61%	19	8%	47	20%	23	10%	2	1%	236
Schenectady	151,036	270	18	125	46%	51	19%	79	29%	9	3%	6	2%	270
Schoharie	31,169	701	225	533	76%	140	20%	10	1%	6	1%	12	2%	701
Schuyler	18,455	46	25	26	57%	4	9%	11	24%	3	7%	2	4%	46
Seneca	33,740	55	16	24	44%	2	4%	23	42%	6	11%	0	0%	55
St Lawrence	108,273	126	12	36	29%	9	7%	63	50%	18	14%	0	0%	126
Steuben	95,252	273	29	134	49%	58	21%	56	21%	18	7%	7	3%	273
Suffolk	1,511,183	2,418	16	1,805	75%	332	14%	211	9%	37	2%	33	1%	2,418

	Prison Incarceration Rate			Under Custody Population by Commitment Crime Type (% of all Inmates in Prison from County)										
	County Population (2010)	Prison Under Custody 12/31/2012	Prison Under Custody Rate per 10,000 Residents	Violent or Coercive		Drug Offenses		Property/Other Offenses		DWI		YO/JO		Any Crime Type
Sullivan	75,137	358	48	252	70%	36	10%	51	14%	13	4%	6	2%	358
Tioga	49,341	100	20	59	59%	12	12%	22	22%	5	5%	2	2%	100
Tompkins	101,158	164	16	100	61%	14	9%	37	23%	7	4%	6	4%	164
Ulster	179,764	600	33	322	54%	138	23%	113	19%	24	4%	3	1%	600
Warren	65,549	316	48	133	42%	87	28%	71	22%	23	7%	2	1%	316
Washington	62,227	238	38	118	50%	46	19%	60	25%	10	4%	4	2%	238
Wayne	90,027	228	25	157	69%	23	10%	36	16%	9	4%	3	1%	228
Westchester	948,303	1,575	17	1,323	84%	124	8%	99	6%	16	1%	13	1%	1,575
Wyoming	40,743	98	24	63	64%	13	13%	15	15%	7	7%	0	0%	98
Yates	24,182	67	28	30	45%	5	7%	14	21%	7	10%	11	16%	67
<b>Non-NYC Total</b>	<b>11,038,158</b>	<b>28,861</b>	<b>26</b>	<b>19,917</b>	<b>69%</b>	<b>3,790</b>	<b>13%</b>	<b>3,740</b>	<b>13%</b>	<b>834</b>	<b>3%</b>	<b>580</b>	<b>2%</b>	<b>28,861</b>
Bronx	1,387,983	4,053	29	3,203	79%	521	13%	201	5%	1	0%	127	3%	4,053
Kings	2,550,004	7,000	27	6,078	87%	332	5%	440	6%	6	0%	144	2%	7,000
New York	1,618,207	8,907	55	5,777	65%	1,797	20%	1,197	13%	7	0%	129	1%	8,907
Queens	2,291,352	4,647	20	3,903	84%	269	6%	361	8%	9	0%	105	2%	4,647
Richmond	488,456	709	15	525	74%	100	14%	77	11%	0	0%	7	1%	709
<b>NYC Total</b>	<b>8,336,002</b>	<b>25,316</b>	<b>30</b>	<b>19,486</b>	<b>77%</b>	<b>3,019</b>	<b>12%</b>	<b>2,276</b>	<b>9%</b>	<b>23</b>	<b>0%</b>	<b>512</b>	<b>2%</b>	<b>25,316</b>
<b>Statewide</b>	<b>19,374,160</b>	<b>54,177</b>	<b>28</b>	<b>39,403</b>	<b>73%</b>	<b>6,809</b>	<b>13%</b>	<b>6,016</b>	<b>11%</b>	<b>857</b>	<b>2%</b>	<b>1,092</b>	<b>2%</b>	<b>54,177</b>