



**Division of Criminal
Justice Services**

Criminal Justice Statistical Report

Andrew M. Cuomo
Governor

Michael C. Green
Executive Deputy Commissioner

Legislative Report Series

December 2020

NYS Executive Law Article 13-A Classification/Alternatives to Incarceration Program Annual Report for Contract Period July 2019 – June 2020

New York Executive Law Article 13-A requires that counties submit an Alternative to Incarceration (ATI) Service Plan for Classification Funding to New York State. The Plan is designed to identify the need for and plan for ATI programming as determined by either a criminal justice advisory board established pursuant to this law, or by an existing criminal justice coordinating council.

The annual ATI Service Plan provides counties and the City of New York 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 these Plans, the state provides funding (not to exceed 50 percent of total program costs) for those programs, and grants approval to continue to use reduced classification at the jails they operate.

The Division of Criminal Justice Services (DCJS) is statutorily required to submit its evaluation and assessment of ATI planning and programming efforts by counties and the City of New York. This report complies with that mandate by including the status of the development, approval and implementation of such plans.

Development of ATI Service Plans

The DCJS Office of Probation and Correctional Alternatives (OPCA) received ATI Service Plan Applications from 56 counties and the City of New York (one plan for all five counties) for State Fiscal Year 2019-2020; Hamilton County did not submit a plan.

Counties were asked to analyze their jail populations and the relationship between substance use and abuse and incarceration practices. This analysis informs 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, and/or
- Treatment Alternatives for Safer Communities (TASC).

Table 1 shows how counties responded to questions about the development of their ATI Service Plans and Advisory Board activities.

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	57	50 – Yes	51 – Yes	43 – Yes	34 – Yes
Percent of Total		88%	89%	75%	60%

- 88 percent (50 of 57 counties) reported that they had analyzed the county's jail population to determine incarceration practices and trends.
- 89 percent (51 of 57 counties) reported that they had analyzed the relationship between alcohol and 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.

- 75 percent (43 of 57 counties) reported that they had met to review the Annual Service Plans before they were approved and submitted to the state.
- 60 percent (34 of 57 counties) reported that they had met to review the ATI programs' Quarterly Reports and Tracking Logs prior to their submission to the state.

Approval and Implementation of ATI Service Plans

A total of \$5,198,436 in funding for ATI programs was continued through renewal contracts effective July 1, 2019. All ATI contracts are performance-based contracts. Annual submission of the ATI Service Plan requires a 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 July 1, 2019, through June 30, 2020. These numbers represent the services paid for by the State 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

A total of 43 pretrial services programs report 21,485 releases and 782 failures to appear.

Table 2: Pretrial Services Program Utilization

	Number Screened	Number Interviewed	Total Number Released	Percent Released	Administrative Discharges	Total Number Under Pretrial Release ¹	Persons FTA
Total	39,698	26,773	21,485	80%	409	38,438	782

¹This number includes those under supervision from previous year.

Defender-Based Advocacy Programs

Seven defender-based advocacy programs prepared 1,583 individualized client-specific plans and 1,529 were accepted by courts or other releasing authorities.

Table 3: Defender-Based Advocacy Program Utilization

	Number Prepared	Number Accepted	Percent Accepted
Total	1,583	1,529	97%

Community Service Programs

A total of 35 community service programs report 1,942 individuals completing community service sentences.

Table 4: Community Service Program Utilization

	Number Placed	Satisfactory Completions	Unsatisfactory Terminations	Administrative Discharges
Total	2,195	1,942	306	178

Specialized and Drug/Alcohol Service Programs

A total of 27 specialized and drug/alcohol service programs report 4,884 individuals completing their programs.

Table 5: Specialized and Drug/Alcohol Service Program Utilization

	Number Assessed	Number Placed	Satisfactory Completions	Unsatisfactory Terminations	Administrative Discharges
NYC	4,357	4,357	4,318	1,561	94
Rest of State	1,856	763	566	200	56
Total	6,213	5,120	4,884	1,761	150

Treatment Alternatives for Safer Communities (TASC) Model Programs

Five TASC model programs report 2,690 individuals completing programs.

Table 6: Treatment Alternatives for Safer Communities Program Utilization

	Number Assessed	Number Placed	Satisfactory Completions	Unsatisfactory Terminations	Administrative Discharges
Total	2,308	2,215	2,690	665	100

Review of Jail Population

Each year, DCJS publishes a report on the [New York State Jail Population](#), which summarizes census data for local jails for the last 10 years. The report includes the average daily population for each local jail, as well as the number of individuals that are detained in pretrial status. This information helps counties to develop their ATI Service Plans. DCJS also publishes the [Monthly Jail Population Report](#), which summarizes census data for local jails for the last 12 months.

The jail population in New York State declined steadily from 2017 to 2019, then declined more sharply in 2020. The largest reduction in the jail population has been in New York City.

- Statewide, the average jail population declined from 24,248 in January 2017 to 11,583 in August 2020, a decrease of 52 percent.
- In New York City, the average jail population declined from 9,269 in January 2017 to 3,972 in August 2020, a decrease of 57 percent.
- In counties outside New York City, the average jail population declined from 14,979 in January 2017 to 7,611 in August 2020, a decrease of 49 percent.

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 individuals from each county under custody for drug or property offenses. As with the jail populations, counties use this information to prepare and submit their ATI Service Plans.