

## MCBA President's Message: Pre-trial services save money for taxpayers

by Susan Schultz Laluk

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*"No person shall... be deprived of life, liberty or property, without due process of law."*

— *Fifth Amendment, United States Constitution*

Pre-Trial Service Corporation of the Monroe County Bar Association has been around since 1970 when it was formed in response to the bail reform movement. Being a non-litigator and non-criminal attorney, I have to admit that I knew very little about the program until recently. That changed last week after I learned about the proposed Monroe County budget cut of 26 percent to PTSC's funding, which will severely impact PTSC's programs.

So what is PTSC? It's a not-for-profit agency that provides intervention services and alternatives to incarceration for defendants awaiting trial. Using time-tested objective methods, PTSC makes recommendations to the judiciary regarding which individuals can be safely channeled out of the jail population and into supervised alternatives in the community.

PTSC serves all of the criminal courts throughout Monroe County.

PTSC provides a broad spectrum of graduated release options for such individuals, ranging from supervision by regular contact through telephone and office visits with a case manager, sometimes coupled with electronic monitoring, to supervised day programs which include educational, health, vocational and substance abuse classes. PTSC also works with defendants to assure attendance at court appearances. In addition, PTSC assists in linking individuals to substance abuse, mental health and other treatment options in the community.

Our local specialty courts (such as the Rochester Drug Treatment Court and the Monroe County Mental Health Court), also cost-effective diversionary programs, serve a complementary but different purpose. Those courts are an alternative to traditional case processing and are a post-plea intervention.

The specialty courts use the jail for sanctioning clients who are not doing well. In the past, PTSC has worked with those courts to avoid jail admissions. Without options for alternatives for their sanctioned clients, higher admissions to the jail are likely.

In 2010, PTSC will interview over 14,000 defendants in the Monroe County Jail and make nearly 9,000 recommendations on those defendants for judges to use in the arraignment and bail decision making process. 5,000 defendants will be released to Pretrial Release Program at a cost of less than \$1.00 per day. Over 1,800 defendants will be released to PTSC's Contact and Enhanced Supervision case managers at a cost of \$1.67 per day. About 650 defendants will be released to the Day Reporting Center at a cost of about \$10 a day.

The proposed 2011 Monroe County Budget contains a \$456,371 cut in PTSC's contract, representing a devastating 26 percent reduction. Since over 90 percent of PTSC's budget is personnel costs, the cut will result in a reduction of PTSC's ability to evaluate and divert defendants into alternative programs, likely leading to an increase in the number of pre-trial defendants incarcerated.

Monroe County jail days are estimated to cost as much as \$120 per day. Pretrial detention beds cost the county more than sentenced beds due to additional security required by New York state regulations. The cost of PTSC's diversionary programs are as little as a dollar a day and even the most intensive program is less than \$10 a day. By the time a defendant begins the second day of detention, the jail costs rise above the cost of releasing the defendant to PTR for the entire pre-trial duration of the criminal case.

PTSC is noted nationally as a pioneer in pre-trial programming, and has been providing high quality cost-effective services to Monroe County for forty years. It is the only provider of pre-trial services for

the county. Not only does it reduce immediate costs of incarceration, it provides community-based treatment options to assist individuals in their successful reintegration into the community, likely resulting in long-term economic returns to the community.

So, if it is so much less expensive for individuals to be in one of the programs offered by PTSC instead of in jail, why is the funding being cut for PTSC? Not only is restoring the funding to the PTSC the right thing to do for the defendants, the judicial system, and the community, it is also the economically prudent thing to do.

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