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COLLEGE PROGRAM
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By

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ABSTRACT

This information paper, one of a series produced by the Pilot City Program, provides a systematic description of corrections in Monroe County. Attention is given first to court dispositions for different correctional agencies. The second section assesses the costs of the local correctional system for the operation of the Jail, the Probation Department, and the County contract with Pre-Trial Release, Inc. The third section describes the operation of the institutional side of local corrections -- the Monroe County Jail -- and includes a discussion concerning unsentenced prisoners in the local system. The fourth section of the paper describes the investigative and community supervision services provided by the Monroe County Probation Department and includes data on overall cases for investigation and supervision and some discussion of "failure" rates. The fifth section is about the New York State Department of Correctional Services. This section is to provide the reader with an overview of the State system as a whole and its relation to Monroe County. The final part of this information paper is about community agencies in the local corrections process. Data are provided about the operation of Pre-Trial Release, Inc., and the Rochester Bail Fund, two agencies that influence the operation of the corrections system in Monroe County.

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I. INTRODUCTION

The information paper on corrections in Monroe County, New York, is a part of the information requirements of the L.E.A.A. Pilot City Program. The basic aim of the paper is to provide information to the National Pilot Cities program to be used in developing baseline data about the criminal justice system of the eight Pilot Cities. At the same time, we hope the data presented here will serve as a general overview of the corrections system that will be useful to the locality for planning and for development of new services.

This report deals only with the corrections system for adults in Monroe County. The juvenile justice system as it operates in Rochester and Monroe County has another set of institutions and agencies, i.e., Monroe County Family Court, Family Court Probation, and the Monroe County Children's Center; a distinct age differentiated population, i.e., youths seven to sixteen years old; and significant differences making for a separate subsystem of criminal justice; this subsystem will be the topic of a separate Pilot Cities Information Paper.

The Pilot City Program consistently has attempted in its information papers to provide the most recent available data about criminal justice agencies. In a report of this type, it is sometimes necessary, as in the discussion of the jail population, to adopt information going back as far as 1960. Data for 1970 are presented where available because in that year there are available national census statistics

of population, housing, and employment characteristics that will allow controlling for population density or population characteristics in assessing the impact of the eight Pilot Cities. The years 1971 through 1973 provide detailed yearly changes that more accurately reflect the current operation of the system of criminal justice in Rochester and Monroe County.

To our knowledge, this is the first systematic description of corrections in Monroe County. The Sheriff's Office and the Office of Adult Probation both publish an annual report and a great deal of the information presented in this paper is either drawn directly or is adapted from these sources. The New York State Department of Correctional Services, Division of Program Planning and Evaluation, regularly publishes reports relevant to the impact of state institutions and parole on Monroe County. The local court clerk offices and the State Department of Audit and Control maintain records of the correctional dispositions of criminal court cases in Monroe County. Several of the private non-profit agencies that have extensive contact with the corrections system also publish reports in various forms. Data from these sources have also been included where relevant. The budgets for the County of Monroe for 1972, 1973, and 1974 have been used to develop the costs and personnel data about the main local correctional agencies — the Monroe County Probation Department, and the Monroe County Jail. All of these sources have been used in the preparation of this report in order to give an overall perspective of the corrections system.

Problems of Systematic Description

There are severe limits on studying the local corrections system. The most important is the independence of the different agencies' record systems. As corrections currently operate, it is impossible to trace the flow of offenders through the system. As offenders pass from the police to the courts and then perhaps to the jail or probation or a state correctional institution and then finally back to the community on parole, case files are opened, questions asked, personnel assigned, and recording forms filled out. Over the entire process, there is no system that tracks particular offenders beyond one agency. Almost without exception the records that are available at interagency decision points only indicate the number who went where, the number who entered a particular program, or how long different groups of offenders were involved with a particular agency.

The limits of a system that operate in this manner are striking. The system-wide lack of information is a detriment to the operation of the system as a whole because it limits the feedback to agencies or institutions. It also creates tremendous redundancy. The same questions are asked over and over and recorded on different forms of the different agencies.

A concrete example of the limits of systematic description of an operational nature is that it has been argued that successfully completing a period in the community while awaiting trial, either by release on recognizance or bail, leads to more lenient sentencing after trial. It is argued that for two groups of offenders with

similar backgrounds, prior records, and current offenses, the group that is released pending trial will be dismissed, acquitted, or sentenced to probation, a significantly greater portion of the time. This is because the time spent in the community without further involvement with the criminal justice system awaiting trial creates a presumption that the individuals may be effectively rehabilitated in the community on probation, or that nothing available in the corrections system is necessary to deter the individual from further offenses. If this is the case, it raises serious questions about the equal availability of release in the community pending trial.

This type of insight into the operating procedures and presumptions of the criminal justice system has only been documented at a few locations and always within the framework of an expensive experimental research effort that creates its own record system. It is the lack of continuity in the record system that prevents an analysis of this type of problem in most jurisdictions. In Rochester and Monroe County we routinely have available the same information used in the research mentioned above. We know the background and prior record of those arrested, we know the offense with which they are charged; if they are released on bail or ROR, it is recorded. The disposition of the case is recorded too, whether it is dismissal, unconditional or conditional discharge, a jail sentence, probation, or sentence to a state institution. But currently it is not possible to determine whether a "good" record while on release pending trial has any impact on sentencing in Monroe County -- at least, not without a special research project that establishes an autonomous record system.

Another point at which the lack of a system-wide record system limits the effectiveness of the corrections system is in management and planning. In the next section's discussion of court disposition, it will be apparent that extrapolations of the number of arrests or population changes do not necessarily provide good projections of the growth or decline of jail populations, state institutions commitments, or probation caseloads. These variables are probably much more influenced by changes in the penal code, and short run changes in the other areas of the system like the criminal courts trial dockets, than by the overall population change in the County or even criminal justice intake through police arrests.

This paper is organized into six sections. The first section is an overview of the corrections system based on court dispositions and agency reports. The second section is cost and personnel data focusing on probation and the jail. The third through sixth sections deal in turn with the jail, probation, New York State corrections and parole, and local private non-profit agencies.

There are several insights that come from a systematic exploration of the local criminal justice system that need specific emphasis. The first is that what we know as corrections, i.e., jail, probation, prison, and parole, actually deals with a minority of those convicted of crimes. Approximately 60% of the convicted population receive dispositions that do not involve any correctional agency. This is due to the large number of conditional and unconditional discharges given in the high volume misdemeanor courts of Rochester

and Monroe County. A case that penetrates into the correction system is much more likely to be of a serious nature than the one that goes into the system only to the point of disposition. The court, in fact, acts as an effective screen to the corrections system, processing and reducing the number of cases passed on by over 50%.

In the section on the jail we have included data about unsentenced prisoners. These are persons held in secure confinement at various stages of criminal justice processing from arraignment, pre-trial motions, trial, and sentencing. One of the notions that our criminal justice system is based on is the "presumption of innocence" — the principle that a person is innocent until proven guilty by trial or plea. Technically the unsentenced prisoner is not a part of the corrections system, and discussion of this stage of the criminal justice system could have been placed equally well in the context of a court information paper. Our decision to include it in corrections was based on the fact that approximately 50% of the total man/days in the Monroe County Jail are served by non-sentenced prisoners. The reality of this large-scale confinement in an institution housing sentenced prisoners outweighs the narrow claim of technical innocence. This is not simply a problem of semantics, but rather is indicative of what is perhaps the most serious problem of local corrections across the nation. The fact that the unsentenced are held in a regime identical to those serving sentences following conviction raises serious questions about the equity of money bail and the purpose served by dedicating fully one-half of our local institution capability to detaining those awaiting criminal process.

The final section of this report is a short discussion of the involvement of private non-profit agencies with the criminal justice system. The section focuses on two agencies that have an impact on local corrections, Pre-Trial Release, and the Rochester Bail Fund. They are almost unique in that respect. To a large extent the criminal law and the criminal justice system are "caretaker" institutions that operate in a closed and invisible world. The further an offender penetrates into the system the less likely he is to have options made available involving agencies from outside the criminal justice system. This is a time of great concern about the operation of the criminal justice system and particularly the corrections system, yet the list of private and non-profit criminal justice public agencies that can be categorized as correction reform-oriented is quite short, and with a few exceptions their impact on the closed world of corrections is marginal.

COURT DISPOSITION

Intake into the corrections system is performed by the courts. Tables 1 and 2 provide some idea of the selective impact of the court process on the correction system. Since data were only available on a regular basis for the City Court of Rochester and Monroe County Court, this analysis does not cover the town and village courts of Monroe County. However, the percentages allocated to each type of disposition from the two biggest court subsystems in the County indicate the change in workload on the three correctional agencies dealt with in this report, i.e., Adult Probation, the Monroe County Jail, and the New York State Department of Correctional Services.

The City Court of Rochester is the only large volume misdemeanor court in Monroe County. It has trial jurisdiction over misdemeanors and violations committed in the City of Rochester. The dispositions in Rochester City Court for the 1968-1971 period are shown in Table 1. There appear to be two consistent changes in the dispositional pattern over this five-year period. Of note is the halt in the use of suspended sentences and the proportionate increase in the use of conditional and unconditional discharges, due to penal law revision in 1967, and the tendency for the proportion sentenced to the local jail to decline in both 1970 (18%) and in 1971 (11%).

The Monroe County Court has original trial jurisdiction over all felonies committed in Monroe County and indicted by the Grand Jury. The dispositions for Monroe County Court are shown in Table 2.

Table 1

Court Disposition - City of Rochester

	1967		1968		1969		1970		1971	
	#	%	#	%	#	%	#	%	#	%
New York State Department of Correctional Services	15	(<1)	27	(<1)	7	(<1)	20	(<1)	22	(<1)
Local Jail	1,473	(23)	1,787	(24)	1,669	(23)	1,157	(18)	674	(11)
Fines	665	(10)	825	(11)	984	(13)	1,137	(17)	792	(13)
Probation	207	(3)	40	(1)	115	(2)	145	(2)	210	(3)
Sentence Suspended	2,995	(47)	0	(--)	0	(--)	0	(--)	0	(--)
Unconditional Discharge	1,069	(17)	2,542	(34)	2,098	(29)	1,938	(19)	1,973	(32)
Conditional Discharge	0	(--)	2,220	(30)	2,484	(34)	2,146	(33)	2,403	(39)
Other	0	(--)	0	(--)	0	(--)	36	(1)	60	(1)
Total Sentenced	6,424	(100)	7,441	(100)	7,357	(100)	6,579	(100)	6,134	(100)

Table 2

Court Disposition - Monroe County Court

	1967		1968		1969		1970		1971	
	#	%	#	%	#	%	#	%	#	%
New York State Department of Correctional Services	218	(35)	146	(33)	174	(32)	211	(30)	204	(30)
Local Jail	93	(15)	76	(17)	100	(18)	85	(12)	108	(16)
Fines	10	(2)	2	(<1)	6	(1)	12	(2)	42	(6)
Probation	266	(43)	200	(45)	208	(38)	346	(49)	276	(40)
Sentence Suspended	34	(5)	0	(--)	--	(--)	--	(--)	--	(--)
Unconditional Discharge	0	(--)	6	(1)	23	(4)	8	(1)	12	(2)
Conditional Discharge	0	(--)	16	(4)	12	(2)	26	(4)	31	(5)
Other	1	(<1)	0	(--)	19	(4)	15	(2)	14	(2)
Total Sentenced	622	(100)	446	(100)	542	(100)	703	(100)	687	(100)

There are large differences between City Court dispositions and those of County Court which include a greater proportion of sentences to state correctional facilities, the local jail and probation, and a smaller proportion to conditional and unconditional discharges than City Court. This is due to the more serious nature of the cases disposed of by County Court. There are no clear trends over time for this five-year period. It may be noted that there is some instability in the total number of cases disposed year to year with a high of 703 in 1970 and a low of 446 in 1968.

Table 3 is a compilation that combines the same five-year period of dispositions for both City and County Court for the purpose of examining the combined output of the misdemeanor and felony courts. The town and village courts are excluded because there is no single report of dispositions from the Justice Courts covering the same five-year period. With that limitation in mind, it can be seen that there were three different trends for the court dispositions as a whole in Monroe County for the years 1967-1971. First, approximately 3% of those sentenced in the five years between 1967 and 1971 were sent to New York State correctional institutions. This percentage is very stable through the five-year period. Second, the proportion sentenced to time in the Monroe County Jail is approximately 19% overall, but shows a systematic decline from a high of about 22% in 1967, 1968, and 1969 to 17% in 1970 and to 12% in 1971. Finally, sentences to probation from City and County Courts show yet another pattern. Approximately 6% of the total number of sentenced defendants in the five-year period were placed on probation. The instability is reflected in a rate of

Table 3

Court Dispositions (City and County Courts)

	1967		1968		1969		1970		1971	
	#	%	#	%	#	%	#	%	#	%
New York State Department of Correctional Services	233	(3)	173	(2)	181	(2)	231	(3)	226	(3)
Local Jail	1,566	(22)	1,863	(24)	1,769	(22)	1,242	(17)	782	(11)
Fines	675	(10)	827	(10)	990	(13)	1,149	(16)	834	(12)
Probation	473	(7)	240	(3)	323	(4)	491	(7)	486	(7)
Sentence Suspended	3,029	(43)	0	(--)	0	(--)	0	(--)	0	(--)
Unconditional Discharge	1,069	(15)	2,548	(32)	2,121	(27)	1,946	(27)	1,985	(29)
Conditional Discharge	0	(--)	2,236	(28)	2,496	(32)	2,172	(30)	2,434	(36)
Other	1	(<1)	0	(--)	19	(1)	51	(1)	74	(1)
Total Sentenced	7,046	(100)	7,887	(100)	7,899	(100)	7,282	(100)	6,821	(100)

7% in 1967, then a decline to 3% and 4% for 1968 and 1969, and then an increase back to approximately 7% again in 1970 and 1971.

It should be clear that the focus of this report is on agencies that provide custody and supervision to a minority of those convicted of crimes in Rochester and Monroe County. The majority of those convicted in Rochester and Monroe County Courts are convicted of less serious offenses; approximately 60% receive conditional or unconditional discharges and, therefore, never enter the corrections system.

The population supervised by, or in the custody of, correctional agencies serving Monroe County does not reflect the full range of those convicted because the courts at sentencing act as an effective screen, passing along to correction agencies only the most serious cases. Table 4 is an attempt to construct a profile of the corrections system during one period in time, broken down by agency involved and class of crime of conviction. In 1972, approximately 56% of the offenders worked with by correctional agencies were serving sentences as a consequence of conviction of a felony and 44% were sentenced for misdemeanors. It should be kept in mind that because the sentences for misdemeanors cannot exceed one year in jail or three years on probation, while sentences for felonies may be up to life in a state correctional facility and five years on probation, the turnover for misdemeanors is much faster. Therefore, a profile like Table 4 will overrepresent the proportion of felony offenders and under-represent the number and proportion of misdemeanor offenders

Table 4

Monroe County Corrections - Adults
(1972)

	#	%
<u>Adult Felons</u>		
Institutions		
State Corrections facilities	513 ¹	13%
Monroe County Jail	70	2%
Subtotal	(583)	(15%)
Community Supervision		
State Parole	451 ²	11%
Monroe County Probation	1,181 ³	30%
Subtotal	(1,632)	(41%)
<u>Adult Misdemeanants & Others</u>		
Institutions		
Monroe County Jail	747	19%
Subtotal	(747)	(19%)
Community Supervision		
Monroe County Probation	995 ⁴	25%
Subtotal	(995)	(25%)
TOTAL	3,957	100%

¹Total persons from Monroe County in the care and custody of the NYS Department of Correctional Services as of 12/31/72.

²Estimated 60% of the actual total of 751 active cases on parole in the seven-county area 2/31/74. (Percentages and total supplied by P. Andrulis, NYS Parole, Rochester Area Office.)

³This figure is the number of persons on probation from County Court. It also contains an unknown number of misdemeanants.

⁴This figure is the number of persons on probation from town and village justice courts (375) and City Court (620) in 1972.

in the correction system for a given length of time.

Table 4 serves to highlight a common misconception about the emphasis of corrections. In 1972, of the total of 3,957 persons in contact with corrections agencies serving Monroe County, approximately 1,330 or 34% were in either state or local correctional institutions, while the substantial majority -- 2,627 or 66% -- were serving sentences in the community either on probation or on parole following a term of incarceration in either a state or local facility.

A picture of the short run changes in the emphasis between incarceration and community supervision is provided separately for felony offenders and misdemeanants in Tables 5 and 6. Between 1971 and 1972, the proportion of sentenced felons from Monroe County incarcerated in state or local correctional facilities declined from 31% of the 1971 total to 26% of the 1972 total. The proportion serving sentences for felonies who were under community supervision increased from 69% of the 1971 total to 74% of the 1972 total.

Table 6 for Monroe County misdemeanants under sentence in 1971-1972 shows the same short run decline in institutional sentences. The proportion sentenced to the Monroe County Jail declined from 59% of the 1971 total to 43% of the 1972 total. There are two explanations for this consistent shift away from incarceration and in favor of community supervision. First, it is possible that we are seeing the beginning of a trend away from demonstrably ineffective and expensive incarceration in favor of a more selective and flexible community treatment modality. It is equally probable that the increased use of

Table 5

Monroe County Adult Felons
Under Sentence in Institutions
or Community Supervision
(1971 - 1972)

	1971		1972	
	#	%	#	%
Institutions				
State Correctional Facilities	624	29%	513	23%
Monroe County Jail	36	2%	70	3%
(Subtotal)	(660)	(31%)	(583)	(26%)
Community Supervision				
State Parole	360	17%	451	20%
Monroe County Probation	1,109	52%	1,181	53%
(Subtotal)	(1,469)	(69%)	(1,632)	(74%)
TOTAL	2,129	100%	2,215	100%

Table 6

Monroe County Adult Misdemeanants
Under Sentence in Institutions or
Community Supervision (1971 - 1972)

	1971		1972	
	#	%	#	%
Institutions				
Monroe County Jail	698	59%	747	43%
Community Supervision				
Monroe County Probation	483	41%	995	57%
Total	1,181	100%	1,742	100%

community supervision is a short term response to deal with increasing load in the system due to the greater flexibility of parole and probation operations to absorb increases than for correctional facilities to increase capacity. Data from 1973 and 1974, when it is available, will indicate more clearly whether, in fact, there is a trend away from incarceration.

Costs and Personnel

There are three major local expenditures for corrections in Monroe County: the departmental budgets for the Monroe County Jail and Adult Probation Department and the contract cost of operating the Pre-Trial Release Program of the Monroe County Bar Association, Inc. The cost of these three corrections expenses totalled approximately \$3,740,000 for 1974. The total number of employees for Probation and Jail is 221.

Table 7 provides a budget summary of the operational costs of the Monroe County Jail for the years 1972-1974. The budget is currently approximately 2.76 million dollars (excluding capital expenses, debt services, and interfund transfers), an increase of 25% from the 1972 budget of approximately 2.21 million dollars. The proportion of total jail costs represented by personal services and benefits is currently 78%, down from 81% in 1972. The cost for purchase of equipment, expenses, and supplies and materials combined has increased proportionately from 19% in 1972 to 22% of the operating budget in 1974.

Table 7

County Jail Costs¹
(1972-1974)

	1972 ²	%	1973 ³	%	1974 ⁴	%	% Increase 1972 - 1974
Personal Services	\$1,434,778		\$1,481,271		\$1,629,044		
Benefits	356,598		467,262		536,598		
Subtotal	1,791,376	81	1,948,533	79	2,165,642	78	20.8%
Purchase Equipment	15,000		4,450		364,950		
Supplies & Materials	278,400		318,500		950		
Expenses	126,660		184,900		229,275		
Subtotal	420,060	19	507,850	21	595,175	22	41.7%
TOTAL	\$2,211,436	100	\$2,456,383	100	\$2,760,817	100	

¹Does not include capital expenses, debt services, or interfund transfers.

²County Manager's estimate for 1972 in the 1972 Monroe County budget as amended by Resolution #498 of 1971, (November 29, 1971).

³County Manager's estimate for 1973 in the 1973 Monroe County budget.

⁴County Manager's estimate for 1974 in the 1974 Monroe County budget.

Table 8 is a compilation of the authorized personnel in the 1974 County budget with their pay grades and salary ranges. The authorized manpower for the jail budget is unchanged from 1973 to 1974 and the increases in cost for personnel are the result of negotiated raises in salaries and benefits.

The Monroe County Probation budget is currently \$913,749 (excluding capital costs, debt services, and interfund transfers). This is a 12% increase over the 1972 budget of \$835,011. The proportion of the total budget cost allocated to personnel and benefits for the probation department has been stable in the last three budget years at approximately 96%. Purchase of equipment, supplies and materials, and expenses regularly constitute 4% of the annual Probation budget. The three year breakdown of the annual Probation budget is shown in Table 9.

The total manpower of authorized personnel is unchanged between 1973 and 1974. There was, however, a small change in the allocation of budgeted positions. One position of senior probation officer was eliminated and one position of probation officer was added. The total breakdown of budgeted probation personnel is shown in Table 10 with the pay group and salary range.

In the non-departmental budget expenses for the County of Monroe, there is the cost of operating, under contract to the Monroe County Bar Association, the Pre-Trial Release Screening Project. In the two previous years, the cost of this program was supported by a grant from the State Division of Criminal Justice Services, using money

Table 8

Budgeted Personnel - 1974
County Jail

#	Title	Pay Group	Salary Range
1	Jail Superintendent	20	17,498 - 22,516
1	Chief of Identification	18	15,158 - 19,500
1	Rehabilitation Director - Jail	16	12,948 - 16,666
2	Deputy Sheriff - Identification Supervisor	15	12,038 - 15,470
2	Deputy Sheriff Guard, Lieutenant	15	12,038 - 15,470
4	Deputy Sheriff Guard, Sergeant	14	11,128 - 14,300
10	Deputy Sheriff - Guard Supervisor	13	10,374 - 13,312
2	Deputy Sheriff - Identification, 1	13	10,374 - 13,312
1	Matron, Jail	12	9,698 - 12,454
3	Deputy Sheriff - Identification, 2	12	9,698 - 12,454
1	Deputy Sheriff - Prisoner Arraignment & Trial	12	9,698 - 12,454
24	Deputy Sheriff Guard, Grade 1	12	9,698 - 12,454
1	Administrative Assistant	12	9,698 - 12,454
2	Deputy Sheriff - Prisoner Transfer Male	11	9,100 - 11,700
2	Deputy Sheriff - Transfer Deputy	11	9,100 - 11,700
1	Deputy Sheriff - Prisoner Transfer Female	11	9,100 - 11,700
43	Deputy Sheriff Guard, Grade 2	11	9,100 - 11,700
3	Rehabilitation Counselor	11	9,100 - 11,700
2	Supervising Cook	10	8,528 - 10,998
2	Graduate Nurse	10	8,528 - 10,998
2	Stockkeeper - Jail	9	8,008 - 10,270
14	Woman Jailer	9	8,008 - 10,270
2	Record Officer	9	8,008 - 10,270
1	Clerk, 2	7	7,072 - 9,074
3	Cook	7	7,072 - 9,074
4	Clerk, 3	5	6,188 - 7,956
1	Assistant Cook, 2	3	5,590 - 7,202
1	Typist Clerk	2	5,304 - 6,838
4	Institutional Helper	1	4,966 - 6,448
4	Chaplain, Part Time	Flat	
1	Physician, Part Time	Flat	
1	Charwoman, 30 hours, Part Time	Hourly	\$2.95/hr.
1	Dental Consultant, Part Time	Hourly	\$18.00/hr.
3	Graduate Nurse, Part Time	10	\$4.10/hr.
4	Cook, Part Time	7	\$3.40/hr.
4	Woman Jailer, Part Time	6	\$3.19/hr.
5	Institutional Helper, Part Time	1	\$2.39/hr.

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Table 9

Adult Probation Costs¹
(1972 - 1974)

	1972 ²	%	1973 ³	%	1974 ⁴	%	% Increase 1972 - 1974
Personal Services	\$635,420		\$588,278		\$669,231		12.6%
Benefits	146,348		192,909		211,057		
Subtotal	781,768	96	781,187	96	880,288	96	
Purchase Equipment	620		500		500		
Supplies & Materials	3,700		4,825		4,450		-2.8%
Expenses	30,099		28,713		28,511		
Subtotal							
TOTAL	\$816,187	100	\$815,225	100	\$913,749	100	12.0%

¹Does not include capital expenses, debt services, or interfund transfers.

²County Manager's estimate for 1972 in the 1972 Monroe County budget as amended by Resolution #498 of 1971, (November 29, 1971).

³County Manager's estimate for 1973 in the 1973 Monroe County budget.

⁴County Manager's estimate for 1974 in the 1974 Monroe County budget.

Table 10

Budgeted Personnel - 1974
Adult Probation

#	Title	Pay Group	Salary Range
1	Director of Probation	19	16,328 - 21,034
1	Deputy Director of Probation	18	15,158 - 19,500
1	Chief Probation Officer	17	13,962 - 18,018
3	Supervising Probation Officer	17	13,962 - 18,018
1	Probation Supervisor	16	12,948 - 16,666
1	Court Probation Consultant	15	12,038 - 15,470
15	Senior Probation Officer	15	12,038 - 15,470
14	Probation Officer	13	10,374 - 13,312
1	Administrative Assistant	12	9,698 - 12,454
1	Probation Court Attendant	9	8,008 - 10,270
3	Stenographer, 1	8	7,514 - 9,646
1	Bookkeeper	7	7,072 - 9,074
11	Stenographer, 2	6	6,630 - 8,502
1	Receptionist	5	6,188 - 7,956
1	Dictaphone Operator	3	5,598 - 7,202
1	Typist Clerk	2	5,306 - 7,838
1	Drug & Alcohol Consultant Part Time	Hourly	\$5.00/hr.

made available under the block grant program of the Law Enforcement Assistance Administration of the United States Department of Justice. The contract cost for 1974 is \$65,000. This money provides the operating budget for a program to provide qualified defendants with an opportunity for release on their own recognizance in lieu of money bail or pre-trial detention in the Monroe County Jail.

In summary, the costs of local corrections in Monroe County are rising year by year due to the increase in the cost of county employees and the increases in the cost of materials and supplies and equipment. The 25% increase over three years for the jail, compared with the 12% increase for the probation department is probably indicative of the greater reliance on goods and services that must be purchased for prisoners inherent in the jail program which provides total care and custody for those held or sentenced, as well as the increased salary and benefits to jail personnel over the three year period.

A study of the 1972 local criminal justice appropriations of town, village, city, and county governments in 1972¹ indicated that the total cost of the local criminal justice system was approximately 30.5 million dollars, of which 4 million represented County appropriations for the operation of the Monroe County Jail and the Monroe County Probation Department.

¹Horwitz, Lois K. Local Criminal Justice Appropriations in Monroe County, New York. Information Paper #1. May, 1973. Pilot City Program.

JAIL

The hub of the local corrections system in Monroe County is, as in most jurisdictions, the County Jail. Monroe County, unlike most counties in the nation, has a new county jail. This facility was completed in the spring of 1971, at a cost of approximately \$8,834,000, and has a designated holding capacity of 324.¹ The new Monroe County Jail replaced the County Penitentiary on South Avenue and the County Jail on Exchange Street and is designated to hold both sentenced and unsentenced prisoners. The Jail is operated by the Monroe County Sheriff's Department.

In a general sense, local correctional institutions are the most difficult part of a corrections system to manage and administer. The basic problem is that jails are the most general purpose of all "total institutions." On any given day they will hold an incredible diversity of people, from civil prisoners incarcerated for non-support and public intoxicants "sleeping off a drunk" to persons charged with murder, rape, or armed robbery. The amount of time that any one of this diverse group will spend locked up varies from an hour's wait while bail is posted to a pre-trial wait of over a year for some persons facing felony charges. The varied legal status of prisoners complicates still further the administration of a local correctional institution. The correction law mandates that different types of prisoners must be held in separate units: females apart from males, civil from

¹ Howe, Gordon. Monroe County Public Safety Building and Jail. 1971.

criminal, sentenced from unsentenced, and minors from adults. No other total institutions in our society receive and "process" the great numbers and types of citizens that local correctional institutions do. The Bureau of the Census, in a special report to the Law Enforcement Assistance Administration, estimates that the approximately 4,000 jails in this country, usually operated by county government, house for periods of from a few hours to over a year three million people annually. Of these prisoners, 93% are misdemeanants and only 7% are felons. In fact, the majority are drunks, addicts, and petty thieves.¹

Table 11 shows the reason for commitment to the County Jail in 1973 for all prisoners both sentenced and unsentenced, based on the most serious charge. This table gives some idea of the diversity of jail commitments. The much greater number of those held, 6,301 versus those sentenced, 789, gives a before and after picture of the processing of the courts that filters the population indicated as "held". Of this group, most are released and some go to state correctional institutions or to probation and some remain as sentenced prisoners. The different proportions in the sentenced and held populations also reflect this screening process. Those with felony charges constitute 30% of the unsentenced population and 5% of the sentenced population. The large misdemeanor group represents 48% of the unsentenced but 81% of the sentenced population. This is because prisoners with indeterminate sentences greater than one year serve their sentences in state correctional facilities. The last two groups, traffic infractions and

¹McGee, Richard A. "Our Sick Jails". Federal Probation XXXV (March, 1971).

Table 11

1973

Reason for Commitment Based on Most Serious Charge

	HELD		SENTENCED	
	#	%	#	%
A. Felonies				
Assault	168		1	
Burglary & Burglary Tools	475		7	
Dangerous Weapons	61		0	
Grand Larceny (except auto)	197		18	
Murder (1rst)	24		0	
Murder (2nd, manslaughter)	15		0	
Narcotics	358		0	
Rape	40		0	
Robbery	201		1	
Sex Offenses (except rape)	32		2	
All other felonies	298		13	
Subtotal	1,869	30%	42	5%
B. Misdemeanors & Violations				
Assault	193		13	
Burglary & Burglary Tools	13		2	
Dangerous Weapons	39		11	
Disorderly Conduct	81		19	
Narcotics	352		41	
Operating Motor Vehicle W/Intox.	260		24	
Operating Motor Vehicle W/Impaired	3		3	
Petit Larceny	411		95	
Prostitution & Vice	55		7	
Public Intoxication	612		284	
Sex Offenses	15		1	
Unlawful Entry	76		0	
Other Misdemeanors & Violations	914		143	
Subtotal	3,024	48%	643	81%
C. Traffic Infractions (Except those in B above)				
Subtotal	308	5%	62	8%
D. Miscellaneous				
Family Court	140		0	
Violation of Probation	97		13	
Civil Process	17		0	
Material Witness	2		0	
Youthful Offender	32		29	
Violation of Parole	222		0	
Detainer	186		—	
Returned from N.Y.S. Correctional facilities for retrial, corram nobis, or resentence	62		0	
U.S. Armed Forces	77		0	
Other Miscellaneous	265		0	
Subtotal	1,100	17%	42	5%
Grand Total	6,301	100%	789	100%

Source: 1973 New York State Commission of Correction Report.

miscellaneous constitute 22% of those held and only 13% of those persons sentenced.

Typically "unsentenced prisoners" is a mixed category of all prisoners including those held awaiting arraignment, grand jury examination, trial, or sentencing. These cases constitute the bulk of the unsentenced population, but also included are persons held as military prisoners, prisoners awaiting process in the federal courts, persons being transferred between institutions, and state parolees awaiting decision of the parole board on revocation of parole.

Table 12 contains the reported number of persons and the time they were held as unsentenced prisoners for the years 1960, 1964, and 1970-1973. It is important to note that for the purposes of the New York State Commission of Corrections Report, the number of days is reported in the time category at the extreme left of the table. The number of persons is an actual count, but the number of man/days is an estimation arrived at by multiplying the number of persons by the theoretical midpoint of each category interval. At the bottom of each of the six years are the calculated mean and median number of man/days. The decline of the average and median number of man/days probably reflects the smaller capacity of the new jail and the greater access to bail and other pre-trial release procedures beginning in 1971.

The total number of persons held as unsentenced prisoners rose steadily from 1960 (3,532) through 1964 (4,003), 1970 (5,786) to a high in 1971 (5,839). In 1972 and 1973 the total number of persons

Table 12

Held Days in Monroe County Jail

Days	Theoretical Median	1960			1964			1970			1971			1972			1973	
		Man/Days	#Persons	%	Man/Days	#Persons	%	Man/Days	#Persons	%	Man/Days	#Persons	%	Man/Days	#Persons	%	Man/Days	#Persons
1- 2	1.5	2,186	1,457	41	2,607	1,738	43	4,122	2,748	49	3,933	2,622	47	4,068	2,712	48	4,035	2,650
3- 5	4	4,072	1,018	29	3,012	753	19	3,916	979	17	3,796	949	17	3,788	947	17	3,403	352
6- 10	8	2,656	332	9	3,136	392	10	5,424	678	12	5,528	691	12	4,856	607	11	5,320	655
11- 15	13	2,106	162	5	2,717	209	5	3,900	300	5	4,095	315	6	3,952	304	5	3,861	237
16- 20	15	1,512	84	2	2,394	133	3	3,366	187	3	3,852	214	4	3,204	178	3	2,754	153
21- 30	25.5	3,162	124	4	5,661	222	6	7,727	303	5	8,619	338	6	7,191	282	5	6,865	270
31- 40	35.5	4,650	131	4	4,189	118	3	4,970	140	2	6,603	186	3	5,538	156	3	5,928	167
41- 60	45.5	5,141	113	3	7,280	160	4	6,416	141	2	8,918	196	3	7,689	169	3	7,250	160
61- 90	65.5	5,109	78	2	10,873	166	4	8,646	132	2	12,249	187	3	7,336	112	2	7,991	122
91-125	105	2,160	20	1	5,400	50	1	5,292	49	<1	5,724	53	<1	6,912	64	1	5,940	55
126-150	135	1,380	10	<1	4,278	31	<1	5,106	37	<1	5,520	40	<1	4,140	30	1	3,174	23
151+	255	774	3	<1	7,988	31	<1	23,736	92	<1	12,384	48	<1	10,836	42	<1	14,706	57
Total		34,907	3,532	100	59,545	4,003	100	82,621	5,786	100	81,221	5,839	100	69,510	5,603	100	71,282	5,511
Mean			9.9 days			14.9 days			14.7 days			14.5 days			12.4 days			12.9 days
Median			4 days			4 days			3 days			3 days			3 days			3 days

declined to 5,603 and 5,511 respectively. The mean number of days held in jail follows a similar pattern rising from approximately 10 days in 1960 to about 15 days for 1964, 1970, and 1971 and declining to 12 to 13 days in 1972 and 1973. Because the distribution is skewed, the median is a more appropriate figure for summarizing the distribution. The median for the unsentenced prisoners was four days in 1960 and 1964 and has dropped to three days for 1970 through 1973. The reduction in the number of persons held and the lower median number of man/days probably reflect the impact of the Pre-Trial Release Project that began in 1971 and continued through both 1972 and 1973.

A common problem in evaluating the operation of correctional facilities in general and local jails in particular is that control of intake into the system is external to the correction personnel, i.e., with the various police departments and courts. The question can always be raised then as to whether a systematic change in client flow is indicative of new policies and procedures in the corrections establishment or reflective of a different clientele being "passed along" by law enforcement agencies and the courts. It is probable that the number in the unsentenced population is much more sensitive to court delays, bail, and ROR policies than to the gross input from the police in Monroe County.

Table 13 contains information on prisoners sentenced to the Monroe County Jail. As with the unsentenced prisoners, the number of persons in each category is an actual count and the number of man/days is an estimate based on multiplying the number in a time category by the theoretical midpoint of the interval. The total number of persons

sentenced to terms in the Monroe County Jail¹ has declined from 2,393 in 1960 through 1964 with 1,613 in 1970 to 1,223 and finally to 720 in 1971. In 1972 there was an increase back to 817 followed again by a decline to 789 in 1973. The median number of man/days served for sentenced prisoners was 30 days in 1960, increased to 60 days in 1964, dropped to 14-15 days in 1970, 1971, and 1972, and in 1973 increased to 24 days.

Due to a change in the reporting format for the New York State Commission of Corrections, the time categories in Table 13(b) for 1972 and 1973 are not the same as Table 13(a) in 1960, 1964, 1970, and 1971. The categories have been rearranged and reduced from 14 time intervals to 12 intervals and, therefore, the data from 1972 and 1973 are not directly comparable with data from prior years.

In comparison to the unsentenced category, the sentenced prisoners are much more homogeneous. Most of the sentenced population are sentenced under the penal law by town, village, city, or county courts. The majority are misdemeanants sentenced in Rochester City Court. As with the previous table, there is a consistent drop in the number of man/days served by offenders in Monroe County over the years covered in this report. As with the category of unsentenced prisoners, the data are not sufficient to warrant conclusions about judicial decision preferences without looking at the population being handled

¹In 1971 the New York State Jail and Penitentiary reports were merged. In Table 13 the data for the years 1960 and 1964 was compiled from the New York State Commission of Correction Penitentiary Reports.

Table 13 (a)

Sentenced (Days) to the Monroe County Penitentiary*

Days	Theoretical Midpoint	1960			1964			1970			1971		
		Man/Days	#Persons	% ³	Man/Days	#Persons	% ³	Man/Days	#Persons	% ³	Man/Days	#Persons	% ³
1- 5	3	309	103	4	267	89	6	147	49	4	93	31	4
6- 10	8	752	94	4	888	111	7	544	68	6	6	256	4
11- 15	13	546	42	2	416	32	2	9,347	719	59	4,823	371	52
16- 20	18	234	13	1	306	17	1	162	9	<1	144	8	1
21- 25	23	207	9	1	161	7	<1	138	6	<1	23	1	<1
26- 30	28	35,336	1,262	53	14,224	508	31	5,068	181	15	2,100	75	10
31- 59	45	360	8	<1	1,890	42	3	810	18	1	45	1	<1
60	60.5	25,349	419	18	6,171	102	6	1,029	17	1	1,150	19	3
61- 90	75.5	8,532	113	5	378	5	<1	2,642	34	3	2,416	32	4
91-120	105.5	16,458	156	7	13,715	130	8	528	5	<1	528	5	<1
121-150	135.5	407	3	<1	2,304	17	1	135	1	<1	0	0	0
151-180	165.5	14,895	90	4	66,697	403	25	7,944	48	4	9,434	51	8
181-270	225.5	2,030	9	<1	2,706	12	<1	1,350	6	<1	1,804	8	1
271+	318	22,896	72	3	43,884	138	9	19,716	62	5	25,440	80	11
Total		128,311	2,393		154,007	1,613		49,560	1,223 ¹		48,256	720 ²	
Mean			54 days			95 days			41 days			67 days	
Median			30 days			60 days			14 days			14 days	

¹In 1970, there were 8 prisoners with indeterminate sentences for a total of 1,231.

²In 1971, there were 33 prisoners with indeterminate sentences for a total of 753.

³Percentages do not add to 100 due to rounding.

*In cases where there were alternatives \$ ___ fine or/and ___ days, the fine was ignored and the sentence recorded as the number of days. The Number of alternative cases for each year is: 1960-116; 1964-208; 1970-145; and 1971-49.

Table 13(b)

Sentenced (Days) to the Monroe County Penitentiary*

Days	Theoretical Midpoint	1972			1973		
		Man/Days	#Persons	% ¹	Man/Days	#Persons	% ¹
1- 2	1.5	6	4	<1	5	3	<1
3- 5	4	184	46	6	164	41	5
6- 10	4	208	26	3	344	43	5
11- 15	8	4,732	364	45	3,562	274	35
16- 20	18	252	4	<1	72	4	<1
21- 30	25.5	1,020	40	5	1,989	78	10
31- 40	35.5	71	2	<1	0	0	0
41- 60	45.5	910	20	2	1,775	39	5
61- 90	65.5	3,472	53	6	6,681	102	13
91-125	108	1,290	12	1	1,836	17	2
126-150	138	0	0	0	276	2	<1
151+	258	63,468	246	30	47,988	186	24
Total		75,613	817	100	64,692	789	100
Mean			93 days			82 days	
Median			15 days			24 days	

by the courts. In the section of this paper on court disposition, we saw a general trend for increase in both the felony and misdemeanor categories, but without knowing the circumstances in the individual cases that are related to the severity of sentence (i.e., seriousness of the offense and the prior record of the alleged offender), it is impossible to generalize about the severity of sentencing. As a local correctional institution, the Monroe County Jail may hold prisoners sentenced up to one year.¹ There are a number of persons sentenced to terms over one year that are served in state correctional facilities. Judges in New York State have the option of placing offenders convicted of B, C, and D felonies and A, B, and unclassified misdemeanors on probation.² Without knowing the number and length of sentence of state prisoners from Monroe County and establishing an equivalency rate for days incarcerated and days on probation, then it is impossible to generalize about the severity of sentences overall.

Table 14 presents the proportions of man/days served by both sentenced and unsentenced prisoners for the years 1960, 1964, and 1970 through 1973. The proportion of the total man/days served by unsentenced prisoners was 21% and 39% in 1960 and 1964, clearly a minority in the total workload. In 1970 and 1971, the proportion for the unsentenced increased to 63%. This means that in those years almost two thirds of the institutional correctional capacity in

¹ Penal Law, Section 70.20 [2], Correction Law Section 802 [1], and Correction Law 500a [3].

² Penal Law Section 65.00 [3].

Table 14

Yearly Proportion Sentenced and Unsentenced Prisoners
for the Monroe County Jail (1960, 1964, 1970, 1971, 1972, and 1973)¹

	1960		1964		1970		1971		1972		1973	
	#	%	#	%	#	%	#	%	#	%	#	%
Unsentenced	34,907	21	59,545	39	82,621	63	81,221	63	69,510	48	71,282	52
Sentenced	128,311	79	154,007	61	49,560	37	48,256	37	75,613	52	64,692	48
Total	163,218	100	213,552	100	132,181	100	129,477	100	145,123	100	135,974	100

¹The total number of man/days in each cell of the table is based on the theoretical midpoint of the time intervals in the tables reported to the New York State Commission of Corrections.

Monroe County was expended to detain persons awaiting trial. In 1972 and 1973 the proportion declined to approximately 50% of the total, probably as a reflection of the impact of Pre-Trial Release Screening for Release on Recognizance (ROR), that is, release without money bail. What is clear is that although we tend to associate jails with persons serving sentenced terms up to one year, a substantial amount of resources are expended in pre-trial detention to guarantee the defendants' appearance at trial.

Jail Program

Because of the diversity of the clientele and the uncertainty as to the length of their incarceration, there is a problem of developing effective programs to absorb the energies of the prisoner population, reduce cell time and provide services that will promote the integration of the offender into the community. As can be seen from Tables 12 and 13 the great proportion of prisoners are held for relatively short periods of time compared with the time in typical rehabilitation programs that are expected to have any effect on a prisoner. A greater certainty about the duration of stay for sentenced prisoners makes programming easier, but also creates an incongruous disparity; i.e., those who have been sentenced to terms up to one year subsequent to conviction have more options and programs available to fill their time than the unsentenced prisoners who are awaiting trial, who are technically innocent and are being held because they cannot make bail.

The Monroe County Jail provides a regular program of activities that are common to local corrections facilities; these include physical

education facilities, occasional live entertainment, current movies, good library services, a small number of institutional jobs in the kitchen and tailor shop, religious services, and both emergency and remedial medical and dental care. To this basic program have been added a number of programs originating under L.E.A.A. funding as experimental corrections projects, as well as a proliferation of volunteer programs jointly sponsored by the jail and "outside" organizations.

This interest in providing services to prisoners leads to what is the most serious problem of the current jail program. There is a real need for more program area; rooms where small groups of prisoners can work together with jail staff or volunteers without limiting the movement of other prisoners and staff about the institution.

The focus of the programs available to prisoners in the Monroe County Jail is employment skills, training, and education. The jail operates a training and employment evaluation unit, originally funded as the Singer/Graflex Pilot Project. The project provides education, job placement, and supportive services in addition to vocational evaluation. The project was begun in April, 1972, and in the first year over two hundred prisoners completed the program. "Of the 92 inmates available for placement during 1972 through work release, parole, or completion of sentence, 66 have been placed on jobs with a retention rate of 93% during that 8-month period and an average hourly wage of \$2.95."¹

¹Monroe County Sheriff's Annual Report, 1972.

In October, 1971, the Monroe County Jail was authorized to begin allowing selected prisoners to leave and return to the institution on a daily basis for employment, vocational training, or education. From October, 1971, through 1973, 73 prisoners were placed on jobs. Participants are responsible for reimbursing the county for their room and board in the amount of \$35.00 a week. A program of this type allows prisoners to maintain their ties with the community, support their families, and reduce society's cost of incarceration.

Beginning six years ago, the Monroe County Jail joined a growing number of correctional institutions that provided preparation and examination for the state sponsored General Equivalency Diploma. As of 1973, 124 prisoners had prepared for and taken the examinations for high school equivalency and 61 had received diplomas.

The Pilot City Program is currently supporting the Rehabilitation Intervention Program for Sentenced Prisoners (RIP). The project involves an experimental three-pronged effort with the sentenced population of the Monroe County Jail covering:

- (1) early identification of problems which impair the social functioning of the offender,
- (2) development of a treatment plan for the individual inmate, including group and individual counseling, and
- (3) a program of aftercare and follow-up.

The service team includes mental health professionals and para-professionals. Jail deputies participate in the program and receive training in handling the acutely disturbed and in effectively

using available mental health services. Inmate participation in the program is voluntary.

In addition to these four programs, sentenced prisoners are offered a literature class, Great Books discussion group, Alcoholics Anonymous, group counseling, and music appreciation and vocal instruction by outside agencies and volunteers. For all prisoners, sentenced as well as unsentenced, there are programs in Planned Parenthood instruction, Literacy Volunteers Tutorial Services, and religious counseling.

PROBATION

Probation is the most common form of correctional sentence (i.e., to a correctional agency). It is frequently used in most jurisdictions for some major and many minor criminal offenses. Currently in New York State, probation is one of a class of alternative sentences available to the courts for all misdemeanors and all but "A" felonies. Probation provides for supervision in the community for a specified period of time in lieu of incarceration in a local or state correctional facility.

Historically, probation services have been very closely allied with the courts which they serve. As recently as July, 1968, the City Court of Rochester operated its own separate probation office. After 1968, the City probation staff was a part of the Monroe County Adult Probation Department. The merger of the city probation staff with the larger county probation staff serving County Court and the town and village Justice Courts initially was largely a budgetary matter. The two units operated as distinct units with offices in different buildings and with totally separate record systems. In September, 1973, the two sections were fully unified in one set of offices located in the Hall of Justice and the record systems are being merged. The Annual Reports of the Probation Department were divided into separate reports for the City and County Divisions for the years 1970-1972. This separation is maintained in the summary tables of this report on probation investigation cases received for supervision and on reported failures because it reflects the relative

autonomy of two divisions. No data has become available since the 1973 merger.

The work of a probation department is divided into two parts, investigation and supervision. Currently in New York, a judge is required to order a pre-sentence or pre-plea investigation for all persons convicted of a felony and for misdemeanants before any of the following sentences may be imposed:

- (a) probation sentence,
- (b) reformatory sentence,
- (c) a term of imprisonment in excess of 90 days,
- (d) consecutive sentences of more than 90 days.¹

In addition, a judge may request an investigation in any case even if not required by law. Probation investigations are generally of two types, abbreviated investigations with a short form report for misdemeanants and a full investigation in narrative form for felons. In the words of the New York State Criminal Procedure Law, the pre-sentence investigation

consists of the gathering of information with respect to the circumstances attending the commission of the offense, the defendant's history of delinquency or criminality, and the defendant's social history, employment history, family situation, economic status, education, and personal habits. Such investigation may also include any other matter which the agency conducting the investigation deems relevant to the question of sentence and must include any matter the court directs to be included. (CPL 390.30).

¹Criminal Procedure Law Section 390.20.

In Monroe County, it is the current practice that probation officers do investigations of defendants and supervise probationers. There is no separate unit that performs investigations. Table 15 reports the number of investigations, their type, and the court for which they were performed in the years 1960, 1964, and 1970 through 1972. The number of investigations for City Court has not changed significantly over the time period covered by this report. The cases investigated fluctuated between a low of 250 in 1960 and a high of 287 in 1970 and again in 1972. The proportion of total investigations performed by the City Division has declined from 36% in 1960 to 20% in 1971 and 1972. The Justice Courts proportion has grown from 10% in 1960 to 37% in 1972. The County Division accounts for almost all the increase in the total number of investigations from approximately 700 in 1960 to slightly over 1,400 in 1972. The cause for this increase is largely the increase in the volume of cases from the town and village courts due to the increased population of Rochester suburbs in Monroe County.

The other part of the work of a probation department is the supervision of probationers. A probation sentence requires that the offender conform to a set of probation rules defined by the State Legislature in the Penal Law, enumerated by the judge in passing sentence and enforced by the probation officer on behalf of the sentencing court. Probation sentences have come to be seen increasingly as a more desirable and effective method of rehabilitating and integrating many offenders than incarceration in the artificial institutional environment of a prison or jail. The effectiveness of

Table 13
Investigations for Monroe County by
County and City Divisions of Monroe County Probation¹
(1960, 1964, 1970-1972)

	1960	1964	1970	1971	1972
<u>County Court</u>					
Pre-Sentence	201	444	200	183	246
Pre-Plea	102	52	503	453	340
Y.O.	<u>76</u>	<u>127</u>	<u>58</u>	<u>52</u>	<u>19</u>
Subtotal	379	623	761	688	605
Percent	(54)	(63)	(62)	(54)	(43)
<u>Justice Courts</u>					
Pre-Sentence and Pre-Plea	30	49	104	103	193
Y.O.	0	4	61	106	146
Other	<u>39</u>	<u>72</u>	<u>121</u>	<u>133</u>	<u>177</u>
Subtotal	69	125	286	342	516
Percent	(10)	(13)	(23)	(27)	(37)
<u>City Court</u>					
Pre-Sentence	51	44	136	139	N.A.
Pre-Plea	188	180	3	1	282
Y.O.	N.A.	N.A.	141	100	N.A.
Other	<u>11</u>	<u>14</u>	<u>7</u>	<u>13</u>	<u>5</u>
Subtotal	250	238	287	253	287
Percent	(36)	(24)	(23)	(20)	(20)
Total for City, Justice, and County Court	698	986	1,234	1,283	1,408
Percent	(100)	(100)	(100)	(100)	(100)

¹Compiled from the Annual Reports Monroe County Probation Department for 1960, 1964, 1970-1972, and from the Annual Reports City Court, Criminal Branch Probation Bureau, 1960 and 1964.

probation is due largely to allowing the offender to maintain family and employment ties in the community and providing a "real world" situation to which the probationer can adjust under the supervision of the probation officer.

No small factor in the increasing use of probation is the tremendous difference in costs between community supervision and incarceration. The cost of incarcerating a prisoner, including loss of tax revenue and welfare expenses to support his family during confinement is estimated to be ten times the cost of community supervision for the same period of time. Another factor that often works in favor of probation sentences is their flexibility. The amount of supervision can be varied from intensive close supervision for "high risk" probationers to occasional and routine contact on an as needed basis for probationers stabilized in the community.

The period of probation is fixed and generally scaled to match the seriousness of the offense. Under New York State law, the period of probation for conviction of a felony is five years, for an "A" misdemeanor 3 years, for a "B" misdemeanor 1 year, and for "unclassified" misdemeanors 3 years if the authorized institutional sentence exceeds three months, otherwise, one year.¹ Probation is not permitted for a violation for the reason that probation is allowed only for conviction of a crime. "Crimes" are defined as felonies and misdemeanors. The amount of time under probation supervision may be reduced upon the petition of the probation department

¹Penal Law Section 65.00 [3].

to the court.

Table 16 summarizes, by court of jurisdiction, the number of offenders placed on probation in Monroe County for the years 1960, 1964, and 1970 through 1972. It should be noted that length of probation supervision is related to the offense of conviction so that the terms of probation for the City and for the Justice Courts are either 1 or 3 years, depending on the classification of the misdemeanor. The sentenced terms from County Court consist of many 5-year probation terms (upon conviction of a felony) and a few 3 or 1-year terms (for misdemeanors). The trend in the total number of probationers received was a consistent slight increase from 620 in 1960 to 621 (1964), 634 (1970), 691 (1971), and a large jump in 1972 to 803 probationers. The jump in total received was caused by a fluctuation in the City Division caseload, in conjunction with the long run trend previously mentioned of increasing probation cases from the town and village justice courts.

The Criminal Procedure Law, Section 410 provides procedures for the revocation of a probation sentence. Upon receipt of an allegation of one or more additional offenses or the violation of one or more of the conditions of probation, the court may institute revocation proceedings that lead to commitment for an institutional term on the original conviction.

Table 17 summarizes the reported probation failures, including commitments for probation violations, for the years 1970 through 1972. The Department classified as failures three types of cases: first, those who are discharged from a term of probation as

Table 16

Persons Placed on Probation in Monroe County Courts
(1960, 1964, 1970-1972)

	1960	1964	1970	1971	1972
Received from City Court	390	238	139	212	274
Percent	(63)	(38)	(22)	(31)	(34)
Received from County Court	209	345	391	344	337
Percent	(34)	(56)	(62)	(50)	(42)
Received from Justice Courts	21	38	104	135	192
Percent	(3)	(6)	(16)	(20)	(24)
Total	620	621	634	691	803
Percent	(100)	(100)	(100)	(100)	(100)

Source: Compiled from the Annual Reports Monroe County Probation Department for 1960, 1964, and 1970-1972 and from the Annual Reports City Court, Criminal Branch Probation Bureau, 1960 and 1964.

Table 17

Types of Probation Failures for City and County Divisions
of Monroe County Probation Department
(1970 - 1972)

	1970	1971	1972
County and Justice Court Division			
Failures (total)	228	140	162
Discharged as unimproved	45	29	46
Warrants outstanding	150	58	61
Committed for probation	33	53	55
Violations			
Under Supervision	1,222	1,398	1,556
Discharged	322	402	546
City Court Division			
Failures (total)	26	40	53
Discharged as unimproved	14	16	7
Warrants outstanding	8	10	36
Committed for probation	4	14	10
Violations			
Under Supervision	361	486	623
Discharged	88	137	191
Total Discharged	410	539	737
Total Under Supervision	1,583	1,884	2,179
Total Unimproved	59	45	53
Total Warrants or Violations	195	135	162
Total Failures	254	180	215
Rate A (Total failures as a percentage of total under supervision)	16.0%	9.6%	9.9%
Rate B (Total "unimproved" as a percentage of total discharged)	14.4%	8.3%	7.2%
Rate C (Total with warrants or violations as a percentage of total under supervision)	12.3%	7.2%	7.4%

Source: Compiled from the Annual Reports of Monroe County Probation Department 1970, 1971, and 1972.

"unimproved"; second, cases for whom there are outstanding warrants in connection with new crimes or violations of the conditions of probation; and third, those who have had their probation revoked and received an institution commitment.

There are a number of ways of analyzing failure rates; the Monroe County Probation Department reports rates based on the number of failures as a percentage of those under supervision in a given year. The problem with this method is that it combines two different types of failures from different risk populations. The "discharged as unimproved" group is based on a subjective diagnostic evaluation of the probation officer at the time the probation term ends. The maximum number of probationers that might be classified as failures in this group is limited to the maximum being discharged from probation in that year. The "warrants" and "revoked and committed" groups, however, are defined by an agency decision enforced by the court resulting from some specific behavior. Any probationer under supervision in a given year may be revoked for either a new crime or violation of the conditions of probation. A more useful way to handle these two groups is to create two rates, based on the correct risk population for each. One rate would be the proportion of the number of probationers discharged who are categorized as "unimproved" by their probation officers. The second rate would be the proportion of the total under supervision who had either warrants outstanding against them or who were revoked and committed to a correctional institution. Both of these rates, along with the single measure used by the Probation Department, are reported in Table 17.

Rate "A" is the official rate of failure reported by the Department in its annual report when the available data from the city and county are combined. Rate "A" declines from 16% in 1970 to 9.6% in 1971 and increases slightly back to 9.9% in 1972. Rate "B", the percentage of those discharged, evaluated as "unimproved", declines consistently from 14.4% in 1970 to 8.3% in 1971 to 7.2% in 1972. Rate "C" is perhaps the best single measure of supervision success because it is more reflective of the probationers' behavior than either "A" or "B". Rate "C" declines from 12.3% in 1970 to 7.2% in 1971 and increases slightly back to 7.4% in 1972. This is similar to the pattern of rate "A". Important differences are found in the rates when the results are divided into City and County Divisions and the separate rates for each are calculated as in Table 18. For the County Division all three rates decline from 1970 to 1971 and vary only slightly in 1972. In the City Division rates "B" and "C" change in different directions. Rate "B" declines from 15.9% in 1970 to 11.7% in 1971 and finally to 3.7% in 1972, indicating that in the evaluation of the probation officers that over the three year period a greater proportion of their clients are discharged "improved". At the same time, rate "C" was increased from 3.3% in 1970 to 4.9% in 1971 and to 7.4% in 1972, indicating that a greater proportion of those under supervision were becoming failures through the commission of new crimes or the violation of the conditions of probation.

Probation Program

There are two parts of the Adult Probation Program that supplement the normal probation services of pre-sentence investigation

Table 18

Failure Rates for City and County Court Sections
of Monroe County Probation
(1970 - 1972)

	1970	1971	1972
County Court Division			
Rate A (Total failures as a percentage of total under supervision)	18.7%	10.0%	10.4%
Rate B (Total unimproved as a percentage of total discharged)	14.0%	7.2%	8.4%
Rate C (Total with warrants outstanding or revoked and committed as a percentage of total under supervision)	15.0%	7.9%	7.5%
City Court Division			
Rate A (Total failures as a percentage of total under supervision)	7.2%	8.2%	8.5%
Rate B (Total unimproved as a percentage of total discharged)	15.9%	11.7%	3.7%
Rate C (Total with warrants outstanding or revoked and committed as a percentage of total under supervision)	3.3%	4.9%	7.4%

Source: Compiled from the Annual Reports of Monroe County Probation Department, 1970, 1971, and 1972.

and case supervision. Both were begun as L.E.A.A. projects and both are addressed to the problem of offender employment. The original Singer/Graflex Probation Project was begun in December of 1970 and operated until December of 1972. During the second funding year, the project title was Monroe County Rehabilitation Program and was expanded to include in-custody evaluation and training for jail prisoners. (See jail program section). The accomplishments of the project as cited in the 1972 Annual Report of the Monroe County Probation Department are

(1) Probationers subjected to training 12/70 - 12/72	388
(2) completed training	369
(3) in training process	19
(4) placed on jobs	328/269 - 89%
(5) job retention based on 6-month follow-up	283/328 - 86%
(6) trained probationers rearrested in 6-month follow-up	15/369 - 4%
(7) average hourly earning at start of job	\$2.82

A fuller description of the operation of the Singer/Graflex Probation Project and its evaluation can be found in Venezia and McConnell, The Effect of Vocational Upgrading on Probationer Recidivism, (NCCD, 1972).

The second L.E.A.A. project is currently in operation under funding available through the Rochester-Monroe County Pilot City

Program -- the Probation Employment and Guidance Program (PEG). This program utilizes a multidisciplinary panel approach to maximize employment for unemployed and underemployed probationers in Monroe County. Through group analysis of problems by a Review Panel and guidance sessions conducted by an Employment Guidance Council, probationers are afforded various opportunities that assist them with employment and related problems. Members on each of the panels are drawn from industry and business segments of the community. The program began in September, 1973, and is scheduled for completion in January, 1975. In that time approximately 250 probationers, all volunteers, will have been interviewed by the Review Panel. Those who are job ready will be identified.

The Review Panel will have referred approximately 50 job-ready probationers to the Employment Guidance Council. The Council has aimed to raise the level of employment among this selected group of probationers by means of guidance sessions, supplemented by follow-through assistance from a Community Liaison Officer, the PEG Coordinator, and the regular staff of probation officers. The evaluation of PEG and its effects on recidivism, employment, and social functioning of the participants will be measured during a six-month follow-up.

NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES

While the mandate of the Pilot City Program and the focus of this report are both on Rochester and Monroe County, it is important to describe the full range of the correctional system which includes the institutional and parole operations of the New York State Department of Correctional Services. In this section is some data concerning the location and impact of Monroe County state commitments to correctional institutions and persons released in the community to State Parole.

The Department currently operates 22 institutions for the care and custody of offenders sentenced by the courts of New York to terms in excess of one year. As can be seen in Table 19, 66% of the 12,444 persons in New York State correctional facilities on January 1, 1973, were in the six maximum security institutions at Attica, Auburn, Clinton, Green Haven, Great Meadows, and Ossining (Sing Sing). Twenty-five percent were confined in eight medium security institutions at Coxsackie, Adirondack Treatment Center, Wallkill, Glenham, Bedford Hills, Albion, Elmira, and the Reception Center at Elmira (on the grounds of the Reformatory). Three percent were located in the five minimum security forestry camps; Pharsilia, Monterey, Summit, Georgetown, and Adirondack. Seven percent of the departmental population was located in three special purpose institutions for the retarded and the mentally ill at Beacon and Matteawan.

Table 19

Profile of New York State Department of
Correctional Services Institutions
on January 1, 1973

	Total In Custody	Committed from Monroe County
1. Maximum Security	8,204 (66%)	320 (62%)
Attica	1,135	165
Auburn	1,402	81
Clinton	1,479	20
Green Haven	1,625	26
Great Meadow	1,224	23
Ossining	1,176	3
2. Medium Security	3,101 (25%)	154 (30%)
ACTEC ¹	114	6
Coxsackie	476	49
Elmira	1,083	31
Glenham	254	23
Reception Center (Elmira)	316	11
Wallkill	485	7
Bedford Hills (female)	347	20
Western (Albion)	26	7
3. Minimum Security	317 (3%)	15 (3%)
Pharsalia	68	4
Monterey	42	2
Summit	84	2
Georgetown	85	4
Adirondack	28	3
4. Special Institutions	822 (7%)	24 (5%)
Beacon	71	3
Matteawan (male)	701	18
Matteawan (females)	50	3
5. Total	12,444 (100%)	513 (100%)

Source: Compiled from Tables I and II of Characteristics of Inmates Under Custody 1972. Volume III, NO. 3, New York State Department of Correctional Services.

¹ ACTEC is the Adirondack Correctional Treatment and Evaluation Center.

The second column of Table 19 indicates the number of inmates from Monroe County. Inmates on commitment from this county are not distributed in the same proportions to the four basic types of institutions. The maximum security institutions contain 320 or 62% of the Monroe County inmates compared to 66% for the total state institutional population. The medium security institutions hold 30% of the local commitments as compared to 25% of the state-wide total. The minimum security camps hold 3% of both the total state population and the subpopulation from Monroe County. The special institutions for the handicapped hold 7% of the state total but only 5% of the Monroe County total. Among the maximum security institutions, Attica, and to a smaller extent Auburn, are the most significant locations. In the medium security group, Cossackie, Elmira, Glenham, and Bedford Hills for Women are the institutions holding substantial numbers of Monroe County offenders. These six institutions, out of twenty-two in the department, hold approximately 72% of the Monroe County inmates.

Table 20 compares all New York State correctional commitments with those from Monroe County for the five years 1968 to 1972. The percentage change for the departmental commitments as a whole has increased 29% over the five-year period. The number of commitments was stable at approximately 4,400 new commitments a year from 1968 to 1970 and then increased to 5,237 in 1971 and 5,760 in 1972. The pattern of new commitments from Monroe County is quite different. The number of new commitments was stable at approximately 234 a year from 1968 to 1971 and declined dramatically to 170 in 1972. It is probable that the decline in 1972 is the result of the impact of the Attica

Table 20

New Commitments New York State
Department of Correctional Services
(1968 - 1972)

	1968	1969	1970	1971	1972	% Change 1968-1972
Monroe County Commitments ¹	217	239	242	237	170	-21.7%
Total Commitments State- Wide to the New York State Department of Correctional Services	4,476	4,563	4,362	5,237	5,766	+28.8%
Percent	4.8	5.2	5.5	4.3	2.9	

Source: Compiled from Characteristics of New Commitments, 1972. New York State Department of Correctional Services, Table 2.

¹Note: The number of commitments received by the Department of Correctional Services does not match with the dispositions from Monroe County and Rochester City Court reported in Tables 1 and 2. This is because of the lack of dispositions from the town and village courts that contain an unknown number of Youthful Offender reformatory sentences and because there are delays in transporting prisoners due to appeals of sentences.

riot in September, 1971, on local sentencing policy. This is particularly likely because Attica houses a substantial proportion of all Monroe County state correctional commitments. In the five-year period 1968 to 1972, Monroe County commitments declined by 22%.

Persons committed to state correctional institutions serve indeterminate sentences within statutorily set minima and maxima. For example, in a case of a person convicted and sentenced for a class E felony (the least serious category receiving indeterminate sentences), the minimum term is set by the New York State Parole Board, but is not less than one year. The maximum is at least three years but not more than four years. The sentencing judge sets the maximum within these limits. The actual date of release for a class E felony offender is determined by the Parole Board within these individual minimum and maximum terms. For a class A felony (the most serious crimes) the minimum must be at least 15 years but not more than 25 years and the maximum is life in prison. The sentencing court sets the minimum and maximum and the actual release date is set within those limits by the Parole Board. Good behavior time is applied against the minimum and jail time spent in custody awaiting trial on a charge is credited against both the minimum and maximum sentence. In 1972, the median number of months that had been served by released state inmates was 18.5.

It has generally been the philosophy of New York corrections that to the greatest extent possible, those released from correctional institutions should be supervised in their return to the community

for the balance of their maximum sentence. Of the 6,912 persons released in 1972, 5,904 or 85% were under parole supervision. The rest were released from correctional institutions upon expiration of their maximum sentence. Monroe County is served by the Rochester Area Office of New York State Parole with 23 parole officers. This office supervises approximately 750 parolees in Monroe County and surrounding counties. Approximately 450 or 60% of these cases are from Monroe County. The Rochester Area Office works closely with the Albion Community Preparation Correctional Center that holds inmates from the Buffalo, Rochester, and Syracuse areas who are approaching their parole date. The Division of Parole also operates the Gregg Street Center for released parolees that provides room and board and employment and counseling services on a short term basis to parolees returning to the community.

PRIVATE, NON-PROFIT AGENCIES

There are a large number of private, non-profit agencies that provide services to the clients of the criminal justice system in Monroe County. Recently a number of these agencies have formed a supportive services coalition to better coordinate their services. A complete list of the supportive services is provided in Appendix I. Many of these groups are responsive to special or unusual problems and choose to focus their attention on state prisoners and parolees. There are a few agencies that have a significant systematic impact on the daily operation of the Monroe County corrections system. The Pre-Trial Release Program and the Rochester Bail Fund serve to alter the pattern for holding arraigned prisoners who are awaiting trial because they pose a viable alternative to the presently operating system of money bail. According to figures made available from Pre-Trial Release, Inc., (see Table 21), in 1973 the program interviewed 4,316 defendants in the Monroe County Jail at a rate of approximately 360 defendants per month. The program recommended for release on their own recognizance (ROR) 2,315 defendants who met the requirements of residence and employment in the community. Of these, 1,477 were approved for release by the courts. As Table 21 indicates, the impact of ROR on pre-trial detention is great. One in five defendants who are jailed are granted ROR on the basis of Pre-Trial Release screening.

The available data indicate that there is great variability on a month-to-month basis in the number of those recommended who are approved by the arraigning judge in Part I of City Court. Of the 123

Table 21

Pre-Trial Release, Inc.
(1973 - Summary)

	#	Average Per Month	% Jailed ²	% of Those Interviewed ³	% of Those Recommended ⁴
1. Jailed	7,267	606	100%	—	—
2. Not Eligible	3,009	251	41%	—	—
Intox	2,550	213	—	—	—
Other	459	38	—	—	—
3. Eligible	4,270	356	59%	—	—
4. Interviewed ¹	4,316	360	—	100%	—
5. Not Recommended	2,001	167	—	46%	—
6. Recommended	2,315	193	—	53%	100%
Not Approved	833	69	—	—	36%
Approved	1,477	123	—	—	64%

¹ Those interviewed is larger than those eligible because at the time the Pre-Trial interviewers are working, it is not known if there are detainers in some cases. (15 cases a year or approximately 14 a month.)

² This column indicates the percentage of those jailed in an average month who are eligible and not eligible for ROR consideration.

³ This column indicates the percentage of those interviewed who are either recommended or not recommended for ROR.

⁴ This column indicates the percentage of those recommended who are approved or not approved for ROR by the judge.

approved for ROR in an average month, 72% or 90 of the cases come from Part I of City Court. The average for the first eleven months of 1973 was 63% approved, but on a month-to-month basis the percentage ranged from a high of 77% in July, 1973, to a low of 52% in April, 1973. Most of this variability is accounted for by different judges sitting a month at a time on the bench in Part I of City Court.

The Rochester Bail Fund is an example of a different type of private agency impact on the criminal justice system through the bail process. The Rochester Bail Fund grew out of the "Flower City Conspiracy" trial of 1969. Money was raised in the community to bail the defendants in that case. Experience on the part of the defendants and their supporters with the inequities of the money bail system lead to creation of the Rochester Bail Fund using donations and loans from members of the community originally used for the defendants in the "conspiracy". Between the founding of the fund in 1970 and October, 1973, they have posted 343 bails in courts in Monroe County for a total of \$77,740. In four years of operation, the last two, 1972 and 1973, have been during the operation of the Pre-Trial Release Program that would have a tendency to catch the "good risk" defendants. The fund has written 80% of its bails in this period and reported a creditable 90.4% appearance rate. This is particularly high when it appears that it is done without application of any particularly stringent eligibility requirements other than a maximum amount of bail fund support (\$500).

Appendix I

Supportive Services Coalition

Action for a Better Community Bob Tishler 325-5116	244 Plymouth Ave. So.	14608
Baden Street Settlement Dave Huddleston 325-4910	152 Baden Street	14605
BRIDGE Patrick Terry 436-2812 Also: Rev. James Rich	750 West Main Street 216 Thurston Rd.	14611 14611
Catholic Family Service Larry McNally 546-3046	P.O. Box 988 (MWF 9-1, T-Th 1-5)	14603
Concentrated Employment Program Jerome Holland 325-3750 Ext. 35	132 Merrimac St.	14605
Division for Youth Pat Benedetti 325-3050	119 E. Main St.	14604
FIGHT FEEP Program Carl West 436-9880 Albert Lawson 232-7832	146 Lambertson Pk. 637 Clinton Ave. So.	14611 14605
Human Development Chalres Mulligan 32806400	750 W. Main St.	14611
Ibero-American Action League Edgardo Marin-Arce 544-0450	938 Clifford Ave.	14605
Job Corp Helen Curtis 546-3400	242 Andrews St.	14604
Monroe County Legal Assistance Bob Olcott 244-8078	85 Beverly St.	14607
Monroe County Youth Board Peter Millitello 442-4000 Ext. 2237	111 Westfall Rd.	14620
Monroe Development Center Hartwig McMillan 436-1310	841 Genesee St.	14611
Monroe Development Service Ed. P. Fenninger 461-1310	797 Elmwood Ave.	14620
Neighborhood Youth Corp. Geneva Robinson 454-3950	42 So. Washington St.	14608

Appendix I Continued

NYS Youth Opportunities Marilyn Songer 546-3400	242 Andrews Street	14604
Nineteenth Ward Community Assn. Holsey Hickman 235-2505	447 Genesee St.	14611
On the Move and Peoples Defense Fred LeSure 454-2272	185 East Ave.	14604
Parole Division Peter Andrullis	75 Clinton Ave.	14604
Prison Action Jerry Hanley 546-1164 Also: Elaine Greene	121 N. Fitzhugh St. Rm. 317 32 Sanford St.	14614 14620
Prisoner Assistance c/o Claire Regan 377-4342	3 Manor Hill Rd. Fairport	14450
Puerto Rican Youth Development and Resource Center Henry Padron 546-5570	437 Central Pk.	14605
Rochester Bail Fund Alison Clarke 262-9967	17 Fitzhugh St. So.	14614
Rochester Interfaith Jail Ministry Bob Born	17 Fitzhugh St. So.	14614
Rochester Jobs Inc. Robert Pensky 232-2600	770 Sibley Tower Bldg.	14604
Singer Graflex Scott Hester 442-6540 Lillie McLean	350 E. Henrietta Rd.	14620
WEDGE Jeanette Major 325-3781	172 Jay St.	14608
World of Work Jack Hamishfeger 454-1591	61 Jay St.	14608
Urban League Jeffrey Carlson 325-6530	50 W. Main St.	14614
YAWF Brian Curran 254-4049	171 State St.	14614
St. Simon Community Center C. Simpkins 232-2623	6 Oregon St.	14605

Appendix I Continued

Vocations for Social Change Claire Douglas 461-2230	713 Monroe Ave.	14607
Youth Crisis Center David Young 454-7530 Eileen Rhodes	115 S. Clinton Ave.	14604
Drug and Alcohol Council Toni Guinar 454-2535	9 Lawrence St.	14607
Prison Action Melvin Jackson 377-1976	92 W. Church St. Fairport	14450
Sr. Comm. Liaison Spec. Leave message w/Dick Fietz Gregg St. Center	Albion Comm. Prep Center Box D Albion	19911
Women's Jail Project c/o Merrill Bittner 671-2561	761 Gravel Rd. Webster	14580

END

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