

**Establishing A Policy Prohibiting The Housing Of Incarcerated Individuals Transferred From Facilities Outside Of Ulster County, ~~The “No More Incarceration For Profit Policy”~~ The Ulster County Board-In Policy**

Referred to: The Law Enforcement and Public Safety Committee (Chairman Uchitelle and Legislators Hansut, Heppner, Hewitt, and Lopez), and The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Legislators Phil Erner, Joe Maloney, Laura Petit, and Abe Uchitelle offer the following:

WHEREAS, Ulster County presently authorizes the transfer of incarcerated individuals from correctional facilities outside of Ulster County to the Ulster County Jail and the County, in turn, is paid a per diem rate for each out of county incarcerated individual housed at the jail; and

~~WHEREAS, the practice of housing federal incarcerated individuals at the Ulster County jail in recent history has created major gang-related issues presenting logistical hurdles with regards to housing, feeding and transporting as well as physical health dangers to county employees and incarcerated county residents; and~~

WHEREAS, the revenue/fee generated from boarding out of county incarcerated does not necessarily cover transporting, feeding, and accrued overtime costs incurred; and

WHEREAS, a model of incarceration-for-profit approach to our Ulster County jail is morally and economically defunct of logic; and

WHEREAS, to promote the safety and welfare of the incarcerated individuals and county employees at the Ulster County Jail and to effectively decrease the number of incarcerated individuals housed in the Ulster County jail, the Ulster County Legislature hereby determines it appropriate and necessary to establish a policy **prohibiting of reporting relating to** the transfer of incarcerated individuals from correctional facilities located outside of Ulster County, ~~unless such a transfer is mandated by the New York State Commissioner of Correction or a Court of competent jurisdiction~~; now, therefore, be it

~~RESOLVED, the transfer of incarcerated individuals from county and federal correctional facilities located outside of Ulster County to the Ulster County Jail is hereby prohibited unless such a transfer is mandated by the New York State Commissioner of Correction or a Court of competent jurisdiction;~~

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**RESOLVED**, the Ulster County Sheriff shall deliver a report to the Clerk of the Legislature, to be reviewed by the Law Enforcement and Public Safety Committee, within 30 days of any transfer of an incarcerated individual from a county or federal correctional facility located outside of Ulster County to the Ulster County Jail; and, be it further

**RESOLVED**, that each such report shall include;

- **Number of individuals transferred**
- **The facility the transfer was from**
- **The amount per transfer Ulster County shall receive**
- **The estimated overtime cost projected as a result of each transfer**
- **The prior three month actual overtime costs incurred by the Sheriff’s Corrections Division; and, be it further**

**RESOLVED**, the transfer of incarcerated individuals from federal corrections facilities, or individuals in federal custody, to the Ulster County Jail is hereby prohibited unless such a transfer is mandated by New York State Commissioner of Correction or a Court of competent jurisdiction, or is required by a national or regional emergency, or for the safety of the incarcerated individual, or for the safety of the general public, ~~as determined by the Ulster County Sheriff~~, except as otherwise provided by State and Federal law; and, be it further

**RESOLVED**, the effect of this ~~“No More Incarceration for Profit—The Ulster County Board-In Policy”~~ shall take effect immediately upon adoption,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

No Action Taken in Committee: Law Enforcement and Public Safety on April 7, 2022

Postponed in Committee: Law Enforcement and Public Safety on May 5, 2022

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No Action Taken in Committee: Law Enforcement and Public Safety on June 9, 2022

No Action Taken in Committee: Law Enforcement and Public Safety on July 7, 2022

Postponed in Committee: Law Enforcement and Public Safety on August 4, 2022

Passed Committee: Law Enforcement and Public Safety as amended on September 8,  
2022

Postponed in Committee: Ways and Means for one week on September 13, 2022

Referred back to Law Enforcement and Public Safety Committee by Ways and Means  
on September 20, 2022

Passed Committee: Law Enforcement and Public Safety on \_\_\_\_\_.

FINANCIAL IMPACT:

TBD