

Criminal Justice Coordinating Council (CJCC)
August 27, 2009 Minutes
8:00 a.m.
Hy-Vee Hall

CJCC Members Present: Bill McCarthy, Judge Gamble, Tom Hockensmith, Valorie Wilson, Sally Kreamer
CJCC Members Absent: John Sarcone.

LET THE RECORD SHOW Angela Connolly participated by telephone.

Others present: Captain Donna Brooks, Sue Elliott, Bill Vaughn, Lynn Ferrell, Candy Morgan, Ron Olson, Fred Gay, John F. Mauro, Nancy Robinson, Sergeant Brent Long, Lieutenant Cory Williams, Jeff Riese, Anne Sheeley, Jason Pulliam.

Approval of the June 4, 2009 minutes:

Moved by McCarthy, Seconded by Wilson to approve the minutes as presented.

Mental Health updates – Lynn Ferrell:

Mobile Crisis funding – Eyerly Ball was selected by DHS to receive mobile crisis funding. The Legislature didn't appropriate enough funds for the program. The State wanted additions made to the program. They preferred that people call a 1-800 number and resources would not be there to cover both 1-800 and 911. As a result, Eyerly Ball withdrew their application. Two contractors said they were going to withdraw their proposals. Lynn spoke with the Board about the County picking up the funding for the mobile crisis unit and they agreed so Mobile Crisis will continue with Polk County dollars. These programs need to be built from the ground up and the State won't provide the flexibility to allow that.

Judge Gamble asked about Dallas County. Lynn stated that Eyerly Ball had done some work in Dallas County. Judge Gamble asked if the program was more diversion in Dallas County. Lynn stated that he did not have enough first hand knowledge and will check and let him know but that was the plan in Warren County.

VA Psych Beds – the VA is moving from Knoxville to Des Moines in September and nursing home clients will be moving in November. There are currently 4 -5 commitment filings in Marion County a week which means 100 extra commitment filings, court hearings and Sheriff's transport. Indigent defense will be reimbursed. This move will have an impact on the civil system. Lynn wanted to make the CJCC aware of this situation.

Evidence Based Sentencing – Judge Gamble and Sally Kreamer:

Former Department of Corrections Director, Dot Faust, and Gordon Griller with the National Center for State Courts hosted a conference in Arizona that Judge Gamble and Sally Kreamer participated in regarding evidence based practices. The focus group presented ideas to courts around the country to get feedback on evidence training. Polk County is currently using some of the techniques. Sally Kreamer was the lead speaker. They are looking at risk assessments, triaging offenders, pre-trial release and getting the County Attorney's Office involved in getting low risk offenders out. Sally has done training with the Public Defender and would like to train other departments. They are modeling this after our PSI (pre-sentencing investigations) process. Sally will provide a presentation to CJCC. Tom Hockensmith asked if these practices have already been implemented. Sally said yes bond outs doubled from last year. We need to

examine this data to determine the report rate. If we safely have people bonding out and they are showing up in court, we need to measure this. Fred Gay requested the name of a recent recommended publication. Sally stated that a lot of states don't require PSI's on all felonies. Iowa Code states we must do PSI's on all felonies. There is a report from the conference, "Evidence-Based Practice to Reduce Recidivism" by Roger Warren (handout) that Judge Gamble will forward to CJCC members. The trend in the 70's was rehabilitation, then it was tough on crime in the 80's and we're currently back to a rehabilitation model to try to reduce recidivism and measure risks and needs.

Judge Gamble stated that incarceration is at rates higher than anytime in history. Research has been done on what does and doesn't work. Cognitive training programs studied to shows the needs the offender has. In Iowa, there is success in reducing recidivism. We are doing what is recommended by NCSC but there is more we could be doing. It would be helpful to revisit this and understand why we do what we do and understand that there is more we can be doing. Sally is providing training to the judges and private bar. If we could work with the County Attorney, it would be helpful in a collaborative effort. Sally will provide training at the next CJCC meeting. Low risk, the difference between now and one year ago, low risk probation based on risk assessment. There are people on felonies that are low risk. The level of supervision is based on assessment of risk and needs. With the resources to make it work, we could divert even more.

Violations Matrix – Sally Kreamer & Nancy Robinson (handout):

There currently exists inconsistency within the system, we are working on a matrix that we will run by the judges and public defender that is practical, makes sense and is more consistent. Nancy Richardson stated that they had conducted three trainings with 90 Probation Officers (POs). We went through the matrix on each violation, does the violation have significant threat? Has there been new violence? Was there a victim? Was there a risk assessment threat to a person? Was there access to carryout the threat? What is the immediacy? What is the crime pathway? If no, look at manageability resources available to utilize and implement. Pro-social family members and proximity of potential current victim. Training with Probation Officers to come up with sanctions and treatment. Gathered info went through violations separate into sanctions. High level sanction plus treatment, low level sanction plus intervention. Work in process sanctions and treatment intervention will be for high risk people.

We will prepare a first draft then meet with the judges and County Attorney to come up with the final matrix. Internal sanctions – electronic monitoring, increase in the number of times they come in, require an additional drug test, etc. Valorie Wilson stated that there were two recent cases where they were frustrated that the POs violations were for 18 months. She is hopeful that corrections will catch people earlier than waiting 18 months to report. Sally stated that we were getting warrants for everyone and will define a significant threat. Sheriff McCarthy asked about control bias and what part attitude plays? Sally stated that the attitude toward the supervisor as well as an unconventional belief system is a huge predictor.

Fred Gay stated that the matrix will also minimize bias on POs. Sally stated that POs that have the better outcomes aren't the authoritarians or the social worker types but the type in between. Judge Gamble stated that we intend to flush out the continuum of high/low level sanctions so judges know what that means. Judge Gamble stated that the judges training Sally is planning to do she should keep in mind that the judges rotate so she will need to keep continuing to train them. Judges need to know that before a probation violation occurs that a lot has been done. Sally stated that in Oregon one day versus waiting 30 to 90 days overall saves the county dollars

and reduces recidivism. Judge Gamble stated that to be effective it would need to be immediate with due process it takes longer. Fred stated that Corrections used to have a similar program. Sally stated that we still do and could build on that.

H1N1 – Sergeant Brent Long & Lieutenant Cory Williams:

The National Center is predicting a potential of 90,000 deaths in U.S. this year. Last year it was 6,000. There has to be a migration of bacteria to make a bigger threat. A closed environment can affect the court in a profound way. Sheriff McCarthy met with Judge Gamble yesterday regarding the Sheriff's Disease Control Contingency Plan. Sergeant Long and Lieutenant Williams were selected to head up disease control. They have met with several entities within Polk County, including the Health Department and Emergency Management; we have also met with the County Attorney, Judge Gamble and AJ Mumm.

Sergeant Long distributed a Disease Control Contingency Plan (handout) that addresses the H1N1 flu and what measures will be taken to address a possible outbreak. We are looking at prevention first. There will be a three part vaccine which won't be available until Mid-October. We are starting to see exposure now within Iowa. Any exposure in the jail, minimum or maximum, could affect a large population. Prevention is the first step. There are supplies we will need for the jail – N95 masks to have on hand. These are disposable and need to be changed twice per shift. We have talked with the contractor of the jail regarding airflow. The jail has six negative air flow rooms if we have to isolate an area. The Sheriff's Office is looking to purchase masks (jail), HEPA filters, hand sanitizers, electronic sprayers (puts out a mist that kills virus), etc.

The jail population, as well as employees, judges (cannot transport inmates if affected) will be affected. The Sheriff wants these purchases to go through the process that General Services uses, possibly next week.

Everyone will be screened coming in (temperature 100.4 or above with a cough are key to look for). The State is not testing anymore. Tamiflu is the only prescription available that treats H1N1. Judge Gamble and the Sheriff met to discuss this plan and will be putting together a working group to address these issues, as well as how to deal with court proceedings if there is a large outbreak and a response by General Services to keep the Courthouse clean. Some ideas are utilizing video court, sentencing reduction, pushing court dates back or suspending court if maximum exposure is reached. We are doing a lot of education of inmates and staff, hand sanitizers are in place but we are looking at larger ones. Masks create disposal issues, biohazard laundry, and maximum exposure. Also, Fort Des Moines and Meyer Hall should also be looked at for a contingency plan.

Judge Gamble stated that he and Anne Sheeley met with the Sheriff yesterday. The Sheriff has a number of issues he would like the courts to respond to. Last year the courts established a workgroup to look at this issue. The response needs to be system wide. The workgroup will look at minimum and maximum exposure issues. Maximum exposure at 20% is a disaster. The Sheriff would ask the courts to stop all proceedings; we need to look at constitutional case processing issues. If we had maximum exposure and 20% of staff is gone, this is a big deal to the courts system.

Sergeant Long stated that the contingency is looking at 120 days and must be flexible on what is available for staff. Judge Gamble stated that the Sheriff's duties will be affected, jail transport, courthouse screening we need to review how to respond. General Services response to keeping

the courthouse clean they may want to investigate the sprayers to disinfect and regularly change air filters. We will have masks available for the general public and use video visitation to keep people safe. Sally Kreamer stated that they have 300 people at the Fort. Sergeant Long stated that they can provide information on sprayers if anyone is interested.

Tom Hockensmith asked how involved General Services is in this issue. Ron stated that they haven't been but should be.

Jail Updates – Captain Donna Brooks:

Self Arrest Program – Program was held June 9. There were 164 letters that went out, 67 returned and 10 people were processed. Next date will be September 29th. There was discussion to change the name of the program from “self-arrest” to “warrant resolution”. Self-arrest tends to imply they will go to jail and that is not the case. Judge Gamble stated that the name we currently use implies that you will be arrested. Additional marketing should provide a better response. Other parts of the country have utilized t-shirts, balloons, etc. to reduce the anxiety. Valorie and Sally agree to the name change and to market this differently.

Web Conferencing – Most of the equipment has been installed and units were tested at court staging. Everything went well and is working. The issue now is staffing (part-time Associate Detention Officer need to staff). There was a miscalculation in staffing and there is currently no position to do this. Captain Brooks is looking at other options.

Open Discussion:

Tom Hockensmith asked if there is a process for identifying offenders if they are on work release and have a full-time job. Captain Brooks said they try and get them out on electronic monitoring. The judge will decide if they can have electronic monitoring or have to serve some of their time. Sally stated there are several programs that address offenders keeping a job and serving a sentence at night, weekends, etc. OWI weekends count as two days in jail. They receive education from the DOT during the weekend. Several districts do home confinement. Our work release lets them work during the day. Supervisor Hockensmith asked if there was any structure in place. Captain Brooks stated not as you have explained it. Valorie stated that other counties work release programs allow the inmate to go to work during the day and jail at night. Captain Brooks stated that we would use electronic monitoring to save jail space. Supervisor Hockensmith asked if we were fully utilizing electronic monitoring. Judge Gamble stated that SWAP is the Sheriff Office's work program for community service. Valorie Wilson asked how many bracelets do we have? Sally stated that it was a budget issue. Valorie requested we talk about electronic monitoring and work release at a future meeting. A review of these criteria will be addressed at a future meeting. The Sheriff also has an office work program (community service).

Next meeting will be September 24, 2009, at 8 a.m. at Hy-Vee Hall.