

Criminal Justice Coordinating Council (CJCC)

March 12, 2015

8:00 a.m.

VM-CCCU-CC

CJCC Members Present (10): John Sarcone, Judge Gamble, Angela Connolly, Tom Hockensmith, Sally Kreamer, Sheriff Bill McCarthy, Gary Mikulec, Karen Walters-Crammond, Valorie Wilson, Cory Williams, Eric Kool for Chad Jensen.

CJCC Members Absent (1): Chad Jensen.

CJCC Coordinator (1): Gary Sherzan.

Others Present: Sarah Boese, Dave Higdon, Frank Marasco, Dillon Kraft, Tim Krum, Joe Nemmers, Clifford Leonard, Teri Sommerlot, James Cornick, Jean Basinger, Teresa Baumhoff, Tom Jackowski, Larry James, Mike Reasoner, Nick Lemmo, Jennifer Miner, Mike Mortensen, Tony Leys, Nancy Robinson, Bob Glass, Max Knauer, Lori Hancock-Muck, Mikki Stier.

Approval of the January 8, 2015 Minutes

Moved by McCarthy, Seconded by Sarcone to approve the January 8, 2015, meeting minutes.

Jail Diversion and Sobering Center Update – Dave Higdon

Post Booking Jail Diversion continues to go well; they continue to serve more and more people. They have added another staff member, and since July 2014, their caseload has doubled. Jail Diversion and the Fifth Judicial District are working together with about 50% of the mental health caseloads that are on probation/parole.

The Mobile Crisis Response Team (MCRT) continues to be successful, and although there were fewer people served by MCRT in January and February, the numbers are up again so far in March.

The Crisis Observation Center (COC) has had some fluctuation in the average number of people served from July through February, but the numbers are increasing, and there have been several days when the center was full. The cost avoidance is significant: The 199 people treated in the field would have cost \$398,000 if they had gone to the Emergency Room, and \$2,686,500 if they had been admitted to the hospital. The 17 people brought in by the police would have cost \$74,800 if they had been taken to jail. About 64% of the people that come to the COC report that they would have gone to the hospital without the COC as an option.

Sobering Center—This is an alternative to someone going to jail who has been picked up for public intoxication. Rather than ‘sleeping it off’ in jail, they go to sober up in a treatment-based center, and can be engaged into treatment from there. There is an RFP going out on Friday, March 13, for this service.

Due to a scheduling conflict, Item V: Mt. Pleasant and Independence Mental Health Facilities will be presented next.

Mt. Pleasant and Independence Mental Health Facilities – Karen Walters-Crammond

The Governor’s Budget did not include any funding for the Clarinda or the Mount Pleasant Mental Health Institutes, and of course there are a number of individuals at Mount Pleasant for substance abuse treatment, so that is one of the units affected by this. Polk County Health Services has not been paying for any court ordered treatment there for quite some time as it was decided that was not part of the CPC process, so they had no fund information. Some of the information coming out of DHS indicated there had been about a 40% decrease in admissions from Polk County, but there are still significant numbers of people going to Mount Pleasant. The theory coming out of DHS is that there is adequate capacity within community-based services because with the Affordable Care Act more people have insurance that covers substance abuse treatment, so community-based providers aren’t using as much of their lot grant money, leaving more of it to fund local treatment.

Without funding for Clarinda and Mount Pleasant, and the facilities set to close, DHS is taking it upon themselves to stop any more admits, and begin looking for community-based alternatives. What they don't realize is that most of the individuals that Polk County has sent to Mount Pleasant aren't conducive for community-based care because they are there under court order. The six individuals that are in Clarinda's Geropsychiatric Program were sent there because there was no community-based alternative for their care. There are a couple of bills in the Legislature to force DHS to continue admits thru June 30, but the bills have not yet passed. Some patients will be transferred to mental institutions in Independence and Cherokee, while others would go to community-based facilities. Karen has offered assistance in finding, or working with other communities in creating, other alternatives, especially for those in the Geropsychiatric Program. A national trend is to recreate asylums to provide institutionalized care.

Sheriff McCarthy asked if there is any inspection protocol with an increase in the use of community-based facilities? It will depend on what kind of regulations and safeguards are in place, the workforce available, etc.

Judge Gamble asked if it was possible that the number of court ordered substance abuse treatment referrals to Mount Pleasant had declined due to the Bridges program?

Karen answered that that very well could be. Tom Jackowski added that if the numbers were compared between Mount Pleasant and ALPP with a similar 3.5 treatment program, you would see that ALPP has absorbed it pretty well. Tom Hockensmith commented that if the Mount Pleasant Residential Treatment Center would no longer be available, then he assumes the expanded detox services here are a good thing.

Sally Kreamer asked what their gaps would be, if any? And what about dual diagnoses?

Karen said they are working on the whole system being multi-occurring capable, with mental health providers understanding the substance abuse aspect, as well as the substance abuse providers recognizing mental health issues. They will be encouraging people to hook up to services that address both issues, individual providers for both issues.

Pretrial Release – Teri Sommerlot (handout)

The closing of IRTC is a big blow to pretrial release because of what is called a change of jail site, where a judge can order someone to a residential treatment center, but they are still considered incarcerated. Once they are through at the RTC, they come back to jail. How well they have done at the RTC, and whether they were successfully discharged, may help the judge decide on the sentencing. This can't be done with Bridges or ALPP due to a funding issue—funding for these programs is not available to someone who is in custody. So, from a pretrial release perspective, the change of jail site would no longer be an option.

A discussion continued regarding Mount Pleasant and Bridges/ALPP—i.e., the number of people in Mount Pleasant at any given time; the difference(s) between Mount Pleasant and Bridges; a possible solution to the issue that pretrial release faces without that option, etc.

Teri commented that as far as her pretrial release stats, not much is different than any other month.

Gary called attention to the stats regarding 'Those that were not interviewed' and whether some of the reasons were due to policies, procedures and regulations that could be looked at again and possibly changed because of some changes to the Code.

Bridges Substance Abuse Treatment Program and St. Gregory Update – Tom Jackowski, J.D., CEO, Bridges of IA

There are currently 120 individuals in the Bridges program--86 men and 34 women, which is 10 above what was anticipated the need for women would be. There are 26 men in ALPP Level 3.5 program; next month the inaugural class of 11 women will begin the level 3.5 program. The ability to provide a medical stabilization detox program at treatment Level 3.7 thru an intensive outpatient work release and transitional housing program with reentry into the community is a seamless delivery of services to individuals coming out of the jail. The women's program continues to be trauma-informed care, and based on the initial outcome measures, they are developing a trauma-informed care curriculum for men also. There were 43 referrals in January--(37 men, 6 women); in February —61 (55 men, 6 women). In January, 39 men were approved for the program, 4 denied; February—51 men approved, 10 denied; 4 women approved, 2 denied. The waiting list has 11 women, 2 who have been waiting 6 weeks; and 26 men, with an average wait time of 2 weeks. Due to a management agreement with ALPP, they are able to allocate more resources to freeing up more beds. In April, the graduation of 13 men and 9 women will immediately free up bed space.

I-Leads Committee Update—Frank Marasco (handout)

In-Facility Population--As of Monday, March 9, 2015, there were 922 inmates—144 females and 778 males.

The number awaiting Oakdale is back under control, due in large part to deployment of a new vehicle to transport up to 23 inmates per trip rather than 11. Frank recognized County Administrator Mark Wandro for working with the Sheriff's Office thru the Capital Improvement Budget to purchase the new vehicle. He also stated the funding wouldn't have happened without the support of the Polk County Board of Supervisors, particularly Supervisors Connolly and Hockensmith, who are both currently serving on the CJCC Board, for understanding the need to be able to transport more inmates per trip.

Weekly Jail Status Report (Inmates In-Custody to the Sheriff)—In answer to a question Tom Hockensmith had at the January 8th meeting—RE: "With the difference between 'In-Facility' and 'In-Custody', where are those people that aren't In-Facility?" As of Monday, March 9, the breakdown is as follows: Total number of inmates In-Custody—972; Total In-Facility—922. Of the 50 not In-Facility, there were 10 juveniles boarded out; 25 adult inmates were in drug treatment centers, or out for health evaluations; and 15 adult inmates were in the electronic monitoring program.

Bookings and Releases by Month – In January and February, there were just under 3,000 bookings and releases; very average for that time of year.

Being introduced today are two new slides regarding Veterans booked into the jail in 2014 and so far in 2015.

Veterans Status --Of the total number of individuals booked into the jail, 6% are veterans (self-reported); ¼ of them have benefits, and 16% identified themselves as homeless.

Veterans By Offense Group – The numbers indicated quite a large number of offenses by veterans were substance abuse and assault charges, indicating there may be issues with veterans reintegrating into the community.

Polk County Veterans Affairs assisting with veteran bookings at jail—Tim Krum, P.C. Sheriff's Office

Frank introduced Chief Tim Krum, who also sits on the Polk County Veterans Affairs Commission, to talk about a new program instituted at the jail where they are partnering with Polk County Veterans Affairs (PCVA). Initially, Jen Miner with the Federal VA would come into the jail each morning to try to provide services to the vets. One group she was unable to provide services to were the veterans that would bond out before she could meet with them, and they had no way of contacting them. Chief Krum asked Rebecca Buch, Administrator, PCVA, if there was a way that they could look at the bookings to see if there was something they were missing. Krum began sending Mike Mortensen, PCVA, the stats each morning on vets that were booked into the jail in the previous 24 hours. With daily tracking beginning on January 23, they discovered a substantial amount of veterans, 137, had been incarcerated; 49% had just recently been released from active duty due to the draw down, or returned from deployment. Of the 137 incarcerated, only 10 were existing clients of PCVA; only 31% were receiving any VA benefits; 80 were identified as homeless and needing housing assistance.

The large number of veterans needing assistance verified that the program was something that needed to be kicked off right away. On February 22, a goal was set to make contact with 100% of the veterans, either face-to-face or by letter, to inform them of the benefits available to them, and this goal has been met. Looking at the reasons for incarceration, they are focusing mainly on service related issues, filing claims for them, and getting them treatment outside of custody. PCVA has averaged 4 veterans per day over the last 2 months that have contacted them for assistance.

Angela Connolly commended those involved in getting this program started to help our veterans and their families. Jen Miner (known at the jail as the 'V.A. Lady') agrees that the program has helped to identify many veterans that haven't applied for benefits, didn't know what was available to them, and/or didn't know how to go about filing for them. National statistics show that about 10% of individuals in the criminal justice system have served in some branch of the military. It has been determined by the tracking done as part of this new program that an average of 100 veterans are booked into the Polk County Jail each month. Most of the charges have to do with domestic violence, drug abuse or public intoxication. John Sarcone asked what type of information are they receiving about the benefits available to them prior to release? Mike Mortensen replied that information is shared with them, but many just don't 'hear' the information because the only thing they have on their minds is getting home to their families.

Tim Krum believes that the number of veterans being booked into the jail and needing assistance in applying for benefits will increase as numbers in the military decrease. It may get to the point that they need to assign a representative from PCVA at the jail full time to keep up with the demand.

Grant Opportunities – Gary Sherzan

Gary has been looking into a grant from the John D. and Catherine T. MacArthur Foundation. The overall goal of the grant is to help local jurisdictions reduce their use of jail incarceration, with a particular focus on addressing the disproportionate number of low-income individuals and minorities held in jail pretrial. The primary purpose of holding someone in jail pretrial is that they are considered high-risk—i.e., a danger to society, a flight risk, or will recommit. Many people who are held in jail are low-risk individuals but are too poor to post bail, or too sick to be managed by existing community resources. They are not flight risks, or a danger to public safety.

Interested jurisdictions that are eligible to apply for the ‘Safety and Justice Challenge’ competition would submit an RFP application, due by 8:00 p.m. CDT on March 31, 2015. The competition is open to any jurisdiction with governing authority over a local jail or jail system that has no fewer than 50 beds. The Foundation will choose up to 20 jurisdictions to receive a \$150,000.00 grant and expert consulting help during a six-month period, May thru December 2015. During this time the jurisdictions chosen will collaborate to come up with a plan for policy, practice, and system changes designed to reduce jail population, improve public safety, save money and promote stronger, healthier communities. Beginning in 2016, as many as 10 of these jurisdictions will be selected to receive a second round of funding—between \$500,000.00 and \$2 million annually—to support implementation of the plan over two years.

Page 7 of Gary’s handout explains that the MacArthur Foundation’s ‘Safety and Justice Challenge’ is grounded in the premise that jail negatively impacts people who spend even a short time there. The Foundation is motivated by the recognition that, with the right kind of support, local communities can develop, adapt, and model effective ways to keep people out of jail while effectively managing public safety in the community, and provide those who are confined in jails an improved chance to succeed when they go home. The Foundation then poses a series of questions designed to help them understand why participation in the ‘Safety and Justice Challenge’ is a top priority in your jurisdiction.

Page 8 addresses ‘Leadership and Commitment’. In short, it explains that effective jail population management requires the support and involvement of all counterparts in law enforcement, prosecutors’ offices, the judiciary, pretrial service agencies, probation and parole, the defense bar, and local service providers. In this section, it is asked who will be the lead agency for the initiative and why is this agency best suited to spearhead a cross-agency planning effort around the use of jail in your jurisdiction? Gary put Polk County in charge of the grant, however, he stated that could be changed. Some of the other questions basically address the role the lead agency would play; if they have had this type of role before; what other key stakeholders will be integral to the success of this reform effort, and why?

Page 9 is ‘Demonstration of Commitment Appendix’—The applicant is asked to demonstrate the commitment of the stakeholders, and any others that they feel will be critical to the success of the effort. The response should reflect each core stakeholder’s perspective on specific questions, including ‘How would participation benefit your jurisdiction?’; ‘What current policies and practices should be examined as potential contributors...?’; ‘Which ones within your own agency may need to be examined?’; ‘How will your agency comply with the Foundation’s expectations...?’

Here is a synopsis of a discussion/Q & A that followed: What is the next step? To decide whether to apply for the grant; if approved to apply, each stakeholder (office/agency) submits a letter to Gary answering the questions in the previous paragraph to be submitted with the application. What is the expertise of the MacArthur Foundation as far as providing technical expertise and assistance on policy, practice, and system changes as part of the grant. Gary believes there are four organizations that would be used, one of them being the Vera Institute of Justice; he doesn’t have the other names with him. Is the Foundation looking to create a ‘validated risk assessment tool’? Make changes or recommendations to pretrial release and/or citation release criteria? All of these are possibilities. Sheriff McCarthy commented on [former] Governor Vilsack’s disproportionate oversight committee and the quantifying of fines, fees and assessments as underpinning much of the problem of disproportionate representation. He added that if we don’t get away from the dependence on that system, it will continue to keep a certain class of people down. Gary agreed that the burden of fees and fines are something that needs to be looked at and determine if there is something that can be done, especially in incidences where people absolutely cannot pay them.

John Sarcone asked if it could be that some of the things that have been done in this jurisdiction might work against us in being chosen to participate in this grant program? If the Foundation might look to other jurisdictions that haven't done some of the things we have, and where changes could have a chance of having the greatest impact? Gary feels that there are still a number of areas to look at when considering making changes, and that the grant program would provide the opportunity and structure to do that, but even if we're not awarded the grant, we should areas that need to be discussed and potential changes considered. Judge Gamble noted that fees, fines, restitutions, release criteria, etc., are all mandated by statute. Would the Foundation help with recommendations for legislation that might affect some of these statutes? Gary believes that it would.

Tom Hockensmith asked about looking at the initial arrest process, including people bonding out. There is a bond schedule that is used when court is not in session. When court is in session, the judge can make a decision based individually on the defendant and what their risk factor is believed to be.

Valorie Wilson stated that the majority of their clients are poor and can't bond out and can't afford to pay the fines. Some, even after sentencing, are kept in jail awaiting transport to Oakdale, and they are still charged \$60 per day as long as they are in jail. They have these huge bills and fines that they just can't get out from under. When they do get out, they can't get their driver's license as long as they have unpaid fines, which makes it hard to find employment, and the vicious circle continues.

Hockensmith moved to apply for the grant; Sheriff McCarthy seconded. All were in favor. The motion stands.

Open Discussion

Jim Cornick is here as a taxpayer and customer to speak about the difficulty of navigating the criminal justice system with a mentally ill son. Jeff, his youngest son, first attempted suicide when he was in his twenties, after which he was involuntarily committed to Broadlawns Hospital, diagnosed with depression, and spent the rest of his life under psychiatric care. Mr. Cornick had chronicled 3 ½ years of Jeff's battle with mental illness.

Jeff managed fairly well with his mental illness for about 25 years, until in 2011 the illness escalated. He became delusional, paranoid, irrational, and sometimes combative. Mr. Cornick said the hardest thing he's ever done in his life was to try to get Jeff mental health care, and keep him out of prison. There was the red tape of HIPAA laws, private health insurance, the judicial system, lack of mental health beds, and on and on. He was self-medicating with antidepressants and alcohol, and could be physically and mentally abusive. The family was compelled to file three separate committals to a mental health facility in a 5 month period. Twelve days after the 1st committal, Jeff attempted suicide by setting his house on fire. The Des Moines Police Department diverted both the fire and the suicide, but Jeff was arrested for intent to commit arson. At the time of the arrest, there was a mental health committal in effect, but rather than taking him to Broadlawns for mental health treatment, he was booked into the Polk County Jail, where he remained for 120 days.

In April of 2012, a psychiatrist diagnosed Jeff as bipolar. For the next three years, there was an array of different treatments, changes in meds, changes in probation officers, arrests for probation violations, etc. On January 7, 2015, he missed a meeting with his probation officer, and with Bridges. He had gone home after work to shovel snow and had forgotten about the meetings. He was arrested the next day, his 46th birthday, for probation violation. A few minutes after midnight, he hung himself in his jail cell.

Mr. Cornick described a number of other situations concerning law enforcement and either a lack of response to, or a lack of communication between agencies, when the family would call because Jeff was in crisis. He went on to cite several sections of the Iowa Code regarding the mentally ill, and had a number of suggestions for changes in how law enforcement handles situations involving the mentally ill. With all the technology today, law enforcement agencies should be able to immediately communicate with each other through a community platform to inform each other that a person is mentally ill, and take them to a hospital rather than to jail. All law enforcement should have comprehensive training in dealing with the mentally ill.

Meeting adjourned 9:32 a.m.