

Criminal Justice Coordinating Council (CJCC)

July 30, 2015

8:00 a.m.

VM-CCCU-CC

CJCC Members Present (9): Angela Connolly, Tom Hockensmith, Judge Gamble, John Sarcone, Sally Kreamer, Sheriff McCarthy, Karen Walters-Crammond, Chief Gary Mikulec, Allan Tunks.

CJCC Members Absent (2): Valorie Wilson, Chad Jensen.

CJCC Coordinator (1): Gary Sherzan.

Others Present: Dave Higdon, Dillon Kraft, Mike Reasoner, Steve Courtney, Scott Willson, Tom Jackowski, Lawrence James, Bob Glass, Dee Martin, Roger Kuhle, Jim Cornick, Lacey Smith, Max Knauer, Cynthia Stewart-Bishop, Joe Nemmers, Arnold Woods, Lori Hancock-Muck, Teresa Baumhoff, Betty Andrews, Frank Marasco, Sarah Boese.

Approval of the May 14, 2015, Minutes

Moved by McCarthy, Seconded by Sarcone to approve the May 14, 2015, meeting minutes.

Jail Diversion, Mobile Crisis Response Team, Crisis Observation Center and Sobering Center Update – Dave Higdon (handout)

Dave presented a Post Booking Jail Diversion report for July 1, 2014 to June 30, 2015, and stated that the numbers are fairly consistent with what has been reported in the past. He directed particular attention to chart #9 showing the 'Percentage of Days by Charge Class FY 15: July through June. It shows the number of days and percentages of people that were booked into the jail that have been identified as having a mental illness:

3% or 728 were booked on simple misdemeanors; 11% or 3,171 were booked on serious misdemeanors; 17% or 4,781 were for aggravated misdemeanors; 24% or 6,868 were for a felony; 42% or 11,782 were for probation violations, either technical or for new charges. With a daily cost of \$65, those 11,782 days came at a cost of \$765,830. Probation violations is an area that needs to be looked at more closely, and try to determine the best ways to reduce that figure. As far as the post booking program, they are still working with a caseload of 33-40 people.

Mobile Crisis Response Team (MCRT)--Of the roughly 2,000 people per year served by the MCRT, only 2% end up going to jail. Otherwise they are treated in the field, in their home, elsewhere in the community, etc. (69%), or they are hospitalized (31%).

A summary of the MCRT Cost Avoidance and Medicaid Cost Avoidance for July 2014-June 2015:

--850 people treated in the field would have cost

- * \$2.4 million if taken to jail
- * \$850,000 if taken to Emergency Room
- * \$3.4 million if taken to hospital

--850 people treated in field would have cost

- * \$425,000 if taken to Emergency Room
- * \$1.7 million if admitted to hospital

--509 people taken to hospital for treatment

- * \$1.4 million if taken to jail

Crisis Observation Center (COC)—The COC continues to see an average of 2 people per day, and the majority are walk-ins (35% or 254), followed by people brought in by a provider of a community program (23% or 164). Most people go directly home from the COC (38% or 276). If they had not gone to the COC, the majority of people would have gone to the hospital (70% or 501).

Crisis Observation Center Cost Avoidance and Medicaid Cost Avoidance for July 2014-June 2015:

--363 people treated at COC would have cost
* \$363,000 if an Emergency Room Visit
* \$1.4 million if admitted to the hospital
--24 brought in by police
* \$68,640 if taken to jail

--363 people treated in field would have cost
* \$181,500 if taken to Emergency Room
* \$726,000 if admitted to the hospital

Sally Kreamer asked Dave if he had the reason(s) for failed revocations, which he does not. She would like to take a closer look to determine the reason, and see if those could be reduced. She stated that, in the Fifth District, they have reduced mental health recidivism by quite a bit, and technical violations have been reduced by half since 2007.

Sobering Center—The RFP went out for the Sobering Center, resulting in two applicants. A team was put together to review the two proposals, and they had a recommendation. At about the same time, the legislature was trying to determine what to do with funding for mental health services. Although the Sobering Center would be funded out of General Supplemental Funds (Fund 2), and Mental Health funding comes from Fund 10, it was feared that expanding the program with the Center while asking for additional funding for mental health may jeopardize negotiations for additional mental health funding. The program was put on hold.

Pre-Trial Release – Teri Sommerlot –

Teri was unable to attend the meeting, therefore there was no pretrial release report. However, a hand out was provided with figures for the month of June.

Bridges Substance Abuse Treatment Program and St. Gregory Update – Tom Jackowski

Currently, Bridges has 124 men and 26 women in their program. A total of 46 men and women have graduated in 2 graduations; another 21 are scheduled to graduate in September, and 23 in December. The June graduating class was the first to have clients from the Level 3.5 treatment program. There were 52 referrals in May, 70 in June, and 81 in July (to date). Approvals: May—35 men & 10 women; June—55 men & 11 women; July--51 men & 14 women. Client Admits: May—20; June—18; July—23.

In June, there was a problem with some unsuccessful discharges due to K-2 issues. The problem with this substance is that testing is a year behind, and new strains continue to be developed. Bridges is working with the labs by providing them samples of the drug so that they can test them for the chemical compound which can then be added to the list for testing, hopefully allowing them to stay ahead of the curve as far as compliance.

Bridges has been looking at how they might engage individuals in the criminal justice process much sooner than they currently are. One idea is to get them engaged in treatment before they are released from jail. The number of people that are not engaged prior to release has increased to 40%. They will keep the CJCC Committee informed as this effort develops.

I-Leads Committee Update – Frank Marasco (handout)

In-Facility Population--As of Monday, July 27, 2015, there were 947 inmates (including 134 Federal prisoners)—142 females and 805 males.

Bookings and Releases by Year—Just over 8,000-- significantly lower than the last few years.

Bookings and Releases January – December Average—Just over 1,400; again, a decrease from 1,500+ and 1,600+ in 2011-2014.

Bookings and Releases by Month—March-June 2014 vs. March-June 2015—2014—1,600+ vs. 2015—1,400+
A 9% reduction from 2014-2015.

Jail Bookings by Agency—Overall this is down 6.65% from Jan.-June 2014 compared to Jan.-June 2015, due in large part to a reduction in bookings by the Des Moines Police Department (-14.89%). Tom Hockensmith asked about the 21.29% increase in bookings by the Department of Corrections between those time frames. Frank would need to look more closely at the reason(s) for the increase.

Average Daily Population (ADP) for June—927. **ADP for 2015—**922. Manageable numbers for staffing levels.

Average Length of Stay—21 days for the year. June had an average of 23 days. The volume of inmates was lower but because there an increase in bookings for more serious charges, it increased the ALOS for June.

Frank touched on the effect that Sunday Jail Court has on the jail's ADP, comparing Monday of 2013 (ADP 948) to where they are today (ADP 925).

Awaiting Other Facility Report by Location—Nothing out of the ordinary with these numbers. He mentioned Oakdale and that 21 of the 31 inmates waiting were being transferred there today. The average days in wait has decreased since transportation issues were resolved.

The American Correctional Association (ACA) performed an audit at the jail at the end of May. They passed all 54 of the mandatory standards set, for a rating of 100% . They also passed 82 of the 83 additional non-mandatory standards, for a rating of 98.8% for that portion of the audit. The auditors spoke very highly of the facility, stating that it is one of the best, if not the best, run facilities they've seen. The staff at all levels are knowledgeable about what their duties are, and all are very aware of how to handle emergency situations that may arise at the jail.

The Safety and Justice Challenge Grant and other issues concerning pretrial detention—Gary Sherzan

Gary applied for the Safety and Justice Challenge Grant in May that would have provided assistance to work on pretrial detention issues, however, the application was rejected. Out of over 800 applicants, only 20 were selected to receive the Grant. In the Grant application, Gary had included some of the ideas that have been discussed at the CJCC meetings. In no specific order of importance, but more in order according to the way defendants enter the system, Gary went over some of the proposals:

- Greater use of Citations—Sheriff McCarthy proposed allowing not only Peace Officers, but also jail staff that aren't Peace Officers, to issue Citations with the Sheriff's approval. This was presented to the Judiciary Chair of the Iowa House.
- Screening of every defendant to determine risk of flight and pretrial recidivism using an approved risk assessment.
- Enhancing the ability of the prosecutor's office to get a decision about pretrial release more quickly.
- Protocol, i.e., reminders to show up for court, etc.
- Addressing racial and ethnic disparities in this jurisdiction.

Gary spoke again to the Arnold Foundation to see if they would be willing to provide us with technical assistance. They are giving that some thought, and should let Gary know in a month.

In reference to racial and ethnic disparity, Judge Gamble called attention to Page 19, Slide #38 of the Sheriff's Office handout—'*In-Custody Inmate Judicial Status Report/Average Length of Stay By Race/Ethnicity*'. It shows the ALOS is 80 days for African-Americans, while Caucasians are 63 days.

Gary referenced the DOC's Pretrial Release handout for the month of June that showed that only 23% were interviewed by PTR. He wondered why that was and if there is some way to increase that number. He also noted that **Of those that were not interviewed—32% were on probation or parole*. Per Gary, they automatically do not get interviewed and he feels we should take a look at that.

Probation violation occurs when an individual fails to comply with the terms of their probation, i.e., failure to pay jail fees, etc. An example of a technical violation could be a call from a family that says they are terrified of their son; he's high on methamphetamines, and they feel they are in danger, but they don't want anyone to know. The DOC gets a warrant for him; he's picked up and tests positive for methamphetamines. He is given a technical violation, and spends some time in jail to get clean until they can line up drug treatment. Nothing is put in the report about the violence, in order to protect the family. A probation violation doesn't mean automatic re-incarceration as there is some flexibility depending on the situation. With 7,000 people in Polk County on probation, and 11,000 in the Fifth District, the number of people in jail for probation violation would be much higher than the 10% that it is now.

Discussion Items – Supervisor Connolly (handout)

An article in the New York Times discussed New York's bail system, and the number of people who are at Rikers Island awaiting trial that could be months or years away because they can't afford to post bail. A plan has been announced that would allow supervised release without bail to low-level offenders that are not a danger to the community or at risk of flight. It was estimated by New York City's Department of Corrections that 38,000 inmates were detained last year because they couldn't pay bail. Of those, nearly 10,000 people could not afford \$1,000 in bail, and 3,400 couldn't come up with \$500 or less. In Polk County, there are 431 inmates that are eligible for bail but unable to get out for various reasons, including not being able to afford bail. Angela has asked Frank Marasco to drill down and determine why these people are there, what they were charged with, and is there something that can be done to get them out if they truly are there because of the inability to pay. Tom Hockensmith commented that it seems if you have money, you get out of jail; if you don't have money, you stay in jail. He feels the system should be based on the risk to reoffend, whether or not you're going to appear in court, etc., not [strictly] on bail.

Jim Cornick cited a national statistic that shows 40% of people in the nation could not afford to pay a \$400 bill, for instance, to have a broken windshield repaired.

Angela called attention to a letter she received from Mr. Cornick in which he asked if there has been any changes made to the way the booking of an individual with a mental illness is handled. Angela has been working with Chief Tim Krum of the Sheriff's Office that oversees the operations of the Polk County Jail, and asked if it would be possible to have a box to check on the booking paperwork that identifies a person who has been booked previously and identified as having a mental illness. Part of the problem is that there are some legislative issues involved. Sheriff McCarthy mentioned a report due out in a few weeks by Disability Rights Iowa, an organization that aims to defend and promote the human and legal rights of Iowans who have disabilities and mental illness'. They have chosen to investigate this issue and their findings will be included in the report. The Sheriff stated that they don't have the resources to treat people differently at booking "simply because someone one time in their life indicated they might be depressed or suicidal." If they are acting out or say they are suicidal, then they have a protocol they follow. He thinks they possibly have a solution that has been discussed pretty intensely, but they don't want to carry that a step further until they see what the recommendations are from Disability Rights Iowa. The Sheriff acknowledged Mr. Cornick's efforts to improve the system, and applauded him for not wanting anyone else to go thru what he went thru with his son. (RE: Open Discussion -- May 14, 2015, CJCC Meeting) Teresa Baumhoff asked if when a box is checked identifying someone with a mental illness, if that information could then be connected to a database showing the persons' arrest and mental illness history? Sheriff McCarthy answered if they get to that point, they could look at the I.T. side of it. Karen Walters-Crammond said she is working with ISAC to get Chapter 228 changed so the confidentiality laws follow the federal laws and not the more restrictive Iowa regulations.

An announcement was made about the upcoming 'Racial Disparity Summit' on August 28 and 29, 2015.

Meeting adjourned 9:00 a.m.