

Criminal Justice Coordinating Council (CJCC)

October 8, 2015

8:00 a.m.

VM-CCCU-CC

CJCC Members Present (8): Angela Connolly, Tom Hockensmith, Judge Gamble, John Sarcone, Sheriff McCarthy, Chief Gary Mikulec, Valorie Wilson, Chad Jensen, Susan Osby

CJCC Members Absent (1): Dana Wingert

CJCC Coordinator (1): Gary Sherzan.

Others Present: Sarah Boese, Mark Wandro, Dillon Kraft, Mike Reasoner, Cory Williams, Max Knauer, Jean Basinger, Nancy Robinson, Roger Kuhle, Frank Marasco, Bob Glass, James Cornick, Nick Lemmo, Arnold Woods, Betty Andrews

Approval of the July 30, 2015, Minutes

Moved by John Sarcone, Seconded by Sheriff McCarthy to approve the July 30, 2015, meeting minutes.

I-Leads Committee Update – Frank Marasco (handout)

In reviewing the stats for this week, nothing really stood out, but Frank mentioned some new reports they are working on that will detail who is in jail and how long they are there, etc. This is taking longer than anticipated, but he hopes to have them done by the next meeting. They hope to include slides showing a breakdown of the Average Length of Stay by age, and then further break that down by race, gender and charge. Judge Gamble asked if the reports will include a breakdown of bookings by race and charge, for instance, the percentage of African Americans booked on a specific charge. Frank confirmed that the reports will include that data.

As of 10/5, the **In-Facility Population** was 975 (this a.m. down to 943; 30 awaiting Oakdale (with 22 being transported today); 107 from U.S. Marshall Service; 3 from D.O.C.; and 1 from I.C.E.

Awaiting Other Facility Report by Location—Total of 102; the bulk awaiting Oakdale (36); and Ft. DSM (40).

Average Daily Population--September—Significantly higher this month than average, and well above where it was in September 2014, however, when you look at it for the total year, 2015 is just slightly above 2014, but below the two prior years.

In the recent Prison Rape Elimination Audit (PREA) performed at the jail, they met or exceeded every mandated regulation. The audit looks at a number of things such as training, line-of-sight, how transgender inmates are handled, etc. This is a testament to the job the jail staff and administration are doing, and it's one of only four jails in the state that have achieved the PREA certification.

Sheriff McCarthy asked Frank to talk about a 'working group' on criminal justice reform put together by Governor Branstad. It consisted of various breakout sessions concerning criminal justice. One of the sessions was regarding Inmate Calling Services, which most facilities, including Polk County, don't have the expertise or the funding to have a system in place with all the requirements for security, so the service is contracted out. Some facilities have been charging exorbitant rates for the service, even though it has been shown that staying in touch with family and friends reduces recidivism. The FCC, who regulates calling services, will vote on new regulations, including capping the rate that can be charged for calls. For a facility the size of Polk County, charges were capped at .16 cents per minute, which is already the average cost per minute for inmates there.

Judge Gamble asked Frank to explain what will be done with the statistics being collected regarding 'Booking Data by Race'. The data will be broken down by ethnicity, and in greater detail as to who is coming in to the jail, why they are there, what are the charges, the average length of stay, etc. It is hoped that the more detailed data will provide insight into the 'Why?' i.e., why do Caucasians have an average length of stay of 17 days, while African Americans average stay is 22 days.

As a general comment, Supervisor Hockensmith stated that while sometimes the information discussed at the meetings may seem monotonous, and the reports don't always change that much, the data is important to the Committee. Prior to the Criminal Justice Coordinating Council being formed, the data wasn't gathered and discussed among the different entities of the criminal justice system. With the data being shared, the Council is able to analyze certain trends, and discuss possible causes and solutions.

Jail Diversion and Crisis Services Report —Dave Higdon

Dave was not at the meeting, but a handout of the reports was provided.

Pretrial Release—Teri Sommerlot

In September, there were 245 defendants in the lowest level of supervision for anywhere from 1-30 days, for a potential savings of 5,700 jail bed days. In the highest level of supervision, there were 34 defendants for anywhere from 1-30 days, for a potential savings of 849 jail bed days. There were 12 revocations. Judge Gamble asked why the number of people interviewed for pretrial release was so low (24% or 226 of 954). The answer can be found by looking at those that were not interviewed. 342 (36%) were on probation or parole; 181 (19%) had only been charged with simple misdemeanors; 42 (4%) had charges for which PTR doesn't interview; 40 (4%) FTA on current charges.

Bridges of Iowa Substance Abuse Treatment Program and St. Gregory Update

(Tom Jackowski was not present. John Conway Bridges Chief Operating Officer, presented the update) There are currently 156 clients (130 men, 26 women) in the program. August referrals-- 64 (26 men, 7 women); 31 were denied or refused an assessment. September referrals--54 (26 men, 7 woman); 20 were denied or refused an assessment. August admissions—26 (21 men, 5 women); September admissions—23 (20 men, 3 women). August discharges—13 (9 men, 4 women). September discharges—11 men. John Sarcone asked how often clients in the Bridges program drop UA's, and how do those lab tests get paid? (Bridges owns the lab that does the testing.) UA's are done twice per week for the 1st 4 weeks; then once per week, as long as the tests are negative; it stays at the higher level if someone is noncompliant. Some clients have insurance that pays for the labs; the rest are covered by Bridges, a non-profit organization. Is noncompliance reported to the persons' parole/probation officer? Yes. Does the client have to sign a release for this to be reported to their P.O.? Yes, upon entering the program. The County Attorney's Office also requires a person to sign a release if the Public Defender's Office enters into a plea agreement with them for a defendant to enter Bridges. Per John Sarcone, the Release Form is in the process of being revised by his office and Bridges to look more like the one Drug Court uses, which is much more expansive than the one Bridges uses.

Policy Changes for Pretrial Release Interviews—Gary Sherzan

First Gary touched on some non-specific issues with Bridges of Iowa and other groups that he's been hearing about. He met with Tom Jackowski, but needs to gather more specific information, which he plans to do in the next couple of weeks. Bridges wasn't chosen to provide substance abuse treatment at the jail due to any favoritism, but frankly because they could provide services that others couldn't, and there was no funding available from the county or the city. One specific issue he has heard about is that parole officers aren't

receiving reports from Bridges. Another concern is that when a defendant enters the Bridges program, they are taken off all of their mental health medication(s). There will be further discussion on these and other issues and concerns after more specific information is gathered.

Gary attended a Criminal Justice Summit about a month ago. One of the main issues discussed at the summit was the accumulation of debt in the criminal justice system from offenders not paying their fines and/or fees. Without adequate funding at federal, state and local levels, costs are being passed along to offenders. Supervisor Hockensmith asked "When a person reaches the end of their probation and still have outstanding debt, but they are trying to pay it off, can their Probation Officer recommend an extension of their probation?" The P.O. can make a recommendation to the court, but it is ultimately the courts' decision. Supervisor Connolly asked if there are that many people that go back to jail for non-payment of fines? Gary stated that each year for the last 6-8 years, approximately 400 people that had failed to pay their fees and fines were discharged from the jail by the probation department, even though 'Debtors Prisons' were outlawed about 200 years ago. The impact of that on the County is about \$1.2 million per year. (Per statistics received from the Data Warehouse). Judge Gamble stated that in his experience in criminal court, he didn't see that people were going back to jail for nonpayment in a number of years, nor even much revocation of probation, but rather they are discharged from probation and put on a payment plan. Due to legislative changes in the collecting of fees, if an individual hasn't paid them thru the centralized collection agency within 30 days, they are then turned over to a private collection agency at 25% interest. Sheriff McCarthy directed Frank Marasco to look conscientiously at the effect the fees have on people, as he, as well as Supervisors Connolly and Hockensmith, are sensitive to this issue. In reevaluating the fee structure of the jail, one possibility is to eliminate fees that accrue when individuals are awaiting transfer to other facilities. Some people will never get out from under these fees, especially when they keep accruing and they are not in a position to pay them down. There are individuals that will even choose to go to prison because they know they will never be able to pay off the fees. These barriers to the success of getting out of the criminal justice system need to be addressed.

Gary went on to mention 5th District booking numbers, which have risen 21% from Jan.-June 2014 to Jan.-June 2015. In his handout, Frank referred to the last slide (2015 Probation Violation Analysis) that went from an average of 75 for the 1st quarter of 2015, to an average of 110 in the 3rd quarter. Judge Gamble asked if there was a breakdown of the probation violations showing whether they were new charges or technical violations? They don't have those numbers today, but will look into getting them.

Judge Gamble also asked what, if any, policy changes Gary was considering in regard to Pretrial Release? Gary said he would be asking the CJCC to look at PTR assessment issues, including an evidenced-based risk assessment. Nancy Robinson added that the organization developing the assessment asked Iowa to be part of a state wide pilot program to which all districts must agree to participate. It also is important that all districts agree to work together on any changes the program might bring about to PTR. There was further discussion including race-neutral assessments; what is being considered to determine the level of PTR for an individual; when the new risk assessment will be received, etc.

Mr. James Cornick asked for confirmation on whether a mentally ill individual being admitted to St. Gregory's is taken off all mental illness medications. The answer is yes; the psychiatrist on staff takes them off of the meds to get them to a 'baseline' and then assesses from there.

Meeting adjourned 9:06 a.m.