

Criminal Justice Coordinating Council (CJCC)

February 11, 2016

8:00 a.m.

VM-CCCU-CC

CJCC Members Present (11): Tom Hockensmith, John Mauro, John Sarcone, Judge Gamble, Valorie Wilson, Sheriff McCarthy, Gary Mikulec, Chad Jensen, Susie Osby, Cory Williams, Dana Wingert, Jerry Evans.

CJCC Coordinator (1): Gary Sherzan.

Others Present: Sarah Boese, Robert Brownell, Joe Simon, Mike Vasquez, Jennifer Reynolds, Paul Cornelius, Maggie Wood, Nick Lemmo, James Cornick, Teresa Baumhoff, Roger Kuhle, Lawrence James, Jean Basinger, Sara Kendrick, Max Knauer, Joe Nemmers, Annie Uetz, Scott Willsy, Christopher Patterson, Peggy Urtz, Dee Martin.

Tom Hockensmith explained that since he is Chairperson of the Board of Supervisors for 2016, and John Mauro is Vice-Chairperson, they will also serve as the Chair and Vice-Chair of the CJCC Board for this year. He also introduced Jerry Evans, the new Director of the 5th Judicial Department of Corrections.

Approval of the December 15, 2015, Minutes:

Moved by Mauro, Seconded by Mikulec to approve the December 10, 2015, meeting minutes.

I-Leads Committee Update – Frank Marasco (handout)

Frank was unable to attend. Material is in the handout.

Jail Diversion, COC, MCRT, etc. Update – Annie Uetz, Polk County Health Services

7/1/15 – 12/31/15—Mobile Crisis Response Team (MCRT) treated 467 people in the field.

Cost avoidance – 467 people treated in the field would have cost \$1,335,620 if taken to jail; \$467,000 if taken to E.R.; \$1,868,000 if taken to hospital. 234 people taken to the hospital for treatment would have cost \$669,240 if take to jail.

7/1/15 – 12/31/15—Crisis Observation Center (COC) served an average of 3.97 people per day during this time period. 123 people were served in December; in November the number was just 88.

The majority of people arrived from the community—145 (26%); 139 (25%) arrived from community-based programs; the Police brought in 12 people—10 with no charges and 2 with pending charges.

Of the 362 people treated at the COC during the last 6 months of 2015, 211 (38%) went home; 164 (29%) went to a homeless shelter. When asked where they would have gone if the COC wasn't available, 436 (78%) would have gone to the hospital; 7 (1%) would have gone to jail.

Cost avoidance – 362 people treated at the COC would have cost \$362,000 for an Emergency Room Visit; \$1,448,000 if admitted to the hospital; if the 10 people brought in by police with no pending charges would have been taken to jail the cost would have been \$28,600.

Mental Health Service Coordination for the Homeless – This program began on July 1, 2014, but Annie believes not many people attending the meeting have heard about and wanted to share some information about it. The program provides mental health service coordination at the homeless shelter, and at the centralized intake program for the homeless. People experiencing homelessness spend more time in jail or prison due to things such as loitering, sleeping in cars, and begging for food or money. Each homeless individual costs taxpayers \$14,480 per year, primarily for overnight at the jail. The typical cost of a prison bed in a state or federal prison is \$20,000 per year.

In 2009, The Homeless Action Plan for Des Moines and Polk County found that the average chronically homeless person costs Polk County taxpayers an estimated \$40,000 a year through the utilization of public resources, from hospital emergency room visits to police and jail time.

From 7/1/14 through 1/31/16, the program housed 319 individuals that had been homeless, or chronically homeless.

Cost avoidance – 319 people would have cost \$4,619,120 per year for overnight jail; \$6,380,000 per year if sentenced to state or federal prison; \$12,760,000 per year estimated Polk County taxpayer cost.

The program is focusing on rapid re-housing, identifying people who need to be housed 1st, and getting them housed.

Eyerly Ball Jail Diversion Program – Tim Larson with Eyerly Ball spoke about the program that has been at the jail for almost 8 years. There are two parts to the program—incarceration support and post incarceration, or community support. Tim is involved in the Incarceration support piece of the program. He attends the initial appearance, serves as a resource in the court system for judges and attorneys, identifies people that have mental health issues, makes sure they get seen by the mental health department at the jail, etc. The end goal is to provide the support needed for the defendant to get to court, plead, and get them back out into the community. For those that stay in jail a little longer, Eyerly Ball has intake people that go to the jail, begin getting community support in order, and make referrals to programs for that support once they are out of jail. The post incarceration portion comes in for those identified as needing a little extra help before services are really put in place. There are two individuals that each carry a caseload of about 20 people. They help to get them to appointments with mental health professionals, make sure they are getting their medications, see that they get to the courthouse for probation, etc. Once they are confident that there are community resources in place for them, Eyerly Ball backs out.

Tom Hockensmith asked if everyone arrested is screened? Tim gets a copy of the initial appearance list each morning; Polk County Health Services has developed a database where he can cross reference the Polk MIS system that lists all of those that have Community Based Supports, or Outpatient Services, and those are the first ones he red flags. Knowing they are in the system, he can identify if they have a mental health probation officer. He also may red flag someone if he has a call from a concerned parent; if he witnesses someone acting out in the intake area at the jail; the jail may call him later that day if they witness behavior that may be contributed to a mental health issue. He feels they have a good system in place to identify people coming into the jail that may need some kind of help.

Gary Sherzan asked what the relationship is between Jail Diversion and Pre-Trial Release? How does that work? They work closely together, as it is Pre-Trial Release that provides Tim with the list of initial appearances each morning. He finds out who they're going to interview and can check their history for any mental health treatment programs, group home stays, etc., and provide that information to Pre-Trial Release. They also work closely with Probation.

Pre-Trial Release – Teri Sommerlot, Fifth Judicial District Department of Correctional Services (handout)

The data in the handout for January looks much the same as every other month. There were 230 people out for 1-30 days on the lowest level of pre-trial release, for a savings of 5,600 jail bed days. Over 39 people were out for 1-30 days on supervised release, for a savings of 868 jail bed days. One of their supervising officers is out on surgery leave so some people had to be spread out among the other probation officers. Those people are unable to be tracked on their data system. Teri knows it was over 39, but is unable to give an exact number. There were 12 revocations in January across all programs.

Judge Gamble asked where we are on updating or changing the Risk Assessment Tool?

Teri answered that Polk County is really at a standstill right now. She believes the State of Iowa has a contract with 'the Foundation', and will be doing their own validation study to see if the risk assessment tool will work in Iowa. Jerry Evans stated that the Fifth Judicial District will serve as a pilot for the study, and according to an email he received yesterday, this should be sometime in the next month. The goal is to provide the court with the risk factor for danger to the community, and risk of flight to see if there are more people that would qualify for pretrial release if they are unable to make bond. When asked if everyone in the jail would be interviewed, Jerry stated that is still up in the air depending on resources available, but believes that people that aren't able to be released would be targeted first. Judge Gamble commented that this year's Iowa Supreme Court Chief Justice [Mark Cady] in his annual 'Condition of the Judiciary' report raised the issue of disparity in the jails, and specifically asked for ways to improve the pretrial release program and utilize it more to impact that. This is an issue that the judicial branch will be working on this year, and Judge Gamble wanted people to be aware of that. Gary Sherzan believes the 'Foundation' wants to go even further and do away with cash bonds, as some states have, and go strictly on risk assessments. Tom Hockensmith stated that the cash bond system is not logical. If someone commits a felony, but has the money to bond out, they are released regardless of the risk, but the person who commits a misdemeanor and doesn't have the money to bond out stays in jail. Jerry Evans is working on plans to enhance the pretrial release program, but said some of that is yet to be determined depending on the Iowa Department of Corrections' ability to assist with resources. The 'Fifth' is one of the few districts in the state that still operate a pretrial release program, and that's why we were chosen to be part of the pilot for the risk assessment tool. Sally is working with the 'Foundation' on how it can be implemented on a larger scale, and if the pilot is successful, be introduced to other districts.

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

(Tom was unable to attend. The update was given by the COO of St. Gregory Centers)

Substantial growth in the program has occurred over the last year. At the time of the first meeting he attended about a year ago, there were about 80 clients enrolled. As of today, there are 201—163 men and 38 women—and that seems to be continuing to grow. They've added staff at the West Wing to try to meet the growing demand. Last month they did 105 assessments—22 were denied for one reason or another, 83 were accepted. They're getting close to having a waiting list for evaluations, and have added another staff member to try and avoid getting a backlog.

The second stage of the program is client employment —72% of men are at 'earnings goal'; 85% of women are at 'earnings goal'. Women had been earning disproportionately less than men. 8% of clients are earning above \$2,000/mo.; approximately 1/3 are earning between \$1,500 and \$1,999; and approximately 1/3 are earning between \$1,100 and \$1,499. The earnings goal was initially set at \$1,100 per month; 30% of clients quickly reached that goal. While they've seen a big improvement in the employment program, there are still some challenges due to things such as spotty work history, making it difficult to gain employment. They are continuing to work on improving that. Studies show that children of unemployed parents are less likely to graduate, and more likely to have lower incomes over their lifetime. Bridges started a pilot program where they hire clients to do jobs at their facility, such as painting, rather than contracting them out. This helps improve employment history, build some savings, develop job skills, etc. Now that most of the clients have transitioned to full-time employment, Bridges is beginning to analyze data from the program: Impact on wages—were starting wages higher? What was the client assessment of the program? What was the employers' assessment of employment readiness? They continue to have many positive responses from employers and clients, and in the past year, Bridges has had the largest graduating classes in its' 15-year history.

(A video of a client giving testimonial to the program was shown).

At the CJCC meeting in December, Bridges spoke about a plan they were contemplating that would pay, or help pay, an individuals' bond in order to get out of jail more quickly, therefore starting treatment sooner. In it's initial trial, Bridges was not entirely happy with the results. They bonded out 6 individuals; 4 of them are still in treatment; 1 absconded, was re-arrested and went back to jail; 1 attended his court date and had a max benefits discharge. At this point, the bonding program is being discontinued.

As of January, 2016, they are now able to accept Medicaid funding for their program, which will help achieve their goal of reducing the debt level of people in the program.

Valorie Wilson asked who Bridges uses to help people find jobs, and if her clients, who are mostly unemployed, could use the same resource(s)? John answered that they have 4 employment staff members, all of which are currently at capacity in their workload, but there may be an opportunity to partner in the future. Valorie then asked if the female clients being housed in Adair or on Vine Street in West Des Moines were included in the employment program? They were not, since the jobs that needed to be done were in Des Moines, and there was an issue with transportation.

Betty Andrews asked if the assessment tool identified a level of risk, i.e., high or low, to help determine if someone would be released, and if they score low, what would be a reason for keeping them anyway? Her concern is that a person, especially a minority, may be considered low risk but is still detained, and she wondered if there is some sort of 'check & balance'.

Jerry indicated that the outcomes are reviewed as part of the validation process. If it is found that too many African Americans, for instance, are being detained, a change can be made to some of the factors being evaluated. Gary Sherzan added that the assessment tool is only 1 of 8 recommendations taken into account; one more piece of information for the courts to base their decision on.

Jerry noted that he, Gary, others involved in the criminal justice system, and in mental health, will be holding a monthly meeting regarding cases are that are being detained due to mental health issues. They will be looking at different factors to determine whether some of these individuals can be released.

Mental Health Supervision and DOC Budget – Jerry Evans, 5th Judicial Department of Corrections

Jerry began by clarifying that the pretrial risk assessment tool that has been discussed is designed to identify the risk areas, such as risk of flight, not showing up for court, etc., and not to provide a yes or no answer as to whether or not someone should be out on pretrial release. The court makes the ultimate decision.

Steve Dick, Divisional Manager, DOC, gave the update on the DOC budget—About 80%, or \$21M, of the DOC's revenue comes from state appropriations. The overall DOC budget is \$26M-\$27M range. A grant that provided approximately \$1M per year just ended. They will be looking at positions that were supported by the grant, and try to minimize the risk to these positions. For 2017, Governor Branstad has recommended a status quo budget, leaving the appropriation at \$21M. They have already negotiated pay increases in contracts that amount to over \$1M, and will be identifying ways to achieve some savings to handle that. The DOC did receive \$5.7M to allocate to prisons and districts. Revenue is also generated by supervision fees and offender fees. Salaries represent about 80% of the expenses; another major expense is the EMS Contract with the State at \$1.8M, and they distribute monitoring bracelets statewide at a cost of about \$1.2M. They are not in great shape as far as the budget for the upcoming fiscal year, and they are already understaffed, and workloads are high. They are, and will be, working to "figure that out."

Teresa Baumhoff asked Jerry to address the shortage of parole and probation officers. Jerry stated that overall they are short between 30 and 33, which could go up with the loss of the grant mentioned earlier. Steve Dick added that number came from a workload formula passed down by the State Department of Corrections. Teresa then asked about the number of officers trained in handling mental health issues, which she believes is 4, and she feels that there needs to be more, due to the high percentage of people coming into the DOC with mental health issues.

Human Trafficking – Robert Brownell, Polk County Supervisor

Supervisor Brownell feels the law enforcement agencies in the cities he represents do a fine job, both the Police Department's and the Sheriff's Office. They work hard protecting the public, and are caring and committed people. Something most all of them have in common, however, is that they are virtually in total denial about human trafficking happening in their jurisdictions. In reality, it happens everywhere. Another misconception is that the victims are "just prostitutes anyway, so they kind of get what they ask for, right?"

Supervisor Brownell told the story of a woman who had befriended a couple. Later, they saw her walking and asked if she wanted a ride. She accepted and got into their RV. Ten days later, the RV was at a Virginia truck stop with the woman inside. It caught the attention of a truck driver who had attended a class thru the company he works for to identify the signs of human trafficking, which he might see while out on the road. She had been raped repeatedly every day, nails driven into her body, her back branded with hot metal, and she had been dragged thru a parking lot by a chain connected to a dog collar around her neck. He called 911, and the dispatcher called police. Fortunately, the police took it seriously and went to the truck stop. The couple was arrested, and ultimately received a very harsh penalty. The woman was picked up Clive, not in the areas of town where we would expect this according to stereotypes. And, while 82% of victims are females, 18% are boys. The woman is now in Aftercare, a very important piece to recovery. There are a couple of Aftercare homes in the Des Moines metro area, but there are people committed to burning them down. The reason for that is because victims of human trafficking are expected to bring in \$300,000 in revenue per year. The hobbyists, as they call themselves, pay an average of \$75 for each rape. At a charge of \$75, these women would have to be raped 11 times every day from the 4th of July until Christmas Eve and back again to reach \$300,000 annually. Brownell asked individuals to consider the way they think about human trafficking, beginning with not calling victims prostitutes; they are slaves. He asked for every judge to be sensitive to the fact that there may be other things going on in someone's life - it may be deeper than just selling drugs. He asked that police officers suspend disbelief for a second and find out what's going on in someone's life - they could be helping rescue someone. Training in recognizing signs of human trafficking is important, as is funding for Aftercare. He wants to make the Des Moines area the riskiest, most expensive place for trafficking to happen, and is asking for everyone to work together to make that happen.

Epilepsy and Seizure Response from Law Enforcement – Roxanne Cogil, Epilepsy Foundation (handouts)

1 in 10 people will have a seizure in their lifetime; 1 in 26 will develop epilepsy by the time they are elderly. There are over 40 different epilepsy syndromes, and over 20 different kinds of seizures, and they may not be recognized as such. The Epilepsy Foundation offers online training for law enforcement to educate them on seizure recognition and first aid. The Foundation encourages law enforcement officers to take the training. A couple of key points to remember is that if a report comes in about someone acting strangely, or creating a disturbance, always consider that it could be a seizure. Check for a medical I.D. bracelet indicating they have epilepsy. Symptoms may affect speech, movement, cause confusion and disorientation, and there may be loss of consciousness. Complex partial seizures can be misinterpreted as drug or alcohol use. Appropriate response to an epileptic seizure is crucial, as improper restraint can be fatal, and they must receive all medications.

Judge Gamble introduced the new District Court Administrator, Christopher Patterson, from the City of Atlanta.