

Criminal Justice Coordinating Council (CJCC)

April 7, 2016

8:00 a.m.

Hy-Vee Hall

CJCC Members Present (10): Tom Hockensmith, John Mauro, John Sarcone, Judge Gamble, Sheriff McCarthy, Gary Mikulec, Chad Jensen, Susie Osby, Dana Wingert, Jerry Evans.

CJCC Members Absent (1): Valorie Wilson.

CJCC Coordinator (1): Gary Sherzan.

Others Present: Sarah Boese, Teri Sommerlot, John Conway, Nick Lemmo, Dillon Kraft, Steve Courtney, Justin Bane, Joe Simon, Nancy Robinson, Lawrence James, Eric Kool, Tom Jackowski, Dee Martin, Bob Glass, Jim Cornick, Eliza Ovrom, Diane Cox, Peggy Urtz, Arnold Woods, Max Knauer.

Approval of the February 11, 2016, Minutes:

Moved by Sarcone, Seconded by Wingert to approve the February 11, 2016, meeting minutes.

Reports: (*handouts only, no verbal reports, due to a special presentation*)

- a) I-Leads Committee Update – Frank Marasco, Polk County Sheriff's Office (*handout*)
- b) Jail Diversion, COC Update – Annie Uetz, Polk County Health Services (*handout*)
- c) Pretrial Release – Teri Sommerlot, 5th Judicial District Dept. of Correctional Services (*handout*)
- d) Bridges Substance Abuse Treatment Program and St. Gregory Update – Tom Jackowski, J.D., CEO, Bridges of Iowa

Implementation of Public Safety Assessment in Maricopa County – PowerPoint Presentation):

Jerry Evans, 5th Judicial DOC; Therese Wagner, Assessment & Development Deputy Chief Probation Officer, Maricopa Co., AZ.

Jerry gave some background information on the Public Safety Assessment (PSA), a validated risk instrument developed by the Laura and John Arnold Foundation (LJAF). He relayed a message from the Foundation to Sally Creamer, Iowa Department of Corrections, about the possibility of the use of the tool as a pilot project on a State level, providing the interest still exists. If the interest remains, the first step in the process is a thorough site assessment conducted by the Foundations' technical assistance provider, Justice System Partners, who will report back to them on the feasibility of implementation. Upon review of the report, the Foundation will make a formal decision, initiate an M.O.U. with relevant stakeholders, and begin the formal implementation process.

In February, Jerry was in Arizona as part of the Urban Chief's Network, where he was introduced to Barbara Broderick, Chief Probation Officer, and Therese Wagner, Assessment & Development Deputy Chief Probation Officer, Maricopa County, AZ. The PSA has been in use in Maricopa County since June 2015, and Jerry thought this would be a good time to have Therese make a presentation to the Criminal Justice Coordinating Council, and attendees of the meeting. Maricopa County is considered one of the leading probation offices in the nation. They have a \$95M budget, a staff of 1,150, supervise an average of 2,500 pretrial defendants per month, and handle 21,000 probation cases. Maricopa County is the 4th most populated county in the nation with 4 million residents--larger than 23 states and the District of Columbia.

Therese, via conference call, will be discussing Maricopa County's implementation of the LJAF's PSA and some of the issues they experienced. When Arizona Chief Justice Scott Bales was appointed, one of his main focuses was on pre-trial initiatives thru the use of evidence-based practices, especially in the case of low risk offenders. In his 'Strategic Agenda' - Goal 2 – "Advancing Justice Together" the goal is to "Improve and expand the use of evidence-based practices to determine pre-trial release conditions for low-risk offenders." As more national organizations, and others, are calling for criminal justice reform, Maricopa County began looking at the current state of reform in AZ. The Judicial Council approved the use of risk assessments that counties were currently using. In 2014, they also authorized the use of the PSA in four (4) pilot locations, however, Maricopa County was not one of those. After the pilot, approval of the PSA expanded to allow statewide use.

Therese provided some demographics for Maricopa County & M.C. Jail – County Population: 4M, representing 60% of the state; the average daily jail population is 8,000; 26 jurisdictions feed into the jail; the average cost of a day in jail is \$85.49; booking cost is \$266.41; Initial Appearance Court is in service 24/7; in 2015, the Initial Appearance Unit did 50,269 interviews; with 30 cases per docket and eight dockets per day, they are very busy.

Maricopa County has had a Pretrial Release Unit for 40+ years, first under Court Administration, then merging with Adult Probation in 2002. In 2009 and 2010, the Pretrial Justice Institute (PJI) collected and analyzed data such as population, the element of risk, etc.; they provided a report to Maricopa County, and basically left it up to them to develop their own risk assessment. This assessment tool was 'O.K.', however, the direction and training to develop and use the tool was not sufficient, the Initial Appearance Director at that time was really not supportive of its' use, and the culture in release decisions at that time was still toward secured bonds.

Justice Bales was appointed Chief Justice to the Arizona Supreme Court in 2014. Hoping to change the dynamics of pretrial release, the LJAF Public Safety Assessment (PSA) tool was brought to the state during the same time period. Maricopa County was very interested in the opportunity to learn more about it. The PSA had the added bonus of predicting the risk of violent behavior and new criminal activity, which is something the current tool was lacking. Implementation began with leadership from the Court and Chief Justice Bales. Initial Appearance judicial officers were included in early decision making and policies, to learn to rethink how release decisions were being made. They met with representatives from 'the Foundation' in January 2015, but it proved challenging to arrange those meetings, and they didn't meet again until March. The goal was to roll out the PSA tool before June 30. They continued to consult with judicial officers from the Initial Appearance Unit and from the Pretrial Management team, conducted full day overviews of the PSA, and generated a lot of good dialogue about the framework of how and why release decisions were made. Three full days of training by consultants from LJAF were set up with Pretrial, Initial Appearance, Court Technology Services, etc., and offered to defense counsel, prosecutors, the Attorney General, and to the Smart Justice Council, Maricopa County's equivalent to the Criminal Justice Coordinating Council. Due to time constraints, not all who attended training were in the same session(s). Therese feels it would be to our advantage to have all shareholders attend the same training, receiving the same information and understanding of how the tool should work. Those that did not attend training at all were not as accepting of the tool as those that did.

Maricopa County's training was in late May, and they began using the tool on June 8. They made up Quality Assurance worksheets for supervisors to be sure staff was scoring the tool properly. In the first six months after roll out, LJAF representatives came back twice, once in the third month and again in the sixth month, to do a sampling of cases to evaluate the jurisdictions' use of the tool. They are currently waiting on the results of the sixth month evaluation. Performance measures and outcomes are an integral part of the process, and with approval from their I.T. Governance Board, they are in the process of collecting and analyzing their own data from Court Technology Services. With this data, they will be able to see what recommendations are being made, what decisions are being made based on the recommendations, and how people on pretrial release are doing on supervised release.

There are a couple of pieces to measuring and managing risk: the DMF Matrix and the actual Decision Making Framework.

- DMF Matrix: FTA (Failure to Appear) scale, NCA (New Criminal Activity) scale, and NVCA (New Violent Criminal Activity) violence flag.
- Release Types and Levels:
 - OR (Own Recognizance)
 - Pretrial supervision (Level 1, 2 or 3)
 - If released, Max conditions (Maximum Release Conditions: APO will recommend "Maximum Release Conditions" when it does not appear that any conditions can assure the defendant will appear in court and avoid new criminal activity.)

Therese can't share the Foundation's specific information, as they will be providing that to us, however, there are steps that allow for local jurisdiction decision-making (i.e., which charges fall under what level. Some shareholders have determined that the PSA is not a usable tool for all offenses.)

- Complete PSA
- Determine preliminary Release Type and level
- Review "Max Release Conditions" criteria
YES* if YES = MAX RELEASE conditions
NO* if NO = continue to next step
- Review "Supervision Level Increase" criteria:
YES* if YES = Increase supervision by one level
NO* if NO – recommend preliminary Release Type & level

A number of factors are taken into account along with the PSA tool to provide recommendations regarding release options, standards, supervision levels, etc., for instance, the nature of the charge, victim presence and impact, and substance abuse factors. Some of the benefits of the LJAF PSA tool are that it addresses the limitations of existing risk assessments, incorporates the latest pretrial research, predicts FTA, NCA, and NVCA separately, minimizes errors of releasing high risk while detaining low risk defendants, etc. Since its inception in Maricopa County, there has been a 16.3% increase in the pretrial supervision population, a 42% reduction in the jail population, and close to 40% have been released on their own recognizance.

The Laura and John Arnold Foundation will interview judges and other stakeholders to approve or disapprove the use of the PSA by Polk County and the Fifth Judicial District.