

Criminal Justice Coordinating Council (CJCC)

March 30, 2017

8:00 a.m.

VMCCCU-CC

CJCC Members Present: John Mauro, Angela Connolly, Sheriff McCarthy, Dana Wingert, Gary Mikulec, Jerry Evans, Chad Jensen, Susie Osby, Judge Ovrom, Valorie Wilson.

CJCC Members Absent: John Sarcone, Judge Gamble.

CJCC Coordinator: Gary Sherzan.

Others Present: Sarah Boese, Clifford Leonard, Dillon Kraft, Anne Sheeley, Larry James, Greg Bellville, Tera Clement, Kristy Rasmussen, Jan Landy, James Cornick, Sue Cornick, Dee Martin, Bob Glass, Annie Uetz, Tom Jackowski, Teri Sommerlot, Tony Leys, Steve Johnson, Jenna Suleski, Christopher Patterson, Deb Anderson, Arnold Woods, Betty Andrews.

Approval of the January 26, 2017, Minutes:

Moved by Evans, Seconded by Mikulec to approve the January 26, 2017, meeting minutes.

I-Leads Committee Report – Frank Marasco, Polk County Sheriff’s Office (handout)

In-Facility Population – As of Wednesday, March 29, the inmate population was at 1,038; today it is at 1,010. These numbers are very high for the staffing levels at the jail, and as Frank had said at a previous meeting, they have been higher than normal and they aren’t seeing the downward trend they normally see in the winter months. That could be partly due to the milder winter weather. It was determined that the higher numbers are not due to an increase in bookings that would signal an increase in crime.

Average Daily Population (ADP) – In February, the ADP was 1,000+, an increase of 88 on average. As the weather gets warmer, the number of bookings typically goes up, and with the ADP already higher than normal, they aren’t in a position to handle a great deal more individuals. In a comparison of the ADP for 2016 & 2017, the numbers are up significantly in the first three months of 2017, and the numbers have actually been running high since June of 2016.

Bookings & Releases by Year – The anomaly of 2016 is continuing into 2017 in that bookings continue to outpace releases—so far this year there have been 2,860 bookings and 2,800 releases. Historically, releases have outnumbered bookings, creating a more manageable population for staffing levels.

Decline in Releases -- In January alone there were 57 fewer releases than bookings; from October 1, 2016, to March 27, 2017, there were 66 fewer releases, causing 2017 to start out with a deficit and therefore a higher jail population. Frank believes some contributing factors have been the milder weather, less people entering the Bridges of Iowa program, the number of Federal inmates is up, and alternative sites for treatment and placement are down.

Angela Connolly asked if people were being held in jail longer? Frank’s response was that they haven’t seen an increase in the average length of stay (ALOS) but there are more people in on lower level charges that aren’t being released of their own recognizance. When asked about some of the lower level charges, Frank gave the example of trespassing where someone may get 4 days; an OWI-1 that may have been released is now getting a \$1,000 bond that they maybe can’t afford; and probation violations in on new charges that aren’t released on bond.

The facility and staffing allotment is not adequate for the increased population and could become a serious situation if something doesn't change. John Mauro asked if some judges are giving longer sentences for similar charges? Frank declined to comment on that, but he does believe the process is not as efficient as it was in the past several years. He added that it should be kept in mind that the numbers include federal inmates, which is to our advantage to house them, as it offsets our costs. The county's cost to overtime a 64-bed pod is \$38,000, but we net \$160,000 in revenue from the federal government.

Frank believes the Public Safety Assessment (PSA) will provide more consistency for, and have a significant impact on, the jail population, and will help get the right people released in a timely fashion. Valorie Wilson addressed John's question, confirming that length of sentence, whether or not a bond is set, etc., is a judicial decision, and they vary from judge to judge. Implementation of the PSA, along with discussions with the judges and other involved parties is necessary, and should be instrumental in reducing the jail population to a more manageable level.

Pretrial Release – Teri Sommerlot, Fifth Judicial District Department of Corrections (handout)

Verbal update not given. Refer to handout for stats.

Jail Diversion, Crisis Observation Center Update – Annie Uetz, Polk County Health Services (handout)

7/1/16-2/28/17 – 694 individuals were served in **Jail Diversion**; 230 of those in community support (this is a duplicated count; the unduplicated count is 54). **Mobile Crisis Response Team (MCRT)** had 1171 calls: 444 were treated in the field; 8 were taken to jail; 295 were taken to the hospital.

Crisis Observation Center (COC) – There were 385 admissions (90 individuals were assessed but not admitted. Previous provider counted these in as admissions): 134 walk-ins; 21 brought in by police; 6 veterans. PCHS would like to see the number of individuals brought in by police continue to increase, rather than have them taken to jail. **Rapid Rehousing** – 143 individuals experiencing homelessness and mental illness were housed since July 1, 2016.

Angela Connolly asked how many walk-ins there were to the COC from Central Iowa Shelter & Services (CISS)? There were 58 people or 15%.

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

January -- Referrals - 73; Admissions – 18 males/8 females.

February – Referrals - 44; Admissions – 20 males/18 females.

March – Referrals - 46; Admissions – 17 males/14 females.

Referrals are down about 33% due to the Iowa Medicaid Enterprise (IME) Exemption and Managed Care Organization (MCO) appointment process getting logged jammed at certain points causing no beds to be available. When there aren't any beds, the referral agencies go to another treatment facility.

There are 53 men and 7 women in jail on the waiting list awaiting exemptions. Once a month, IME notifies Bridges who they will cover under the exemption process. Bridges sends them a list of about 60 people, of which IME approves about 15 (10 men/5 women). Until IME approves more people at a time, Bridges can't take more people in, even though they have the beds. In 2016, they absorbed the cost and lost \$3.5M. The process does seem to be improving, and Tom hopes to have a resolution soon.

Thru the Employment Program and Partnership with DMACC, the average salary for men is up to \$17/hour, and up to \$10/hour for women. They are strategizing ways to improve women's competitiveness in the workforce. In DMACC's certificate program, eight (8) men & women are working toward their culinary certificate; three (3) men & women a welding certificate; and three (3) an Associate Business Administration certificate. About 50% of Bridges' clients don't have a high school diploma or GED. DMACC now offers the High School Equivalency Test (HiSET), similar to a GED program, at all locations.

Susie Osby asked if all the people on the waiting list have 'Iowa Health and Wellness' and if they all are just waiting for exemptions? Tom answered "That's correct." She then asked if IME has ever denied an individual that Bridges submitted for exemption? Tom didn't know for certain as he hadn't drilled down the numbers, but he thought most were approved. He believes the exemption process is IME's way of managing Bridges' numbers as they are a large provider. What is the population of the program? There are currently 220 men and women enrolled. They are down 60 beds at the jail, and 80 beds at the Bayard facility, which ultimately had to close. They don't have the resources to absorb the loss they suffered in 2016. What is the waiting list? According to regulations, it should be 30 days, but it's probably more like 60-75; he wouldn't be surprised if it is even as high as 90. Gary Sherzan has a report from March 15, 2017, showing 52 people were waiting in jail to go to treatment—as of that date, Bridges top wait time was 70 days; House of Mercy had a person at 72 days wait time; the Women's Halfway House had 5 people waiting, with the highest wait time at 87 days, and the lowest at 22 days.

Gary will be sending the report to the Courts, the Jail, and the Chief Judge.

There were further questions and additional discussion about sentencing, the wait time, IME, the exemption process, assignment of a Managed Care Organization (MCO), etc. One question from Betty Andrews was if the inmates are charged for the time they are waiting in jail? Frank answered that they are only billed for the number of days the judge sentences them to jail. They are no longer charged once they go on a waiting list for a particular facility. Tom added that there is a human cost to them waiting in jail rather than getting into treatment sooner.

Mental Health Referrals from the Courts—Steve Johnson & Dr. Landy, Broadlawns

The volume of court ordered civil commitments Broadlawns Behavioral Health is providing care for has seen a substantial increase in volume. This has had many adverse effects on the system and the care they are able to provide. In 2016, they processed 612 court orders through their Emergency Department (E.D.); of those, almost 400 stayed for more than 18 hours; the average length of stay was 37 hours; several people were there over 100 hours; and one person had to stay 190 hours, or over 7 days. At one point last summer, 75 % of the people in the unit were court ordered. On a Friday afternoon, 18 people in Med/Surg and in the E.D. were waiting to get into the 30-bed unit, and there were two more in jail the judge wanted to send there. Broadlawns has historically been the provider of care for any court ordered person in Polk County, but with the increase in people being sent there, it's difficult to maintain access to beds. They hope to add 14 more beds in the fall which may provide some relief, but the issue is the unsafe and unsecure circumstances in which they are trying to treat some of the most ill people. They're working with the Fifth District Court who has been receptive to hearing some of their proposals about what to do that might provide some relief. Steve Johnson, Broadlawns' Administrator, will discuss some of the options and proposed plans for reducing the backlog in the E.R.

Steve commented that over the years the commitment process has proven to have some positive aspects overall, but newly emerging court orders and numbers are causing a backlog, especially in their E.R. When a court-ordered individual comes into their E.R., Broadlawns processes the court paperwork, they go online to the Polk County system; they communicate with the officer that goes out on the pick-up order to be sure they understand the nature of the issue(s), and they assess the patient and find out what their needs are. If there are no beds available in the psychiatric unit and they don't have the ability to house them elsewhere, a backup begins. If it's a full commitment, there's a five-day waiting period before the hearing (not including weekends or holidays). Due to the nature and dynamics of mental health issues, by the next day after a commitment the situation could be much more stable; they have a place to go; and a plan for future treatment opportunities can be put in place. Broadlawns has been brainstorming with others to determine what some diversion options might be that are both clinically and legally appropriate. With substance abuse making up almost half of overall court-ordered treatment, the goal is to get those people engaged and into a treatment program as soon as possible to be the most effective. Once they're stabilized from any serious substance abuse issue and are ready for treatment, the options within the hospital are limited. Broadlawns hopes to work with the courts, Polk County Health Services, the jail, and other providers, and utilize some of the innovative services in the area to come up with suitable, acceptable options during the 5-day waiting period.

Angela Connolly asked to take this opportunity to talk about what's going on in the state legislature concerning mental health, and her concern that if the legislation passes, we will encounter even more crises. Polk County has been working on a mental health bill for some time that would provide some sustainability for the services offered by Health Services, and Polk County spends nearly \$4M/year for services Broadlawns provides. A bill currently being proposed would cut part of Broadlawns tax levy and give it to Polk County Health Services. Susie Osby added that the bill (SSB1187) would change the way regions are funded. There was further discussion on the legislation, re: how it could affect funding of mental health and disability services, etc.

CIT Training –Annie Uetz, Polk County Health Services

The Polk County Sheriff's Office (PCSO) already had plans to send Patrol and Detention Officers to Crisis Intervention Team (CIT) training, but now they'll be able to send even more. The Sheriff's Office, along with Polk County Health Services (PCHS), and Gary Sherzan, applied for and received a \$50,000 Safety & Justice Innovation Fund Grant supported by the MacArthur Foundation, one of only 20 such grants awarded nationwide. The grant funding will provide an additional 20 officers the CIT training, and 1 officer will be trained as a CIT trainer. PCSO and PCHS are partnering with Broadlawns Medical Center, NAMI, and [hopefully] Drake University Fine Arts Department as actors in role playing. They've created an implementation plan; they do monthly check-in calls with the Urban Institute, T.A. for the grant; Annie and Sgt. Angela Owen, PCSO, will attend two convenings in May & Oct.; and they will be working on a metrics, outcomes and evaluation process. The first training class begins in June, with a 2nd in September.

Pretrial Release Risk Assessment Update–Teri Sommerlot, Fifth Judicial Dist. Dept. of Correctional Svcs.

Iowa's Judicial Branch has signed a Memorandum of Understanding (MOU) with the Laura & John Arnold Foundation for a statewide implementation of the Public Safety Assessment (PSA). Since each county operates differently, they will begin with a 4-county pilot program that includes Woodbury, Linn, Scott and Polk. Polk County will be represented by members of the Sheriff's Office, County Attorney's Office, Public Defender's Office, Dept. of Correctional Services, and two judges. Each county 'team' met in February at the DOC Central Office to start the process with the assistance of Justice System Partners (JSP), an organization that has helped many jurisdictions implement the PSA.

It is required that the assessment be electronic, and will be programmed by the DOC. The assessment measures the risk for failure to appear; the risk of reoffending; and the risk of violence. As part of the process, comparisons will need to be done between what is considered a violent offense in Iowa, and what the 'Foundation' considers a violent offense, and determine how to mesh those together. Local teams will meet in a few weeks; statewide teams will meet at the end of April. Those involved are hoping for a June or July launch date, however, that may be relatively optimistic.

Update from James Cornick

Mr. Cornick attended a CJCC meeting a couple of years ago and told the story of his son that suffered from mental illness. He ultimately committed suicide in the Polk County Jail when he was arrested for arson during a manic episode. Mr. Cornick is back today after seeing a press release about Polk County receiving the \$50,000 Grant from the MacArthur Foundation [discussed above in the CIT Training report]. He is addressing the issue of individuals with mental illness that are incarcerated when community based treatment is more appropriate for them. He reports that there are 400-500 inmates (or 40-60%) in the Polk County Jail that have mental health issues. He questions the effectiveness of the CIT Training that is also offered in the Iowa Law Enforcement Academy, and feels there is a disconnect between the academy and what happens in the field. Mr. Cornick is proposing that a series of mental health screening questions be added to all police reports. The questions would be answered in the field by a law enforcement officer responding to a situation that may have been brought about by an episode of mental illness. If answers to the questions indicate the person may have mental health issues, they could be assessed by a mental health provider before charges are filed.

Open Discussion

Chairperson Mauro commented that CJCC is doing a great job, and he appreciates what everyone does, but just talking about the problems isn't enough, and the time for solutions is now. There are too many creative minds here not to make a difference. He encouraged more openness from, and between, the entities involved.

Polk County Magistrate Becky Goettsch commented that magistrates, in general, need to be a little bit picky about who they send for mental health. They can't send any more to Dr. Landy, and there aren't enough other places for them to go, so sometimes jail is the safest place.

Angela Connolly said jail is not the answer, and they've been working to get away from that mentality. Magistrate Goettsch clarified that it isn't that they think they belong in jail, but sometimes there just aren't any other options available, and it becomes a safety issue.

There was further discussion on the issue.

Chairperson Mauro encouraged everyone to try to come up with some creative ideas for funding, staffing, and other options for additional placement and treatment opportunities.

Meeting adjourned 9:26 a.m.