

Criminal Justice Coordinating Council (CJCC)

June 8, 2017

8:00 a.m.

VMCCCU-CC

CJCC Members Present: John F. Mauro, Angela Connolly, John Sarcone, Sheriff McCarthy, Judge Gamble, Susie Osby, Dana Wingert, Cory Williams, Gary Mikulec, Valorie Wilson, Jerry Evans.

CJCC Coordinator: (Absent) - Gary Sherzan.

Others Present: Christopher Patterson, Larry James, Clifford Leonard, Nick Lemmo, Greg Bellville, Anna Hyatt, James Cornick, Tera Clement, Dawn Hansen, Steve Johnson, Anne Sheeley, Annie Uetz, Arnold Woods, Tammy Hoyman, Colleen Christopherson, Vince Mandracchia, Teresa Baumhoff, Roger Kuhle, Mark Wandro, Sarah Boese.

Approval of the March 30, 2017, Meeting Minutes:

Moved by McCarthy Seconded by Mikulec to approve the March 30, 2017, meeting minutes.

Pre-commitment Pre-screener – Susie Osby, Executive Director, Polk County Health Services

A year ago, Polk County Health Services worked with the Clerk of Court, Broadlawns, and Christopher Patterson with the District Court to develop a Pre-Commitment Pre-Screener position. This person would be available at the Justice Center to talk to family members when an individual would come in for a commitment hearing. A Licensed Mental Health Therapist, and someone that knows the community well, they would be able to help the families understand that there are other resources available to them. Christopher Patterson and Steve Johnson (Broadlawns) will talk about how the position is working out. Steve expressed his appreciation for being involved in the process of developing the new position, and thanked Angela Connolly and Judge Gamble for arranging office space at the Justice Center. Jennifer, hired for the position, started in May, was referred 30 cases, and was able to defer 12 of them away from commitment to other resources. With strong connections at Broadlawns and others in the community, she is able to more quickly connect people to providers for appointments, evaluations and assessments. While not wanting to be a barrier to the commitment process, it's important to determine if that is the best solution for an individual, or if they should seek out other resources.

Christopher discussed how the collaborative agreement came to pass. Shortly after the CJCC meeting on March 30, 2017, Susie Osby, the Clerk of Court's Office, the Court Management Team, and practitioners from Broadlawns, met to establish a protocol for assisting individuals seeking involuntary commitment. The protocol was approved by David Boyd, State Court Administrator, and a Go-Live date of May 1, 2017, was established. After the 30-day pilot, they met again last week to go over the number of referrals made, as well as the number of alternative routes to the commitment process that were taken (12 of 37 referrals were diverted away from court to alternative resources). When Individuals and/or family members come seeking involuntary commitment, they are advised that there may be alternatives to that. If they are receptive, they are walked directly to a Behavioral Health Consultant in an office at the Justice Center, who learns about their particular circumstances, and advises them of other resources. If they decide to pursue the commitment, but are determined by the court that it isn't appropriate in their case, they can be referred back to the Consultant and still receive some other mental health services.

Sobering Center – Susie Osby, Executive Director, Polk County Health Services

The 'last piece of the puzzle' individuals have expressed interest in is developing a Sobering Center, which PCHS and Broadlawns are currently working on. Steve Johnson will lead up to discussing that, as well as the Crisis Observation Center (COC), which recently shut down operations for 12 hours and moved from the 1420 Mulberry location to a space in the NW corner of Broadlawns. Since individuals coming to the COC can often be in tenuous situations, i.e., intoxicated, psychotic, etc., resources at the hospital are more readily available than they were at the shelter, and they look forward to serving more patients. Also, since crisis observation services haven't been put into any reimbursement category under the new Medicaid MCO's, they are trying to determine how they can be billed as hospital observation services to receive some reimbursement from Medicaid.

Angela Connolly asked how they are getting the word out to providers, first responders, and others that need to be made aware that the COC has moved? In the past, communication was kind of lax.

Steve replied that their marketing team has developed a notice announcing the move, and with the help of Annie Uetz, PCHS, and Kelly Drane, DMPD, it is being distributed to central Iowa law enforcement and other first responders. Steve also mentioned that the Mobile Crisis Response Team (MCRT) is moving into a space at Broadlawns adjacent to the Emergency Department (E.D). There is a Behavioral Health Crisis Team within the E.D., and by cross-training them and the staff from the MCRT, there is the possibility of combining the two to provide coverage for vacations, illnesses, etc., as well as possibly expanding the service to 24 hours a day/7 days a week. The MCRT averages about five calls a day and they would like to see that increase. Annie and Susie have made Broadlawns fully aware of what the needs of the Sobering Center are. Steve thanked Polk County for sending a number of individuals to San Antonio to visit their Sobering Center and COC to see the services they offer. The center has good connecting points and access to other services, i.e., addiction treatment. Broadlawns wants to make sure the Sobering Center has those connections readily available for individuals as well, and that it is done correctly. They plan to work with other providers, such as Bridges, Prelude and United Community Services, to determine their strengths and weaknesses, using those as guidelines and learning tools. They are committed to working with everyone involved.

Pretrial Risk Assessment – Jerry Evans, Director Fifth Judicial Department of Correctional Services;

-- Teri Sommerlot, Fifth Judicial Department of Correctional Services

The process of implementing the Public Safety Assessment (PSA) began with meetings in February. This is occurring at a statewide level, and four Iowa counties, including Polk, will be piloting it. There are still a lot of things to work out, but there has been great participation by all involved, with everyone attending the meetings and being actively engaged in the process. The emphasis now is on getting the structural details done and the processes figured out. The Department of Corrections is working on the system part of the implementation. The people that created the tool only gave them the algebra rhythms, which are entered into the system and used to build the tool. They expect to have that completed September 1, at which time staff can be trained. The best case scenario is to begin using the PSA in October.

Jerry added that they have pretty much finalized the decision-making framework—a matrix with grids with a persons' risk of not showing up for court on one side, and at the top, the likelihood they will reoffend if they're released; then where those two things intersect, it defines a level of supervision that has been set by a statewide group. He also added he has been most impressed by the collaboration at both the state and local level, and the progress that has been made, even though it has taken awhile due to the limited time they have to hold meetings. The last, and biggest, piece of the implementation is the integration of the PSA with the criminal history data base.

John Sarcone asked if additional staff would be needed to supervise those people that are released? Jerry feels that the current number of staff will be able to handle that.

Jail Population – Frank Marasco, Polk County Sheriff's Office

Frank prefaced his report by commenting on the great strides made by the CJCC and others involved with services such as the COC, and the continuing efforts to develop and implement other programs such as the pending Sobering Center and PSA tool that will positively impact the jail population. That being said, the jail operates in real time, and it reached a breaking point on April 10th when its population hit its highest number of inmates ever – 1,158 -- a number they aren't rated or staffed for, and that isn't sustainable. In the first five months of this calendar year, they are averaging 1,000+ inmates on a monthly basis. This has prompted the Sheriff's Office to present a request to the Board of Supervisors for additional staff to give them some cushion should they suddenly have an influx of new inmates. There has been an increase in violent crimes, and a shortage of mental health and substance abuse resources. Violent crimes now make up a little over 10% of the jail population. Inmates in on violent crimes charges, as well as those with mental health and substance abuse issues, require more resources such as specialized housing and medical care, and they create safety issues in the general population.

Steps are being taken by the Sheriff's Office to do what they can to reduce the population. One example is expediting the transport of inmates from the jail to Oakdale – previously there could be as many as 100 individuals waiting 30-40 days to be transported; as of today there are only 20 waiting with a wait time of under 4 days. They are also reviewing the bonds to try and enhance that process. In all actuality, however, they are limited to what they can do. Frank's hope for today is to talk about some possible solutions.

John Mauro asked about the cost to open up additional pods? Frank answered that it would be just under \$1 million in staffing. Angela Connolly asked if that would be 3 more pods? It would give them the potential to open 3 more, which would be done based on the population, and increase potential capacity to 1,200. With one 16-bed, and two 32-bed pods, it would also give them greater ability to use specialized housing to deal with behavioral issues and increase inmate and officer safety. With an increased population, and decreased services, the demographics they are dealing with also makes it difficult to operate the jail efficiently and functionally. Overtime at the jail is extremely high, but with additional staff, and the opening of more pods, the amount of overtime could be reduced, and if a fluctuation in the population occurs, staffing can be adjusted.

John Sarcone asked about the number of people in on Probation Violations. Frank replied that of the 130 '5th Judicial District' inmates, the majority are probation violators, including some with new charges. Historically, they make up about 10%, or 100 inmates, but recently it's been 120-130. John believes that is an issue that can be looked at to see if something can be done that would reduce the population.

Frank was asked to elaborate on their review of the bond process. He explained that some years ago, if X number of individuals had a bond, a daily bond review was done to determine if they were still in jail due to an inability to pay. The judge may then be revisited to discuss possible options. When Frank recently looked at the numbers, he was somewhat disappointed to find there were under 30 individuals identified whose bond was \$2,000 or less. He believes there's an opportunity to do what they can to get individuals released that aren't an immediate risk to the community, perhaps getting away from the bonds. Staff are planning a site visit to Cook County who have been very proactive in getting people released that they don't feel should be in jail. They want to find out how they identify these people, and how the process works.

Sheriff McCarthy brought up the point that the number of Immigration and Customs Enforcement (ICE) inmates at the jail has increased to 5%, up from 2% for the longest time. Frank expounded on that, stating that a change in the White House administration has a direct impact on their facility. In the past, they had between 0 and 10 ICE inmates, now there are between 40 and 50. In addition, the Department of Justice under Attorney Jeff Sessions, is calling for stiffer sentences on low-level charges; and a reduction in funding for treatment services as an alternative to incarceration has a direct correlation to jail population.

Jail Population Potential Solutions – John F. Mauro, Chair, Polk County Board of Supervisors

John began by thanking everyone here for everything they've done. He went on to say that the Board of Supervisors have some big decisions to make in regard to the additional staffing and the opening of more pods at the Polk County Jail in order to keep people safe. At a cost of nearly \$1 million, the Board needs to turn to the people in positions that make decisions regarding bonds, probation, etc. for suggestions on reducing the jail population. His concern is that if the jail expands its capacity, the number will soon grow to 1,300 or 1,400 (The jail has a total capacity of 1,500).

Judge Gamble said the probation violation process could be reviewed. For instance, if there is a group within the 130 individuals in jail for probation violation right now that are going to eventually have their probation extended, and not revoked, and they're not going to get a sentence for contempt, the courts could possibly get their probation violation proceedings expedited. It's usually within about week for a first hearing, then a second hearing is set, but if that process isn't working effectively, or can be improved, that can be considered. The judge asked if there was still a position [Jail Specialist?] in the Sheriff's Office that reviews the jail list every day to see if someone has fallen through the cracks, i.e. has a bond but hasn't gotten out, or someone that needs to have a bond review, etc., the specialist would then bring that person to the attention of the defense lawyer or the court. He can find out if that process is happening and/or if it can be enhanced. Frank Marasco confirmed that the position of Jail Specialist does still exist, but that the process needs to be improved. There is also a Jail Review position that works directly with the courts, and an Extradition Specialist. Each position can be reviewed to see how they can be improved.

John Sarcone commented that this area is really growing and with that comes problems that need to be addressed, but this community does a tremendous amount of work. He has interaction with prosecutors from other states, and they don't do nearly the amount of work, or take nearly the risks that we do, and our jail population isn't as high as other places similar in size.

Valorie Wilson has always had an issue with bonds not being set for probation violations, especially when the probation is for a misdemeanor; or perhaps for a technical violation, i.e., missing a meeting with the probation officer, or dropping a dirty U.A. If there was a bond set, many of these people could probably bond out, therefore reducing the jail population. There was further discussion about the bond process— a bond for new charges vs. no bond for probation violations; releasing someone again that isn't following the rules of their probation, and are possibly a danger to the community or to themselves. Sheriff McCarthy brought up the issue of possibly eliminating the bond process altogether, as it can be unfair, but there are many questions that need to be addressed before that could happen.

Angela Connolly asked Judge Gamble what could be done that would help on the front-end process that he mentioned earlier. What he's hearing from the judges is that usually the initial appearance is not the first time someone is appearing in court, and they are trying to make the appropriate decision on a case-by-case basis. Many of them have substance abuse and/or mental health issues that they are not addressing, and the judges feel they shouldn't bond out. If the person later shows a desire to change, it isn't up to the judge to bring them back to court for a bond hearing. Judge Gamble feels it's a good idea to have the Jail Specialist checking the jail list each day to identify those that could go back for a bond hearing, and bring it to the attention of the court. John Sarcone added that sometimes sitting in jail can serve a purpose, maybe even save lives. For instance, someone with a methamphetamine problem having to sit in jail for a while isn't necessarily a bad thing, whereas if they are released on bond, they would be right back to using.

From the standpoint of the Sheriff's Office, the jail population is at a tipping point that's causing instability and excessive mandatory overtime. It continues to fluctuate, but is doing so at a high level compared to in the past. Over the weekend, there was a significant number of releases compared to bookings, and the population dropped to 960; today it's right back up to 1,112.

John Mauro asked about the possibility of starting with the opening of half the amount of pods requested. Frank responded that they could do a phased-in approach but that isn't really addressing the issue because the only pods available are 16-beds and 32-beds. If there were multiple 64-bed pods available that would be different, but there aren't, and opening one 32-bed pod just wouldn't significantly increase their capacity. While Frank feels the request he made for opening 3 pods is a better solution, he also thinks a phased-in approach is a good idea.

Angela would prefer to take the money spent to open additional pods and put it toward substance abuse treatment and mental health services, since that is really what most of the people need instead of being put in jail. With the cuts in funding for those types of services, it's no surprise that more people are ending up in jail. Hopefully, with the opening of the Sobering Center, and the implementation of the Risk Assessment Tool, along with other services already offered, people that really need treatment, won't end up just sitting in jail.

Susie Osby suggested looking at Jail Diversion that currently has only two people at the jail doing interviews, and they have a long waiting list. That has been a highly successful program that allows people to stay out of jail with community support. Another idea that has been discussed is to put together a team of individuals to look at high utilizers to determine why they keep ending up in jail, and what might be done to help them.

Bob Glass suggested that for every dollar spent on incarceration, one dollar be put toward treatment. Teresa Baumhoff asked if there is anyone that follows up with people that were diverted away from being committed to see what happened to that person and whether or not there was a satisfactory conclusion. What isn't wanted is an 'unintended consequence' where they may have ultimately ended up in jail because a family member tried to have them committed and it didn't work.

John Mauro thanked everyone for their participation.

The meeting adjourned at 9:05 a.m.