

**Criminal Justice Coordinating Council (CJCC)**

**February 7, 2013**

**8:00 a.m.**

**VM-CCCU-CC**

**CJCC Members Present (8):** Tom Hockensmith, Judge Gamble, Angela Connolly, Bill McCarthy, Lynn Ferrell, John Sarcone, Valorie Wilson, Sally Kreamer

**CJCC Members Absent (3):** Gary Mikulec, Judy Bradshaw, Marilyn Lantz

**CJCC Coordinator (1):** Gary Sherzan

**Others Present:** Sue Elliott, Steve Van Oort, Doug Phillips, Frank Marasco, Dave Higdon, Tom Jackowski, Steve Dick, Paul Cornelius, Jon Rosmann, Lettie Prell, Nancy Robinson, Dillon Kraft, Nick Lemmo, Rox Laird, Mike O'Meara, Tony Tatman, Michael Dunn, Michelle Dix, Bob Glass, Jean Basinger, Jennifer Miner, Teresa Bomhoff, Chris Gammell

**Approval of the January 17, 2013, Minutes**

Moved by Connolly, Seconded by Sarcone to approve the January 17, 2013, minutes.

**I-Leads Update – Frank Marasco (handout)**

The year-end review is still in the works due to the quick turnaround between meetings.

There have been some questions about why there is a spike in the inmate population, as shown by the snapshot as of Tuesday, February 5, 2013. In the past several meetings, the reports indicated a steady decline in the ADP, but for January 2013, there was a steady climb upward. The number is still below what it was in January 2012, with a decrease of -10.5%, but from January to February last year it was up 35%. Regularly it is not out of the ordinary to book 40 to 50 people in a night, so with a population hovering around the high 900's, it is possible to get into trouble in a hurry. Hopefully, the numbers for the first three months of 2012 was an anomaly, not a trend; however the numbers for January 2013 are eerily familiar to last year. Last year our population was 926 and today we are at 940. The main reason--bookings are up, and releases are down. Generally, releases have been exceeding bookings, with May 2012 being the last time bookings exceeded releases.

A lot of work has been done to find why the numbers have been higher, and it seems to be due to general arrests. Of general arrests, more people are being sentenced to jail; and in many cases, people are sentenced without the ability to bond. As far as offenses, an increase of 22% in average stay was for property offenses; i.e., fraud, identity theft, trespassing, etc. That could be seen as a plus, because last year at this time, the average length of stay was up for almost all offenses.

Looking back at the first three months of 2012, the numbers that starting hitting staffing levels were reached. This is what needs to try and be avoided this year, with everyone's due diligence.

**Pretrial Release – Overview - Steve Dick, Paul Cornelius, Fifth Judicial District Department of Correctional Services (handout)**

A handout entitled ‘Community Based Corrections Overview’ was presented by the Fifth Judicial District Department of Correctional Services, highlighting some of their programs.

In 1977, the Legislature created the statewide CBC system. Mission: pre-institutional services. To include: Pretrial release; pre-sentence investigations; probation supervision; pre-institutional residential centers. The 5<sup>th</sup> Judicial District has the largest population for offenders, and the 2<sup>nd</sup> largest geographic area, covering 16 counties. We have the largest population and second largest geographical area in Iowa. An expansion of the CBC in 1983 added additional responsibilities to include: parole, work release, interstate compact. The IDOC started to provide oversight for institutions, accreditation & jail/residential center inspections. They also started working as a liaison with the Board of Parole.

Residential Centers

- \*40 Bed Women’s Facility in Des Moines--*Only facility in state to house children ages five & under*; focusing on addressing gender responsively; combining field services with residential in one setting, for a smoother transition. Women maintain the same supervision officer throughout their sentence.
- \*240 Bed Men’s Facility in Fort Des Moines—*Largest in state*. Includes 3 units (Treatment, Residential and Honors Unit)
- \*Total of 265 offenders including daily reporters.

Field Services

- \*There are 8 Field Service and 7 Satellite Offices, which helps to work on collaboration with officers and law enforcement in the community. It also reduces the distance offenders have to travel.

The handout describes Pre Trial Release (PTR), Release with Services (RWS) and Intensive Pre trial Release (IPTR). The statistics for the 5<sup>th</sup> Districts’ Pre Trial Release program for last fiscal year show a success rate of over 70% for each type of release (PTR, RWS and IPTR).

Parole Supervision-About 11% of total caseload; of all offenders released from prison for supervision, 32.9% come to the 5<sup>th</sup> District (with 28-29% of those coming to Des Moines). Parole recidivism rates for the State are 17.7%, and for the 5<sup>th</sup> District are 18.6%, while in Polk County the rate is much lower than our Region counties due to lack of resources. The 5<sup>th</sup> District monitors 31% of offenders with 21% of funding. The average case load for Parole Officers should be 25-30 offenders if they are high risk and about 50 for moderate to high risk offenders. Parole Officers in the 5<sup>th</sup> monitor 100+ offenders.

Kreamer stated that the history of funding supervision fees is that they were enacted in FY 1998 and deappropriated \$140,000. In 2001, we were increased to 250, in 2007 increased to 300 for all offense classes. Supervision fees are \$1.8 million, 5<sup>th</sup> District portion. Our total budget \$24.8 million general fund appropriation makes up 78 percent in local fees and 86 percent salaries. There is no state allocation for maintenance issues such as boiler replacement, roof repairs, etc., all of these costs have to be covered with supervision fees.

The 5<sup>th</sup> Judicial District has a Board of directors consisting of 16 county supervisors, 2 judicial representatives and 2 citizen appointments. The executive committee consists of 7 members.

Gary Sherzan stated that the DOC responsibilities are to provide contract pretrial release, PSIs, probation and maintain personnel and fiscal records. Every year it becomes more and more difficult for staff to provide services. Until there some sort of crisis or issue, no one is going to do anything. Their funding levels are so low 31 percent of caseload, 21 percent of budget. We talked to our legislators and the Governor's office and have gotten nowhere. Sarcone asked if the \$1.7 million was collected from offenders? Kreamer stated that we have exceeded collections and are on target for that number. We have over \$4 million fees owed to 5<sup>th</sup> District and collect 80 percent. We meet with the offender as they enter probation and set up a payment plan and break it up so that they can do so over their probation period. They have child support restitution they owe everyone and must pay with the salary they receive from minimum wage jobs. We refer them to set up payment plans with the County Attorney for the Clerk of Court that is one thing that they have to fulfill as well.

Sherzan stated that of those 3,000 released from prison, 392 went to Waterloo, 163 to Sioux City, 902 to Des Moines and 274 to Davenport. The district receives 21 percent from the state of Iowa.

#### **Jail Diversion-Dave Higdon (handout)**

The first two quarters are fairly static. For the second quarter to year to date, the number of **Bookings by Charge Class** is almost 300, and in the context of the total number of bookings at the jail, that is roughly 3-4%. Gender, there are more males than females. The first to second quarter were concentrated on those connected to the system.

There is about a 60/40 split between those connected to services when entering and those that were not connected. In the **Linkages**--Outpatient treatment, Existing Providers and Referred--most are going back to their existing providers. Those who refused services were in and out quick and hard to catch.

There is quite a long list under **Legal Outcome**. In doing some quick math, 41% were released with credit for time served; 25% were on probation and were either enrolled in Jail Diversion or linked back to a provider agency that they were already with; 7 of the 73 people had probation revoked, showing that the systems are working pretty well together between probation and jail diversion for trying to get a good outcome; 13% were bonded out.

**Days by Charge Class**--7% YTD for Simple Misdemeanors; 16% for Aggravated Misdemeanors; 12% Serious Misdemeanors; 34% Felonies; 31% Probation Violations. **Number of Bookings by Charge Class**—The vast majority is Simple Misdemeanors at 35%. **Average Days/Booking by Charge Class**—Simple Misdemeanors (103) are getting out in an average of 7 days. This goes up for Aggravated and Serious Misdemeanors, at 48 and 33, respectively; Felonies are at 81 days. The average jail days for people connected with the system is 27; average jail days of those not connected is 42.

#### **Community Corrections Behavioral Health Grant Update-**

##### **Jon Rosmann, Executive Director, Iowa Prescription Drug Corporation (IDPC) (handout)—**

Mr. Rosmann provided a brief overview of a system developed to provide access to a health provider in

conjunction with up to 90 days of behavioral health prescription drug coverage for ‘safety net patients’ released from the Polk County Jail. The program will fill a critical medication gap until the individual can be transitioned to long-term behavioral health solutions. Ultimately, the rate of recidivism among local offenders with behavioral health disorders could be reduced, generating significant cost savings to Polk County and its taxpayers. Funding has been secured to operate the program for approximately 24 months.

Eligibility: Any safety net patient released from the Polk County Jail in need of assistance to treat a behavioral health disorder. The following criteria must be met:

- Individual or household income at or below 200% of the Federal Poverty Level
- Lacks health insurance or prescription coverage that would cover prescribed medications

Project Scope: Based on data from the Polk County Jail, approximately 80-100 of the 1,100 individuals released each month are in need of behavioral health medication assistance. Utilizing these projections, the estimated cost to provide 90-day supplies of 340B\* behavioral health medications would be approximately \$1,500 - \$2,500 each month. Full funding would enable the program to operate for approximately 24 months. (\*340B is a federally funded program for behavioral medications). Funding has been received from a grant provided by Mid-Iowa Health Foundation, Prairie Meadows and a match from the Polk County Board of Supervisors.

Behavioral Health Medication Access: At the time of release from jail, the individual would be directed into Primary Health Care, Inc. After being seen by a Primary Health Care, Inc. provider, medications would be prescribed and dispensed in quantities of 30-days or less from the 340B Pharmacy affiliated with Primary Health Care, Inc.

Long-term Behavioral Health Assistance: Staff at Primary Health Care, Inc. will work closely with staff at Eyerly Ball Community Mental Health Services or Broadlawns Medical Center to ensure the patient’s smooth transition to longer term behavioral health services.

Evaluation: IDPC will work with Polk County Health Services, the Polk County Jail, and Primary Health Care, Inc. to track program participation among offenders served through the program. During that period, we should be able to receive data on whether or not we are able to have a positive impact on the rate of recidivism.

Kreamer asked if there is training that needs to be provided if volunteers watch inmates take meds. Lynn Ferrell stated that he would provide Sally with information on the 12 hour medication management course.

Sarcone asked how inmates get notified of the program. Information will be posted inside the jail and inmates will be advised of the program at the time of release. Connolly stated that this is one of the biggest barriers we face when they walk out and don’t have money to get their meds. This is a proven program that has worked in other places.

**Bridges Substance Abuse Treatment Program – Tom Jackowski, J.D., CEO, Bridges of Iowa**

The women’s facility and program is ready to go. There are 11 women that have been approved to come to the program. The staff has been receiving gender responsive training. The capacity for women at the

jail is 24, with an additional 24 in the after-care facility at the Vine Street location. The program could be expanded if the numbers support doing so.

There are 50+ clients in the men's program; 7 men were admitted to the program in January. The average admissions had been 10 per month and they feel the men's facility will be full by June. The Sheriff's Department allows Bridges staff to go directly to the clients, so referrals are not an issue at this point. We are working with defense lawyers, the County Attorney and the court system. Word of mouth has gotten into the population and their family members and we are receiving 3 – 5 referrals a day.

The staff does the evaluations; they work with defense lawyers, county attorneys, the court system, etc. Employee and Family Resources (E.F.R.) had been referring about 10 clients per month prior to Bridges moving to the West Wing of the jail, but they have referred only 1 in the last 4 months. It is felt that there are professional differences in terms of the difference between Level 3.1 and Level 3.5 treatment. EFR is referring instead to Mt. Pleasant.

Transportation for getting clients to and from work is a challenge. The bus schedule does not provide adequate transportation for their work schedules. The buses are coming out from noon to 3 p.m. to pick people up, but most clients work from 6 p.m. to midnight. The cost of providing an essentially private bus service would run about \$80,000.00. At this point, Bridges is providing transportation, and absorbing most of the cost, which is not something they normally do, nor will be able to continue to do. We will continue to work on this issue. When the numbers get up to 120 it is going to be a difficult transportation system to manage.

### **St. Gregory's/Bridges Proposal on 3.5 Detoxification Program**

After a six month period of evaluating what Bridges is doing at the jail, it is clear that the major issues, in terms of numbers, have to do with timing...the system moves too slowly. It leaves clients that have been moved through the judicial function of the system simply awaiting bed space at Mount Pleasant; then they come back and go into the Bridges program. If we could eliminate that 60-90 day window by having a Level 3.5 treatment program in companionship with a detox program, the wait time would be reduced significantly. By combining the best, most successful aspects of both programs (Level 3.1 and 3.5) to the Level 3.5 program it could change the paradigm of how substance abuse treatment is delivered to the jail population.

The recommendation is to integrate services from St. Gregory's (a Level 3.5 treatment program) into the Level 3.1 Bridges program at the jail. This would require a joint effort working with the 5<sup>th</sup> Judicial District through pretrial services. A significant number of individuals could be diverted into the program shortly after entering the jail, rather than waiting sometimes as long as 180 days to start a substance abuse program. Some inmates insurance would also provide coverage for Level 3.5 treatment, and 40-60% of inmates have insurance.

A detailed proposal on the recommendation will be presented to the C.J.C.C. Members at a future meeting.

**Department of Corrections Parole Risk Assessment: Predicting Violence and Victimization – Lettie Prell, DOC Research Director (handout)**

This presentation is in regard to the Department of Corrections' new risk assessment tool. The Board of Parole has been using the same risk assessment tool since 1981, which was developed by a PhD in mathematics. Risk assessments must be revised periodically due to changes in the makeup of the offender population.

This recidivism focus is on violent crime. This tool has a scale that predicts violent crimes at any offense level, down to the simple misdemeanor. The Level of Service Inventory Revised (LSIR) assessment does not predict violence. There is also a victimization scale, which are crimes with quantifiable economic costs and which victims feel personally; not just violent crimes, but property crimes as well. The tool assists the decision maker in making an assessment. The Risk Assessment Methodology, Risk Factors, Violence Risk, Victimization Risk, Utility as Screening Tools, and Offender Risk Levels were charted in the handout.

We took a release cohort from prison and followed them for three years and collected the data. Actuarially a tool like this risk assessment can assist the decision maker. Risk factors include current events, criminal history and number of prior convictions. As well as how much and how serious the previous criminal convictions were. Criminal orientation, the association of gang membership is a predictor of violence and criminalization. History should stand out more than gang membership. Current age predicts as the Board of Parole considers them for release. Regarding the violence risk, 15 percent of released prisoners received another conviction within 3 years. Of the high risk, 46.3 percent received a conviction of a violent crime within 3 years. We used violence risk to screen for other crimes to assure high risk is high risk and low risk is lower risk. Of the offender sample by risk level, 42 percent of offenders were low risk for violence and only 3 percent high for violence. Release to parole or discharged for end of sentence. The good news is quite a large group of offenders were not at risk for a new crime. 26 percent of offenders were low risk for coming back to prison for new violent or property offense.

The Board of Parole began using this tool in their decision making in December, 2012. Some people at high risk for a new violent crime and were model inmates. This risk assessment will help the Board of Parole have another perspective for these model inmates. I am confident the risk assessment will help improve public safety.

Kreamer stated that policy parolees coming out of intense supervision, those that come out on low risk can bump down to be supervised at a lower level. Those at high risk can have the warrant team help with those individuals. We can use our resources better. Gamble asked if there was any reason why we cannot use this tool in criminal investigations. Prell stated that she is looking at raising low parole risk assessment for probationers and parolees and ask whether we could predict violence. We are looking to see if it will predict for them. If so, we could have this done at presentence and this would be an excellent tool for district court to determine if the risk is for probation or jail, and jail and probation or put in residential correction facility. It will also assist in determining the level of supervision.

Sherzan asked if this would predict a recommendation on probation/jail compared to prison. How would you make the differential in jail or prison? Serious misdemeanor that the decision to incarcerate versus placed on community supervision is to the individual judges' discretion. This is just another tool.

Gamble asked if the decision is between probation and incarceration. Every sentencing decision comes to that judgment call about risk and the more information.

**Open Discussion**

Sally reported that they do not have a waiting list at Ft. Des Moines.

**Next Meeting Date**

March 7, 2013

Meeting adjourned at 9:36 a.m.