

Criminal Justice Coordinating Council (CJCC)
July 26, 2018
8:00 a.m.
Hy-Vee Hall – Iowa Events Center

CJCC Members Present: Angela Connolly, Tom Hockensmith, Judge Gamble, Bill McCarthy, Jerry Evans, Susie Osby, Dana Wingert, Valorie Wilson, Cory Williams.

CJCC Members Absent: John Sarcone, Chad Jensen.

CJCC Coordinator: Gary Sherzan.

Others Present: Danny Moon, Megan Wych, Greg Bellville, Sheila Corsbie, Jared Headrick, Dillon Kraft, Clifford Leonard, Max Knauer, Christopher Patterson, Jana Abens, Sara Wingert, Makai Echer, Joe Schaffer, Tom Jackowski, Colleen Christopherson, James Cornick, Arnold Woods, Stacy Curtis, Teresa Baumhoff, Bob Glass, Kathy Ferguson, Sarah Boese, Mark Wandro, Ralph Marasco, Teri Somerlot.

Approval of May 24, 2018, Meeting Minutes:

Moved by Hockensmith Seconded by Osby to approve the May 24, 2018, CJCC Meeting Minutes.

Jail Report – Frank Marasco, Director, Polk County Sheriff’s Office (handout)

As of July 24, the In-Facility Population is 1,073, which was already high coming into the summer months. The average number of bookings has been 1,700 per month since March 2018; normally that number would be 1,400-1,500. The good news is that they continue to keep pace with releases, and maintain operations. Frank credits the jail staff, the courts, the County Attorney’s Office, for creating new efficiencies in the process, and more quickly working people through the system. The In-Custody Population is 1,116—the discrepancy being 7 juveniles boarded out, 15 individuals out for medical evaluation, and 20 under electronic monitoring.

Teresa Baumhoff asked about the plan to open another pod, and to hire additional staff. Frank responded that the Board of Supervisors had approved funding for both, and they did some hiring, however, there are a number of people out on work comp, recruiting people to hire is difficult, and they currently have 10 vacancies.

Jerry Evans asked if the numbers were up for all groups or for specific ones, i.e., females, and ICE inmates? The numbers are up across the board, although females and federal prisoners are notably higher—females are at 190; U.S. Marshal Service at 180. As far as Immigration and Customs Enforcement (ICE), where previously they may have had 5-6 ICE inmates, it’s now 20-30.

Judge Gamble asked if the numbers broken down by race/ethnicity were higher? They remain very static and mostly unchanged over the last 24 months that Frank has been watching those statistics –for males, the bulk of the jail population, there are 70-72% white; 25-26% black.

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

Statistics are provided on the PSA, which is still in the implementation phase. Teri feels the PSA is working well, although they are still refining the process.

The 1st chart in the handout shows the ‘Average Number of PSA’s Completed by Day’ for the period of 1/16/18-6/30/18--totaling 4,573. For the same time period, 2,316 PSA’s were provided to the Court (only even-numbered booking IDs).

The 2nd chart—‘Judicial Decision Compared to PSA Recommendation’ (1/16/18-6/30/18)—Breaks down by percentage the decision the Court makes compared to what the PSA scoring recommends. For instance, the court agrees with 26% of the PSA recommendations; 17%--Judicial Decision Higher; 3%--Judicial Decision Lower. Therefore, the Court is approving some level of pretrial supervision in about 46% of the cases for which a PSA is provided. The chart also shows the percentages for which the decision was Monetary Bond Only (33%); Pled Guilty and Sentenced (18%); and Bonded Before Initial Appearance (3%).

The 3rd chart—‘Distribution of Pretrial Supervision’—breaks down the percentage of defendants under each level of supervision for both the PSA recommendations (PM1-PM4 & Max Conditions) as well as those under the traditional pretrial release programs (PTR, RWS, IPTR) which they continue to operate in addition to the PSA program. As of 7/20/18, there were 498 defendants being actively supervised by pretrial services, approximately 34% of those in the traditional program; the remainder in the PSA.

The 4th chart shows ‘Average Number of Initial Appearances a Day by Year’. Each day they receive a list of people on the schedule that day for an initial appearance with the judge, and the number each day continues to increase. While the average for 2018 is 39, March, April, May & June had 40 or over on the list; one week in June averaged 49; the current average for July is 41, but one day there were 63. The increase in the number of initial appearances each day is putting an enormous burden on DOC staff, Court staff, and the County Attorney’s Office to gather all the information needed and get it to the judge by the time court starts at 8:30 a.m. Also, getting everyone through the IA’s by 10:30 when other hearings are scheduled is a huge challenge, and it may be necessary to look at the resources and consider other options.

Supervisor Connolly asked if that was the reason for discussions about scheduling IA’s later in the day? That is one option; others include allowing more time for IA’s by moving other hearings, or probation cases to a different location or time.

Valorie Wilson asked if the numbers could change depending on which judge is presiding over IA’s? That is quite possible since the judge makes the final decision as far as pretrial release, the level of supervision, cash bond only, etc., and the judges on duty for IA’s rotate every 6 months, with the exception of weekend rotations.

For those unfamiliar, Jerry Evans further explained the ‘Distribution of Pretrial Supervision’. PM1 (Pretrial Monitoring 1) is the lowest level of pretrial monitoring, and PM4 & Max are the two highest levels. The vast majority of defendants fall into PM2 or PM3. The Fifth District currently has about 8,400 individuals under some form of supervised parole or probation, with 50% under supervision similar to PM1 or PM2. It is 80% likely that people in the PM1, PM2 or PM3 levels of supervision will never go to jail; they will likely get some kind of probation. The PM4 & Max cases are the same as the Districts’ Level 5 cases, of which there are about 350. They target their resources toward those individuals, as they are at highest risk for committing additional crimes. Research shows they are responsible for 60-70% of all crimes committed in communities.

Gary Sherzan asked Teri to explain the difference between the traditional pretrial release program's levels of supervision, and those determined by the use of the PSA. They are actually quite comparable, with each level having additional 'mandates'. PTR is similar to PM1 and PM2—Minimal rules to follow, i.e., no new charges, etc. PM2 adds attending a group meeting once a month. RWS (Release With Services) is equal to PM3—Same rules as PM1 & PM2, adding meeting with supervising officer every other week; determining needed services (substance abuse and/or mental health treatment, housing, etc.); court reminders, etc. IPTTR (Intensive Pretrial Release) is like PM4 and Max Conditions—All PM1, PM2 & PM3 conditions with the addition of meeting once a week with supervising officer, a curfew, periodic home visits, etc.

Tom Hockensmith asked if an offender could be considered ineligible for the PSA?

Only if there is a charge in another state, or if they are only there on a probation issue, such as contempt of court, or child support. Tom then asked if any level of supervision is assigned when a person bonds out before the initial hearing? No, that is determined at the initial hearing, and it is based on risk factor, not the ability to bond out. There are some charges, however, where you can't bond out prior to an initial hearing, such as domestic assault or stalking.

There was discussion regarding the possibility of Governor Reynolds putting an end to the use of the PSA on 12/31/2018. Teri commented that we really wouldn't have sufficient data to make a valid determination at the end of that time. To get a better indication of the programs' success would require following a number of cases from the initial appearance thru to conclusion. Gary Sherzan added that if there is going to be a pretrial release program, whether or not the PSA is used, there has to be some sort of assessment to determine risk, just as has always been done.

Jail Diversion, Crisis Observation Center Update – Susie Osby, Polk County Health Services (handout)

Broadlawns new Psychiatric Urgent Care Walk-In facility opened on June 6, 2018, and has already had about 340 individuals thru; a real added benefit for Broadlawns. The Crisis Observation Center (COC) beds are averaging about four, so that is also quite busy and has been very helpful.

Law enforcement held their second mental health collaboration meeting last week. They discussed the drop-off process with Broadlawns and Mercy, and both law enforcement and Mercy are happy with their new process. At the next meeting on October 25th, they'll discuss substance abuse further, and are inviting substance abuse providers to attend.

The process for SafeNetRx has been worked out with the Jail and Broadlawns, and Susie asked Cory Williams to give an update. He stated that the program has been in place at the jail but a few adjustments were necessary due some of the changes at Broadlawns. During incarceration, and upon release, the jail provides information to inmates notifying them of programs that are available. Under SafeNetRx, individuals who are unable to pay for their behavioral health medications are eligible to receive up to six months of behavioral health medications at no cost, and then at a reduced cost after that.

Steve Johnson, Broadlawns, added that his staff can now access if an inmate has had mental health services in jail, with the inmates permission.

The Ankeny Police Department wants to expand its CIT Training. Health services is in the process of applying for a \$20,000 Grant from the MacArthur Foundation to be used for that. Training could start this fall. Also, Health Services is in the process of training all Des Moines Fire Departments on how to access community resources and mental health services, and should be done in the next week.

Bridges Substance Abuse Treatment Program Update – Tom Jackowski, JD, CEO, Bridges of Iowa

The numbers continue to dwindle with only 61 clients (men & women) in their program at 2 locations. That is down from 300+ at 7 locations about 3 years ago. The current status at the jail, a 160-bed facility, is 24, because Bridges is unable to find funding for that many beds. Tom believes the reason the jail population is up is because Iowa is dead last in providing substance abuse and mental health treatment services, depending on which study you look at. There is a direct correlation between substance abuse and criminality, and without funding for treatment of the underlying reason people are in jail, the problem won't get solved. With Bridges' Board of Directors' authorization, they have consistently been bringing in 10 clients per month at their cost. United Health Care doesn't contract with Bridges, so there is only one Managed Care Organization (MCO) that is paying for services, but with managed numbers, Bridges can only bill 15-16 people. They hope to see some improvements in 2019, including the addition of a third MCO.

Some key stakeholders in the community are stepping forward with funding. Bridges is working on statement issues to try to get statewide funding for long-term substance abuse treatment-- but all that takes time, and communities are going to need to get involved. Is the privatization of Medicaid to blame for lack of funding? Privatization in principal is not to blame, but the way it was implemented hasn't worked.

When a person is released from jail, what is the wait time for court-ordered treatment to begin? It's lengthy, for a number of reasons—after an evaluation, coverage has to be determined, funding has to be secured, charges must have been adjudicated (they can't enter the program until they are, and the time that takes varies). However, if they're in jail over 30 days, they lose their Medicaid coverage. Judge Gamble asked how the courts are notified that a defendant has Medicaid so they can get released from jail and into treatment before their coverage ends? The defense attorney usually stays in contact with Bridges to see if a decision has been made; then Bridges notifies the defense attorney when their client has been accepted.

With the privatization of Iowa's Medicaid program, there doesn't seem to be any consistency in the MCO's coverage of services or the number of services allowed, and people seemingly aren't able to choose their MCO based on the services they need versus the benefit packages available. Unfortunately, it isn't just Medicaid recipients that are suffering; it's happening in programs all throughout Polk County.

Polk County Jail Accreditation – Sheriff McCarthy

The Sheriff began by suggesting having a discussion on law enforcement's aspect of the Sanctuary City bill the legislature passed, and how the bill should be interpreted. Under Des Moines leadership, they have moved forward with a mandatory written policy.

Cory Williams reported on the Jail Accreditation by the American Correctional Association (ACA) that the jail passed with a score of 100%. They also recently had a Prison Rape Elimination Act (PREA) audit, for which they also received a score of 100% compliance. Both inmates and staff were interviewed. With a reported 1,000+ inmates and several hundred employees, it is a very high-stress environment. He gives a lot of credit to the staff, under the leadership of Sheriff McCarthy, for making the Polk County Jail one of the best run jails in the country.

Next meeting date TBD.

Meeting adjourned 9:03 a.m.