

**Criminal Justice Coordinating Council (CJCC)**

**September 27, 2018**

**8:00 a.m.**

**VMCCCU-CC**

**CJCC Members Present:** Angela Connolly, Tom Hockensmith, Judge Gamble, Cory Williams, Dana Wingert, Valorie Wilson, Jerry Evans, Chad Jensen, Susie Osby, Joe Simon.

**CJCC Members Absent:** John Sarcone.

**CJCC Coordinator:** Gary Sherzan.

**Others Present:** Dillon Kraft, Clifford Leonard, Pat Coughlin, Matt McCoy, Greg Bellville, Jodi Urich, Scott Sithonnorath, Stacy Curtis, Sheila Corsbie, Brian Carter, Max Knauer, Arnold Woods, Dan McBee, Kathy Ferguson, Bob Glass, Brandon Cole, Betty Andrews.

**Approval of July 26, 2018, Meeting Minutes:**

Moved by \_\_\_\_\_ Jerry Evans \_\_\_\_\_ Seconded by \_\_\_\_\_ Valorie Wilson \_\_\_\_\_ to approve the July 26, 2018, CJCC Meeting Minutes.

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

As of September 25, the In-Facility Population was 1052; the more important number, however, is the In-Custody Population, at 1140. In August, the In-Custody Population peaked at 1302, the highest number since the jail opened in 2008. Bureau of Justice Statistics show that, per capita, our numbers are not that high compared to other jails in the country, but the trend seems to be numbers hovering around 1,000.

At this point, they are focusing on maintaining and enhancing the initiatives put in place by the CJCC, such as the Public Safety Assessment (PSA), Pretrial Diversion, etc. They are also working on hiring and retaining individuals to staff the facility appropriately. Tom Hockensmith referred to funding approved by the Board of Supervisors to hire 10 additional Full-Time Employees (FTE’s) for the jail. Frank explained that it isn’t a FTE or funding issue but a matter of just getting the positions filled, which is proving to be a challenge due, in part, to low unemployment rates and a competitive labor market. They currently have 14 full-time vacancies, 18 part-time vacancies, and 20 employees out on FMLA, which makes it difficult to run the jail efficiently, and is causing a lot of overtime. They are exploring ways to recruit the best individuals to hire, and to retain them, through pay and/or hiring incentives, etc. They will bring some ideas before the Board of Supervisors, and probably before this council, as well.

Frank has spoken with Valorie Wilson about the possibility of putting a bond on probation violations, which have an Average Length of Stay (ALS) of 30 days this month. Citation releases in the field have also been discussed, and Tom asked if there has been any outreach to other jurisdictions to consider utilizing them? Chief Wingert (DMPD) has been very proactive in getting that message out when it’s appropriate to issue a citation. Frank recommends getting a representative from one of the suburbs involved in CJCC meetings, and specifically mentioned Chief Scott from West Des Moines. The issue of citations will be discussed at the next PLEXA meeting, which includes all Des Moines area police chiefs, next Thursday morning in Johnston.

Valorie Wilson asked Frank if he saw any difference in the jail population, since the PSA was implemented, based on which judge was presiding at the Initial Appearance (IA)? She went on to say that the defense attorney's are noticing that the judge has a big bearing on who's in jail, depending on how closely, or how often, each judge follows the recommendation of the PSA. For instance, with the judge currently on duty, they see a lot more cash only bonds, sometimes doubled or tripled, causing many more bond reviews. Frank replied that was tough to answer in regard to the PSA, as it is still a 'work in progress' and that, in general, each judge tends to handle things differently anyway. He does feel that the PSA isn't being used to its' full potential, however, and would be more effective if it was used as it was designed. Frank added that the judges are still on a learning curve with the tool as they rotate through Jail Court, and have been very willing to work with jail staff on the process.

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

The **1<sup>st</sup> chart** in Teri's handout is a snapshot of the '**Average PSA's completed by day**' from April thru August. Since the implementation of the PSA in January until the end of August they have completed 6,247 and provided 3,173 to the Court (only even-numbered booking IDs are provided to the Court).

The **2<sup>nd</sup> chart** shows '**Judicial Decision Compared to PSA Recommendation**' – Agreed In 27% of cases; Judicial decision higher in 15%; Lower in 3%; Monetary Bond Only in 34%; Pled Guilty & Sentenced in 18%; Bonded before IAP – 3%. The Court has approved some level of pretrial supervision in about 45% of cases for which a PSA was provided.

The **3<sup>rd</sup> chart** shows '**Distribution of Pretrial Supervision**' – Since PSA's are only provided to the Court on even-numbered booking IDs, Pretrial Services is still operating their traditional pretrial release programs, Pretrial Release (PTR); Release w/ Services (RWS); Intensive Pretrial Release (IPTR), and approximately 38% of those currently on pretrial supervision are in this group. As of 8/30/18, there were 467 defendants being actively supervised by pretrial services.

The **4<sup>th</sup> chart** shows the '**Average Number of Initial Appearances (IA) a Day by Year**' – The number continues to rise every morning, with the current average for the year so far at 41. In August, the average per day was 44, which rose to 48 during the Iowa State Fair, and one day there were 66 IA's. Managing those numbers is difficult for Pretrial Services', and it also effects the Clerk of Court, the Court Attendant, the County Attorney, everyone that is involved in that process every morning.

Tom Hockensmith asked if the same data gathering process is used for traditional PTR as it is for the PSA? The PSA is criminal history based, as evidence is showing that to be more predictive; PTR focuses on other factors, such as if a person is employed, where they live, etc., as well as criminal history, but not as extensively as with the PSA. The biggest problem Teri has is that PTR is looking at factors that now have been shown to be not as predictive as criminal history, so she's anxious to be able provide all PSA's to the court, as she feels that gives them better information. Will they be able to track, at some point, the behavior of offenders based on whether they're released on PSA or on bond? Yes, that's the purpose of the control group, to evaluate if the PSA is effective and really working the way it should. Will the use of the PSA end after the end of this year? That depends on who is elected Governor; Harvard has currently suspended the control group but is doing a 'program review', so they will have some stats to give to the Governor's Office. If the PSA is continued, they will resume the control study. The difficult thing is that they really need to wait until an individual has worked their way through the system, which can sometimes take 8-10 months, and they need a year or two of good data to tell if it's really effective.

**Jail Diversion, Crisis Observation Center update – (handout)**

Susie Osby, Director, Polk County Health Services (PCHS), referred the council and attendees to her handout for updates and highlights on Jail Diversion and the Crisis Observation Center.

She announced that Polk County has been selected by the National Association of Counties (NACo) to host the ‘Stepping Up County Peer Exchange’ on county behavioral health and criminal justice issues. NACo will take applications and choose 40 county leaders from across the country to visit Polk County and learn about our efforts to reduce the number of people with mental illnesses in the jail through the *Stepping Up* initiative and beyond. It is a great honor for Polk County to be chosen to host the event, which will take place on November 1 and 2, 2018.

In addition, Susie shared that Polk County Health Services received a \$20,000 grant to do CIT training in partnership with NAMI of Greater Des Moines, and Broadlawns beginning December 1, 2018. Ankeny is going to open it up to all jurisdictions.

Supervisor Hockensmith stated that it was a good opportunity to acknowledge as a group the work of the JCC for initiating the CIT training several years ago.

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

*(Tom is not present. Pat Coughlin, Chief Operating Officer, Bridges of Iowa, will give the update)*

Bridges had 10 admissions in August – 6 males (4 from the jail, 1 out-of-county, 1 referred by P.O.); and 4 females (3 from the jail, 1 referred by P.O.). In September, they had 8 admissions – 6 males (5 from jail, 1 referred by P.O.); and 2 females (1 from jail, 1 by P.O.). The numbers for the West Wing of the jail (Bridges program) do not include women. Prior to the St. Gregory’s period, they treated both men and women at the jail, but women were moved from the jail to make more space needed for men. There are 72 clients total – 20 in West Wing (jail), 35 at Vine St. location, and the remainder are in some level of Outpatient treatment.

A member of Bridges’ Admissions personnel was asked to submit a 6-month report on their numbers, what was being done to help the admissions process, etc. From April to September, there were 50 inmates assessed and approved for sponsored treatment at Bridges. Of the 50, there were 28 admissions, and 18 were waiting for a court date for sentencing. The average stay in jail awaiting treatment was 69 days. Bridges will sponsor individuals and cover their treatment through funding they receive, but they could only cover 10-12 people per month. Also, Medicaid wasn’t paying.

Valorie Wilson, Public Defender, stated that on felonies it is generally 6 weeks from plea to sentencing, due in large part to the time it takes for the Presentence Investigation (PSI) to be done. Eight Probation Officers with the Fifth Judicial District are assigned to the PSI unit for the entire five county area. A PSI is a very long biographical report that includes information about the defendants’ family, finances, education, criminal history, substance abuse and mental health history, etc., and is a very time-consuming process.

Gary Sherzan added that the number of PSI’s has increased over the years. At one time, they could be waived, and they were strictly confidential, only being seen by the defense, the county attorney, the courts, and the defendant. The State DOC decided they wanted the PSI’s completed, so if the defendant was going to prison, the information was there. Also, it could no longer be kept confidential.

The Polk County Sheriff's Office is partnering with Bridges to secure a grant for up to \$150,000 so hopefully lack of funding won't be an issue, and they won't have to cap the number of people they can sponsor.

Betty Andrews asked if there are two groups of people on the list-- those waiting for a PSI as well as those that were waiting due to financial issues? She also asked for clarification on if the cost is on the State, the defendant, or whom?

Pat answered that he doesn't know why they're waiting, but once Bridges assesses and approves someone for their program, they waive the costs. Judge Gamble asked Pat for a list of the 18 people who are in jail waiting to go to treatment so they can look into why they're waiting, and perhaps get the process moving. Valorie would guess that most of them are awaiting sentencing; and as far as who pays, she sees her clients receiving large bills for the \$60+ per day jail fees. Frank Marasco and Cory Williams clarified that fees are charged only on convictions, and, as of July 1, 2018, they are capped at 30 days.

**Bridges of Iowa – Angela Connolly, Polk County Board of Supervisors; Tom Jackowski, JD, CEO, BOI**

*(Angela has laryngitis, therefore, Tom Hockensmith spoke for her)*

Concern over funding for substance abuse treatment at Bridges has been an ongoing issue, due in large part to the privatization of Medicaid and reimbursement issues with Managed Care Organizations (MCO's). The Polk County Board of Supervisors passed a Resolution on September 25 to approve funding to Bridges for treatment at the jail, and they hope to tap into some additional revenue streams.

**Open Discussion**

Tom touched on the continuing conversation about a 'Sobering Center' like the one in San Antonio. With Angela being the catalyst, and Polk County Health Services taking the lead, partners on the project have informally expanded it into a multi-faceted 'one-stop shop' that will provide assistance with alcohol and a variety of other substance abuse issues, and is now being called the 'Engagement Center'.

Chief Wingert, DMPD, said they have reopened the Mobile Crisis Office at the police station, which began as a result of a crisis intervention training project by Angela Connolly. The location provides a central point in Polk County from which the unit can dispatch. It gives people direct access to Family Conflict Detectives, a conference room to meet with family members and do assessments, and walk-ins are accepted.

Betty Andrews wanted to be sure everyone had information on the 2018 Iowa Summit on Justice & Disparities being held on October 16, 2018, the 6<sup>th</sup> year for the event. The keynote speaker will be Marc Mauer of The Sentencing Project, a leader in criminal justice reform. Also speaking will be Kevin Gannon, a Professor at Grand View, and featured in the documentary '13<sup>th</sup>'. She also asked if there were any updates on Polk County eliminating the use of cash bonds? Tom replied that as of now we are utilizing the PSA, but legislation passed last session will require an assessment at the end of the year to determine its effectiveness, and decide if its use will continue.

Dan McBee with Anawim Housing commented that he is pleased hear about the 'Engagement Center' but wondered if the County has the authority to override any laws regarding public intoxication, for instance. They provide housing to some of the highest utilizers, who need treatment rather than a lengthy jail stay. Tom explained that the County has no authority over the laws, but the Engagement Center will be an option for law enforcement rather than taking the person to jail.

Gary Sherzan would like the CJCC Board to look at probation violations and cash bonds. He feels there are better ways to handle a situation when a person has violated their probation, completed their sentence, but still owes restitution, than to put them back in jail for 30 days, etc. There are other ways to collect the money, such as through tax returns, as is done in other circumstances. Probation violations should be looked at separately, depending on the individuals and the events. He also thinks defense counsel should be present with the prosecuting attorney at the initial appearance.

Jerry Evans said other counties do release people on unsecured bonds where no money is paid upfront, but the person signs a contract to agree to appear in court. If they don't, then they are charged the agreed upon bail bond amount.

Valorie Wilson has said many times that it is a problem that no bond is set on a probation violation, but CJCC can't do anything about that because they don't have the authority. It's always up to the judge whether or not to set bond. She believes bonds on violations would decrease the jail population.

Judge Gamble agrees that CJCC has no authority to effect the judges' individual decision, but he would be willing to take recommendations from both sides. Many times the Report of Violation comes to the court from the probation officer with the request of a warrant and no bond, and they are most familiar with the person, their behavior during probation, etc. The judge's decision can be appealed, with each side arguing their case, and it may or may not change the outcome, but if there is no appeal, the decision holds.

The next meeting date TBD.

Meeting adjourned 9:05 a.m.