

Criminal Justice Coordinating Council Meeting

Tuesday, July 14, 2020

11:00 a.m. – 12:30 p.m.

CALL TO ORDER

Attendance included: Members: Commissioner Nancy Thellman, Mike Pattrick, Pam Weigand, Jennifer Ananda, Judge Scott Miller, Trent McKinley, Patrick Schmitz, Charles Branson, Sarah Plinsky, Tamara Cash, Charles Epp, Melinda Zilliox, Anthony Brixius, Judge James McCabria, Carrie Neis, Bob Tryanski, Shaye Downing, Wes Lovett, Michelle Derusseau, Sarah Plinsky, Mike Brouwer, Darren Canady, Wes Houk and Steve Buchholz.

Staff and Additional Attendees: Matt Cravens (Data Analyst CJCC), Patrick Kelly (County Commissioner); Karrey Britt (Communications Specialist).

MINUTES

Lori Alvarado moved to approve the June 9, 2020 minutes. Motion was seconded by Jennifer Ananda and carried.

PRESENTATIONS

DECREASING JAIL USAGE:

The CJCC conducted a presentation from key criminal justice stakeholders who have been meeting to implement initiatives to reduce jail usage. The average daily population in the jail for 2019 was 203. Functional capacity of the facility, due to COVID-19, is estimated to be 150 to 155. The goal of the County Commissioners is to reduce jail usage by 25%.

CITY OF LAWRENCE POLICE DEPARTMENT - Captain Trent McKinley

The Lawrence Police department serves over 80% of the Douglas County population.

Highlights included:

- LPD has reduced emphasis on serving warrants due to changes in courts and bond issues;
- Trained 80% of its officers in Crisis Intervention Training;
- Created a Mental Health Team with a Bert Nash clinician;
- Participating in the Law Enforcement Contact Study with Northeastern University;
- Working to analyze the number of arrests through Spillman and assigned a staff member to participate in the Douglas County Criminal Justice Data Collaborative, sharing data with dispatch and public safety agencies.

DISTRICT ATTORNEY –District Attorney Charles Branson

Highlights included:

- The District Attorney has implemented with DCCCA the Women's Substance Use Diversion Program that provides services and treatment for women with serious substance abuse disorders as an alternative to jail time.
- Became a key partner in the follow programs: Pretrial Release Program, Assess Identify Divert Program, Problem Solving Courts, House Arrest Program, Data Driven Justice Initiative and the Stepping Up Initiative.
- New initiatives implemented by the District Attorney include: a new Case Review Process for incarcerated people, pretrial in custody cases, a weekly review of misdemeanor cases in jail to advance cases quickly, review of policies with the Racial Equity Toolkit through GARE, and has assigned staff to the Criminal Justice Data Collaborative.

Questions/Comments:

- Tamara Cash asked if Branson could provide the characteristics of the pretrial cases that will be reviewed weekly. Branson replied that five cases will be focused on and prioritized each week. The next week, staff will move to a new set of five cases.
- Cash asked if at some point we would know the characteristics and crimes committed on the five cases. Branson responded the plan is to collect data and compile that information from week to week. It is the first step in determining what the cases have in common. The hope is for staff identify ways to process the cases faster.

7TH JUDICIAL DISTRICT-Judge James McCabria

Understands

McCabria stated different departments have been asked to find ways to reduce the jail populations by 25%. There is no standard for the court. They look at every case individually. However, there are always new ways to look at things with a different approach. Items already implemented:

- Electronic Notification to Appear has been a helpful part of pre-trial supervision. It gives options we feel comfortable with to issue bonds.
- Drug Court, which addresses issues without jail.

New Initiatives:

- Court Divisions are assigned to specific dockets.
- Increased court hearings by video appearance. McCabria said he is a huge fan. Video appearances increase the ability for people to make an appearance and minimizes the impact on their daily life.
- An area that needs to be addressed or explored is to reduce the number of times we have people showing up for court for misdemeanor cases. McCabria stated we need discovery to be applied quickly with more in-depth court appearances. This should help move things forward faster, with increased efficiencies.
- McCabria said he is very interested in the establishment of the Criminal Justice Data Collaborative and eager to see what it produces. He hopes this will allow us to point out to people that are looking at hard numbers, for example the failure to appear numbers; and the real reason people are in custody. Having other eyes from people in the system helps call attention to this information. Failure to appear may be a component of something else.
- Review Failure to Appear data, as already discussed.

Questions/Comments:

- Plinsky said she appreciates the courts willingness and interest in looking at the failure to appear stats. She said she knows the problem is multifaceted. She hopes we can develop strategies to make an impact on the entire system.
- Darren Canady questioned whether the intervention should happen before people land in jail and the best place for stakeholders to focus their energies. McCabria responded he holds the view that the biggest impact will need to come on the frontend. Once arrested, the vast majority spend time in custody. We are only looking at the jail population. We are trying to figure out why the failure to appear numbers are what they are. We are willing to look at it all.
- Brouwer commented that it is challenging to get people involved in services that are already available to them. To get them involved before they get in the system may be more challenging. Bob Tryanski stated there are some steps that could happen between pretrial and the next step process such as a mental illness assessments or care coordination.
- Brouwer said we have determined that our jail booking numbers are not driving our jail to be overpopulated. Bookings are down considerably. The 19-year average for bookings per year is 5,600. Last year the bookings was 4,364, yet the jail is over capacity. Staff has invested a lot of work in this research.

- Branson added that most defendants have multiple cases, not just one. At last count, there were 19 people in custody on misdemeanors, and only four had a single case. The rest had multiple violations or holds from other jurisdictions. Many have to go through Municipal and District Courts before we can get them out of our jail system. These cases are more complicated.

MUNICIPAL COURT - Judge Scott Miller

Judge Miller stated per the rules of judiciary conduct, he is prohibited from subscribing to the challenge of making a commitment to a specific jail reduction. However, the Lawrence Municipal Court (LMC) has implemented programs that have reduced jail numbers.

Highlights included:

- In September 2016, LMC implemented an Own Recognizant Bond for all bookings into the jail on new arrests, and not arraigned on a prior case. Bail is granted based on public safety. It does not necessarily affect the number of people booked into jail, but has an impact on the amount of time spent at the jail.
- Two years ago, LMC implemented a live phone call reminder to reduce the failure to appear rate. The reduction was not as high as hoped because it is difficult to get people's phone numbers. The information did show if the Court could make a connection, the failure to appear rate is low.
- LMC is now providing electronic reminder phone calls and text reminders for court appearances.
- The Court is newly utilizing the video appearance option for arraignments, status hearings, review hearings, and pleas for non-jailable offenses. They are seeing a number of people represented by attorneys using the webcam option.
- In collaboration with KU's School of Social Welfare, LMC has student's completing mental health and substance use screens. The program was implemented to give practitioners for drug and alcohol counseling experience in making the connection in court for those who have substance issues.
- The Municipal Court offers house arrest, specifically for those with mandatory minimum sentences.
- LMC is serving as a test court for the FullCourt text notification program for hearing notification information and other court information such as warrants or payments due.
- LMC is researching a driver's license restoration program similar to the RENEW program used in Birmingham, Alabama. The idea behind the program is: 1) the court must incentivize participation in the program through a reduction in fines as allowed by law or perhaps, amendments or diversion of charges through the prosecutor's office, 2) take a case management approach to remove impediments for people getting their license back in other courts and could involve the work on an attorney to help with the process; and 3) help with the technical process in getting the driver's license back as some struggle with learning the rules of driving.

CRIMINAL JUSTICE SERVICES (CJS) – Pam Weigand

Weigand said Branson already covered the first three items on her list.

Highlights included:

- Pretrial Release Program. Weigand stated we are now supervising more individuals on pretrial than we have in jail. That number was over 180 clients last week.
- The House Arrest Program is robust. Staff is seeing approximately 80 clients using some kind of electronic monitoring. Twenty-five of those clients are on house arrest.
- CJS Coordinates both Behavioral Health and Drug Courts.
- CJS purchased CE Pretrial software that provides electronic court reminders. Staff is waiting on a reply from the software company on is a way to do text messaging and phone calls.

- Staff is looking to expand phone call reminders to person issued citations and notifications to appear even though they may not come through the jail system but still need reminders.
- CJS is working to improve data sharing with Reentry, Bert Nash and DCCCA at the jail so those clients with mental health or drug/alcohol needs can be identified right away to get them into services faster.
- We are still working on transportation services for clients who need rides to court, probation, monitoring officer appointments, mental health services or additional treatment services. We currently give bus passes, but we are looking into a ride share program at the County level.
- CJS has assigned staff to participate in the Criminal Justice Data Collaborative.

SHERIFF'S OFFICE – Captain Wes Houk

Houk presented multiple initiatives implemented over the past decade to help lower the jail population. He said previous Sheriffs have devoted their time and resources to prevent and lower the number of individuals that are incarcerated by helping those clients move and transition from our jail facility out into the community. The Sheriff's Office is still doing the Assess-Identify-Divert Program (AID) through Bert Nash. The Sheriff and staff work hand-in-hand with the courts, attorneys, and community partners to help those in our community.

New initiatives:

- Formalize data sharing with Pretrial Release, Intensive supervision Probation and Court Services.
- Prepare data for District Attorney's review of pretrial cases in jail.
- Contributed staff to the Criminal Justice Data Collaborative.
- Data collected includes weekly reports on who is in the jail for the Court Divisions, Municipal Courts and District Attorney, jail booking by agency, failure to appear data, bond amount by race, and pretrial incarceration lists are updated weekly.
- Reentry Program/In-facility Programs.
- Assisted to develop the Pretrial Release Program.
- Assisted to develop the Behavioral Health and Drug Courts.
- Implement the Brief Jail Mental Health screen at Booking.
- Implemented CAGE-AID (a substance abuse) screen at Booking.
- Full-Time Drug and Alcohol counselor with DCCCA.
- Medication Assisted Treatment Program.
- Prosecutor-led Women's Substance Use Division Program.
- Led the Data Driven Justice Initiative with Arnold Ventures to implement My Resource Connection.

Questions/Comments:

Darren Canady asked how the video appearance works and if it is used for the inmates in jail. Miller responded it is like having a hearing over the Zoom platform. It could take place at the attorney's office, home or jail.

RACIAL DISPARITIES DATA UPDATE & NEXT STEPS - Jennifer Ananda

Ananda provided an update from the Racial and Ethnic Disparities work group. Matt Cravens is working with the DA's office and the District Court to analyze disparities at different stages in the Criminal Justice process. The first step will be analyzing bond amounts by race.

Highlights included:

- The District Court judges requested and participated in a booking and incarceration racial presentation from Cravens and are now looking at disparities in other areas of their decisions.
- Charles Epp, University of Kansas, will be leading several focus groups through KU.

- DCCCA and Bert Nash are analyzing implicit bias using data and will share those reports.
- There was a recommendation from a member of the Racial and Ethnic Disparities Work Group to consider how we measure economic parity, especially post-release from jail or prison as we move forward. This group will meet again on July 20.

DOUGLAS COUNTY PREVENTION SUMMIT - Lori Alvarado

Through the Douglas County Behavioral Health Coalition, DCCCA has been asked to coordinate a Behavioral Health Prevention Summit in the fall. Due to the COVID-19 issue, the summit has been moved to online this year. There was a request from the school district to move it even earlier so they can participate. The workshops will be held during lunchtime 12:00-1:00 p.m. free of charge.

2020 Douglas County Prevention Summit Workshops suggested for the CJCC to attend:

- July 29: Prevention strategies with families/ schools.
- July 31: Working with youth who engage in self-harm 21 and under.
- August 3: Session on marijuana policy and prevention.
- August 4: Brain science and trauma in the Criminal Justice System Aug 4;
- August 7: Handle with care. (Already being implemented in Douglas County head's up at school)

WORK GROUP UPDATES

- **CIT COUNCIL**- annual training scheduled for October 26.-29. No update. The Council did not meet in July.
- **INCARCERATION ALTERNATIVE/EVALUATION** – This work group will resume meeting in September.
- **INCARCERATION ALTERNATIVES/RESEARCH** – Work group is working on a plan for work release and assistance for probationers. Present 9/8 CJCC meeting.
- **MOBILE CRISIS RESPONSE** –Bert Nash, Lawrence Memorial Hospital, DCCCA and Heartland Regional Alcohol and Drug Assessment Center (RADAC) presented a plan to the County Commission June 24. They will present to the CJCC on September 8.
- **STEPPING UP INITIATIVE** – This workshop is taking place virtually. Schedule: August 5 and 26.

UP NEXT:

- Craven's is working with the DA's Office to review data on bonds, and how that they being assigned.
- The Lawrence City Commissioners have requested a presentation on the past and future work of the CJCC. The presentation is tentatively set for July 28 at 5:45 p.m.
- Following the CJCC presentation last month, the 7th Judicial Judges have asked to hear the presentation, along with the League of Women Voters and a local church.

COMMENTS, SUGGESTIONS AND RECOMMENDATIONS:

- Jennifer Ananda said she City Commission is working on several items for consideration over the next few month and if there is information the CJCC feels is relevant could be helpful for them to understand their role in the Criminal Justice System.
- Pam Weigand stated it would be helpful to talk about the programs the County is providing like house arrest, which may help the City directly.

- Craig Owens says he understands the County would like the City to take a more active role with this group. The group can count on him and staff. What can they do differently and better to increase interactions would be discussed during the meeting.
- Plinsky said it would be beneficial for the Mobile Crisis Response Work Group to present since that suggestion was brought up by the City Commission. They would need to work closely co-responders to build a robust program.

NEXT MEETING

- **Next Meeting:** August 11, 2020 at 11:00 a.m. on Zoom.

ADJOURN

Weigand adjourned the meeting at 12:32 p.m.