

PUBLIC SAFETY COORDINATING COUNCIL

MINUTES

TUESDAY,
February 26, 2019

11:30

JUSTICE BUILDING -
JURY ASSEMBLY ROOM, 2ND FLOOR

MEETING CALLED BY	Eric Guyer
ATTENDEES	Joshua Aldrich, Lee Ayers, Stacy Brubaker, Joe Charter, Alyssa Claseman Rick Dyer, Doug Engle, Eric Guyer, John Hamilton, Stu Hansen, Doug Huston, Tommy Jones, Danny Jordan, Lee Tyler, Jennifer Lind, Lisa McCurley, Lorenzo Mejia, Robert Mountain, Jennifer Mylenek, Mark Orndoff, Tina Qualls, Amber Freitas, Nathan Sickler, Randy Sparacino, Aja Stoner, John Stromberg, Rita Sullivan, John Watson

- Eric Guyer opened the meeting at 11:30
- Opening Remarks: Eric Guyer welcomed everyone to the February PSCC meeting. He explained, the Criminal Justice Commission sent the National Institute of Corrections to Jackson County in August 2018 to create a Justice System Mapping in order to aid the counties' LPSCC in the assessment of local system operations. In addition, GOBHI visited, in January 2019, to create a Sequential Intercept Map that focuses on the behavioral health aspect within the county, and how it integrates with the justice system.

Agenda Topics

MINUTE ADOPTION – OCTOBER

ERIC GUYER, CHAIR

DISCUSSION	
No suggested revisions were identified for the October minutes, Danny Jordan provided a motion to adopt, seconded by Aja Stoner. A vote was requested, all were in favor, and none were opposed. The October minutes were officially adopted.	

JACKSON COUNTY JUSTICE SYSTEM MAPPING

DISCUSSION	
<p>Stacy Brubaker – JCMH Division Manager</p> <p>Currently the Sequential Intercept Map is still in draft form and once it is completed Stacy would be more than happy to present it to the LPSCC. Stacy will be providing input throughout the presentation to explain where crucial points of the Sequential Intercept Map intersect with the Justice System Mapping presentation.</p> <p>Stacy discussed how "Intercept 0" is a layer that takes places before the Justice System map. This is where the CIT training happens and where all of the other services take place in order to try to avoid law enforcement contact.</p> <p>STEP 1: LAW ENFORCEMENT</p> <p>Sheriff Nate Sickler – Jackson County Sheriff's Office</p> <p>The four ways law enforcement is made aware of cases are; a complaint being filed; a 911 call to dispatch; an officer observing a suspected crime; or suspected criminal behavior being reported. Law enforcement has different options how they want to respond. At the control level, The Sobering Center, is used often for intoxicated individuals who have not committed a crime and do not warrant the use of jail space. Other control level options include the Gateway Referral Program, Mobile Crisis Team Response where a mental health worker is embedded in the Sherriff's office, Psychiatric Center, and hospital/medical treatment. However, there are instances where taking an individual into custody is the only answer.</p> <p>Stacy Brubaker informed the PSCC members, in addition to the Psychiatric Center the County recently opened the Beckett Center, a sub-acute level of care. It currently is not available for law enforcement to drop off an individual, but it is something the Beckett Center is working towards being able to provide.</p> <p>Sheriff Sickler said the County wide goal is to get all of the officers thinking along the same lines, "is custody the most appropriate resolution to this incident?" Sickler believes, due to the limited bed space in the jail, law enforcement officers are doing a lot of alternatives to custody, with cite and release in addition to other services and referrals.</p> <p>Judge Mejia wanted to know if it was going to change if there was a new jail that would have twice as many beds.</p> <p>Sheriff Sickler replied the jail might be used more prevalently than it is now but, they will be able to intervene with resources within the new jail and with the DA's office, with the hope they aren't long term in the criminal justice system. The jail will be where a more effective intercept will take place and not at the street level.</p>	

STEP 2: JAIL

Lt. Josh Aldrich – Jackson County Jail

Lt. Aldrich pointed out, when looking at the map you will notice the jail pops up regularly with some of the resource availabilities; for instance post-conviction there are things within the jail. For the purpose of the intercept, the initial intake period and some of the decisions made for arrestees at that point, will be addressed.

The first thing you see is the bail schedule and virtually every one that is lodged in jail has the opportunity to bail out. The bail schedule for each charge level is decided by the judges and District Attorney's office. It is up to the arresting officer to assign the bail and then the jail staff will verify that it is the correct bail schedule. Since a majority of the people can bail out once they are brought into the jail, it is important to mention on most occasions the jail staff does not know how long they have to do assessments.

The entire jail intake process is really a triage and the jail staff are looking for things that are outside of the criminal purpose of them being there. The main purpose is to determine if there are any immediate needs that need to be assessed and met, this begins right when the jail staff meets the arresting officer in the sally port. The jail staff is looking and asking for things such as: any suicidal tendencies, immediate medical needs that need to be addressed, etc. If these are identified early in the process the jail staff has the ability to turn the arrestee away. The jail staff will tell the arresting officer "this person has some serious medical problems and we are not sure that the jail will be able to meet that need. Let's send them back into the community and get a provider to assess those." Once they have been seen they will be brought back to the jail.

Other assessments that are conducted at the jail are the: Brief Jail Mental Health Screening (BJMHS); Public Safety Checklist (PSC); and Virginia Pretrial Risk Assessment (VPRAI). The BJMHS asks the arrestee about their mental health history, if they have ever attempted suicide, etc. Questions regarding their medical history are also asked. During the day time medical personnel are available to perform more detailed assessments in the intake area, but if it is after hours the jail staff might send them out to a local provider.

The second assessment that the jail staff needs to do is to determine if they can stay in jail. Every arrestee will go through an assessment to determine their release eligibility. If the arrestee is not on the No Matrix (do not release) list then they will either have a PSC or VPRAI done. These assessments assign a number that is a best guess of whether they are going to reoffend and appear in court later. Once this number is assigned and if the jail is over capacity they will release the lowest number in their population. If this happens the arrestee is given paperwork with their next court date and any conditions they were given by the judges. It is important to note, while some of them may not initially be released, due to overcrowding they will still be on the release list. This speaks to the issue that the jail never really knows how long they will have an individual, making it hard to provide them the necessary resources.

The last reason the jail does an assessment is for custodial purposes which determines the classification/custody level for the arrestee and ascertains where they will be housed. All of these assessments can help jail staff identify if they will need to contact one of the local care providers. Over the past year these relationships have gotten better and there are a lot more groups coming into the jail.

Jennifer Lind wanted to know what organizations are coming into the jail.

Lt. Aldrich replied that there are addiction providers and mental health providers. Historically with the contract providers there can be gaps so currently they do not have a person to prescribe new mental health medications. Also, on the rare occasion that a juvenile is in custody there are local community providers that will help with GED services. It really is a case by case basis, for instance, if the jail staff identify a person that is homeless and a veteran they have community partners they reach out to.

Stacy Brubaker explained that the Wellpath full-time social worker primarily does suicide risk assessments. For afterhours the jail staff can contact the Mental Health Crisis team to take or put a person on suicide watch. If an individual is a Jackson Care Connect member they are able to continue their service upon release from jail.

Lt. Aldrich stated one of the biggest obstacles the jail faces is when an individual is arrested and put in jail their insurance ends.

STEP 3: DISTRICT ATTORNEY

Alyssa Claseman – Jackson County District Attorney

After law enforcement gets involved the DA gets a report from the agency involved in the investigation. The DA will get a report regardless if the defendant is currently lodged or cited and released. If the defendant is still lodged the DA will file the case before 11 am the following business day, after they were lodged. If they are not lodged the DA's goal is to get them filed within 60 to 90 days.

After the DA gets a report they review it for probable cause. If they are going to file a charge for a misdemeanor the DA will file an information and it will go to the court for the court process to get started. If it is a felony and the individual is still in custody the DA will file an information and within five business days it will be presented to the grand jury for a grand jury discrimination of whether or not there is probable cause to proceed on the charges. If the defendant is out of custody the DA will not file the

initial information and will send it directly to the grand jury with the recommended charges. It will then be up to the grand jury to determine if there is probable cause to proceed on the charges. When the grand jury reviews it they can - not true bill; which means there is not probable cause and the case will be done. Or they can true bill; which means there is probable cause and the individual will get arraigned. It is at this time the DA will start try to start making plea offers and begin the negotiation process. It becomes an ongoing process, in particular, in our County due to the overcrowding problem. The individual can and often does pick up numerous cases throughout the pendency of a case. A lot of the time the DA will end up writing two, three, or more offers as the defendant picks up more cases in order to try to be as efficient as possible by consolidating all of the cases and creating a global offer.

Due to recent research that shows when you send people to prison they become more criminal than they were when they went in and the County being under some pressure to reduce the number of people going to prison, the County received grant funding for the new 416 Program. The 416 program targets offenders that are prison eligible based on their drug and/or property charges and criminal history. There is a specific DA that is assigned to handle this caseload and as part of their duties they call every victim on every case to discuss what is going on with the case and what they are considering offering. After that process is done the offender gets referred to probation officer Brian Kolodzinski at Community Justice.

PO Kolodzinski will do an assessment with the offender to determine if they meet the criteria of medium to high risk and if he thinks they are an appropriate candidate for the 416 program. Once this process is completed PO Kolodzinski will make a recommendation for the caseload he feels will be most appropriate. The caseloads PO Kolodzinski can recommend to are Recovery Opportunity Court (ROC), CFC, M57, 416 specific, opiate addicted, gender responsive, or Family Sentencing Alternative Program (FASP). It is then up to the offender to either accept the offer the PO Kolodzinski and the DA has agreed on or take a prison offer and go straight to prison. If an offender goes into the 416 Program it is with the understanding that they are under intensive supervision in which their underlying issues will be addressed, but if they are not successful on probation they will be sent to prison.

Jennifer Mylenek wanted to know if the 416 Program also refers to the Mental Health court.

DA Claseman explained the 416 Program does not refer to the Mental Health court, but it can be an avenue for an offender to get there. However, the DA does partner with Mental Health and they have a DA specifically assigned to the mental health caseload who works on the civil commitment piece, aid and assist, and the Mental Health court.

STEP 4: COURTS

Judge Laura Cromwell – Jackson County Circuit Court

At an arraignment the court is either dealing with misdemeanor cases that only go through one arraignment or felony cases that on their second arraignment on an indictment. For a misdemeanor case a defendant can plea at their first appearance. A good portion of the misdemeanor defendants will plead guilty at their arraignment. The morning court session deals with all of the defendants that are not lodged in jail and the afternoon session deals with the defendants who have been lodged from the previous day. During the afternoon court session the judge can also determine whether or not they are going to impose bail. The judges do get recommendations of some of the cases from the release assistance officer from Community Justice to determine whether or not the judge will be putting a bail on somebody or releasing them on pretrial release. If the judge releases a defendant on pretrial release they will be put on enhanced or intensive supervision with conditions. For defendants that do not plead guilty the judge will set them out for a pretrial conference. For the defendants that are lodged in jail the pretrial conference is set out approximately two weeks. For the defendants that are not lodged it is set out for about a month. The purpose of setting it out allows the defendant to meet with their public defender or retained attorney and determine what they are going to do. Ideally the pretrial conference is meant to be the date that determines if the defendant is going to trial or plead guilty. If it gets set for a plea the defendant can sometimes go into a specialty program or court, or they can take a straight sentence and go on supervised probation if it's a felony, or bench probation if it's a misdemeanor. If the defendant does not plead guilty they will go to trial. If the defendant is found not guilty at trial then they are done. However, if the defendant is found guilty they go to the sentencing phase where the court will determine, with the recommendation of the DA's office and input from the defense attorney, if the defendant will be fined, put on supervision, specialty court, be sent to prison, or alternative custody.

Pretrial, unfortunately, has become an extreme bottleneck for the courts. Years ago there would have been 20 to 30 case on the docket; the docket yesterday was 200 and can get up to 400. Cromwell believes that the reason for this bottleneck is a great number of defendants are not appearing to court or are not staying in contact with their defense attorneys. When a defendant is not in contact with their defense attorney the attorney is required to leave the case on the docket in hopes that their client will appear, and if they do appear the attorney will then need to request a two week set over so they can actually communicate with their client. Ideally it would be beneficial for the judges to be able to say for those defendants that are not complying with their release agreement; which is to meet with their defense attorney and keep court appearances, need to be sent back to jail so the defendant's attorney can have contact with them. However, there is not enough room in the jail and defendants are very well aware of the fact probably nothing is going to happen if they are not in contact with their attorney or fail to appear.

Mayor Stromberg wanted to know if there was some common reason for the type of cases that do not keep in contact with their attorney or fail to appear to court.

Judge Cromwell said that a lot of them are drug involved cases where meeting with their attorney and appearing in court is not high on their priority list. If we had the ability to get a defendant to dry out in jail for a few days and get them referred to the proper services they would possibly be in a more stable place in their life and would then be able to appear for their pretrial conference, but due to the jail overcrowding this is not a reality. The courts are thinking about using a text system that reminds them of the upcoming court date, but a lot of these defendants do not have phones.

STEP 5: TRANSITION CENTER

Lisa McCurley – Jackson County Community Justice

Community Justice Transition Center (CJTC) works closely with the jail and probation and parole. Cases will be screened at the jail to determine their eligibility to go to the CJTC. The CJTC is a cost-effective alternative to the jail and prison. It is 87% self-supporting through the revenue they get from work crew contracts, federal contract, grants, and client fees. CJTC has three primary roles: expand the jail capacity by taking client from the jail and direct sanctions from a PO, relieving prison overcrowding by taking inmates from prison on short-term transitional leave, and link clients with various services. CJTC currently has 177 beds with six different divisions. The sanctioned/work restitution clients are the biggest division. They are serving a sentence and go out on work crews during the day it gives them a chance to give back to their community, be accountable, and also earn time off of their sentence (one day for every three they work). Work release clients are also serving a sentence but they have employment which is important they maintain, so they work during the day and come back at night. Transitional housing clients are not sanctioned, but are supervised and are looking for work and trying to save money to obtain their own housing. Federal clients from federal prison and federal probation who need reentry assistance. Department of Correction inmates on short-term transitional leave can spend up to 180 days when they are released from prison before they go to post-prison supervision. Transitional Care Program (TCP) is a residential program for substance abuse and can take up to 15 clients. When a client has completed their sanction CJTC will transport them to the Resource Center. If they are not a sanctioned client they will be released to the community.

STEP 6: PAROLE AND PROBATION

Tommy Jones – Jackson County Community Justice

After the court proceeding and individual often ends up at Jackson County Community Justice Adult Services (JCCJ). The initial contact with a client is typically at intake. The reason it is only typically is because a large portion of the clients do not show up right after court, and JCCJ will either have to go through a warrant process or go into the community to find them to bring them into the office. The first intake appointment is one of the most important appointments because it sets the tone for parole and probation and how their supervision is going to go. During this appointment a probation officer will go over all of the paperwork, their conditions of supervision, court order, expectations and boundaries are set. It is also during this appointment that a probation officer will do an initial validated risk assessment (PSC). Based upon their risk assessment is how the client will be placed either on a low risk (reduced supervision) caseload or one of the numerous field moderate/high risk caseloads. JCCJ has 27 POs who supervise roughly 2,200 clients. The moderate/high risk caseloads are broken down in the following way: general, sex offender, domestic violence, mental health, 416 downward departures, M57, DOC/Post-Prison, gender responsive, MAT, and treatment court. After their intake appointment the client is put with an appropriate PO. When the client meets with their PO they will have another risk assessment (LSC/MI or WRNA if female) completed by their PO. The LSC/MI looks at eight criminogenic domains with the POs focusing on "The Big Four" which are: pro-criminal attitudes, companions, anti-social patterns, and criminal history. With the WRNA it is thirteen criminogenic domains (including the eight that the LSC/MI has), but it really focuses on what is referred to as "The Female Five" which are: relationships, substance abuse, mental health, economics, and anger/hostility. The reason that these risk assessments are one of the first things a PO does with a client is that it lays the foundation for supervision. Once the risk assessment is completed it will help determine the necessary referrals within the community, whether it be A&D treatment, mental health services, etc. The risk assessments also help formulate the case plan. The case plan is designed around the criminogenic domains. The assessments are shared with all of the providers that JCCJ uses (must sign a ROI) which allows everybody to be on the same page.

If a client is compliant on supervision the PO will just follow the case, the PO will continue to case plan, and make referrals. A year after first LSC/MI or WRNA the PO will do a re-assessment, and if the client scores down to a lower risk, they will be moved to a lower risk caseload. If a client continues to be compliant they will get to an expiration at which point JCCJ will terminate the client from probation. There are a couple caseloads where there are specific conditions set forth by the court and the client must fulfill these conditions and if the client has not fulfilled the conditions before their expiration JCCJ will motion to the court to extend the client out to give them more time to complete their required conditions.

Detecting noncompliance is really the meat and potatoes of what the POs do. The three basic responses a PO will take when a client is noncompliant are: informal response, treatment referral or intervention, sanction or warrant. The informal response is used for minor or technical violations. For instance, if a client admitted drug use instead of taking a more formal or costly response the PO might work with them in a case plan using skill building interventions and it could also be addressed verbally or written in a reprimand. The treatment referral or intervention are another avenue a PO can use. There are a number of interventions that are used from: day reporting, increased reporting, Resource Center, and community service. In regards to treatment referrals there is: A&D, domestic violence, sex offense, or mental health treatment. Lastly, for noncompliance there is sanction or warrants which is the most costly response to a violation. A lot of these stem from a client not showing up to the office and this is the most difficult client to work with since the PO is not even having the opportunity to work with the client. If the PO does decide to make an arrest and detain a client and it is the clients first or second time on a violation the PO will offer

them a structured sanction; the PO will go to the jail and serve the client their due process (notice of rights), present the violation, and what the recommended jail sanction is. At this time the client can admit can admit and take the sanction or deny it and go to a formal hearing. If the client admits to the violation they will typically finish their sanction at the CJTC. When they finish their sanction the goal is to get the client back in compliance with any type of intervention.

If the client decides to request a formal hearing in front of a judge or they deny the violation when the PO serves the notice of rights then the client will be arraigned. Prior to the arraignment the PO will have to have DA file a show cause and they motion for the court to bring them back in front of the judge. At the arraignment the client can either admit or deny. Most probation violators (PVs) will go to a Friday PV hearing so they can have the opportunity to have a defense attorney appointed to them. However, since a lot of them have been through this process they might end up admitting guilt during arraignment and take whatever the recommendation is. The judge will typically follow the recommendation if the PO is not at the arraignment but the judge has the authority at that point to make any decision they want. If the client does deny guilt at arraignment they will then go to a contested hearing. The contested hearing is a formal hearing and during this hearing the PO will testify and witness can be called to the stand to contest the violation. It is then up to the judge to determine if the client is in violation or not in violation. If the client is found in violation the judge will impose a sentence or follow the recommendation on the PO's report. The recommendations can be to revoke and reinstate (continue probation), revocation of supervision (60 jail sanction and a term or post-prison supervision), the judge can always convert it to bench probation (not typical), and terminate supervision (with jail imposed and no follow-up supervision).

Doug Huston explained that Jackson County Mental Health has a clinician and a case manager that is embedded at parole and probation. They work closely with the POs and clients by providing crisis intervention, consultation, provide groups that address criminogenic needs (Moving On is a female only group, MRT, and Thinking for a Change). Doug also has a staff member that is embedded at the JCTC who does crisis intervention and groups.

Tommy stated that it is a huge asset to have mental health embedded at JCCJ and that a lot of the clients come in in a crisis. By having mental health in the building they can sit down and talk with the client to help deescalate the situation. Additionally, the POs have the ability to walk the client straight over to Doug's staff and not having to worry about making a referral and hope the client shows up. The Resource Center has also been very beneficial with helping clients find housing, employment, and other opportunities.

Aja Stoner wanted to know how often a contested hearing happens.

Tommy clarified that it does not happen that often and when it does it is usually the bench probation DUIIs.

Doug Engle added that a lot of them are also restraining order violations, no contact violations, and contempt of courts.

Eric Guyer asked Stacy Brubaker if she would like to tie everything together in terms of how this all interfaces with Behavioral Health and the sequential intercept model.

Stacy Brubaker stated that for the full day sequential intercept mapping meeting that Behavioral Health hosted and GOBI Jackson County had the highest number of community partners that attended. GOBI was very impressed by the number of people that gave up a full day to sit and talk. The current report is only a draft but Jackson County is lightyears ahead of other counties in how the relationships between mental health, addiction, law enforcement, jail, courts, district attorney's office, public defender's office, and community justice work together.

ANNOUNCEMENTS/OTHER BUSINESS

ERIC GUYER, CHAIR

DISCUSSION

There were no announcements.

Next Scheduled PSCC Meeting: February 26, 2019

Meeting Adjourned: 12:42 pm