

Jail Alternatives: Prevention, Diversion, Expediting, and Recidivism Reduction Efforts

April 2013

SPACE ISSUES:

Currently the Johnson County jail has 92 beds but the inmate population for Johnson County averages approximately 156 inmates per day. This daily average has been reduced from prior years due to the implementation of a variety of interventions, programs, and strategies outlined in this report. The Sheriff has responded to the need for more jail beds by “renting” space in other Iowa counties. Johnson County paid \$1,122,780.00 to house inmates in other counties in fiscal year 2012.

It should be recognized that while current jail space needs can partially be met by “renting” space from other counties, there are some rather significant consequences of this policy:

- The cost of incarcerating prisoner’s out-of-county will continue to increase and money will need to be diverted from other programs to pay for it;
- When the jail is at or near capacity, the ability to classify and separate inmates is limited, thereby reducing the level of safety for both inmates and staff;
- The potential of liability to the county for accidents or incidents while transporting prisoners or as a consequence of overcrowding increases;
- Space related problems in delivery of needed treatment and other services increase the probability of recidivism and risk to public safety;
- Housing inmates out of county results in inconvenience and expense for family and friends who wish to visit. It also interferes with access to defense attorneys, and medical/mental health treatment as well.

Alternatives to incarceration have been promoted as a way to reduce the pressure to build more jail cells, but it should be recognized that some alternatives are important because they serve treatment, justice and/or humanitarian concerns as well. It should also be noted that alternatives can only slow – not eliminate – the need for additional jail space. As the population of the county grows, so also will the jail population. Finally, jail alternatives have a cost and cannot be seen as a means of reducing jail operating expenses.

Absence of space in the current jail is the largest impediment to providing more alternatives and treatment opportunities to prisoners. It also is an impediment to increasing the efficient operation of the jail. Currently, there is essentially one space that can be used for consultations, classes, small group activities, court room, interviews, etc. The difficulty is not how efficiently space is scheduled – the difficulty is the absence of adequate space.

STRATEGIES CURRENTLY IN EFFECT:

1. Case Expediting

Beginning in the fall of 2011, staff from the Johnson County Sheriff's Office, the Johnson County Attorney's Office, Jail Alternatives Program, and the Johnson County State Public Defender's Office meet regularly to review all inmates in the jail who could be released safely prior to their next proceeding. This has led to individuals being release prior to their trial or probation revocation hearing. The impact of this intervention is reflected in the average daily inmate population. In FY 11 the average daily population was 162.4 and in FY12 that was reduced to 156.3. That is an average of 6.1 fewer inmates in custody per day which translates to 2,226.5 fewer bed dates and a cost savings of \$158,081.50 (6.1 inmates x 365 days x \$71 per day).

2. Mental Health Screening and Diversion

The Johnson County Jail Alternatives Program is a mental health jail diversion program that provides services to individuals with mental health and co-occurring disorders who come into contact with the criminal justice system. Service provision includes screening, assessment, referral and linkage to treatment services as well as risk assessment, crisis intervention, support counseling, and short-term case monitoring. As of January 1, 2013, the Johnson County Jail Alternatives Program has served a total of 1038 unduplicated individuals since implementation in July 2005. On average, the Jail Alternatives Programs serves approximately 210 individuals per fiscal year. Jail Alternatives compares the number of jail bed dates one year prior to participation in the program and one year post. Based on those who meet the timeframe criteria, there has been a potential savings of 23,829 jail bed dates. At an estimated daily rate of \$71¹ this translates to a potential cost savings of \$1,691,859. In addition to the monetary savings, other un-quantified savings include prevented law violations, prevented victims, prevented lawsuits, prevented psychiatric hospitalizations, prevented committals, maintained and increased employment and housing, promoting public health and safety and the quality of life enhancements for participants and the community.

Given the current overcrowding in the jail, many inmates are housed out of county which creates barriers to getting inmates released through the mental health diversion program. Further, having inmates housed out of county limits the amount of post-release discharge planning that can be done to promote recidivism reduction. Only by having all inmates housed in Johnson County will access to the Mental Health Screening and Diversion service be accessible to all Johnson County inmates.

3. Substance Abuse Evaluations and Treatment

Johnson County contracts with MECCA to provide substance abuse evaluations for indigent defendants who are required by law to obtain a substance abuse evaluation. MECCA staff is present at the jail seven days a week to conduct substance abuse evaluations. Those arrested for OWI and those with multiple charges related to substance use are typically seen. The goal of the service is to reduce the length of time inmates are in jail and reduce the number of individuals

¹A cost analysis has been conducted that determined the cost per day to house an inmate in Johnson County is \$71. This figure includes the actual expenditures for the jail and transportation costs. A modern, efficient jail costs less than \$40 per inmate per day to operate. For the purpose of demonstrated cost expenditures and savings, the \$71 figure is used throughout this document.

who may later be found in contempt of court for failing to follow through with an evaluation following discharge from the jail. In fiscal year 2012, 342 evaluations were completed allowing these inmates to be discharged without delay. Of those evaluations, 54% were recommended for additional services.

Without additional physical space, there are no opportunities for in-custody substance abuse treatment, which would likely impact recidivism rates.

4. Drug Treatment Court

The Johnson County Drug Treatment Court held the first hearings in February 2008. This program is designed for individuals who have a substance use disorder, and/or a substance use disorder and co-occurring mental health disorder, and are facing a prison sentence if Drug Court were not an option. The program includes intensive treatment, intensive supervision, and weekly contact with the judge and Drug Treatment Court team and requires a minimum of 18 months. This timeframe is important to consider when reviewing the number of participants who have completed the program.

Since beginning on February 23, 2008, in Johnson County: 73 people accepted; 14 people successfully completed probation; 21 still enrolled. The total days of supervision provided in the community for people who would have been in prison otherwise equals 33,480. Had those individuals been sentenced to prison, the cost to the state would have been \$2,890,998 (\$86.35 per day). Instead the cost on supervision was \$121,867 (\$3.64 per day). This translates to a savings of \$2,769,131. It is difficult to quantify the impact Drug Treatment Court will have on county jail. Overall, it should have a positive impact on the jail population by delaying or reducing recidivism long term.

The Sixth Judicial District Department of Correctional Services has been the recipient of two SAMHSA grants as well as Drug Court Discretionary Funds to enhance employment and mental health services for participants of the Drug Treatment Court. By more effectively addressing these needs, the goal is that program participants will have the resources they need to be successful in this program, while also providing them the resources and services they need to reduce their chances of becoming involved in the criminal justice system in the future.

Expansion of Drug Treatment Court is limited due to space at the courthouse. Currently, one jury room is used for review meetings and a courtroom is needed weekly for the Drug Treatment Court reviews with clients. Scheduling for other hearing has to be arranged to allow for use of the courtroom by Drug Treatment Court each week

5. Marijuana Diversion Program

The County Attorney's Office implemented a marijuana diversion program in July 2010. The diversion programs provide a "once only" opportunity for first time offenders to attend a treatment/educational program instead of paying a fine and/or jail time. In the Marijuana Diversion Program, 300 people have enrolled since the program began on July 1, 2010. Through July 2012, 212 people successfully completed the program, 5 were still actively participating in the program, and 83 had been unsuccessfully discharged from the program.

6. Releasing Inmates Prior to Initial Appearance

Jail staff and law enforcement have the discretion to “sign out” individuals to return to the community after they have been charged with an offense so that these individuals do not remain in custody while awaiting their Initial Appearance and pending court hearings.

- A. In calendar year 2012, jail staff signed out 239 out of 5,124 (4.7%) individuals after they were booked into the jail.
- B. University of Iowa Police Department signed out 97 individuals.
- C. Iowa City Police Department “charged and released” in response to 1241 calls for service. *note this may translate to more than 1241 being charged and released as one call for service could have 6 individuals charged and released

7. Discretionary Reward/Incentive Program for Inmates

This is administered by the Sheriff and Jail Administrator. “Good time” for inmates currently varies from 0% to 20%. This decreases up to six days off each thirty days of a sentence for an inmate with good behavior. It provides an incentive for inmates to comply with jail rules and decreases the number of days defendants spend in jail.

8. Driving Under Suspension Court

The “Rocket Docket” court allows defendants facing simple misdemeanor Driving Under Suspension (DUS) charges to enter into an agreement to pay their obligations with the ultimate goal of having their driver’s license privileges fully restored. The program meets once a month and the progress of the participants is monitored. Successful completion of the program not only avoids jail time, but allows participants a way to become legally licensed drivers who can drive to work, school or other obligations.. In 2012, 830 cases were scheduled and 74% appeared for the hearing.

Currently this program is allotted courtroom space only once a month. The numbers of participants warrant having additional hearings each month but lack of space precludes scheduling any additional hearings. The lack of space also limits the ability to expand the program to include those charged with more serious or enhanced license violations such as Driving While Barred.

9. Electronic Home Arrest/Work Release

Work Release allows an inmate to be released from the jail to go to their job then return to the work for all other hours of the day. The Johnson County Sheriff authorized 135 applications for work/school release from jail during calendar year 2012. The Sheriff also approved 3 Home Monitoring applications saving 113 bed days and housing costs.

10. Expedited Filing of the Report of Violation for Probation Violations

The probation revocation request and report are being delivered to the County Attorney’s office within 24 hours after a Preliminary Probation Violation Information is filed.

STRATEGIES THAT CANNOT BE IMPLEMENTED DUE TO LACK OF SPACE:

1. Strategies to Expedite and Reduce Recidivism

- A. Expansion of Behavioral Health Services
 - Provide Mental health, Substance Abuse, and Co-Occurring Treatment Services (individual, groups, and classes) While Incarcerated
 - Expand Medication Management Services
- B. In-Custody Services, Programs, and Classes

- Parenting Classes
 - Education Services (GED/High school completion)
 - Faith-Based Services and Supports (with the emphasis on developing positive, pro-social outlets upon release to community)
 - Employment Readiness Classes
 - Financial Literacy Classes
 - Successful Re-entry Classes (for inmates and their support systems)
 - Develop Gender-Responsive Programming
- C. Discharge Planning Services for Inmates
- Housing
 - Employment
 - Healthcare and Medications
 - Behavioral Health and Medications
 - Benefits
 - Food and Clothing
 - Community Support
- D. Grant Opportunities
- There have been missed grant opportunities due to lack of space to implement programming and/or lack of access to inmates who are housed out of county due to overcrowding.

2. Space Needs that Address Care and Treatment of Inmates

- A. Consultation Space
- Depositions
 - Legal Representation
 - Probation/Parole
- B. Adequate Visitation Space
- C. Adequate Medical and Dental Facilities
- D. Library
- E. Recreation/Exercise-Indoor and Outdoor Space Needed
- F. Adequate Space for Inmate Housing, Classification, and Separation
- Safety and Security Classification
 - PREA (prison rape elimination act) standards
 - Special Housing Needs: e.g. transgender, mental health, physical health, etc

3. Space for Juveniles that are Adjudicated to Adult Court

- A. Requirement: Sight and sound separation is required for juveniles adjudicated to adult court.
- B. Cost Savings: Having space in the Johnson County jail to house these individuals would reduce costs currently used to rent space in other county jails for this population.

- C. Access to Treatment and Services: Having adequate space to house these inmates in the Johnson County jail would allow them to access treatment and services while incarcerated.

STRATEGIES NOT IMPLEMENTED THAT WOULD REQUIRE ADDITIONAL FUNDING/RESOURCES:

1. Mobile Crisis Team

- A. Partners behavioral health professionals with law enforcement to divert individuals to appropriate treatment services.
- B. Partner with community agencies to provide comprehensive and coordinate crisis stabilization services (i.e. detoxification services, emergency housing, mental health services, safety and harm reduction strategies, crisis stabilization unit, etc)
- C. Pre-commitment screening services.

2. Intensive Probation Supervision

- A. Due to budget reductions, the Department of Correctional Services no longer has a dedicated “High Risk Unit” in Johnson County. Historically this unit has allowed for higher risk inmates to be supervised more closely while on probation. This allowed sentencing these inmates to probation sooner with fewer days in jail.

3. FUSE (Frequent Users System Engagement)

- A. Data-driven problem solving in which communities use data to identify frequent users of high acuity interventions (i.e. incarceration, emergency departments, shelters).
- B. Cross-system collaboration to address the needs of shared clients and direct resources towards more cost-effective solutions.
- C. Permanent supported housing.

ADDRESSING DISPROPORTIONATE MINORITY CONTACT

1. Current available statistics for the racial breakdown in the Johnson County

- A. Statistical breakdown by race for Fiscal Year 2012:
 - White = 57.4%
 - Black=42%
 - Asian = less than 1%
 - Native American = less than 1%
- B. Statistical breakdown by race of the 239 signed out in Calendar Year 2012:
 - White = 206 (86.2%)
 - Black = 26 (10.9%)
 - Asian = 5 (2%)
 - “Other” = 2 (.8%)

2. Recommendation

- A. The Treatment and Alternatives Subcommittee recommends that Johnson County employs an evidence-based racial equity impact assessment tool to analyze where racial disparities exist in the County's criminal justice system (sheriff's office, county attorney, courts, jail). The subcommittee further recommends that, with the help of the Criminal Justice Coordinating Committee, the County develops strategies for modifying policies, programs, budget and staffing toward remedying these disparities in a timely manner. It is recommended that the initial analysis becomes the baseline for annual or biannual racial equity impact assessments by the various departments so that adjustments can be

made as needed. Further, it is recommended that the County will encourage all municipalities using the County Jail to engage in similar steps to insure racial equity in all local law enforcement agencies.