

Incarceration Task Force

Date/Time: July 2, 2008, 2:30-5:30pm

Attendees:

Michelle Sykes (TFL)
Norm Mueller, Defense Attorney
Pam Clifton, CCJRC
Glenn Tapia, DCJ
Shelby McKinzey, CU graduate student
Christine Adams, Facilitator
Bill Lovingier, Denver jail
Gary Golder, DOC
Martin Stuart, CCDB
Debbie Zwirn, Logan County Commissioner
Kevin Ford, staff
Regi Huerter, Re-Entry Committee Chair
Rhonda Johnson, Victim advocate
Tony Carochi, Deputy Director of Prisons

Absent:

Grayson Robinson (Chair)
Kim English, DCJ
John Suthers, Attorney General
Germaine Miera, staff

Issue/Topic OR

Bond Update (Pam Clifton)

Action:

Pam Clifton and Christie Donner are looking further into the bond-to-court issue.

Discussion:

Bond schedules (attached separately in email). 21 of 22 bond schedules for judicial districts were provided.

- There are disparities in bond amounts across the offense categories.

Other bond specific issues, see handout below for additional information on potential objectives discussed:

Objective #1: Bond Commissioners

Objective #2: Uniform bond schedules

Objective #3: Bond-to-the court (abolishing for-profit bonding)

Objective #4: Mandate wider use of summons statute.

Objective #5: Uniform, statewide "good time" schedules

Objective #6: Increase time to file 35b from 120 to 365 days as a way to reduce sentence length.

Bond Commissioners. Already exist in Larimer, Boulder, and Jefferson counties (for 20 years in latter two).

- Their existence keeps the jail populations lower.
- Reduces stress to offenders by cutting costs, getting people into pre-trial services and treatment, and helps maintain solid employment.
- FTAs (failure to appear) are reduced due to the individual's participation in pre-trial services.

Bond-to-the-court option. Would eliminate for-profit bonding.

- Must provide arguments to counter the FTA argument made by the for-profit bonding lobby.
- Also should look at bond alternatives and apply them creatively: Personal recognizance (PR) variations, Sponsor bond (no money necessary)

Question:

What is the relationship between inconsistent bond schedules and the prison/jail populations?

- There are people taking space in jail that could be bonded out.
- Those out on bond are less likely to serve a prison sentence because they are working and maintaining social support networks.
- If they are sitting in jail for 6 months waiting for trial (and not bonded out because they can't pay) they are more likely to take a plea deal for a prison sentence.
- It's thought that a judge will view a person on bond (being a responsible citizen) more favorably than a person who has sat in jail.

Incarceration Task Force

Bond Issues:

Goal 1: Reduce recidivism

Objective 1: Put Bond Commissioners programs into place

- Reduction in overnight stays
- Get people into pre-trial services
- Reduce the amount of crisis/stress in people's lives.

This supervision allows for more defendants to be released from custody to continue working, paying taxes, paying child support, and supporting their other financial responsibilities while minimizing risk to the community and appearing for all Court proceedings

The bond commissioner programs are under different umbrellas in each county. They are funded through the General Fund as a line item in the county budget.

- **Jefferson County's program is housed through Human Services. They have been using this program for nearly 20 years. There are annual reports available through the head of the department.**
- **Boulder County is within Public Safety department for 20 years and says that this program reduces their daily population by 20-25%**
- **Larimer County program is through Community Corrections. Larimer County numbers last three weekends. These were the people who came in on a bondless warrant.**

51 interviewed and 22 were released 43%

53 interviewed and 36 were released 67.9%

66 interviewed and 26 were released 39%

Overall average: 50%

How it works

Pre-trial staff have office space in booking at the detention center to use for interviews and staff work. Upon completion of training and establishment of bonding criteria, permanent employees will be recognized as Bond Commissioners and will be sworn as Deputy Clerks, with the authority to authorize bonds on certain Misdemeanors and certain Class 3 through Class 6 Felonies. This is completed prior to the defendant's first court appearance. This service allows some defendants to bond directly from the jail booking area, not entering into a bed for jail population at all. Pre-trial staff also initiates the *Application for Court Appointed Counsel* and verify criminal histories from law enforcement records checks and court records. They also complete a Domestic Violence Screening Instrument on all newly arrested Domestic Violence cases for the Court to have available at the Defendant's first appearance.

Intake: New arrestees (not bonded since end of last pre-trial shift) are interviewed and bond applications are completed. This information is provided to the Court at the defendant's first appearance for determination of appropriate bond and degree of supervision, if any, needed during the pre-trial process.

Pre-trial Supervision: Pre-trial Case Managers monitor the conditions of bond set by the Court, remind the defendant of upcoming court appearances, give direction for the defendant to remain compliant with their conditions of bond, and notify the Court of non-compliance issues. In addition, they may place and monitor

different forms of electronic monitoring equipment ordered as a condition of bond, refer defendants for substance abuse monitoring, and provide the Courts with information about defendant compliance with bond conditions. Pre-trial supervision may consist of two levels; each can include a menu of adjunct options:

Standard Supervision: Is essentially a court date reminder system. After an initial visit with the Pretrial Case Manager to sign a contract with instructions for the conditions of bond, the Defendant makes a once per week telephone call in to state their name, whether they have any change in residence or employment, and their next court date.

Enhanced Supervision: After the initial visit, the defendant will meet, face to face, with the Case Manager a minimum of twice per month and make telephone call-ins three days per week.

Objective 2: Create an advisory uniform bond schedule:

Statewide bonding is wildly disparate. We can create an advisory uniform bond schedule. The opportunity will be in allowing us to be realistic in how and what people can actually pay. Bond is merely an incentive to get people to return to court. Perhaps we can be more creative in options for people who are stuck in jail simply because they are poor. A realistic bond schedule operated by bond commissioners will allow people to get out of jail more quickly and not fall into a larger hole of crisis.

Objective 3: Abolish bonding for profit by creating a bond to the court

A bond to the court program would allow a fund to be created that could pay for programs and bond commissioners. A 10% bond would be paid to the court. Up to 50% of that fee would be retained by the court for the cost of implementing programs or in detaining and transporting FTA's. The other 50% could be used to pay for fines fees and costs for the defendant, or simply be returned to them.

Objective 4: Mandate that the summons statute be a more prevalent option.

This statute allows for police officers and bond commissioners to use a summons for petty offenses, misdemeanors and some felony charges. This creates options for police and bond commissioners so that they don't have to put people in jail when a summons is effective enough. Using a two pronged approach by issuing the summons and mandating pretrial services will put a supervisory component in place. This component is added to reduce risk to the community and increase responsiveness from the defendant.

Objective 5: Uniform statewide good time schedule for county jail.

This will allow for the jail to give up to five days a month good time. That amount can increase for people who are trustees or who are in work release up to ten days a month. You can also have a schedule of good time days for those people who complete programming or go to school.

Objective 6: Increase the amount of time that someone can file a 35B from 120 days to 365 days.

Issue/Topic:

SWOT (Paul Herman/Christine Adams)

Action:

Paul Herman: Get before/after data from Kansas on the bond-to-the-court implementation.

Discussion:

Christine Adams and Paul Herman went over the purpose and procedure of the SWOT (strengths, weaknesses, opportunities, and threats) tool.

BOND SWOT See SWOT matrix (below)

Sub-topics established: Summons /Bond commissioners, Bond-to-the-court option, Advisory bond schedule.

- Although the issues were SWOTed together, the timeline/impact votes were done separately.

MENTAL HEALTH SWOT. See SWOT matrix (below)

- Percentage of those with mental health problems offered: jail 18-20% (sit there 5 times longer), community corrections 11%, and prison 22-35%, depending on custody type.
- Should the subtopics be divided and SWOTed individually (Assessment, treatment accessibility, information flow, medication, release planning, training of correctional staff)?
 - No we will SWOT together.
- Related concern: What is not being offered in the community mental health system that could help improve the influx of mentally ill (MI) into the jail/prison system?

The task force should focus one of the three MI sub-groups:

1. Those diverted to community corrections – NO
2. Those with civil commitment to state hospital – NO
3. Those who are incarcerated in general population - YES

SWOT note: A weakness is one's DOC classification when decomposition occurs

- There are not enough DOC beds to house people in settings appropriate to their mental functioning status.
- Fragile inmates cannot function well in the general population and need a "half-way" point between expensive MI beds and general population beds.
- If there was a mental health focus area they could be better maintained and not flip/flop between these two bed types.

Issue: Bonding Issues

	Strengths	Weaknesses
Internal	<ul style="list-style-type: none">- Knowledge of task force members.- Diversity of task force members- Existing practices in Larimer, Boulder, and Jefferson Co. provide models.- Potential to reduce jail bed situation.- Reduce FTAs; help folks access services.- Defense attorneys	<ul style="list-style-type: none">- Lack of FTA data- Judges and DAs hesitant- Victim advocates may not be in support
External	Opportunities <ul style="list-style-type: none">- Reduce court appearances- Defense attorneys- Funds for pre-trial programs- Funds to court (in bond-to-the-court option) would result in more funds funneled to fines, restitution, and costs.- Treatment opportunities- National Pre-trial Association- Potential data evidence from the Kansas bond-to-the-court system.	Threats <ul style="list-style-type: none">- Bonding lobby- Lack of evidence that this will save money, reduce incarceration- Lack of detailed analysis of effects- Can't recover bond money when offender is extradited out of state- Can't recover apprehension costs- Loss of local control- Lack of community support

1. Summons/Commissioner

Impact	Time		
	Immediate	Short Term	Long Term
High		2	
Medium		5	
Low		1	

2. Bond to Court

Impact	Time		
	Immediate	Short Term	Long Term
High		2	4
Medium			3
Low			1

3. Bond Schedule

Impact	Time		
	Immediate	Short Term	Long Term
High			
Medium		2	8
Low			1

Issue: Mental Health		
	Strengths	Weaknesses
Internal	<ul style="list-style-type: none"> - Have a mental health screening instrument (CCJMHS for AO) - Have assessment/diagnosis in some areas - Have good data on scope of problem - Motivated to address the issue - There are pilot programs out there - MACC Mentally Ill Inmates Task Force - DOC treatment less expensive than typical mental health treatment programs, but... →* 	<ul style="list-style-type: none"> - Assessment follow-up - Recruitment and retention of mental health professionals - Communication between jail, DOC, Comm. Corr. - Lack of centralized data; availability - Statutes are too permissive - Resources for follow through - Legislative barriers- 2710 Laws - Competency laws - DOC beds lacking for "decompensation cycle" - Waiting list / referral - Exclusionary Comm. Corrections criteria - Case management in jail / prison re: mental health - →* ...DOC doesn't want to continue in this role
External	Opportunities	Threats
	<ul style="list-style-type: none"> - CIT for police, but...→# - Community mental health providers - Hospitals – psych wards - Medicaid benefits - Individuals are arrested when the actual issue is mental health... →^ same 	<ul style="list-style-type: none"> - ... →# although available, not used by Corrections - Sentences don't match treatment needs - Continuity of care: needs/LOS doesn't match - Community concerns regarding public safety - Lack of understanding of mental health issues by the public/community - Lack of communication with community mental health leads to recidivism - ...→^Individuals are arrested when the actual issue is mental health

Impact	Time Line			
	Immediate	Short Term	Long Term	Stop
High		3	8	
Medium				
Low				

Issue/Topic:

Next Meeting

Action:**Discussion:**

The group will complete the SWOT process for the remaining issues on today's agenda.

1. Programming and Treatment
 - a. Consistency with inmate needs
 - b. Trauma treatment in facilities
 - c. Medical stabilization
2. Education
3. General
 - a. 35b
 - b. Good time