

## Criminal Justice Coordinating Council

NOTES

DATE 3/16/17

ATTENDEES

**Voting Members**

- Judge James Fleetwood  Judge Jennifer Jones  Judge Jeffrey Goering
- Sheriff Jeff Easter  Chief Gordon Ramsay  District Attorney Marc Bennett
- Commissioner Richard Ranzau  Commissioner Jim Howell  Marilyn Cook
- Wichita Council Member Lavonta Williams  Sharon Dickgrafe  Mike Scholes
- Glenda Martens  Mark Rudy  Tom Stolz  Vacant SCAC

**Ex Officio Members and Others in Attendance**

- Ann Swegle\*  Deputy Chief Jose Salcido\*  Tisha Darland\*  Gail Villalovos\*
- Undersheriff Brenda Dietzman\*  Jama Mitchell\*  Capt. Scott Heimerman\*
- Judge William Woolley\*  Commissioner Dave Unruh  Judge Ben Burgess
- Karen Powell  Renfeng Ma  Clay Germany  Timothy Rohrig
- Tadayoshi Kawawa  Wes Ellington  Roger Taylor  Melinda Wilson
- Stephen Owens  Janice Bradley  Russ Pataky  Mary Dean
- Lisa Tipton  Ellen House  Bill Anderson  Walt Chappell  Dan Soliday
- Devin Walt  John Todd  Courtney Carpenter  Jay Holmes
- Jared Schechter  Doug Ballard  Laura Oblinger

\* Voting designee

LOCATION

Detention Facility, 2nd Floor Training Room

ACTION ITEMS

PERSON RESPONSIBLE

COMPLETION DATE

None

## Discussion

Council Chair Judge James Fleetwood called the meeting to order. A quorum was not present.

1. Approval of Minutes
  - a. A quorum was not present so the October 27, 2016, minutes will be voted on at the next meeting.
2. New Business
  - a. Population Report
    - i. Sheriff Jeff Easter went over the monthly population report with the Council. He noted that there were as many as 260 inmates housed outside of Sedgwick County during July and August of 2016 and that there is usually spike in the jail population during the summer when the weather is warmer. Over the winter, that number had been as low as 120 and during the previous week it was approximately 138. He also reminded the Council that an issue the previous year was the average length of stay, particularly in regards to booking. The Sheriff's Office has been working to address this and the number has gone down. A large number of people in housing, approximately 70%, are pretrial. A significant factor is the nature of the crimes they are charged with, namely sexual predators that stay longer than many other housed individuals. There was also a spike in homicides and violent crime in the previous year. Many of



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these cases have multiple defendants. Many of the issues from last August have been resolved through work with the District Attorney's Office and State Parole following an idea from Public Defender Mark Rudy. The Sheriff explained that most of the people eligible to be released with monitoring bracelets have already been released and that many of those still housed would present a significant risk to the community if released since they are charged with serious crimes.

- ii. Sheriff Easter stated that he hopes the summer spike is not as severe in 2017 as in the previous year since the Kansas Department of Corrections (KDOC) is housing an increasing number of inmates in smaller counties, such as Butler County, which has told Sedgwick that they will no longer house their inmates. This presents a challenge for out-of-county housing for Sedgwick since it pays \$35 per day whereas the State of Kansas pays approximately \$60 per day. Depending on how the immigration issue plays out, the U.S. Marshall Service may also take out-of-county space. Sedgwick County has housed a large number of inmates in Chase County, but they are also beginning to turn Sedgwick down in favor of other organizations that pay more. Sheriff Easter also explained that KDOC faces similar problems as Sedgwick does in regards to corrections employee retention and recruitment. They are short of personnel which has led to a push in Topeka to change three types of crimes to be incarcerated at the county level instead of the state level. Space in the surrounding counties is decreasing, which means that Sedgwick will be forced to look farther west to house inmates. This results in higher transportation costs to take them there and back again for court. Sedgwick County Board of County Commissioners (BOCC) Chairman Dave Unruh noted that this issue highlights the importance of CJCC in helping the DA, Sheriff, District Court, and other stakeholders plan and coordinate their efforts. There is resistance to building additional housing capacity here, but the current jail is at capacity with high-level offenders. He recalled that the efficiencies achieved through CJCC have reduced the number of those housed out-of-county from the nearly 400 inmates that it was several years ago.
- iii. Sheriff Easter stated that the jail crowding issue has led to low-level property crime offenders spending a small amount of time incarcerated before being released, which has in turn led to a rise in property crime. They are bonded out quickly and then commit additional property crime even while wearing a monitoring bracelet. The Sheriff estimates that about 90% of it is related to drug addiction. Judge Fleetwood stated that this tracks with what he has seen. A significant majority of property crime is committed by repeat offenders supporting a drug habit.
- iv. Gail Villalovos asked the Sheriff if they have an association that lobbies in Topeka on their behalf. Judge Fleetwood answered in the affirmative. Ms. Villalovos asked if they have looked at housing outside of Kansas. She said that prisons in California had resorted to this before. Sheriff Easter answered that it is not as practical for a jail since inmates must often make court appearances or meet with attorneys. This would necessitate a frequent amount of long distance transportation. Ms. Villalovos then asked about private alternatives. Sheriff Easter answered that there are significant problems with local private options. County Manager Mike Scholes asked about an expansion that the Sheriff had previously proposed. The Sheriff answered that it was for administrative space. He went on to explain that they had looked at temporary housing north of the jail for low-level offenders to offset out-of-county housing costs. The analysis



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from his office was that this would not be cost-effective. He did say that they are looking at programs for inmates with the aim of changing their behavior. He has toured facilities in other states and his counterparts have spoken to him about how they have reduced their housing population with work skills programs. One example was inmates learning horticulture skills, Walmart buying the plants they grew, and then offering them jobs upon their release. A similar program focused on carpentry skills. Many of these programs used taxpayer money, but the programs he and his staff are considering are volunteer- and faith-based. He believes, and has spoken to lawmakers about building a drug rehabilitation facility and having people sentenced to rehab instead of jail. This would help them to break their drug addiction, reintegrate them into society, and reduce property crime. Judge Fleetwood mentioned that in the prison system there used to be job programs and drug rehabilitation programs. Judge Fleetwood and Sheriff Easter both noted that many of these programs have been defunded. Assistant County Manager of Public Safety Tom Stolz asked the Sheriff how many people were being held only on drug charges. Sheriff Easter responded that it was very few and that no one was held solely for possession or sale of marijuana. He stated that in regards to the few being held solely on drug charges, it is generally their third or fourth offense. He noted that there are a few that have manufactured or sold a very high quantity, but there are not very many. Speaking again about potential programs, Sheriff Easter mentioned including job interview training, resume skills, and online job interviews prior to their release so that inmates will have a job waiting for them. This would not require any taxpayer funding.

- v. BOCC Chairman Dave Unruh asked what planning, in regards to the facility and budget, are necessary for these types of programs. He noted that the proposed facility north of the jail had a very high cost associated with it, in particular the staffing costs which would be ongoing. Sheriff Easter said that besides the cost, it would be challenging to staff it. At the moment he is short 42 employees for the current jail facility and is having a hard time getting those positions filled.
- vi. DA Chief Attorney Ann Swegle stated that one option is post-adjudication. This does not deal with the pretrial detainees that the Sheriff had mentioned, but focuses on a residential center. The County used to fund 120 beds, but that has since dropped to 65 beds. They have programs that focus on cognitive thinking and have had some success. This can be replicated and added on to, but these are two different populations. The Sheriff can't force the program on people, but it can be provided to them. Sheriff Easter said that it is a good option, but they also have a lot of people that would not qualify for such an offsite program because they would be a flight risk.
- vii. Judge Fleetwood and Sheriff Easter both discussed a need to transition away from what is currently being done with low-level repeat offenders, which is releasing them with a monitoring bracelet, and shift toward what is being done in places like Charlotte where they have work skills programs that focus on skills like horticulture. Capt. Jared Schechter said that programs like the one in Charlotte look to the community to see what types of job opportunities there are and tailor their work skills programs to fit that need. He mentioned one jail that teaches welding and sheet metal working. In those cases, inmates are released with a skill set that is in high demand. Sheriff Easter said that CBM is the jail's new meal contractor and that they are speaking to businesses in the community to find out what kind of food related jobs are in demand. The largest need they found is for bakers. They now have inmates performing this type of



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work, earning certificates, and then working with CBM to place them in jobs upon release.

- viii. Deputy Chief Jose Salcido stated that when he ran the Patrol South Bureau he was surprised that the offender pool was not static, meaning that when they saw spikes in property crimes in Old Town, the vast majority of the time it was parolees who were not from the area that KDOT had released into homeless shelters and other services in the downtown area. For example, they may have offended in Garden City, but were paroled in Wichita. They don't know the area but Wichita is where they are paroled because that is where the services are.
- ix. Judge Fleetwood said that years ago, Walmart would seek a "no contact" order against individuals that had shoplifted there. This had stopped, but recently has begun again. This presents a challenge because many lower income people buy food, clothes, and other items at Walmart. He went on to express a concern that if the same individual also shoplifted at a Dillons store, then they may have very few options for where to buy food. Judge Fleetwood said that if the same management mindset exists locally that exists elsewhere then there may be a need for training on involving people in the community.

3. Old Business

- a. None

4. Other Business

- a. Next Meeting

- i. Judge Fleetwood began by explaining that CJCC has historically met monthly and then stated that there has been some discussion about the effectiveness of continuing to meet monthly and perhaps changing to a quarterly meeting schedule. He noted that if there was a development or some other issue then a special meeting could be called. Changing the meeting schedule would not require a change to the bylaws.
- ii. Sheriff Easter noted that, looking at the population report, the group has done a lot of work to get the numbers where they currently are. He believes that meeting quarterly would be beneficial. He also suggested that in the following year, the group meet in the first part of the first quarter to discuss legislative issues that affect criminal justice. He asked that if the group moves to quarterly meetings that they meet in January. BOCC Chairman Unruh agreed on the benefits of moving to a quarterly meeting schedule. Chairman Unruh also stated that he believes meeting quarterly is feasible since leadership communicates well with one another and are not siloed.
- iii. Judge Fleetwood stated that CJCC has been very effective but they are now at the point where there are only small, incremental differences unless there are fundamental operational changes. He went on to mention the possibility of a listserv to allow members to communicate with the group. This could also be a forum where members could request a special meeting. Judge Fleetwood stated that the next CJCC meeting will be held in June. Chairman Unruh asked if the group would continue to receive monthly population reports and Judge Fleetwood stated that they would. It was noted that the next CJCC meeting in June would be on the 22<sup>nd</sup>.
- iv. ACM Stolz stated that there is little change in the population report monthly, and so he also believes meeting quarterly will be more efficient. He went on to state that small, sub groups could meet to discuss issues and then bring that back to the larger group at the quarterly meetings.

- b. Listserv



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- i. Judge Fleetwood asked about the development of a listserv. ACM Stolz said that he did not see any reason that it could not be developed internally and that he would discuss it with IT Director Wes Ellington.
  - ii. ACM Stolz said that if they are still distributing the monthly population report, possibly through the listserv, then that may be the opportunity for members to raise questions or concerns that can then be responded to quickly.
  - iii. In response to a question from the public, Judge Fleetwood stated that CJCC falls under the Kansas Open Meetings Act (KOMA) and so the listserv would be open to the public as well. ACM Stolz added that all the documents, such as the monthly population reports, would be available through the listserv.
- c. Medicaid Expansion
- i. Commissioner Jim Howell said that there was a question at the BOCC meeting the previous day regarding Medicaid expansion and how it would impact healthcare options in the jail and public funds. Sheriff Easter said that individuals that enter the jail system for an extended period of time lose public benefits such as Medicare and Medicaid. He noted that local hospitals graciously charge the County at Medicaid rates when inmates are taken there. He said that when he had looked at an early version of the Affordable Care Act (ACA) that it was going to cover medical care for inmates. However, after the federal government researched the costs associated with that, it was taken out.
  - ii. Commissioner Howell asked if, after losing Medicaid, an inmate that has been released can reapply. Sheriff Easter said that they can, but it takes approximately two weeks. Now they work with COMCARE so that there is coverage for people as soon as they are released. Judge Fleetwood added that the two week gap had had a negative impact on the mental health of some individuals being released, such as those needing medication. Sheriff Easter also noted that people who were off their medication during that two week gap were often rearrested and the current process is an improvement.
  - iii. Sheriff Easter and Undersheriff Brenda Dietzman reiterated to Commissioner Howell that the Medicaid expansion issue does not apply to those in jail. Janice Bradley of Jobs & Education-Not Incarceration (JENI), identifying herself as the one who brought up the issue the previous day at the BOCC meeting, said that the ACA website states that convicted inmates are not eligible for Medicare/Medicaid services, but those who are incarcerated because they cannot make bond and have not yet been convicted are eligible. She went on to state that this is a state issue and that if Kansas were to expand Medicaid that it could provide additional funding for the County. Capt. Schechter said that he has researched this topic and there are examples, such as in Colorado, where an inmate has been released after serving less than 30 days and are pretrial, then they can receive Medicaid and counties have been reimbursed. This is, however, something that would have to be decided at the state level. Sheriff Easter said that he and the Sheriff's Association have had discussions with the legislature regarding this and situations where an individual is hospitalized for more than 24 hours.
5. Public Comment
- a. Janice Bradley stated that her group JENI is working to prepare a third petition to reduce penalties for marijuana possession.

Adjournment