

Criminal Justice Coordinating Council Meeting
Tuesday, June 9, 2020
11:00 a.m. – 12:30 p.m.

CALL TO ORDER

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

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

MINUTES

Patrick Schmitz moved to approve the March 10, 2020 minutes. Motion was seconded by Jennifer Ananda and carried.

Patrick Schmitz moved to approve the May 12, 2020 minutes. Motion was seconded by Jennifer Ananda and carried.

OPEN COMMENT FROM CJCC MEMBERS: Due to the recent national/international protests on racism and police violence. Highlights of comments as follows:

Ananda made comments recognizing police brutality and ongoing violence experienced by protestors by racist individuals and groups. Bystanders and business owners are suffering because people are not accepting that racism is a public crisis, that black lives matter and doing the work needed, communities, some officers, and our president are doubling down on their perception that the people expressing their suffering are the problem. Lawrence, Kansas is not immune to violent actions against people of color generally and black people specifically. We pride ourselves on the anti-race history of our city but in reality, we are no better than any other human, and we have to own that. Ananda challenged us to hold each other accountable, recommit to working on racial equity in Lawrence, step up initiatives with a Community Policing Review Board to advise the City on issues affecting the Lawrence Police Department, and ensure equity in our community. She encouraged public officials to listen to the needs articulated by our communities so we can get things right, so our children will not have the same conversations.

Charles Branson stated that every time we have a black man murdered in the United States he feels helpless and angry at the system we have created over the years. It is natural to feel out of control and that creates a feeling of hopelessness and despair. He said one of the things he has been proud of with our community is the actions we have been trying to take; and that action need to continue with all the force we can put behind it. Some of the things we have done and need to continue to put our efforts behind are joining the Governmental Alliance on Race and Equity (GARE). The District Attorney's office is using the GARE Racial Equity Toolkit to review and evaluate the policies and procedures in this office. It is an extremely important first step in creating an equitable system. His department has reached out to create training to ensure these efforts. Most recently, he reached out to local law enforcement leaders and challenged them to look at their policies and procedures, specifically on the use of force, and comparing their policies to the 8cantwait.org guidelines. After meeting several times, he was happy to say most of the preferred

procedures are being done with our law enforcement. We will continue to discuss the policies and procedures they have in place for use of force and make them more realistic for our community. There is a ton of work for the CJCC to done, but we have the drive. We need to keep our efforts up.

RACIAL DISPARITIES IN DOUGLAS COUNTY CRIMINAL JUSTICE – Matt Cravens

Cravens has analyzed the racial and ethnic disparities in jail stays in Douglas County. Highlights include:

- The data reflects people in jail: 1) following arrest at the pretrial stage; then 2) people in jail following sentencing.
- The Douglas County population is 83% White; 6% Black, 4% Native American; 6% Asian and 6% Hispanic.
- In 2019, the population booked into the Douglas County jail was 77% White, 18% Black, 4% Native American, 1% Asian and 8% Hispanic.
- The May 14, 2020 jail population distribution breakdown was 71% White, 25% Black, 3% Native American, 1% Asian and 7% Hispanic.
- If you look only at the jail population that reside in Douglas County, the racial and ethnic distribution looks almost identical to the distribution of the full jail population by race and ethnicity.
- On any given day, about 1/3 of the jail population lives outside of Douglas County.
- The booking population is different from the standing jail population. In 2019, about 70% of the people were booked and released from jail within 72 hours (which constitutes several thousand). Of the standing population, 75% are staying up to 220 days.
- Douglas County's jail booking rates have declined for most racial groups from 2017 to 2019 though the racial disparities between the groups has not significantly changed. The black booking rate is 3.1 times larger than the white booking rate; the Hispanic rate is 1.3 times larger than the white booking rate.
- The black jail incarceration rate in Douglas County is about 4.7 times larger than the white rate. Nationally, in 2018, the black jail incarceration rate was about 3.2 times higher than the white rate. Douglas County's ratio of black to white jail incarceration rate is higher than the national average.
- Douglas County's overall jail incarceration rate is lower than the national average, based on 2018 studies. It is possible for a county to have lower than average incarcerations rates and still have racial disparity issues. Findings conclude we are incarcerating blacks at about the national average, and other races at a lower rate.
- Minority incarceration rates are higher than booking rates largely because black inmates stay longer in jail than white inmates, which partly has to do with the seriousness of the charges people are booked into jail on.
- Among sentenced inmates in the jail, black and Native American inmates stayed longer than white inmates in 2019. The average jail stay among pretrial inmates show black inmates staying about 2.5 days longer than white inmates do.
- After controlling for many different variables (gender, age, charges, classification, court jurisdiction, case type etc.), a model can predict the typical jail stay differences between white, black, Hispanic and Native American inmates. The results reveal that black inmates stay an average of 22% longer than white inmates, controlling for other factors, and Native American inmates stay an average of 35% longer than white inmates, controlling for other factors. This information helps us learn where we can start to bridge the gap in disparities.
- Though most counties have racial disparities, they are not actively trying to understand them. By measuring these, Douglas County is taking the first step to correct them.
- This information validates what we all believe. The information gives us an opportunity to establish a baseline to compare as we implement training, recommendations from the contact study and other national initiatives; we have a way to measure our progress.

Discussion:

- The presentation was excellent though both troubling and compelling. We need to double our efforts to address these issues and keep working on this.
- Statistical information indicates that Asian and Hispanic inmates in Douglas County jail are staying less than white inmates for similar offenses, on average. It is not a huge difference but something to look at.
- We need to look at the economic piece that causes people to stay in jail and not to bail out. Though we do not have social status and income information, the data suggests years of education predicts strongly how long someone may stay in jail. People with less than 12 years of education are staying longer in jail. We are looking at ways to gather economic data when people are booked into the jail.
- Race identity is self-assigned by the detainee, as they are booked into jail.
- There was a suggestion to run data on the reduction of people with a Serious Mental Illness (SMI) and length of jail stays. Bookings have decreased and bookings of a person with a SMIs have increased.
- We need to look at disproportionalities information broadly such as bulk of charges, length of stay, how we criminalize homeless, and low economic status. We need a larger conversation.
- More data from more strategies and agencies will help us pinpoint why and where the disparities arise.
- Race and Ethnic Disparities Training is scheduled for August 29.

COVID IMPACTS ON THE JAIL AND CRIMINAL JUSTICE PROCESSING –

Wes Houk, Mike Brouwer and Matt Cravens provided a comparison on law enforcement stops, 911 calls, and jail bookings for 2020.

Breakdown in monthly traffic and pedestrian stops September 2019 through May 2020 for all Douglas County Law Enforcement Agencies.

- There was an eighty-five percent drop in stops or contacts from February to April, 2020.
- Law Enforcement calls through dispatch also declined from April 2019 to April 2020 with 4000 fewer calls to 911 (40%), and EMS/Fire dropped off due to the 'Stay-at-Home' order.
- All areas began climbing April to May.
- The jail bookings have dropped significantly (75%) but are consistency climbing with each opening stage.
- Lawrence was a ghost town during the "Stay-at-Home" order, all bars and restaurants were closed. People were not moving around.

Impact on jail classification: Wes Houk/Stacey Simmons

- Staff began out-processing our facility in January with screening processes.
- During the COVID challenge with housing, staff determined an observation location with a 72-hour observation period starting with the booking area. This area got full fast and expanded to the medical unit (holding all 72-hour observation) and it also filled up quickly.
- Staff moved women out of County to another facility and used the women's housing as a men's pre-classification/observation location.
- Staff then used the minimum unit to house women, brought back from out of county when the county refused to hold them any longer. There was a loss beds because the rooms were double beds and are now housing single males for observation for COVID.
- Work release has been suspended and that unit now houses 36 people in a 46-bed open bay unit. Social Distancing is a challenge.

- The medium classification unit averages 5-6 beds available. The maximum unit is full. This proposes challenges.
- Staff is doing everything they can to keep COVID out of our facilities.
- We have 186-bed facility but are functionally full with 150-155 people in custody.
- No jails will commit to housing our people in the future, as they are being cautious. This is a lost resource to the Sheriff's office to manage our jail population.

Observations:

- A higher percentage of April inmates were pretrial and a lower percentage were sentenced, compared with February, before the pandemic.
- The number in jail for the most serious offenses stayed about the same from February to April.
- The number in jail for the least serious offenses declined (e.g., misdemeanor theft and misdemeanor traffic).
- There were fewer in jail for DUIs.
- The number in jail for assault, battery, and domestic battery declined.
- The number in jail for drug distribution and felony drug possession declined.
- There were fewer in jail for robbery, burglary, and theft in April compared to February.

Challenges as we exceed functional capacity:

- To maintain the 72-hour observation, we will need to convert the main programs room into a housing pod.
- We will resume housing persons on the floor in the pod day room.
- The CDC recommends a 14-day quarantine.
- It is a challenge to try to predict the next six months.
- Eighteen people have been released due to COVID; 17 modified and released due to a close end of sentence, 1 furloughed due to concerns of high risk for COVID. No one has tested positive for COVID-19.
- Stay-at-Home order is ending soon.
- Courts are reopening.
- Employment is at a record high.
- Staff is predicting a spike in jail population coming as booking rates increase over the next six weeks.
- Our present jail capacity at present is not sustainable.
- The City of Lawrence Municipal Court has 20 people waiting mandatory sentences of 2-4 days; the District Attorney's office has 50 people waiting to be charged.
- Staff anticipates a spike in jail numbers in June and July.
- This information will be provided at a Work Session at tomorrow's Board of County Commission (BOCC) meeting.

Comments:

- Other communities are experiencing COVID outbreaks in communal living environments. Lansing Prison is an example.
- It is imperative that we maintain the social distancing to the remainder of the year, which could be extended.
- We need assistance from our partners to continue to manage this. It is nothing the Sheriff or BOCC can manage alone.
- The County does not arrest, hold, book or release anyone from jail. The County's responsibility is the jail.
- Our goal is to open up conversations and ask partners to advocate the work to try to reduce our jail populations immediately.

- It was the consensus that the CJCC will add additional meetings, possible monthly, to address this critical issue. Starting with July 14 and August 11.

CHALLENGE TO CJ PARTNERS

Commissioner Patrick Kelly said things have changed. We are in a difference environment. Some of that is from COVID-19 and you just heard our jail is shrinking, and our options are going away. We need your help. He challenged our Criminal Justice partners to reinvigorate their work. Look at what they have done recently as a new way of business and we need to learn from that, immediately. We need to try things we have not done before to try to reduce jail numbers.

Commissioner Nancy Thellman also asked the CJCC to up their game, along with the County Commission, and do more expansive thinking about what is possible and radically different to make a difference.

WORK GROUP UPDATES- deferred

CIT COUNCIL- *Written update provide to the Council:* Annual training scheduled for October 26-29. Council is finalizing the training calendar. KDADS is hiring a new State CIT Coordinator.

INCARCERATION ALTERNATIVE/EVALUATION - *Written update provide to the Council:* Dr. Allen Beck has not been travelling. He will resume the self-directed evaluation training via Zoom.

INCARCERATION ALTERNATIVES/RESEARCH – *Written update provide to the Council:* Work Group strongly believes work release needs to be a priority program. Looking at adding resources for probationers as well.

MOBILE CRISIS RESPONSE – *Written update provide to the Council:* A plan has been developed by the work group under the leadership of LMH & Bert Nash to expand the Integrated Crisis Team at the Emergency Department to include MCR services. Study Session on June 24 with the BOCC.

STEPPING UP INITIATIVE – *Written update provide to the Council:* GAINS Center has not made a final decision on August 19-20 onsite workshop. Possibly going to be via zoom with 4-5 two hour time blocks. Needs to be completed by end September. Douglas County will begin to pilot tracking connections to care through MyRC in July.

COMMENTS, SUGGESTIONS AND RECOMMENDATIONS – none.

NEXT MEETING

- **Next Meeting:** July 14, 2020 at 11:00 a.m. to meet in person at the Public Works Training Room, with optional virtual attendance.

ADJOURN

Weigand adjourned the meeting at 12:55 p.m.