

Salt Lake County
Criminal Justice Advisory Council
December 11, 2019
Room N2-800, Noon-1:30PM

Executive Committee Members:

Chair Sheriff Rosie Rivera*	Salt Lake County Sheriff
Vice Chair Mayor Jenny Wilson	Mayor, Salt Lake County
Judge John Baxter*	Salt Lake City Justice Court
Jim Bradley*	Salt Lake County Council
Max Burdick*	Salt Lake County Council
Chief Craig Burnett	Murray City Police Department, LEADS Chair
Chief Jack Carruth*	South Salt Lake City Police Department
Catie Cartisano	Individual with Lived Experience
Karen Crompton*	Director, Salt Lake County Human Services
Chief Matthew Dumont*	Salt Lake County Sheriff's Office
Scott Fisher*	Division Administrator, Salt Lake City Prosecutor's Office
Sim Gill	District Attorney, Salt Lake County
Kele Griffone	Director, Criminal Justice Services
Mike Haddon	Executive Director, Utah State Department of Corrections
Rep. Eric Hutchings	Utah House of Representatives
Judge Mark Kouris	Presiding Judge, Third District Court
Rich Mauro*	Executive Director, Salt Lake Legal Defenders Association
Senator Karen Mayne	Utah State Senate
Brendan McCullagh*	Judge, West Valley City Justice Court
Jim Peters*	State Justice Court Administrator
Mayor Jeff Silvestrini	Mayor, Millcreek City
Peyton Smith	Third District Court Administrator
Pamela Vickrey	Executive Director, Utah Juvenile Defender Attorneys
Tim Whalen*	Director, Salt Lake County Behavioral Health Services

* Present during this meeting

CJAC Staff Members:

Katherine Fife	Interim Director, Criminal Justice Advisory Council
Tucker Samuelsen	Management Analyst
John Krantz	Data Analyst, Information Services
Jacob Smith	Expungement Navigator
Heather Bailey	Grant and Office Coordinator

County Staff and Members of the Public: Dan Blanchard (for Mike Haddon), Shawn McMillen, Marla Kennedy, Adam Cohen, Sam Klemm, Dave Delquadro, Isaac Highman, Will Kocher, Richard Jaussi, Chris Otto, Molly Davis, Jeannie Eden, Taylor Goldstein, Saskia DeVries, Erin Litvack, Jojo Liu, Will Carlson, Michelle Miller, Daniel Lancaster, Erin Bigler, Annie Davis, Michelle Hicks, Roxie McSwain

Absent: Chief Burnett, Catie Cartisano, Sim Gill, Kele Griffone, Rep. Eric Hutchings, Judge Mark Kouris, Senator Karen Mayne, Mayor Jeff Silvestrini, Peyton Smith

Excused: Mayor Jenny Wilson, Mike Haddon, Pamela Vickrey

MEETING CONVENED AT NOON (lunch provided)

Welcome and Introductions

Chair Sheriff Rivera welcomed everyone. Introductions were made around the room.

1. October Minutes: Chief Dumont made the motion to approve October 2019 CJAC minutes. Judge McCullagh seconded. All were in favor.

2. Staffing Update – New CJAC Director: Erin Litvack introduced the new CJAC Director Jojo Liu. Jojo shared her background working as the Assistant Director for the Indigent Defense Commission, previously Law Professor at the U and as the Clinical Director of the Center for Juvenile Law and Policy in Los Angeles. Jojo will start on January 6th, 2020.

3. Medicaid Inmate Exclusion Policy: Karen Crompton provided **background:** National Association of Counties (NACo) is working jointly with the National Sheriff's Association on the issue of Medicaid benefits being suspended for those who are in jail or prison. Majority of folks in jail are pre adjudicated and presumed innocent, they should continue to be eligible for Medicaid. The cost of inmate health is high and could be better spent on more treatment options while incarcerated, medication and assisted treatment services. This doesn't eliminate the cost of providing medical care, but it would shift the burden from county or city to Medicaid.

34 states now suspend Medicaid rather than terminate. This keeps individuals connected to the system and not have to re-enroll. Rep. Daw is going to request a Medicaid waiver for individuals who are in the last 30 days of their sentence. One challenge is creating a link between jails and the Department of Health. If implemented, any eligible Medicaid individual booked into jail will be tracked as a suspended Medicaid client. In the last 30 days they can become eligible for Medicaid services in jail.

Discussion: Darcy Goddard is reporting that we would need legislation, he thinks the reason why you would need a bill, is that there is any impact with regards to making MATCH considerations to the state. That there will be an appropriation to cover that increased MATCH exposure to the state and they are hopeful it will come into fruition.

Judge McCullagh stated the history behind this was seen and is still currently, a state and local government obligation. The termination issue has grown because of the administrative cost. Especially with the suspension portion, the individuals who are in pre-trial detainees, picked up and then released, now they must re-enroll. Tim Whalen noted he doesn't think they will ever get to a position where the benefit would be extended to those who are sentenced. It will be limited to those who are pre adjudication. Secondly, if you are Medicaid eligible, and you leave the jail or prison to go to the hospital and admitted, they are now eligible for Medicaid as a reimbursable service.

Karen stated they can get a Medicaid waiver for the last 30 days from CMS, which is a legitimate consideration. If this does show up in the 2020 legislation session, she hopes CJAC, the county and on a federal level will show support. She would like CJAC to take this on as a study item and look at the costs that

we incur as a result of not being able to charge Medicaid for the medical services that we provide in the jail. She thinks it would be good for us to have some data as this conversation moves ahead at the federal level.

4. Criminal Justice Visualization Project

Tucker Samuelson presented. This is a follow up from the last CJAC meeting about the future of the Jail Dashboard. One of the questions was whether it would be possible to start to integrate other sources of data within the criminal justice system. He said at the time, he thought it would be doable, but it would be a significant project. This presentation is what it will look like if we decide to go down that path.

The primary goal is to answer, how many people are involved in the criminal justice system in total, in addition to who is in the jail. For example, how many people have pending court cases? How many people are on supervision? How many people have a criminal record? How many people have a warrant? There are agencies that will know each piece of that but there is not any sort of comprehensive tool that ties all of it together. When we're able to visualize the entire process, it will be easier to identify bottlenecks in the system and see if they are related to funding, capacity, or policy.

Tucker has been getting a lot of questions on the Jail Dashboard on why there is a large number there that are pre-trial, where are they in the process. He is unable to answer at this time because that information is not all tied together at this time. The proposed project would be that we examine major components in the criminal justice system and tie them together into one larger visualization.

He anticipates this project taking at least 12 months until we have something approaching an end product. Along the way, if we are working on individual dashboards, we can release them as they are finished. In terms of how we prioritize, that is the feedback he is hoping for from this meeting. He showed a rough timeline, once the data sharing piece is put aside and the data is where it needs to be, the development of the dashboard will take 2-3 months. The difficult part will be getting all the data in the right place, in the right format where we can do something with that.

The county is working towards a data warehouse, where we could use something along those lines. Prioritization is all subject to change. There will be some challenges, he mentioned there are some individual pieces like this around the country. What he has not found is any jurisdiction that tried to do all of it and tried to do a single comprehensive piece. He stated the county would be one of the first and they will hit some roadblocks that we can't forecast because we don't have another example to follow right now.

He would need this to be a CJAC project, he isn't able to do this on his own and would take a more concerted effort. What is also important is the expertise of the agency function and would need help from the people working at these agencies. So, having agency staff assist in determining what gets displayed and how to display it would be important. The agencies would have veto power and be able to go through the dashboard and go over what they are ok to show and what they are not.

He asked for any questions or feedback. Sheriff Rivera stated this is a great project and thinks he would need some buy-in from at least the committee to get the information he needs. Richard Mauro asked what Tucker envisions for the court system? That integrates with all of us, charges, amounts of time being spent in court, and other sorts of components like that would be very useful for us to look at. Tucker responded that the court process is really at the core of all of it. Something that was spoken about a long time ago, is a timeline, breaking up people court cases into phases depending on what hearings have been held. You can say something about a person if they have had an arraignment but not a preliminary hearing or had a preliminary hearing but not a trial. You can break into phases where they are based on things like that. Judge Baxter was

asking what kind of approval we're going to need in order to get this done. Judge McCullagh stated there is a data sharing agreement that we can come up with that could be council approved.

Judge Baxter stated that his concern is more at the justice court level and they are each like their own courts and might want nothing to do with it. Judge McCullagh stated that they send all their data downtown and now they know where all the data is. The question on how to access it and we want to make sure we are using things appropriately. At the end of the day we do have the Jail Dashboard, which is the most critical part of it. Especially the pre-trial issues with respect to the impact they have on people's lives who we have talked about earlier who are presumed to be innocent. You want to minimize pre-trial incarceration as much as is safe for the community and guarantees efficient court processes.

Tucker stated that all the data that we would be requesting from the Courts is already public so we would just be looking for a different format. Judge McCullagh stated that there are ways to get data dumps from us and it is probably the easiest part of this whole thing.

Sheriff Rivera asked if anyone else has any input. Judge McCullagh stated it's a great idea but we need some more information before we can put a motion to it. Tucker agreed to come back with a more fleshed out proposal for a motion at a later date.

5. Work Group Reports

· CATS Work Group

John Krantz provided **background**: There are 3 main components: 1. Data Analysis was delayed due to not receiving the information. 2. Aggregate level treatment engagement after CATS. Behavioral Health is working on and Tim Whalen provided additional information. In November 2017, Rep. Dunnigan passed a bill which allowed them to expand TAM to any individual that is eligible and has completed an addiction program in an incarcerated setting. Everyone who has participated in CATS has been enrolled into TAM as they leave the jail. This is a state managed plan through the Department of Health as a fee for service plan. Getting access to that data is problematic. The Attorney General office, that counsels the state division of Substance Abuse and Mental Health states this process is difficult or not possible. The question we want answered is: if someone left the CATS program and engaged in treatment, can we get a report to identify the percentage? The federal regulation that is getting in the way is 42CFR part 2. There is private health protected data at the Department of Health and at the Department of Human Services and for them to share information and analyze it is very problematic based on federal law. 3. The last component, Mark Augustine from the Public Defender's office, was working on an MOU to clarify some of the language in sentencing for after care treatment and what is required for someone going through CATS. The two major delays have made it difficult to get together for a meeting.

· Expungement Work Group

Jake Smith stated that the work group has been focused on the Expungement Day event for the last two work groups, and that the next workgroup will focus on HB 431 rollout. He presented an Expungement Day PowerPoint. They had a successful Expungement Day on November 1st at the Salt Palace Convention Center, with over 100 volunteer attorneys, 75 community partners, and over 376 individuals served. 249 individuals were Phase 1 appointments, 115 of them submitted applications, and 64 were placed on a waitlist. From the June Expungement Day, 1,128 certificates were issued to 212 individuals. Logistical problems which arose during the event have reconfirmed that there is still a pro se barrier, even with the Utah Courts' Self-Help website, beyond just BCI fees. The process is too complicated for most to get through on their own. All

individuals who attended the event took a survey and he went over the survey stats. There will be another event scheduled for Spring 2020. Judge McCullagh suggested splitting phase 1 and phase 2.

- **Misdemeanor Work Group**

Judge McCullagh provided **background**: The High Utilizer program was largely driven with good intentions and by acknowledging that there is a cohort who don't have cases landing them in district court. It's exacerbated in the last couple years without Rio Grande as more people were getting the camping and trespass tickets every 2 weeks. They get arrested and receive credit for time served and the case is closed and the revolving door chases. The Misdemeanor Committee was set up to look at these issues and see if we had any new ideas. We haven't been able to come up with anything new to structure any support that isn't already being tried through the troopers reach out with their social workers. **Discussion**: Judge Baxter added that First Step House is building a facility on 5th East. A resource is coming online in the foreseeable future. This is one more reason not to disband this group, because we don't have good ideas today doesn't mean we won't have them tomorrow. Judge McCullagh responded the real focus on this work group was going to be on the high utilizer individuals who are resistant and addressing the pre-trial issues as well.

- **Intersection of Homelessness/Criminal Justice**

Chief Dumont reported they are focused on putting together a standardized set of guidelines for law enforcement and the resource centers, when it comes to criminal justice related incidents in the homeless resource centers. The initial draft is largely completed and will discuss further with the public safety group, but they are looking forward to a standard set of guidelines.

VI. Partner Roundtable/Announcements

Disconnect between judicially set bail and bail schedule-set bail: Judge McCullagh recently noticed a discrepancy between his set bail and the bail bondsman numbers. You can post bail 2 ways in Utah: a judge sets bail or the Bail Commissioner takes a personal bond out and sets bail. We don't have a Bail Commissioner; we have a computer. There are a bunch of people out there having to borrow money, their low risk but by the time we process them, they already swiped a credit card or taken out a loan and have gotten out. He thinks they need to get together and find out where that number is coming from on the computer. This issue can turn around quickly if they jump in front of it. Judge Baxter stated the number comes from the Fine and Bail schedule set by the state.

Medicaid Expansion + ACOs: Tim Whalen wanted to remind everyone that anticipated on January 1st the Medicaid Expansion Population will be managed by the Accountable Care Organizations in an integrated benefit. There has been a lot of meetings between, what they are calling, our Salt Lake County Essential Treatment Providers. They've been able to designate all the providers they work with to say the ACO needs to work with these providers. They're anticipating business as usual, but they will be getting paid by ACO rather than by State Medicaid.

Permanent Supportive Housing Projects: 5th East Project update from First Step House: A 75-unit permanent supportive housing (PSH) is approximately 60% complete. Completion projected for spring. Expected to close on a new project site this week: 40 units of PSH housing for substance abuse treatment high utilizers projected to be online by Nov. 2021.

CJAC Meeting Date Change: Sheriff Rivera noted the next meeting is set up for February 12, 2020 but a few of the executive committee and staff will be in DC for the Opioid Grant Conversation. Proposed February 19th instead. All were in agreement.

Jim Bradley moved to close the meeting and Judge Baxter seconded the motion. None were opposed. With no further business or announcements, the meeting adjourned at 1:17pm

***Minutes available via CJAC website www.cjac.slco.org or by request to the CJAC Grant & Office Coordinator, Heather Bailey (385) 468-7092.