Missoula City Council Public Safety and Health Committee Minutes

September 16, 2020
9:00 AM
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Members present: **Stacie Anderson (chair), John P. Contos, Mirtha Becerra, Heather Harp, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, Heidi West**

Members absent: **Jordan Hess, Bryan von Lossberg**

1. ADMINISTRATIVE BUSINESS

Stacie begins the meeting at 9:04 am and shares with public how to participate in today's meeting.

1.1 Roll Call

1.2 Approval of the Minutes for August 26, 2020

Minutes for the August 26th meeting have some edits and amendments to make. Stacie asked if there are any other amendments than Ms. Merritt's. Seeing none, minutes are approved with noted amendments.

3. COMMITTEE BUSINESS

3.1 Update from Criminal Justice Coordinating Council and Criminal Justice Services Division-Jail Data Analysis, Update on Mobile Crisis Unit, Intro to Jail Review Team

Stacie moved to the regular agenda item, which is an update from the Criminal Justice Services Division regarding jail data analysis, as well as a quick update on the mobile crisis unit.

Stacie turns the meeting to fellow safety health co-chair, Julie Merritt, who is the one who brought forward this referral to introduce this item. Julie thanks, Stacie and introduces Kristen Jordan with the Criminal Justice Services Division to give an update on the Jail Review Team (JRT) and Quinn Ziggler, the data analyst for that department. He's going to give an update on the jail population data that they've been tracking.

Kristen Jordan first notes that the division has changed its name recently. Previously the Criminal Justice Coordinating Council, the name was identified as being very confusing because there's also the Criminal Justice Coordinating Council Policy Advisory Board, which was something they helped facilitate and administer. The division has changed its name recently to the Criminal Justice Services Division.

Kristen gave a quick Mobile Crisis Team (MCT) update: "The project is rolling along at a really good pace. Just as a quick reminder, our division put out an RFP for this project, which was awarded to Missoula City Fire Department. The model that we're basing our mobile crisis team off of is kind of a now-famous model called CAHOOTS. Which is a mobile crisis team based out of Eugene OR that's been functioning for nearly 20 years. We're gonna have two teams of three consisting of one mental health professional, one EMT, and one case manager. The case manager will not be part of the front-line staff but will instead provide follow-up services in the days and weeks after the initial 911 call. Missoula Fire is contracting with Partnership Health Center who will be providing the mental health professionals and the case managers and the oversight required with supervising those types of positions."

The timeline for this project is very tight. Fire has already hired the EMTs for this project and Partnerships Health is advertising right now. Fire is planning on having teams on the ground by mid October, which is a little later than we'd anticipated, but they really are moving as quickly as they can and there's still some training and policies and procedures that need to be put in place.

Data Collection for this pilot is really quite heavy and it will be used modify the program as needed along the way. It will also be used to inform the hard ask to the city and the county next budget cycle to ensure the program has ongoing permanent financial support. That is a quick update on mobile crisis. Are there any questions?

No questions.

Kristen moved on to discuss the Jail Review Team (JRT), which may be a bit of a new concept to this committee. JRTs exist all over the country. They work to safely reduce jail populations by taking a look at who's sitting in jail in a pretrial status that might be a good candidate for early release. Around 80 to 85% of jail occupants are in the pretrial status, which means they have not yet been found guilty of a crime. The unintended consequences of pretrial incarceration may include losing a job or secure housing and losing children and/or pets. There may be additional fines and fees related to the operation and a general disconnect from the community, which is key to defendants' success during a legal process. Some defendants are placed in jail pretrial because of a perceived risk of safety to the community. We're not asking for a review on folks like this. Others are there for various reasons, including but not limited to an inability to pay their cash bail or inability to get a chemical dependency evaluation. They also identified a struggle many face - paying for a particular condition of release, such as a requirement for an anger management class; they can't obtain a certificate until they're able to pay for the course, which can be cost-prohibitive. Review teams provide an opportunity for crucial criminal and legal stakeholders to regularly examine the jail population to see if there are cases that can be expedited in one way or another. Since it costs us, here in Missoula County, $115 per night per inmate, the JRT also plays an important role in keeping costs down. Missoula's daily review team has a representative from the public defender's office, a representative from the jail, a representative from probation and parole, a representative from the city attorney's office, and representatives from the county attorney's office. The team's been meeting for about a year, and we're still trying to find the best way forward. We now have three types of meetings to cut down on meeting times. The first is just for city misdemeanors, and the city prosecutor will attend

that one every week. The next week is for county attorney for misdemeanors and felonies. Then we'll have our county prosecutors the following week.

The JRT is starting to focus on five to ten defendants per week who appear to have perhaps a high cash bail. Particularly because research shows that if cash bail isn't paid within two to three days, the defendant is most likely unable to pay and will remain incarcerated until trial. So, Kristen notes, we're looking at people with high bail and folks who've been to jail perhaps a little bit longer than it seems like they should be. We're starting this approach this week. This is a really brief introduction to our jail review team and Kristen asked if there were any questions.

Stacie says there are no questions from the committee and thanks Kristen for the really thorough job.

Kristen turns it over to Quinn Ziegler, the data analyst for their division, and has been working really hard and looking at trends in our current jail, pre COVID and during COVID to present and update on what's happening in our local jails.

Stacie thanks Kristen again and notes that Ms. Heather Harp has joined the meeting. She also noted that at this point the Youtube live stream is not currently running and apologizes for the technical issues, but we'll continue to move on. She welcomes Mr. Ziegler and turns the meeting over to him.

Quinn shares his screen with the committee. "I'm going to talk today a little bit about the population growth that we witness at the Missoula County Detention Facility over the past six months. For those of you that weren't able to join the presentation that I gave earlier in July, it's largely going to be the same, but with some updated data for July and August. Overall the takeaways in terms of what we're seeing in the trends are largely the same."

Quinn displays a graph noting what is happening with the jail's daily population. The top chart is what the daily population is at the detention facility from January 1 of this year through August 31. He points out that on March 17, we start to see a drop in jail population; there is a drop from a high of 182 individuals to a low of 97 by April 2. "This change in our jail population is initiated by changing the admissions policy at the detention facility. The change bars the admission of any individual charged with a nonviolent misdemeanor or failure to appear were the underlying charges a nonviolent misdemeanor. Between the start of April and about April 17, the population remains around its lowest point. We're sort of floating around that 97 to about 108 individuals incarcerated per day. After April 17, that's where we see the daily population climb and climb consistently to reach the high 140s by the end of June. So since that last presentation I gave, the population sort of stabilized and at that point and largely remained at the mid 130s to mid 140s through July and August. The tail end of August really particularly concentrated on the last week we see the population increase again hitting a high of 170 on August 31 which the highest daily population we have seen at the jail in this post COVID era.

"Since my last presentation, the population actually stabilized at that point and largely remained in the mid 130s to mid 140s through July and August. But as you'll see here on the tail end of August, really, particularly concentrated in the last week, we see the population increase significantly, again, actually hitting a high of 170. On August, 31, which is the highest daily population we've seen at the jail, sort of in this post COVID era.

I'm going todirect your attention to the chart below. The changes in the daily population that we're seeing over this period are largely mirrored by the changes in the volume.

"Let me direct your attention to the chart below. The changes in the daily population we're seeing over this period are largely mirrored by the changes in the volume of individuals incarcerated at the facility due to a district court or felony hold. Those holds grew from 43% of all holds on April 7 to about 75% of all holds by the end of August. We don't see this same trend appear in our other populations. For example we do see that those are folks held for the Department of Corrections with no other local holds. So pre and post-COVID they remained largely stable in terms of the volume that we saw in the jail. Actually towards July and August, we start to see that population drop off a bit. We have seen some more minor increases in Municipal Court populations a bit as well as other, sort of a catch-all, this might be folks with a couple different holds. This also includes folks who are held for other jurisdictions or other counties. We've seen slight increases in those populations. Still, we haven't seen those return to any sort of pre-COVID levels. They account for a very small percentage of our jail population on a day to day basis; Justice Court misdemeanors as well. They are perennially a really small contributor to the jail population, and as anticipated they have a consistency to remain low.

"The takeaway here is that by the end of August, the volume of District Court holds is essentially returned to our pre-COVID levels. I think the point I want to make is: if the jail were to begin admitting individuals charged with nonviolent misdemeanors again, or we saw rebounds in some of our other populations, we can reasonably expect that the jail population would be back at or above what we saw in the pre-COVID era.

"Moving on, I want to focus specifically on the elderly population at the jail. Here, you see the same sort of chart that we saw on the slide earlier. This is our only population accepted, zoomed in on our period of growth. So, April 1 through August 31 of this year. The blue bottom line here represents 2020. And then we're comparing that to what we saw were the same time period last year in 2019. We can see that the growth rate between April 1 and August 31 shows a generally upward trend in both 2019 and 2020. I think this reasonably points to some of the seasonal fluctuations we might expect in the jail population. However, I would ask you to notice that the rate of growth in 2020 is quite a bit steeper than in 2019. By the end of August, the felony population, as discussed is more or less in line with what was here.

"We focus specifically on the pretrial population we see that this is even more true, where the volume in 2019 of our pretrial population is more or less stable throughout this time period, but in 2020, we see that the rate of growth is quite a bit steeper than in 2019. The difference in incarcerated pretrial individuals between 2019 and 2020 is about 55 individuals here on April 1. We can see by the time that we hit August, we actually are seeing more individuals incarcerated pretrial at the felony level than we did in 2019. Now the majority of our jail is folks on a pretrial are awaiting action status; they contribute to the majority of our jail population. We don't typically have as many sentence folks, and the opposite is true in terms of trends. Generally trending downward in 2020, relative to what we saw in 2019. But again, I just want to emphasize that the sentence population is a much smaller proportion of our jail population. Just typically that pretrial population.

"So the next sort of visual I want to draw your attention to below here is the average length of stay for individuals who are confined to the jail. And what I want to highlight in particular here are these two average lines in terms of the dashed line so the average

over this period. What we see here is that the average length of stay but a combined population approximately 102 days in 2020 is significantly higher in 2019, which is 83 days. So we're talking, approximately 19 days, that folks are staying longer on average, this year relative to last year. Now this can be attributable to a couple things. One of those is the hardening of the jail population. And what I mean by that is we have a higher proportion of more violent serious offenders, which are going to typically stay longer and typically bring that average up. But I also want to acknowledge that we've heard about backlogs in our court system, particularly in district court, delays due to COVID-19. And so folks are just potentially moving through our court system slower, they're experiencing more time potentially between hearings, they're experiencing more continuances in our court case. So as a result, they're just staying in jail longer than they would in non-COVID time.

"Now at the end of June, here, and then again at the end of August, we see the average length of stay for the confined population, sort of dip down into 2019 levels. I think this is sort of a combination of a reduction in that sentence population that I just talked about, in combination with an increase in new admissions; I'll talk about that a little bit in a minute. New admissions by nature are going to have a lower length of stay. These are people who are coming in off the street; they've just been arrested. By default, their length of stay on the day they are admitted is zero, so they're mathematically just going to bring that average down as we see more and more new admissions.

"Now moving over to the bottom right corner. This is sort of a different look, but it's looking at the percentage of our felony population that has been incarcerated for at least 30 days. So in 2020, on average, we're talking 68% of the combined felony population has been incarcerated for 30 days or more during this period. Last year, we were only at about 57%. If we look at just the pure volume, you can see, it's sort of difficult to make a trend. We have a bit of an ebb and flow over this period. But what we see is that the number of individuals incarcerated for 30 days or more in 2020 is lower than what we saw in 2019, but yet if we look down here at the average length of stay, on average that length of stay is longer. So the point here is that even if we have less people in jail, it's being offset by the fact that they are just staying longer, and being incarcerated for a longer period, particularly during that pretrial phase.

"So this leads us into what is happening over at District Court. Court data can be very difficult to work with just in terms of the format and and the extraction of what data is available. So we don't have a ton of in-depth data on what is happening. Certainly, an important thing that we look at is what is happening with cases filed in verse, disposed. So we see that in 2020, our case filings are actually, for the most part, higher than they were in 2019. So we're seeing foreign cases coming in. In our dispositions, particularly in the sort of height of the COVID period say, April, May, and then maybe a little bit into June as well, are lower. So we're seeing more cases coming in, but not as many cases leaving. This certainly contributes to the idea that perhaps things at the court are processing as quickly as they typically do. And folks are staying longer. It also points to the fact that we are seeing more cases than we did for the same time period last year. So that also can certainly overburden the courts, make things take longer for everybody. So I think taking together what these data points suggest is that there's an existence of a population at the detention center that has become more stagnant, and is experiencing slower turnover than in 2019. Again, I want to stress that even though we're seeing less individuals in total incarcerated than we did in 2019, they're staying longer. That's going

to contribute to growth in our jail population as we move forward, and particularly as we add admissions.

"On the next slide here, we're looking at focusing on how many folks for felony charges are coming into the detention facility. On the top visual, we're looking at the rolling seven day average for felony bookings again for that same time period of April 1 through August 31 of this year compared to 2019. We see that from the start of April, we sort of climb slowly, but consistently to again whereby the end of August we're a little bit below, but we're really getting close to being on par with 2019 in terms of felony admissions. I think it's important to note the trends here - while the volume of bookings for 2020 for this period is largely lower than in 2019, we're seeing a more clear upward trend in the rate of bookings this year compared to last year. Now if we look at how do bookings compare to releases, this is looking at the rolling seven day average of felony bookings compared to felony releases and calculating the difference. So the important line here is the zero line. Anytime we're above zero, those are days where we're experiencing more admissions than we are releases, that's going to contribute to growth. And on the left here we have 2020, and on the right yep 2019. Again I want to highlight the trends here that it's slight in 2020, but we are trending upward. We're seeing more admissions relative to releases, again contributing to growth, whereas for this same period in 2019, this time of year we started to see a downward trend. Anytime we're above that zero line, we're experiencing some type of growth. And we're certainly seeing more periods of growth, but not as many periods of our population shrinking. Contributing with the fact that folks are staying longer, we sort of just have this recipe where we have different populations coming in, but they're both contributing to consistent growth in our population.

"The last slide that I'm going to touch on is looking at the composition of our jail population, specifically focusing on bookings. Our bookings per month are down compared to 2019 overall, but we're trending upward since April, or so, fairly consistently. Whereas in non-COVID times, we're typically very stable in the amount of bookings we see throughout this period. A couple populations that I want to highlight are violent offenses. Here we're seeing, on average, each month during this period, a much higher level of admissions for violent offenses than we are in 2019. For drug offenses were really on par with what we saw in 2019. Just take that into note when I talk about sort of a proportional composition of our jail population in a moment. So down here, what we're looking at is the share of bookings that we saw between April and August based on what an individual's highest charge was at the time of admission. The things that note here are that in 2020 proportionally, we're seeing many more violent admissions. We're also seeing higher admissions proportionally, not necessarily in terms of pure volume, but in terms of proportion, for drug offenses, as well as property offenses. Slight uptick in traffic. Where we've really seen the reductions is in probation violations, as well in as this miscellaneous category. Miscellaneous category...this again is sort of a catch-all, but this is going to capture typically charges such as someone who is a fugitive who's coming in on an extra-jurisdictional warrant. Or someone who is failing to register as a sexual or violent offender. We've also seen a reduction in that space. But the thing that has remained consistent across these two periods is that warrants account for a significant portion of our admissions. That's true pre-COVID, and that is true post-COVID. If we look at District Court, we see that really starting in the early part of this summer in June. The amount of arrested bench warrants that are issued out of District Court are quite a bit higher than we saw in 2019. Again, these can be for an individual failing to appear or a

court appearance. It could be for a violation of the conditions of release that were imposed upon them. It could also be in the case of arrest warrants perhaps to originate a case. Charges were brought against an individual, but that individual is not in custody so District Court issues a warrant to have that individual arrested. The takeaway here is that even though our population has changed in other areas, warrants are still contributing a large amount to our admissions.

"So, What are the takeaways here? I think what we want to communicate is that the detention facility has really experienced significant growth in the jail population over the last five months due to a combination of both increasing felony admissions relative to releases and slower turnover in our elderly population. I will say the preliminary data suggest that through the first half of September, the daily population is continuing to remain high. We're typically sitting in the mid 160s at this point, occasionally in those high 160s. Certainly, the jail population growth, given the time we're in, has important implications for public health, certainly as we head into the fall and winter, and COVID continues to be a concern. Admissions are a particular concern as more people from the community are entering the detention facility, increasing exposure risk for both staff inmates. What we're currently seeing is essentially our felony population returned to pre-COVID levels. But what's different this year is that a higher percentage of that population is falling under this pretrial or awaiting action category.

"As I mentioned earlier in the presentation, this puts us in a somewhat tenuous position where, if we will begin to see rebounds in our other populations, either, because that's how things play out or because of a change in policy or practice, I think it's very reasonable to expect that we would see our jail population return to pre-COVID levels if not exceed those levels. I think this is an important moment for us in the Criminal Justice Services Division, as well as the CJCC, and Missoula at large. When we applied for the Safety and Justice Challenge Grant, which were funded under the County and City, and the criminal justice partners applied for that grant with the idea that we would take a different approach to how we administer criminal justice. And so I think what we're seeing right now as a return to normal indicates we still have some work to do. And that returning to normal in our criminal legal system should not necessarily be taken as a sign of success. The county has been invited to apply for a renewal grant from MacArthur Foundation to continue our work in this space and working with all our criminal justice partners here in Missoula. And so I think as we move forward we're really asking people to become active participants in the CJCC, and in that process and think about what our policy changes what our programs and initiatives that we can support and implement that can put us in a better position and improve outcomes for everyone.

"So with that said, I'm gonna turn my camera back on here and I'm happy. If folks have questions to answer those."

Stacie Anderson spoke next: "Thanks so much. We will now take questions from council members. As Chair, I will ask the first question so...a lot of really great data is being presented and I was trying to follow along and sort of parse out what it means. I would like for you to kind of talk a little bit more about the felony population, you know you said that they're staying longer it's increasing they're staying longer, but you also said that there is a larger share of them that are in there for the violent crimes. And so, you can make a lot of commentary about that - we're in the middle of a global pandemic, we're in global economic crisis, and add our social safety nets are not as robust as maybe they

should be. I understand that that population is in jail and is staying longer. How does that compare, in terms of you...you had it towards the full share of 2019. I guess I'm kind of having a hard time comparing the two and trying to understand is it like the felony population, you stay longer because the violent offenders are in there longer, or is there other data points below that."

Quinn responded: "Yeah, so it's sort of a combination and what makes this so difficult is that we have a lot of complex dynamics that are happening at the same time. And trying to disentangle those is challenging. So what what we're seeing, at this point, we are seeing is increased over 2019 is the pure volume of people admitted to the detention center on a violent felony offense. We are also seeing that the proportion of our admissions is increasing in violent offenses relative to last year. A question I got the last time I gave this presentation is, 'is this a sign that violent crime is increasing in Missoula.' I think it's a difficult question. I think what we're seeing, in terms of our admissions, says maybe that very well may be happening. Now, folks that are alleged of a violent felony offense, those are incredibly severe offenses and typically have the longest court cases that we're going to see. So certainly, as we see a higher number of those people coming into our jail, they are going to bring that average length of stay up, just by the nature that they have more complex cases then perhaps a a property crime case. So that's certainly going to contribute. So what we're trying to do with the data that we have is trying to disentangle how much is this just the fact that the types of admissions that we're seeing are different and maybe taking longer versus what is attributable to the fact that the court was shut down for a period of time, and on many cases is now playing catch up. In addition to the fact that they're seeing more cases than they did last year, they just have more to deal with, and are their processing times are slower. I think what the data suggests is we have a combination of both. The composition of our admissions is changing, but we also know from talking to stakeholders, while we're using the court data that cases are just taking longer to process than they did last year. So it's a combination of both."

Stacie thanked Quinn for his answer to her question. "That was what I was trying to extrapolate and I understand that that data is not just as easy to point out on line graphs, so thank you for that."

Julie. Merritt spoke next. "I have a couple of questions for you. First, I'll start with this slide that we're looking at right here. So the boxes down at the bottom, does that represent just felony charges." Quinn replied yes, it does. Julie continued: " In that category that is warrants, do we have a breakdown there of whether the underlying offense was a violent offense or not?"

Quinn replied: "That's unfortunately, a limitation of the data that's collected at the detention center. When an individual is booked in on a warrant, we can tell that it was a warrant, typically whether it was for a failure to appear, and then the severity of the underlying charge - whether it was a felony or misdemeanor - but we do not have the underlying charge itself. So, for example, in that warrant category, those can be a failure to appear where the underlying charge was felony theft. It could also be a failure to appear where the underlying charge was aggravated assault. Unfortunately, that's just the limitation of the data where we can't tell the difference between the two. The only way would be to go into the individual court record for that case and cross-reference with the warrant."

Julie then asked: "Is there any efforts underway to be able to collect that data so we can make that determination?"

Quinn answered: "Yes. There have been some conversations with both folks in the detention center and our department about what changes we can make to the records management system to make this possible. Again, I think this is a combination of both a human capacity issue and a technical issue conversation. There is the case that booking officers who are recording this information, they're often under stressful situations depending on the timing of, you know, a Saturday night, could be really busy. They don't necessarily have the time to do this level of record keeping, and they just might not have the staff to do that. That's one side of things. The other side is the record management system that they operate under just doesn't offer a good place to record this information. Essentially for anyone coming in on a warrant, you're gonna need to record two charges: you need to record the warrant charge itself, but then also what is the original underlying charge that initiated that warrant. And so, again, this is a technical limitation. But we are certainly having some conversations with them. It's something we are considering for the renewal grant. How can we improve the record management system and work with the vendor to make things a little more seamless in terms of the record-keeping. I will say that, this issue around warrants and what's the underlying charge, it's not the only thing, there are there are several other areas that we've identified, where we might be able to make some improvements as in the analysis that we're ultimately able to do."

Julie asked the committee chair, Stacie Anderson, if she could ask one more question. Stacie granted. Julie asked: "Earlier on in the presentation, one of your takeaways is that perhaps we should continue the policy of not admitting people with nonviolent misdemeanors, or who are picked up on a warrant where the underlying offense is a nonviolent misdemeanor. Am I characterizing that correctly?"

Quinn responded: "You know, I want to present that carefully. I think in terms of a reduction in our jail population, at a time when it was needed, particularly around COVID, that certainly has aided us in keeping our jail numbers low during this public health crisis, if you will. Whether or not that should continue, I think that's a decision that the CJCC and the larger Missoula community need to decide whether or not they're comfortable with, and whether or not we're seeing benefits to that policy. We are hoping to look at what our rates of pretrial failure, so either folks that are committing a new offense. While on pretrial release or failing to show up for a court appearance and comparing that during the COVID era to pre COVID era, in hoping to shine some light on how successful that is. But again, I think that's going to be a difficult task just given the nature and limitations of some of the data that we're working with. And I think largely, I just think that's a broader conversation that the criminal justice stakeholders and just community need to have moving forward."

Stacie thanked Quinn for his answer and noted that 3 council member appear to have questions and there is one member of the audience - if they would like to comment, please raise your hand in Zoom. The meeting is scheduled until 10:05 a.m., so please keep that time in mind. She invited Ms. Sherrill to speak.

Amber Sherrill said: "Thank you, and thank you Quinn; this is a great presentation and untangling this is really complicated. I kept wanting to press pause on what you were saying and just stop and think about the data for a second, so I appreciate the complexity of it. One of the things that stood out to me is, when I was looking at and I don't

remember where the chart was, but you said that the sentence population was lower than the pretrial bailing population. And then in some other chart in there you said, correct me if I'm wrong, but court cases file, versus those that this were disposed of. So, one concern I have is that people are waiting for their trial and staying in jail longer and I'm just, could you talk about the relationship there?"

Thank you, and thank you Quinn; this is a great presentation and untangling this is really complicated. I kept wanting to press pause on what you were saying and just stop and think about the data for a second, so I appreciate the complexity of it. One of the things that stood out to me is, when I was looking at and I don't remember where the chart was, but you said that the sentence population was lower than the pretrial bailing population. And then in some other chart in there you said, correct me if I'm wrong, but court cases file, versus those that this were disposed of. So, one concern I have is that people are waiting for their trial and staying in jail longer and I'm just, could you talk about the relationship there?

Quinn explained: "Yeah, certainly. Our felony population, again, I want to stress that these are typically complex cases. They've been alleged serious offenses and they typically have high bond amounts. Typically the lowest bond amounts that we see at the felony level are $5,000-10,000, but it's not uncommon for these bond amounts to be $50,000 plus. So the ability of the defendant to post that amount is certainly a limitation, and so we do see quite a few folks who are detained at the jail on a felony hold while there are progressing through their case. Now, during the early stages of COVID, the courthouse was shut down for a period of time. Jury trials were suspended. What we're hearing from folks in the court is that this resulted in a backlog to get those cases heard. And anecdotally, what we saw is that folks who originally had hearings scheduled for say, April, or late March, had those hearings continued, which means essentially they were delayed to June, or later part of June, perhaps, early July. So in non-COVID times, these people would have had their cases heard in March or April, and their case would have proceeded. And would they have gone out, would they have not? Typically if they're going to be sentenced and have a high bond amount, they'll remain in jail. But then they'll eventually be transferred to the Department of Corrections once their case reaches its final disposition. If we're stretching that timeline out, we just have more people sitting in jail, awaiting action on the case. So, the point that I emphasize there is you have this population that because their cases are moving slower, they're sort of stagnant, they're not going anywhere. Their cases are being more drawn out. On top of that, when you add in these new admissions, new cases that are being filed at the district court. We have a population that's not turning over but at the same time we're adding more and more new felony folks. So we see that growth whereas say if we had that same increase in admissions, but people were turning over at their sort of typical rate. We wouldn't see that growth."

Amber thanked Quinn for the clarification.

Stacie welcomed Heather Harp to speak.

Heather thanked Stacie and asked Quinn about the length of stay graph in the presentation: "We're looking at lengths of stay tending to at least be tracking above 80 days, is that correct? Whether it's for 2019 and 2020." Quinn interjected that that was correct. She continued, "If I was to be arrested for some charge, what would help me reduce my stay in jail?"

Quinn replied: "

Yeah. So, again, I think a lot is going to come down to what is happening at your initial appearance. So once you're arrested, you're going before a judge - for felonies, typically you're going to go before Justice Court Judge before you transfer up to District Court - and they're gonna consider the allegations, and decide what your bond amount is, if anything, and then what conditions of release you will be under should you either post bond, or if you will be released on your own recognizance. Now let's say you have a really serious offense, and you have a $50,000 bond. You can't post that at any point, you're just going to remain detained. There's not much you, as the defendant, can do other than wait for your case to process. If you are either able to post bond or release that your initial appearance. Certainly, complying with the conditions of release will help reduce the amount of time that it takes your case to process.

"I would say probably the biggest contributors to why cases, ultimately stretch out, is individuals that are failing to appear for their court appearances, or repeatedly violating their conditions of release. The court and the state perhaps feel the need to issue warrants to bring you back into compliance. You know we hear anecdotes of defendants who just repeatedly fail to appear over and over again. And it takes a huge amount of time to move to that ultimately next hearing to progress the case because they spend so much time dealing with the violations. So certainly the more the better is able to comply with the conditions of their release the quicker their case will move. Now, I think potentially, and certainly our department is thinking about this, there's a lot of things that we could potentially do to set defendants up better for success. And I think that's a conversation that again the CJCC needs to have. As a defendant, again, I think compliance is certainly the big part of the equation. On the other side of that, we have the court thinking about how are they going to handle compliance violations. Do they need to issue a warrant when someone fails to appear? Did the person just simply forget that they had a court case that day? Or maybe they had trouble arranging transportation? When it's likely there's no mal intent, these are decisions that play out in the courtroom, which can seriously affect the length of the case."

Heather thanked Quinn and requested an update in, what she hopes, will be just a couple of months.

Stacie thanked Heather for her comment and welcome Mirtha Bicera as the final question, and then we will take public comment.

Mirtha thanked Stacie and noted to Quinn: "Thank you so much for all information that's really helpful and I'm glad to know that we're tracking all this data. As a non data person, my question might sound pretty rudimentary, so I apologize. You mentioned that people are trending to stay longer and to me I think that really prompted my question. Why are people going to jail? And is the data that you are collecting being collected with the input of agencies that are working towards addressing the why. We shouldn't have people going to jail to begin with. And so, just wondering if that the data that you are collecting is collected in coordination, or are the questions that we're asking being informed by what other agencies in the community are trying to do to address that why."

Quinn offered: "Yeah, that's a great question and again, I just want to highlight the complexity of the dynamics here. The presentation that I gave today was purely based off jail data and a little bit of very simplistic court data. We face a couple challenges here in

the complexity of the data we have to work with - and that's across the board that's not only in the jail or the court but that's true of the attorney's office as well as law enforcement. I think what we see in those scenarios is that a lot of this data is coming from case management systems. They weren't necessarily designed to do analysis, but we're trying to use them for that exact purpose. Getting at the why, I think, is again really challenging, given the nature and complexity of some of these cases. So we are hoping to coordinate, and we are trying to coordinate with our other criminal justice partners, to sort of get a larger picture of what's happening. Because again, jail and court data only provide a small sliver of the other dynamics that could be happening in this space. But it has been a challenge at times. Both capacity and capacity wise, who has the technical capacity and know-how to do this work. And it also just pure staff time. In addition to the sensitivity of this data, certainly a lot of it is protected information. And so gaining access to some of this information is often quite difficult. So again, we're not quite seeing the whole picture. What we have been doing thus far is presenting the data that we have to our partners, and then asking them, how does this resonate with you in terms of what you're experiencing on the street, in the courtroom, at the jail, with the clients that you serve - does it back that up? If so, great, how can we dig deeper? If not, where can we go from here where might be some of the discrepancies. I will say in terms of trying to assess why people are going to jail, why they are held - I really don't think that's necessarily the place for a quantitative analysis such as this. I really think that's going to be a more qualitative look at specific individuals, where people can come together and sort of dive deep into a case, in all likelihood, multiple cases. Often defendants are having multiple cases in multiple courts. And I think, sort of as Kristen alluded to, at the very start of today, the JRT is part of that, trying to find a way to bring these different partners together that have different looks at a case and trying to assess: why is this person in jail? Why are they being held? What can we do for them? That's different than what we've been doing. So again, I think that we're trying to accomplish that work, but we've had a lot of hurdles that we've had to come over to even get to this point."

Mirtha thanked Quinn for his response.

Stacie concluded committee questions with the following: "Thank you, Miss. Sarah and thank you, Mr Ziegler for the great presentations, good discussion we will continue to track this information. So, this is an informational item only so there's no motion needed and we are over time. We have one member of the public who has been with us for the entirety and we will allow them to make public comment. Then we will quickly wrap up because we are over time and our staff needs to their COVID protocol to switch between committees. So, Jeremy Marrow, you should be able to make your public comment now."

Jeremy spoke stating: "Hi there. I wonder...incidentally, I'm a public defender, but I don't speak to the public defender's office. I'm wondering, if I'm right and I forgot who asked the question regarding what would happen if I were arrested, what would dictate how long I'm in jail. And I'm curious - isn't the number one reason, not having the funds to bond out? I also think it'd be interesting to find out what the case outcomes are for people who are pretrial detained versus those who are not. And lastly, very curious if there are a lot of release condition violations, and I'm wondering if that has to do with more release conditions being imposed. And if so, if that's lowered the cash bond people need to get out."

Stacie noted: "Great, thank you so much. So this is public comment. Excellent data points to bring up to hopefully incorporate in our next presentation and we are over time. So Quinn, I don't know if you have a sentence or two for the response..."

Quinn answered: "I think those are all fantastic points. I just want to highlight the question was why do cases take so long, but in terms of why people are in jail. I think the commentary is exactly right. It's your ability to pay to get out, and if you can't pay, you're gonna sit. And other terms of points, are people potentially detained for violating of the conditions of release as a function of the amount of conditions that are imposed on them? Absolutely. That is, again, a very possible driver. So again, I just want to say that all the points that were brought up are great and are things that we are hoping to look at moving forward."

Stacie thanked Quinn Ziegler one last time and proceeded to adjourn the meeting.

NA

3.2 Confirmation of Officers

Stacie Anderson noted hte need to move things around slightly. So she presented Missoula Police Chief White to present us with the confirmation of officers.

Chief white thanked Stacie and said, "It's my pleasure today to recommend eight officers for confirmation. We have Officer Charles Burton, Officer Tyler Schwartz, Samuel Leyva, Nathan Champa, Timothy Muse, Clark Nissley, Daniel Buckholtz, and Amanda Jay.These officers have either completed the academy or gone through the legal equivalency, successfully passed our FTO program and have reached the one year mark with this and are off probation. All of these officers have done exceptionally well with the department and I respectfully recommend them for confirmation."

Stacie thanked Chief White and requested a motion on the confirmation of the officers.

Gwen Jones is happy to make the motion, please pass along the virtual hand shake and welcoming of them to city.

Stacie asked if there was any comment on the motion.

Sandra Vasecka is happy to recommend these officers. Sandra notes that she had the pleasure of meeting at least one of these officers, Mr. Schwartz, on a ride-a-long with them when she participated in the Citizen's Law Enforcement Academy and is happy to have them on with the city and the police department.

Jesse Ramos echos these sentiments and thanks the officers for their service.

Is there any public comment on the motion to confirm these officers?

Seeing none.

Voting took place with 9 yeses and zero no or abstain votes.

Stacie notes this will go on the consent agenda on next Monday evening. Thank you so much for that Chief White.

Moved by: Gwen Jones

Confirm Officers Charles Burton, Tyler Swartz, Samuel Leyba, Nathan Champa, Timothy Muis, Clark Nissley, Daniel Buchholtz, Amanda Jay

AYES: (9): Stacie Anderson, John Contos, Mirtha Becerra, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, and Heidi West

Vote results: Approved (9 to 0)

3.3 Justice Assistance Grant (JAG) Memorandum of Understanding

Chief White turned the meeting over to the capable hands of Assistant Chief Scott Hoffman.

Scott noted that Missoula Police Department was notified that they received the JAG Grant for the year 2020 in amount of $58,440. $12,403 of that is a pass through to Missoula County. Chief Hoffman is asking for this committee to set a public hearing for the approval of a MOU between the city and the county for that pass through and for the money to be accepted for the City Missoula Police Department.

Stacie asked Scott to talk a little bit about what this grant is utilized for.

Scott noted that the county and the pass through, used the $12,000 to partially fund their property clerk out of their evidence facility. The remaining funds, which is used for electronic control devices, otherwise known as tasers; they anticipate to spend about $20,859 on that. Another $17,100 for our online warrant program that we use with Municipal Court and Justice District Court for warrant signatures. Also to continue their Police1 Academy subscription, which is a training website used for both national and in-house training, and that amount is $8078.

Stacie thanked Chief Hoffman and asked if there were any questions on the motion.

Julie Merritt asked Most grants that we've learned through this process come with requirements that the city has to meet. Can you tell us what some of those might be around the JAG grants and what are our obligations and accepting this grant money?

Scott notes that there are no ties to this funding from JAG. This is the Edward Bryne Memorial Justice Grant. There are no other conditions other than we do split part of the money with the county, that's the reason for the MOU approval request, the rest is allocated for specific items requested. There's really no other ties as far as accepting the funds.

Ms. Merritt is happy to make recommended motion.

Any public comment on the motion to set the public hearing on September 28?

None.

Mr. Ramos, do you have a comment? None.

Vote passed with 9 yeses, zero no or abstain votes.

Stacie notes that the committee will be back on the 28th to conclude the vote.

Moved by: Julie Merritt

Set a public hearing on September 28, 2020 to approve a Memorandum of Understanding for the 2020 Edward J. Byrne Justice Assistance Grant between the City of the Missoula and Missoula County to accept funding for electronic control weapons and computer software programs and offset Missoula County's property clerk wages in the total amount of $58,440.

AYES: (9): Stacie Anderson, John Contos, Mirtha Becerra, Gwen Jones, Julie Merritt, Jesse Ramos, Amber Sherrill, Sandra Vasecka, and Heidi West

ABSENT: (3): Heather Harp, Jordan Hess, and Bryan von Lossberg

Vote results: Approved (9 to 0)

4. ADJOURNMENT

Committee Chair Stacie Anderson concluded the meeting noting: Thank you everyone so much. Apologies to the staff for going over time. Thank you everyone for joining us for today. Public Safety and Health Committee. We will now be adjourned at 10:14 a.m.