

Citizen's Advisory Committee Meeting
November 6, 2014
7:00 p.m.

- I. CALL TO ORDER/ROLL CALL: The meeting was called to order at 7:02 p.m. by Secretary Andrew Kozal. Roll call was taken with a quorum being present.
- II. APPROVAL OF THE MINUTES: Mr. Kozal presented the minutes from the September 4, 2014 meeting. Chris Baker made a motion to approve the minutes as written. The motion was seconded. The motion carried unanimously.
- III. CCNO POPULATION STATISTICS/OPERATIONAL UPDATE:

The average daily population in September was 561 or 88 percent of capacity. The average daily population in October was 577 or 90 percent of capacity. The first eight months of the year there was a housing unit shut down due to the low population. All units are now open due to the higher population.

Today there are 109 on electronic monitoring programs. There are 42 on the basic electronic monitoring unit, 41 on GPS and 25 on TAD. The Judges are using the higher functioning technology to increase the inmate's accountability. When CCNO's population increases the number on community supervision also seems to increase.

Administrative releases were requested in October due to the higher population numbers. Fifteen inmates were granted an administrative release in October.

Work release numbers have not increased significantly, but they have not decreased either. There were discussions earlier in the year regarding discontinuing the work release program but the numbers increased after those discussions.

A question was raised regarding the population cap that was ordered on the Lucas County Jail whether there was any indication some of those inmates would be transferred to CCNO. Dir. Dennis responded that he believes CCNO will receive some non violent pretrial misdemeanants due to the population cap. Dir. Dennis explained that CCNO already has taken a small number of non violent pretrial misdemeanants from the Lucas County Jail, but that there are also many inmates at CCNO that are referred to as dual status. These inmates come to CCNO sentenced by a court but also have pretrial charges pending.

On September 18 a test was held of the emergency notification system for neighbors of CCNO. This system is in place to alert neighbors if there is a crisis or emergency. The system is also used to contact employees quickly. Regarding the neighbor test, 80 percent of them received a call within 15 minutes.

At the last CCNO Board meeting the inmate medical bid was awarded to Correct Care Solutions, CCNO's current vendor.

The inmate telephone/video visitation/AIS bid was awarded to GTL during the CCNO Board meeting but that award was rescinded due to complaints received from the competing vendors regarding the bid process. The decision was made to redo the last phase of the bidding process. Dir. Dennis explained that the inmate telephone and video visitation bid process is very complicated because the vendors generate revenue on different percentages depending on the type of service utilized.

The 2015 budget was approved by the CCNO Board in the amount of \$16,013,039; a per diem of \$68.76. The bed reallocation was tabled until the December meeting at the request of Lucas County Commissioner Pete Gerken. The request was made to give Lucas County additional time to estimate their bed usage needs in 2015 due to the Toledo Mayor ordering the Toledo Police Department to write citations under the Ohio Revised Code (ORC) rather than Toledo Municipal Code. Dir. Dennis distributed a handout of the bed reallocation that was presented at the October CCNO Board meeting for review. Dir. Dennis explained that when a complaint is issued under the ORC it becomes the Sheriff's responsibility to hold them in the jail which places the financial burden on the County Commissioners. The financial implications of the change in responsibility for incarceration costs at the Lucas County Jail alone are \$4 million. The City of Toledo joined CCNO to ensure they would always have jail beds available to them. The City of Toledo has paid for jail beds at CCNO every year since CCNO began; however, with the City of Toledo changing their policy on issuing citations legally that shifts the responsibility for incarceration costs to Lucas County. When you consider the expense that the City of Toledo was incurring at the Lucas County Jail which was close to \$4 million and the costs at CCNO which is over \$5 million it was close to \$9 million that the City of Toledo was spending on incarcerating people. The change in issuing citations under the ORC will save the City of Toledo \$9 million, but it shifts those costs onto Lucas County. Dir. Dennis explained that every fall the CCNO Financial Overview Committee comprised of representatives of the County Commissioners and the Toledo Mayor, discuss the budget and project their future bed needs. Historically there have been members who have requested additional beds and members who request less than their allocated beds. Each member is always responsible for their original bed allotment, which is referred to as their reserved bed allotment. During 2014 the City of Toledo had requested additional beds which were reallocated to them from the counties of Fulton, Henry, Lucas and Williams. For 2015, the City of Toledo has requested to return to their reserve bed allocation but would like to reduce their bed allocation if another jurisdiction would need additional beds. Dir. Dennis stated that due to the change in issuing citations under ORC by the Toledo Police Department, Lucas County may need an extra 100 to 150 beds at CCNO. If Lucas County does not request additional beds and they over utilize their bed allocation they are charged an over utilization fee for those jail beds at a cost of per diem plus 15% because they are using another jurisdiction's beds. Dir. Dennis stated that Lucas County is deciding

how many beds they think they are going to need due to the change by the City of Toledo and Judge Carr's Order capping their population. Dir. Dennis was questioned how many additional beds he believes Lucas County may need. Dir. Dennis responded that based on reports that he has seen it could be anywhere from 175 to 200 beds. It was questioned what that would cost Lucas County. Dir. Dennis responded an additional \$4.3 to \$5 million. Dir. Dennis explained that if Lucas County does not reserve additional beds and exceed their bed allocation they could incur close to \$750,000 per month in over allocation charges. Jurisdictions are better off to figure out how many beds they need each year up front. Dir. Dennis stated that the City of Toledo back in the mid 1990's when they started pursuing the 10,000 warrants they were using almost 300 beds a day. This cost the City of Toledo millions in over utilization charges. Dir. Dennis reiterated that the City of Toledo is still a full and paying member in CCNO. They are responsible for their 228 reserved beds but the reality is they will use significantly less beds due to charging defendants under the ORC. Tom McCarter questioned when Lucas County has to make their decision. Dir. Dennis responded at the December 17 Board meeting. Dir. Dennis stated he received a letter from the Toledo Mayor informing him of the change in policy and requesting CCNO's billing system be changed based on the ORC. The change was made based on legal opinions received on the responsibility for incarceration costs for those offenders charged under the ORC. Dir. Dennis stated that he has heard that Lucas County will be contesting this change in the billing procedure.

Dir. Dennis stated that Lucas County Commissioner Carol Contrada announced at the August CCNO Board meeting that the Lucas County Commissioners were requesting the DLR Group conduct an additional feasibility study to determine the feasibility of adding a 448 bed sentenced facility on to their proposed new pretrial facility. This would in essence result in Lucas County's withdrawal from CCNO. However, when the Lucas County Commissioners made the decision to request the additional feasibility study for a sentenced facility, they made the assumption that the City of Toledo would also withdraw from CCNO. Unfortunately, they never had a conversation with the Toledo Mayor prior to authorizing the additional feasibility study and Mayor Collins has made it clear that he has no intention of providing funding for a new sentenced facility in Lucas County and his desire is to remain a member in CCNO. However, when the Lucas County Commissioners brought this to the CCNO Board the Commissioners from the four rural counties began voicing concerns that if Lucas County and the City of Toledo withdraw from CCNO, that would result in the remaining jurisdictions being responsible for the facility operations, the possible mothballing of unused units, the expenses involved in laying off employees to name a few. The Operating Agreement was reviewed regarding the withdrawal of membership and while there is language addressing how to withdraw there is nothing to address the expenses created as a result of a withdrawal. The CCNO Board then created an Ad Hoc Committee to rewrite portions of the Operating Agreement to address this issue. A meeting was held but there was opposition to the discussion from both the City of Toledo and Lucas County. This issue was

tabled to allow Lucas County and the City of Toledo to work out some issues that have arisen between them.

On October 24 George Berghorn of Green Prisons came to CCNO to do an assessment. Mr. Berghorn is preparing a report that will show ways that CCNO can not only save energy but be greener and possibly create revenue through recycling.

The Judicial Advisory Board met on October 29. The Judges in attendance discussed the need for more intensive treatment programs especially geared towards heroin addiction. This will get some attention at CCNO and also probably across the State of Ohio.

On November 3 an Executive Committee meeting was held to discuss booking Toledo and Lucas County arrestees/defendants directly into CCNO in case of overcrowding at the Lucas County Jail. This was in response to the Motion to Show Cause filed in Federal Court on the Jones v. Wittenberg case wherein the Lucas County Jail was placed under Federal Court Order. Lucas County Commissioner Pete Gerken was predicting that Judge Carr would place a population cap on the Lucas County Jail which would result in the doors being closed to area law enforcement officers to bring new arrestees into the facility. At that time Commissioner Gerken would like those law enforcement officers to drive to CCNO to incarcerate the arrestee. This procedure change would have a negative financial impact on the Toledo Police Department and other Lucas County law enforcement agencies as their transports would take the officers off the streets and create overtime. Dir. Dennis stated that in reading legal opinions regarding this, it is the Sheriff's responsibility to transport the new arrestees if the jail is full. Dir. Dennis stated that it will be interesting to see how this issue works out. Dir. Dennis stated that in his almost 22 years at CCNO there has never had a period of time quite like this.

Dir. Dennis reported that while influences outside of CCNO are in a state of flux, inside the facility inmates and staff are doing well. The population is up, inmates are behaving and staff is doing a good job managing the inmates.

Programmatically things are also going well. Dir. Dennis noted that a reentry program operating in conjunction with the Lucas County Mental Health Board is showing promising results. Inmates that are taking their medications correctly while at CCNO are enrolled in this program. The inmate has an assessment completed via video with the mental health center in Toledo just prior to their release. Upon release they are given a 30 day supply of medication to bridge them until their next appointment at the assigned mental health provider as a result of the video assessment that was completed. The severely mentally ill population tends to recidivate more. Those in this program currently have a 10 percent recidivism rate. Mr. McCarter questioned if this program is with TASC. Dir. Dennis responded it is not, that is a separate program but that program is also going really well. Dir. Dennis explained that TASC staff attended the non-security training program at CCNO which allows them to go into the units to talk

to the inmates about their reentry plan. This has been well received by the inmates and they feel more comfortable leaving CCNO knowing they have a release plan in place and as assigned case manager to help them with the plan on their release.

Mr. McCarter stated he had an additional question regarding the bed reallocation. He questioned what Lucas County's bed reserve was. Dir. Dennis responded 203 beds. Mr. McCarter questioned Dir. Dennis that he is estimating they may need an additional 175 to 200 more beds in addition to the 203? Dir. Dennis responded that was correct. Mr. McCarter questioned where those beds would come from. Dir. Dennis responded that the City of Toledo, Henry County and Fulton County all have beds that they would let them have for the year. Mr. McCarter questioned what happens if the City of Toledo is bound by contract to pay for 228 beds. Dir. Dennis responded that the City of Toledo has agreed to having 228 beds for 2015; the question is how many does Lucas County want for 2015. Lucas County can use the beds, so it will be interesting to see if they request them. Mr. McCarter questioned if CCNO would be increasing its total population. Dir. Dennis responded that is not being done. If Lucas County would request additional beds, other jurisdictions would have to relinquish their rights on their beds for the year. For example, if Lucas County requested an additional 200 beds the City of Toledo could provide those to them and reduce their bed allocation to 28 beds. Dir. Dennis stated that there are still many people charged with crimes under the Toledo Municipal Code so he estimates it will take several years before those offenses are completed.

IV. LUCAS COUNTY JAIL FEASIBILITY STUDY UPDATE: Mr. Kozal questioned when the Lucas County and the City of Toledo have resolved their issues if the jail will be in Toledo. Dir. Dennis stated that the jail location has not been announced as a decision has not yet been made on the size of the jail. The question still remains whether Lucas County will build sentenced beds in addition to pretrial beds. The location will be in Lucas County but the further you build from the courthouses the more security issues you have with transportation. Currently inmates are transported to each court through a tunnel from the current Lucas County Jail. When the current jail is demolished the tunnel system will also be gone. None of the courthouses have a secure salleyport so Dir. Dennis is unsure where the inmates will be unloaded for court appearances. This is a public safety issue. It was questioned whether the courts would use video arraignment. Dir. Dennis responded that video arraignments are an option for the courts; however, CCNO purchased video arraignment technology for the Toledo Municipal Court and Lucas County Common Pleas Court several years ago and it is not being utilized to the extent it could be. Dir. Dennis noted that Bryan Municipal Court Judge North, Defiance Municipal Court Judge Rohrs and Sylvania Municipal Court Judge Ramey each one individually utilizes video arraignment more than all the Judges combined in the Toledo Municipal and Lucas County Common Pleas courts. A question was asked if the Sheriff is responsible for the movement of prisoners from jail to court. Dir. Dennis responded that was correct. It was questioned whether the Judges could be compelled to use video arraignments. Dir. Dennis responded that there is

nothing than can be done to order a Judge to use video arraignments. Dir. Dennis stated that it is in the feasibility study for the new pretrial facility that the courts will use video arraignments, but if they are not utilizing the technology now will they utilize it in a new jail.

It was questioned who is the owner of CCNO. Dir. Dennis responded the Corrections Commission of Northwest Ohio. The Corrections Commission is governed by a Board made up of the Sheriff and a County Commissioner from each county and the Chief of Police and Mayor from the City of Toledo. It was questioned whether the City of Toledo and Lucas County are part owners of CCNO. Dir. Dennis stated that they are. The question then asked was how they can walk away from a building that they have some responsibility for. Dir. Dennis responded that is the interesting question as combined they paid close to \$10.4 million to construct CCNO. It is projected that a new pretrial facility will cost \$142 million to construct before interest is added. It was questioned where the funding is coming from for the project. Dir. Dennis responded the Lucas County taxpayers. Dir. Dennis stated that Toledo Mayor Collins has made it clear the City of Toledo is not paying any capital costs towards a new jail. Dir. Dennis stated that it was an early assumption by Lucas County that they would convince the City of Toledo to help pay the capital costs. Dir. Dennis stated that this issue is not going to go away soon and he does not see the Lucas County Commissioners announcing a decision in the near future.

Mr. Kozal stated that one of the complaints The Blade has raised is family members having to travel to CCNO for visits but questioned whether CCNO hasn't already made accommodations for that issue. Dir. Dennis responded that CCNO holds all visits over video monitors. There are no longer contact visits. This technology also allows family members to visit from home using their home computers. Dir. Dennis stated that the Lucas County Commissioners have also made the comment that they would like the inmates closer to their families but the Lucas County Jail also utilizes video visits, not contact visits. Mr. Kozal clarified that in both jails it is a moot point as there is no personal contact. Dir. Dennis agreed stating that the only personal contact had is when an inmate goes to court which is the same for both the Lucas County Jail and CCNO. It was questioned whether a Tarta bus could come to CCNO for one or two nights a week. Dir. Dennis replied that cost would be a factor for most inmate families and since there are no contact visits it would not be a worthwhile endeavor. Dir. Dennis stated that CCNO is doing a lot of home visits so people do not have to drive to CCNO.

- V. CURRENT ISSUES: No current issues were discussed.
- VI. ELECTION OF OFFICERS: The current slate of officers is Kevin Eff as Chairman; Bill Sanford as Vice Chairman and Andrew Kozal as Secretary. Dir. Dennis noted that Mr. Eff has not attended a meeting this year. After discussion, nominations were made as follows: Andrew Kozal as Chairman; Bill Sanford as Vice Chairman and Tom McCarter for Secretary. There being no further nominations, Chris Baker

made a motion to approve the slate of officers as presented. The motion was seconded. The motion passed unanimously.

- VII. MISCELLANEOUS: A suggestion was made that the County Commissioners should be contacted to refresh the appointments to the Committee. Dir. Dennis replied that they letters have already been mailed out requesting that.

There being nothing further, the meeting was adjourned at 7:53 p.m.