

Follow-up to December 14, 2020 Jail Forum
Questions from Audience and Answers from Justice Partners

- COVID
 - *What changes have been made since Covid19 started? First appearances. Have the current facilities been upgraded to accommodate those changes? Costs associated with those changes?*
 - The justice partners in criminal justice system, including law enforcement, probation, defense, prosecution, the courts, and county administration have worked together to continue operations during the COVID-19 pandemic.
 - Court hearings moved from in-person to remote hearings;
 - prosecution worked with defense to recommend early release of those jail inmates who posed the least risk to public safety;
 - law enforcement issued citations rather than arresting individuals in those cases where public safety would not be compromised;
 - The courts set “release on own recognizance” in those cases where flight risk and public safety risks were minimal.
 - Justice partners worked together to implement pandemic response measures designed to protect the core functions of the justice system.
 - For enforcement and detention, efforts have been to maintain staffing levels, fundamentally, to still be able to respond to active emergencies while preventing the spread of COVID among staff, arrestees and inmates.
 - Contact with the public was reduced to levels only absolutely necessary, once again to prevent the possible transmission of COVID to the officer, and then officer to officer, and jail staff and jail inmates.
 - PPE and sanitizers are used in all squad cars and throughout the jail. Staff is constantly cleaning and sanitizing.
 - If an arrestee is going to be kept in jail, that person is quarantined for 14 days. The jail offers COVID tests to the inmates.
 - In court, all first appearances have been done via remotely. Winona County was given a grant to assist with the purchase, setting up and implementing interactive video arrangements as well as using secure video for mental health and /or medical screenings and interviews.
 - *It seems that the pandemic has shown us that Winona does not need a larger jail. It's my understanding that upwards of 75% of inmates were released and the public has remained safe. How has this information impacted the decisions of the jail project?*
 - As stated above, the justice partners in all areas of the criminal justice system have worked together to establish policies and procedures to

operate effectively during this COVID-19 pandemic. COVID required the criminal justice system to prioritize public health safety of the entire community over public safety while doing the best as possible under the circumstances to ensure public safety. Public health considerations during the pandemic were prioritized over the standard public safety and flight risk objectives of release conditions, and the standard penal objectives in sentencing (as articulated in the Minnesota Sentencing Guidelines). For sentencing and considerations of early release, these include deterrence, public condemnation of criminal conduct, public safety, rehabilitation, restitution, retribution, and risk reduction. This is not a sustainable situation for the future.

- Because of COVID-19, the crime victims are not getting the measure of justice they deserve and expect. This is not a sustainable situation for the future.
 - For those who advocate maintaining the more expansive pre-trial release after COVID, and/or no bail, a February 2020 study done on the Cook County Illinois courts program that implemented more expansive pretrial release procedures, showed that the number of released defendants who were charged with committing new crimes increased by about 45%. And more concerning, the number of pretrial releases who were charged with committing new violent crimes increased by about 33%.
 - The intentional reduction of law enforcement interactions with the public due to COVID is also not sustainable or in the interest of the public at large since it may result in less people being safely removed from a situation where they need mental health services or other community services to help them rather than being taken to jail.
 - The smaller numbers of inmates held in jail during COVID is not a sustainable situation for the future. While we don't expect a huge jump in jail numbers post-COVID, because we have in place many jail diversion programs already pre-COVID,
 - **The new jail will replace, not supplement the existing jail.** It is necessary to replace the old jail so that we have a properly designed and humane place to hold those individuals where public safety requires they be held, either pre-trial, post-conviction, or on a probation hold or adjudication. These are for the reasons stated above, namely deterrence, public condemnation of criminal conduct, public safety, rehabilitation, restitution, retribution, and risk reduction.
- *With covid-19, the jail population was kept low this year. How was this accomplished (waiving bail, home monitoring?), and can you speak to the impact of those additional people not being incarcerated, whether it went well or went poorly? Is this something that can be explored during normal times? Basically if there are avenues for people to not be in jail, can we use those avenues all the time?*

- As already stated above, during COVID times people who would normally be in jail or arrested are not, in an effort to try to limit contact with the public as possible to prevent the spread of COVID and maintain the core public safety functions. In short, during COVID times people are not being held to the same level of accountability to the law as in non-COVID times because the public health safety of the community (to prevent COVID community spread) is prioritized over public safety.
 - Jails are a snapshot of the community. The jail facility has, for 13 years, through jail diversion programs developed by the Criminal Justice Coordinating Council, has been working with County Health and Human Services and outside agencies and non-profits to assist individuals with prevention, early intervention, re-entry and other jail diversion efforts (diverting both before jail entry and while in jail to be diverted early from jail) to provide community support to get housing, treatment (medical and mental health), education, and employment. There are challenges in the community outside of the jail facility to provide sufficient and effective crisis mental health beds as well as mental health treatment in a timely manner. These are areas that need community and legislative support to increase availability. Without the increase (available appropriate level treatment bed, in or outpatient) the jail facility becomes the default option, which is why we need to replace the old jail and build a facility that can accommodate individuals in crisis for at least the time it takes to find a scarce bed in a mental health center. In addition, short of a mental health commitment proceeding, for most mental health treatment, the individual must be willing to enter treatment.
 - CJCC
 - *Do you have any data on how effective the diversion programs have been and whether they've been successful at reducing incarceration?*
 - Before CJCC was started the Winona County daily inmate population was very high. At the time of the first jail study in the early 2000's the daily jail population was in the high 80's with peaks into the 100's. The first study suggested replacing the old jail by building a new 120 bed jail. The jail was not replaced at that time. As a recommended alternative, the CJCC was formed. The collaborative work of the CJCC resulted in the establishment of prevention, early intervention, diversion, and re-entry programs and initiatives. The Winona County jail population was reduced significantly as a result.
 - Data
 - *What are the current trends for inmates per month? The JAC data is 2017.*

- In 2019 the number of detainees booked was 1586 and the average daily population (ADP) was 51. In 2018 the numbers of booked detainees was 1738 and the ADP was 49.
 - In 2020, the number of detainees booked was (through 12/16/20) 819 and ADP is 25.
- Funding:
 - *Jail intake worker paid for by JMHCP. How does their role apply to mental health services?*
 - This position is a full time county employee. While originally funded through the first Justice Mental Health Collaboration Program grant the County received from the federal Department of Justice, the position is now funded by the County. The jail intake worker completes a basic mental health and risk screening as well as a bail evaluation form. The mental health, medical, and social background information is shared (with the consent of the detainee) to Jail healthcare/mental health staff as well as the County's social services.
 - The bail evaluation form used by the jail intake worker is a Minnesota Courts statewide approved pre-trial release evaluation form and assessment which is sent to the Court and to the prosecutor and the defense counsel prior to first appearances for those individuals in custody. It is used by the Court to assist in setting release conditions.
 - The jail intake worker also works as a preliminary case manager in the Winona County Re-Entry Assistance Program (WRAP) program which works to assist individuals in getting food, housing, substance abuse and/or mental health treatment, and basically, any services needed in the community. The Jail intake worker only assists those individuals that have been booked into the jail and are currently incarcerated.
 - *How much of the \$25 million will be used to update/upgrade the dispatch center and sheriff facilities? Will \$5 million be provided by the City of Winona to upgrade the Police Department?*
 - There has not been a dollar amount set for the jail project. The City of Winona and the County are only in preliminary discussions at this time regarding any City funding.
 - *We are current billed by Houston Co for 15 beds, whether we use them or not, for a little over \$300,000, what happens if we exceed the 15 beds, are we billed per prisoner per day or do we have to purchase another block of beds or do they refuse our prisoners?*
 - We would be billed per inmate per day for anything over 15, but there is limitations about being able to bring more prisoners than 15 to Houston County. This would be dependent on many Houston County factors. Houston County must meet classification and separation requirements

and have the appropriate amount of staff to accommodate inmate populations being requested as well as other factors.

- *How much will it cost to update facility to comply as a 90-day detention center?*
 - That option has not been priced out.
- Juveniles
 - *Olmstead closed their facility because the numbers of juveniles detained from Olmstead too low to require detention center because of use of restorative programs (This was stated by the questioner; Winona County takes not position on what lead to the closing of the Many Rivers Juvenile Detention Center in Rochester). With the national and state trend to close juvenile detention centers and invest in diversion programs why would Winona consider in investing in a detention center considering these trends?*
 - There is a high financial cost in transporting juveniles to out of county facilities that may justify a juvenile detention center to keep kids local. There are also unknown social cost externalities to transporting a juvenile from their home community in Winona County to a remote facility (even overnight). If a modern and relatively small (3-6 beds) juvenile facility was built here, Winona County could serve as a regional facility for our neighboring counties who have expressed interest in such a facility because they have similar needs for out of home placement juveniles.
- Mental Health:
 - *Does the detention center do mental health assessments on all inmates? If services are determined necessary as part of this assessment, who provides those services?*
 - Yes, everyone coming in the jail facility that is booked is asked to answer a mental health assessment. This includes a brief medical and mental health screening at the time of booking. Their cooperation to provide such information depends how they are triaged by medical and mental health services in the jail.
 - *How many inmates currently require mental health services? How many are actually getting those services?*
 - Approx. 1/6th of the inmate population receives some level of mental health services after booking. This may include, among other things, talking with a social worker to get a mental health assessment for further treatment and/or having medical assist with medications, along with mental health meetings.

- *Will we be using the new APX – Rochester -- The Southeast Regional Crisis Center set to open in Rochester? It claims that the 16 beds are available to the 10-county area, are they distributed on a first come first serve basis?*
 - At this time the process for utilizing this facility or how the beds will be distributed has not been determined.

- DOC Involvement
 - *Will the DOC grant us an extension to the sunset? What would happen if the jail is closed by the DOC and we have no physical alternative for booking, holding, or a jail in place?*
 - We are hopeful that the DOC would give us an extension, but we would need to show we are committed and have made substantial progress on constructing a new facility. Having the architect and construction manager already hired is our first step. We are purchasing the old Walz Auto property from MNDOT. We will probably need to have “a shovel in the ground” to truly show the DOC our commitment.
 - With “NO JAIL” because there would be no booking, holding, or jail detention facility, and each individual law enforcement department serving Winona County would have to transport arrestees to some distant facility that would be willing to take them.

- Trainings
 - *What diversity training is done at the jail facility?*
 - In 2016, CJCC obtained a grant to train law enforcement officers in CIT (Crisis Intervention training).
 - *How many officers have been trained to date?* We don’t have the figures on those trained through CJCC but to date, but 10 deputies have been trained through POST BOARD approved training in CIT that is above and beyond required training.