

# **Criminal Justice Collaborative Council**

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Meeting Minutes  
January 19, 2007  
200 North Main Lower Level Conference Room  
Ann Arbor, MI  
7:30a.m. – 9:00a.m.

**Members Present:** Dan Dwyer (Trial Court Administrator), Jeff Irwin (Board of Commissioners, Chair), Brian Mackie (County Prosecutor), Barbara Levin Bergman (Community Corrections Advisory Chair), Lloyd Powell (Public Defender/Defense Attorney), Kathy Reynolds (Executive Director, WCHO), Archie Brown (Circuit Court Chief Judge), Bob Guenzel (County Administrator), Ann Mattson (15<sup>th</sup> District Court Chief Judge), J. Cedric Simpson (14A District Court Chief Judge), Paul Buntten (Chief of Police, City of Saline), Robert Brackenbury (Public Representative), John Shea (Attorney, Bar Association Representative), Barbara Ryan Fuller (Public Representative), Patrick Hughes (Department of Corrections Probation), Dan Minzey (Sheriff)

**Members Absent:** Lawrence Kestenbaum (Clerk/Register), Charles Pope (Magistrate-14B District Court), Mike Moran (Ann Arbor Township Supervisor)

**Others Present:** Delphia Simpson (Public Defender's Office), Sheila Blakney (Public Defender's Office), Uma Harithsa (Support Services), Karen Edman (Clark/Register of Deeds), David Behen (Deputy County Administrator), Curtis Hedger (County Corporation Counsel), Karen Korte (Sheriff Department), Steve Hiller (Prosecutor's Office), Jim Leonard (Public Representative), Jack Overhiser (Support Services), Susan Beecher (Support Services), Kirk Filsinger (Jail Commander), Rick Visel (Sheriff Department), Julie Chaffee (Community Corrections), Ken Schwartz (Board of Commissioners)

## **Call to Order**

CJCC Chair Archie Brown called the meeting to order at 7:38am.

### **I. Approval of Minutes**

The motion to approve the minutes of the December 15, 2006, CJCC Full Council meeting was made by Bob Guenzel, seconded by Dan Dwyer; approved by CJCC members.

### **II. Public Participation**

None.

### **III. Approval of Minutes**

The motion to elect J. Cedric Simpson as CJCC Chair was made by Barbara Levin Bergman, seconded by Brian Mackie; unanimously approved by CJCC members.

The motion to elect Jeff Irwin as CJCC Vice Chair was made by Bob Guenzel, seconded by Barbara Levin Bergman; unanimously approved by CJCC members.

### **IV. SEARCH Site Visit**

David Behen briefed the group on the progress for systems integration for public safety and justice. David Behen indicated that there would be a SEARCH site visit January 24<sup>th</sup> at 8:30 geared toward assisting the committee with identifying goals and objectives, as well as benefits and challenges. David Behen reported that Susan Beecher, Jack Overhiser, and Uma Harithsa organized the visit.

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David Behen distributed a bio of individual coming to assist was distributed. Bob Guenzel asked how this fits in with the committee work already completed. David Behen replied that the committee has done significant work on systems inventory, with the assistance of Peter Dams. David Behen reminded the group of the data definitions committee and the terms agreed to by the committee. David Behen also reported that the committee has hired a local firm, Dataspace, to complete reports on jail overcrowding to the CJCC and the first report will be available the end of March.

John Shea asked for David Behen to specify the reports and whether the difficulties with gathering data have been resolved. David Behen stated that five reports will be generated that will incorporate the various statistics; court case number will be the “integration field” used to build the reports.

### **V. Jail Overcrowding**

Discussion ensued about the current jail overcrowding situation. The group raised several questions and concerns.

Kirk Filsinger reported the current jail overcrowding count is 371 and the actual population is 388 – the difference being individuals awaiting arraignment. Filsinger stated that the judges have their due date today. The group inquired as to whether the commander be willing to outline the different phases of jail overcrowding. Kirk Filsinger said that the County is currently in Section V of the statute, during which judges review the various inmates. The next phase is banding. Archie Brown said that judges will then receive another list requesting judges to band the individuals as high risk or low risk for Brown to review. Bob Guenzel asked if there has been some indication that the Sheriff will exercise his early release authority as outlined in section seven of the jail overcrowding statute.

Sheila Blakney asked at what stage does the jail stop receiving felony walk-ins. Blakney reported that the Public Defender has received some people who have been turned away. Kirk Filsinger stated that he was not aware of this happening during the current overcrowding phase, as that should not happen until section 8. Sheila Blakney asked how do we know what phase we are in.

Further discussion ensued and the group members raised several more questions.

John Shea asked for clarification of the overcrowding count and the population count. Jeff Irwin requested clarification about who does classification. Archie Brown responded that it is the jail. Brown reported that he receives classification information (1-8) of the jail and the judges receive detailed information about pending charges. The question was raised as to whether the jail re-classifies individuals? Rick Visel responded that the classification is reviewed on a frequent basis, as charges are introduced and recent institutional behavior is incorporated.

Sheila Blakney reported that in 15<sup>th</sup> District Court the banding list actually appears on the register of actions. Ann Mattson confirmed Sheila Blakney’s statement. Blakney asked whether the information about this is the case at the circuit level. Karen Edman asked whether this is public information, and stated that some of the pretrial offenders come through as banded. J. Cedric Simpson said that the banding information should be going into Enact.

Robert Brackenbury, asked for further clarification about banding. Dan Dwyer responded that the confusion can be multiple cases, and that the CJCC had completed a flowchart that clarifies the issue. Barbara Levin Bergman asked for clarification about banding and classification. Dan Dwyer offered to have the process clearly documented for a discussion at the next meeting. Archie Brown added that the 25% reduction is a separate process.

Archie Brown asked Julie Chaffee to also speak about the “green sheet” and assessment process. Julie Chaffee said that the Compass assessment is being completed for felons as a part of the pretrial process and those results are incorporated into the pre-sentence investigation process. Archie Brown said that the benefit is that this information can be reviewed again if there is a violation of probation. John Shea asked

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for clarification about this assessment. Chaffee responded that the assessment is usually completed 10-14 days after initial arrest. Shea asked whether this information is available to defense counsel. Archie Brown said that he will discuss the issue with other judges and respond to defense counsel, but the CJCC might not be the appropriate forum to discuss the issue in detail.

Dan Minzey arrived during this segment of the meeting at 8:01.

### **VI. Follow-Up to December Meeting**

#### **A. Jail Population Analyst**

Archie Brown asked Bob Guenzel to get feedback on what the BOC wants for the CJCC to do regarding this matter. In history, the CJCC had recommended to the BOC for the establishment of the position. Bob Guenzel stated that a memo of understanding was drafted in order to clarify that while the position would report for supervisory purposes to the Administrator, the jail population analyst would be responsible in a substantive way to the Steering Committee. Bob Guenzel reported that the BOC would like the CJCC's advice about whether it is worth proceeding with filling this position. Guenzel stated that the creation of this position was never intended to be a criticism of anyone in the system but that flexibility was needed.

John Shea asked Dan Minzey for a summary of his specific objections on the matter. Dan Minzey offered that it is a bad practice for us to start signing agreements about how we work together. Dan Minzey stated that he is insulted by being asked to sign something. Dan Minzey was asked again whether he had an objection to filling the position. Minzey stated that he did not object to the position but believed that the dollars might better be spent in technology, rather than data analysis.

Jeff Irwin mentioned that one of the things that the IT department does is spell out duties and responsibilities for signature in a partnership agreement to spell out expectations on the front end. Jeff Irwin stated that the BOC established position understanding that the Sheriff approved of it.

Robert Brackenbury mentioned that interdepartmental agreements are very common and for hiring someone, it is important for a candidate to understand agreement.

J. Cedric Simpson agreed that we should go ahead with the position and offered that the 14A District Court would agree. J. Cedric Simpson stated that the County owes it to the public to try to do everything possible to clarify to them as why the condition of jail overcrowding exists. Paul Buntin asked whether the disagreement was on the content of the memo of understanding or whether it is signing it. Dan Minzey said that his disagreement stands with the actual signing. Barbara Levin Bergman voiced her approval of it. Sheila Blakney said that this position is elevating form over substance. Robert Brackenbury asked if there are other interdepartmental agreements.

Dan Minzey reported that he did not recall a discussion about a memo of understanding until recently and he clarified that he has not seen a copy of such a document.

Brian Mackie offered that the position should be filled. John Shea asked that that the minutes be detailed enough to reflect lack of objection to the position and scope of work. John Shea asked whether the CJCC wants to be in the business of hiring someone to advise the CJCC. Bob Guenzel responded that there will be statutory overcrowding for at least the next two years and perhaps beyond. The BOC's authority is to supply resources, which is why the individual would report to the steering committee. Bob Guenzel clarified that he wanted all members of the steering committee to be involved in a joint hiring decision.

The motion to motion to reaffirm commitment to the jail population analyst was made by Dan Dwyer, seconded by J. Cedric Simpson; unanimously approved by CJCC members.

#### **B. Discussion of Materials Distributed in December**

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Scott Patton reported that he distributed information after the December meeting and inquired whether CJCC members wished to discuss the materials. The materials identified expenditure history of the Sheriff's Office. Barbara Fuller informed the CJCC that she had plotted the Sheriff's budget data and had additional questions specifically about overtime. Fuller asked for another copy of the overtime statistics dating back to 1996.

Bob Guenzel asked if the Sheriff was going to exercise his authority under section 7 jail overcrowding statute. Dan Minzey stated that he has every intention of following what the judge ordered. Dan Minzey offered that he still has a public safety concern. Minzey stated that if the County were in Section 7 today, it would result in approximately 60 individuals going out. Minzey asked Bob Guenzel about boarding out inmates as a potential solution to alleviate jail overcrowding.

Brian Mackie said that the legislature was aware of public safety concerns when they enacted the law and those of us in law enforcement should follow the law.

Jeff Irwin asked the CJCC and the Sheriff to dialogue on boarding out issue. He stated that in 2006, confidence was lost among commissioners with boarding out policy and how it was managed.

Bob Guenzel reminded the group about the December CJCC minutes, page 2, had outlined six steps to alleviate the jail overcrowding situation, including boarding out. Bob Guenzel stated that the BOC would appreciate comments and recommendations from the CJCC. Bob Guenzel indicated that the BOC passed a resolution in December authorizing boarding out of 20 inmates if Sheriff uses Section 7. John Shea stated that the CJCC probably does not need to get involved in budget discussions.

Bob Guenzel said that the bond rating has been increased to AA+, resulting in savings with the sale of bonds. The Public Safety and Justice Oversight Committee is responsible for managing capital projects and will meet immediately following today's CJCC meeting. He requested that monthly reports of the projects be added to the CJCC agenda.

Dan Dwyer stated that Monday, the Juvenile Court will have security system in place.

Dan Minzey asked about what the outcome was on the boarded out discussion. Jeff Irwin responded that dialogue between the Sheriff and BOC is needed.

Sheila Blakney extended a sincere thanks to Archie Brown for his leadership.

Ken Schwartz arrived at 8:57 am.

### **VI. Adjournment**

Archie Brown moved for adjournment at 9:06 am.

### **Next meeting**

The next CJCC Full Council meeting is scheduled for Friday, Feb. 16, 2007, 7:30am. Location TBA.