

Criminal Justice Collaborative Council

CJCC Full Council Meeting Minutes

March 16, 2007

LLRC- Room A

Ann Arbor, MI

7:30am – 9:00am

Members Present: Dan Dwyer (Trial Court Administrator), Jeff Irwin (Board of Commissioners, Chair), Patrick Hughes (Department of Corrections Probation), 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), Mike Moran (Ann Arbor Township Supervisor), Ann Mattson (15th District Court Chief Judge), Barbara Ryan Fuller (Public Representative), J. Cedric Simpson (14A District Court Chief Judge), Paul Bunten (Chief of Police, City of Saline), Charles Pope (Magistrate-14B District Court), Dan Minzey (County Sheriff), Robert Brackenbury (Public Representative), John Shea (Attorney, Bar Association Representative)

Members Absent: Lawrence Kestenbaum (Clerk/Register),

Others Present: Kenita Montgomery (CJCC Intern), Kerry Sheldon (Management Analyst), Uma Harithsa (Support Services), David Behen (Co-Deputy Administrator), Julie Chaffee (Community Corrections), Dan Healy (J-PORT), Deb Pippins (J-PORT), Rick Visel (Sheriff Department), Kirk Filsinger (Jail Commander), Herb Mahony (Undersheriff), Sheila Blakney (Public Defender's Office), Donna Sabourin (J-PORT), Megan Wolfe (Business Analyst), Karen Edman (Deputy Clerk/Register), Jim Zwolensky (Project Management)

Call to Order

CJCC Chair J. Cedric Simpson called the meeting to order at 7:42am.

I. Approval of Minutes

Mike Moran offered a correction on page two of the minutes. The motion to approve the minutes of the February 16, 2007, CJCC Full Council meeting was made by Bob Guenzel, seconded by J. Cedric Simpson; approved by CJCC members.

II. Public Participation

None.

III. Jail Diversion/Sequential Intercept Team

Deb Pippins explained that J-PORT stands for Justice Project Outreach Team, and that JPORT is based on a team approach and national best practices. Deb Pippins reminded the group that the BOC has already funded the JPORT team as part of the space plan with the assumption that it will save jail bed days.

Overall, the goal of JPORT is intercept those people at the top of the model before they go through the jail system, but the team will work with people at all points of the model.

(Please see outline handout or CJCC Website for presentation details.)

Dan Healy then discussed outcome measures. Dan Healy reported that there have been several studies around the country, so there are some benchmarks they can use already. Dan Healy expressed that the program wants to monitor the offenders for at least a year after diversion and make sure that the participants get some benefit from this. The goal is to connect the participants to all the resources necessary

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to increase the likelihood of success. Dan Healy also stated that JPORT wants to calculate the number of jail days saved by diversion based on minimum sentencing guidelines for each charge avoided. Lastly, the goal is to measure program efficiency and how well all it is serving to community and participants.

Deb Pippins then opened the floor for questions and discussion ensued.

Mike Moran offered that it is possible to over estimate the numbers of jail days saved if PORT continues to use the current formula. Mike Moran suggested that PORT utilizes a formula that is based off the offenders' highest charge.

Dan Dwyer indicated that there is not a sentencing guidelines system in place for misdemeanors.

Barbara Levin Bergman indicated that she believed always felt that the days saved was dubious, and that there should be an outcome measure that makes more sense for our community.

Donna Sabourin asked if a small subgroup that had expertise in this area that would be willing to meet with J-PORT to determine a more efficient method for calculating days saved.

J. Cedric Simpson indicated that he believes there should be a quantifiable measure. Sheila Blakney offered that the group should work off an offender's highest charge to calculate jail bed days saved.

John Shea offered that the jail sentence for misdemeanors is usually zero. John Shea expressed that a better measure would be to track the time from when the person is picked up to when the person would have gotten in front of the judge.

Mike Moran offered that eventually, Washtenaw County will have to justify/explain this data to the public, so there should be a clear, precise measure of days saved.

Dan Dwyer stated that he would be willing to sit down in the committee to come up with a particular number.

Ann Mattson indicated that she thinks this is a difficult assessment and would be willing to sit on a committee to work on this matter. Ann Mattson offered that having JPORT at the jail is been extremely valuable.

Kathy Reynolds, Ann Mattson, and Dan Dwyer volunteered to work with JPORT on a consulting basis.

J. Cedric Simpson, Dan Dwyer, Ann Mattson, and Sheila Blakney all agreed to be on the committee to work with J.PORT to find a viable way to measure things. J. Cedric Simpson stated it is up to the group's discretion to create a meeting schedule.

J. Cedric Simpson acknowledged that this program is a success of the CJCC.

Barbara Fuller asked if Deb Pippins could describe a day in the life of one of their clients to give some insight to those individuals that are not players in the criminal justice system.

Kathy Reynolds asked if PORT was collecting data similar on the homeless outreach program as well. Deb Pippins extend the invitation to anyone that would like to spend some time with the program.

IV. Boarding-Out Policy

Jeff Irwin gave a brief updated on the status of the boarding-out discussion. Jeff Irwin stated that the goal is to set up a policy that will give the Sheriff a means to manage the population during the jail construction and when the jail enters overcrowding again.

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Jeff Irwin reported that a small group had been formed to discuss the County's boarding-out policy. Jeff Irwin indicated that the group has drafted a document regarding the policy, and plans to meet with the CJCC in the near future for feedback. The group also plans to request insight/feedback from other system players as well. These include:

- Courts
- Probation
- Community Corrections
- Budget
- Public Defender
- Prosecutor
- Defense Bar
- CSTS
- Police Chiefs

Jeff Irwin stated that the object of the document is to explain how the boarding-out plan would work. Jeff Irwin stated that the goal is to meet with each group in early April to get feed back on the policy, and then bring the discussion back to the CJCC.

Mike Moran offered that the group should also meet with the Police Services Steering Committee.

Barbara Fuller stated that during the last meeting, Sheila Blakney raised the point of boarding-out being slightly punitive towards the "good" offenders. Barbara Fuller asked if this point was part of the boarding-out policy discussion.

Jeff Irwin replied that the County does not want the offenders that are eligible for programming to be sent away. The goal is then to set up a regime that consults the various programs before inmates that could benefit by staying are sent away. However, the County still has to consider other agencies will not be amenable to the idea of accepting the worst inmates.

V. Committee Reports

Bob Guenzel reported that the Public Safety Committee has been charged by the BOC to oversee the construction of the courts and jail. Bob Guenzel indicated that the County hired Jim Zwolensky and that we are making substantial progress; the County has secured the property in Saline and has chosen an architect. It was reported that the County has entered into contract discussions with Clark Construction to act as owner's representative for the construction of the 14A District Court and the jail.

Barbara Fuller asked if someone is tracking the measures the County is taking to be as fiscally responsible as possible. Bob Guenzel replied that this is a precaution that the County has taken because for a number of reason that this project is going to be under great scrutiny.

Jim Zwolensky indicated that he will personally be keeping a log of the finances and checking once a month to see where the County is on that matter.

Bob Guenzel stated that the committee will be reporting to the BOC each month, will do regular reports, and will keep this issue as a standard agenda item. The BOC has expressed its desire to keep the project under budget.

VI. Administrator's Update

Bob Guenzel reported that the BOC approved the County Space Plan that was brought he presented to the CJCC during the November 3rd meeting. Bob Guenzel reported that the BOC approved a bond issue to complete phase 1 of the space plan, and that those funds were earmarked to do the jail only. Bob Guenzel stated that he would try to get that correction in the Ann Arbor News. Bob Guenzel stated that he will do everything he can to expedite this project. Bob Guenzel expressed that this may not be a long term solution, but it will help for the time being. Furthermore, debating about how many more beds the jail

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needs will only delay the problem. Bob Guenzel stated that most agree that doing the infrastructure first is the right way to do things, and the BOC feels very strongly about moving ahead with the Space Plan recommendations.

Barbara Fuller inquired as to whether the one dissenting Commissioner vote offered an alternative to the current plan?

Bob Guenzel stated that Commissioner Ouimet agreed with the jail expansion, but did not agree with the source of funding for the project. Also, he believed that matter should be discussed for the newly elected BOC members. Bob Guenzel expressed, however, the current board has worked very hard on this project and wanted to see action.

Paul Bunten inquired as to whether past administrations have had the budgetary problems that the current one is experiencing.

Bob Guenzel replied there was not a precedence of similar issues.

VII. CJCC Retreat

Scott Patton informed the group that a retreat subcommittee had been formed consisting of John Shea, Dan Dwyer, Sheila Blakney and Kathy Reynolds. The group put together a proposal to bring to the Full Council for feedback. Scott Patton asked for input on four matters:

- confirming overall approach
- confirming breakout groups
- selecting a date
- group discussion leaders/volunteers

Scott Patton stated that there are two options for the retreat date: April 20th and April 13th. Scott Patton indicated that the April 20th could mean limited participation from the County because a conflicting county wide project

Scott Patton stated that the group will then be divided into four discussion groups (each consisting of about 6 people) to discuss the four major questions confronting the CJCC in the upcoming year. These questions include:

- 1) How do we treat and handle people who do not end up in jail?
- 2) What has led us to where we are now in overcrowding?
- 3) What issues might contribute to the future make-up of our jail population?
- 4) How can we improve our data integration project?

Scott Patton if the group was satisfied with these discussions or are there other topics that the group would like to discuss?

Barbara Levin Bergman offered that most of the CJCC already knows how we got to this point in the system. Therefore, it might be a better use of the time to discuss the impact on both the jail resources and the County Community resources.

John Shea offered that the point of the retreat is just to plan the CJCC's mission over the next year. The goal is not going to solve any of these problems, but to discuss, establish goals, and to determine how we proceed in accomplishing these things. John Shea asked the group if they thought these questions were four worthy matters to work on over the course of the next year.

Mike Moran stated that he would like to see a discussion on pretrial versus convicted felon data because this is an issue that effects the jail population. John Shea stated that this issue could fit under the third bullet.

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Sheila Blakney stated that it may be of value to have a short presentation by Community Corrections about the alternatives that they are offering, given their changes since the last retreat.

Scott Patton stated that during the “kickoff,” J. Cedric Simpson would give a brief overview/summary of the current CJCC state of affairs. Scott Patton stated that in the interest of time, any feedback should be submitted in writing.

Mike Moran echoed Sheila Blakney’s sentiment about there being a general presentation to precede the group discussions.

Discussion ensued about the date. The group expressed several conflicts with both days. Bob Guenzel stated that April 20th could be a viable option, if the CJCC could work around the Group 180 meeting.

Scott Patton then asked the groups opinion on small group discussion leaders Dan Dwyer offered that the CJCC could combine questions two and three, and that he could lead that discussion with the aid of John Shea.

Discussion ensued about the actually time of the retreat. The meeting has been extended to noon. This may require a change in venue, due to time conflicts with the room.

J. Cedric Simpson gave a brief summary of the various issues that the Pretrial Service Committee has been addressing. J. Cedric Simpson stated that one issue is whether green sheets and pretrial information should be done electronically and if the County should continue using green sheets at all. J. Cedric Simpson reported that the committee elected to have a survey of the judges and magistrates to determine what they use most often and what they find most helpful; the committee is considering extending the survey to defense attorneys, as well.

Mike Moran asked how the information would be made available to defense attorneys if there is no hard copy.

J. Cedric Simpson that another matter the committee has been addressing was conflict of the public defenders at arraignment. J. Cedric Simpson explained that at arraignments if there are 3 defendants, one will be assigned to the Public Defender and others will get council off the list. Often times, the public defender will find out they have a conflict and have to withdraw from the case. J. Cedric Simpson stated that if the individuals are in custody, and there has to be an adjournment for new council, this could translate into longer incarceration periods for everyone. J. Cedric Simpson stated that the Pretrial Services subcommittee decided that in every case, the public defender will be assigned. This allows the PD’s office to determine their conflicts and then send orders out so that new council will be appointed by the time the preliminary exam comes.

Ann Mattson inquired as to why the public defender should be appointed on all cases. She offered that private council could be appointed in some instances. J. Cedric Simpson offered that it may be more efficient to let the Public Defender be the clearinghouse on this matter. The County should appoint the Public Defender on all cases, and then when private counsel comes in, the public defender can step down.

J. Cedric Simpson stated that the Pretrial Committee developed a report regarding the analysis of bonds from the first quarter of 2006. J. Cedric Simpson offered that the preliminary conclusion was that the bonds did not appear to be an issue. Sheila Blakney stated that she is seeing more releases on conditional bonds. Sheila Blakney indicated that she believes that the bonds are high, but they are consistent and do not appear to be set with mal-intent.

VIII. Jail Population Analyst

Bob Guenzel informed the group that the Steering Committee interviewed three candidates. Bob Guenzel stated that the group still has follow-up work to do.

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IX. Jail Inmate Data

Dan Minzey reported that the Sheriff Department has been tracking inmate data (sentence vs. pretrial), and has put the data in a pie chart to give a visual effect. Dan Minzey this data has been tracked since June 2006, however the jail population appears to be changing. Dan Minzey reported that in June, sentenced inmates comprised half the jail population, but today pretrial inmates make up 80% of the population. Dan Minzey indicated that he is tracking other facets of the population based on the inquiries he has received.

Julie Chaffee offered two comments: first, Section 7 of the statute only affects sentenced inmates, so this would explain the rapid decrease in that population. Second, a portion of the sentenced population has other open cases, so they are then classified as pretrial as well. Julie Chaffee stated that the change in the population did not occur overnight.

Rick Visel offered that if offenders are if we're collecting data and they're in there sentenced, then they are labeled sentenced.

J. Cedric Simpson asked how sentenced offenders were classified if they were also awaiting other charges. Rick Visel replied that they would be classified under pretrial.

John Shea stated that in September 2005 the CJCC developed a flow chart to classify inmates; to ensure consistency of terms same when discussing the inmates. John Shea asked Dan Minzey if it was possible to use the flow chart so that everyone will be using the same language.

Dan Dwyer asked why the jail terms were not aligned with the CJCC flowchart.

J. Cedric Simpson asked for confirmation on whether that jail data was consistent with the flowchart. Rick Visel asked Scott Patton to confirm this. Scott Patton reported that the data is inconsistent, but it is difficult to determine the magnitude of the discrepancy.

J. Cedric Simpson stated that whether that there are more pretrial than more sentenced, it depends on when the snapshot of the population is taken. If taken at the end of release and more offenders are brought in (usually pretrial), then the population will reflect this. The ratio may vary.

John Shea stated the jail data is helpful because it highlights some very important trends. John Shea offered that the data should not go back to the Data Definitions Committee, but moving forward, there should be an effort to use consistent terminology.

Sheila Blakney offered that there has been a shift in the composition of the jail population. This is important and needs to be analyzed.

J. Cedric Simpson asked if someone was responsible for ensuring that the data is consistent with the flow charts.

Scott Patton indicated that there is a plan in place to ensure the consistency in data.

Mike Moran asked how there could be a discrepancy between definitions when the CJCC dedicated a tremendous amount of time creating comprehensive/consistent definitions.

Rick Visel offered that the discrepancy between the definitions could be explain by the fact that two different bodies requested that data.

X. Future Agenda Items

None

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XI. Adjournment

J. Cedric Simpson moved for adjournment at 9:08 am.

Next meeting

The next CJCC Full Council meeting is scheduled for Friday, April 20th, 2007, 7:30am at the LLRC, Room A.