

Criminal Justice Collaborative Council

CJCC Cull Council Minutes

August 17, 2007

LLRC- Room A

Ann Arbor, MI

7:30am – 9:00am

Members Present: Jeff Irwin (Chair, Board of Commissioners), Brian Mackie (County Prosecutor), Bob Guenzel (County Administrator), Barbara Ryan Fuller (Public Representative), J. Cedric Simpson (14A District Court Chief Judge), John Shea (Attorney, Bar Association Representative), Robert Brackenburg (Public Representative), Mike Moran (Ann Arbor Township Supervisor), Paul Bunten (Chief of Police, City of Saline), Barbara Levin Bergman (Community Corrections Advisory Chair), Lloyd Powell (Public Defender/Defense Attorney), Dan Minzey (County Sheriff), Charles Pope (Magistrate-14B District Court), Donna Sabourin (Director, CSTS), Patrick Hughes (Department of Corrections Probation)

Members Absent: Ann Mattson (15th District Court Chief Judge), Lawrence Kestenbaum (Clerk/Register), Dan Dwyer (Trial Court Administrator), Archie Brown (Circuit Court Chief Judge)

Others Present: Stephanie Jensen (CJCC Intern), Kirk Filsinger (Jail Commander), Delphia Simpson (Public Defender's Office), Scott Patton (CJCC Staff), Uma Harithsa (IT), Megan Wolfe (Support Services), Jack Overhiser (IT), Bob Carbeck (Deputy Trial Court Administrator), David Behen (Deputy County Administrator), Sheila Blakney (Senior Assistant, Public Defender), Karen Edman (Deputy Clerk/Register of Deeds)

Call to Order

CJCC Chair J. Cedric Simpson called the meeting to order at 7:32am.

I. Approval of Minutes

Shea offered corrections on pages two, three, and five of the minutes. The motion to approve the minutes of the July 13, 2007, CJCC Full Council meeting was made by Guenzel; approved by CJCC members.

II. Public Participation

None.

III. Boarding Out Policy

Patton gave an update for the council of the boarding out policy for the County that was passed by the BOC on June 20th. The intent of the policy was to allow for the boarding out of inmates for a short period of time to get out of overcrowding. This would occur after the Section 7 sentence reductions to avoid Section 8 lockout. The current lockout began on July 31st. Section 7 reductions resulted in the release of 14 inmates. An additional 42 inmates were needed to be boarded out to relieve overcrowding. However, there is no space available in other counties for jail beds. Patton stated that the steering committee resolved that the County should not board out inmates unless it would relieve overcrowding and avoid Section 8.

Patton identified the three groups of inmates that we should avoid boarding out, as stated in the policy: pre-sentenced, have pending charges, and trustees. Thirty-two inmates were eligible for boarding out based on those criteria; forty-two were needed to board out to avoid Section 8. The steering committee concluded

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that short-term boarding out for inmates in programs would be acceptable because there would be little disruption to the programs.

Moran asked how many inmates were in each of the categories for inmates ineligible for boarding out according to the policy. Filsinger said he did not have the data at the meeting, but it could be provided.

Guenzel stated that according to the statute on overcrowding, lockout would expire after a specified amount of days and inquired when our lockout would end. Patton and Minzey replied it would occur in mid-September.

Bergman asked if it was possible to bring in more labor for services, such as food services, that would enable us to board out inmates in the trustee category. Also, she asked in some offenses were negotiable for release. Brown and J. Cedric Simpson stated the release issue is resolved at bond.

Patton stated another issue with boarding out inmates in the three categories is that other counties have discretion over who they will take into their jail.

Blakney asked if a viable option could be to run programs at the jail as a type of outpatient program as an alternative to incarceration. J. Cedric Simpson stated it would be dependent on individuals. Pope added that those who are incarcerated may be there because they had not successfully completed programs or have multiple charges against them. Blakney then asked if it was possible to hold more sessions rather than having longer incarceration periods. Bergman stated this was due to budgeting, but that perhaps that option would give judges more options with more frequent programming.

Fuller inquired what the purpose was for the discussion of the boarding out policy. Patton replied that it was an update only. Mackie added it was also to explain why the County has been unable to board out inmates. J. Cedric Simpson also stated that it was to help in understanding the policy. Bergman stated that it was helpful to hear and that perhaps it should instigate discussion with the Board of Commissioners for revision of the policy and the consideration of alternatives to boarding out.

Fuller asked Minzey what his thoughts are on the policy and of the discussion. Minzey stated that the update was meant to inform about why we are in overcrowding and the restrictions in the boarding out policy. He added that contracting for services has been a cost savings. Fuller expressed concern that she has not seen this issue in the media. Minzey replied that his office is in contact daily with local media.

Moran asked for clarification on the number of inmates eligible for boarding out and the availability of beds in other counties. Patton stated that 32 were eligible and 42 were needed to be boarded out to relieve overcrowding. Minzey commented on the lack of beds available and the amount of work that would be required to move the inmates to multiple locations for boarding out.

Irwin stated that the steering committee made the decision to try to determine which category of inmates could be boarded out if needed. Those in programs were most favorable. Also, the committee wanted to propose this to the full council for discussion of other options. Moran stated that even if we use other options, the lack of available beds is still an issue.

Brackenbury asked about the boarding out of inmates awaiting sentencing and the cost of programming at other facilities for inmates that are boarded out. J. Cedric Simpson stated that it would cause problems to board out inmates awaiting sentencing because of the need for them to access to the courts and counsel.

Shea suggested that the council has done what it can on this issue and the group should move on to a different issue that the council can have more impact on. J. Cedric Simpson agreed, but stated that the steering committee should continue to discuss.

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IV. Banding Process Overview

Minzey offered an overview of the banding process. J. Cedric Simpson added that the district court is also involved in the process in regards to release of inmates. He also stated that over time fewer are released during the banding process because of the boarding out process.

Blakney commended the Sheriff and his office for providing information on overcrowding and banding.

Bunten commented that the banding process is very time consuming and is overwhelming. J. Cedric Simpson stated that the judges receive informational updates on their inmates that are in custody that helps the banding process, though it still takes a lot of time.

Moran mentioned the possibility of usage of a tether program. Discussion ensued.

VI. Jail Population Demographic Reports

Guenzel reiterated that Patton is responsible for providing the data updates. The group commended Patton on his efforts.

Patton presented demographic data of the jail population in terms of age, gender, and race.

Bergman asked if the data could be further broken down further within the three demographics. Patton said yes, that he would like to prioritize this along with other requests. Volunteers included Irwin, Bergman, Fuller, J. Cedric Simpson, Dwyer, and Delphia Simpson.

Shea requested copies of the reports. Patton stated he would email them to the group.

Blakney observed that there may be a race breakdown that seemed to indicate we should look at bond issues. J. Cedric Simpson stated that it was not surprising; however conclusions are being drawn without knowledge of who is included in the data. He added that more data is needed to make conclusions. He is also concerned that the data will be misinterpreted without more detailed data.

Moran asked if the opinion of the group is that the data is being collected and reported in a meaningful way. J. Cedric Simpson suggested that we need definitions of what data should be collected and what it means. Shea stated definitions have already been determined. J. Cedric suggested that we need to send the data back to the committee to make sure it is being defined properly. Shea responded that it had been decided to report the data quarterly and asked Patton if data regarding those in the jail could be provided. Patton replied yes. Shea suggested that the additional information may clarify the meaning of the data. Patton stated that definitions can be reviewed as well.

Irwin agreed with J. Cedric Simpson that limited data does not lead to new intelligence and suggested a small group be formed to determine what data we need and what is meaning of the data.

Shea commented that the data should be reported and is overdue. J. Cedric Simpson stated that it is difficult to draw conclusions from daily data collected. He agreed that the data should be reported, but it should be done responsibly. Discussion ensued.

VII. Public Communication

Patton tabled for next meeting.

VIII. Adjournment

J. Cedric Simpson declared the meeting adjourned at 9:06.

Next meeting

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The next CJCC Full Council meeting is scheduled for Friday, September 21, 2007, 7:30am at the LLRC, Room A.