

# **Criminal Justice Collaborative Council**

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**CJCC Steering Committee Meeting Minutes**  
Administrative Building, Lower Level Conference Room  
220 N. Main  
July 13, 2007 -7:30 a.m.

**Members Attending:** Archie Brown (Circuit Court Chief Judge), Brian Mackie (County Prosecutor), J. Cedric Simpson (District Court Presiding Judge), Bob Guenzel (County Administrator), Dan Minzey (Sheriff),

**Members Absent:** Lloyd Powell (Public Defender)

**Others Present:** Scott Patton (CJCC Staff), Stephanie Jensen (CJCC Intern), Barbara Levin Bergman (CCAB), Jeff Irwin (BOC Chair), Delphia Simpson (Public Defender's Office), Sheila Blakney (Senior Assistant, Public Defender)

**Meeting Convened: 7:38 a.m.**

Steering Committee Chair J. Cedric Simpson chaired the meeting.

**Supporting Documents**

Attendees were given the following documents:

- Washtenaw County Jail Inmate Data

**I. Washtenaw County Jail Inmate Data**

Mackie presented data from the parole board reflecting numbers of prisoners paroled from January 2007 to May 2007. There was a significant increase over 400 during that time. He continued to say that parolees are not necessarily receiving services above what is traditionally offered by the Department of Corrections (MDOC). The prisoner re-entry initiative was intended to address provision of transition services, such as housing, education, and jobs, within prisons six months prior to release. Mackie stated that one week or one day is the reality and parolees are released into same environment they came from. Hence, the parolee failure rate in Washtenaw County is quite high compared with numbers statewide. He stated that it may not get better in the foreseeable future, except that the prisoner re-entry initiative is making it more difficult for parole agents to issue a parole violation, leaving the counties to deal with this issue. Wayne County is also facing same issue.

Bergman asked how we state our concerns to the MDOC regarding the delegation from the state to the counties. Mackie stated that there is a disconnect between this information being reported by the MDOC and what those in law enforcement believe to be true. Also, he added that recent events have prompted discussion on how to handle overcrowding issues. Bergman stated there are diverging opinions on how the issue should be handled, which is causing a backlash in response to policy. Also, she stated there are issues with MDOC policy that may not be feasible.

Brown referenced numbers from a previous report that Mackie had distributed regarding the possible impact of MPRI on Washtenaw County. He asked Mackie that if the new prisoner release numbers were taken into account, what it would mean for the County. Mackie said that the numbers were optimistic and based on an optimal outcome if services were provided as promised. He also stated that it is hard to figure out if MPRI is having its intended impact. Mackie asked Delphia Simpson about a meeting the previous day in Lansing regarding MPRI. Delphia stated that program was portrayed in a positive light and that there is a possibility for more funding through the state.

Guenzel asked who is currently contracted to perform the services. Delphia Simpson replied that it is POWER Inc. and Jewish Family Services. Bergman asked if either contractor is providing counseling services and Delphia Simpson stated that they are..

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Irwin stated that if the parole failure rate in WC is 76% and 100 people month are being reinserted into the criminal justice system, we have twice as much to gain or lose than other counties. We need to find out what problems with recidivism are here and what can we do to affect that. What are other counties doing to affect that? Patton states that the high recommitment rate is due to the low commitment rate. Fewer people are going into prison from Washtenaw.

Mackie stated that is becoming more difficult to get back into prison. Many violations used to mean re-entry into prison, but now are being prosecuted, when we formerly did not. MDOC proposal exists that will change many felonies to misdemeanors. Also, funding has been promised to help deal with the additional costs to handle these cases. However, Patton stated that this funding is being reduced considerably.

Brown asked about rebooking numbers that Patton had provided and added that the numbers are relatively consistent.

Irwin restated his question regarding what other counties are doing to deal with recidivism. He also offered that perhaps because of what is happening on the front end is affect what happens on the back end.

Mackie said that while misdemeanors are staying relatively steady, the more dangerous cases are increasing, which more time is consuming.

Brown responded that while the Circuit Court filings are staying rather consistent, there has been an increase in capital filings. The numbers have stabilized, but it is indicative of how the system is beginning work and the impact on the jails, etc..

J. Cedric Simpson stated that this means more people are staying in jail than being let out on bail. Bergman offered that perhaps because the numbers for population were not indicating the difference between capital and non-capital cases, it was causing alarm. Brown agreed that the increase in number of capital cases is driving the increase in population due to the lengthy trial process. He also stated that the District Courts simply can not put anyone in jail due to overcrowding. Prisoners are released regardless of sentencing because there is no room.

Mackie stated that the MDOC is continually changing some crime sentences and changing penalties for those crimes due to public pressure. Brown agreed that our MDOC has gone through massive change and that the courts are not seeing as many violations until after several violations later. Mackie said felonies are being reduced to rules violations. Brown asked what number of people being let out early were violating their probation and then re-entering the prison. Patton said that this should be revisited.

## **11. CJCC Full Council Agenda**

Patton stated that there are four major items for discussion.

1. Public Justice and Safety Oversight update (depending on the outcome of their meeting immediately following the Steering Committee meeting.)
2. Jail population reports
3. Prisoner Re-entry
4. Proposed sentencing guideline changes

### **Discussion of jail population reports**

Patton stated he has drafted a memo, which was distributed, to highlight this discussion. The memo states some definitions and the stages of overcrowding. He referred to the charts in the packet. Data shows constant state of overcrowding, but a relatively consistent pattern with what the population is. New detailed information has been provided with the makeup of the population that we did not have before. Data shows people who have been charged with a felony, and within that population there has been a decrease in the number sentenced and an increase in the number of pending cases. The conclusion that can be made is that there is a large impact on policy due to the phasing of the overcrowding.

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Guenzel asked if jail overcrowding policy affects this population. Patton stated that it does not. He continued to say that in agreement with what Brown stated, there are many that are unsentenced charged with capital crimes that ought not released.

Patton stated that the overall felony counts, misdemeanor counts, and rebooking counts have remained consistent. He explained the definitions of these charges and what rebooking means. He stated that the numbers for rebooking reveal that those who are released have a good chance of coming back into the system. This does not account for the prison exits. Brown stated that the number is affected by the prison because people that are held on parole violation are awaiting the results of the new charge, where they normally would return to prison. After a new sentence is imposed, they are still staying in jail but the numbers do not reflect this. He suggests that perhaps Minzey would be able to better speak to this. Also, this fact may explain the 76% recidivism rate.

Mackie commented that the graphs were very helpful and the group was in agreement.

Patton stated that this was the message that the CJCC needs to hear. He added that looking at the sentenced vs. unsentenced numbers that are affected by Section 7, there is a big dynamic to observe. There has been a decline in the number of sentenced from the beginning of the year. The impact of Section 7 would have been quite a bit less today than it would have been in January.

Patton commented that the memo will be refined before the full council meeting to reference the specific graphs.

J. Cedric Simpson asked how the discussion will be directed. Patton stated that he would get the revised memo out for review prior to the full council meeting. He will make some general conclusions but will have a discussion about some of the figures at that meeting.

Guenzel asked how difficult it is to obtain the data presented in the graphs. Patton stated that it is relatively easy. He then posed a question to the group – in addition to the information given to the group, are there other policy level questions that we can use the available data to address? He referred to Brown's request for information on parole violators, but Patton was not sure how that information is reported because of the processing procedure, but if it is able to define, we will be able to do that. J. Cedric Simpson asked if this would be more difficult for the office because of their process. Patton stated that we need to be able to count something, but he agreed that it would be difficult but worth exploring. J. Cedric Simpson continued that you would not be able to count the new charges for the parole violators so he wasn't sure how you'd capture those numbers. Also, the parole violators are not being booked on the violation, but on the new charge.

Mackie stated a question to the judges – because the unsentenced are not affected by overcrowding, do they think this has an impact on bond decisions with jail capacity? J. Cedric Simpson and Brown both responded yes. Brown responded that he has had discussions with Judge Shelton spoke about this issue and the difficult decisions to be made regarding early release. He continues to say that he makes decisions based on who is in front of them and not who is already in jail to avoid overcrowding

Brown also stated that another issue is public relations, to convey the message to public. He feels the County has not done a very good job of this. Other counties overcrowding issues have been reported, but it has been overlooked by local media even though it is a constant issue.

Mackie stated that other media outlet report that we are locking everyone up, though the reality is we are not. Bergman suggested a contact to report on this issue. Guenzel asked Brown if he was suggesting that we try to contact the local media to get some attention to this issue. Brown said a problem with reporting on this issue is the concern that bad data getting out that people use for their own purposes and directs the discussion in the wrong direction. This creates problems. He continued to say that we need to be proactive in getting the correct information out, by either posting information on the County website, or submitting an op-ed piece to the local media from the head of the CJCC.

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J. Cedric Simpson agreed that we need to improve our public relations so that we are not in a position that requires that we redirect the discussion of the issue. He would like to make sure that the information is presented in a positive way. Blakney added that it is also important to communicate that this issue is not unique to Washtenaw County nor is it due to mismanagement. She continued that this is a statewide problem. Blakney stated that she was not sure how to get this point across, but the County should not take all the responsibility for this problem. J. Cedric Simpson agreed. He also feels that other counties handle this issue differently, so it should not be a reflection on Washtenaw County. Blakney also stated that there is not a general understanding of the amount of resources required..

Irwin added that if the local media is not covering this issue, we should offer an op-ed piece, however he is not sure we have a story to tell yet. Mackie replied that because the proposal from the MDOC on the issue is constantly changing, we cannot wait for them to come up with a solution. We need to determine what kind of criminal justice system we want for the County because we get caught up dealing with the problems. J. Cedric Simpson believes we do have a story to tell because there are changes all the time and that if we do not get something out, it will appear that we have not been giving the issue attention and have not been anticipating this problem. Bergman stated that because of the Section 7, we do have a story to tell and we need to explain why the overcrowding is occurring. Brown stated that we need to explain where we are and what we have done to get there. Guenzel added that it would be helpful for someone outside the County to tell the story because it may seem defensive if told by someone from within. Irwin stated that an op-ed drafted by a defense attorney would be more persuasive and Brown agreed.

Guenzel suggested setting up a meeting with some local media. Brown agreed that this would be a good idea.

**Adjourned:** 8:30 a.m.

Next Steering Committee meeting: 8/10/07.