



COUNTY ADMINISTRATOR

220 NORTH MAIN STREET, P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645
(734)222-6850
FAX (734)222-6715

TO: Leah Gunn, Chair
Board of Commissioners

FROM: Robert E. Guenzel

DATE: April 21, 2004

SUBJECT: Adoption of the Criminal Justice Collaborative Council

BOARD ACTION REQUESTED:

It is requested that the Board of Commissioners create a Criminal Justice Collaborative Council (CJCC) and charges it with managing the criminal justice system. It is further requested that the Board of Commissioners appoint members to the CJCC as well as adopting the CJCC Bylaws.

BACKGROUND:

In 2003, the Washtenaw County Jail was overcrowded sixteen (16) times. A jail overcrowding is declared when there are more inmates than Jail beds available for seven (7) consecutive days. When this happens, the judiciary and the Sheriff are required to release inmates into the community who would otherwise remain in jail. Last year, Washtenaw County released 353 individuals into the community – 177 misdemeanants and 176 felons.

Jail overcrowding can also compromise the integrity of the criminal justice system. When a jail is overcrowded, it can influence both a judge's decision on who gets sent to jail as well as a police decision on who they arrest. The primary cause of jail overcrowding is that jail capacity has not kept pace with the growing population of the County. In addition, State "Truth in Sentencing" legislation has contributed to jail overcrowding.

In July 2003, Circuit Court Chief Judge Archie Brown convened the Jail Overcrowding Task Force (JOTF). The Task Force includes elected officials who are mandated to administer justice and appointed officials who are responsible for managing County resources. The JOTF made several immediate changes to policies and processes that impacted the incidents of jail overcrowding. These changes included:

- Increased use of summonses (when appropriate), thereby reducing the issuance of arrest warrants for non-violent offenders;
- Scheduling Pre-Trial hearings within one week after an un-sentenced inmate waives a preliminary examination;

- Reducing the sentence dates for in-custody felony offenders to three weeks post-conviction;
- Establishing a policy providing for the automatic release of selected non-violent misdemeanants on personal recognizance bond during the second stage of overcrowding; and
- Creating a four (4) day deadline for processing records for individuals sentenced to prison or boot camp providing for the timely movement out of the Jail.

In addition, Task Force members took the initiative to conduct further investigation and analysis into the jail's operations, the facility, Court case processing, and alternative sanctions. Multiple groups and studies were conducted both as a result of the JOTF and as well as groups that have been ongoing. The following is a summary of the groups or studies that have been conducted.

- National Institute of Corrections – (NIC) a branch of the U.S. Department of Justice that offers technical assistance to local jails and justice systems. The Sheriff invited NIC to give technical assistance to the Washtenaw County Jail in the summer of 2003;
- Pre-Trial Subcommittee – a subcommittee of the Task Force whose charge was to analyze standards and processes to expedite case processing and improve system-wide operations;
- Jail Space Work Group – a group of officials convened by the County Administrator to advise on jail space needs and design;
- Communities of Interest – discussions involving public safety and justice officials that identified possible long-term strategies to make Washtenaw County a better place to work and live;
- University of Michigan Ford School for Public Policy – a group of graduate students who, as part of their practicum requirement, analyzed how a Probation Residential Center might be used at Washtenaw County;
- Jail Mental Health Diversion Task Force – a diverse group that represents police, jail, mental health, and substance abuse interests that has been meeting to examine pre-booking and post-booking diversion opportunities;
- Community Corrections Advisory Board – a board that meets monthly to advise and oversee programs designed to reduce prison commitments.

These initiatives and studies have revealed several findings:

- There is significant suppressed usage of the jail which means that judges have a limited ability to use jail time as a deterrent option for probation violators and other offenders. Also, police agencies are unable to perform targeted operations including drug and alcohol stings or warrant sweeps.
- The Washtenaw County jail is significantly undersized, when compared with other county jails across the State of Michigan. It has 40% fewer beds on a per-capita basis than other jails in Michigan counties.
- Changes at the State level, primarily legislation impacting sentencing guidelines, have in effect mandated overcrowding in jails statewide as a large percentage of felony offenders can not be sentenced to prison, thus adding to the jail population.
- Washtenaw County lacks an adequate array of alternative sentencing options, including but not limited to the need for an expansion of Community Corrections.

- The characteristics of inmates have changed significantly since the jail was originally designed impacting the way in which the jail operates. For example:
 - 1) Consistently, one-third of the jail population receives psychotropic medication for mental illness;
 - 2) More inmates are violent offenders – from 43% assaultive in 1998 to 64% in 2003;
 - 3) The female jail population is increasing;
 - 4) Jail inmates, on average, are older than in the past, creating new health demands.

DISCUSSION:

Based on these findings, including the recommendations of NIC, the Jail Overcrowding Task Force recommends the creation of the Criminal Justice Collaborative Council (CJCC). The CJCC will be responsible for developing policies and improving processes that impact multiple agencies within the criminal justice system. The CJCC will meet on a regular basis to discuss the criminal justice system with a priority of addressing the jail overcrowding issue. The membership of the board shall include:

1. Circuit Court Chief Judge
2. District Court Presiding Judge
3. County Prosecutor
4. Public Defender/ Defense Attorney
5. Chair of the Community Corrections Board
6. County Sheriff
7. Trial Court Administrator
8. Department of Corrections Probation
9. City or Township Chief of Police
10. County Administrator
11. County Board Chair
12. City Mayor or Township Supervisor (METRO Alliance)
13. Clerk of Court
14. Bar Association
15. Community Mental Health Representative
16. A Public Representative
17. A Public Representative

Additionally, there will be a steering committee comprised of the Circuit Chief Judge, the Prosecuting Attorney, the Sheriff and the County Administrator. The purpose of the executive committee will be to set the agenda for the full CJCC meetings and other duties as outlined in the bylaws.

IMPACT ON HUMAN RESOURCES:

There is no impact on human resources

IMPACT ON BUDGET:

There is no impact on the County Budget.

IMPACT ON INDIRECT COSTS:

There is no impact on indirect costs

CONFORMITY TO COUNTY POLICIES:

This action is in conformance with county policies.

ATTACHMENTS/APPENDICES:

CJCC Bylaws

A RESOLUTION CREATING A CRIMINAL JUSTICE COLLABORATIVE COUNCIL
(CJCC) AND ADOPTING THE CJCC BYLAWS

WASHTENAW COUNTY BOARD OF COMMISSIONERS

April 21, 2004

WHEREAS, in 2003, Circuit Court Chief Judge Archie Brown convened the Jail Overcrowding Task Force (JOTF) to address persistent issues of jail overcrowding; and

WHEREAS, at the request of task force member Sheriff Daniel Minzey, the National Institute of Corrections (NIC) Jails Division visited Washtenaw County to assist officials in examining the criminal justice system; and

WHEREAS, NIC evaluators recommended that Washtenaw County create a permanent Criminal Justice Collaborative Council (CJCC) in order to improve interagency communication, cooperation and coordination of services; establish clear goals, objectives and priorities for the criminal justice system; and more effectively allocate resources; and

WHEREAS, JOTF concurs with the recommendations put forth by the NIC and urges the Washtenaw County Board of Commissioners to create a CJCC and adopt the attached bylaws; and

WHEREAS, the CJCC shall be comprised of 17 members appointed by the Washtenaw County Board of Commissioners representing the following categories: Circuit Court Chief Judge, District Court Presiding Judge, County Prosecutor, Public Defender/Defense Attorney, Chair of the Community Corrections Board, County Sheriff, Trial Court Administrator, Department of Corrections Probation, City or Township Chief of Police, County Administrator, Chair of the Board of Commissioners, City Mayor or Township Supervisor, Clerk of the Court, Bar Association, Community Mental Health Representative, and two general public at large positions

WHEREAS, Elected Officials shall serve as long as he/she holds the office which qualifies him/her for membership on the Council; and

WHEREAS, members appointed to represent the City or Township Chief of Police, City Mayor or Township Supervisor, Bar Association, Community Health Representative and General Public-At large shall serve for two year terms expiring December 31, 2005; and

WHEREAS, a steering committee comprised of the Circuit Chief Judge, the Prosecuting Attorney, the Sheriff and the County Administrator for the purpose of setting the agenda for the full CJCC meetings and other duties as outlined in the bylaws; and

NOW THEREFORE BE IT RESOLVED, that the Washtenaw County Board of Commissioners creates the Criminal Justice Collaborative Council (CJCC) and charges it with managing the criminal justice system

BE IT FURTHER RESOLVED, that the Washtenaw Board of Commissioners hereby

adopts the bylaws of the CJCC as attached hereto and made a part hereof

BE IT FURTHER RESOLVED, that the CJCC shall be comprised of 17 members, appointed by the Washtenaw County Board of Commissioners representing the following categories: Circuit Court Chief Judge, District Court Presiding Judge, County Prosecutor, Public Defender/Defense Attorney, Chair of the Community Corrections Board, County Sheriff, Trial Court Administrator, Department of Corrections Probation, City or Township Chief of Police, County Administrator, Chair of the Board of Commissioners, City Mayor or Township Supervisor, Clerk of the Court, Bar Association, Community Mental Health Representative, and two general public at large positions

BE IT FURTHER RESOLVED, that the Washtenaw County Board of Commissioners hereby appoints the following members

<u>Member</u>	<u>Representing</u>
Archie Brown	Circuit Court Chief Judge
Cedric Simpson	District Court Presiding Judge
Brian Mackie	County Prosecutor
Lloyd Powell	Public Defender/Defense Attorney
Barbara Bergman	Comm. Corrections Adv. Bd Chair
Daniel Minzey	County Sheriff
Dan Dwyer	Trial Court Administrator
Patrick Hughes	Department of Corrections Probation
Robert E. Guenzel	County Administrator
Leah Gunn	Board of Commissioner Chair
Peggy Haines	Clerk of Court

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners hereby directs the County Administrator to contact local officials and offices to ask for appointments to the CJCC for the following positions for two year terms expiring December 31, 2005:

1. Kathleen Reynolds, Community Mental Health Representative
2. City or Township Chief of Police
3. City Mayor or Township Supervisor
4. Bar Association
5. General Public At Large
6. General Public At Large

WASHTENAW COUNTY CRIMINAL JUSTICE COLLABORATIVE COUNCIL BYLAWS

I. Name

The name of this Council shall be the Washtenaw County Criminal Justice Collaborative Council, hereinafter referred to as C.J.C.C.

II. Authority

The Washtenaw County Board of Commissioners on April 21, 2004 and the Chief Judge of the 22nd Circuit Court, on behalf of the Washtenaw County Trial Court on _____ have established the C.J.C.C..

III. Purpose and Function

A. Mission

The purpose of the C.J.C.C. is to maximize efficiency, effectiveness, fairness, and cooperative efforts of criminal justice agencies by developing plans, programs, and positions on concerns which have a multi-disciplinary Criminal Justice System application, have a positive impact on crime, are innovative or are intergovernmental in scope.

B. Function

Members meet regularly with a structured agenda that includes reports from committees, policy discussions, planning updates, and public information efforts.

IV. Membership

A. Appointment to the C.J.C.C., by the Washtenaw County Board of Commissioners

The C.J.C.C. shall be composed of the following members:

1. Circuit Court Chief Judge
2. District Court Presiding Judge
3. County Prosecutor
4. Public Defender/ Defense Attorney
5. Chair of the Community Corrections Board
6. County Sheriff
7. Trial Court Administrator
8. Department of Corrections Probation
9. City or Township Chief of Police
10. County Administrator
11. County Board Chair
12. City Mayor or Township Supervisor

13. Clerk of Court
14. Bar Association
15. Community Mental Health Representative
16. A General Public At Large Representative
17. A General Public At Large Representative

B. Term of Member

Each Council member shall continue to serve as long as he/she holds the office which qualifies him/her for membership on the Council. Members appointed to represent the City or Township Chief of Police, City Mayor or Township Supervisor, Bar Association, Community Health Representative and General Public-At large shall serve for two year terms.

C. Vacancies in Office

When a vacancy occurs on this Council either by death or resignation, the vacancy shall be filled by the County Board for the unexpired term in the same manner as the original appointment.

D. Officers

The Council shall elect at the first Council meeting of the calendar year a Chairperson and a Vice Chairperson, with such offices commencing at the conclusion of the same meeting.

E. Duties and Responsibilities of the Council

The Council shall have the following duties and responsibilities:

- (1) Encourage local planning activities in order to promote greater interagency cooperation, efficiency, effectiveness and innovation.
- (2) Provide overall direction and determine priorities for the Council's Staff.
- (3) Recommend initiation or approval of any study, policy discussion, program or other matter within the general purpose of the Council.
- (4) Provide review and comment on criminal justice plans, programs, priorities, and projects.
- (5) Annually review and recommend to the appropriate revenue resources all Council budgets relative to the functions of the Council.
- (6) Recommend to the County Board that contracts be entered into for services.

(7) Apply for grants that have interagency and/or cooperative partnerships with council member agencies or other organizations interested in criminal justice issues.

(8) Recommend adoption and/or amendment of these Bylaws.

IV. Officers and Staff

A. Chairperson

The Chairperson shall be elected by and from the membership of the Council. The Chairperson's duties and powers shall include the following:

(1) He/she shall preside at all meetings of the Council.

(2) He/she shall appoint all standing and special committees of the Council, with such appointments being confirmed by the Council.

(3) He/she shall be the ceremonial representative of the Council and shall perform such other duties as specified by law, custom, or the Council.

A. Vice Chairperson

The Vice-Chairperson shall be elected by and from the membership of the Council. He/she shall assume the duties and responsibilities of the Chairperson in his/her absence, and shall perform such other duties as may from time to time be assigned. Should the Chairperson position become vacant by death or resignation or should the Chairperson become otherwise unable to discharge his/her duties (to be determined by the Council), the Vice Chairperson shall become Chairperson for the unexpired term and assume all duties and responsibilities of that office. A vacancy in the office of the Vice Chairperson shall be filled by a majority vote of the members present at the next Council meeting.

B. Term of Office

At the first meeting of the calendar year, the Council shall elect one of its members as chairperson and one of its members as vice chairperson and any other officers it deems appropriate. Each officer shall serve a one-year term and each officer may be reappointed to more than one term.

C. Staff

The County will provide sufficient staff to coordinate the activities of the Council.

V. Committees

The Chairperson of the C.J.C.C. may appoint such committees, both standing and special, as he/she deems necessary to meet the purposes and responsibilities of the C.J.C.C. Committee membership may include non-CJCC members, as approved by the Chairperson or the Council. The Chairperson appoints Committee chairpersons, under the advisement of the Council.

VI. Steering Committee

A. Duties

The Steering Committee is to provide leadership in the planning and implementation of the Council goals by:

- Reviewing implementation plans, timetables and costs and reporting with recommendations on such matters to the Council.
- Reviewing requests made for resources, developing alternatives when appropriate, and making recommendations to the Council for responding to such requests.
- Reviewing and making recommendations regarding other matters delegated to it by the Council.
- Planning the agenda of the Council meetings

B. Membership

- Circuit Court Chief Judge
- County Administrator
- County Prosecutor
- County Sheriff

VII. Meetings

A. Regular Meetings

Except as otherwise required by law, the regular meetings of the Council shall be as follows:

(1) The Council shall meet on the _____ of each month at _____. If the regular meeting date is a national holiday, the meeting shall be rescheduled.

(2) The Council shall conform to the Michigan Open Meetings Act MCLA 267 of 1976.

C. Order of Business

Council meetings shall be conducted by way of an established agenda. There shall be a place on the agenda for citizen input.

D. Adjourned Meetings

Any legal meeting of the Council may be adjourned from time to time as the Council deems necessary.

D. Quorum

A majority of the members shall constitute a quorum for the transaction of the business of this Council.

E. Voting

Each appointed member shall have the right to one (1) vote. Voting by proxy or voting by telephone is not allowed. Except as otherwise provided in these Bylaws, by statute, or Roberts Rules of Order, all questions shall be determined by a vote of the members present.

F. Citizen Participation

Any citizen may comment upon Agenda items prior to the taking of a vote thereon. Citizens, after being recognized, shall identify themselves by name and address and shall limit their presentation to 3 minutes, unless time is extended by the Chairperson or by vote of the Council.

G. Distribution of Minutes

Proposed minutes shall be available for public inspection not more than eight (8) business days after each meeting. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting in which the minutes are approved by the Council. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after corrections. The corrected minutes shall show both the original entry and the correction.

H. Commission Orders and Records

Every order, resolution, and determination of the Council shall be recorded in the records of the Council.

I. Rules of Order

The rules contained in Robert's Rules of Order, newly revised, shall govern the procedures of the Council. However, when those rules of procedure are inconsistent with the Bylaws or any special rules of order of the Council, the Bylaws or special rules of order shall prevail over Robert's Rules of Order.

VIII. Fiscal Year

The fiscal year of the Council shall be in conformance with the County fiscal year.

IV. Amendment of Bylaws

These Bylaws and Rules may be amended, altered, changed, added to or repealed by the affirmative vote of a majority of the members of the Council at any regular or special meeting, provided notice of the Bylaw or Rules or amendments are subject to the approval of the County Board of Commissioners, the Chief Judge of the 22nd Circuit Court, and shall conform to such guidelines or policies as may be from time to time established by said Board of Commissioners. A two-thirds vote of the entire Council shall be required when a motion to amend, alter, change, add to or repeal these Bylaws is not included in the regular call.

The foregoing Bylaws and Rules were adopted by the Washtenaw Criminal Justice Council on *(insert date)*, and approved by the Washtenaw County Board of Commissioners on April 21, 2004 and the Chief Judge of the 22nd Circuit Court on behalf of the Washtenaw County Trial Court on *(insert date.)*