

Criminal Justice Collaborative Council

Meeting Minutes

May 20, 2005

200 North Main Lower Level Conference Room

Ann Arbor, MI

7:30 a.m. to 9:00 a.m.

Members Present: Barbara Levin Bergman (Community Corrections Advisory Board Chair), Paul Bunten (Chief of Police, City of Saline), Patrick Hughes (Department of Corrections Probation), Glenn Cotton (Attorney, Public Representative), Brian Mackie (Prosecutor), Barbara Ryan Fuller (Public Representative), John Shea (Attorney, Bar Association Representative), Wesley Prater (Board of Commissioners Chair), J Cedric Simpson (District Court Presiding Judge), Archie Brown (Circuit Court Chief Judge), Lawrence Kestenbaum (Clerk/Register), Lloyd Powell (Public Defender/Defense Attorney)

Members Absent: William McFarlane (Township Supervisor, Superior Charter Township), Dan Dwyer (Trial Court Administrator), Bob Guenzel (County Administrator), Kathy Reynolds (Executive Director, WCHO), Dan Minzey (County Sheriff)

Others Present: Scott Patton (CJCC Staff), Karen Edman (Chief Deputy Clerk/Register), Gordon Burger (Director of Planning and Budget), George Siasoco (CJCC Summer Intern), Jim Robertson (Consultant), David Behen (Director, Information and Technology), Uma Harithsa (Applied Technology Manager, IT), Karen Edman (Chief Deputy Clerk), Kerry Sheldon (Management Analyst), Delphia Simpson (Public Defender Manager), Anne Madsen (Judge, 15th District Court)

Convened: 7:45 a.m.

I. Introductions

Attendees were given the following supporting documents:

- CJCC Full Council agenda
- Minutes from the March 18, 2005 CJCC meeting
- Minutes from the April 22, 2005 meeting

II. Approval of CCJC Meeting Minutes

The motion to accept the minutes was made by Paul Bunten, seconded by J Cedric Simpson, and approved by CJCC members.

III. Public Participation

None.

IV. CJCC Committee Updates

A. Pretrial Services

J Cedric Simpson reported on the committee membership and the progress made in the establishment of the committee during the previous two meetings. The members have focused on two issues: 1) what the committee will recommend to the CJCC, and 2) governance. Archie Brown indicated that defining the purpose and structure of the Pretrial Services Committee is

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crucial. He advised that the committee should function as an information gathering body which would be tasked with sharing responsible and accurate information (done once) to the sheriff, defense counsel, the prosecutor, magistrate, probation, and district or circuit judges.

John Shea indicated that there are several models that can be studied. For instance, in the federal system, a separate pretrial services unit operates in conjunction with the Probation Department. A less expensive model employs a duty prosecutor and duty attorney in custody arraignments where counsel is detained. This model may bring up issues of neutrality, but it also alleviates the necessity of creating a separate agency. Glenn Cotton advised against reinventing the wheel. He noted that the Oakland and Wayne County models (open and closed, respectively) can be used as models for Washtenaw County.

J Cedric Simpson noted that the present conversations highlight discussions at the committee level. The committee has also focused on two issues: 1) How the information flows through the system, and 2) How the information is used to reintegrate or place the inmate to an alternative setting. Barbara Levin Bergman suggested hiring someone outside of the Prosecutor and Public Defender systems who would govern this process.

B. Inmate Reintegration

Barbara Levin Bergman said that committee's initial meetings discussed the issue of reducing recidivism, committee membership, voting members. She reported that at a later meeting, the Sheriff's Department presented a proposal that in most aspects duplicated services given by Community Corrections. She encouraged representatives from the Sheriff's Department to continue working with the committee to increase collaborative efforts on inmate reintegration and avoid duplication of effort.

The most recent meeting discussed: expansion of roles, funding options, the charter and purposes, barriers to inmate reintegration, and what the county can bring to this situation. While accomplishments are still forthcoming, the committee has begun to set goals. The committee is also trying to model their processes from the mental health diversion proposals.

C. Data Systems

David Behen indicated the committee in their last meeting, discussed the draft charter and developed four committee purposes. He indicated that, pending approval by the CJCC, the committee will be renamed, "Information Sharing and Integration Committee." He indicated that the draft charter will be returned to members at the next meeting. Members and their supervisors will be asked to sign the charter as an indication of commitment to the process.

He indicated that another issue discussed was the format and content of the monthly report to the CJCC. Members noted that getting the data is possible, but interpretation of data is difficult. David Behen recommended that the content should include the following five data points:

- 1) average daily population
- 2) average length of stay
- 3) early release information
- 4) jail population: felonies versus misdemeanors
- 5) jail population: pretrial vs. sentenced population

John Shea indicated that for the pretrial releases, he would like to see the numbers for: 1) felonies vs. misdemeanors, and 2) assaultive vs. non-assaultive. He also advised that actual data be attached as an appendix to the prepared summaries. David Behen will include these revisions.

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Discussion ensued on whether the current software would be able to provide a readily accessible snapshot of a person's prior and current criminal history. Archie Brown clarified that it is an issue of classification. It may very well be that someone is on misdemeanor but because of a past offense may be given a higher classification by jail and Community Corrections staff. The Community Corrections and Sheriff's staff recognize a glitch in the current software, which prevents their systems from communicating with each other.

David Behen indicated that the committee's purpose is to put together an action plan, timeline, and cost proposals. The committee will first focus on low hanging fruit, and early rewards. The CJCC voted unanimously to receive from the Information Sharing and Integration Committee a monthly report tracking the six data points given above.

V. Public Safety Radio Communication

Paul Bunten gave quick overview of 800 mhz public safety radio communication systems. He reported that the present system has outdated and unsupported technology. It is unreliable, and outages are frequent. He reported that the system needs to be replaced but upgrading the system to digital will cost \$28 million. They are hoping to fund this through a millage proposal in November. They are looking at alternative ways to fund it. For instance, by merging the system with the state's police public safety system, state and Homeland security monies may be available.

Discussion ensued on the difficulty of using a millage to fund this project, public engagement on the issue, and the value of using the state system over one used currently by Oakland County. John Shea indicated that this was an issue between the county board and police services. Paul Bunten clarified that it was a public safety issue, and so was important to get the CJCC informed. Barbara Ryan Fuller said that the group can have a positive role as "ambassadors" for this issue. When the business plan is updated, Paul Bunten will forward this to the CJCC.

VI. Discussion on Sheriff's Report

Archie Brown noted that no one from the Sheriff's department was present at the meeting in order to discuss Sheriff Dan Minzey's alternative proposal for the jail. Wesley Prater gave a brief description of the \$10 million proposal was delivered to representatives from Scio Township. John Shea said that Dan Minzey was quoted in a WEMU taped interview, advocating modular jail units. Archie Brown indicated that the proposal would re-do the courtyards to expand the jail past the original plan. Gordon Burger said that the construction would not be a cheaper alternative. The savings from the Sheriff's proposal came from leaving out infrastructure changes.

Members expressed their frustration at the proposal and the lack of representation from the Sheriff's Department. Brian Mackie said that in the two years the CJCC had been meeting, Dan Minzey had chosen not to say anything. It would appear that the Sheriff had a plan that he did not wish to share. He indicated that Dan Minzey should be held responsible to the Board of Commissioners (BOC) and the CJCC.

Barbara Levin Bergman and John Shea expressed their disappointment that Dan Minzey had a plan, but did not take the opportunity to defend his proposal before the CJCC. John Shea said that if the CJCC doesn't have something to review, this issue will be between the Sheriff's department and the BOC. Consequently, this calls into question the role of the council.

Barbara Ryan Fuller expressed her concern over the public perception there is a political struggle between Dan Minzey and the CJCC. While he has gone outside spirit of collaboration, the CJCC

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needs to be mindful not turn this into a political confrontation. The CJCC has to be seen as being concerned about taking the welfare of the community and those put at-risk in the jail. She agreed that Dan Minzey needs to defend what he is proposing, and be held accountable for his actions. Paul Bunten fully agreed that the council needs to take a position and move forward. However, it must diffuse this situation while realizing that competing issues will not go away.

Wesley Prater indicated that while the CJCC cannot control what Dan Minzey does, members can only react appropriately and take the high ground. Wesley Prater advised that they should let some professionals review this proposal, and bring their recommendations back to the CJCC for its review.

John Shea asked how the council can move forward at this point since there is no proposal on the table. The CJCC is in support of the conceptual underpinnings of the original proposal. Until there is something to work on, the council cannot proceed. He noted that every member, except the Sheriff, voted in support of the revised proposal.

Archie Brown said that collaborative bodies such as the Jail Overcrowding Task Force (JOTF) and the CJCC have helped to bridge difficulties on relevant issues. However, for collaborative progress to be made, representatives are required to be present and talk at the meetings. He indicated that Dan Minzey's absence sends a loud message that for him collaboration on this issue is not important. If there is some form of public discussion on the proposal, then the group has to be convinced that what was originally proposed is not good. The representatives against the original proposal have to be present, however difficult it may be. Open discussion has to be done within the public domain. Otherwise, the meetings would simply be a waste of members' time.

J Cedric Simpson reiterated that there is a need for full participation. He advised that the CJCC should not allow one person to destroy what this committee has done. But the CJCC cannot proceed without him, as members need his proposal in order to move on. He opined that the Sheriff should just not walk away from the table, as this would only indicate cowardice.

Jim Robertson said that this issue should not be a stumbling block for CJCC's progress in making change in Washtenaw County.

VI. CJCC Retreat: Next Steps

Following on the retreat's next steps, Scott Patton said that for the Public Defender to be included in the Steering Committee, the CJCC needed to amend its bylaws. The motion to amend the CJCC bylaws to appoint the Public Defender to serve in the CJCC Steering Committee was made John Shea, seconded by Brian Mackie seconded and approved unanimously by CJCC members.

In the event of Freedom of Information Act (FOIA) requests, John Shea requested that the CJCC have the same case by case banding/early situation data for jail overcrowding to get an idea what the situation is there. John Shea indicated that there are items that are releasable on a line by line form, as a list generated by the Sheriff. This will promote discussion and greater understanding. Discussion ensued on whether this information is complete and subject to interpretation. J Cedric Simpson said that if the list is prepared, the issues that prompted the decision should also be there. How the information is laid out is critical to understanding why an inmate is held or released.

Adjourned 9:15 a.m.

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Next Criminal Justice Collaborative Committee meeting will be on 6/17/05, **7:30 a.m. to 9:00 a.m.**, at 200 North Main Lower Level Conference Room.