

Criminal Justice Collaborative Council

Meeting Minutes

June 17, 2005

200 North Main Lower Level Conference Room

Ann Arbor, MI

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

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

Members Absent: Bob Guenzel (County Administrator), Kathy Reynolds (Executive Director, WCHO)

Others Present: Scott Patton (CJCC Staff), George Siasoco (CJCC Intern), Herb Mahony (Undersheriff), Greg Dill (Director, Facilities Management), Rick Visel (Director, Correctional Services), Kirk Filsinger (Jail Commander), Julie Chaffee (Director, Community Corrections), Gary Greenfield (Corrections Lieutenant), Kerry Sheldon (Management, Jim Walter (Pittsfield Township Supervisor), Mike Moran (Ann Arbor Township Supervisor), John Phillips (Director of Public Safety, Pittsfield Township.), Jean Carlberg (Ann Arbor Councilwoman), Sheila Blakney (Senior Assistant, Public Defender), Delphia Simpson (Public Defender Manager)

Convened: 7:37 a.m.

I. Introductions

Attendees were given the following supporting documents:

- CJCC Full Council agenda
- Minutes from the May 20, 2005 CJCC meeting
- Minutes from the May 31, 2005 CJCC meeting
- Letter from William McFarlane regarding suggestion for consideration on PSU/Jail/Court

II. Approval of CCJC Meeting Minutes

The motion to accept the minutes was made by Barbara Levin Bergman, seconded by J Cedric Simpson, and approved by CJCC members.

III. Public Participation

None.

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IV. Feedback from the Board of Commissioners

Wesley Prater said that Mike Moran has been talking to and receiving feedback from people in the community. He noted that a copy from William McFarlane's memo was sent to the Board of Commissioners. He reported that the county is determining the methodology of police contracts. Barbara Levin Bergman commended William McFarlane on his thoughtful and provocative memo.

V. Update on Feasibility Process for Sheriff's Proposal

Greg Dill reported that he and his staff are continuing the feasibility process for the Sheriff's proposal. The current project has a capital end which includes an analysis of construction (materials, connections to existing structures). His staff has retained a firm to do the feasibility study and have provided the company with information. The firm will then do a thorough analysis of the jail infrastructure. He noted that the building was constructed for a capacity of 200 inmates and that this is the third expansion. He reported that he and his staff have also been meeting with the Sheriff to discuss staffing models, with Jim Robertson (Consultant) assisting in this process. They are currently reviewing support functions, laundry, medical, etc.

Greg Dill told members to expect a document which will be submitted to the County Administrator by next week. Julie Chaffee asked if the plan will address classification issues brought up in the meeting last week and if they have made predictions. He reported that Jim Robertson has been engaged in those discussions. Herb Mahony said that predictions have been done and he will forward these to Julie Chaffee. Scott Patton will also forward these to all members.

Wesley Prater advised that Julie Chaffee needs to be included in the loop because she will be helping with programming. Barbara Levin Bergman asked if the plans allowed for the ebb and flow of one or another classification. Greg Dill said that it would be best to focus on their presentation from an independent standing. Sheila Blakney asked if there is a new classification. Herb Mahony clarified that there are eight classification points and other types of classifications systems.

VI. Committee Updates

A. Pretrial Services

J Cedric Simpson reported that the committee is working on the draft proposal of recommendations. The CJCC will then review the process from arraignment through post-arraignment, how information is gathered and presented to magistrates, and how information is taken into consideration at arraignment. The committee looked at 15 questions that would be helpful to the magistrates. He noted that there were two tracks: felony vs. misdemeanor. The committee is currently developing a flowchart of how the information is gathered and then given to the appropriate channels. He noted that this is a crucial process since it poses a huge challenge for the committee, specifically with felony cases. He reported that the committee is expediting the schedule within next two weeks to move this process along faster.

J Cedric Simpson said that it will probably take the committee two months before recommendations are given to the CJCC. Brian Mackie asked how many bodies it would take to develop a pretrial services unit. J Cedric Simpson said the committee already had an analysis of felonies versus misdemeanors for 15A District Court. The committee will get the analysis for others at its next meeting. Once these numbers are in, they will determine whether one body can do that process or more will be involved. He also noted that the committee will also need to consider which people to leave out of process also. For instance, in a murder case, not a lot of

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work needs to be done as their bond will not be affected. He also cautioned that the information can state that this process can be impossible, as there are 534 arraignments in a two month period.

B. Inmate Reintegration

Barbara Levin Bergman said that the committee was looking at bringing in integration services for inmates. They had just reviewed a website which would show for what types of benefits an inmate was eligible and found it was not as helpful. Committee members found that the site had a problem with follow up. Sheila Blakney said that the Department of Corrections (DOC) representatives gave a presentation on the state's inmate reintegration program. They are proceeding with a plan, but with no funding for any counties on the second round, such as Washtenaw County.

Sheila Blakney said that they have an existing structure with a Steering Committee. As most of the representatives in this structure are DOC representatives, she was skeptical how this will work. They have a lot of detailed plans, but actual implementation remains in progress. She noted that it would be easy to say that inmates need wraparound services, such as identification and employment. However it would be difficult to keep the programs operating without funding. There is also a question of how their programs will integrate with Washtenaw County's jail integration process, and if there will be control issues with funding and programming. She reported that their next meeting will be on July 11, 2005 and several members of the committee will be attending.

Julie Chaffee reported that there is currently a third effort at Michigan Works. They are applying for federal funding, as there are offenders listed in our own jail that may qualify for this program. Discussions are ongoing if the county may avail of the federal funding. Sheila Blakney said that the goal in the committee is identifying where services can be given.

Barbara Levin Bergman clarified that if the state sends recently paroled inmates to the county level, there will be an impact on the community because of funding and resources. She added that the county should have an interest in protecting its services here. While the CJCC is looking locally, there is a need to study the state impact on local services.

John Shea asked for clarification on the county's interest in the state reintegration program (given the county's focus is the jail), whether the state is building structures, and what the impact of the program is on local resources.

Sheila Blakney clarified that the state is changing their parole policies by looking at inmates who can be paroled earlier. During these inmates' final 9 months they will be transferred to a local prison. Services will begin while in the prison system to help integrate them in the local community. To that end, they are studying collaborative efforts with faith-based communities.

Scott Patton said that this program would be run as "a prison within the prison." Sheila Blakney said that a steady stream of people will get services. They will not add a separate structure even though they envisioned this plan for the future. She added that larger counties could potentially receive \$250,000, but that funding remains a hope. She said that they have some grant funding, but the rest of the money is up to the legislature.

Herb Mahony explained the context of this program came with the change in sentencing guidelines. It is not that the state is releasing parolees earlier. They are releasing them to different custody status earlier. Their goal is to keep prison populations under 50,000 inmates. With the sentencing guidelines changing, they are trying to find alternative ways to keep the goal. There

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are not necessarily programs in place, but the state is pushing the issue to the county-level, where the services may be available, without attaching funding options. Consequently there is resistance from the counties because of its impact on communities, with regard to jail population and local services.

Herb Mahony clarified that the inmates are technically still in custody but are tethered, which is the reason for concern. Julie Chaffee said that the state told the directors of Housing and Michigan Works that they need to plan for the implementation of this program within their communities using their own funding.

VII. Community Corrections and CJCC

Archie Brown initiated discussion on the status of Community Corrections with the following questions:

- Should Community Corrections Advisory Board (CCAB) remain as an independent body with little formal relationship with the CJCC?
- Should the body be a formal subcommittee of the CJCC, but retain its own governing structure?
- Should it be integrated into the CJCC?
- Should it continue on its own and provide reports?
- Should it have an advisory capacity to the CJCC?

Archie Brown said that the discussion was to get a sense from members of how they felt on these issues, in order to help Community Corrections and the Steering Committee on the CJCC's involvement. Scott Patton clarified that the issue arose from the overlap in membership. Members offered the following feedback:

Herb Mahony observed that the CCAB focuses on specific issues dealing with Community Corrections, and serves an important function. There is an obvious need to liaison between the CCAB and CJCC. John Shea said that the CCAB is already a functioning body, and up to speed with Community Corrections issues. He advised having the CCAB inform the CJCC on an issue of relevance to the council.

Wesley Prater said that at the very minimum there needs to be good communications between the two bodies. Not all CJCC members are familiar with what the CCAB's needs as to have a seat at the table. He advised that those who know more about these needs to speak about them. Lloyd Powell said that it would be important to discuss and examine the advantages and disadvantages of going either way. This process would not involve any particular power struggles. The CJCC can study how each impacts current operations, and how improvements can be made in the process.

Barbara Levin Bergman noted that the CCAB was represented in the CJCC by her and Julie Chaffee. Its primary function is to approve a budget, and to look at needs and ancillary services as requested by Julie Chaffee. She indicated that the CCAB is not a rubber stamp board. She said that if those decisions were performed by the CJCC, the role of the CCAB would be reduced to maintaining the budget. The question therefore was how involved CJCC wants to be in those micro-level decisions. Sheila Blakney indicated that from Community Corrections' point of view, all initiatives of the CJCC impacts Community Corrections. In effect, she asked if this process should be recognized formally. It is not a question of disbanding the CCAB since it is statutorily mandated, but the duplication of function and overlap of subject matter is a matter of concern as it brings up the question of who is in charge.

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Julie Chaffee advised taking the discussion to a higher level. The CCAB in the past has driven policy before because the CJCC did not exist. It developed eligibility criteria, and determined who can be served in jail. After the Community Corrections retreat, members said that the county should decide this issue. In a perfect world, the CJCC decides on the offenders that should be served (e.g. lower than a 5) with some direction from the state, and review funding streams. Discussions held at the CJCC would then forward its recommendations to the Board of Commissioners.

John Phillips cautioned that statutory mandates are meant as advisory. The state board may withhold funds if the CCAB is politicized. However it will not be concerned about the relationship between the CJCC and CCAB. He commended Julie Chaffee for her work with Washtenaw County. J Cedric Simpson said that the CCAB is statutorily created, and vested with certain powers. He asked if the CCAB can defer those powers to someone else such as the CJCC. He also asked if CCAB accept or ignore the CJCC's identified policies.

Julie Chaffee clarified that the CCAB is an authority board whose powers are very specific. If CJCC identifies its polices, and the CCAB maintains its directions from state (which changes annually), the CCAB can say yes. At least as a community, the CCAB can come back to the CJCC and say it will not fund certain policies. However, CJCC can help drive jail management, and can take these recommendations to the BOC. This process presents an alternative avenue. Currently, the CCAB makes all decisions, and consequently, there are inmates who are not funded because the state does not see the impact for the county's prison population. The CCAB has defined its role: to divert felons from prison. Archie Brown said that the current policy does not deal with misdemeanants, and Community Corrections deals exclusively with felons. John Phillips clarified that the state will allow a county to target populations. Archie Brown noted that Washtenaw County has certainly done this.

John Shea indicated that in the future the CJCC will be dealing with issues that go beyond jail overcrowding. He did not believe that every issue should be dealt with in the CJCC. As there is already a body that deals with Community Corrections issues, then the CJCC should be comfortable with the CCAB informing the CJCC what impacts them, much as the Sheriff's Office has done with jail issues. Rather than making it more complicated with a formalized subcommittee, he advised letting the CCAB continue their work. The CJCC and the CCAB can inform themselves of what relevant agencies are doing, so as to limit duplication of efforts, and wasting time.

Sheila Blakney asked given that Community Corrections does not have the authority to make decisions, whether it would be better for the CCAB to be in a decision structure that is part of the county, which has public involvement. This realignment would also allow independent county funding. Consequently, the state's Community Corrections funding has no right to limit whom the county serves and what services are given them. This expands programs to those who traditionally have not been allowed, such as domestic violence offenders.

John Shea said that while the current discussion needs to be studied further, the issue will not be resolved at the present meeting. He advised having an ongoing agenda item on "Reporting from the CCAB." If there are issues that the CCAB would like the council to discuss, then the meetings can accommodate them.

Archie Brown asked members if this is something to have as a discussion item in future. Julie Chaffee noted that the group had come a long way in a year. The state had set conditions last year

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and the county has met those conditions. She recommended that Scott Patton disperse the grant application to CJCC members, on which the CCAB will act in August, and she will bring back from the state report what was approved or not. She was willing to answer questions from the CJCC.

Barbara Levin Bergman said that the CCAB operates on a non-political model via consensus. She was pleased with how this body works, and recommended keeping the consensus model. Wesley Prater asked if the grant is at issue and who accepts conditions of grant (i.e., the Courts or the BOC). Julie Chaffee clarified that the courts accepts the conditions, followed by the CCAB, followed by the county board. This impacts trial court funding because of staff incomes. Wesley Prater said that everyone has to be involved, including the courts and BOC. Archie Brown said that the issue for the court was in managing Community Corrections, and applying for available funding. The county does not have to accept the approved grant. If it decides to receive funding, it can reallocate that grant funding to other line items. Archie Brown noted that it was part of a broader discussion that should occur.

Archie Brown said that Community Corrections does not have to be under courts, and not driven by the state, as every county has a different structure. Sheila Blakney said that the BOC made the decision to put it under courts. John Shea noted that the CJCC is a policy recommending body. Therefore, to the extent that it has the information, a monthly report would be appropriate for now. Archie Brown said that it could share expansion criteria with the group for instance. Barbara Levin Bergman said that it was a question of the autonomy of the CCAB. If it is not autonomous then it should be placed elsewhere. Archie Brown said that he will take these discussion points back to the Steering Committee and the CJCC will receive a monthly report from Julie Chaffee.

J Cedric Simpson noted that there are two separate issues: should the CJCC be involved in governance discussions, and its interrelationship with CCAB. Barbara Levin Bergman said this will ultimately be a discussion for the BOC and the courts.

VIII. Other Issues

Archie Brown reported the preliminary exam hearings were being held at the state legislation, but the vote is delayed until next Wednesday. Both organizations have gone against legislation to do away with the preliminary exam. However it has created a party only to get them out of jail overcrowding. There are fourteen different ways to deal with that.

Adjourned 9:00 a.m.

Next Criminal Justice Collaborative Committee meeting will be on 7/20/05, **7:30 a.m. to 9:00 a.m.**, at 200 North Main Lower Level Conference Room