

# **Criminal Justice Collaborative Council**

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## **Meeting Minutes**

September 23, 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), Barbara Ryan Fuller (Public Representative), Dan Dwyer (Trial Court Administrator), Brian Mackie (Prosecutor), Lloyd Powell (Public Defender/Defense Attorney), Dan Minzey (County Sheriff), Wesley Prater (Board of Commissioners Chair), Barbara Levin Bergman (Community Corrections Advisory Board Chair), Paul Buntin (Chief of Police, City of Saline), William McFarlane (Township Supervisor, Superior Charter Township), Bob Guenzel (County Administrator), John Shea (Attorney, Bar Association Representative), Lawrence Kestenbaum (Register/Clerk), Glenn Cotton (Attorney, Public Representative), Patrick Hughes (Department of Corrections Probation), J Cedric Simpson (District Court Presiding Judge)

**Members Absent:** Kathy Reynolds (Executive Director, WCHO)

**Others Present:** David Behen (Director, Information and Technology Services), Scott Patton (CJCC Staff), George Siasoco (CJCC Staff), Karen Edman Karen Edman (Chief Deputy Clerk/Register), Jim Robertson (Consultant), Julie Chaffee (Director, Community Corrections), Uma Harithsa (Applied Technology Manager, ITS), Kirk Filsinger (Jail Commander), Joseph DeGraff (Case Manager, Community Corrections), Kerry Sheldon (Management Analyst), Karen Korte (Corrections Lieutenant), Ann Mattson (Judge, Trial Court District Court Division), Sheila Blakney (Senior Assistant, Public Defender)

**Convened:** 7:35 a.m.

### **I. Introductions**

Attendees were given the following supporting documents:

- CJCC Full Council agenda
- Minutes from the August 19, 2005 CJCC meeting
- Information Sharing and Integration Committee Report on Terminology & Data Analysis
- Proposed Decision Tree an Inmate's Legal Status
- CJCC Definitions Discussion Presentation

### **II. Approval of August 19, 2005 CCJC Meeting Minutes**

The motion to accept the minutes was made by Glenn Cotton, seconded by Bob Guenzel, and approved by CJCC members.

### **III. Public Participation**

None.

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### **IV. Planning of New Institutions (PONI) Update**

Archie Brown reported that the PONI program was interesting and helpful in presenting the complexity of the planning process. Bob Guenzel said it focused on the first five stages of planning process, of which the county has already halfway undergone. The program was valuable because it presented a roadmap towards the future of what still needs to be accomplished. There were many useful tools and diagrams that would be helpful to share with the project team.

Bob Guenzel noted that the project team will meet next week. A pre-RFP has been developed in anticipation of hiring an architect. In November, an RFP for the architect will proceed. The conference was very helpful in emphasizing that the jail part is not as complex as building an institution. Wes Prater said that the main expense was located in operations, which is dependent on the location of the post. Dan Minzey said that missing one piece would be detrimental to the planning process. Identification of full time staff will be necessary.

Jim Robertson said that the comments reinforce the value of the program. He was encouraged by the participation and comments. Scott Patton said that he will forward materials distributed at the training to interested members.

### **V. Probation Residential Center Governance**

The motion to have the CJCC approve a proposal to have a not-for-profit operate the facility, and governed by a body with county administration and judiciary representation (in order to ensure that the court's needs are addressed) was made by Dan Dwyer, and seconded by Paul Bunten. Archie Brown noted that the circuit judges had already approved this proposal. Motion was voted unanimously by members.

### **VI. Data Definitions Discussion**

David Behen referred members to the CJCC Definitions Discussion presentation. He noted that the committee charge was to develop a data report so the CJCC can manage the criminal justice system. He reported that a smaller group of committee members had developed the draft definitions as well as decision trees for "legal status" and "most serious offense". The committee had collaborated extensively with Community Corrections, in developing a comprehensive data set from March 2005, which would be the basis for the CJCC data report. However, before the report can be finalized a working set of definitions still needed to be agreed upon by the CJCC. Archie Brown said that the committee developed a report that was not distributed to the CJCC. This draft data systems report would be held until discussion of pending definitions.

Dan Dwyer said that while there is no such thing as a perfect definition, the committee can identify definitions without reducing everything to the lowest common denominator. The CJCC was presented with a committee proposal for the definition and the issues related to each definition. Discussion ensued, and committee members then voted on the following definitions with appropriate changes.

#### **A. Recidivism**

**Proposal: Definition will apply to individuals who reenter the JAIL for any reason, subdivided by type of arrest and time.**

Discussion focused on whether the recidivism definition captures crimes that do not result in jail admission or is performed out of county. Dan Dwyer said that the information is in ENACT, the court's computerized management system. However this information is limited because it does not identify who goes to the jail. J Cedric Simpson said that the lien information is available to the judges, but may be incomplete. Archie Brown said that another issue is if someone is not

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arrested or sent to jail, but shows up before a judge. Dan Dwyer said that the most important data to track should identify which individuals keep returning to the jail.

Barbara Levin Bergman advised narrowing the term to recidivism to Washtenaw County's jail, and excluding other counties. Paul Bunten said that the problem is that the county has a lot of data which is not verifiable. J Cedric Simpson said that the walk in issue is a huge issue in terms of recidivism. Capturing these data points, especially out of county cases, would be extremely challenging. He also noted that there are prohibitions of releasing lien data to persons not authorized to receive this. Barbara Ryan Fuller said that she is not concerned whether the general public can get this information, but whether there is a sharing of this information to people who are authorized to receive this. J Cedric Simpson clarified that the system does share this information among its members.

Barbara Levin Bergman recommended dropping the term recidivism and using "jail returnees" instead. Dan Dwyer said it was important to track recidivism because it was usable for allocation of resources. He indicated that none of this data is for the adjudication of cases by judges, but is simply for data tracking. John Shea indicated that if members are tracking jail utilization and flow of inmates into the jail, the term "recidivism" can be useful. But for public relations reasons, he advised re-labeling the term. Paul Bunten advised using the term "inmate recidivism."

Kirk Filsinger said that the definition can include the time frame being considered. Dan Dwyer said that the smaller group of committee members had not discussed this important point, but will come back with a recommendation for the time frame. CJCC members reached a consensus on the term "inmate recidivism." Archie Brown said that the future reports should clarify whether it was in Washtenaw County.

The motion to use the definition "inmate recidivism" to apply to "individuals who reenter the county's JAIL for any reason, subdivided by type of arrest and time" was made, seconded and approved unanimously by CJCC members.

### **B. Violent Offense**

#### **Proposal: Definition will apply to 221 offenses listed as "crimes against a person" by sentencing guidelines.**

Dan Dwyer indicated that the term "Violent Offense" was especially challenging to define. He asked members to focus on a definition from a system-wide perspective rather than what would work for a particular department. He identified the sources for the recommended definition and the advantages and disadvantages of the recommendation. He had been in contact with the FBI to see if the uniform crime reports may be able to offer suggestions on the fine points of the definitions. He said that the FBI reports capture violent offense that is statistically significant enough to report. However, this may not be usable to the county. Dan Dwyer clarified that for release of the report to the public, transparency is of utmost importance. As long as the definition is there, that is what that piece of data means.

Discussion focused on the definition of "violent" in "violent offenses." Sheila Blakney said that the difference between "dangerous" and "violent" is an important distinction to consider when using this term. John Shea said that members have to be consistent with terms from previous documents as it was used in this room. Some dangerous persons may need to be treated as violent offenders. Lawrence Kestenbaum said that the words may not fit with a number of classifications. For example, a drunk driver causing death would be easier to justify as a violent offense. But all drunk drivers who have not caused death would be harder to justify.

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John Shea asked Brian Mackie agreed if the definition could be restricted to A-D class. Brian Mackie said that some felony stalking cases would not be included since it would be an E. He said that the frustration in this process would be that there is a template from other counties and states. He said that there was no such template because every county does things differently. John Shea indicated that if the definition was to include violent offenders using the jail resource then the term may be usable. Exceptions may not necessarily be statistically significant, given that the CJCC considers a time frame from one, five, or ten years. Jim Robertson agreed that there is no consistency among jurisdictions. The trend is to look at violent offenders but the problem of dangerous offenders clouds the issue most of the time. He emphasized that members need to reach consensus for the county's purpose.

John Shea suggested that members begin with classification A-D offenses as this may be comparable to state reporting. If any offenses are left out, these can be addressed later. J Cedric Simpson suggested that the perhaps the CJCC can look at the penalty: i.e., anything below five years is excluded. This may be a more careful way to looking at the definition since the legislation defined the penalty. Given that defining "violent offense" is problematic, Brian Mackie recommended changing the term to "high severity felonies."

The motion to define "violent offense" as "221 offenses listed as 'crimes against a person' by sentencing guidelines, include A-D classification, include misdemeanors, plus a yet to be determined category that the committee will develop" was made, seconded and approved unanimously by CJCC members.

Dan Dwyer invited members interested in participating in the smaller data report committee. He also asked members to email him any suggestions for additional "crimes against a person" not listed in the violent offense sheet.

### **C. Single Most Serious Offense**

**Proposal: Definition will be made using decision tree based on statutory sentencing guidelines.**

Dan Dwyer indicated that the term "single most serious offense" also caused much discussion. When an offender in jail has several offenses, what is the most serious offense that will be used to classify the person? Joe DeGraff developed the decision tree to help measure this. Archie Brown clarified that this is only for the data systems report and not intended to be used by the courts, Sheriff's and other departments.

Dan Dwyer said that this is measuring their status not the crime, so that crimes that occurred twelve years ago may have influence on a current charge. J Cedric Simpson advised that since the committee is not talking about offense, then the terminology can be changed to status or record. Joe DeGraff clarified that the Bureau of Justice uses the term "Single Most Serious Offense" in other reports. However, the Bureau of Justice is not referring to the severity of crime but the legal status. Sheila Blakney said that it could be controlling record. Brian Mackie agreed that the term "status" captures it better.

The motion to change the term from "Single Most Serious Offense" to "Controlling Status" which will be determined using a decision tree based on statutory sentencing guidelines was made, seconded, approved unanimously by CJCC members.

### **D. Legal Status/Charge Level**

**Proposal: Definition will be made using decision tree consistent with Jail Population Information System (JPIS), which is submitted to the State.**

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Joe DeGraff said that the goal was to determine why an inmate is in jail. Karen Edman indicated that the reporting to the state is hinged on conviction. She advised reporting on this data point rather than “sentenced individuals”. Joe DeGraff said it was an excellent suggestion since many people are released before conviction. Sheila Blakney asked if JPIS counts sentenced individuals. Joe DeGraff said that JPIS breaks people out into three groups.

Joe DeGraff clarified that reporting on convicted status would not be contradictory since the data can be sliced according to reporting. The report could very well determine the number of convictions. But if the query requires more detail on sentencing, it would require more work, but is doable. Joe DeGraff said that the CJCC report will not impact what the Clerk reports to the state, and what the Sheriff reports through JPIS annually. However, it would be important for routine reporting.

Sheila Blakney indicated that she was concerned that Joe DeGraff is working way too much on the project, without being adequately compensated. She advised obtaining the data for sentenced inmates as it requires less work.

The motion to accept the proposed definition of “Legal Status/Charge Level” for sentenced individuals to be determined using a decision tree consistent with JPIS (which is submitted to the State) was made, seconded, approved unanimously by CJCC members.

### **VII. Committee Updates**

#### **A. Inmate Reintegration**

Barbara Levin Bergman reported that a state representative gave a presentation to and answered questions from the committee regarding the Michigan Prisoner Reentry Initiative. A Steering Committee will be formed. Some of whose members may be selected by the Board of Commissioners. While there will be funding for the initiative, key questions are still remain, such as, how many inmates will be transitioned to the county and where they will be placed. What is certain is that the inmates will be coming. She acknowledged that many people in the community favor the initiative. Sheila Blakney reported that the committee will continue to pursue more information on the initiative through various conferences and county meetings.

#### **B. Pretrial Services**

J Cedric Simpson reported that the committee is continuing work on pretrial services. Two positions have been approved, located in Community Corrections, who will be responsible for getting information on offenders. The committee will be seeking additional resources for staffing to provide verifiable information. The committee will have something more concrete to present regarding the issue of walk in arraignment by the next CJCC meeting.

**Adjourned** 9:20 a.m.

Next Criminal Justice Collaborative Committee meeting will be on **THURSDAY, 10/20/05, 7:30 a.m. to 9:00 a.m.**, at 200 North Main Lower Level Conference Room.