

Criminal Justice Collaborative Council

Full Council Meeting Minutes

February 16, 2007

LLRC- Room A--4135 Washtenaw Avenue, Ann Arbor, MI

7:30am – 9:00am

Members Present: Jeff Irwin (Board of Commissioners, Chair), Patrick Hughes (Department of Corrections Probation), Brian Mackie (County Prosecutor), Barbara Levin Bergman (Community Corrections Advisory Chair), Kathy Reynolds (Executive Director, WCHO), Dan Minzey (County Sheriff), Archie Brown (Circuit Court Chief Judge), Bob Guenzel (County Administrator), Mike Moran (Ann Arbor Township Supervisor), Ann Mattson (15th District Court Chief Judge), Barbara Ryan Fuller (Public Representative), John Shea (Attorney, Bar Association Representative), J. Cedric Simpson (14A District Court Chief Judge), Paul Bunten (Chief of Police, City of Saline), Dan Dwyer (Trial Court Administrator), Charley Pope

Members Absent: Lawrence Kestenbaum (Clerk/Register), Lloyd Powell (Public Defender/Defense Attorney)

Others Present: Julie Chaffee (Director, Community Corrections), Scott Patton (CJCC Staff), Sheila Blakney (Senior Assistant, Public Defender), Bob Davidow (Public Representative), Rick Visel (Director, Correctional Services), Ann Mattson (15th District Court Chief Judge), Kenita Montgomery (CJCC Intern),

Courtship

Meeting Convened: 7:42 a.m.

CJCC Chair J. Cedric Simpson called the meeting to order at 7:42am.

Supporting Documents

Attendees were given the following documents:

- Washtenaw County Budget Planning Process Handout
- Sheriff Budgetary Data/Graphs

I. Approval of Minute

The motion to approve the minutes of the January 19, 2007, CJCC Full Council meeting was made by Brian Mackie, seconded by Paul Bunten; approved by CJCC members.

Connotation denotation

II. Public Participation

None.

III. Boarding Out

Jeff Irwin briefed the group on the recent discussion that the BOC had regarding jail overcrowding. Jeff Irwin reminded the group of last year's resolution to stop boarding out. Jeff Irwin stated that as a result of the recent jail releases, the discussion has been rekindled. They are looking for a means to aid the Sheriff in jail management, while being mindful of financial, inmate programming, and due process (court dates) considerations. Jeff Irwin reported that he would be discussing these issues with several groups, and came to the CCCC to get feedback on concerns at the front end. Jeff Irwin stated that he will then come back in April for more feedback.

Dan Minzey stated that this discussion revealed several complexities and nuisances, which is why there would need to be a series of meetings to discuss these issues.

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Jeff Irwin reported that he is hoping that the CJCC can come together with something productive. Jeff Irwin then opened the floor to questions and concerns, and discussion ensued.

Brian Mackie expressed that it was important to keep in mind that several thousand people will be released by the State, and this will more than likely exacerbate the situation in Washtenaw County.

John Shea offered that it may be of value to reference reports the Information Sharing and Integration Committee will be doing for the County in the upcoming months. John Shea stated that the committee came up with a system to classify whether offenders are pretrial or post trial. John Shea offered that it is important to be consistent with terms.

Archie Brown expressed that there was an additional 80 offenders whose release dates were pushed forward by Section 7 of the statute. Archie Brown stated that he just wanted to clarify that the statute applies to everyone that is sentenced.

Barbara Levin Bergman asked whether the Information Sharing and Integration Committee is able to look at the effects of the recent releases because this will affect the County's ability to board out in other places.

Mike Moran reported that previously the Information Sharing and Integration Committee had looked at the average number of days offenders are held pre-trial. Mike Moran stated that once some offenders are released, it is important to take them out of the data. Otherwise, they could skew the results.

Ann Mattson asked which date is the 30% reduction applied; whether it is the original released date, or the date after good time is earned. Ann Mattson also expressed that she believed there has not been proper victim notification of releases.

Herb Mahony indicate that he was not sure, but he believed that it is the offender's original release date that is reduced. Herb Mahony stated that the statute is mute on that position, therefore it will be a policy decision on the County's part. Herb Mahony said that the Sheriff Department has worked hard on this. Herb Mahony stated that they have updated their notification system, and has automated the system to notify victims, and Safe House. Herb Mahony stated that sometimes it is difficult to track victims down if they are transient.

Charlie Pope spoke on several issues concerning from the district court level. They include:

- Business file on Domestic Violence charges are always impacted by overcrowding.
- The District Court uses the "stick and the carrot" to manage inmate behavior. Boarding out, however, affects the offenders' ability to do programming that could shorten their sentences.
- Warrant recalls usually end up back in the Judge's hands because of overcrowding, and this is frustrating to the Judiciary.

Robert Brackenbury asked for clarification on how the 30% reduction works, and if it is triggered by a specific date.

Herb Mahony offered that jail population is fluid and changes by the day. So the jail often has to make an administrative decision to stop at a certain time cut off time. Herb Mahony stated that the jail has to base the release percentage on that time, but that is subject to change as more offenders come in and out the door.

Archie Brown offered that ultimately, all of these offenders are released some day. Archie Brown stated that the problem is that massive releases put a strain on the system, especially in terms of victim notification. Archie Brown also offered that the County is losing the impact of the jail and the resources that the jail offers because of overcrowding. The offenders are serving the sentence that the judge saw fit.

Sheila Blakney offered that the system is also there to benefit the person in jail, because part of the goal of sentencing is prevention; hence, the bulk of inmate programming being placed in the jail. Sheila Blakney stated that in some ways boarding-out unjustly punishing the good inmates by isolating them from their

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families and jail programming. Sheila Blakney offered that when looking at boarding-out, total costs should be examined (not just bed costs, but transport costs and man power costs, etc.).

Sheila Blakney expressed concerns with pretrial people being boarded-out and asked if warrants on individuals until the outdates are being triggered.

Dan Minzey indicated that this is still the procedure.

J. Cedric Simpson reported that there is an e-mail system in the County to notify judges of in-county warrants, and this is not a new process.

Sheila Blakney asked does this process cross over to the other District Courts.

Herb Mahony stated that for out-county warrants, the internal process is to check list daily to see if sentenced inmates have out-county warrants. Herb Mahony stated that the jail then contacts these other counties and ask if they want the offenders to be arraigned for these warrants. Herb Mahony stated that the process appears to be effective internally, however there are some difficulties with the out-county agencies.

Ann Mattson offered that if the offender is ready to be released they are then taken over to other counties/agencies deal with their warrants.

Charlie Pope offered that the jail is usually very thorough about doing a warrant check when they are about to release someone.

J Cedric Simpson offered that there seems to be a variety of mechanisms in place to deal with warrants.

Jeff Irwin thanked the group for feedback. Jeff Irwin restated that the current BOC operative policy is that the County has agreed to board-out 20 inmates provided compliance with section 7 of the statute. Jeff Irwin stated that the BOC is looking to improve this.

IV. CJCC Retreat

Scott Patton indicated that the past few years the CJCC has held a retreat in April in order to review where the County is in the criminal justice system and to establish goals for the forthcoming year. Scott Patton stated that the Steering Committee has discussed whether to do it again and how. Scott Patton reported that the Steering Committee agreed that a retreat should be held, but felt it was valuable for the Full Council to determine the purpose of the retreat. Scott Patton offered that it may be of value to form a subcommittee to determine the agenda, scope, and goals for the possible retreat.

Discussion ensued about the matter and several group members volunteered to join the subcommittee: Kathy Reynolds, Dan Dwyer, John Shea, and Sheila Blakney. Scott Patton said that if anyone else was interested, to contact him via e-mail.

II. County Budget Planning

Gordon Burger indicated that he would give a broad overview of the County's planning process. Gordon stated that the County does a bi-annual planning process that began with giving the BOC an orientation of the process on Feb 7th. Scott Patton stated that on March 8th the County would begin a series presentations to the BOC related to the business improvement processes. Scott Patton stated that this has been going on for roughly 12 years, and has been relatively successful in conveying to the BOC and the public the progress of the County's budget.

Gordon Burger stated that traditionally, the County has not disclosed the details of the next phase of the budget process, in terms of how it impacts the community. Gordon Burger reported that around April or May, the County will attempt to take a more systematic look at how services are provided (via Communities of Interest). Gordon Burger stated that the goal is not only to look at how these systems are doing internally, but also how they impact the community. Gordon Burger explained that the document he previously distributed was produced two years ago as an initial attempt to explain the Communities of

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Interest aspect to the BOC. Gordon Burger indicated that one goal of the April and May meetings is to update this document and report progress of each of these Communities of Interest.

Gordon Burger stated that around September, the BOC will discuss the budget and recommendations and possibly adopt a budget in early November.

Gordon Burger indicated that currently, the goal is to gather the stories about success and improvements. Gordon Burger stated that he will be coming back to the CJCC for its input on the matter. Gordon Burger reported there would be a Power Point presentation given to the BOC on the March 8th. Gordon Burger asked the group to refer to the previously distributed document for more details/examples of the how the process works.

Gordon Burger reported that the process will analyze matters from an operational perspective, customer service perspective, financial perspective, as well as a human resource perspective. Gordon Burger offered that these are the various components of the process that are important to highlight to the BOC and the public.

Scott Patton then explained how the CJCC ties into the budget planning process. Scott Patton stated that the information will come from two levels: 1) CJCC and other community forums to help put together the information and 2) particular agencies in Washtenaw County.

Scott Patton indicated that he would then bring the information he gathered back the CJCC for feedback. Scott Patton stated that the retreat will be an important mechanism in this planning process.

Barbara Fuller asked if the planning calendar was available to the public. Gordon Burger stated that it is on the public website. Scott Patton indicated that he would distribute the calendar to the group via e-mail. Jeff Irwin reported that the report would be on the BOC agenda, as well.

Brian Mackie raised a concern about the planning process: how do you integrate the reporting back to the BOC and do the retreat at the same time. Brian Mackie offered that there appears to be a conflict in terms of timing. The group suggested having the meeting in April instead.

III. Follow-up to January 2007 meeting

Scott Patton stated that there had been a request to take a greater look into the Sheriff's annual budget. Scott Patton explained then asked the group to refer to the graph which was previously distributed. Scott Patton reported that the County went over to a different financial system in 1998, therefore there is not much historical data prior to that year.

Barbara Fuller explained that she asked the question to get a handle on what is moving in terms of expenditures. Barbara Fuller stated that the goal is to determine those things that are spikes (costs) on the graph and to explain how to level off these issues.

John Shea expressed that it is significant to him that everything is trending up, both ADP and expenditures. John Shea offered that he would like revisit a previous conversation of how to look at these statistics in light of those held by the Court. John Shea stated that the other thing that struck him were the spikes in police services in 2002 and 2003. John Shea stated that this is interesting information, but it may be of value to see the Court data to compare against these statistics along the same timeframe.

Dan Minzey reported that he changed the police services approach in relation to general funding of police patrol. Dan Minzey stated that the Sheriff Department has made attempts balancing the budget on several occasions. Dan Minzey stated that he saw the spike, and the Undersheriff was able to schedule the matrix to reduce overtime by 35% just by improving scheduling. This is done 2004.

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Dan Minzey offered that John Shea was correct with his insight; as jail population goes up, the jail needs more staff to monitor them. Dan Minzey stated that this was especially true since the jail is housing inmates in areas that were not designed to hold them.

Barbara Fuller asked what year did this change. Dan Minzey reported that the policy change was around 2001.

The question was raised of whether it would be possible to do the overlay of to expenditures.

Scott Patton said that capacity to do such a graph exists, but the concern was just having too much info on one chart.

Jeff Irwin asked for clarification on whether the graph displayed overtime net of expenditures. Scott Patton responded that the graph displayed overtime solely.

Robert Brackenbury offered that benefits are often a forgotten cost for employees, and this is an important issue to keep in mind. Robert Brackenbury inquired as to why things appear to be trending back up, and could the Sheriff explain this trend; was there a policy change affected the trend?

Herb Mahony offered that there is a litany of things that effect overtime. Herb Mahony stated that there were two policy and staffing changes that had dramatic impact on the overtime budget, particularly with police services. Herb Mahony stated that the County actually ended up with more positions contracted for, more hours for work, with fewer bodies to do the work. Herb Mahony stated that he would be happy to have an offline discussion on the things that effect overtime, being that it's a very complex decision. Herb Mahony reiterated that the biggest change in the budget was the scheduling change and the number of bodies contracted for the work. Herb Mahony stated that the pool of candidates is smaller, therefore there has been more difficulty with filling positions. Therefore, these position are all backfilled with overtime.

Mike Moran noted that the increase from 2004 to 2005 seems to be exclusively overtime in the jail, not police services. Mike Moran asked if personnel moved between the two.

Herb Mahony replied that the jail has started staffing the gymnasium, and has lost nine positions due to attrition. Herb Mahony stated that the actual personnel costs are what the County should be analyzing. Herb Mahony stated that the open positions are both jail and road patrol positions.

J. Cedric Simpson asked if there was other information that the CJCC wanted to see or have presented to the group.

John Shea inquired about how this matter is relevant to the CJCC? John Shea stated that he does not think this is what the CJCC about, and that it is not necessarily in the CJCC's purview job to manage the Sheriff Department. John Shea stated that the bottom line is that there are not enough beds.

Barbara Fuller expressed that the goal is to figure out why the County in the spiral, and to explain to the public how the County can get out of this debt. Barbara Fuller stated that she would plot the budget variance to see what it reveals and to see where progress can be made to get something done.

Kathy Reynolds stated that she does not know the specific problem, but something needs to be analyzed when there is a budget of \$2 million of overtime each year.

Dan Minzey stated that everyone needs to understand that the jail is a 24 hour operation, and he has not talked to another sheriff that does not have problems with overtime.

Barbara Levin Bergman expressed that it is important to have as much information as possible to deal with these variable, and these budget questions are important.

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Bob Guenzel stated that it is encouraging to know other counties have these issues as well, but that does not resolve the problems in our own county.

Paul Bunten stated that there are many variables to affect overtime. Paul Bunten stated that if the CJCC is going to delve into this issue, then the group should accept Herb Mahony's offer to explain the variables in depth.

Jeff Irwin reported that there Police Services Committee also discusses this issue. Jeff Irwin stated that there might be a chance for this body to make recommendations to the BOC in terms of the budget process, but he not sure if the conversation is going in that direction. Jeff Irwin stated that it may not be an effective use of time if the group is replicating conversations that happening in other places.

Barbara Levin Bergman asked if it was possible to get a break down of the discussion that the Police Services Committee is having.

Mike Moran reported that police services committee does discuss overtime, but they do not discuss jail overtime. Mike Moran stated that the issue could correlate strongly to the lack of jail beds and the discussion should be held.

Dan Dwyer offered that this information is just one piece of the puzzle. Dan Dwyer stated that if the group compares data to the all pieces, the group can make headway on explaining the root causes of this situation to the public. Dan Dwyer stated that there is not going to be one thing but an interaction of many things, and he would like to see more budget things discussed.

J. Cedric Simpson asked the group if this was enough data for this piece, or would the group like to see more data.

Sheila Blakney expressed that she would like to see the overlay, and to see Barbara Fuller's original graph of the data.

J. Cedric Simpson stated that the information would be sent out to the entire group.

John Shea asked if the group could start collecting case filing information over the last 10 years from both the District and Circuit Courts. John Shea stated this may be integral when the group is thinking about how to compare all of these positions.

Mike Moran stated that he would like to see data on the sentences of pretrial inmates over the time.

Scott Patton stated that this data would be a lot more difficult to acquire.

J. Cedric Simpson summarized that the group was interesting is receiving data on pretrial inmates, case filing, and budget variance.

Scott Patton said he would coordinate the accumulation of case file data.

VI. Old Business

No old business was presented at this time.

VII. New Business

Scott Patton stated that if there were any future agenda items, that they should be sent to him via e-mail.

Adjourned 9:14 a.m.

The next CJCC Full council meeting will be held Friday, March 16, 2007.