

# **Criminal Justice Collaborative Council**

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**CJCC Full Council Minutes**  
**September 18, 2009**  
**220 North Main Street, Lower Level Conference Rom**  
**Ann Arbor, MI**  
**7:30-9:00 a.m.**

**Members Present:** Michael Moran (Ann Arbor Township Supervisor), Jerry Clayton (County Sheriff), John Shea (Attorney, Barr Association Representative), Kirk Tabbey (14-A District Court Chief Judge), Dan Dwyer (Trial Court Administrator), Barbara Levin Bergman (Community Corrections Advisory Chair), Robert E. Guenzel (County Administrator), Michael Fried (Public Representative), Patrick Hughes (Department of Corrections Probation), Matt Harshberger (Director of Public Safety, Pittsfield Township)

**Members Absent:** Lloyd Powell (Public Defender), Brian Mackie (County Prosecutor), Libby Hines (15<sup>th</sup> District Court chief Judge Pro Tempore), Lawrence Kestenbaum (Clerk/Register), Charles Pope (14-B District Court Judge), David Swartz (Circuit Court Chief Judge), Rolland Sizemore, Jr. (Chair, County Board of Commissioners), Robert Brackenbury (Public Representative), Donna Sabourin (CSTS Director)

**Others Present:** Scott Patton (Assistant to the County Administrator for Public Safety), Sheila Blakney (Public Defender's Office), Greg Dill (Sheriff's Office), Steve Hiller (County Prosecutor), Rick Kaledas, Anthony Bronner (Administration Intern)

## **Call to Order**

John Shea called the meeting to order at 7:37 a.m.

### **I. Introductions**

### **II. Approval of Minutes**

The motion to approve the minutes of the August 21, 2009 CJCC Full Council meeting was postponed until enough voting members are present. Meeting minutes will be approved at next Full Council session.

### **III. Public Participation**

None

### **IV. Committee Updates**

#### **a. Legislative Committee Update (John Shea)**

John Shea explained the only committee to meet recently was the legislative committee. Shea indicated that Brian Mackie has a comprehensive update; however,

he will not be attending today's full council session. Shea stated the government initiative committee met last month and is still compiling a comparative programs list along with additional data. Shea explained once this council has that information they can do substantive work on what programs function well. Lastly, Shea indicated the council will have more information readily available to them after all the data on the legislative programs are completed after September 25, 2009.

## **V. Budget Update**

### **a. Criminal Justice System Implications from the Budget**

Bob Guenzel began a discussion covering his overview of the budget proposal presentation to the Board of Commissioners on Wednesday, September 16, 2009. Bob stated the meeting was well received.

Bob said there is a need to reduce the budget by about \$30 million over a two year period of 2010 and 2011 primarily due to the loss of revenue from property tax. Bob said the loss of revenue from property taxes played a critical role in budget preparations. He stated that taxable value is about minus two percent and might go to about minus seven percent in fiscal year 2010 and may reach minus eight percent in fiscal year 2011. Bob went on to explain that Phase I of the budget presented in July 2009 cut 14.5 million. Bob stressed the overall strategy of not only Phase I, but of the entire budget is an attempt to save vital county services and jobs. This includes an in-depth look into reducing departmental operations, structural savings, employee compensation packages, and benefits for future cost savings. Moreover, Bob reminded the council that phase one "froze" salaries for three years for non-union employees and then reduced it by 5%. In addition, medical benefits were significantly altered for county employees.

Bob then discussed page two of the executive summary and its implications. He noted that eliminating county positions has had a direct impact on this council with Scott Patton's position being eliminated. Bob went on to explain Act 88 as an old act allowing the county to levy a tax to support marketing, economic development, and agriculture. The act is pre the Hedley Amendment, thus, the BOC cannot levy a tax without a vote. Bob's recommendation is to obtain sustainable funding to save the general fund with a public hearing to be held in October 2009. Furthermore, building inspection is being kept according to Bob as there is a current business plan in place. Bob indicated inspection was on the brink of elimination, but will be saved because many townships depend on the service.

Next on the agenda, Bob explained the Mental Health Department has taken a "huge hit." WCHO and CSTS have reviewed three different areas:

- 1). Case and internal management
- 2). J Port and Port – Bob indicated CSTS have picked up some of those costs
- 3). Vocational programs – Bob acknowledged that these programs help the developmentally disabled in general life and work situations. If general fund support is withdrawn WCHO could contract it out to a non-profit. Barb Bergman stated that if state funds are “as poor as they are,” this could further complicate this area in regards to contracting out services. Bob replied his recommendation is to keep PORT and J-PORT.

Bob continued on explaining the Strategic Planning Department will be eliminated and will be reconfigured to make a smaller department geared towards economic development and energy. Furthermore, support services are cutting vacant positions. Bob continued on explain that Headstart is on the list for reductions because the county is not mandated to run the program; however, the county will continue to try and do so. According to Bob, outside human service agencies came and talked to the BOC about how important human service agencies are. Bob said his issue has nothing to do with the value of their programs, but it is difficult to ask county employees to take significant pay and benefits cut and not ask outside agencies to do the same. Next, Bob explained that the Trial Court has come to an agreement on a \$1.25 million reduction, estimated at around 10%. John Shea asked if this included the value they are giving up in community corrections. Bob replied “no” and said it is “real value.” Bob then explained the reduction does count on contracting out for juvenile services to two (2) firms. This includes a \$300,000 in savings in 2011 to move the juvenile division of the family court to the downtown court house. Additionally, Bob indicated the Prosecuting Attorney agreed to eliminate a senior, assistant prosecuting attorney position with an annual savings of only \$47,000 because part of the position was funded by state reimbursement. Bob, once again, restated that the target goal is to save county services and jobs and he believes the budget proposal meets this goal. Bob then explained the assumed savings for unions indicating the county has reached a tentative agreement with six of the seven-teen bargaining units. The unions have agreed to furlough days for fiscal years 2010 and 2011. Shea asked if these recommendations would be accepted by the unions. Bob replied “yes.” Bob indicated he met with teamsters representing the 14-A District Court on Thursday, September 17, 2009 and received similar proposals for consideration. Bob then stated that he is optimistic as the BOC established a deadline date to decide on the budget of October 16, 2009.

Bob did not specifically recommend in the budget, but discussed closing juvenile detention. He explained savings could be around an estimated \$1 million. However, he feels it is too disruptive to the community, parents, kids, and the public safety and justice system. Next, Bob indicated that in the last ten days a proposal for a human service millage is being considered. Bob mentioned he did not recommend a millage

because he felt it would have left the BOC “off the hook” as he is not sure if it would pass. Bob urged the BOC to approve this budget without asking for a millage increase. Next, Bob indicated that in July 2009 the new jail will open up. The facility declared will be a great improvement, but will cost more to operate. Operational costs are estimated at \$1.2 million and projected to be in the general fund along with another \$1.5 million to be utilized for jail overcrowding. He noted there is enough money in the general fund for fiscal year 2010; nonetheless, Bob is concerned with 2011 and going forward. He also indicated the county has had success with the Ann Arbor Office of Community Development stating this might need to be explored further. Bob stressed that the county needs to do a better job of eliminating duplicate municipal services. Bob further noted that the BOC is set to hold a special public hearing on October 22, 2009. Shea asked Bob if the budget gets adopted roughly “as is,” does he feel like there will be a huge “hit” to the public safety and criminal justice system in light of Phase I of the budget having a major effect on these systems. Bob answered indicating the changes, such as the circuit court contracting out, are not adverse functional changes.

Barb Bergman indicated she is supporting the budget recommendations. Furthermore, she stated that in order to do successful work within the budget recommendations, ordinances will have to be crafted by members of the community and members of the BOC. She emphasized it has to be a community effort. Shea asked what the millage would be. Barb replied that if an estimated \$2 million could be generated than that would be ideal. Shea asked if there is any significant “pushback” in any area that might have implications for the public safety and criminal justice areas. Barb replied no, stating no one wants to alter Bob’s plan.

Shea asked Sheriff Clayton if he is a victim of his own success in regards to a serious jail over-crowding problem when compared to what occurred over the previous 24 months. Sheriff Clayton explained that since the decision was to build a jail, the county needs to account for the costs of ownership, which includes staffing. Jerry emphasized the Sheriff’s Department has done its due diligence in researching the costs of operating the facility. He wants proper staffing stating that “they will go over their over-time budget.” This could in turn lead to an increasing risk of running an unsafe facility. Jerry, once again, emphasized that the BOC needs to take staffing and operational costs under serious consideration. Next, Sheriff Clayton declared that when the facility opens, operational capacity will pretty much be at the maximum, yet again reinforcing the importance of staffing adequately. Shea followed by asking what the average, daily jail population is. Rick Kaledas replied indicating the jail can hold a capacity of about 332, but it currently houses on average of 350 to 360 inmates. Hence, the jail is in a chronic state of overcrowding. Rick noted there is a proactive strategy of managing the population aggressively. This strategy works well because of the good cooperation and collaboration amongst the judges and courts, including early releases in order to decrease population numbers and general

jail population management. Dan Dwyer added there is a method amongst judges and court administrators of looking at bonds in a different way. Rick Kaledas said it makes more sense to be proactive, but still suggests with a population of 350 to 360, the jail will be under operational capacity from this point moving forward. Barb added that the county should keep housing prisoners internally avoiding contracting out for services.

Shea asked if there are opportunities to look at housing other counties' juveniles in our detention center. Dan along with Bob stated we do currently have juvenile detainees from other areas emphasizing that the county is always searching for new revenue because the juvenile detention capacity is only at about half capacity. Furthermore, he stated the trial court has done an excellent job at lowering placement and using county dollars.

Mike Fiend inquired about the current crime rate. Specifically, asking if the county has a report on serious crimes and who is committing what crimes, how MPRI is doing, who is being release, etc. Dan Dwyer said he can provide Mike with the felony filings for capital and non-capital cases which are completed monthly. Kirk Tabbey and Dan agreed that juvenile delinquency filings are in a current state of decrease. However, they explained that this may be due to a decreasing amount of police officers on the street. Because there is a decrease in police patrol, officers may have a tendency to pay more attention to individuals committing felonies instead of juvenile crimes. Sheriff Clayton suggested there is no such thing as random control for crimes such as drunk driving and individuals operating motor vehicles without proper licensure. However, he explained the Sheriff's Office is discovering more problems trying to establish central causes for these crimes and addressing them specifically. Moreover, he added that there are numerous contributing factors as different crimes are occurring throughout the county that have never happened before. More importantly, Sheriff Clayton is increasingly concerned about the numbers of forcible rapes and aggravated assaults being reported.

Shea asked the council if the CJCC should address the BOC about CJCC implications stemming from the budget. Shea indicated there is probably no need to press the BOC on any of these issues. Barb concurred stating the CJCC should address issues as they come forward.

**b. CJCC Staffing (John Shea)**

Shea explained that Scott Patton is leaving and, thus, the CJCC needs to address staffing functions and issues. Shea noted that other members of the CJCC cannot staff these meetings and other functions. Therefore, Shea indicated he sent an email last week to Lloyd Powell, Brian Mackie, Jerry Clayton, and others to see who would

like to take over these tasks. Sheriff Clayton asked to have a list of the tasks sent to him and Shea replied that he does have the list and will forward accordingly.

Shea announced that Robert Brackenbury resigned. Shea asked what the process is to fill the seat. Scott Patton replied stating it is a general at-large seat requiring Board appointment with a term set to expire December 2010. Scott spoke with Jason Brooks in the clerk's office about publishing a notification of the vacancy. Scott urged members of the council to notify individuals they feel would be an adequate fit for the position. Bob noted the appointment should be made in a couple of months as the BOC will advertise.

John Shea asked the council if they would like the meeting to be moved to 8:00 a.m. instead of 7:30 a.m. Bob stated 8:00 would work well for him. Dan Dwyer indicated that 8:00 a.m. would potentially work fine. Shea asked the council if an October meeting for the steering committee and full council were necessary. The group concluded that these meetings were not currently imperative. Therefore, John Shea canceled October's meetings. Lastly, Shea indicated the voting of minutes for last two meetings will be put off until the next full council meeting.

## **VI. Adjournment**

Chair, John Shea adjourned the meeting at 8:45 a.m.

### **Next Meeting:**

The next CJCC Full Council meeting is canceled for October 2009

The next Steering Committee meeting is canceled for October 2009

John Shea will circulate information if a meeting is necessary. November's meetings will be scheduled at a later time and date by John Shea.

## **VII. Approved by Committee**

January 15, 2010