

Criminal Justice Collaborative Council

**CJCC Full Council Minutes
January 15, 2010
LRC, Meeting Room A
Hogback Road Service Center, Ann Arbor, MI
7:30-9:00 a.m.**

Members Present: 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), Steve Copeland (General Public) Lloyd Powell (Public Defender), Brian Mackie (County Prosecutor), Charles Pope (14-B District Court Judge), Donna Sabourin (CSTS Director)

Members Absent: Michael Moran (Ann Arbor Township Supervisor), Libby Hines (15th District Court Chief Judge Pro Tempore), Lawrence Kestenbaum (Clerk/Register), Donald Shelton (Circuit Court Judge), Rolland Sizemore, Jr. (Chair, County Board of Commissioners)

Others Present: Sheila Blakney (Public Defender's Office), Greg Dill (Sheriff's Office), Steve Hiller (County Prosecutor), Rick Kaledas (Sheriff's Office), Kathy Wyatt (Sheriff's Office), Mary King (MPRI), SiRui Huang (County Budget), Renee Wilson (Sheriff's Office-community Corrections), Gene DeRossett (14-A District Court Administrator), Kim Easter (Rep. Warren's Office), Rebekah Warren (State Representative)

Call to Order

John Shea called the meeting to order at 7:35 a.m.

I. Introductions

Of members and others present.

II. Approval of Minutes

Approval moved by Bob Guenzel. Seconded by Sheriff. No comments. Approved by committee.

III. Public Participation

State Representative Rebekah Warren (is on the House Judiciary Committee):

Michigan is being sued by the ACLU for the way the State handles indigent defense. Great model here in Washtenaw, but not adequate across the State. Local resources are not always available. Rep. Warren believes this is something that should be addressed at the state level and that there should be a state-wide public defender system. She is trying to develop dialogue. Believes it is important to raise the rest of the state to our level (not sacrifice what we have). Rep. Warren requested the group consider endorsing the concept of a system of state-wide public defense.

Mr. Powell said he was pleased at Rep. Warren's attendance. He believes we do need a state-wide system to improve public defense, but doesn't want what we have in Washtenaw diminished.

Barb Bergman: thinks this is important and would like a general motion of support (presented proposed resolution) (Support: from Bob).

Discussion: Judge Pope asked if the proposal called for indigent defense for misdemeanors as well. Answer: "All constitutionally required". Judge Pope: would include "where loss of liberty is a possibility".

Mr. Powell's concern with the bill is that while he is in favor of a statewide public defense system, he is concerned with the possibility of a wasteful bureaucracy (standing armies of branch offices, when we have 57 judicial districts already in place—public defense has primarily been done by the private bar except for Detroit and Washtenaw County Public Defender's Office. Mr. Powell is concerned how the supervision from Lansing would work—thinks shouldn't have these branch supervisory offices too expensive and unnecessary.)

Rep. Warren said she was asking for support of the concept. She noted this is the beginning of the process—a funding source had not yet been identified or public hearings held.

Dan Dwyer: not sure of the opinion of his bench. He questions creating another huge stage agency in this economy (seems counterintuitive). Can't support until knows how it will be funded.

John: question is does the CJCC support the concept? Lloyd supports the concept not the bill. John: one way or the other the state will pay, because it is being sued. Judge Tabbey: sits on a committee that will make recommendations.

Rebecca noted we are being sued and will likely lose—need a solution. Rep. Warren wants a general sense if the CJCC supports this idea, and would like suggestions from the group.

Powell noted he has been the Washtenaw County Public Defender for 30 years. Mr. Powell expressed concern that a small legislative working group put this legislation together without including him. Campaign for Justice (everyone agrees with Const. requirements) says is essential that we include regional offices. Mr. Powell thinks do not need regional offices (public defense is done different ways throughout the country)

John: regional offices are not the question before us today.

Barb Bergman: is a concept motion—not specific—regions are not an issue.

Matt Harshberger: are there non-state funded models? John Shea answered that most are moving toward state funded but there is no set implementation model.

Mr. Powell would like to see this resolution address the issue of local control. Public defense should continue to be accountable to the local community. Prosecutor is accountable through being elected. Mr. Powell is appointed (wouldn't mind being elected). Mr. Powell believes the State can meet obligations w/o sacrificing local control.

John: is this an amendment? Mr. Powell: "yes".

Sheriff: do we have to decide in this meeting—important issue, general consensus seems to be we support the concept, but are some major issues out there. Sheriff suggested this be an ongoing discussion for this group—maybe research unanswered questions.

Barb noted hers was a very general motion—did not go to the structure.

John suggested if CJCC wants more info maybe should be tabled. Barb asked that it be time certain, defer to next meeting. Rep. Warren would be willing to come back next month to update. Gene: asked would the leadership of local supervisory authorities be appointed or elected. John noted there would be a commissioner responsible to the governor. Rep. Warren envisions 5 regions. Rep. Warren noted since the process has just begun, there is plenty of time to get feedback. Pat Hughes asked which counties are being sued? (Berrien, Muskegon, and Genesee Counties)

Mr. Powell expressed the concern that the commission would be part-time unpaid but with enormous power, which would have to delegate to one person (Director of Public Defense) and the 5 regional directors would also have excessive power. Mr. Powell also expressed the concern that the system would cost too much money \$200 million initially and more over time. (Mr. Powell also noted that still would be private practitioners doing most of the defense work)

IV. Election of Chair and Vice Chair

As required by by-laws. This past year John Shea was Chair, Sheriff Clayton was Vice Chair. Judge Tabbey moved to continue the present leadership. Barb Bergman supported. No discussion. Unanimous approval.

V. CJCC Staffing (Sheriff's Office)

John Shea noted that the Sheriff's Office would be supplying support for the CJCC. John introduced Kathy Wyatt from the Sheriff's Office.

VI. Committee Review/Updates

- A. Government Initiatives Committee
The Committee is compiling information. Then will evaluate and make recommendations.
- B. Crime Prevention Committee

Brian Mackie outsourced committee in large part to the Washtenaw Alliance for Children and Youth –serves young people –they are doing a needs and resources assessment. The Juvenile Court is well represented. Debbie Shaw is compiling a lot of info –from infant mortality on. -Ron Schebil worked on (mentoring program) years ago. Some counties used to have volunteer probation agents which were really mentors. There were problems getting suitable mentors—ran program out of Prosecutors office. When funding for this ended met with Mentoring Coalition. There were disagreements as to background checks. Maybe can work this out, find somebody who can run back ground checks. Crime Prevention means a lot of different things. Generally means intervention, getting to kids who are headed in the wrong direction. Blueprint for a Safer Michigan (Fight Crime Invest in Kids). Tim Melton introduced a bill last year to include educational neglect to come under protective services –didn't go anywhere. Brian thinks CJCC should support. 5610 HB 2009. Those who want to assist Brian with the initiatives on this committee should let him know—Sheriff and Mr. Powell are already on. Brain would like more volunteers Donna Sabourin might be able to provide information. Brian would like WACY people to attend Prevention Committee. Judge Tabbey will see if the Judicial Association can look at the bill.

C. By-laws Committee

Committee suggested by Steve Hiller. Steve Hiller will chair. Anyone who wants to serve should contact Steve. (Matt, Lloyd, John will also be on Committee.)

VII. 2010 Calendar

John suggested CJCC meet bimonthly. The Sheriff noted that the CJCC needs to talk about the jail coming online, the continuum of services and sanctions, the Social Justice Campus, etc. so therefore may need to meet more often. There is the concern that we talk on the front end so we don't end up with the new jail filled. The Sheriff suggested the CJCC may need to meet monthly, at least in the first half of the year. Bob agrees that would be helpful. Sheriff's Office is presenting to the BOC on Feb.17th. Bob moved to adopt the 2010 annual calendar with CJCC Full Committee meetings the third Friday every month at 7:30 am to be located at the LRC. Support by the Sheriff. Unanimous Approval.

The CJCC Steering Committee: will meet the Friday before (the second Friday of the month) as specified in the by-laws

VIII. 2010 Initiatives

Sheriff: Social Justice Campus/ Continuum of Sanctions and Services—discuss as a system how we manage, prevention is a part of. The Sheriff is concerned about the possible mistaken impression that there will be a lot of beds available (there is a difference between operational capacity and rated capacity). All possible sanctions come into play. It is important data is accurate. There are lots of factors critical to the discussion that needs to take place. The Social Justice Campus (and the Continuum of Services and Sanctions) is a Washtenaw County imitative, not just a Sheriff's Office. The CJCC has all the players at the table.

Corrections Commander Kaledas: We want to balance how we transition into the jail addition in the most cost effective way/coordinating with the construction schedule. Comm. Kaledas noted that the jail expansion is slated to be completed the end of April (approximately). When the jail is fully operational the rated capacity will increase by 112 beds, for a total of 444 beds. The operational capacity is about what we are running now, 360-380. Though the building may be complete we probably won't reach capacity until 2011 because will be doing renovations in the old part.

Data shows most people in jail are pre-sentence. Once sentenced are eligible for more services. Continuum of Services and Sanctions (document will be sent electronically) important components: a) Prevention-- first age of arrest and how many times impacts the likelihood of recidivism. b) Diversion: pre- and post arrest. c) Screening and assessment (assessments needed to distinguish between minimum and high level offenders). d) Community based treatment—walking up the continuum until we get to confinement. e) Re-entry/reintegration--think about the connection between re-entry and prevention (should look alike) this group could help fill in the columns (refer to Continuum document). Need to look at pretrial services to make biggest impact.

The Sheriff noted that the CJCC is the group to lead the discussion re: the continuum of sanctions and services and how we use the space on this campus. The SO asked CGL to look at the facilities here; when we have the final report we are going to submit the report and our response to the County Administrator. John noted it should be an integrated effort; there is a significant money piece. Mike: appreciated statistics sent out—would like stats on the mentally ill, substance abuse, numbers waiting to be transported to prison. The Sheriff responded that retrieval of some of the requested data is a challenge because the jail management system is broken (the SO is looking at a new JMS system) so we can't access a lot of the info we want. (Jack does a good job for the SO, but is limited by our data system.)

Jail Reimbursement money not being available is an issue we can talk about at CJCC.

Judge Tabbey: we have learned to operate in crisis mode—based on jail overcrowding. Judges have looked at pretrial review/should consider developing process short of overcrowding to encourage continuing review. The Sheriff agreed overcrowding is the worst way to do—the process should be driven by what is best for this offender in terms of keeping the public safe and root causes.

John: we spent a lot of time in the past creating a jail utilization report. We looked at how data should be reported. There are some definitional issues that the CJCC should revisit. SO should provide information to the CJCC to help it address definitions, then CJCC can develop a timeline.

John inquired if there were any other any other initiatives that the council would like the CJCC to take on?

Dan Dwyer: Jack pulls info out of their case management system --change in the middle of next year --will be moving to the state Supreme Court system which will be a major change. Wonders if the court info systems talk to each other and concerned how this will work/the impact. Greg Dill suggested maybe there should be a separate jail system technology initiative in 2010. John inquired if the CJCC should revive the

Data Integration and Technology committee? Dan Dwyer said he can't commit Scott --but it should be on radar. Judge Tabbey noted things are still very much in flux. Dan will talk to Scott and get his opinion. Judge Tabbey offered to work with Dan and keep Greg in the loop.

Mr. Powell expressed sentiment that everything to do with public defense should be open and above board.

IX. Adjournment

John Shea, Chair, adjourned the meeting at 9:11 a.m.

Approved by Full Council: February 19, 2010.