

CRIMINAL JUSTICE COLLABORATIVE COUNCIL

CJCC FULL COUNCIL MINUTES

February 19, 2010, 7:30 a.m. to 9 a.m.

LRC Meeting Room A, Hogback Road Service Center, 4135 Washtenaw Avenue, Ann Arbor, MI 48108

Members Present: Jerry Clayton (County Sheriff), John Shea (Attorney, Barr Association Representative), Rolland Sizemore, Jr. (Chair, County Board of Commissioners), Kirk Tabbey (14-A District Court Chief Judge), Barbara Levin Bergman (Community Corrections Advisory Chair), Michael Moran (Ann Arbor Township Supervisor), Michael Fried (Public Representative), Matt Harshberger (Director of Public Safety, Pittsfield Township), Lloyd Powell (Public Defender), Charles Pope (14-B District Court Judge), Donna Sabourin (CSTS Director)

Members and Regular Attendees Absent: Libby Hines (15th District Court Chief Judge Pro Tempore), Brian Mackie (County Prosecutor), Lawrence Kestenbaum (Clerk/Register), Donald Shelton (Circuit Court Judge), Dan Dwyer (Trial Court Administrator), Steve Copeland (General Public), Robert E. Guenzel (County Administrator), Patrick Hughes (Department of Corrections Probation), Steve Hiller (County Prosecutor).

Others Present: Sheila Blakney (Public Defender's Office), Delphia Simpson (Public Defender's Office), Greg Dill (Sheriff's Office), 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), Anthony Kendrick (Prosecutor's Office) Jack Overhiser (County IT).

1. Call to Order:

7:31 a.m. by John Shea, Chair.

2. Approval of Minutes:

Motion and support. January 15, 2010 Full Council Minutes approved by Full Council.

3. Public Participation:

Kim Easter from Rep. Warren's Office (Rep. Warren can't attend, but is continuing to work on Public Defense issue.):

The time pressure is off because bill sponsors are still working on finding a funding source. Barb Bergman wonders when will get more information. Kim said they would send information as soon as any becomes available. John thinks there will be hearings in March. Barb thinks discussion of the bill at this point is premature—wonders what should do about her motion? Kim says Rep. Warren still wants the support of the CJCC for the concept.

4. Committee Reviews/Updates:

- A. Govt. Initiatives Committee hasn't met since last meeting. John will set meeting soon.
- B. Crime Prevention Committee hasn't met.
- C. By-laws has met and roughly sketched out where by-laws need to be updated. By the March meeting will have draft for review. Nothing major—membership issues, housekeeping and clean-up.

5. Endorsement Request:

Rep. Warren's request for endorsement of concept (discussion begun at January meeting) tabled to today's meeting. Issue before the CJCC is whether we believe statewide reform of MI public defense system needs to take place. John participates on Campaign for justice which is a advocating reform. Comm. Bergman asked to bring her motion back up as to support for the concept. Sheriff asked that Barb share her motion with group for those not here last week. Barb read her motion (Kathy asked her to send /give copy)

Mr. Powell has concerns with Barb's motion. (Referred to his handouts.) Supreme Court has ruled public defense has to be provided to indigent defendants in state courts. The U.S. Supreme Court has never ruled a particular system of delivery has to be used or the central government of the state has to provide the funding (as opposed to counties and municipalities) Many states do. Only 6 including MI only provide partial support. Feels the resolution as reads has inaccuracies. Feels Campaign for Justice not grassroots organization. Mr. Powell has worked with the Michigan Coalition for Justice. Believes in a uniform standard that can be made applicable to all the counties and adequate funding for that, but without relinquishing local control. John asked for specific problems with the resolution? Barb agreed to remove phrase referencing the Campaign for Justice. Only thing Mr. Powell would add is that Gideon only applied to felonies so ought to include the other key decision (eliminated specific reference to Gideon was accepted as friendly amendment).

John reiterated that Barb's motion is not about bill 5676. Judge Pope agreed with eliminating the reference to the Campaign for Justice name because it is linked to the bill. Kirk agrees –MI Judges Association looked at the bill—felt a real concern about funding—concern could pit defense system against the judiciary –but supports public defense improvement. Judges asked not to endorse any bills until the Association could analyze and offer recommendations. Kirk therefore will abstain. Mike Moran: wasn't at the last CJCC meeting, clerked for justice Brennan and worked for state appellate defender's office –believes there is no question that the system is broken and does support a statewide system. Noted he read Montana report—felt were management problems, but did support statewide system of defense.

John called question. Judge Tabbey and Pope abstained. Measure passed. John said respects Mr. Powell's concerns about the bill (emphasized the CJCC motion doesn't refer to). Text of motion as passed by the CJCC:

“WHEREAS, United States Supreme Court decisions have imposed on States the responsibility for providing counsel to indigent persons in any case that may result in a loss of liberty; and

WHEREAS, the *Eleven Principles of a Public Defense Delivery System* were adopted by the State Bar of Michigan's Representative Assembly in 2002, and serve as the fundamental standard for a public defense delivery system to provide effective, efficient, quality and ethical representation to those in criminal proceedings who cannot afford to hire an attorney;

THEREFORE, BE IT RESOLVED, that the Criminal Justice Collaborative Counsel of Washtenaw County supports the establishment of a state-funded public defense delivery system in Michigan that meets national standards.”

6. Social Justice Campus Update:

Sheriff: as discussed in the last meeting the SO would like the Social Justice Campus and Continuum of Services and Sanctions aligned and believes the CJCC is the group to work on. The Continuum encompasses Risk and Needs assessments--evaluate both risk and needs and give judges the options. Continuum includes prevention and reintegration. Not just SO problem is a criminal justice and human service issue. The SO envisions a true partnership between criminal justice and human service. May need to have a sub-committee to move forward. The SO brought in CGL to look at campus. We have first draft and are anticipating getting the final report in approximately two weeks. May be able to present at March meeting, will put tentatively on the agenda. Government Initiatives committee will meet and discuss. Was a re-entry committee Barb & Donna will try to find. Sheriff: programs from CGL. Sheriff: we can move down parallel paths. Jail is coming online—is important to stay within operational capacity –want to stay

away from bad policy of managing jail population through over-crowding. Judge Tabbey: judges have met recently and raised issue and have agreed to work on plan where they review before triggered by the statute. Judge Pope they agreed in principal that they will act when notified by Sheriff that the jail has exceeded operational capacity, agreed to work together on issues even more, regionalize service provision, Gene DeRossett re: partner with juvenile probation because of space on second floor –bringing services to the population that utilizes (that may not have access or transportation). Sheriff: the SO is willing to be a part of discussion. Sheriff: service delivery in the communities where the offenders reside should be a goal. Police Services and human services have many of the same clients. John: when judges meet, he hopes they will bring in other people if needed. Meetings are designed to make sure judges are on the same page. Sheriff: Data piece is important (Jack). Definitions are important. Mike Fried mentioned barrier busters.

7. New Business. None.

8. Adjourned: by Chair John Shea at 8:14 am.

APPROVAL OF FEBRUARY 19, 2010 CJCC FULL COUNCIL MINUTES BY FULL COUNCIL:

April 16, 2010