

Criminal Justice Collaborative Council

Pretrial Services Meeting Minutes

Tuesday, May 11, 2005

Library Learning Resource Center Room B

Ann Arbor, MI

12:00 p.m. to 1:30 p.m.

Members Present: J. Cedric Simpson (District Court Presiding Judge), Julie Chaffee (Director, Community Corrections), Charlie Pope (Magistrate/14B District Court Administrator), Sheila Blakney (Senior Assistant, Public Defender), Steve Hiller (Deputy Chief Assistant Prosecutor), Mike Gatti (Magistrate), Scott Patton (CJCC Staff)

Members Absent: Kirk Filsinger (Jail Commander), Joseph DeGraff (Case Manager, Community Corrections)

Others Present: None

Convened: 12:14 p.m.

I. Approval of Minutes

The motion to approve the meeting minutes from April 12, 2005 was made by Steven Hiller, supported by Charlie Pope, and approved by members with one amendment noted.

II. Old Business

A. Adopt charter

The motion to adopt the committee charter was made by Charlie Pope, supported by Steven Hiller. Motion passed unanimously.

B. Research recent pretrial mandates

Scott Patton reported that he had researched any discussion in the state legislature that involved pretrial services. While nothing had passed, Senate Bill 968 did seek to establish pretrial services, included a good discussion of what it would involve, and defined several terms. Scott Patton distributed the bill for review by members and indicated that much of the language could be used to draft the recommendations from the committee to the CJCC.

C. Assessment tool from Kent County

Julie Chaffee brought people up-to-date on the Community Corrections grant. She will include 3.0 FTE in the grant to cover pretrial services. While the issue has not been resolved of how services should be managed and who should be responsible for managing those services, the grant offers an opportunity for the services to be funded. J Cedric Simpson restated his belief that since District Court provides arraignments, it should also be responsible for managing services that support arraignments. Sheila Blakney asked if the assessment tool could guarantee that the information supplied to magistrates is in a timely and accurate manner.

Julie Chaffee also briefed the participants that at the previous evening's Community Corrections Advisory Board (CCAB) meeting, the CCAB asked Julie to examine having the CCAB under the CCJC, managed by the County Administrator.

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III. New Business

A. Flowchart

Julie Chaffee shared the draft pretrial services document. She indicated that a single assessment tool could be used to capture and verify information that could be used for arraignments, inmate classification, inmate programming, bond review, pre-sentence investigations, and inmate/prisoner reintegration into the community. The Compass software will be required for Circuit Court by the state for capturing and assessing information. Julie Chaffee believes it should be used in District Court for efficiency's sake. If the funding for Pretrial Services is secured through Community Corrections, the CJCC could write a contract to delineate requirements of all parties involved. If the state decides not to pay for it through their grant, the issue of how the services will be paid for will need to be revisited.

Charlie Pope clarified that the vision is to have the assessment tool that would go from arraignment through Circuit Court sentencing for felony arraignments. Julie Chaffee agreed and said that this assessment tool could help with the service gap in the mental health gap, as well. J Cedric Simpson asked for clarification regarding the population of misdemeanants. Julie Chaffee responded that if there is a condition of a bond that is violated, the District Courts would be notified. Julie Chaffee also clarified that a bond recommendation would be made only if the judiciary were to request it, as the system should be set up to support the judiciary in any manner they design.

Charlie Pope asked for clarification about the accused felons and misdemeanants who are in jail. Julie Chaffee indicated that no recommendation has been made about this detail. She would prefer that the committee design Pretrial Services, including this detail, for possible provision by Community Corrections. She reiterated that she will still need to provide the information for pre-sentence investigation. Mike Gatti asked about the impact of information exchange on presumption of innocence. Julie Chaffee responded that the information exchange may not involve all of the details that Mike Gatti assumes but that it would rather revolve around program information.

Steven Hiller expressed skepticism around the state's direction. Charlie Pope noted that for arraignment, it would be useful to know about a substance abuse issue which helps formulate a condition of release. Steve Hiller agreed and noted that the usefulness of information may be diminished between booking and sentencing. At time of booking, the jail does not verify information. The difference for the jail is the same as the District Court – that they would have verified information.

In response to J Cedric Simpson's inquiry about the type of assessment that would be involved, Julie Chaffee offered to bring in the 133 questions from Compass for people to review. There is confusion about what "assessment" means, as the term is used in various forums. The questionnaire could help clarify and define this issue.

Discussion ensued about some cases in which pretrial services, as has so far been discussed, may not be appropriate. These included OUIL arrests (Simpson), personal recognizance bonds (Pope), Domestic Violence (Simpson). These issues were brought up but not fully resolved. Julie Chaffee noted that the "patterns of violent behavior" will be explored by the CCAB at their retreat and that once this is resolved, it should clarify criteria, which has not been updated in ten years.

Discussion ensued about some logistics of the pretrial process. Julie Chaffee stated that if the CJCC decides as a matter of policy that pretrial services should interview an arrestee who has not

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been charged, then there is a built-in delay in the system, that it would be an arraignment then pretrial services. This would include domestic violence cases and anything on the weekends. Felonies would also be included, but these are usually authorized. Julie Chaffee offered that it may not perhaps be that everyone should be interviewed. Interviews would take an estimated average of 15 minutes, the interviews would be done in the jail, and the process would not include any walk-ins unless the arraigning magistrate refers them.

If Pretrial Services were under the management of Community Corrections, J Cedric Simpson identified a potential inherent conflict to have a system in which a judge refers individuals to an agency to determine whether the same agency should provide services to the individual. This entails an entity doing the assessment of services that they supply. Steven Hiller categorized this into two separate governance issues: 1) potential conflict of interest; 2) accountability to the owners of the process. Charlie Pope also noted that Circuit Court could be concerned with others owning the data gathering prior to an issue being a felony arraignment.

IV. Next Steps

1. Julie Chaffee will bring the 133 questions from the Compass risk assessment tool.
2. Scott Patton will present the flowchart at the next meeting.
3. Scott Patton will conduct further research on Pretrial Services in other counties.

Adjourned 1:40 p.m.