

Criminal Justice Collaborative Council

Meeting Minutes

August 19, 2005

200 North Main Lower Level Conference Room

Ann Arbor, MI

7:30 a.m. to 9:00 a.m.

Members Present: Archie Brown (Circuit Court Chief Judge), Glenn Cotton (Attorney, Public Representative), Lloyd Powell (Public Defender/Defense Attorney), Dan Minzey (County Sheriff), Dan Dwyer (Trial Court Administrator), John Shea (Attorney, Bar Association Representative), Brian Mackie (County Prosecutor), Paul Bunten (Chief of Police, City of Saline), Barbara Ryan Fuller (Public Representative), Wesley Prater (Board of Commissioners Chair), William McFarlane (Township Supervisor, Superior Charter Township), Barbara Levin Bergman (Community Corrections Advisory Board Chair)

Members Absent: Patrick Hughes (Department of Corrections Probation), Lawrence Kestenbaum (Clerk/Register), Bob Guenzel (County Administrator), Kathy Reynolds (Executive Director, WCHO), J. Cedric Simpson (District Court Presiding Judge)

Others Present: Scott Patton (CJCC Staff), George Siasoco (CJCC Intern), Kirk Filsinger (Jail Commander), Rick Visel (Director, Correctional Services), Julie Chaffee (Director, Community Corrections), Joseph DeGraff (Case Manager, Community Corrections), Sheila Blakney (Senior Assistant, Public Defender), Karen Edman (Chief Deputy Clerk/Register), David Behen (Director, Information and Technology Services), Uma Harithsa (Applied Technology Manager, ITS), Ann Mattson (Judge of the 15th District Court), Michael Moran (Ann Arbor Township Supervisor), Dave Behnke (Community Corrections Intern)

Convened: 7:35 a.m.

I. Introductions and Supporting Documents

Attendees were given the following supporting documents:

- CJCC Full Council Agenda
- Minutes from the July 22, 2005 CJCC meeting
- PRC Governance Discussion Memorandum
- Kalamazoo Probation Enhancement Program, Inc. (K-PEP) Resident Handbook
- K-PEP Resident Weekly Schedule

II. Approval of CCJC Meeting Minutes

The motion to accept the minutes was made by Wesley Prater, seconded by Glenn Cotton, and approved by CJCC members.

III. Public Participation

Mike Moran inquired whether the CJCC was the appropriate venue to express his concerns over the county's response to the loss of the millage and need to expand the jail. He noted that the townships are being placed in an untenable position on the issue of road patrol as they decide on

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working with the Sheriff's Department or outside group. The county is saying that the cost of overtime is at the heart of the issue. However, when township officials ask for statistics for districts, figures are not available.

Mike Moran indicated the townships have to determine the funding for core services at the end of next year. If the county determines these costs by July 2006, this timeline does not allow townships to conduct a millage to fund these services before the end of the year. Therefore, they would have to estimate the costs that the county and townships will have to fund. He requested assistance from members in obtaining this cost estimates. William McFarlane, in his capacity as township supervisor, agreed that there is insufficient time to examine and collect the correct millage to sustain 2007 cost.

David Behen said that his staff is working with the Sheriff's Department to define these costs by January 1, 2006. Dan Minzey said that his staff had been tracking the totals but tracking in specifics has been a challenge. He said that the information is not broken out in piece because it was not asked for previously. As these costs are now being requested, personnel have to be trained to set up menus in order to track more detailed information on court overtime (e.g. what day an officer may be at court, whose case and what jurisdiction was it in).

John Shea said that the CJCC will weigh in on this issue if the Board of Commissioners (BOC) gives the collaborative body that charge. He acknowledged that while the issue is important to hear, the BOC should first request recommendations from the group. Barbara Levin Bergman said that the BOC is committed to getting this issue resolved. While perhaps the fallout of the implications may end up with this group, the decision will be up to the BOC.

IV. State Corrections Budget Update

Archie Brown reported that the report given to the Michigan Judges Association indicated that the state still has not fully developed a corrections budget. Julie Chaffee said that members at the PA511 grant meeting were also not informed of any developments on this issue.

V. Public Safety Project Oversight Team Report

Archie Brown said that the Project Oversight Team was established. Members set up a schedule, which will be published. Meetings will be on the same day as the CJCC Steering Committee. The Project Oversight Team will set up parameters with regards to architectural and engineering services. Scott Patton said the purpose was to manage overall project, with its separate components for efficiency purposes. He identified the membership of this committee. That group will be meeting over the course of the next three years.

Archie Brown clarified that there will be future discussion on whether the committee will be selecting the architects directly or employ a separate architect selection committee. There needs to be some clarification with the BOC on existing procedures.

VI. Probation Residential Center (PRC) Governance

Archie Brown referred members to the memo developed by Scott Patton, as a starting point for appropriate governance of the PRC. Scott Patton said that the main issue was identifying which body would operate the PRC. He made calls to other counties to find out what options were available. His study concluded that there were 39 PRC's currently in operation in the state, all run by non-profits. Each has a contract with the county to operate. Of the total, 38 non-profits have their contract through the BOC, or the Sheriff's Department (Van Buren County). The county has the option of operating the PRC as a separate department, run by county administration, circuit court or the Sheriff's department.

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Scott Patton clarified that other counties chose to use non-profits because of cost containment, and their proven experience in operations of such a facility. He referred members to K-PEP's residential handbook as an additional informational resource on how non-profits run a PRC. Archie Brown noted that the oversight of the non-profit's operations could be handled in the agreement between the county and the organization. Scott Patton said that he could forward the Van Buren County's agreement with K-PEP to interested members.

Scott Patton said that there are several non-profits that run multiple PRCs, including K-PEP which operates 9 PRCs. Dan Dwyer said that the K-PEP is highly regarded as a leader in PRC operations. John Shea said it would be the best option to have a managed contract by the county court. He requested more analysis on the advantages and disadvantages of this contract being managed by the court or BOC.

Discussion ensued on which agency should run the PRC. Barbara Levin Bergman said that it should be run by the county as a result of issues of adjudication (court may not be able to control quality of PRCs), county investment, and the county's fiscal and programmatic responsibility to monitor the PRC. Sheila Blakney agreed that an outside contractor should operate it with the county having continual oversight role. John Shea noted that both opinions essentially agree.

Dan Dwyer indicated that the courts are not advocating the governance of the PRC. Archie Brown said that the Circuit Court judges have yet to make a decision on the issue. While there is no disagreement with a non-profit operating the PRC, he had some concerns over the running of these alternative services. He would like to have some input and control over the quality of the PRC. John Shea indicated that there are ways to address the county's concerns over appropriate oversight and the court's legitimate concerns over appropriate input in the programs. Archie Brown said that these are the set of issues that just needs to be fleshed out by the courts.

John Shea asked if in any of the county-managed examples court representatives sit in the PRC's governing boards to give qualitative input. Scott Patton said that there are two levels: 1) K-PEP includes members of the judiciary in their board of directors, 2) placements that have to go through the Community Corrections grant. Scott Patton clarified that K-PEP has a governing board that includes several county officials. They also do not have separate non-profits for each PRC they operate. Barbara Levin Bergman said that any oversight committee for the PRC should include members of the judicial bench.

Julie Chaffee explained the placement process which Community Corrections is currently using with 12 PRCs in the state. She asked the council to focus on the question of whether all 18 beds that the state will pay for will be used locally, or with other vendors. Part of the governance issue is on where the funds are coming from. John Shea said that while the council will wrestle with this policy issue in the future, this does not impact the choice of governance structure. Julie Chaffee said that the vendor should be able to offer recommendations on the correct mix of vendor or county staff.

Dan Minzey said that the Sheriff's Department is not interested in running the PRC. He expressed his concern regarding incidences of police problems at the service center. Pittsfield Township police do not want to respond to incidents as it is within county property. If there are police problems, the question of how these will be dealt with should be considered when the PRC operates within this property. Dan Dwyer said that it was a legitimate issue and commended the Sheriff on responding to the courts' needs. Barbara Levin Bergman said that there could be some level of policing that the county can fund.

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VII. Information Systems Discussion

David Behen indicated the monthly report is still being developed. He related the frustration felt by committee members on the complexity of the task. On August 11, he received a memo from Joe DeGraff detailing how data can be presented to the CJCC. Members came to some kind of consensus yesterday.

David Behen reported that it is possible to obtain the five data points for the CJCC. The problem is defining and managing the data. Dan Dwyer gave an example using the numbers for Felony versus Misdemeanants: If a person has both classified offenses, the issue becomes in which category the person is counted, and which charge is going to trump. To overcome this barrier, Joe DeGraff said that a decision tree (draft) would be used. He clarified that the data can be accomplished through a stratified sample. It would be a very simple method, but to collect the sample that is statistically significant requires more time. However, the deliverable in September is the March sample.

David Behen reported the timeline developed to accomplish this project: 1) September 2nd, the CJCC will be e-mailed a list of recommended definitions to review the draft definitions and provide input to the data committee, 2) September 14th, the quarterly report will be generated and reviewed by the data committee, 3) Sept. 16th, report will be presented to the Steering Committee, 4) Sept. 23rd, Full Council reviews report. David Behen noted that there is also a resource issue and accountability, and who will pull together the data and analyze it. The smaller committee will take the responsibility of mapping out the data. The larger group will come with up with recommendations for long-term solutions.

Barbara Levin Bergman recommended that resources should be identified to ensure that Joe DeGraff is not overloaded with work. David Behen said that Joe De Graff is documenting the process for the report. The committee will then determine who will accomplish this on a quarterly basis. Sheila Blakney said that Joe DeGraff should be hired as a technical agent, since just having IT knowledge does not qualify one to analyze the data. Dan Dwyer said that this will be a short-term answer on the way to a long-term solution. Joe DeGraff recognized that the committee is able to move forward due to the sharing of resources with the Sheriff's department.

VIII. Committee Updates

A. Inmate Reintegration

Barbara Levin Bergman reported that the committee met with a private non-profit with a provocative model on inmate reintegration. The committee is looking at how the county can provide structures for dealing with any promised state funds. Sheila Blakney reported that that the state will hold a conference on prisoner reentry initiative that will be attended by committee members. Members will update the CJCC on further developments.

B. Pretrial Services Committee

Scott Patton briefed the CJCC that due to summer vacations, the pretrial committee had not met since the last CJCC meeting. At the next committee meeting, issues will be discussed related to workload of the proposed pretrial services and policies that may be used to operate the services.

Adjourned: 8:50 a.m.

Next Criminal Justice Collaborative Committee meeting will be on 9/23/05, **7: 30 a.m. to 9: 00 a.m.**, at 200 North Main Lower Level Conference Room