

# **Criminal Justice Collaborative Council**

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## **Meeting Minutes**

December 16, 2005

200 North Main Lower Level Conference Room

Ann Arbor, MI

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

**Members Present:** Dan Minzey (County Sheriff), Archie Brown (Circuit Court Chief Judge), Brian Mackie (County Prosecutor), Barbara Levin Bergman (Community Corrections Advisory Chair), Bob Guenzel (County Administrator), Lloyd Powell (Public Defender), J Cedric Simpson (District Court Presiding Judge), Dan Dwyer (Trial Court Administrator), Kathy Reynolds (Executive Director, WCHO)

**Members Absent:** Glenn Cotton (Attorney, Public Representative), Paul Bunten (Chief of Police, City of Saline), Lawrence Kestenbaum (Clerk/Register), Wes Prater (Board of Commissioners Chair), Barbara Ryan Fuller (Public Representative), John Shea (Attorney, Bar Association Representative), Patrick Hughes (Supervisor, Circuit Court Probation), William McFarlane (Township Supervisor, Superior Charter Township)

**Others Present:** Scott Patton (CJCC Staff), George Siasoco (CJCC Staff), David Behen (Director, Information and Technology Services), Kerry Sheldon (Management Analyst), Kirk Filsinger (Jail Commander), Delphia Simpson (Public Defender Manager), Michael Fried (Dispute Resolution Center), John Phillips (Pittsfield Township Police Department), Sheila Blakney (Senior Assistant, Public Defender), Mike Moran (Appointee)

**Meeting Began: 7:46 a.m.**

### **I. Supporting Documents**

Attendees were given the following supporting documents:

- CJCC Full Council Agenda
- Minutes from the November 18, 2005 CJCC meeting
- Draft Information Data Report

### **II. Approval of November 18, 2005 CCJC Meeting Minutes**

The motion to approve the minutes was made by Bob Guenzel, seconded by Dan Minzey, and approved by CJCC members.

### **III. Public Participation**

There was no public participation. Mike Fried introduced himself as a representative of the Dispute Resolution Center, who was interested in receiving the Information Data Report.

### **IV. Public Safety and Justice Initiative**

Bob Guenzel reported that the ballot initiative was received by the Board of Commissioners (BOC). The project oversight team is prohibited from moving forward with the bond issue unless an election is done. He anticipated that the BOC will go back to the drawing board to study the county's needs, and how to convince the public about these needs. He anticipated that 2006 will be a planning year. He reported that the BOC meets on January 4, 2006 and will have an organizational meeting.

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Mike Moran said that the townships were willing to work for a smaller millage for what they could possibly support. Bob Guenzel said that once the BOC studies the issue further, the CJCC will need to identify how much more involved it would want to be.

### **V. Information Data Report**

Archie Brown indicated that the CJCC needs to establish a process for discussing the report given the enormity of the data. One suggestion is to accept the report and identify the issues the CJCC would discuss in the next two meetings. Members were given the CD that contained the report.

#### **A. Motion to Receive**

The motion to accept the Information Data Report was made by Barbara Levin Bergman, seconded by Kathy Reynolds, and approved by CJCC members.

#### **B. Discussion on Policy Issues**

Scott Patton referred members to page 45 that listed possible policy discussions arising from five questions on the high number of probation violators among the sentenced population. From a policy level, the CJCC can discuss these issues. J Cedric Simpson said that he was most concerned with the fifth policy question as it involves the decision of the judiciary.

Bob Guenzel said that these are all excellent questions and that Probation needs to be looked at in a global and positive way. The intent was to help the Probation Department with their operations. The CJCC needs to hear from the judiciary on what they are comfortable with. It is a question of resources, and how the county can support the Probation Department.

Sheila Blakney said that there are many differences between misdemeanor and felony probation violations. The Public Defender's Office utilizes what the Michigan Department of Corrections (MDOC) collects on felony court sentencing. She offered to present statistics based on Washtenaw County's sentencing. Discussion ensued on whether the Probation Officers would inflate their recommendations according to the judge presiding over the case. Dan Dwyer said that this county used to have a 30% prison rate. Many offenders are now in the community on Probation to prevent jail overcrowding. If a high risk offender is put on Probation, this person is more likely to have a string of violations. This situation has more to do with State Sentencing Guidelines than with county culture. Probation Violators have everything to do with State laws that are placing people out of prison and back into the communities.

Sheila Blakney said that probation violations must be dealt with graduated sanctions. Why is the county not employing alternative methods to incarceration? Archie Brown indicated that the report does not bind his decisions to a particular sentence. The data is helpful in framing as he delivers sentences. He will continue to make a decision on a case by case basis, and the data will not influence it. Brian Mackie said that the fifth question is moot given that the county has used all alternatives to jail. He advised that the question be removed. Lloyd Powell recommended that the fifth question be reworded to make sure that the text does not challenge the judiciary's authority: "Is the county providing sufficient options for the judges in dealing with this issue?"

Mike Moran said that while the fifth question may not be well phrased, the council should discuss the issue. The judges have their independence and if they think it is valuable they will incorporate it into their decision. If additional statistical information is not collected, it may not be worth rewording the fifth question. Mike Moran proposed rewording the fifth question based on how many probation sentences are violated on technical grounds. Brian Mackie said that that word "technical" may be problematic. Archie Brown recommended that this issue be placed on next month's agenda.

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Dan Dwyer noted that the report was thorough in providing information on what the data can show. Scott Patton indicated that the challenge was in looking at the report and studying what is valuable. Should a committee be appointed? What reporting should be done on a regular basis? Barbara Levin Bergman said that a consultant of some description needs to be hired to assist with re-creation of the report since Joe DeGraff will cease to work with this project. Archie Brown recommended the hiring of an employee that could continue the report in order to sustain the current momentum. Bob Guenzel said it would be important to have concrete recommendations. He does not think that there should be a new committee. Dan Dwyer said that the report presents too much data to track on a regular basis. Kathy Reynolds advised picking 6-7 key indicators to report. Archie Brown said that this suggestion can be discussed at the February meeting.

Archie Brown also commended Joe DeGraff for his work with the present report. Mike Moran asked if Joe DeGraff could be utilized in developing the 6-7 key indicators. Dan Dwyer said that he could be invited to the committee meetings. Archie Brown confirmed that Joe DeGraff would be willing to participate in some way or other in these discussions on a voluntary basis. Administrative issues could be discussed.

Sheila Blakney noted that the report comes from a negative viewpoint. The CJCC should report the successes and the innovations produced in the county, such as, the alcohol tethering program. Dan Dwyer reported that another example would be the service center concept. He noted that Macomb County representatives would be visiting in January to look at the process and to interview some judges. J Cedric Simpson said that the county would have a more severe problem without these innovations. These successes should be tracked. For instance, with tethering, the county used to incarcerate a lot of drunk drivers and this approach was not useful for them. Since the implementation of tethering program, the incarceration for OUIL offenders has decreased. If the program were expanded, could the county maintain this progress? These are some of the policy issues that must be studied.

Bob Guenzel recommended that the committee study the resource questions. The CJCC has been fortunate to have Joe DeGraff and Scott Patton develop the report, but members may need to talk to the BOC about getting funding for a new person to continue reporting.

### **VI. Other Issues**

Glenn Cotton and Bill McFarlane were commended for their efforts during their tenure with the CJCC. Barbara Levin Bergman said that the CJCC should send formal letters of thanks to them. Mike Moran was welcomed into the CJCC.

Kirk Filsinger said that he was going to report out on how many are boarded out. The lowest is 361, and the highest is 412. If the county is dealing with jail crowding and being successful, the BOC is paying a lot of money to board these people out. Discussion ensued on the cost of boarding out compared to having the inmates housed in county. The amounts are variable, but the issue becomes whether the funds that are given out of county are lost, or the funds paid within the county can be utilized by in-county staff.

**Adjourned** 8:42 a.m.

Next Criminal Justice Collaborative Committee meeting will be on Friday, 1/20/05, **7:30 a.m. to 9:00 a.m.**, at 200 North Main.