

STATE COMMUNITY CORRECTIONS BOARD MEETING

August 20, 2009

The Kellogg Center, East Lansing, MI

1:15 p.m. to 2:25 p.m.

APPROVED

I. CALL TO ORDER – ROLL CALL

PRESENT: Alfred Butzbaugh, Patricia Caruso, Gary Goss, Larry Inman, Curtis McGhee, Dennis McMurray, Brigette Officer, Bernard Parker, Robert Pickell, George Zulakis.

ABSENT: Louis Dean, Stuart Dunnings.

II. APPROVAL OF AGENDA:

Larry Inman indicated that he would like to make a change to the agenda and add the Director's comments prior to the administrator's report.

Motion made by Bernard Parker, supported by Gary Goss, to approve the agenda as presented with changes.

VOTE: Motion passed unanimously.

III. BOARD MEMBER'S RE-APPOINTMENTS

Larry Inman congratulated Judge Butzbaugh on his re-appointment to the State Board representing Circuit Court Judges.

IV. APPROVAL OF APRIL 16, 2009 MINUTES:

Motion made by Gary Goss and supported by Curtis T. McGhee, to approve the April 16, 2009 Minutes as written.

VOTE: Motion passed unanimously.

V. DIRECTORS COMMENTS:

Director Caruso advised that the Governor's proposed FY 2010 Budget is still waiting for approval and the Department of Corrections budget is in anticipation of a cut of \$188 million gross with a reinvestment of 1/3 of that amount which equals a net reduction of approximately \$120 million dollars, which is mainly reflective of the continuing drop in the prison population.

As of this meeting the prison population has decreased by more than 5,000 prisoners in less than three years. The population of the department is currently at 46,600 prisoners. Since the last meeting, there has been an announcement of the next round of closures, with eight facilities closing, (five camps and three prisons). Three camps in the Upper Peninsula have already closed as well as the Hiawatha Correctional Facility and still in the process of closing are Camp Lehman, Camp White Lake, the Muskegon Correctional Facility and the Standish Correctional Facility.

The Standish Correctional Facility is the only facility closing that is not part of the decreasing prison population. Standish is being closed as a result of the high cost to operate maximum security prisons in the State. These types of facilities are all single cell and very expensive to operate. The department determined that many of the prisoners in the maximum security facilities were actually close custody prisoners. The Standish population consisted of one-third close custody prisoners. The Alger Correctional Facility is being converted from maximum security to a double cell close custody facility which allowed the Department to close one of the five maximum security facilities in the State.

The Director indicated that it appears there will be additional cuts beyond the net \$180 million dollars but a figure has not been reached. The Department has been very fortunate in having the support of both the Governor's Office and the Legislature in what is considered difficult times. There has been no argument with the Department about reinvesting money, so, additional agents are being hired, and investments in additional tether, investing in resources in the prisons, contracts in communities for both residential and outpatient services have been increased. Part of our investment is to maintain services that are offered by community corrections, there is no support in the Department for any decreases in that area.

VI. ADMINISTRATOR'S REPORT

Administrator Brzozowski indicated that as the Director stated the current population as of today is approximately 46,600 which is the lowest population since 2001. The highest rate was 51,500 which occurred in March of 2007. It is anticipated that through the end of this year the rate will continue to decrease.

The department's intake of prisoners has decreased 8% for the first seven months of the calendar year compared to the same time frame as last year. Probation violators, both technical and new sentences have declined by over 10%.

The data that the Board members have received is for the CY 2008. Additional data has been generated which covers through July of this year showing that the total felony dispositions decreased by over 2,200 since last year and the overall prison commitment rate has declined from 20.2% to 18.9% . To give a little background in 1989 the prison commitment rate was at 34.7%. This year the straddle cell is at 32.6% and last year it was at 35%, in 2000-2001 the straddle cell was at 43%, these are the populations that the Board has placed priority on to target. There is no doubt that the work that is being done in the communities has had some impact on these rates, which is great for the department and great for the communities.

In regards to jail dispositions there has also been a decrease in the past year of nearly 900 fewer offenders getting straight jail time, which is good for the county jails. That rate is at 13.9% and 38 counties have rates equal to or less then the state rate, and 25 counties have less then 15%.

Administrator Brzozowski congratulated the CCAB Managers for the work that has been done which is reflected in the low prison commitment rates.

Residential Services:

Administrator Brzozowski advised that residential services are being utilized at approximately 98% through the third quarter of the fiscal year. As a result of direct contracts between the State and service providers the projected lapse is less then \$500,000 which is approximately 50% less then previous years. Through the year the Office will continue to monitor and reallocate funds as needed. During the current fiscal year over \$2 million dollars has been reallocated from one program to another because of utilization trends.

Comprehensive Plans and Services:

Administrator Brzozowski reported Comprehensive Plans and Services program utilization data for the first six months of the fiscal year reflects that there were approximately 21,700 offenders enrolled into programs and felons accounted for 63% of the enrollments.

FY 2010 Community Corrections Comprehensive Plans and Applications:

Administrator Brzozowski advised that the Board's packet contains 32 CCAB's proposals which cover 51 counties. There are 15 CCAB's representing 17 counties that are under a multi-year contract that will have a continuation budget for the next fiscal year. The Northwest Council of Governments representing seven counties in the northern part of the state has determined that it is no longer beneficial for the Council to act as the fiduciary for the region and it would benefit each county to prepare individual comprehensive plans versus the Council planning for counties. As a result, it was decided to grant the Council a six month continuance to allow the counties to establish their local boards and develop a comprehensive plan that will be reviewed by the Board at the February meeting.

Questions: Mr. Parker referred to the Jail Beds per 1,000 Population spreadsheet which showed a rate of 1.96 beds per thousand and asked how this rate compared to other states, and if county jails had a higher rate of incarceration then adjoining states.

Administrator Brzozowski advised that the OCC does not have jail utilization data for neighboring states. He indicated that the JPIS data suggests that the jail utilization has declined from 2007 to 2008

Mr. Pickell asked why our prisoners stay longer and that he was under the impression that it was harder to have someone sentenced to prison and that when an individual is sentenced it is well deserved and wondered if that was why incarceration rates were longer.

Director Caruso indicated that the big issue with the prison incarceration rate is length of stay, there is a low admittance rate (lower than national average) but prisoners stay longer. The Director stated that it is due to the sentencing structure in Michigan which is different than any other state in the country. Michigan's maximum sentences are set by statute based on crime and the sentencing judge establishes the minimum sentence. The parole board's discretion between the minimum and maximum is more than any other parole board in the county, and that is why the work with the Counsel of State Governments focused on length of stay and trying to whittle down some of that discretion, and to do that based on validated risk assessments looking at who was at risk to re-offend and who was not. The Department has learned that there is not a correlation between staying longer in prison and whether or not one re-offends. That is why the Department has been addressing prisoner's length of stay. When you look at the post earliest release date population it has dropped from over 17,000 to under 10,000 and this is the population the Department has been targeting. It really goes back to the law in Michigan that provides a huge amount of discretion which is not found in any other state.

VII. CONSENT CALENDAR ITEMS:

Chairman Inman explained the approval process for the Board in regards to the annual and multi-year contracts that are up for the three year renewal. Chairman Inman also explained the approval process for residential services and the allocation of beds for FY 2010.

Chairman Inman explained that before a motion would be entertained Board members should now disclose any area of conflict where they would need to abstain from a vote from a particular county.

Judge Alfred Butzbaugh – abstained from voting on Berrien County
Larry Inman – abstained from voting on Grand Traverse County
Bernard Parker – abstained from voting on Wayne County.
Sheriff Robert Pickell – abstained from voting on Genesee County
George Zulakis – abstained from voting on Ingham County

Chairman Inman advised he would now accept a motion to approve Plans and Services, Drunk Driver Jail Reduction Community Treatment, and Residential Services as presented.

Motion made by Gary Goss to approve all services.

Support by Curtis McGee.

Chairman Inman asked if any member of the board wished to pull any proposal for further discussion and hearing none if any member of the public wished to pull any proposal for further discussion, hearing none there will now be a roll call vote for approval.

VOTE: Roll call vote was taken and motion passed.

Chairman Inman thanked Director Caruso, Administrator Brzozowski and his staff for an excellent product that was presented to the Board. Chairman Inman stated “that the product this year was a little more concise and it was an excellent presentation of information.”

VIII. CCAB PRESENTATIONS:

Barb Hankey the CCAB Manager for Oakland County gave a presentation to the Board about Oakland County’s journey towards pre-trial justice, and what they are doing to ensure that detention is the carefully limited exception. The following are highlights of the presentation:

- It is the role of pre-trial services to provide the judicial officer with neutral verified information so that he/she can make the most informed decision about release stability.
- The problem in Oakland County since the pre-trial inception in 1986 is that there is no objective risk assessment.
- The Michigan Court Rule 611.06 does list a number of factors that the judicial officers need to take into consideration when setting bail.
- The Court Rule falls short because there is no guidance or direction as to which factors are more predictive or better indicators than others.
- There are approximately 16 factors and the question is whether they should all be weighed the same.
- Plan to develop an objective pre-trial risk assessment.
- NIC recommended in 2005 to develop a risk assessment.
- Started with Judicial support (District Court Judges) – encountered more resistance than anticipated. The original resistance was overcome quickly – out of 35 District Court judges in Oakland County there are 30 judges on board.
- Project split into 2 phases: Phase 1 - vendor came in and advised how to improve efficiencies; Phase 2 - actual development of the pre-trial risk assessment.
- Vendors submitted proposals – contract was awarded to Luminosity.
- All policies and procedures have been reviewed, also interviewed stakeholders including county commissioners, Sheriff’s staff, defense council, and fiscal staff.
- Convene a work group of the judges in September – discuss acceptable risk for Oakland County, supervision levels, bail decisions, for certain types of defendants. Reconvene in October and roll out the final draft and implementation.
- Final product may have implications state wide.

Chairman Inman thanked Ms. Hankey for a very informative presentation and advised that the presentations are concluded.

IX. PUBLIC COMMENT:

Bonnie Hammersley, Muskegon County Administrator introduced herself and advised the Board members and she attended the meeting in support of the Muskegon County Community Corrections grant application. Ms. Hammersley thanked the Board and wanted to share her commitment to Muskegon County and she recognizes that Muskegon County has a job ahead of them but that they will be putting together a revised comprehensive plan.

Chairman Inman asked for any other public comment - hearing none public comment was closed.

X. OLD BUSINESS:

No old business.

XI. NEW BUSINESS:

Christine Curtis addressed the upcoming two day community corrections conference on October 12th and 13th that OCC is co-sponsoring with MACCA and MACCAB. Ms. Curtis indicated that there will be a number of experts versed in many subject matters from outside the state and that there will be many sessions benefiting many areas – this conference is designed to go beyond community corrections managers and will also be directed toward service providers. Board members that wish to attend the conference should contact the Office of Community Corrections directly.

Mr. Parker had one question in regards to concerns from the Wayne County Sheriffs Department regarding funds that were previously awarded by Community Corrections for the WEB Unit. Mr. Parker wanted to know if that was one of the cuts that would be coming and how those funds might be retained in the Community Corrections grant.

Administrator Brzozowski stated that the Office of Community Corrections will work with the county regarding this issue. Mr. Brzozowski indicated that the Office had previously requested information from the county regarding the population being targeted to ensure that community corrections is not funding general sweep pickups – these funds were provided to ensure offenders in residential treatment programs that failed to comply with the program were pick up and returned to jail. The FY 2010 Executive Budget does not include funding for WEB.

Administrator Brzozowski indicated that the Office of Community Corrections CCIS data system represents an extract of data available locally for program planning and case management purposes. OCC uses the data to examine the profiles of offenders in programs and monitor program utilization. The data is extracted from local data systems – the majority of the CCABs contract with Northpointe and use CAMIS. Northpointe is eliminating CAMIS which are stand alone units and moving into a web base case management program. All the CCABs will need to be converted over to the web base system. The Office of Community Corrections has entered into a contract with Northpointe to implement our statewide COMPAS and COMPAS Case Manager system. This system will allow all CCAB's interested in using the COMPAS Risk and Needs software to access it through our statewide centralized COMPAS website. As part of this project Northpointe is introducing its new COMPAS Case Manager which will replace the old desktop CCAMIS software. Case Manager is an integrated component of the COMPAS Suit. This will allow CCAB's to access both COMPAS Risk/Needs Assessment and COMPAS Case Manager.

The goal is to convert all counties to a web base by June 1010. The updated system will be more efficient for both the counties and state – the counties will no longer need to transmit data to OCC which will free-up staff resources. Training will be provided by Northpointe to managers on a regional basis. The ten counties that do not use this system will continue to operate as normal.

XII. STATE COMMUNITY CORRECTIONS BOARD MEETING SCHEDULE: CY 2010

A motion was made by George Zulakis and supported by Dennis McMurray to approve the CY 2010 meeting schedule.

XIII. ADJOURN:

Meeting adjourned at 2:25 p.m.