

# STATE COMMUNITY CORRECTIONS BOARD MEETING

August 26, 2010

Lansing Community College – West Campus, Lansing, MI

1:00 p.m. to 4:00 p.m.

## APPROVED

### I. CALL TO ORDER – ROLL CALL

**PRESENT:** Alfred Butzbaugh, Patricia Caruso, Louis Dean, Stuart Dunnings, Gary Goss, Larry Inman, Curtis T. McGhee II, Dennis McMurray, Brigitte Officer, and Bernard Parker

**ABSENT:** Robert Pickell, Debra Walling and George Zulakis

### II. APPROVAL OF AGENDA:

Motion made by Gary Goss, supported by Stuart Dunnings, to approve the agenda as revised.

VOTE: Motion passed unanimously.

### III. BOARD MEMBER'S RE-APPOINTMENTS

Larry Inman advised that Ms. Debra Walling from Dearborn has been appointed to the Board representing city governments for the City of Dearborn and her term will expire March 31, 2013. Ms. Walling was unable to attend but will be introduced and welcomed at the next meeting.

### IV. MPRI UPDATE

Manager Jim Yarborough from Offender ReEntry Services shared the following information regarding the Michigan Prison ReEntry Initiative (MPRI)

- MPRI resulted from a collaborative effort with partners at the state level which included State Departments of DHS, DLEG, Education, Mental Health, MSHDA, and most recently the Governors office of Faith and Community Based initiatives.
- MPRI is also approaching the 5<sup>th</sup> year of implementation in sites around the State.
- The Department is about to begin the 3<sup>rd</sup> year of full implementation of MPRI in 18 sites which cover the entire state.
- The first phase of the three phase MPRI system that was developed was phase two which prepares a prisoner for the transition from prison back into the community. The next phase developed was phase III where attention was turned to the institutional phase and for phase III a new risk/needs assessment tool was developed through the implementation of the COMPAS and at this time the department is making program decisions and prioritizing programming within the institutions based on the risks and needs based on COMPAS results.
- A goal of MPRI was to achieve an increase in parole approvals that would come from the Parole and Commutation Board. In the years 2003-2004 the rate of approval was in the low 50% range. In 2008 the parole approval rate climbed to just over 58% and then in 2009 the rate reached 62.5% which indicates that with the measures placed in effect the Parole and Computation Board gained a greater confidence in the information received through COMPAS and MPRI.
- The Department still needs to focus on bringing all of the work "Up to Scale" which means fully implementing all aspects of the model. A learning site has been launched at the Bellamy Creek Facility in Ionia where the model is being fully implemented.

- For a number of years the Department has been working with Professional Consulting Services which serves the prisoner population of those that have been diagnosed as mentally ill, medically fragile, developmentally disabled, and also certain youthful offenders. This allows for the consulting services to develop a detailed after-care plan which is presented to the Parole and Commutation Board prior to a final release decision for the above mentioned cases. The Board has shown a willingness to release these individuals as long as there is a solid plan in place and fully implemented in the communities.
- During the current fiscal year the funding used to support the local comprehensive plans that each community develops totaled \$27 million devoted for the 18 sites across the state, with the hope that the same amount will be allocated for next fiscal year along with another \$4 million to help fund transitional housing.
- Critical areas that require funding include employment, housing, and transportation. The Department has been working with MSHDA to identify and make changes in policies that will make HUD supported housing more available to returning citizens.
- The final item indicates in one of our counties that 8 parolees had been awarded section 8 housing and previous to the changes that MSHDA made in their policies this would not have happened.

Questions:

- Mr. Dunnings asked if there was also information that shows a rate of conviction not just a rate of return to prison. Administrator Brzozowski advised that the OMNI Felony Disposition data reflects the status of the offender at the time of conviction and indicates if an individual was in prison, on probation or parole.
- Mr. McMurray asked if the data could be given on the Bellamy Creek project. The Director responded that Bellamy Creek is a 100% test model and a learning site and it is early to have long term data.
- Mr. Dean asked if the reason individuals were returned to prison was the result of committing new crimes due to lack of employment. Manager Yarborough advised that most were returned due to a new crime and new sentence, very few would be returned due to a technical rule violation – which would be a failure to comply with certain conditions of supervision.
- Mr. Parker asked if there were efforts to change legislation making it illegal to ask for criminal records in an interview or possible to expunge criminal records. Mr. Yarborough responded that employers have been asked not to ask an upfront question about a criminal record but to go through the interview process first and then if an individual is found to be a good candidate to at least consider him/her and then to ask questions regarding criminal background, nothing at this time has been done legislatively.
- Mr. Dunnings advised that Mr. Virgil Smith was working with the prosecutors association on a bill to change the expungement statute and they were supportive of that effort but the bill did not proceed.
- Question was posed as to why 1998 was considered the baseline year. The response was that it represented a typical year prior to the beginning of anything associated with MPRI.
- Mr. Inman indicated that Northwest Council of Governments had a presentation regarding the personal effect of those going through the MPRI program and how it has changed lives and built skills. Also learned through the outreach of programs that a number of employers have been identified that are willing to accept individuals upfront. Mr. Inman also asked the question if the Department ever perceived if the components of Community Corrections and components of ReEntry would ever be merged to serve both populations or would they always be separated. The Director responded that she felt it could be realistic to look at some type of continuum approach in the future. It would make great sense to try to not duplicate resources but we are not at that stage yet.

## V. DIRECTORS REPORT

The Director shared the following information:

The current prisoner population is at 44,100 which is down 1,000 from that last time this group met. The population continues to drop consistently. The women's population remains at 1,700. The population of women in prison has dropped 30%.

- The Director advised that she had been traveling around the state visiting with the partners in the 18 communities representing MPRI both private and non-private and it was a very powerful experience on all levels. The people in the communities would advise what their biggest needs were, for example (housing, transportation, employment) or whatever is unique to that community.
- When individuals who have been incarcerated talk they provide praise to their agent and how supervision has changed and the focus on success. There is a sense of looking at outcomes differently, and knowing that they are still expected to follow the rules there is a sense that someone actually believes in them.
- In all communities the Director meets with private employers that have made decision to become involved for one reason or another. For example this week the Director revisited a street where we have partnered with AmeriCorps Intercity project and Habitat for Humanity and all 12 individuals that have been working with AmeriCorps were offered full-time employment.
- The parole rate did not increase because the parole board was told to increase paroles (by statute they can not be told to increase paroles) but because the goal was to do a better job so that the parole rate would increase appropriately.
- The Department is seeing a significant deficit for Fiscal Year 2010 as the result of health care costs and the inability to close three prisons as timely as anticipated. At this time there is no budget in place for the new fiscal year. The new proposal from the Governor is similar as to what came out of the Senate but with significant changes that removed some assumptions for example the good-time legislation going through and some population reductions based on that assumption. All budgets are removing the money from the 3% pay raise for the unionized employees that the legislature did not stop from going through and with our department it is a \$37 million expenditure that will be paid but not funded.
- Department is moving ahead with all plans in place to continue to invest in our communities. Currently the public work crews have been pulled back into the prisons due to the need for correctional officers to be in the facilities to help keep overtime costs down.
- There has been legislation introduced that would assume determinate sentencing (flat sentencing) of which there have been no discussions. Our concerns are that determinate sentencing would increase length of stay which would then increase the population and eliminate parole supervision which would eliminate all work that is currently being done on ReEntry.
- Continue to work with Special Alternative Incarceration (Boot Camp) that has a sunset for September 20, 2010. This has been a very effective program. An outside national expert has been hired to take a look at the program and evaluate the same. The numbers will be very positive and the Department is hopeful this program will continue. Judges have also been very supportive of this program.
- The Director indicated that a common question asked by individuals with the pending elections is what happens to the Department. She advised the goal is to make the right decisions for the right reasons based on data received and then what has been done will stand on it's own.

## VI. ADMINISTRATOR'S REPORT:

Administrator Brzozowski advised that there had been a departmental reorganization with the resignation of the Deputy Director, and that the Planning and Community Development Administration was dissolved. Community Corrections now reports to the Executive Office and was renamed The Office of Community Alternatives and under this office is Community Corrections Services Section, Substance Abuse Services Section and Offender ReEntry Services Section. The Director advised that one thing that made sense was to take advantage of excellent systems that were in place in Community Corrections. As an example: the Office of Auditor General audited Community Corrections and there was not a single exception and the Office of Community Corrections was commended for the tight ship that they run. It made perfect sense to combine the Office of Offender ReEntry which does similar work, (monitoring contracts and auditing things) to take advantage of what is a model for how to do that in our department. The following information was then shared:

- There are 7,400 fewer offenders in prison than we had at the peak of March of 2007.
- The latest data shows for the first six months of Calendar Year 2010 that there has been an intake increase of 6.3% which equals 326 more offenders compared to the same time frame last year. Jail and probation dispositions are down by just under 1,000 – this data is based on intake which are people coming through the prison.
- OMNI felony disposition data is based on docket data information where you could have people with multiple convictions from different counties and each felony would be counted.
- Overall prison commitment rate has declined from 19.4% in Calendar Year 2008 to 19.3% in Calendar Year 2009, which accounted for 594 fewer prison dispositions. The current data through July 2010 shows that rate increased to 20.2% with 294 more prison dispositions. There were 2,200 fewer felony dispositions during that period.
- In regards to the 300 additional dispositions, 250 were Group 1 (which is not targeted) and 50 were Group 2. Even though we are seeing 300 more people coming to prison this past year the majority would not be targeted because of the offense committed.
- The straddle cell rate was 32.6% which was the same as the previous 12 month period. During the last 12 months there has been a decrease of 50 straddle cells statewide for a total of 4,100 dispositions and 53% were Group 2 and Group 1 was about 1,600. Out of the 1,600 Group 1 45% were under DOC jurisdiction. Out of the Group 2 cases 2,500 or 53% were under the Department's jurisdiction.
- Out of the 250 dispositions in Group 1 there was an increase of 20% in homicides (87) 10% more robberies (93) and 8% burglary (97).
- Data also indicates that jail only dispositions decreased by a little less than 900 from Calendar Year 2008 to 2009.
- There are 31 counties with a disposition rate equal to or below the overall prison commitment rate of 20.2%. There are 16 counties with a rate that is less than 15%. (Barry 13%, Eaton 12%, Ingham 14%, Isabella 9%, Lapeer 10%, Macomb 13%, Marquette 14%, Oakland 19%, Ottawa 8.4%, St. Clair 15%, Van Buren 15% and Wayne County just under 20%). In regards to straddle cell 32.6% (which is our primary target population) the following counties were recognized for their low rates: Barry 28%, Calhoun 27%, Cass 26%, Eaton 13%, Genesee 27%, Ingham 17%, Isabella 23%, Kalamazoo 21%, Lapeer 23%, Macomb 28% Midland 29%, Oakland 28%, Ottawa 12.6%, St. Joseph 23%, Van Buren 29%, Wayne County 22.7%.
- The 2011 comprehensive community corrections plan and review includes contractual objectives for the local jurisdictions. This will help to further reduce the rates by targeting those Group 2 offenders and other areas identified.
- In regards to program (residential) utilization through the 3<sup>rd</sup> quarter the statewide utilization rate is at 93%. Approximately four years ago the Department began contracting directly with the residential providers rather than awarding funds to CCAB's who would have to enter into a contract with each of the providers. This system was centralized with two primary goals, one being efficiency and the second to reduce the amount of dollars lapsed. These changes

were well received by the CCABs and residential service providers and the lapsed dollars decreased to 4.3% in 2008 and 3.8% in 2009. The current fiscal year included additional funding for a pilot project for high risk and high need probationers which will result in significant lapsed funds, as well as a decline in referrals due to decreased criminal dockets. Currently, CCABs are allotted a specific number of beds depending on the needs of the individual counties. There seems to be a mindset that the counties are unable to go over the allotted amount which has contributed to lapsed funds annually. Administrator Brzozowski recommended that CCABs be provided a directory of those residential providers that are under contract and counties may have access to all facilities statewide without an allocated amount. OCA will continue to provide CCABs a monthly report showing program utilization rates. Both MACCAB and MACCA support these recommended changes though MACCAB wanted to ensure that we would continue to monitor and adjust rates.

Comments:

- Director indicated that her understanding from the presentation is that if there is a community that has a greater need and could utilize the beds they would not be limited by some historical cap but would be able to maximize the use of the beds they need. Also, there would not be a penalty for those counties unable to meet the needs from the previous cap.
- Administrator Brzozowski advised that he would like the CCAB managers to communicate to their respective judges that instead of saying how many beds are available that they indicate what facilities are available. Not to worry about an artificial cap that has been placed on the counties.
- Mr. Parker asked if a county had utilized its current allocation of beds and they needed more will they be able to receive additional beds. Administrator Brzozowski indicated that lapsed beds equals about 80 beds daily across the state and they should be available where needed. The award to the residential providers will remain the same with the only change being that if they are underutilizing we may have to reduce that particular contract.
- Mr. Dean asked if a program was over utilized and there was additional beds remaining could they tap into those. Administrator Brzozowski responded that certain facilities have additional space that they haven't opened up and they would be able to open those beds if the referrals continue to come. This would be the only way to demonstrate to the legislature that we may need additional funds.
- Mr. Dunning asked if there was a policy in place where the Board would need to vote. Administrator Brzozowski advised there was not a policy in place but it has been the practice to allocate beds to each CCAB. Mr. Brzozowski indicated that both MACCAB and MACCA support this plan and request that the Board support the plan as well.

**Motion to support the change in the way residential beds are allocated was made by Mr. Dunning.** Mr. Goss asked to verify that the motion would be to allow the CCAB to exceed their allocation based on need. Administrator Brzozowski advised that there would be no allocation. The allocation would be eliminated and that The Office of Community Alternatives would provide a directory indicating what service providers the counties could refer offenders into. **Mr. Goss supported the motion.** Mr. Inman advised because of the nature of the question and the motion and that it was not on the agenda he would allow for any public input. Mary Sabaj advised that as President of MACCAB they did carefully consider the proposition and took a poll of their participating counties and the way they viewed the proposal is that it provides much more flexibility for the counties. It provides the potential for some counties that are/could utilize more beds to do that. Historically the utilization will most likely hold true but will have the flexibility to promote and encourage additional utilization in their jurisdictions. There were a few reservations but were assured they would continue to be monitored.

VOTE: Motion passed unanimously.

Administrator Brzowski shared the following information regarding program utilization for Plans and Services and advised that during the first six months of the year there were 20,600 offenders that were enrolled into programs and that 63% of those were felons with 36% misdemeanants. The Fiscal Year 2011 Appropriation that had the Governor's recommended Budget included a \$1.2 million increase. Those dollars are reflected in the proposals. If the CCAB requested funding for their current programming they were awarded those dollars and if not the money was placed in reserve. The \$1.2 million was divided up among all the counties based on the percentage of the appropriation of the current award.

Mr. Brzowski advised that the packet presented to the Board has 18 CCAB's with proposals that cover 20 counties and there are 34 CCAB's representing 54 counties under a multi-year contract that will receive a continuation budget for 2011 plus the increase if passed by the legislature. The primary purpose of the proposal is to provide an overview, progress of local jurisdictions and addressing state and local objectives and the local jurisdictions plan for 2011. During the past several weeks OCA staff has met with CCAB managers to discuss the proposals that are before the Board.

#### **VII. APPROVAL OF March 4, 2010 MINUTES:**

Motion made by Louis Dean and supported by Stuart Dunnings to approve the March 4, 2010 Minutes as written.

VOTE: Motion passed unanimously.

#### **VIII. CONSENT CALENDAR ITEMS:**

Chairman Inman advised that included in the packet to the State Board Members are the comprehensive plans which include the drunk driver jail reduction and residential services funding for Berrien, Calhoun, Genesee, Ingham/Lansing, Jackson, Kalamazoo, Kent, Livingston, Macomb, Monroe, Muskegon, Oakland, Ottawa, Saginaw, St. Clair, 34<sup>th</sup> Circuit, Washtenaw and Wayne. There is a grid sheet included which summarize those categories.

Mr. Inman advised that for information purposes only that in the future the outline for multi-year contracts will be shown differently. The plan will show what year each contract actually matures.

Mr. Inman then asked with the current listing if there was any member of the public that wished to have any contracts pulled for discussion. He then asked if any member of the Board wished to have a contract pulled for discussion. Mr. Inman stated that he had one which was for further information and clarification which would be the 34<sup>th</sup> Judicial Circuit due to the incomplete information that was provided in the packet.

Mr. Parker had a question regarding the amount in reserve on the 2011 summary awards chart. Mr. Brzowski clarified that it was the \$1.2 million where the counties may have not requested those funds or it could be a condition placed on the county for additional information on a specific proposal.

Mr. Inman advised that the total 2011 recommended amount was \$10,009,808 and the DDJR total recommended funds were \$1,394,525.

Chairman Inman asked if any Board Member had a conflict or appearance of a conflict with any of the counties being presented today for approval.

The following board members indicated conflicts – Mr. Dunnings/Ingham County, Mr. Parker/Wayne County, Judge Butzbaugh/Berrien County, and Mr. Dean/Kent County. The minutes will reflect that those board members will be abstaining from their county of conflict when voting.

Motion to approve the consent calendar with the abstraction of the 34<sup>th</sup> Judicial Circuit made by Mr. Dunnings and supported by Mr. Goss.

ROLL CALL VOTE Motion passed unanimously.

Manager Christine Curtis was asked to give a brief overview of the 34<sup>th</sup> Judicial Circuit. Ms. Curtis shared information regarding the 34<sup>th</sup> Judicial Circuit and indicated that there were some critical deficits in the plan and the application. Over the past several years if there were problems in an application prior to Community Corrections Services writing a proposal and presenting at the State Board Meeting conditions have been used which outline changes that need to be made and addressed. The county or region is then given a certain amount of time to correct the problems prior to the funds being released. In some cases the problems are identified and the county will not be reimbursed expenses until those corrections have been made. There were some resubmissions for the 34<sup>th</sup> Judicial Circuit but the changes did not meet our expectations. The plan could not be supported because it lacked the goals and objectives that were critical under Public Act.511. Ultimately, there was a meeting that included the CCAB Manager, Sheriff of Ogemaw County and Deputy's/county personnel from Ogemaw and Arenac Counties where they identified strategies, objectives based on data and decided to release funding for 2010 but place them on an annual contract to allow the stakeholder to take a look at strategies and to receive their support. OCA received an application on June 1, 2010 and sent it back with comments for additional changes. An updated application was received on July 27, 2010 and due to the timeframe that it was received there was not an opportunity to give it a thorough review prior to the meeting. Therefore, the recommendation is to hold funds in reserve until the county could address the deficits in the current application.

Mr. Dunnings asked that Ms. Curtis be a little more specific as to what their deficiencies were. Ms. Curtis indicated that the CCAB is required to complete an analysis on their felony disposition and jail data then establish goals to reduce prison commitments. The CCAB did not establish local objectives based on data, and failed to provide detailed information within the application related to strategies to achieve its objectives. Counties may target straddle cells, non-violent offenders – that is the analysis and then we look at the strategies and programs to bring about the intended result. The CCAB's budget information was also incomplete.

Manager Dewey Barber spoke for the 34<sup>th</sup> Judicial Circuit and felt that they had address the issues and advised that they are at or below the state average or commitment rate. Mr. Barber advised that the CCAB saves many jail beds and has a great working relationship with Judge Baumgartner. He stated that his detail may be lacking but they do target all that have been mentioned.

Chairman Inman asked if Mr. Barber felt he had the ability to complete the information in a relatively short period of time.

Ms. Curtis made a recommendation to the Board (same as in proposal) to hold funds in reserve until the stakeholders in the 34<sup>th</sup> Judicial Circuit can regroup.

Mr. Dunnings made a motion that all of the funding for the 34<sup>th</sup> Judicial Circuit be held in reserve pending review of the application and a positive recommendation from staff along with acceptance by Administrator Brzozowski and Director Caruso prior to the release of funds. Mr. McMurray supported the motion.

Discussion: Mr. Parker asked what was done with the funds for Fiscal Year 2010. Ms. Curtis explained that funds were released based on the condition that they move to an annual contract. Effective October 1, 2010, the entire award would be held in reserve until the application process has been completed and approved. The CCAB would still be able to routinely access residential beds but the plans and services funds would be held until changes completed.

Chairman Inman asked if there was any additional discussion, hearing none called for a vote.

VOTE Motion passed unanimously

**IX. PUBLIC COMMENT:**

President of MACCAB Mary Sabaj addressed the Board expressing appreciation and thanks to the Board. Ms. Sabaj indicated that many managers are experiencing difficulties with the web based COMPAS application conversion. Managers that have not been converted are very hesitant regarding the upcoming event and hope to resolve those issues with the potential to address the issues at the October work groups.

Ms. Sabaj advised that MACCAB has put together a position statement and she summarized their position that they had become aware that the commercial bail bond industry is proposing legislation in Michigan that could potentially change the way Pretrial services operations are run, and this could potentially jeopardize the ongoing nature of those operations. This is a highly coordinated nation wide effort and has been introduced in other states and successfully passed in some states. It is the position of MACCAB that it is very important for members to be aware of this situation and also to encourage that everyone should develop a good understanding of their operations.

**X. OLD BUSINESS:**

There was no old business presented.

**XI. NEW BUSINESS:**

There was no new business presented.

**XII. 2011 CALENDAR**

Mr. Dunning moved to support the proposed 2011 Calendar with support by Mr. McGhee.

VOTE Motion passed unanimously

**XIII. TETHER PROGRAMS:**

Administrator Brzozowski asked for discussion regarding the funding that is provided to CCABs for electronic monitoring. He advised that in most proposals there would be a condition if a county is utilizing electronic monitoring funding that they would not spend funds for offenders under the MDOC jurisdiction. The MDOC has an electronic monitoring system and the Field Operations Deputy Director has advised that he does not support community corrections managers or their staff supervising offenders under electronic monitoring when the MDOC field agents has this service available and it is a function of their responsibility. Administrator Brzozowski would like the Board to establish a policy concerning this issue to help eliminate all of the conditions imposed on CCABs with the exception that if the MDOC does not have the electronic equipment of the caliber that the counties have then a condition would not be imposed and the county would be able to use community corrections funding for this equipment.

Mr. Dunnings advised that when he looked at the DOC electronic tethering it was not based on real time like the GPS system that the county had. Administrator Brzozowski advised that because the DOC did not have real time capabilities then that type of program would be something community corrections funding could support. He indicated that we just don't want to fund something that is a duplicate of what is already available through the DOC.

The Director asked that if someone was on probation and was being monitored by some form of electronic supervision then the concern by the Deputy Director is that he would only want that done by the DOC agent. Administrator Brzozowski responded that that was correct. Mr. Dunnings asked why that situation was a problem. Mr. Brzozowski indicated that the Deputy Director does not want OCA to fund tether programs when the DOC agent is able to supervise them on tether. Mr. Dunnings indicated he was not comfortable moving forward with any changes until more information is received.

The Director advised that she would discuss this matter with the Deputy Director to receive additional guidance on this issue and wanted to hear both sides of the issue.

Mr. Dunnings asked if all the materials in the packet that is provided to the Board could be sent electronically. After some discussion it was determined that with all of the different data provided it would be difficult to send complete information and the majority of the members would prefer a hard copy.

#### **XIV. ADJOURN:**

The meeting adjourned at 3:50 p.m.