

STATE COMMUNITY CORRECTIONS BOARD MEETING

March 4, 2010

The Lansing Center, Lansing, MI

1:10 p.m. to 2:15 p.m.

APPROVED

I. CALL TO ORDER – ROLL CALL

PRESENT: Patricia Caruso, Stuart Dunnings, Gary Goss, Larry Inman, Curtis T. McGhee II, Dennis McMurray, Brigette Officer, Robert Pickell and George Zulakis

ABSENT: Alfred Butzbaugh, Louis Dean, Bernard Parker, and Debra Walling

II. APPROVAL OF AGENDA:

Motion made by Gary Goss, supported by Brigette Officer, to approve the agenda as presented.

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 and her term will expire March 31, 2013. Ms. Walling was unable to attend this meeting but will be introduced and welcomed at the next meeting.

Mr. Inman also advised that the position of the Chair is also appointed annually and that the Governor has recently re-approved his appointment as the Chair of the State Board of Corrections.

IV. APPROVAL OF August 20, 2009 MINUTES:

Motion made by Gary Goss and supported by Curtis T. McGhee II, to approve the August 20, 2009 Minutes as written.

VOTE: Motion passed unanimously.

V. GOVERNOR'S EXECUTIVE BUDGET RECOMMENDATIONS – FY 2011:

Director Caruso shared the following information regarding the FY 2011 Michigan Department of Corrections Budget.

- Director Caruso advised that this week the Senate Judiciary committee started hearings on the recommendations that came out of the Council of State Governments. Senate Bill 826 deals with the community corrections act and expands the act to give more opportunity for participation and eligibility and Senate Bill 827 is a package that covers several issues including but not limited to length of stay and presumption of parole at no more than 120% of the minimum sentence.
- The Governor's budget is also contingent with the bills commonly referred to as the good time bills that have been introduced by Representative Cushionberry that deal with truth in sentencing. If passed, approximately \$30 million would be saved and more than 7,000 people eligible for consideration of parole.

- The prison population as of February 26th was 45,061 and it is anticipated that this week the numbers will drop to the 44,000's - the lowest population the state has seen since the middle of 2000. The women's population is down to 1,700 which is a decrease of more than 30%.
- At the end of March it will be three years since the Department experienced its highest population in history. Since then, 10 facilities have been closed with a decrease of 6,500 prisoners.
- One item in the budget is \$30 million revenue due to leasing beds to the State of Pennsylvania. Prisoners are housed at Muskegon Correctional Facility which was slated to close, beds are being leased at a profit, the cost to Michigan is \$59 a day and the charge to Pennsylvania is \$62 a day which does not include any medical costs away from the facility.
- One issue frequently discussed relative to the budget is the problem of not how many people are in prison, but the cost per prisoner. The projected revenues for the State of Michigan for FY 2011 when adjusted for inflation are equal to the revenues for 1965. Today there are 45,000 people in prison and in 1965 we had 7,400. The issue is different, if we don't adjust for inflation the revenues are the same as 1990 and in 1990 we had less than 37,000 people in prison.
- The Director thanked Prosecutor Dunning for his presentation at the judiciary committee and advised that he spoke very strongly and positively about the work of community corrections and commented on how since 1999 we have been operating on what is essentially a continuation budget and it is something that works.

The following discussion followed the Directors presentation:

- Gary Goss advised that due to budget constraints that Wayne County has only funded 1,700 beds this past year down from 2,500 in 1988. Also, as of Monday, there were 6,336 active parolees in Wayne County and 1,185 of the parolees were in an absconder classification. For this reason, the Wayne County Chiefs will strongly oppose House Bills 4497, 4498 and 4499 and encourage other law enforcement agencies throughout the state to oppose the bills because they will basically eliminate truth in sentencing and will cause extreme burden on law enforcement in the county jails.
- Director Caruso indicated that currently there are over 22,000 people on parole and that is the highest number that we have ever had. It is a significant increase though we have changed how we make decisions and supervise people and are seeing less parole violations for the total group. On the absconder issue - one of the things that are talked about is that you will see the same number in and out. People are placed on absconder status quickly based on failure to report and there is not a very big window. Most people are on absconder status for a very short period of time.
- Mr. Goss stated that the Wayne County jail no longer accepts parole violators unless they have committed another crime. A call is made to DOC to find out what the Department wants to do with the violator.
- Director Caruso stated that there are jails that the Department has contracts with and other places that we put people. The agent may make a determination depending on what has happened. There are sheriff's that have asked the Department to enter into a contract with them for beds. It is complicated because it costs the Department, Counties and tax payers more money not to house parole violators locally.
- Mr. Inman indicated that at a previous board meeting there was a graph with the prison population for a number of years with figures going up and up and then a peak at 51,600 and now the line has dropped to around 44,000/45,000 is there a component that is really working well and driving the rate down or is it a lower crime situation in the State of Michigan or all components coming together.
- Director Caruso reported that new crime commitments are down. At the present time we are averaging about 250 a month on technical violators. We used to hit somewhere around

400-450 month. Paroles are up which goes back to the reentry work where money has been reinvested into our prisons and our communities so that the parole board is in a position to comfortably and appropriately parole people into the types of circumstances with the right resources. Seven years ago there was no money reinvested into reentry and at that side of the equation we invest \$56 million a year into additional agents, GPS tether, residential beds, two residential reentry centers that focus on specific issues one substance abuse and one domestic violence. So, together all of the pieces drive the numbers. We are still a high crime state but crime is down.

- Sheriff Pickell indicated that when you talked about new commitments that they are down, maybe the reason that they are down is that it is harder and harder to get into a prison then in the past and the sentencing guidelines have been changed and people previously sentenced may have gone to a state prison are now in county jails. County jail populations are increasing. He indicated that he was hearing from the parole department that unless a new crime has been committed it is hard to get them violated.
- Director Caruso indicated that the numbers do not support that claim.
- Sheriff Pickell expressed concern that there are violent people that are serving their minimum sentence and being released to the street, which is a concern in Genesee County. With the change in guidelines, "jails are now prisons" we are keeping more and more people for the entire year and judges have no place but to sentence to county jail.
- Director Caruso indicated that the sentencing guidelines have not changed in years, the Department has tried to change them, but maybe within the guidelines there have been some changes in sentencing practices. The Department is trying to make decisions based on risk when looking at people. Determining that someone is a violent offender isn't always determined by what crime they committed, it is not 100% accurate science. For every failure there are many more that succeed.
- Gary Goss asked if there were enough resources in the communities to support MPRI because the Detroit/Wayne Counties mental health operating budget has been cut in half and may affect the active parolees in Wayne County.
- Director Caruso stated that the issue of the mentally ill offenders is one of the areas where we have seen the highest rate of success, and we will continue to fund and work with mental health.
- Mr. Goss indicated that he supports MPRI whole heartedly but questioned given the hardships that the state has faced is there sufficient resources to support these folks and give them a chance to be successful.
- Director Caruso stated that a question that she frequently hears is, how the Department can be doing this at a time when unemployment is so high and the economy is bad and everyone knows that crime is related to the economy - which is not true. The employment issue is very significant where law abiding citizens are having a hard time finding jobs but on the other hand we can't keep people in prison at a cost of \$32,000 a year because there are no jobs available.

VI. ADMINISTRATOR'S REPORT:

The community corrections budget has been continuous since 1999 and this year the Governor's Executive Budget includes a recommendation for nearly a 10% increase in comprehensive plans and services which amounts \$1.2 million. If approved by the Legislature, these funds will be allocated based on current award amounts. CCABs will not have to demonstrate additional impact and the funds can be used to help and support the programs that have been funded over the years.

Community Corrections held a conference in October, with the Department collaborating with the Michigan Association for Community Corrections Advisory Boards and the Michigan Association for Community Corrections Advancement. This was a two day conference with over 225 participants. The sessions included topics such as Measuring and Proving the Fidelity of Evidence Based Practices, Building Public and Private Partnerships to Enhance Resources for Services, Risk/Needs

Assessments, Electronic Monitoring Technology, Sex Offender Assessment and Treatment, and Working with Female Offenders.

The response that was received from the managers and other participants was very positive and the majority of the feedback reports were very good to outstanding. Administrator Brzozowski thanked both associations for working with the Office of Community Corrections and thanked Manager Curtis for putting this conference together.

Administrator Brzozowski advised as the Director indicated the prison commitment rate has been on a decline for 19 consecutive months and as of January there were 45,184 prisoners. The intake of probation violators has also declined 7.7% since 2009. Administrator Brzozowski indicated that there is a lot of discussion in the State concerning the high number of probation/parole violators at prison intake though what needs to be considered in that the DOC supervises 56,600 probationers so in essence, we are really only looking at approximately 3.5% failure rate for this population.

The statewide felony dispositions in the past year have declined by nearly 2,200 and the overall commitment rate based on dispositions (not intake) was 19.9% through September 2009 with a reduction of just over 1,000. The prison commitment rate for our primary target population (straddle cell offenders) in 2000 was 43%, in the past several years the Department has targeted this group and the prison commitment rate last year was at 32.2%. Administrator Brzozowski acknowledged the CCAB managers for their work in this effort.

Mr. Dunnings asked are the 32% of straddle cell offenders that are going to prison being sentenced by the judge or have they violated probation. Mr. Brzozowski indicated that the data is not that detailed, but we do know that out of the Group 1 straddle cell offenders 45% were under the DOC's supervision (either probation or parole) and out of the Group 2 offenders that went to prison 54% were under the DOC's supervision at the time of the offense.

OMNI data also indicates that jail dispositions decreased by over 800 offenders this past year.

There are 30 counties that have a prison commitment rate that is equal or less then the state rate of 18.8%. There are 18 counties with a rate less then 15%. Administrator Brzozowski indicated that it is very impressive to see the following low numbers: Barry County 8.7%, Calhoun 13.4%, Eaton 9.1%, Ingham 11.2%, Isabella 7.4%, Kalamazoo 14.4%, Lapeer 14.5%, Macomb 12.2%, Marquette 14.7%, Mecosta 12.0%, Ottawa 7.9%, and Van Buren 13.8%. Mr. Brzozowski also recognized Oakland County at 18.6% and Wayne County is at 18.2%. When looking at statistics for larger counties, half of a percentage point decrease can be a significant number of dispositions.

Within the straddle cells there were 26 counties which are equal to or less then the state rate.

In regard to program utilization, Administrator Brzozowski advised that during the first quarter utilization was at 91% for Residential Services and indicated that the Office of Community Corrections will continue monitoring utilization rates through the year and reallocate funding as needed. A few years ago contracts were centralized, and one of the goals was to reduce lapsed dollars. In 2007 we lapsed just under a million dollars which was 5.8% of that appropriation and in 2008 it was 4.3% and in 2009 it was 3.8%. Although utilization at this time is lower then we would like we are meeting that goal. Administrator Brzozowski advised that he is attending the Field Operations Administration meetings and providing them the utilization numbers by county so that they are aware of what beds are available. He also attended the Association for the Residential Service Providers and talked to that group about utilization and made recommendations that if their program is underutilized they should be reaching out to the probation staff, and attending their meetings.

Administrator Brzozowski indicated that the purpose of today's State Board Meeting is to review the five newly formed CCAB's that consist of seven counties that are currently under the Northwest Council of Governments Administration. Last fall the council decided that they would no longer administer those funds and a continuation budget was given through March 31, 2010 to allow the separate counties to formulate their community corrections advisory boards and develop their local plans. Out of those seven counties, five CCAB's emerged: Charlevoix, Emmet, Kalkaska and two regional CCAB's Manistee/Benzie and Wexford/Missaukee. In the packet are the five CCAB's.

VII. 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 Charlevoix County, Emmet County, Kalkaska County, Manistee/Benzie and Wexford/Missaukee. There is a grid sheet included which summarize those categories.

Mr. Pickell referred the Board to the Charlevoix County proposal and asked what kind of diversion we are we talking about concerning the strategic plan and impact analysis section, specifically, are these individuals already in jail or on probation that are being diverted again?

Manager Curtis indicated that under the section listed as strategic plan and impact analysis, staff take a look at all of the data for the particular community as well as look at what is being proposed as an objective, a strategy, a program, or what is going to be done to try to improve their rates. What most of these CCAB's have done is to follow what the State Board Priorities are and to target the straddle cell offenders as well as the probation violators and what the statement says is "in addition to targeting those straddle cell offenders and probation violators there were a couple of intermediate cell offenders and because they are not a priority because they are statutorily prohibited from going to prison absent a diversion anyway. So, even though they are going to focus on straddle cells and parole violators they acknowledge that there may be a couple of intermediate sanction cell cases that they need to be aware of so that they have an impact there too.

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.

Board indicated no conflicts.

Motion made by Stuart Dunnings to approve to the Comprehensive Plans, the Drunk Driver Jail reduction and Residential Services for Charlevoix, Emmet, Kalkaska, Manistee/Benzie, and Wexford/Missaukee as presented. Second by Bridgette Officer.

There were no members of the public and no members of the board that wished to have a county proposal pulled for further discussion.

VOTE: Motion Passed Unanimously

VIII. PUBLIC COMMENT:

Barb Hankey wanted to thank the Department of Corrections, Director Caruso and Administrator Brzozowski for their part in the executive recommendation to the budget for the \$1.2 million increase to the plans and services line item as well as working on the changes to the drunk driving funds. Ms. Hankey advised that she will be stepping down as the chair to MACCAB and that Mary Sabaj from Ingham County will be assuming those duties. Ms. Hankey thanked the Board for all of the support given to MACCAB in the past with the inclusion in inviting them to the table.

Mary Sabaj advised that she hopes to continue the good relationship with OCC and MDOC both locally and at the state level.

Director Caruso on the behalf of the Department and Board thanked Ms. Hankey for her dedication and advised that her work in Oakland County speaks for itself. Her representation of the membership statewide is most appreciated and she really is a true public servant.

IX. OLD BUSINESS

Administrator Brzozowski advised that OCC is entering into a contract with Northpointe which is the company that developed COMPAS which is the risk/needs assessment instrument. Northpointe also has a stand alone case manager system called CAMMIS which at this time 38 of the CCAB's are using as their database. The information is extracted out of their system, submitted to OCC electronically and that information is put into the OCC database so that program utilization information can be reported.

Northpointe has developed a new web based COMPAS and a portion of that COMPAS is a case manager which will eliminate the CAMMIS stand alone system. All county CCAB's data is being converted into the new system with a server that will be maintained by the Department of Corrections. This system will be able to provide the Department and CCAB Managers with the capability to look at real time data as soon as entered. This will be a more efficient process and program utilization information will be available immediately. The Department will download OMNI information in Central Office so the local CCABs will no longer have to go through the process. This system will provide the ability to run canned and ad hoc reports and there will no longer be a need to wait for quarterly reports. Standard reports will still be provided but the capability of running certain inquiries will be available. Northpointe has already converted three counties and there are a few bugs in the system that they are working on. We anticipate that there will be five trainings that will occur and Northpointe will be notifying the CCABs of the dates and when conversion will occur in their areas. We also have another data base JPIS (the jail population information system) which is antiquated and that data will also be entered into the server where reports will be more readily available to the counties. If received on a monthly basis the counties will not have to wait for the biannual reports and will have more up to date information.

X. NEW BUSINESS

Administrator Brzozowski indicated that part of the boilerplate language for this fiscal year requires the Department to work with the State Court Administrative Office to develop a high risk high needs probation demonstration project. There is funding appropriated in the residential services line item that we fund the program which targets the high risk/high need probationers based on an objective risk needs assessment. The Department and SCAO need to agree with the areas that will be targeted and preference shall be given to locations that were originally identified within the Council of State Governments' Justice Center Report on Analyses of Crime, Community Corrections, and Sentencing in the State. Those communities are Wayne, Genesee, Saginaw, Ingham and Calhoun. Our department will be working with SCAO to identify two of those sites and work with the judiciary and hope to have a program running within the next couple of months and then expand out to the other areas as well. Once offenders are identified as high risk/high needs they will be placed in a residential program for up to six months and will address cognitive behavior and motivational interviewing. The program will use the Hazelton *New Directions* curriculum that the Department has been using in the residential substance abuse program at the prison in Jackson. Offenders that have participated in that program have a significantly lower recidivism rate as a return to prison the other populations.

Mr. Dunnings asked how the counties will be selected and Mr. Brzozowski indicated that the selection process is in combination with the Field Operations Administration – looking at capacity, previous pilots and staffing.

Mr. Dunnings asked if a risk/needs assessment will be administered on everyone convicted of a felony and Mr. Brzozowski indicated that in each demonstration site a specific court and judge will be identified to participate.

Mr. Dunnings asked what impact Senate Bill 826 would have on CCABs resources – Instead of looking at what cell someone was in would we use the risk assessment information. For example, you might get an intermediate that is a high risk because they do not have as many priors. Mr. Brzozowski stated that the Board will have to look at some of their priorities, and make changes accordingly if and when this happens. In the past, the counties made the decision on who they were going to target. Senate Bill 826 indicates that you have to use an objective assessment and you are targeting high risk/high needs based on those objectives. There are many programs funded by the Department that have lower risk offenders. We will then have to make a decision are we going to require counties to redirect funding toward a high risk/high need population or will we allow them to continue targeting lower risk offenders. The way it is written right now you are going to use the objective assessment to target the high risk offenders for programs. That could change a lot of the work that is being done by Community Corrections and how we fund it. Last year there was a house proposal bill that was introduced and our Department worked with MAC along with Barb Hankey and MACCAB and there were some significant changes made but that work is not what you see in the current Senate Bill.

Director Caruso stated that the goal of the legislation is to widen the opportunity for eligibility and give communities and judges more options for different types of offenders.

Administrator Brzozowski indicated that there are counties that currently target higher risk offenders because it is who they decided to target and it is their interpretation of who is high risk while other counties read the current act and were not targeting because an individual was high risk. The intent was to broaden the Act so that counties could target high risk offenders, but if the language stays the way that it is defined only the higher risk population will be targeted.

Director Caruso indicated that she did not think that was ever the intent. The intent was to give more options to the local level. If there is a limited amount of money to spend it would make sense to put money into the people who are in greater risk as opposed to those people that will be successful no matter what you do. So the intent would be to give local officials a lot more options. Some of the current language excluded people from being able to participate.

XI. ADJOURN