

STATE COMMUNITY CORRECTIONS BOARD MEETING JULY 17, 2003

State Library & Historical Center
Lansing, Michigan

APPROVED

PRESENT: Patricia Caruso, Norman Donker, Thomas Edmonds, Lawrence Emery, Nanci Grant, Larry Inman, Roger Kahn, Michael Nye, Bernard Parker, John Phillips, Mary Kay Scullion, John Wynbeek.

I. APPROVAL OF AGENDA: Motion by Dr. Kahn, supported by Sheriff Edmonds, to approve the agenda with the addition of introduction of two new Board Members and presentation for former Board Member Jim Quinlan under "New Board Members; a request for application from a non-profit service agency under "New Business".

VOTE: Motion passed unanimously.

II. NEW BOARD MEMBERS: Chair Larry Inman introduced the new Director of the Department of Corrections, Patricia Caruso, and she addressed the Board and public present at the meeting with a short statement. Ms. Caruso noted that she was honored to have been appointed by Governor Granholm to be the Director of the Department of Corrections, and that as a large department with good employees that do good work she is proud to represent them.

Ms. Caruso also thanked the Board for the work that they do because it is an integral part of the entire corrections system. Although she comes from a prison background with over fifteen years experience in the prison system (over nine years as a warden), she has a clear understanding and focus of the importance of the community role and the field role in the entire process. The department is working hard to develop a long-term plan to control the prison capacity and growth; there are currently 50,000 people incarcerated in Michigan and we can not "build" our way out of this problem. Therefore, the focus of attention and effort must be in other areas, controlling the front door and the back door is how to control the prison system. Because this is the answer to controlling prison growth, that we all play an integral part in ensuring that this is a success.

Ms. Caruso noted that she has a tremendous admiration for the role and the difficulty that this will take, and the decisions that it takes. In terms of the county jail system, the domino effect that occurs in terms of dealing with the problems that occur at the county level, and how that impacts the prison system. It is important work that we all do, we are responsible for lives every day and we take these responsibilities seriously and decisions are made always with that in mind. She stated that she is looking forward to working with the State Board and appreciates the assistance that they provide us in protecting the public in the state of Michigan.

Chair Larry Inman thanked Governor Granholm for his reappointment to the State Board, where he has been a member for over ten years and stated that he appreciated the opportunity to work again with everyone on the Board, the Governor's Office and the Director. Mr. Inman was also appreciative of the encouragement and the willingness to let him serve.

Chair Larry Inman congratulated Sheriff Thomas Edmonds from Kalamazoo County, who was also reappointed, representing county sheriffs for a term to expire March 29, 2007.

Bernard Parker, Wayne County Commissioner was introduced to the State Board as a new member representing county commissioners, for a term to expire March 29, 2007. Mr. Parker replaces Jim Quinlan. Mr. Parker noted that he is serving his sixth term as a Wayne County Commissioner and is Chair of the Ways and Means Committee, and has also been Chair of the Community Corrections Advisory Board for the past two years. He noted that he was also Chair of the Public Safety Committee prior to that for approximately five years. Mr. Parker stated that he definitely believes in alternatives to incarceration and providing services, and looks forward to working with this Board.

John Phillips, Director of Public Safety in Pittsfield Township, is a new Board member representing city police departments. His term expires March 29, 2004 as he replaces John Bartholomew who resigned when he was appointed to the Parole Board. Mr. Phillips stated that it was his pleasure to be here and serve on the Board.

Michael Nye was also introduced to the State Board as he was able to attend his first meeting since being appointed in January, 2002. Judge Nye is a Probate Court Judge for the 1st Circuit Court in Hillsdale and he represents the general public. Judge Nye's term expires March 29, 2005. Judge Nye stated that he had been a State Representative for 16 years (Chair and Vice-Chair of the Judiciary Committee), was then in private practice and was appointed Probate Judge last year.

III. RECOGNITION OF PAST BOARD MEMBERS: Chair Larry Inman acknowledged Jim Quinlan who has served on the State Board for the past ten years representing county commissioners. "Mr. Quinlan has worked very hard on Board issues and is deserving of our gratitude and recognition for those efforts", stated Mr. Inman. A recognition plaque which read, "Presented to James J. Quinlan, In deep appreciation for your leadership on the State Community Corrections Board from May 6, 1993 to June 18, 2003" was given to Mr. Quinlan.

Mr. Quinlan stated that it had been a great pleasure and honor to serve on the Board and watch, both as a Department of Corrections employee, as a county commissioner and a member of this Board, the good work that the Board does. "In the message from the Director, the impact that this Board has had on the prison system, the county jail system has been great – and the challenge is not over. There are numerous challenges ahead and this work needs to continue." Mr. Quinlan noted that he has served under several Directors, from Bob Brown, to Ken McGinnis, to Bill Martin and Bill Overton. He challenged everyone to make the marriage between Field Operations/Field Services and Community Corrections work; that this will make the system work better.

IV. APPROVAL OF APRIL 17, 2003 MINUTES: Motion by Mr. Donker, supported by Dr. Kahn, to approve the April 17, 2003 Minutes as written.

VOTE: Motion passed unanimously.

V. ADMINISTRATOR REPORT: Training Update: Administrator Ken Brzozowski reported that a survey conducted of the community corrections managers revealed training needs in the area of grant funding opportunities. Staff have been working with the Office of Development at M.S.U. to develop a training module to provide the CCABs with the capacity to seek private, corporate and federal grant opportunities.

Additional training relative to Substance Abuse and Motivational Interviewing will be scheduled in September for those CCABs that have not had the opportunity for this training.

Training will also be scheduled later in the year relative to the application for FY2005. Staff will work with MACCAB and individual CCAB Managers to develop the training module and select presenters for the training.

Budget Update: As a result of the projected over-utilization of probation residential funds and to ensure that services will be available throughout this fiscal year, the department will reallocate \$1.3 million from others sources to the PRS appropriation.

Program over-utilization created a legitimate fiscal concern among the department, service providers and local officials. An analysis of this issue concluded that program over-utilization resulted from several factors. The majority of the CCABs have requested a budget increase and amended contracts have been signed by the Director to restore the reductions which occurred in December. As in previous years, OCC will monitor utilization and make year-end budget adjustments accordingly.

The FY 2004 Appropriation includes two primary appropriation line items which support community corrections programs and services. \$13 million has been appropriated for Comprehensive Plans and Services; and \$15 million for Probation Residential Services which will support an average daily population of 956 at a per diem of up to \$43.00.

Patterns and Trends: The overall prison commitment rate has remained at 23% from 1999 to 2001. During this same period, the number of offenders sentenced to prison has increased by 10%, which is more than 1,000 offenders.

Probation violators accounted for 38% of the total prison intake in 2002. Several counties reported that prison commitments for probation violators increased during 2002, while new court commitments remained the same. The data supports the merits of probation violators as being a priority population for community corrections, and the need to evaluate the factors which are contributing to high rates of incarceration for this population.

Objectives and Priorities: The growth in prison intake has been driven by the increase of technical probation violators, and offenders sentenced to prison for two years or less. This is the exact target population for community corrections and the priorities as adopted by this Board. A renewed emphasis has been placed on the use of community-based options for these target populations. CCABs were advised to update: target populations; program eligibility criteria; and the availability of sentencing options. These target populations were a primary focus during the review of the comprehensive plans and a key determinant for the recommendations of the 2004 awards.

Community Corrections Comprehensive Plan and Application Review: The agenda for today's meeting provides the review of 28 proposals for community corrections funds. The primary purpose of the proposals is to provide an overview of: local issues, progress of the local jurisdictions in addressing state and local objectives, and the local jurisdictions' plans for 2004.

Chair Inman stated that he was very impressed with the work and effort provided by the staff on the formatting of information presented in the Board packets. The addition of more information and more data makes the applications much easier to address.

VI. CONSENT CALENDAR ITEMS: Chair Inman called the Board's attention to the new spreadsheet that had been distributed to them for their reference and also to the 28 proposals located in their packets, listing the counties that are to be considered, detailing the funding requested and the staff recommendations (see Attachment A).

Chair Inman questioned if any Board Member wished to pull an item for further discussion. Ms. Scullion stated that she had a generic question regarding the funding levels that were being proposed – if they are reflecting the Executive Order reductions? Administrator Brzozowski answered that these awards are the original awards from last year.

Mr. Parker stated that he noticed that some counties were being recommended for increases in their funding for next year, however, they had not met their objectives for this past year and he questioned how the determination is made regarding award levels. Administrator Brzozowski answered that it may be based on a new program that they are initiating, depending on the actual objective, there may be criteria that is beyond the control of the county and the Office will take that into consideration. As long as counties are “progressing” towards their objectives, that is a major consideration that the Office wants to support. He also noted that within the next month there should be quarterly basis data available and this will enable staff and the counties to track their objectives more clearly.

Administrator Brzozowski also noted that for some counties that have decreases in their award proposals, those historic “lapsed funds” for the past years for these counties was also focused on, in order that a percentage of these funds could be moved into a county that may have had a new initiative, or enhance a program that was felt to provide more of an impact on the state's prison commitment rates. Rather than reallocate funds later in the year, this pattern was noted and the additional funding was provided at the beginning of the fiscal year.

Mr. Emery requested that Livingston County be pulled because he was not inclined to support the recommendation based on the summary report that was in the packet. He noted that the Board has had this discussion before regarding Livingston County and there has never been a satisfactory response. Administrator Brzozowski stated that in just the past couple of months Livingston County has progressed very well, especially since a financial review which identified several issues and that they have made the initiative to move forward.

Mr. Phillips stated that in reviewing the duties of the office, it indicates that in instances of substantial non-compliance, one of the items it states is that “we shall halt funding for non-compliance”. He questioned if they are now in compliance or not. Administrator Brzozowski stated that Livingston County was in compliance as to what they were allowed to do in previous years and that is the problem.

Ms. Scullion also stated that she agreed and needed some firm expression of this Board about their expectations, and she would like to hear from the CCAB Manager from Livingston County. She noted that a couple of months of progress was not adequate for her and that this has been going on for years; she is not prepared to support full year funding just based on the past couple of months.

MOTION: Motion by Mr. Emery, supported by Sheriff Edmonds, to take Livingston County out of the Consent Calendar Items, and have further discussion or table action on the county.

VOTE: Motion passed unanimously.

Chair Inman questioned if any member of the public would like to pull an application for consideration at this time. Oakland County CCAB Manager Barb Hankey, requested that Oakland County's application be pulled and delayed until the August 21, 2003 State Community

Corrections Board Meeting. She noted that they needed additional time to review the recommendations and wanted the Board to be aware that they were happy with the award amount, however, their concerns are with the contractual conditions and some of the objectives. They want to be assured that they will be able to meet these objectives as stated.

MOTION: Motion by Sheriff Edmonds, supported by Mr. Donker, to remove Oakland County's application from today's agenda and review the application at the August 21, 2003 meeting.

VOTE: Motion passed unanimously.

MOTION: Motion by Ms. Scullion, supported by Sheriff Edmonds, to approve the 26 FY 2004 proposals and award of funds as presented, pursuant to OCC staff recommendations. Also, that the approval by this Board is contingent upon their County Board of Commissioners approval for the following counties: Allegan, Calhoun, Eaton, Marquette, and Midland Counties. This recommendation is to be forwarded to Director Caruso.

VOTE: There was a roll call vote to approve the Consent Calendar Block Review as presented and present this recommendation to Director Caruso. Norman Donker – Yes; Thomas Edmonds – Yes; Lawrence Emery – Yes; Nanci Grant – Yes; Larry Inman – Yes; Roger Kahn – Yes; Michael Nye – Yes; Bernard Parker – Yes; John Phillips – Yes; Mary Kay Scullion – Yes; John Wynbeek – Yes. The following abstained for the following counties: Sheriff Edmonds from Kalamazoo County; Ms. Scullion from Ingham County; Dr. Kahn from Saginaw County; Mr. Donker from Midland County.

LIVINGSTON COUNTY: Chair Inman requested that a representative from Livingston County present to the State Board a summary of the current situation and then open for questions and comments.

Ms. Tara Vanvalkenburgh, CCAB Manager for Livingston County, noted that she had met this morning with Grant Coordinator Christine Curtis and that Ms. Curtis was the third Grant Coordinator that she has been assigned to in less than two years. Two years ago, Ms. Vanvalkenburgh stated that there was tremendous reluctance on behalf of the county to take part in community corrections due to previous management problems.

She noted that at this point in time she now has a local board that is currently up to speed, pretty well educated as to what the missions of community corrections are and she has been working with Ms. Curtis to work through some specific objectives for the county. She noted that they have been able to make great strides in the past couple of months.

Ms. Curtis addressed the Board by explaining how difficult it had been for Livingston County to get on board due to the transitions that they have been through with the various staffing changes and that momentum was hard to maintain.

Ms. Curtis stated that she had attended a Livingston County CCAB Meeting, explaining the objectives that were expected to be completed and that subsequently, they could lose their funding. Since that time, Financial Specialist Kevin Weissenborn and Ms. Curtis have set very

specific objectives that Livingston County needs to do in order to bring themselves into compliance. One of those objectives, is to meet with Ms. Curtis twice a month for updates on the progress that they are making in obtaining their objectives. Mr. Block, County Administrator for Livingston County also met with Ms. Curtis this morning, to assure her that they will do whatever the county needs to do to be in compliance. This includes the problems that have been ongoing with gathering data so that they may analyze this data and track their progress. Mr. Block committed county technical support to that objective immediately.

New designs for programs are being reviewed and they should be operating by the beginning of the fiscal year. Additional training for staff has been identified so that the cognitive training that is integral for their program, will be made available. Livingston County will take a county position statement that community corrections is a viable part of the criminal justice system in the county and that they will be requesting that all stakeholders, from the prosecuting attorney's office, through the bench, through the circuit court probation and district court probation will work together to make progress on these issues.

Mr. Emery stated that he would like for Livingston County to have a viable, working program and does not want to stop them from doing that; however, he has been on the Board for many years and has heard the same promises before. The Board needs to establish some policy regarding these situations. Although he appreciated what Ms. Vanvalkenburgh and Ms. Curtis had to say, he does not think that the Board should approve funding for a full year based on even what the progress has been so far. This problem needs to be confronted.

Ms. Scullion questioned the contractual condition regarding reimbursement for services or costs and how that would be applied. Ms. Curtis stated that county will forfeit 1/12 of the awarded funding for each program activity, as well as the corresponding administrative award allocated to support the program activity, for each month that an approved program design has not been established there would be lapsed funds.

MOTION: Motion by Ms. Scullion, supported by Wynbeek, to fund Livingston County's program for the first six months of the fiscal year only and that they return to the State Board at the February 21, 2004 State Board Meeting with OCC staff and report on the status of the programs. At that point the State Board will then consider whether or not to award the rest of the funding. In addition, the contractual condition that if they are not operational in October, their program funding for the year is reduced by 1/12.

Judge Grant also stipulated, and Ms. Scullion agreed, that when Livingston County returns in February that they want them to have data available for review. Ms. Scullion noted that she would not be voting for any additional funds without data being presented.

Mr. Wynbeek stated that he would like to review at the August Meeting and see what they are able to accomplish between now and then, and at that point make some recommendations and conditions. Mr. Wynbeek noted that there seems to be a new direction with OCC staff and he has had some opportunity to work with the staff, and he sees that they are being more specific in recommendations, working with counties and more pro-active. The staff is working to communicate to counties that they are serious about the proposed objectives, which has been discussed for years on the Board.

Administrator Brzozowski questioned if Ms. Vanvalkenburgh would be able to have data (jail data, CCIS data, enrollment data, etc.) in a couple of weeks. He noted that 30 days does not allow adequate time and if the conditions are already in place, he would recommend moving for the 6 month funding and having them develop what needs to occur. Ms. Vanvaleknburgh agreed that more accurate data would be available at the later date.

Mr. Donker questioned that in the contractual conditions it indicates that relevant program policies and designs have been submitted and approved by OCC, and wanted to know the time line for getting those established. Ms. Curtis stated that this would have been for the beginning of the fiscal year; for them to be able to use their funding for case management, substance abuse and supervision, those would have to be in place by October 1st to be eligible to use that funding – for every month that those program designs have not been approved then they would lose 1/12 of the funding.

John Phillips stated that he appreciated staff's recommendation and belief in Livingston County and in referring back to policy, noted that what is done for Livingston County will have to be done for everyone. He stated that this concerns him and that in the approved April 17th Minutes wherein it stated that "there is a need to measure things objectively and where there is poor performance over the course of time, the OCC will be encouraged to reduce expenditures in areas where there has been no success". Unfortunately, Livingston County has become a poster child for the future of funding and there needs to be a consistent message.

Bernard Parker stated that he supported the six month funding and thinks that this would send a strong message to not only this county, but other counties that there has to be performance and objectives must be met.

Ms. Scullion commented that she understood Mr. Wynbeek's desire to reinforce what looks like "good behavior", however, waiting a month to receive raw data that may or may not be accurate, is less effective in terms of the program and its operation, than if they are funded and try to get the programs up and operational by October 1st. Then they will be able to come back to the Board with an entire piece; status on the programs and data.

VOTE: There was a roll call vote: Norman Donker – Yes; Thomas Edmonds – Yes; Lawrence Emery – Yes; Nanci Grant – Yes; Larry Inman – Yes; Roger Kahn – Yes; Michael Nye – Yes; Bernard Parker – Yes; John Phillips – Yes; Mary Kay Scullion – Yes; John Wynbeek – Yes.

VII. PUBLIC COMMENT: Barb Hankey, CCAB Manager for Oakland County, addressed the State Board as President of the Michigan Association of Community Corrections Advisory Boards. She extended a welcome to the new Board Members and stated that the Association was very excited to be working with them and expected the next few years to be very challenging for community corrections. Ms. Hankey extended her appreciation to Mr. Quinlan for all his years of service on the State Board and publicly wanted to thank Administrator Brzozowski, as well as Chief Deputy Director Dennis Schrantz for their efforts on restoring the \$1.3 million to the PRC line item. She noted that the importance or the impact of that action can be understated, as it relieved significant pressure from the local boards, as well as the providers and also sent a clear message that the department is standing behind community corrections.

Bob Diehl, President of the Michigan Association for Community Corrections Advancement (MACCA) and also Executive Director of Huron House, Inc., addressed the State Board. (See Attachment B) Mr. Diehl stated the Association's proposal to OCC and department administration is that they be involved in the review for the minimum standards for probation residential

services. He noted that these standards were developed cooperatively ten years ago and believes that these standards need to be revisited to strengthen areas that address security and offender accountability. He also stated that all of their member agencies have operating policies that exceed these standards.

Mr. Emery questioned if the recommendations that Mr. Diehl had regarding OUIL III violations had been submitted to the OCC staff? Mr. Diehl stated that he has only discussed with Administrator Brzozowski, but they are particularly concerned about the recommendations relative to maintaining program security and offender accountability – which with the expanded level of service, they want to assure that public safety is guaranteed.

VIII. OLD BUSINESS: Ms. Scullion stated that this is only the second meeting that the State Board has had since last August and being in a transition period in the state in terms of public policy, direction the state is moving regarding incarceration policies and treatment policies; she would like to know if the Chair has had any input from the Director of what the future role of the State Board will be. Will they be involved in policy input or only advise on budget recommendations?

Chair Inman stated that in the past there has been study a session/retreat scheduled for the later part of each fiscal year and felt this was important to continue. It would be during this session that these discussions regarding the direction of the Department of Corrections and the emphasis on community corrections could be developed.

Chair Inman also stated that having some meetings where, outside of approving applications, they could get into real issue discussions would be critical at this point as we move forward with what is happening in the state. He suggested that this could be a discussion item for next month's meeting in August; wherein he would ask the Director, Chief Deputy Director Schrantz and Administrator Brzozowski the direction that they move forward on in terms of discussion, review and time commitment for the following year. Discussion ensued regarding meetings that had been cancelled and the reasons for the action.

IX. NEW BUSINESS: Chair Inman stated that a request had been made from a non-profit service agency for direct funding. They are located within a county that has a CCAB that had reached out to offenders from counties without an active CCAB or plan and had provided services to those offenders in previous years, which had been encouraged by OCC. When doing the PRS analysis on over-utilization, it was discovered that approximately \$220,000 already reimbursed for the first six months of this fiscal year on offenders from outside jurisdictions. This is a practice that the OCC is no longer encouraging and will no longer be reimbursing for these services. Therefore, a vendor who over the years has 10 or 15 offenders from outside their jurisdiction being provided services and what this vendor wants to do is apply directly to the OCC for funding; we do not have an application process to do this, nor does Administrator Brzozowski support that action at this time.

The consensus from the Board was that they may apply, but they will not consider the request unless it is from an active CCAB and in a Comprehensive Corrections Plan. It is required by statute that whatever PRS beds are being funded, must come through a program with an approved comprehensive plan.

Meeting adjourned.