

STATE COMMUNITY CORRECTIONS BOARD MEETING

August 19, 2004

Michigan State Library and Conference Center
Lansing, Michigan

Approved: April 21, 2005

PRESENT: Inez Brown, Norman Donker, Larry Inman, Michael Nye, Bernard Parker, John Phillips, Carl Solden, Joan Yukins (Alternate for Director Caruso), George Zulakis.

Chair Larry Inman noted that Judge Louise Alderson, Charles Brown, Louis Dean and Judge Nanci Grant had reported conflicts in their schedules, would not be attending today and were excused. Director Pat Caruso has a special Task Force Meeting today, which her alternate Deputy Director Joan Yukins and John Phillips will also be attending shortly.

Chair Inman also commented that he was grateful to everyone here for their vote of confidence, especially Director Caruso and Deputy Director Yukins, and Governor Granholm for reappointing him again as Chairman of the State Board. He also stated that he was looking forward to working with everyone over the next year during his recent appointment.

I. APPROVAL OF AGENDA: Motion by Mr. Donker, supported by Mr. Zulakis, to approve the agenda with the change of order of agenda items.

VOTE: Motion passed unanimously.

II. APPROVAL OF July 15, 2004 MINUTES: Motion by Mr. Solden, supported by Mr. Phillips, to approve the July 15, 2004 Minutes as written.

VOTE: Motion passed unanimously.

V. AMINISTRATOR REPORT: *Training* - Administrator Brzozowski reported that there has been training scheduled in Wayne County on August 30-31 and September 23-24, 2004 – Motivational Interviewing, “*Bypassing Resistance-Evoking Positive Behavior Change*” and “*Eliciting Self-Motivational Statements – How to get the offender to voice the reasons for change!*” The training is being facilitated by Michael Clark, Director of the Center for Strength-Based Strategies.

This training mainly targets probation/parole agents to build their understanding and skills in utilizing Motivational Interviewing which is one of the identified evidence-based practices in the *Principles of Effective Intervention*. Board members are always welcome to attend any of the trainings that are being offered.

Budget Update – The FY 2005 appropriation includes three primary line items which support community corrections programs and services: A) \$13 million for Comprehensive Plans and Services; B) \$15.8 million for Probation Residential Services which will support an average daily population of 1,009 at a per diem of up to \$43; and C) \$3 million for the Drunk Driver Jail Reduction & Community Treatment Program.

The House and Senate have passed different versions of the budget. The Legislature and the Governor are negotiating revenue and spending targets. The MDOC is confident that OCC appropriations will not be reduced.

Community Corrections Comprehensive Plan & Application Review – The agenda for today’s meeting provides the review of 17 proposals for community corrections funds. At the July 15th meeting the State Board approved the Proposal for Funds for Kalamazoo County. The PRS allocation was increased by over \$800,000 which will support approximately 53 additional beds. Through the review process OCC allocated these beds to those counties that have over-utilized services due to targeting parole violators. Due to the closing of the Kalamazoo Residential Programming Center, 8 additional residential beds have been allocated to Kalamazoo to target parole violators.

Corrections/Amendments – Administrator Brzozowski noted that there were a couple of corrections regarding the Board packet. An updated “Summary of FY 2005 Awards & Recommendations” was distributed to the Board to replace the one in their packet. There is a correction regarding 13th Circuit CCAB – in the amount requested by the CCAB is \$180,710, which is also the recommendation amount.

Also, in the Page 1 Summary for 13th Circuit, the PCR for CY2003 should be 31.8% and the straddle cell rate for the region was 70.6%.

For the Sunrise Side CCAB Proposal for Funds, there are three added contractual conditions on Page 9 of the Proposal. These conditions were added due to preliminary findings from a financial review that was completed after the initial Proposal had been reviewed.

Mr. Phillips stated that on the FY05 recommendation it was noted that \$196,000 was being held in abeyance for Oakland County for 90 days. He questioned if all counties that had money held in abeyance were on the report? Administrator Brzozowski stated that he would make sure that all counties that had funds held in reserve would be noted on the report (see Attachment A).

VI. CONSENT CALENDAR ITEMS: Chair Inman called the Board’s attention to the updated spreadsheet that had been distributed to them for their reference and also to the 17 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, and there was none. He then questioned if any member of the public would like to have an item removed from the consent calendar, and there was none.

MOTION: Motion by Judge Nye, supported by Mr. Donker, to approve the 17 FY 2005 proposals and award of funds as presented, pursuant to OCC staff recommendations. 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. Inez Brown – Yes; Joan Yukins – Yes; Norman Donker - Yes; Larry Inman – Yes; Michael Nye – Yes; Bernard Parker – Yes; John Phillips – Yes; Carl Solden – Yes; George Zulakis – Yes. The following abstained for the following county: Bernard Parker from Wayne County; John Phillips from Washtenaw County; and Larry Inman from Grand Traverse County. Motion passed unanimously.

Chair Larry Inman stated that the work that had been done by Administrator Brzozowski, OCC staff, Deputy Director Yukins and Director Caruso, and what the MDOC has done to assist counties with the partnership for better management of their jails and prison diversion, and funding counties for those programs is much appreciated on behalf of the Board. He noted that the write-ups in the packet get better each year and the results show what is going on in the communities.

VII. STATE COMMUNITY CORRECTIONS BOARD MEETING SCHEDULE - Discussion ensued regarding the "Draft" FY 2005 Meeting Schedule that was included in the State Board packet. It had been suggested that all applications be reviewed at one meeting for the next fiscal year; therefore it was to be taken under consideration to forgo the July meeting and have all applications reviewed at the August meeting.

Administrator Brzozowski also noted the change in the "Purpose" of the meetings. The February meeting had always been to review the objectives and priorities of the State Board, however, the objectives and priorities approved a few months ago would remain in place until there was a need to change them, and there could be a review at that time. Therefore, the schedule would have the February meeting "Purpose – To Be Announced", and Board Members would be solicited prior to that meeting for agenda items.

The October meeting had always been a "Policy and Training" meeting for several years. Since the State Board became a Type II Agency and this Board acts as an advisory capacity to the Director of the MDOC and not a policy board, this meeting has been used as a study session/retreat. There would be a determination closer to the October date to determine any type of internal discussions that the State Board would like to have.

Mr. Parker noted that he recalled from last year that one of the counties that had some issues to deal with at the July meeting, were able to return to the August meeting and renew their request for consideration once these issues were resolved. How would this type of action be able to take place if there were fewer meetings?

Administrator Brzozowski stated that in that specific instance, it was requested by the county that their proposal be pulled from the agenda. He would anticipate that the counties would have more time to review the proposals once they are completed before they come before the Board. Also, last year there were a couple of times when the meeting was stopped and the coordinators were able to work with the counties and resolve issues within a short time frame; or objectives and conditions could be placed on the county, rather than not approving the proposal – and these could be reviewed at the Mid-year review during the February meeting. It was also discussed that there could be a formal meeting called for the October meeting, along with the study session, if it was needed.

Deputy Director Yukins suggested that if there were a stipulation that the Board had to agree to; this could be shared either through e-mail or fax, which would ensure whatever was necessary for the Board to be comfortable with the conditions set forth.

MOTION: Motion by Mr. Solden, supported by Deputy Director Yukins, to approve the "Draft" schedule for FY 2005 as presented in the Board packet.

VOTE: Motion passed unanimously. (See Attachment B)

VIII. MDOC – REPORT ON DIVERSITY: Joanne Bridgford, Administrator for the Office of Equal Employment Opportunity gave a presentation on the Equal Employment Opportunity Policy within the Department of Corrections. This policy is promulgated consistent with state and federal law, and consistent with Executive Order No. 1996-13, "Equal Opportunity Workforce Planning Council".

Ms. Bridgford distributed to the State Board copies of MDOC's Equal Employment Opportunity Policy, Equal Employment Opportunity Plan, Policy Directive 01.01.100 "Statement of Purpose"; Policy Directive 02.06.100, "Equal Employment Opportunity"; and MDOC's "Valuing Diversity".

Ms. Bridgford stated that the Department is always looking for ways to increase the diversity within the Department, no matter what the numbers are at any given time. There are three areas that the MDOC focuses on: 1) Education – Increase awareness and understanding and developing strategic alliances with other departments – Office of the State Employer, Dept. of Civil Rights, etc. Also, by consulting with different areas within the Department on important issues, i.e., ADA, diversity, harassment prevention, etc. 2) Recruitment Program – recruiting staff travel throughout the state of Michigan and utilize current staff to assist in various areas. 3) Professional Development for Staff – currently reviewing and analyzing various trainings that the department provides and they have an excellent Leadership Training Program. They are concentrating more on candidates' leadership skills and abilities in order to promote and utilize talents more effectively.

Mr. Parker questioned if there was a breakdown of the race and gender in community corrections? Ms. Bridgford stated that she had the breakdown for the Department of Corrections; as of March, 2004 – 16,872 employees. Of those - 32% were female, 19% were people of color. Of the 3,249 considered professional and above – 47% were female, 24% were people of color.

Mr. Parker also questioned if there were sessions where staff could talk about diversity if they perceived it as an issue or concern? Ms. Bridgford stated that the answer to that question is yes and no. They have diversity training that is done in the department and it used to be two different types. One three-day program that was done at each facility has been discontinued due to budgetary reasons. The diversity training for new employees continues, and also diversity training in the Leadership Program.

Mr. Parker stated that in preparation for this topic being on the agenda today, he had spoken with a couple of people from the Department of Corrections and they do recognize that there are some issues that exist and they do not feel they have a way to express their concern due to the lack of individuals making decisions in certain areas of being diverse, particularly in this case African American. He suggested that some corporations have found ways via surveys, etc. of being able to ascertain how people view their particular department diversity without it being identified to an individual. This could help to center in on issues that one would want to address.

IX. HOUSE BILL 5493 – REVISES CRITERIA FOR EXPUNCTION: David Newman, Legislative Liaison, Department of Corrections; Sherie Davy, Legislative Director for Minority Floor Leader Mary Waters; and Coffiann Hawthorn, Representative's Legal Policy Council on matters of Criminal Justice.

Mr. Newman stated that currently there is expungement legislation in place, PA 213 of 1965. HB 5493, introduced by Representative Mary Waters, would amend PA 213 to allow a person convicted of not more than one felony offense or not more than two misdemeanor offenses to apply to have either the felony offense or one or both of the misdemeanor offenses set aside. The bill would continue to exclude felony offenses that are punishable by life in prison. The bill would exclude a conviction for certain assaultive crimes or an attempt to commit an assaultive crime, this does include CSC and offenses in which the victim was a spouse, former spouse, and an individual with whom he or she has a child in common, an individual with whom he or she has or has had a "dating relationship".

Criteria for expungement under the proposed legislation would be 5 years following the successful completion of probation or parole or not less than 5 years following completion of any term of imprisonment. The criteria is lowered for misdemeanors – currently it is 5 years after successful completion of any terms required by the court, this will move it down to 3 years following the successful completion of probation, payment of fines, etc. or 3 years following completion of any jail sentence.

Currently the bill is before the House Standing Committee on Criminal Justice. Ms. Hawthorn stated that it is anticipated that there may be another hearing sometime in the Fall. She also noted that Representative Waters had expressed her appreciation that the State Board is interested in this matter and welcomed any input that the public may have while this document is a work in progress.

Mr. Parker stated that he has been an advocate to believe that if a person has served their time for a crime, and there is a period of time that they are back in society and have not committed any new crimes, they should be automatically expunged. If a person has paid their debt, then they should be able to move on as you were prior to committing that crime and he wondered why there had been no discussion about automatic expungement, after reviewing records to make sure that they have not committed any new crime.

Mr. Newman answered that there was legislation proposed sponsored by Representative Mary Waters that had language for a conditional expungement; that after they were paroled they would be in good standing in terms of expungement and if their record was clear for two or three years, then they would get the full expungement. However, there were several reservations in terms of that legislation. The bill never received a hearing or moved anywhere.

Discussion ensued regarding the eligibility as stated in the bill and the use of the information on the LEIN system being upgraded or improved, or increasing the reporting requirements to include all 90 day misdemeanors.

Mr. Newman stated that the Michigan State Police are the lead agency on the bill, and he was included because this was a necessary component to help with the ReEntry Initiative of the MDOC.

X. OLD BUSINESS: Chair Inman noted that the next Board Meeting is scheduled for October 21, 2004 and it is anticipated that this would be a study session. He suggested that it may be beneficial to the Board Members to have more of a history of the Office of Community Corrections – how it started, how it has evolved, the challenges that have been on-going, the accomplishments, current state of priorities, planning, integration within the MDOC, etc. This could result in a dialogue of where the current direction of the MDOC is headed, ReEntry update and how this Board could be moving forward.

He also requested any suggestions that Board Members would have regarding topics or reallocation of time for the Board, study sessions, etc. Board Members were asked to let Administrator Brzowski know of their recommendations for the study session so that it may be prepared.

Judge Nye suggested that it would be valuable for Board Members to have OCC staff take a specific county and show each step that is taken once an application for funds is received in the office and how it gets to the decisions that are made on the proposal – step by step – the entire process.

XI. NEW BUSINESS: None

XII. PUBLIC COMMENT: Bob Diehl, President of the Michigan Association for Community Corrections Advancement (MACCA) and Executive Director of Huron House in Port Huron, congratulated and welcomed the new State Community Corrections Board Members.

Mr. Diehl gave a brief history of MACCA and it's workings within the state with various stakeholders, including state agencies, and it's evolvement over the years. He mentioned the collaboration between MACCA, the MDOC and OCC, and local community corrections managers regarding the Michigan Minimum Standards for Probation Residential Services. These Standards were developed in 1992 and adopted by the State Board in 1993 to assure quality programs for offenders referred for Probation Residential Services in safe, secure facilities that provided community safety and

opportunity for offender rehabilitation.

Administrator Brzozowski asked out of the 956 beds that are currently being supported by community corrections funds this fiscal year, how many of those beds are in facilities that are members of MACCA? Mr. Diehl stated that he could not give that number. Mr. Brzozowski then asked how many agencies are in the Association and how many different programs are there? Mr. Diehl stated that there were fifteen sites, which would be eight agencies. Mr. Brzozowski asked that Mr. Diehl clarify for the Board Members the level of substance abuse treatment provided by these agencies. Mr. Diehl indicated that these are all residential agencies that do not have licensed residential treatment beds – he continued to say that all of the agencies are providing substance abuse treatment components by contracting with out-patient substance abuse treatment providers to be sure that residents are getting treatment on-site. However, K-PEP provides out-patient substance abuse treatment with their personnel.

Meeting adjourned.