

STATE COMMUNITY CORRECTIONS BOARD MEETING

August 19, 2005

Michigan State Library and Conference Center
Lansing, Michigan

Approved Minutes

PRESENT: Charles Brown, Inez Brown, Alfred Butzbaugh, Joan Yukins (Alternate for Director Caruso), Louis Dean, Stuart Dunnings, Larry Inman, Michael Nye, Brigette Officer, Bernard Parker, John Phillips, Carl Solden and George Zulakis.

Chair Larry Inman thanked Deputy Director Joan Yukins for attending the meeting.

II. APPROVAL OF AGENDA: Motion by Mr. Brown, supported by Mr. Phillips, to approve the agenda.

VOTE: Motion passed unanimously.

III. APPROVAL OF APRIL 21, 2005 MINUTES: Motion by Mr. Butzbaugh, supported by Mr. Dean, to approve the April 21, 2005 Minutes as written.

VOTE: Motion passed unanimously.

IV. AMINISTRATOR REPORT:

Administrator Brzozowski introduced new staff with the Office of Community Corrections. Two Grant Coordinators were hired in May, Abigail Callejas and Maurice Nelson. Both coordinators introduced themselves to the Board.

Administrator Brzozowski also informed the Board that Pamela Crook who has been employed with the State of Michigan for 28 years; being with the Office of Community Corrections since 1990, (15 years), will be retiring at the end of September. Adm. Brzozowski thanked Pam for the last four years that they have worked together.

Chair Inman also thanked Pam for all her years of service with the Board and congratulated her on her retirement.

Administrator Brzozowski introduced Tammy Lott, Office of Community Corrections Secretary who will now be handling the Board meetings after today.

Prison Commitment Rates/Jail Utilization – Administrator Brzozowski indicated that a copy of the Department's Felony Disposition data report is in the Board packet and the information has been distributed to all CCAB Managers. The data shows that the overall prison commitment rate for the State dropped from 21.8% in CY 2003 to 20.2% thru March 2005. The rates have continued to drop the last few years.

The prison commitment rate for straddle cell offenders decreased from 42% in 2002 to 37.4% in 2004 and has declined to 34.4% thru March.

The total number of felony dispositions has increased by nearly 1,100 from CY 2003 thru March 2005, although the number of prison dispositions actually decreased by over 650 cases.

The prison commitment rates have dropped largely as a result of the implementation of the Department's *Plan to Control Prison Growth*, and greater emphasis on targeting straddle cell offenders, probation and parole violators.

The local jurisdictions have done an excellent job monitoring local commitment rates, updating target populations and eligibility criteria for programs, and updating the range of sentencing options to further impact the prison commitment rate and improve jail utilization.

Probation Residential Services – Administrator Brzowski indicated that the Residential Bed Utilization Summary Report thru the 3rd quarter shows that the average daily population is 951 – there are 1,008 beds allocated for the fiscal year. Residential beds are being under-utilized statewide by nearly 84 beds. The Department has continuously re-evaluated its budget, however due to the current budget shortfalls the Department is not able to reallocate funding from those counties that have under-utilized beds to those counties that over-utilized.

Residential Services Eligibility Criteria Workgroup – Administrator Brzowski reported that the State Board's Residential Services Eligibility Criteria Workgroup had its first meeting in July. Professor Christopher Lowenkamp from the University of Cincinnati presented information concerning studies in Ohio of community corrections and effective intervention. The workgroup agreed that program eligibility needs to be based on evidenced-based practices. The workgroup's next meeting will be scheduled in the near future.

Auditor General – Administrator Brzowski stated that in April, the Auditor General began a "performance audit" of the Office of Community Corrections. The audit was completed in July and there were no written findings. The final report is expected to be published in 60 to 90 days.

There were four oral findings related to the community corrections information system (CCIS) data and financial reviews, which will be addressed through revisions of OCCs operating procedures and vendor software changes. As a result of the auditor's findings relative to CCIS data being under reported and the need to have complete and accurate data to make sound funding decisions, several hundred thousand dollars have been held in reserve in the proposals being considered for next fiscal year until specific data issues are resolved.

FY 2006 Appropriation – Administrator Brzowski informed the Board that the Governor's Executive Budget has not been approved by the Legislature. The Proposals for Community Corrections Funds for FY 2006 that are being reviewed by the Board includes: the Comprehensive Plans and Services appropriation of \$12,533,000 which is a reduction of \$500,000; the Residential Services appropriation of \$15,328,400 which is a reduction of \$500,000, this appropriation will support an average daily population of 970 at a per diem of up to \$43.00 which is a decrease of approximately 38 beds; and, \$2.1 for DDJR&CTP which is less than the FY 2005 appropriation, though the Department is committed to ensure the maximum allowed award per county will remain the same.

Comprehensive Community Corrections Plan & Application Review – Administrator Brzowski advised the Board that the Office of Community Corrections received applications from 46 CCABs which covers 72 counties. The Office also received an application from Sanilac County on July 26th though the application was not reviewed as staff did not have sufficient time to review the document prior to the funds being allocated. The primary purpose of the proposal is to provide an overview of local issues, progress of local jurisdictions in addressing State and local objectives and the local jurisdictions plan for FY 2006.

Administrator Brzozowski indicated that OCC staff has met with several CCAB managers in the past week to discuss the proposals and contractual conditions, and Muskegon, Washtenaw and Wayne Counties have already begun to address the issues including data reporting.

Corrections – Administrator Brzozowski informed the Board that several CCABs (Ingham, Jackson, Macomb, Northwest Regional, St. Clair, 13th Circuit, Thumb, Osceola and West Central UP) proposals reflect different award amounts than indicated within the budget sheet. The budget forms are correct and the amounts will be stricken for the narrative section of the proposals prior to the contract being sent to the counties to eliminate any confusion.

Administrator Brzozowski also noted that Wayne County's proposal includes a statement relative to federal funding that is not accurate or reflective of the county's efforts in securing funding from other sources which will be stricken.

Administrator Brzozowski informed the Board that OCC has not received Jackson and City of Ann Arbor Commissioner's approval for requesting funding pursuant to Public Act 511. The State will not enter into a correctional agreement with the CCABs until the appropriate documents are submitted to the Department.

V. SANILAC COUNTY PROBATIONARY STATUS REPORT

Sanilac County representatives were in attendance: Charlie Walker, Probation Supervisor; Lt. Redmond, CCAB Chair/Jail Administrator; and Dennis Molloy, CCAB Manager. Administrator Brzozowski advised the Board that during the April 2005 Board meeting Sanilac County was required to present information concerning their status, as there was lack of communication with the county and no data was being provided to the State to monitor community corrections programs. The Board passed a motion to place the county on probation until this meeting where this Board would consider either taking the county off of probation, withdraw funds or continue the county on probation. Mr. Brzozowski indicated that since the April meeting the CCAB Manager's lack of communication with OCC has continued. Mr. Molloy has not submitted data monthly as required – data for the months of April, May, June and July were submitted late yesterday. Also, the FY 2006 application for funds which was due May 31st, was not received until July 26th. The application was not reviewed since the allocation of the funds process was already completed.

Administrator Brzozowski indicated that Mr. Molloy assured the Board in April that the data would be submitted as required by the contractual agreement though that has not been the case. Mr. Brzozowski indicated that the contractual agreement between the State and County requires that the State provide the County with a notice 30 days before the contract can be cancelled. Since the end of the fiscal year is within 45 days, it is recommended that Sanilac County be allowed to continue through the fiscal year though the award balance (\$27,168.08) will not be reimbursed until OCC's financial specialist performs a financial review of the County to ensure that the reimbursements are for appropriate and approvable expenses. Since the County will not have a contract next year, the State would have no recourse to secure reimbursement from the County.

Mr. Brown questioned the fiscal year dates and Administrator Brzozowski advised that the fiscal year ended September 30th.

CCAB Manager Molloy indicated that since the April meeting, the CCAB had a meeting with the County Commissioners to develop a plan to fund local programs for FY 2005 from its general funds. Mr. Molloy indicated that an application was submitted albeit after the deadline. Mr. Molloy requested that the Board allow them to finish out the end of the year, go thru the fiscal audit and then abide by the findings. Lt. Redmond agreed with Mr. Molloy and Mr. Walker indicated that they appreciated the recommendation by Mr. Brzozowski.

Chair Inman asked if it was the intent for Sanilac not to apply or would they continue to fund out of general operations and Mr. Molloy responded to continue out of general operations.

MOTION: John Phillips made a motion, supported by Mr. Dunnings, to accept staff recommendations for Sanilac County. This recommendation is to be forwarded to Director Caruso.

VOTE: There was a roll call vote to approve the staff recommendations for Sanilac County as discussed. Charles Brown – Yes; Inez Brown – Yes; Alfred Butzbaugh – Yes; Joan Yukins – Yes; Louis Dean – Yes; Stuart Dunnings – Yes; Larry Inman – Yes; Michael Nye – Yes; Brigette Officer – Yes; Bernard Parker – Yes; John Phillips – Yes; Carl Solden – Yes; George Zulakis – Yes. Motion passed unanimously.

VI. CONSENT CALENDAR ITEMS: Chair Inman called the Board's attention to the Summary Sheet outlining the recommended amount for Comprehensive Plans and Services, Residential Services and DDJR&CTP. Chair Inman read the CCABs that were up for consideration: Allegan, Barry, Bay, Berrien, Calhoun, Cass, Central U.P., Clinton, Eastern U.P., Eaton, Genesee, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Macomb, Marquette, Mason, Mecosta, Midland, Monroe, Montcalm, Muskegon, Northern Michigan, NEMCOG – Sunrise Side, Northwest Michigan, Oakland, Osceola, Ottawa, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Thirteenth Circuit, Thirty Fourth Circuit, Thumb Regional, Tri County, Van Buren, Washtenaw, Wayne and West Central U.P. (Attachment A).

Chair Inman asked the CCABs representatives that were in attendance if they clearly understood the staff recommendations regarding their own CCAB. No comments made by the CCABs.

Chair Inman questioned if any member of the public wished to have their proposal pulled for further discussion. Van Buren County representatives requested that their proposal be pulled.

Chair Inman questioned if any Board Member wished to pull a proposal for further discussion. Mr. Parker indicated that he wished to discuss why Wayne County was reduced \$465,000. Administrator Brzozowski indicated that the reduction is actually approximately \$130,000 under Plans and Services as last year there was an additional \$332,400 awarded for the Sheriff's Warrant Enforcement Bureau. The Office of Community Corrections did not enter a contractual agreement with Wayne County for that amount. The Department has entered into a three year contract directly with the Sheriff's Department which includes that amount. The Wayne County Department of Child and Family Services proposed this process last year and the State agreed. These funds are still available to the County though will not be awarded through the grant process. Mr. Brzozowski indicated that the actual award for FY 2005 is \$2.6 million as noted on the budget form of the proposal.

Mr. Parker then questioned the other reduction of \$100,000 plus. Administrator Brzozowski indicated that he looked at Wayne County's lapsed funds for the past two years and the County has lapsed over \$300,000, and it is anticipated that the County will lapse about that same amount this fiscal year. The reduction is approximately 1/3rd of the lapsed dollars the County has experienced in the past three years. Mr. Parker indicated that it was his understanding that Wayne County was going to use all those dollars this year. Mr. Brzozowski explained that he met with Wayne County CCAB Manager last week and was advised that the County would lapse nearly \$300,000.

Chair Inman questioned whether or not Mr. Parker wanted to pull Wayne County or if his question had been answered sufficiently. Mr. Parker indicated that his question had been answered sufficiently.

Mr. Parker questioned the definition of "reserved funding" for FY 2006. Administrator Brzozowski indicated that reserved funding is included in the total award amount being proposed though will not be included within the contract amount unless those conditions are met. If the County complies with the conditions, then an amended contract will be issued.

Conflicts of Interest – Chair Inman indicated that the Board needs to have a disclosure from Board Members as to conflicts of interests with any of the recommendations that are within the Board's packet. The following Board Members abstained from their respective counties: John Phillips – Washtenaw County; Stuart Dunnings – Ingham County; Charles Brown – Saginaw; George Zulakis – Ingham; Brigette Officer – Wayne County; Joan Yukins – no abstentions; Larry Inman – Grand Traverse County; Bernard Parker – Wayne County; Louis Dean – abstaining from Allegan, Barry, Ingham, Ionia, Kent, Mason, Mecosta, Montcalm, Osceola, Ottawa Counties and Northwest Michigan; Carl Solden – Oakland; Alfred Butzbaugh – Berrien County; Inez Brown – no abstentions; and Michael Nye – no abstentions.

MOTION: Chair Inman requested a motion by the Board to approve the Consent Calendar as read for the funding for Comprehensive Plans and Services, Residential Services and Drunk Driver Jail Reduction Treatment funding. Motion by George Zulakis, supported by Louis Dean. This recommendation is to be forwarded to Director Caruso.

VOTE: There was a roll call vote to approve the Consent Calendar as read. Charles Brown – Yes; Inez Brown – Yes; Alfred Butzbaugh – Yes; Joan Yukins – Yes; Louis Dean – Yes; Stuart Dunnings – Yes; Larry Inman – Yes; Michael Nye – Yes; Brigette Officer – Yes; Bernard Parker – Yes; John Phillips – Yes; Carl Solden – Yes; George Zulakis – Yes. Motion passed unanimously.

Van Buren Discussion – Representatives from Van Buren County were Dale Gribler, Sheriff, Chris Baker, Jail Administrator; and Phil DeYoung, CCAB Manager. Manager Christine Curtis represented the Office of Community Corrections. Sheriff Gribler indicated that Circuit Court Judge William Buhl could not attend the meeting today. Mr. DeYoung passed out a synopsis of Van Buren for the last two years pointing out prison commitments and straddle cell commitments in a comparison with two other counties, clearly pointing out that Van Buren was well below the State average. Sheriff Gribler pointed out that Van Buren's funding appears to be well below the average of the other counties and this is unacceptable.

Sheriff Gribler indicated that the award was not acceptable, and that in June of 2005, the County was informed that they had a \$1.6 Million deficit. With a general fund budget of \$17 Million, it represents about 10% of their funding. To say that the funding source that they are going to use to make up the difference for this current year and the next year would be from the general fund cannot happen. They simply don't have the funding to make up the difference.

Sheriff Gribler indicated that the idea to increase the fees for the defendants in the program is an undue burden on the defendants. They simply cannot do it anymore. Van Buren is at a crossroads and is looking for some additional funding.

Sheriff Gribler indicated that they would need \$176,000 to get back to where they were originally. He indicated that they had two employees with the Community Corrections Program that were either no longer there or are not in the same circumstances as they were a couple of years ago. He indicated that a manger left two years ago who was married to a State Trooper so she had health insurance. Sheriff Gribler indicated that Phil DeYoung was in the program and did not have health insurance and now he does. The County had two employees who did not have health insurance two years ago that are now insured. Sheriff Gribler indicated that insurance costs represents about a \$30,000 increase. Sheriff Gribler indicated that they need \$176,000 to maintain what they are doing and OCC is offering \$93,000 and if they meet the conditions of OCC's cognitive change, they will get back \$119,730. Sheriff Gribler reiterated that Van Buren County is facing a \$1.6 million budget deficit in FY 2006 and the County has hired new CCAB staff which has increased administrative costs by \$30,000 to support health benefits.

Van Buren County has explored other ways to fund community corrections programs but has not identified available sources. Manager Curtis indicated that the OCC has not increased awards in previous years for the cost of living increases. Ms. Curtis has made recommendations to the County for alternative funding sources, such as assessing a fee for community service, though the County has objected these ideas. Manager Curtis indicated that the OCC is only asking Van Buren to continue to operate as they have been with the same amount of money for the last two years, which is also the same that the Office of Community Corrections has done with other counties. Administrator Brzozowski indicated that there is no additional State funding available at this time.

Chair Inman indicated to Van Buren that the Board understands their issues. The Board will take a look at all the CCABs if additional funding becomes available next fiscal year. Sheriff Gribler asked that Van Buren not be held to the 14% prison commitment rate. Administrator Brzozowski indicated that this is an objective and that objectives are stated as goals to guide action, Van Buren will not be held to the objective. Van Buren was excused after no further comments or questions.

MOTION: Chair Inman requested a motion from staff for funding Van Buren as outlined in the Consent Calendar as read. Motion moved to accept recommendations for Van Buren by Stuart Dunnings, supported by Charles Brown. This recommendation is to be forwarded to Director Caruso.

VOTE: There was a roll call vote to fund Van Buren. Charles Brown – Yes; Inez Brown – Yes; Alfred Butzbaugh – Yes; Joan Yukins – Yes; Louis Dean – Yes; Stuart Dunnings – Yes; Larry Inman – Yes; Michael Nye – Yes; Brigette Officer – Yes; Bernard Parker – Yes; John Phillips – Yes; Carl Solden – Yes; George Zulakis – No. Motion passed.

VII. PUBLIC COMMENT: Chair Inman asked if any member of the public wished to address the Board. Bob Diehl, President of MACCA and Director of Huron House in St. Clair County addressed the Board. Mr. Diehl indicated that the Association met that morning and has a concern regarding the Department not reallocating Probation Residential beds/funding throughout the year. Mr. Diehl expressed disappointment that it is costing the counties and their programs. Mr. Diehl also commented on the Eligibility Criteria Workgroup and indicated that this process is going to be very promising, and believes that all should work together to make sure that appropriate funding is available.

Chair Inman asked if there were any public comments and hearing none, closed public comment.

VIII. OLD BUSINESS. Administrator Brzozowski mentioned that OCC Coordinator Sandi Hoppough was scheduled to give an update on the Michigan Prison Re-Entry Program. However, Ms. Hoppough was not able to attend the meeting and thus the discussion will be postponed until the next meeting. Stuart Dunnings questioned the day conference coming up in September, and Joan Yukins directed him to the appropriate web site. Hearing no more comments for Old Business, this topic was closed.

IX. NEW BUSINESS: Chair Inman mentioned that the Board has always scheduled a Board meeting in October that has been primarily a policy discussion meeting. There is one item that the Board may come back and move forth, which is the Executive Budget increase of \$4.5 million that was outlined in the report. If the funding is approved by the Legislature, the Board will schedule an October meeting; all Board members will be contacted for their input, comments and suggestions prior to the meeting.

Chair Inman thanked Director Caruso for providing the Board a copy of the January 2005 Report to the Legislature on the *Prison Population Projection Report* and indicated that this information is very helpful.

Bernard Parker requested that any policies that the OCC may have dealing with reallocating funding, be discussed at a future Board Meeting. Administrator Brzozowski explained to Mr. Parker that in the past, OCC has allowed reallocation of monies based on utilization of programs and under/over utilization. But due to the budget, OCC is not able to reallocate any residential beds or money within line items unless there is an actual over utilization of programs and it is demonstrated that without reallocating those funds there will be a negative impact on either jail utilization or prison commitment rates. Mr. Parker indicated that he would like to discuss this further at a future meeting.

John Phillips, on behalf of the Police Chiefs Association, thanked the Department of Corrections and Director Caruso for attending their meeting and talking with the chiefs regarding the Michigan Re-Entry Initiative and the plan to control prison growth.

After hearing no other comments in the area of New Business, Chair Inman thanked staff for working hard on putting all the data together for this meeting. He personally thanked staff, Administrator Brzozowski and Deputy Director Yukins on their hard work and efforts. Deputy Director Yukins also thanked staff and welcomed once again the new Office of Community Corrections staff, Maurice Nelson and Abigail Callejas. The Deputy personally thanked Pam Crook for her years of service and mentioned how much she will be missed after her retirement. New business closed.

Meeting adjourned.