

STATE COMMUNITY CORRECTIONS BOARD MEETING

April 16, 2009

The Lansing Center, Lansing, MI

1:10 p.m. to 3:20 p.m.

APPROVED

I. CALL TO ORDER – ROLL CALL

PRESENT: Alfred Butzbaugh, Patricia Caruso, Louis Dean, Stuart Dunnings, Gary M. Goss, Larry Inman, Curtis T. McGhee II, Robert J. Pickell and George Zulakis

ABSENT: Inez Brown, Dennis McMurray, Bridgette Officer, and Bernard Parker (all excused)

II. APPROVAL OF AGENDA:

Larry Inman recommended a change in the agenda combining the Administrators Report and the Midyear Overview. Motion to accept the agenda as amended was made by Robert Pickell and supported by Gary Goss.

VOTE: Motion passed unanimously.

III. BOARD MEMBER'S RE-APPOINTMENTS

Larry Inman introduced and welcomed two new board members Gary M. Goss and Sheriff Robert J. Pickell. Gary M. Goss is the Chief of Police for Northville police department and has been appointed to represent city police departments and Sheriff Robert J. Pickell is the Sheriff of Genesee County representing county sheriffs.

Mr. Inman advised that he has also been reappointed as the chairman of the board and publicly thanked Governor Granholm, Director Caruso and Deputy Director Schrantz for their support.

Members of the Board then introduced themselves to Mr. Goss and Sheriff Pickell.

IV. APPROVAL OF August 28, 2008 MINUTES:

Motion made by Louis Dean and supported by Stuart Dunnings, to approve the August 28, 2008 Minutes as written.

VOTE: Motion passed unanimously.

V. APPROVAL OF OCTOBER 16, 2008 STUDY SESSION MINUTES:

Motion made by Louis Dean and supported by Curtis T. McGhee II to approve the October 16, 2008 Study Session Minutes as written.

VI

Deputy Director Schrantz provided a power point presentation that had recently been presented to the House Appropriations Subcommittee on Corrections that captured the projections for prison space and some items specific to Community Corrections. The presentation also displayed some of the major highlights of the governor's budget.

Deputy Schrantz shared the following information as provided in the power point presentation.

- The size of the prison population is not driven by the amount of crime but is driven by the way we react to crime and the policies that are in place because of those reactions.
- There is strong evidence that what we are doing is working with a 26% improvement rate. Revocations are down in spite of a 40% increase in the parole population.
- Continued success across the state with the comprehensive planning efforts under the community corrections act. The State of Michigan has some of the most sophisticated county leaders running the comprehensive corrections plans of anyone in the country.
- When the Director was appointed there were over 17,000 people who were in prison past their minimum term. It took three years to go from 17,000 to 15,000. When the Michigan Reentry took place the Department was able to start looking at post earliest release date population in a more aggressive way and started seeing that number increase. That population went from 15,000 past their ERD to 12,000 in seven months.
- Out of the first nine prisons closed we were using our space better. Now that the prison population is dropping we are closing prisons because they are empty. With fewer returns and fewer new crimes it is projected that on October 1, 2010 we can safely and effectively close empty prisons.
- There has been a practice by the parole board that certain felony offenders that are prisoners are kept in prison up to the last day of their max and then we let them out without any supervision. The logic of this practice is being questioned, and evidence shows that parole supervision is a better option than simply letting people out without any supervision. This is another area where the Counsel of State Governments and legislature agree.
- Studies will be done at the end of this year and going into next year to not just measure the return rate of people on reentry but the arrest, re-arrest and reconviction and violation rates as a true and better measure of behavior in the community.
- Many states in the County are envious of the accomplishments of this Department. They are envious because it can be shown that the violations have not increased and returns have not increased.

VII. COUNCIL OF STATE GOVERNMENTS:

Deputy Director Schrantz also advised that the counsel of state government's justice reinvestment work group recommended that we amend the community corrections act in a way that has been supported by this body for many years. He stated "You learned many years ago that it doesn't matter that much what the crime is, it matters more about the risk of the offender. You can't tell anymore whether an offender is violent or non-violent based on the crime that they committed. We don't need to do that anymore, that is old school the new school obviously is that you assess the risk/needs using validated risk assessment instruments and we have been doing this in community corrections since 1989".

Stuart Dunnings indicated that it is his understanding that the department does a risk assessment post sentencing on everyone and asked if this something that could be done at pre-sentence so that it would be available at sentencing.

Deputy Schrantz responded that is what we need to be doing and that the amendment to the community corrections act which “requires” the decisions to be made based on validated risk is going to allow that to happen.

Administrator Brzozowski stated that the Department will be working on a couple of demonstration projects in different areas of the state to determine the impact of using the COMPAS risk assessment at pre-sentence.

Deputy Schrantz advised that Judge Schmucker recently received training in evidence-based sentencing with other judges in Nevada and is working with the Supreme Court to provide other judges training throughout the state. He also stated that critical to evidence based sentencing is validated risk/needs assessment which is the bases on which the sentences are made and stated that this may be an area that we want this board to explore in greater detail. It was anticipated that the amendment to the community corrections act would be out and passed and in effect months ago. There is only one section that is being amended and that language currently states “based on a pattern of violent behavior” which will now state “based on risk/needs assessment”. The whole purpose of the community corrections act and the reentry initiative is to be able to manage risk. When the risk can most effectively be managed by locking people up that is what we do and when the risk can be managed as well or better by looking at treatment options that is what we need to do.

Larry Inman asked for clarification regarding the parole process and prisoner reentry, specifically does everyone that is under consideration for release go through reentry and then get supervised or are there certain populations that are targeted for reentry and other populations that will be supervised outside of reentry.

Director Caruso stated that six years ago when the department started working on reentry there were decisions made that prevailed and part of that is the incorporation of the parole board into the process. She indicated that the Department was going to spend resources smartly and focus on people who but for investing those reentry resources who would not otherwise have received parole. There are some people who come to prison that we will never see again and we do not need to put additional resources toward them.

Deputy Schrantz stated that the CSG recommended that the Department target higher risk probationers under the community corrections act, measure the impact. The governor has recommended a million dollars for a demonstration in one or more jurisdictions to look at ways to work within the framework of that comprehensive local plan. The House changed the recommendation and he anticipates the Senate will do the same.

Deputy Schrantz indicated that it is important to understand the Governors budget recommendations and what the Department has to do this year and next. Working with the population where prisoners have been kept past their minimum term and that is where the focus a lot of resources will be spent.

Deputy Schrantz talked about sex offenders and advised that this population is one of the most misunderstood felony populations anywhere. In fact, they function well in the prison system and re-offend at lower rates than most people that are in prison. Many prisoners past their ERD are sex offenders – the parole approval rate for this crime has increased from 13% to 21%.

Director Caruso indicated that one of the reasons that so many sex offenders were past their ERD was the discomfort of the parole board and not knowing what to do with that group. Regardless of the circumstances of the crime, it was very intimidating for the parole board facing the public and

now knowing what to do with that group. The Department brought in national experts on sex offenders and looked at predictive factors – there are a lot of groups of sex offenders that are good candidates for parole. The Department has invested in a risk assessment tool that is specific to sex offenders and the parole board is using this information to make decisions.

Deputy Schrantz talked about only so much can be done by controlling the front door. There are incremental improvements, we have had a great reduction and are holding steady.

Larry Inman stated that when sentencing guidelines and “Truth in Sentencing” was enacted offenders were given longer sentences which brought more people to prison and kept them in prison longer.

Deputy Schrantz indicated that the impact of sentencing guidelines was not dramatic, but “Truth in Sentencing” had a greater impact because prisoners could no longer earn good time.

Larry Inman asked given the confines of state policy what you have to work with, how far you can drive down the numbers without changing policy.

Deputy Schrantz replied that we can’t do anything without changing policy – changing sentencing guidelines has no support.

Director Caruso indicated that what the Department is doing now does not need statutory changes but without changes we will bottom out.

Deputy Schrantz stated that the prison projections show that the Department will need 3,500 fewer beds and will close additional prisons in October. If the legislature wants to further reduce capacity then there is going to have to be changes to the sentencing guidelines, but all of the impacts that were projected in previous years are outdated.

Mr. Dean advised that they have very little problems with their sex offender population in his program.

Director Caruso stated that, “most staff will tell you they like working with the sex offender population because they are very manageable, now some people are manageable but still dangerous.”

Mr. Dean asked if the Department anticipates an increase in crime or prison commitments due to the states economy.

Director Caruso indicated that due to Michigan’s economy it is a challenge and getting a job is a big piece in keeping people from coming back to prison. That is part of the reason that the Department is doing a number of innovative things in the area of transitional employment. Director Caruso stated that there isn’t as direct of a connection between the economy and recidivism as one might imagine.

Deputy Schrantz stated that one thing we know about the employment situation is that whether the unemployment rate is 13% or 6% or whatever, there is no way that the economy is going to be strong enough to give 12,000 returning prisoners jobs. While we need to continue to work with the business community the real focal point for employment would be to grow jobs that are specifically designed for these folks. There is great activity across the County called the Civic Justice Corp which is a group of offenders who are dedicated to staying out who form a Corp and they become the work force for public service jobs. There is a nine square mile area in Detroit where there are

2,000 people under supervision with a 90% unemployment rate. The Department needs to take advantage of the funding streams and to dedicate them in neighborhoods where we have sky high violent crimes, high robberies, 90% unemployment, and 1 out of 20 that are under supervision.

VIII. MDOC BUDGET:

Director Caruso shared the following information in regards to the current budget and proposed budget for 2010.

- The prison population has decreased by approximately 4,000 prisoners in less than 3 years.
- Camp Branch and Deerfield closed early without a single layoff.
- Due to the number of prison closing next year there could be up to 1,000 layoffs.
- The acute mentally ill prisoners were moved to the Maxey Training Center. The Department will concentrate all of the acute mentally ill prisoners at this site which will have a step down mentally ill program.

Larry Inman asked if there is going to be a point in time when less emphasis will be placed on the Department of Corrections for reductions. The Department must be close to some kind of saturation point where there is not much more that can be cut.

Director Caruso indicated that the bulk of the reductions that are happening now are based on population reductions. Costs are reduced by better managing the population and redirecting resources on the field side. The average cost to house a prisoner in Michigan is \$32,000 a year and less than \$2,000 a year is the average cost for a person on probation and parole.

Deputy Schrantz advised that if a person was to look at sentencing policies and there was a review of sentencing policies, you could see the numbers drop even more. The back door and front door is as good as it is going to get.

Deputy Schrantz stated that when a prisoner gets a minimum term he/she will do their minimum term, also, a victim, a victims family, a prisoner and the prisoners family will expect that the prisoner will not do much more than 120% of his/her minimum term.

Director Caruso also shared information that the Department is receiving daily requests to speak about what is going on in Michigan. There was a live broadcast for the National Institute of Corrections on Corrections budget. Jails and community corrections was discussed and it was shown that what is happening in Michigan is significantly different than what is happening in other states, where they are trying to avoid building new prisons and Michigan is reducing.

IX. ADMINISTRATORS REPORT and MIDYEAR OVERVIEW:

Administrator Brzozowski advised that this particular meeting is designed as a Mid-year review. A review of the CCABs mid-year status reports show that all counties are in compliance with their contractual conditions and there were no issues identified that need action by the Board. Mr. Brzozowski indicated that there are still some counties that have rates higher than the statewide average but a review of the data indicates that the rates are mostly driven by Group 1 type crimes that counties don't generally target or nearly half of the cases in the Group 2 crime category were committed by parolees.

Mr. Brzozowski reported that in CY 2007 there were just over 60,000 dispositions statewide and that number dropped to 58,000 in 2008 – this represents 2,000 fewer felony dispositions in one year. The overall prison commitment rate decreased from 20.7% to 19.4% which was about 1,800

fewer prison dispositions. He indicated that CCABs reported that in some areas the decrease was due to fewer police officers on the street which resulted in fewer arrests. The overall intake for probation violators also decreased by 15% which was almost 500 fewer probation violators going to prison. The straddle cell population which is one of our primary groups had a decrease from 36.7% in CY 2006 down to 35.9% in CY 2007 and we are now at 33.4% in CY 2008.

Mr. Brzozowski reported that Residential Services through midyear have a 96% utilization rate. There are a few counties that are under-utilized and a few that are over-utilized. The Office of Community Corrections will continue to monitor the rates and amend contracts as needed. At this rate it is anticipated there will be a lapse of approximately 600,000 which is about 32-34 beds. This number is down from previous years. In regard to Comprehensive Plans and Services, there are about 200 programs that are funded with over 42,000 offenders being enrolled into the programs. CCABs reported through the midyear that nearly 390,000 jail beds have been saved. Administrator Brzozowski thanked the CCAB Managers asked everyone to keep up the good work.

Administrator Brzozowski briefly covered the unallocated funding. He indicated that MACCAB submitted a resolution and recommended to divide the unallocated funds in the amount of \$228,945 into equal portions of \$4,769, it was determined that this action would likely produce minimal impact on the State's prison commitment rates or improve the utilization of jails. Fifteen CCABs submitted proposals for new initiatives though after reviewing all plans, it was determined that based on the plans they would have minimal impact on prison commitment rate or jail utilization. The Department has not awarded these funds and will potentially use these funds to initiate demonstration sites that target high risk offenders.

Manager Christine Curtis addressed issues on community corrections program standards. She indicated that there have been many changes in local community corrections and many new managers hired in the past few years. She advised that minimum program standards will provide a blueprint for new managers and increase program consistency around the state. As part of developing the minimum standards, key performance indicators will be developed as well. As a result, counties will be able to point to specific outcome measures that are linked to offender performance and evidence-based practices. OCC plans to establish workgroups that will include CCAB managers and vendors to discuss what the minimum standards should be and how they will be implemented, hopefully in time for the FY 2011 application. She stated that the goal is to have well defined programs that will pass the evidence-based rigor test and also give us specific performance indicators at the end, and to ensure programs are as strong as they can be and implemented with fidelity across the state.

Mr. Dean indicated that in term of community corrections standards, most probation and residential services already have minimum standards and wanted to know how those standards would correlate with those that are already in place for probation residential centers.

Ms. Curtis responded that OCC would be reviewing the comprehensive plans and services that are funded, because the residential centers already have their own standards. These programs include community service, work crews, day reporting and case management. And those types of things looking at from the perspective of both the evidence-based practices, is community service an evidence based practice – no it's not, does it serve a purpose in many of the community plans – yes it does, so in light of that, what would be expected in order to make sure that community service program supports the mandates of Public Act 511. The goal is to tie all things together in the plans and services funded programs so that we know that the program truly is designed to have an impact based on what we are expected to deliver.

Administrator Brzozowski stated that one of the recommendations from the Council of State Governments was a need to demonstrate the quality of the programs funded under the Community

Corrections Act, by making these changes it should allow us to demonstrate the quality of those programs.

X. PUBLIC COMMENT:

Barb Hankey welcomed the new State Board Members and thanked Administrator Brzozowski for his comments regarding the hard work the community managers have done to lower the prison commitment rate. In regards to the unallocated funds, there were many managers that submitted applications for the funds but because they were unable to translate the impact they were not awarded additional money. She encouraged the Board to re-look at the resolutions or consider those counties who are continuing to lower those rates.

Roselynn Goff, Calhoun County CCAB Manager indicated that the community correction act is about localization – those folks that are working in the local areas have the best ideas on what will work locally. Calhoun County has struggled for years with certain types of populations. The County had 442 locals in jail, today there are 259 and the way it happened was by applying knowledge of the local population. She stated that the county will have to look at cutting services because the cost for personnel to run the program can't be met.

Chairman Inman: Closed public comment.

XI. OLD BUSINESS:

Administrator Brzozowski advised the Board that one issue that was discussed during the October Study Session concerned Wayne County potential closing and reduction of the Dickerson Facility. The County requested for \$2.7 million dollars for an additional 154 residential beds. Wayne County was advised that utilization would be monitored through the first part of the fiscal year and a decision would be made at that point. Mr. Brzozowski indicated that through midyear the County is only 18 beds over their authorized population which equals about \$312,000. OCC will continue to monitor the residential services utilization and reallocate funds as needed.

XII. NEW BUSINESS:

None

XIII. ADJOURN:

Motion to adjourn made by Gary Goss and supported by Louis Dean.

VOTE: Motion passed unanimously.

Meeting adjourned at 3:20PM.