

# final minutes

---

## **Criminal Justice Policy Commission Meeting**

9:00 a.m. • Wednesday, July 6, 2016

Senate Appropriations Room • 3<sup>rd</sup> Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

### **Members Present:**

Senator Bruce Caswell, Chair  
Stacia Buchanan  
Senator Patrick Colbeck  
Representative Vanessa Guerra  
D. J. Hilson  
Kyle Kaminski  
Sheryl Kubiak (via teleconference)  
Barbara Levine  
Sarah Lightner  
Laura Moody  
Sheriff Lawrence Stelma  
Judge Paul Stutesman  
Andrew Verheek  
Judge Raymond Voet  
Representative Michael Webber

### **Members Excused:**

Senator Bert Johnson  
Jennifer Strange

### **I. Call to Order and Roll Call**

The Chair called the meeting to order at 9:00 a.m. and asked the clerk to take the roll. A quorum was present and absent members were excused.

### **II. Approval of the June 1, 2016 CJPC Meeting Minutes**

The Chair asked for a motion to approve the June 1, 2016 Criminal Justice Policy Commission meeting minutes. **Senator Colbeck moved, supported by Commissioner Lightner, that the minutes of the June 1, 2016 Criminal Justice Policy Commission meeting as proposed be approved. There was no objection. The motion was approved by unanimous consent.**

### **III. Discussion of FY 2017 \$500,000 One-Time Appropriation to CJPC for a Study to Determine the Costs of Redirecting 17-Year Olds from Adult Court and Correctional Systems into Family Court and Juvenile Justice Systems**

The Chair provided an explanation of the one-time appropriation to the CJPC for a study to determine the cost of redirecting 17-year-olds from adult court and correctional systems into family court and juvenile justice systems. He shared that he was contacted by the chair of the Michigan Committee on Juvenile Justice, Justice Mary Beth Kelly, and Kristen Staley, Deputy Director of the Michigan Council on Crime and Delinquency, regarding their efforts to conduct a similar study. The Chair suggested a subcommittee be set up to begin the task of determining how the study should be conducted and asked members to inform him of their interest to serve on the subcommittee by the end of today's meeting. He then asked for comments. Commissioner Lightner inquired if a previous study had been conducted when the raise-the-age issue was first brought up. She also expressed her interest in serving on the subcommittee. Representative Webber did not know if a study was done in the past and provided some background on the push for a study as it went through the legislative process. Commissioner Hilson expressed his interest in serving on the subcommittee. Commissioner Kaminski suggested that someone from the Committee on Juvenile Justice be invited to the next CJPC meeting to share more information about their efforts. The Chair indicated that Kristen Staley would be testifying during today's meeting and stressed the importance of being respectful of the legislature's mandate for the Commission to determine who is to conduct the study. Commissioner Levine stated that she assumes that the legislative mandate does not preclude our Commission from collaborating with another existing state committee who has already started the vetting process. Judge Stutesman commented that it is important that the Commission be seen as independent without an agenda. Commissioner Kubiak urged collaboration, and Commissioner Stelma pointed out that our charge is solely to determine costs and that other groups might have an agenda to improve the system. The Chair then called on Ms. Staley to testify. She provided an overview of her organization's work and urged a coordination and collaboration of efforts in conducting the study of 17-year-olds. A period of question and answer followed. Afterwards, the Chair explained that the subcommittee he would like to set up will have 5 members and will look for a neutral source to conduct the study.

#### **IV. Discussion of FY 2016 \$500,000 Supplemental to CJPC for Staffing**

The Chair called on Marcia Cornell, the Legislative Service Bureau's Chief Financial Officer/Business Office Director/Human Resources Director, to provide insight into the staffing needs of other similar commissions. Ms. Cornell shared that a 2- to 3-person staff is typical, with one member appointed in a lead position and at least one administrative support staff person. She noted that it will be up to the Commission to decide the number of staff required and that the Bureau will help facilitate the preparation of job description and job postings and provide assistance in the interviewing and hiring process. Senator Colbeck recalled that when he put together the resource analysis of staffing requirements, there would primarily be two tasks for the operations team—data collection and data reporting. He did not envision the creation of an organization to chug out reports and thinks that one qualified person would be sufficient. Commissioner Kubiak responded that in her experience in research, it is very difficult to get all the skills needed in one person, especially when one task requires high level analytical skills and another is more labor-intensive requiring minimal skills. Commissioner Verheek concurred and felt it is difficult for just one person to focus on the type of things the Commission will want the person to do. He urged there should be a minimum of two researchers. Commissioner Levine noted that the Commission's enabling statute has a very specific charge that requires more than just looking at numbers and preparing reports. She noted the legislative mandate requires some very sophisticated statistical research and hopes the Commission will keep this in mind. The discussion continued and Senator Colbeck spoke more about how he envisions things should be set up to acquire and analyze the data. The Chair asked Senator Colbeck and the members of the data subcommittee to meet and come up with a plan to bring forward by the next meeting. He added that the plan should include the number of staff to hire along with their responsibilities so that position descriptions can be prepared.

The Chair reported that he learned from the Governor's office that a change in the law, not the administrative rules, is needed to require the collection of statewide jail data. He also noted that an email from Steven Mays regarding last month's discussion on the Mental Health Diversion Council's best practices was distributed. In addition, he shared that he has learned that the Crime Victim Services Commission uses MI-VINE to collect escape, release, and transfer information from almost all jails in Michigan. He asked that Beth Adcock from the Council, along with a representative from Appriss, Inc., the developer of the MI VINE system, be invited to the August meeting to share more information about what type of data can be collected.

The Committee recessed at 10:35 a.m. and reconvened at 10:45 a.m.

#### **V. Data Subcommittee Update**

Commissioner Verheek prepared handouts (see attached) that provide a statewide picture of sentencing using some of the available data collection variables requested by Commissioners at the June 1 CJPC meeting. He proceeded with an explanation of the information and responded to questions. Commissioner Kaminski added that this information is not necessarily meant to be used to draw conclusions, but rather to show what information is available. Senator Colbeck offered that it appears that with this type of approach, the data drives our questions. He suggested it might be better to use an approach where the questions drive the data we need so that we have more targeted, concrete deliverables for the legislature. Commissioner Levine countered that many of the questions are laid out in our statute, but it might also be useful to have this type of data to raise questions you didn't realize you wanted to ask. A discussion of recidivism rates followed.

#### **VI. Mental Health Subcommittee Update**

There was no update from the subcommittee.

#### **VII. Robina Institute Criminal History Enhancements Sourcebook and Worksheet**

The Chair read suggestion #18 from the Criminal History Enhancement Sourcebook Worksheet which deals with criminal history scores and recidivism risk.

18. Although an offender's criminal history is clearly related to his risk of recidivism, the risk-predictive accuracy of each guidelines system's criminal history score and all score components should be validated using recidivism data. The risk-prediction value of each score component should also be measured against the added costs or other negative consequences of the sentence enhancements associated with that component. p. 98

A discussion followed. Afterwards, the Chair asked members to send him a suggested rewrite of this statement by next Wednesday, July 13, so that he can prepare a version that can be distributed for discussion at the next meeting.

#### **VIII. Commissioner Comments**

The Chair asked if there were any other comments from the Commissioners. There were none.

**IX. Public Comments**

The Chair asked if there were any public comments. There were none.

**X. Next CJPC Meeting Date**

The next CJPC meeting is scheduled for **Wednesday, August 3, 2016, at 9:00 a.m. in the Senate Appropriations Room, 3<sup>rd</sup> Floor of the State Capitol Building.**

**XI. Adjournment**

There was no further business. The Chair adjourned the meeting at 11:55 a.m.

*(Minutes approved at the August 3, 2016 Criminal Justice Policy Commission meeting.)*

## Summary Sentencing Guideline Data from State of Michigan (2013 – 2016)

Replicating the discussion we had regarding sentencing in Kent County, we use MDOC Sentencing data on over 159,000 cases to assess statewide data. There were 1988 cases that fall within **E Grid, within the same PRV Level D/OV Level 1 cell**. Sentencing options include straddle cell where there is a decision made regarding prison or community sanction (probation and/or jail).

**Only 14 of the 84 counties have greater than 30 individuals who meet this criteria** (See Statewide information by county for more detailed information).

Below, the data for those 14 counties are illustrated using the total number of cases that fall within the target cell, the total number and percent that resulted in prison sentence. Finally, the prison commitment rate is separated for those with Offense Group 1 (assaultive) and Offense Group 2 (non-assaultive) offenses.

**Table 1: E Grid Straddle Cell Cases in Counties that have over 30 Cases**

County Name	Total Number of Cases within cell	Total number to Prison	Total overall % to Prison	Within Group 1 (assaultive): Prison Commitment %	Within Group 2 (non-assaultive) Prison Commitment %
Berrien	31	7	23%	14.3%	29.4%
Calhoun	38	4	11%	9.5%	11.8%
Genesee	58	3	5%	3.6%	6.7%
Ingham	60	8	13%	13.6%	13.2%
Jackson	37	11	30%	42.9%	21.7%
Kalamazoo	69	2	3%	3.0%	2.8%
Kent	156	56	36%	27.1%	39.8%
Livingston	32	4	13%	0	13.8%
Macomb	197	20	10%	9.3%	10.4%
Muskegon	73	14	19%	21.4%	17.8%
Oakland	266	32	10%	9.3%	15.3%
Saginaw	42	4	10%	3.8%	18.8%
Washtenaw	65	7	11%	15.4%	7.7%
Wayne	497	80	17%	24.1%	8.6%
<b>Statewide</b>	<b>1988</b>	<b>310</b>	<b>16%</b>	<b>16.8%</b>	<b>14.9%</b>

**Findings:** Statewide, there were 310 of the 1988 cases that ended with a prison sentence (16%) with 17% of those with a Group 1 Offense and 15% of those with a Group 2 Offense sentence to prison.

Within these 14 counties, the overall rate of prison for those who fall into a straddle cell designation (with the same PV and ORV score) ranges from a low of 3% (Kalamazoo) to a high of 36% (Kent). When assessing

the ranges of prison commitment for those with Group 1 offenses, we find a range from 0 (Livingston) to 43% (Jackson). Similarly, of the Offense 2 cases we see a range of 3% (Kalamazoo) to 40% (Kent).

**Table 2: All Straddle Cell Offenders in the PRV Level D - OV Level 1 Cell.**

County Name	Total Number of Cases within cell	Total number to Prison	Total overall % to Prison	Within Group 1 (assaultive): Prison Commitment %	Within Group 2 (non-assaultive) Prison Commitment %
Allegan	30	1	3%	9.1%	0
Bay	30	2	6%	11.1%	4.8%
Berrien	38	11	29%	26.6%	29.4%
Calhoun	48	6	13%	11.1%	14.3%
Eaton	34	5	15%	26.0%	13.3%
Genesee	91	6	7%	4.7%	8.3%
Ingham	95	16	17%	21.1%	12.3%
Jackson	45	16	36%	40.0%	33.3%
Kalamazoo	97	4	4%	4.9%	3.6%
Kent	199	75	38%	32.8%	40.2%
Livingston	45	6	13%	28.6%	10.5%
Macomb	301	26	9%	11.6%	7.8%
Muskegon	125	20	16%	26.8%	10.7%
Oakland	433	54	12%	13.8%	12.1%
Saginaw	66	7	11%	6.5%	14.3%
St. Clair	41	9	22%	10.0%	25.8%
Washtenaw	72	7	10%	13.3%	7.1%
Wayne	669	111	17%	24.1%	8.6%
<b>Statewide</b>	<b>2970</b>	<b>465</b>	<b>16%</b>	<b>19.2%</b>	<b>13.7%</b>

**Findings:** Statewide, there were 465 of the 2970 cases that ended with a prison sentence (16%) with 19% of those with a Group 1 Offense and 14% of those with a Group 2 Offense sentence to prison.

Within these 18 counties, the overall rate of prison for those who fall into a straddle cell designation (with the same PV and ORV score) ranges from a low of 3% (Allegan) to a high of 38% (Kent). When assessing the ranges of prison commitment for those with Group 1 offenses, we find a range from 4.7% (Genesee) to 40% (Jackson). Similarly, of the Offense 2 cases we see a range of 0 (Allegan) to 40.2% (Kent).

**Statewide Prison Disposition Rates for Group 1 and Group 2 Offenses by Gender - All Offenders**

			Group 1 and Group 2		Total
			Group 1	Group 2	
Female	Prison Disposition	Non-Prison	4768	20684	25452
			81.3%	92.2%	89.9%
		Prison	1096	1749	2845
			18.7%	7.8%	10.1%
Total			5864	22433	28297
			100.0%	100.0%	100.0%
Male	Prison Disposition	Non-Prison	32814	64831	97645
			62.1%	84.9%	75.6%
		Prison	20007	11520	31527
			37.9%	15.1%	24.4%
Total			52821	76351	129172
			100.0%	100.0%	100.0%

**Statewide Prison Disposition Rates for Group 1 and Group 2 Offenses by Habitual Offender Status - Only Non/Other Status Offenders (MDOC status excluded)**

			Group 1 and Group 2		Total
			Group 1	Group 2	
Non-Habitual	Prison Disposition	Non-Prison	27754	58959	86713
			72.2%	93.5%	85.4%
		Prison	10690	4086	14776
			27.8%	6.5%	14.6%
Total			38444	63045	101489
			100.0%	100.0%	100.0%
Habitual	Prison Disposition	Non-Prison	2346	6387	8733
			46.8%	73.7%	63.8%
		Prison	2668	2278	4946
			53.2%	26.3%	36.2%
Total			5014	8665	13679
			100.0%	100.0%	100.0%

**Statewide Prison Disposition Rates for Group 1 and Group 2 Offenses by PRV Level -  
Only Non/Other Status Offenders (MDOC status excluded)**

PRV Level			Group 1 and Group 2		Total
			Group 1	Group 2	
No PRV Level Given	Prison Disposition	Non-Prison	3538	7369	10907
			58.5%	91.2%	77.2%
		Prison	2507	708	3215
			41.5%	8.8%	22.8%
	Total		6045	8077	14122
			100.0%	100.0%	100.0%
A	Prison Disposition	Non-Prison	7752	13827	21579
			86.4%	99.0%	94.1%
		Prison	1216	143	1359
			13.6%	1.0%	5.9%
	Total		8968	13970	22938
			100.0%	100.0%	100.0%
B	Prison Disposition	Non-Prison	5040	10145	15185
			85.7%	98.3%	93.8%
		Prison	839	173	1012
			14.3%	1.7%	6.2%
	Total		5879	10318	16197
			100.0%	100.0%	100.0%
C	Prison Disposition	Non-Prison	7128	15632	22760
			70.2%	95.8%	86.0%
		Prison	3023	692	3715
			29.8%	4.2%	14.0%
	Total		10151	16324	26475
			100.0%	100.0%	100.0%
D	Prison Disposition	Non-Prison	4098	10638	14736
			61.2%	87.2%	78.0%
		Prison	2602	1566	4168
			38.8%	12.8%	22.0%
	Total		6700	12204	18904
			100.0%	100.0%	100.0%
E	Prison Disposition	Non-Prison	1580	4729	6309
			48.4%	75.1%	66.0%
		Prison	1686	1569	3255
			51.6%	24.9%	34.0%
	Total		3266	6298	9564
			100.0%	100.0%	100.0%
F	Prison Disposition	Non-Prison	964	3006	3970
			39.4%	66.5%	57.0%
		Prison	1485	1513	2998
			60.6%	33.5%	43.0%
	Total		2449	4519	6968
			100.0%	100.0%	100.0%

**Statewide Prison Disposition Rates for Group 1 and Group 2 Offenses by OV Level -  
Only Non/Other Status Offenders (MDOC status excluded)**

OV Level			Group 1 and Group 2		Total
			Group 1	Group 2	
Level I	Prison Disposition	Non-Prison	9884	37921	47805
			89.6%	94.9%	93.7%
		Prison	1152	2045	3197
			10.4%	5.1%	6.3%
	Total		11036	39966	51002
			100.0%	100.0%	100.0%
Level II	Prison Disposition	Non-Prison	8823	16159	24982
			77.9%	87.2%	83.7%
		Prison	2503	2377	4880
			22.1%	12.8%	16.3%
	Total		11326	18536	29862
			100.0%	100.0%	100.0%
Level III	Prison Disposition	Non-Prison	5640	3153	8793
			70.6%	84.6%	75.0%
		Prison	2353	575	2928
			29.4%	15.4%	25.0%
	Total		7993	3728	11721
			100.0%	100.0%	100.0%
Level IV	Prison Disposition	Non-Prison	1245	520	1765
			41.1%	64.5%	46.0%
		Prison	1785	286	2071
			58.9%	35.5%	54.0%
	Total		3030	806	3836
			100.0%	100.0%	100.0%
Level V	Prison Disposition	Non-Prison	717	174	891
			32.1%	38.4%	33.1%
		Prison	1518	279	1797
			67.9%	61.6%	66.9%
	Total		2235	453	2688
			100.0%	100.0%	100.0%
Level VI	Prison Disposition	Non-Prison	253	50	303
			14.1%	34.7%	15.6%
		Prison	1540	94	1634
			85.9%	65.3%	84.4%
	Total		1793	144	1937
			100.0%	100.0%	100.0%



**Statewide Information - New Felony Offenses, Straddle Cell, Crime Class E, PRV Level D-OV Level 1 Cell**

		Group 1 and Group 2		Total
		Group 1	Group 2	
Prison Disposition	Non-Prison	601 83.2%	1077 85.1%	1678 84.4%
	Prison	121 16.8%	189 14.9%	310 15.6%
Total		722 100.0%	1266 100.0%	1988 100.0%

**Statewide Information by County - New Felony Offenses, Straddle Cell, Crime Class E, PRV Level D-OV Level 1 Cell**

			Group 1 and Group 2		Total
			Group 1	Group 2	
Alcona	Prison Disposition	Non-Prison	1 100.0%	2 100.0%	3 100.0%
	Total		1 100.0%	2 100.0%	3 100.0%
Allegan	Prison Disposition	Non-Prison	8 100.0%	6 100.0%	14 100.0%
	Total		8 100.0%	6 100.0%	14 100.0%
Alpena	Prison Disposition	Non-Prison	1 100.0%	4 100.0%	5 100.0%
	Total		1 100.0%	4 100.0%	5 100.0%
Barry	Prison Disposition	Non-Prison	1 100.0%	4 100.0%	5 100.0%
	Total		1 100.0%	4 100.0%	5 100.0%
Bay	Prison Disposition	Non-Prison	6 100.0%	12 100.0%	18 100.0%
	Total		6 100.0%	12 100.0%	18 100.0%
Berrien	Prison Disposition	Non-Prison	12 85.7%	12 70.6%	24 77.4%
		Prison	2 14.3%	5 29.4%	7 22.6%
	Total		14 100.0%	17 100.0%	31 100.0%
Branch	Prison Disposition	Prison	1 100.0%	1 100.0%	2 100.0%
	Total		1 100.0%	1 100.0%	2 100.0%
Calhoun	Prison Disposition	Non-Prison	19 90.5%	15 88.2%	34 89.5%
		Prison	2 9.5%	2 11.8%	4 10.5%
	Total		21 100.0%	17 100.0%	38 100.0%
Cass	Prison Disposition	Non-Prison	9 90.0%	1 100.0%	10 90.9%

Statewide Information by County - New Felony Offenses, Straddle Cell, Crime Class E, PRV Level D-OV Level 1 Cell

			Group 1 and Group 2		Total
			Group 1	Group 2	
Cass	Prison Disposition	Prison	1	0	1
			10.0%	.0%	9.1%
	Total		10	1	11
			100.0%	100.0%	100.0%
Charlevoix	Prison Disposition	Non-Prison		2	2
				100.0%	100.0%
	Total			2	2
				100.0%	100.0%
Cheboygan	Prison Disposition	Non-Prison	2	4	6
			100.0%	57.1%	66.7%
		Prison	0	3	3
			.0%	42.9%	33.3%
	Total		2	7	9
			100.0%	100.0%	100.0%
Chippewa	Prison Disposition	Non-Prison	3	5	8
			60.0%	71.4%	66.7%
		Prison	2	2	4
			40.0%	28.6%	33.3%
	Total		5	7	12
			100.0%	100.0%	100.0%
Clare	Prison Disposition	Non-Prison	1	8	9
			100.0%	100.0%	100.0%
	Total		1	8	9
			100.0%	100.0%	100.0%
Clinton	Prison Disposition	Non-Prison	2	3	5
			100.0%	50.0%	62.5%
		Prison	0	3	3
			.0%	50.0%	37.5%
	Total		2	6	8
			100.0%	100.0%	100.0%
Crawford	Prison Disposition	Non-Prison	2		2
			66.7%		66.7%
		Prison	1		1
			33.3%		33.3%
Total		3		3	
			100.0%		100.0%
Delta	Prison Disposition	Non-Prison	0	2	2
			.0%	66.7%	50.0%
		Prison	1	1	2
			100.0%	33.3%	50.0%
	Total		1	3	4
			100.0%	100.0%	100.0%
Dickinson	Prison Disposition	Non-Prison	1	1	2
			100.0%	50.0%	66.7%
		Prison	0	1	1
			.0%	50.0%	33.3%
	Total		1	2	3
			100.0%	100.0%	100.0%
Eaton	Prison Disposition	Non-Prison	2	11	13
			100.0%	84.6%	86.7%
	Total		2	11	13

Statewide Information by County - New Felony Offenses, Straddle Cell, Crime Class E, PRV Level D-OV Level 1 Cell

			Group 1 and Group 2		Total
			Group 1	Group 2	
Eaton	Prison Disposition	Prison	0	2	2
			.0%	15.4%	13.3%
	Total		2	13	15
Emmet	Prison Disposition	Non-Prison	0	2	2
			.0%	100.0%	66.7%
	Total		1	2	3
Genesee	Prison Disposition	Non-Prison	27	28	55
			96.4%	93.3%	94.8%
	Total		28	30	58
Gladwin	Prison Disposition	Non-Prison	5	9	14
			83.3%	100.0%	93.3%
	Total		6	9	15
Gogebic	Prison Disposition	Non-Prison	1	1	2
			100.0%	100.0%	100.0%
	Total		1	1	2
Grand Traverse	Prison Disposition	Non-Prison	1	5	6
			33.3%	100.0%	75.0%
	Total		3	5	8
Gratiot	Prison Disposition	Non-Prison	1	3	4
			50.0%	60.0%	57.1%
	Total		2	5	7
Hillsdale	Prison Disposition	Prison		1	1
				100.0%	100.0%
	Total			1	1
Houghton	Prison Disposition	Non-Prison		2	2
				100.0%	100.0%
	Total			2	2
Huron	Prison Disposition	Non-Prison	1	4	5
			100.0%	80.0%	83.3%
	Total		1	5	6
Huron	Prison Disposition	Prison	0	1	1
			.0%	20.0%	16.7%
	Total		0	1	1

**Statewide Prison Disposition Rates for Group 1 and Group 2 Offenses by OV Level -  
Only Non/Other Status Offenders (MDOC status excluded)**

OV Level			Group 1 and Group 2		Total
			Group 1	Group 2	
Level I	Prison Disposition	Non-Prison	9884	37921	47805
			89.6%	94.9%	93.7%
		Prison	1152	2045	3197
			10.4%	5.1%	6.3%
	Total		11036	39966	51002
			100.0%	100.0%	100.0%
Level II	Prison Disposition	Non-Prison	8823	16159	24982
			77.9%	87.2%	83.7%
		Prison	2503	2377	4880
			22.1%	12.8%	16.3%
	Total		11326	18536	29862
			100.0%	100.0%	100.0%
Level III	Prison Disposition	Non-Prison	5640	3153	8793
			70.6%	84.6%	75.0%
		Prison	2353	575	2928
			29.4%	15.4%	25.0%
	Total		7993	3728	11721
			100.0%	100.0%	100.0%
Level IV	Prison Disposition	Non-Prison	1245	520	1765
			41.1%	64.5%	46.0%
		Prison	1785	286	2071
			58.9%	35.5%	54.0%
	Total		3030	806	3836
			100.0%	100.0%	100.0%
Level V	Prison Disposition	Non-Prison	717	174	891
			32.1%	38.4%	33.1%
		Prison	1518	279	1797
			67.9%	61.6%	66.9%
	Total		2235	453	2688
			100.0%	100.0%	100.0%
Level VI	Prison Disposition	Non-Prison	253	50	303
			14.1%	34.7%	15.6%
		Prison	1540	94	1634
			85.9%	65.3%	84.4%
	Total		1793	144	1937
			100.0%	100.0%	100.0%