

final minutes

Criminal Justice Policy Commission Meeting

9:00 a.m. • Wednesday, July 1, 2015

Senate Appropriations Room • 3rd Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

Members Present:

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

Members Excused:

None

I. Call to Order and Roll Call

The Chair called the meeting to order at 9:00 a.m. The Chair asked the clerk to take the roll. A quorum was present and there were no absent members.

II. Approval of the June 3, 2015 CJPC Meeting Minutes

The Chair asked for a motion to approve the June 3, 2015 Criminal Justice Policy Commission meeting minutes.

Judge Voet moved, supported by Ms. Strange, that the minutes of the June 3, 2015 Criminal Justice Policy Commission meeting as proposed be approved. There was no objection. The motion was approved by unanimous consent.

III. Mike Eagen, Chairperson of the Michigan Parole Board

The Chair welcomed Mr. Mike Eagen, Chairperson of the Michigan Parole Board, and thanked him for appearing before the Commission to provide an overview of the parole process in Michigan. Mr. Eagen proceeded with his presentation. A period of question and answer followed. Mr. Eagen responded to questions from the Commission members including:

Commissioner Hilson asked questions concerning whether there is an area of programming that could make individuals more suitable for parole and whether the assessment tools currently available provide adequate information for the parole board to make their decisions. He also inquired about the importance of victim impact statements and whether the parole process is the same for sexually delinquent lifers.

Judge Stutesman acknowledged that there have been changes in the operation of the parole board in the last few years and inquired if there is sufficient funding to conduct all of the assessing programs needed during the intake process. He also had questions about case assignment and standard sanctions given for parole violations and the parole process for a lifer.

Commissioner Moody inquired about what evidence is looked at in the evidence-based programs the parole board uses.

Sheriff Stelma inquired about what is the biggest drawback of the parole system from the parole board's perspective and what can be done to reduce the number of failures.

Commissioner Kubiak asked if there is any kind of actuarial instrument used to assess risk level at the parole stage. She noted she has found that inside there often isn't the opportunity for prisoners to process their crimes from a social/psychological standpoint and wondered if this might be part of a potential programming component.

Commissioner Levine inquired about how the parole board uses parole guidelines. She noted that with lifers there are many cases where a file is reviewed, but there is no interview. She later inquired about crime victim statements not being on record and the timing and delivery of programming before parole is granted.

Judge Voet asked what involvement the parole board has once the person is paroled and whether any data is being collected.

Commissioner Kaminski will bring forward information the department collects to track and monitor in the community and the average parole rate for lifers.

Commissioner Strange asked what considerations are taken with prisoners involved in the Correction's mental health program.

The Chair commented about the cost associated with any requests for data. He also asked Mr. Eagen about CSG's statement on continuances being based on the offense and not the risk, whether a backlog of pre-parole psychological surveys is due to a lack of funding, whether it would be better to have more discretion or more mandates in general, and his thoughts on presumptive parole and the end of appeals for parole denial decisions.

Commissioner Levine and Commissioner Moody offered comments regarding the end of appeals for parole denial decisions.

The Chair encouraged members to think about areas that would be better off being more prescriptive or more subjective to improve the system.

IV. Commissioners' Most Important Concept – Flexibility vs. Consistency

There was no discussion of this agenda item.

V. Commissioners' Assessment of CSG Finding and Policy Options - Results

The Chair opened a discussion and asked for feedback on each of the CSG findings and policy options.

Finding 1 and Policy Option 1: The Chair noted that there is a significant difference and set aside the discussion of this item until later.

Finding 2 and Policy Option 2: No comments were offered.

Finding 3: Judge Stutesman stated that he did not agree with this finding because he is aware that the Department of Corrections does tailor programming before parole is granted and is monitoring parole and probation to reduce recidivism.

Professor Kubiak clarified that she agreed with this finding because it included probation.

Commissioner Kaminski noted that they are doing a better job with regard to parole. Because probation is still an area of need, he agreed with the CSG finding.

Commissioner Verheek offered comments regarding the comparison of probationers and parolees.

The Chair asked if every court in the state uses risk assessment tools for probation. A discussion followed. The Chair encouraged the Commissioners to think about whether the Commission should recommend that requiring risk assessment tools must be used as part of the parole and probation process or should this be left to the department to decide. He asked members to submit a statement as to whether they favor or not favor mandating an assessment tool be used.

Finding 4 and Finding 5: No discussion.

Finding 6 and Finding 7: The Chair noted that these two findings deal with data collection. He would like to have someone familiar with data collection and the judicial data warehouse come in to give the Commission an idea as to what the system is capable of and what type of systems are available and being used around the state.

VI. Definition of Recidivism

The Chair noted that only two members have submitted a definition for recidivism. He reassigned this task to the members and asked that the definitions be submitted by July 15. He added that he would like the discussion of this subject to continue at the August meeting. He asked Susan to send the members a copy of the law that contains the current definition of recidivism.

VII. Commissioner and Public Comment

Judge Voet inquired as to what the Governor wants the Commission to accomplish. In response, Commissioner Levine wondered if there would be any utility in using time at the next meeting to go systematically through the Commission's statutory demands. The Chair agreed.

Sheriff Stelma commented that this is an interesting process and he trusts that the Commission will get through all the differences in opinions. He believes it will come down to the dollar and cents savings.

Mr. Kaminski commented that the MDOC has a lot of data and if there are questions the members may have about the MDOC population to feel free to contact him through Susan Cavanagh who can forward the request to him. The Chair urged members to submit any requests for data through Susan Cavanagh so that the request and any results can be shared with all of the members.

Professor Kubiak shared that that the state is putting together a data warehouse, but the information will not include jail data. She noted that a pilot is being conducted in Kent and Oakland counties.

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

VIII. Adjournment

There was no further business. The Chair adjourned the meeting at 11:09 a.m.

(Minutes approved at the August 5, 2015 CJPC meeting.)