

# final minutes

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## **Criminal Justice Policy Commission Meeting**

9:00 a.m. • Wednesday, August 3, 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 (via teleconference)  
D. J. Hilson  
Kyle Kaminski  
Sheryl Kubiak  
Barbara Levine  
Laura Moody  
Jennifer Strange  
Judge Paul Stutesman  
Andrew Verheek  
Judge Raymond Voet

### **Members Excused:**

Senator Bert Johnson  
Sarah Lightner  
Sheriff Lawrence Stelma  
Representative Michael Webber

### **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 July 6, 2016 CJPC Meeting Minutes**

The Chair asked for a motion to approve the July 6, 2016 Criminal Justice Policy Commission meeting minutes.

**Commissioner Moody moved, supported by Commissioner Verheek, that the minutes of the July 6, 2016 Criminal Justice Policy Commission meeting as proposed be approved. There was no objection. The motion was approved by unanimous consent.**

### **III. CJPC Staffing Needs**

The Chair shared that members of the data subcommittee met with Senator Colbeck after the last meeting and came up with a proposed staffing plan that includes hiring a Commission Data Administrator. He added that the Legislative Service Bureau prepared a position description (see attachment), proposed a timeline for the hiring process, and suggested that the interview team consist of Chair Caswell, a representative from the Senate Majority Leader's office, a representative of the Speaker's office, Interim Legislative Council Administrator John Bollman, and the LSB Human Resources Director Marcia Cornell. The Chair asked for a motion to approve the proposed job description.

**Commissioner Hilson moved, supported by Commissioner Kaminski, to approve the proposed Commission Data Administrator position description. There was no further discussion. The motion prevailed by unanimous consent.**

### **Yeas—13**

**Senator Caswell  
Commissioner Buchanan  
Senator Colbeck  
Representative Guerra  
Commissioner Hilson  
Commissioner Kaminski  
Commissioner Kubiak**

**Commissioner Levine  
Commissioner Moody  
Commissioner Strange  
Judge Stutesman  
Commissioner Verheek  
Judge Voet**

### **Nays—0**

### **IV. Discussion of the MI-VINE System**

Commissioner Kubiak introduced Director James McCurtis and Program Specialist Beth Adcock of the Michigan Crime Victim Services Commission and Jonathon Waunch of Appriss, Inc. They provided information on the MI-VINE program and how their Commission uses this system to collect escape, release, and transfer information from Michigan jails and prisons. Mr. McCurtis began with an overview of the Michigan Crime Victim Services Commission, and Ms. Adcock provided information on how they use the MI-VINE system to notify registered victims of any status change of an offender. Chair Caswell asked questions about their ability to track restitution to victims and if a list of what can be reimbursed is specified in statute. Mr. McCurtis responded that their Commission does not have the resources to track

restitution and the list of reimbursable items is specified in statute. A discussion followed. Mr. Waunch then presented detailed information on the type of data elements their system is capable of collecting and responded to questions from the Commissioners regarding data uniformity and access to the data they currently collect for other State agencies. Mr. Waunch will send the Commission the federal Justice Data Initiative study they worked on and a list of the data elements they currently extract and how these elements are populated across the counties. He also explained that for court data, Appriss uses data from the adult case tracking system provided by the Prosecuting Attorneys Association. Judge Stutesman asked about Appriss' accuracy and quality control of the data. Senator Colbeck suggested it might be useful for the data subcommittee to map out and prepare a running system diagram that shows the relationship between the different systems so we can have a better sense of the big picture and start to identify where there are gaps. Commissioner Kubiak offered that the subcommittee can update the chart that they used before and noted that one of the primary roles the new data administrator will be tasked with is to continue to identify the areas where integration is needed.

The Chair asked the Data Subcommittee to prepare a recommendation regarding the collection of data and reporting requirements for the Commission to consider at the next meeting.

#### **V. Chair Comments Regarding Court Data Information**

The Chair shared that it has come to his attention that the Legislature passed a bill about 15 years ago that imposes a fee on every individual who comes into court. The money collected originally went into a technology improvement fund and went back to the counties to help them keep up with technology. A few years ago, SCAO captured these funds to implement a statewide MI-Court system, but the Chair has heard that SCAO's effort to build this system may be suspended or on hold. The Chair commented that these funds may provide a potential source to fund any mandate the Commission may determine is needed with regard to the collection of data from the jails, and he asked members to keep this in mind.

The Committee recessed at 10:17 a.m. and reconvened at 10:27 a.m.

#### **VI. Update on 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 asked Commissioner Hilson to provide an update regarding the subcommittee's efforts on this issue since the last meeting. Commissioner Hilson noted that the subcommittee had a very good discussion and that Representative Webber will spearhead the effort to map out potential policy language that would be included if Michigan raises the age to 17. The subcommittee will then use those recommended policy suggestions as they look into finding an objective, agenda-neutral organization or agency to conduct the cost benefit analysis of redirecting 17-year-olds from adult court and correctional systems into family court and juvenile justice systems. Representative Webber has been asked to have this language by the September CJPC meeting. The Chair added that it was clear that the subcommittee did not want to hire an organization that is pre-committed to be for or against the 17-year-olds issue. Michigan State University and the University of Michigan were talked about as potential organizations that could conduct the study. The Chair shared that he reached out to the Robina Institute for suggestions, and they came back with the Pew Research Institute. He added that the new data administrator will need to be on board before the Commission hires the entity to conduct the financial analysis.

#### **VII. Data Subcommittee Update**

Commissioner Kubiak clarified that, in addition to the 17-year-olds study, the new data administrator will provide oversight of a pilot study on recidivism that will also be contracted out.

#### **VIII. Mental Health Subcommittee Update**

Commissioner Strange reported that the subcommittee is reviewing the document on the diversion council pilot program. They are also reaching out and having a dialogue with some local county jails and mental health services providers. The subcommittee will arrange for some of the local representatives to come in and talk about their experiences at the September CJPC meeting. Commissioner Levine suggested that someone from Wayne County be included in the presentation. She also shared that the subcommittee learned of an issue over the substance abuse treatment providers' reimbursement rate, which has not been increased since the 1980s. A discussion followed. Commissioner Kaminski noted that this issue was brought up during this year's appropriation process and believes it will be revisited in the FY 2018 budget discussions.

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

The Chair opened a discussion of suggestion #18 from the Criminal History Enhancement Sourcebook Worksheet.

Commissioner Hilson proposed the following language:

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 guidelines should continue to provide for increased consequences for habitual offenders who commit additional crimes.

He recommended striking the last sentence of the original proposal, as he does not think we should try to do a cost benefit analysis on the structure of the sentencing guidelines, and recommends adding:

The Commission further recommends that additional costs or cost-savings as the result of any sentencing guidelines change to the local/state system should play a part in this analysis; however, that cost benefit analysis should not be the driving factor to any policy change related to the sentencing guidelines.

A discussion followed. Commissioner Levine noted that the issue is not double-counting, but whether prior records are considered. The statement talks about measuring the predictive outcome using prior record variables, so she is good with the last sentence. Commissioner Kubiak also asked members to remember that a cost benefit analysis isn't always about money, as there are social costs involved.

**Commissioner Levine moved, supported by Commissioner Kubiak, to approve the originally proposed statement as follows:**

**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.**

The discussion continued.

**Commissioner Hilson moved, supported by Senator Colbeck, to amend the last sentence of the original statement by deleting "or" after the word "costs" and inserting "and." There was no further discussion of the amendment. The motion prevailed by unanimous consent.**

<b>Yeas—11</b>	<b>Senator Caswell Commissioner Buchanan Senator Colbeck Representative Guerra Commissioner Hilson Commissioner Kubiak</b>	<b>Commissioner Levine Commissioner Strange Judge Stutesman Commissioner Verheek Judge Voet</b>
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**Nays—0**

**Commissioner Levine moved, supported by Commissioner Kubiak, to approve the originally proposed statement as amended to read as follows:**

**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 and other negative consequences of the sentence enhancements associated with that component.**

**There was no further discussion. The motion prevailed by unanimous consent.**

<b>Yeas—11</b>	<b>Senator Caswell Commissioner Buchanan Senator Colbeck Representative Guerra Commissioner Hilson Commissioner Kubiak</b>	<b>Commissioner Levine Commissioner Strange Judge Stutesman Commissioner Verheek Judge Voet</b>
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**Nays—0**

**X. Commissioner Comments**

The Chair asked if there were any other comments from the Commissioners. There were none. The Chair asked members to give some serious thought to the idea of whether the Commission wants to weigh in on the discussions to privatize mental health services, move them entirely to HMOs, keep them in the CMHs, or adopt some variation thereof. He would like feedback at the next meeting.

**XI. Public Comments**

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

**XII. Next CJPC Meeting Date**

The next CJPC meeting is scheduled for **Wednesday, September 7, 2016, at 9:00 a.m. in the Senate Appropriations Room, 3<sup>rd</sup> Floor of the State Capitol Building.**

**XIII. Adjournment**

There was no further business. The Chair adjourned the meeting at 11:45 a.m.

*(Minutes approved at the September 7, 2016 CJPC meeting.)*

## **CJ Policy Commission – Proposed Needs and Staff Considerations**

Recognizing that the CJ Policy Commission has multiple mandates dictated by legislators, we believe there are several tasks that hired personnel can engage in.

Below we outline recommendations:

### **Decisions: Focus on 2 scopes of work:**

#### **CJ Data Administrator (paid staff position)**

#### **CJ Pilot Study on Recidivism (university contracted study)**

### **CJ Data Administrator**

#### **1. Role/Responsibilities**

- a. Provides specific assistance to CJPC on Data/Analysis with emphasis on specific projects (below)
- b. Analysis of Sentencing Data. The plethora of data available for felony offenders within the MDOC data system, coupled with the questions dictated by legislature, require ongoing analysis of data related to the success of sentencing guidelines in Michigan – as well as the modeling of data that might suggest modifications to the guidelines. During this first year we suggest:
  - i. Subcommittee involvement to direct specific and ongoing questions related to “Effectiveness of sentencing guidelines” (as mandated).
  - ii. Facilitation /attainment of data collection from MDOC
    1. Research questions to determine years for analysis, variables desired – or receive a complete ‘download’?
  - iii. Ongoing analysis based upon questions posed
  - iv. Information to CJPC routinely
  - v. Generation of new questions
- c. Integration of Data across Systems. With an understanding that integration of data systems across criminal/legal sectors will enhance ongoing assessment of recidivism as defined by the CJ Policy Commission, involvement of CJ Policy Staff in moving this process forward is a long term goal. While we do not anticipate that integration involving state, county and local level data will occur within the next year, we do believe that understanding the various system (i.e. barriers/facilitators of integration) are important, as is ongoing dialogue with relevant groups (MDOC; SCAO/JDW; Sheriff Association; VINE, etc.).
- d. Oversite of studies contracted by CJPC (i.e. recidivism study)
- e. Possible supervision of supplemental staff (hired as required)

## 2. Job Description (\$162K-\$180K)

- 10 yrs Database Management Experience
- Data Analysis Skills
- Social Science Research Experience
- Project Management Experience
- Strong Oral and Written Communication Skills
- Advanced Degree Preferred
- Knowledge of criminal justice systems/data preferred

## CJ Pilot Study on Recidivism (university contracted study)

- 1) Pilot Study of Recidivism: Assessing multiple types of recidivism (i.e., jail, prison, probation) for individuals sentenced into one of the straddle cells offense grids– comparing those sentenced to prison vs those sentenced to community sanctions.

**Research Question:** How does recidivism among those convicted of similar offenses differ between those sentenced to prison and those sentenced to community sanctions? What underlying factors predict risk of recidivism in both groups?

- a. Sample selection: Selecting a diverse and large enough sample of individuals sentenced in a straddle cell offense categories to accommodate variation in;
  - i. County size
  - ii. Similar OV/PRV designations
  - iii. Similar offense
- b. Data Collection will consist of information gathered from multiple data sets, requested through the use of individual identifiers found in the information gleaned from MDOC:
  - i. MDOC – individual and case level identifiers
  - ii. MSP – matching time period and identifiers to obtain new arrests, jail incarceration
  - iii. Judicial Data Warehouse – matching on individual identifiers to find if there were other court related activities.
  - iv. Jail – county jail data on admission/discharge dates for a specific period of time. Will involve either ‘hand’ collection or providing jail with individual names (found through a combination of MSP and MDOC data)
  - v. OMNI – data on probation/parole violations for individual; information on technical violations.
  - vi. Community Corrections – explore community corrections databases to determine if program involvement can be ascertained (i.e. substance abuse treatment).
- c. Data Cleaning – assure that data anomalies are corrected, code books obtained, variables defined in each data set, creation of relational variables, etc..
- d. Data Integration – integration of the multiple data sets linked by unique identifiers. De-identify data.
- e. Data Analysis. Initial analysis will include descriptive data that will be allow CJPC members to visually view progress

- f. Consultation with CJ Policy Commission – ongoing meeting with CJPC on progress/issues/initial analysis, etc. Draft report
- g. Report Writing – complete draft report; CJPC to review. Final report to be shared with legislators.
- h. Staffing/Funding:
  - i. To hire all of the personnel required for this project as staff may not be cost effective. However, management of the study will be required. It is feasible that a part-time project manager can be hired with CJPC funds and it may be more cost efficient to contract out for the project with a research institution. Estimated cost for contracted project \$150,000 (not included management).

**D R A F T**  
**LEGISLATIVE COUNCIL**  
**CRIMINAL JUSTICE POLICY COMMISSION**  
**POSITION DESCRIPTION**  
(THIS POSITION DESCRIPTION DOES NOT CONSTITUTE A CONTRACT.)

**POSITION:** Commission Data Administrator

**SALARY SCHEDULE RANGE:** K

**STATUS:** Full-time

**GENERAL DESCRIPTION OF POSITION:**

The Criminal Justice Policy Commission (CJPC) was created in the Legislative Council by Public Act 465 of 2014. The Commission is charged to do all of the following: collect, prepare, analyze, and disseminate information regarding state and local sentencing and proposed release policies and practices for felonies. The CJPC must also assess the use of prisons and jails, collect and analyze information concerning how misdemeanor sentences, and the detention of defendants pending trial, affect local jails.

In cooperation with the Department of Corrections (MDOC), the employee in this position will collect, analyze, and compile data and make projections regarding the populations and capacities of state and local correctional facilities, the impact of the sentencing guidelines and other laws, rules, and policies on those populations and capacities, and the effectiveness of efforts to reduce recidivism.

This position reports to the Legislative Council Administrator.

**EXAMPLES OF WORK:**

- Works closely with the CJPC's data subcommittee to determine data mining that must be performed in order to answer Commission questions.
- Works with Legislative Council Administrator on all personnel matters and fiscal year budget preparation.
- Receives and responds, orally or in writing, to inquiries from CJPC members, legislators, legislative staff, members of the judiciary, representatives of the executive branch, and others interested in the work of the CJPC.
- Aids in the preparation and delivery of presentations to legislators, legislative staff, judges, appropriate executive agencies, and others interested in the work of the CJPC.
- Provides technical expertise to the CJPC by collecting and analyzing data. Must analyze information gathered from a plethora of data sources to determine such things as the effectiveness of sentencing guidelines and other laws, rules, and policies on those populations and capacities, and the effectiveness of efforts to reduce recidivism.

- Performs other duties as assigned.

**KNOWLEDGE, SKILLS AND ABILITIES THE EMPLOYEE SHALL EXHIBIT IN THE POSITION:**

- Thorough knowledge of fundamental methods of data collection, data analysis, and data reporting.
- Ability to present ideas clearly and effectively, including the ability to write clearly, concisely, and in an organized manner.
- Ability to evaluate and research design, sampling, design of data collection instruments along with data collection strategies, statistical analysis and execution for assigned projects, and follow through with established timelines.
- Ability to facilitate the collection of new data and the refinement of existing data sources to enable consistent elevation of analysis quality.
- Ability to visualize results of analyses in the form of graphs, charts, tables, and scorecards.
- Ability to interpret data and communicate complex findings to CJPC members, legislators, legislative staff, members of the judiciary, representatives of the executive branch, and others interested in the work of the CJPC.
- Effective oral communications skills.
- Ability to quickly assimilate oral and written data, analyze facts, and draw logical conclusions.
- Ability to work cooperatively with, and balance the demands of, CJPC members, the Legislative Council Administrator, other employees, legislators, legislative staff and others.
- Ability to maintain favorable public relations.
- Knowledge of the legislative process.

**MINIMUM QUALIFICATIONS FOR THE POSITION:**

- Master's Degree in related field (i.e. criminal justice, social science, political science); or an equivalent combination of education and experience.
- Database management experience required. Social science research experience preferred.
- Familiarity with sentencing law and sentencing guidelines. Significant exposure to statistical analysis and automated systems is required.
- Advanced knowledge of statistical software used to analyze data and prepare reports required.

Commission Data Administrator  
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- Five years of progressively more expansive experience, including project management, previous supervisory and governmental or legislative experience preferred.

**NECESSARY SPECIAL REQUIREMENTS:**

- Must be willing and able to work overtime as required.

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Legislative Council Administrator

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Date

*Revised July 27, 2016*