

final minutes

Criminal Justice Policy Commission Meeting

9:00 a.m. • Wednesday, December 5, 2018

Harry T. Gast Appropriations Room • 3rd Floor State Capitol Building
100 N. Capitol Avenue • Lansing, MI

Members Present:

Senator Bruce Caswell, Chair
Senator Patrick Colbeck
Representative Vanessa Guerra
D.J. Hilson
Kyle Kaminski
Sheryl Kubiak (via teleconference)
Barbara Levine
Sarah Lightner
Laura Moody
Jennifer Strange
Judge Paul Stutesman
Andrew Verheek
Judge Raymond Voet

Members Excused:

Representative Jim Runestad
Sheriff Lawrence Stelma

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.

Chair Caswell announced that the Governor has reappointed Judge Stutesman, Commissioner Kubiak, and Commissioner Strange to the Commission. He noted that Commissioner Lightner was not reappointed as the Michigan Association of Counties representative due to her election to the House of Representatives and that the Governor will need to make that appointment as well as an appointment of the defense attorney representative.

He then asked Representative Guerra for an update on Senate Bill 844 which extends the sunset date of the Commission. Representative Guerra reported the bill was reported out of the House Committee and she expects the bill to pass the House and the Senate.

The Chair also announced that the Commission will not meet on January 2nd and will next meet on the first Wednesday in February. He asked the data subcommittee to continue to meet in December and in January depending on how far they get with the various crime groups.

The Chair reiterated that members will continue to serve until the Governor makes the reappointments needed or new members are appointed.

II. Approval of November 7, 2018 CJPC Meeting Minutes

The Chair asked members if there were any additions or corrections to the proposed November 7, 2018 CJPC meeting minutes. There were none. **Commissioner Lightner moved, supported by Commissioner Strange, to approve the minutes of the November 7, 2018 Criminal Justice Policy Commission meeting as proposed. There was no further discussion. The minutes were approved by unanimous consent.**

III. Data Subcommittee Update

a. Straddle Cell Sentencing Report – Final Draft

The Chair called on Grady Bridges to present the proposed final report (see attached). Mr. Bridges highlighted the main changes made to the draft presented at the last meeting. He noted that the majority of changes from the previous draft were made on pages 17 and 18 to the section of the report that details the prevalence of problem-solving courts. A new paragraph was added on page 18, following Figure 4, to address Commissioners' comments and reiterate caveats for this analysis.

b. Straddle Cell Sentencing Report – Draft Cover Letter

Mr. Bridges then presented a proposed cover letter. Commissioner Levine was surprised the cover letter was not more specific to peak interest. Senator Colbeck agreed. Commissioner Kubiak inquired if there would be any type of press release to announce the report. The Chair responded that there would not be a press release from the Commission. A discussion of the Commission's next steps or actions in terms of helping people understand the implications of the report for policy or legislative changes followed. The Chair explained that he understood that this report is a first step in a systematic review of straddle cells in Michigan and that the Commission will continue an analysis of other felony classes to reach a point where recommendations and conclusions can be drawn.

After further discussion, Commissioner Levine proposed the following language be added to the cover letter as the last sentence of the first paragraph:

The Commission examined 4,823 class D felony convictions in which the guidelines support either a prison or local sentence. Preliminary findings suggest disparities exist based on multiple factors. While it would be premature to make policy recommendations based on these findings, this report represents the first step in a systematic review of the sentencing guidelines.

The Chair laid before the Commission the proposed cover letter as amended.

Commissioner Hilson moved, supported by Commissioner Lighter, to approve the cover letter as proposed. There was no further discussion.

The motion prevailed with a vote of 12-0-0.

FAVORABLE ROLL CALL:

YEAS: Commissioners Caswell, Colbeck, Guerra, Hilson, Kubiak, Levine, Lightner, Moody, Strange, Stutesman, Verheek, Voet.

NAYS: None.

PASS: None.

The Chair laid before the Commission the proposed final report.

Judge Stutesman moved, supported by Commissioner Hilson, to accept the final report as presented. There was no further discussion.

The motion prevailed with a vote of 12-0-0.

FAVORABLE ROLL CALL:

YEAS: Commissioners Caswell, Colbeck, Guerra, Hilson, Kubiak, Levine, Lightner, Moody, Strange, Stutesman, Verheek, Voet.

NAYS: None.

PASS: None.

Commissioner Kaminski arrived at 10:00 a.m.

c. Preliminary Data for Additional Grid

The Chair called on Mr. Bridges for an explanation of the preliminary information and background data he prepared for the next grid the Commission will analyze—the Class E grid (see attached handout for more details). Judge Stutesman had questions about the underlying offenses and double counting cases found in Table 6 of the handout. He also had questions about the domestic assault with prior convictions cases. Mr. Bridges provided information to clarify the issues raised by Judge Stutesman. A correction to the table heading will be made to reference the table covers Class E felonies. Commissioner Verheek asked if the cells that are highlighted in Figures 1 and 2, but not included in the observations should be highlighted and Judge Stutesman suggested it might be preferable to use a different type of highlight to note those cells. A variety of other questions were raised and answered as Mr. Bridges proceeded with a page by page explanation of the preliminary report.

IV. Public Comments

The Chair asked if there were any public comments. Bruce Timmons, representing himself, submitted a testimony card and wished to speak. He offered comments about sentencing discretion and commended the Chair and the Commissioners on their work. There were no other public comments.

V. Commissioner Comments

The Chair asked if there were any Commissioner comments. Commissioner Lightner noted this will be her last meeting and she expressed her appreciation of working on the Commission. Chair Caswell mentioned his return to the Commission is dependent on the new Governor and he has enjoyed working with everyone. Judge Stutesman commended the Chair for his leadership of the Commission. Commissioner Kubiak also thanked the Chair and commented that she looks forward to her return on the Commission in the new year.

VI. Next CJPC Meeting Date

The next CJPC meeting is scheduled for **Wednesday, February 6, 2018, at 9:00 a.m.** The meeting location will be announced at a later date.

VII. Adjournment

There being no further business before the Commission and seeing no objection, the Chair adjourned the meeting, the time being 11:05 a.m.

(These minutes were approved at the February 6, 2019 CJPC meeting.)