

# final minutes

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## **Criminal Justice Policy Commission Meeting**

9:00 a.m. • Wednesday, June 1, 2016

Senate Appropriations Room • 3<sup>rd</sup> 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  
Barbara Levine  
Sarah Lightner  
Laura Moody  
Sheriff Lawrence Stelma  
Jennifer Strange  
Judge Paul Stutesman  
Andrew Verheek  
Judge Raymond Voet

### **Members Excused:**

Stacia Buchanan  
Senator Bert Johnson  
Representative Michael Webber

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

The Chair called the meeting to order at 9:02 a.m. and asked the clerk to take the roll. A quorum was present and absent members were excused.

### **II. Approval of the May 4, 2016 CJPC Meeting Minutes**

The Chair asked for a motion to approve the May 4, 2016 Criminal Justice Policy Commission meeting minutes.

**Commissioner Lightner moved, supported by Commissioner Hilson, that the minutes of the May 4, 2016 Criminal Justice Policy Commission meeting as proposed be approved. There was no objection. The motion was approved by unanimous consent.**

### **III. Representative Kurt Heise**

The Chair granted Representative Kurt Heise permission to speak before the Commission. Representative Heise shared that he is the Chair of the House Criminal Justice Committee and provided information on some of the bills his committee has been reviewing. He noted that the work of the Commission is taken very seriously and he encouraged the Commission to keep up the good work.

The Chair then proceeded to recap what transpired as a result of the Senate Committee activities on the bills dealing with the definition of recidivism. He also thanked the CJPC members for responding so quickly to his request for input which he shared with the Senate Committee.

### **IV. Data Subcommittee Update**

The Chair called on Commissioner Kubiak to introduce Sheriff Terrence L. Jungel, Executive Director and CEO of the Michigan Sheriffs' Association. Sheriff Jungel shared his experience and efforts to integrate jail data across the state. A period of question and answer followed. A copy of his written testimony is attached to these minutes. The Chair raised the question of whether the collection of specific data would require a change in the law or could be done through the administrative rules process. After some discussion, the Chair noted that he will contact legal staff in the Governor's office to research this question. A discussion of various data collection software programs and services such as MI-VINE and the Justice Exchange followed.

Representative Guerra arrived at 10:45 a.m.

There was then a discussion of whether counties are provided with the evidence-based prevention programs that work and the possibility of conducting a survey of the top issues counties face and the programs currently being used. Commissioner Kubiak shared that all of the counties have had the opportunity to apply for funding through the Diversion Council that outline one of four evidence-based practice including assisted outpatient therapy, crisis intervention training, jail based services. Information on these practices will be obtained for Commission members. Comments on keeping the

Commission's involvement at a more broad-based level followed. The Chair indicated that he has been invited to attend the June 14 Diversion Council meeting and will draft and send out for input a statement from the Commission.

Commissioner Kubiak continued with a data subcommittee update and called on Commissioner Verheek who provided demographic information for individuals in the Crime Class E Grid – PR Variable Level D and OV Level I Cell (see handout attached to these minutes.) Commissioner Kubiak explained that the purpose of presenting this data is to illustrate there is a choice being made in this particular straddle cell and urged a discussion of that result. She added the data subcommittee has engaged in activities to analyze and evaluate the implementation of the sentencing guidelines per the CJPC statute, but does not draw any conclusions with the data. A discussion of the data presented for this straddle cell and the value of analyzing this type of data for setting policy followed.

Afterward, Commissioner Kubiak asked for direction from the Commission as to where to go next. Commissioner Levine inquired as to what type of information can be requested and is it going to be provided by MDOC. Commissioner Kaminski responded that the department has always assumed they would have some responsibility in supporting the work of the Commission, but the Commission will have to be clear about what they are asking for and realistic in the timelines for acquiring information from the department. A discussion of what other variables and grids the Commission would like the subcommittee to look at followed. Sheriff Stelma shared what he perceived the role of the subcommittee to be and expressed it is up to the Commission to put a mechanism in place to gather and analyze the data. Judge Stutesman noted that the DOC had just updated the 2014 statistics and he would like to see a break down statewide straddled by grid. Commissioner Levine would like to see the following variables added: age, county, judge identity, habitual, prior record, offense variable points including OV score and PRV score, employment, education level, defense counsel/public defender.

Commissioner Hilson urged members to keep in mind that there are pressures from dockets and other outside factors that may contribute to the length of sentences and how cases are handled.

Commissioner Hilson also raised the issue of plea bargain policies. A discussion followed.

Chairman Caswell inquired about the \$75 income data field. Commissioner Kaminski explained that the data is self-reported and may not be the most reliable. He will go back to the department to see if they can pull the data with a more reasonable threshold. Race and ethnicity data was also discussed and the Chair inquired if the numbers are broken down by dual eligible—a person with mental health issues and is a substance abuser.

The Chair asked members to give further thought of additional data they would like to see collected and send it to Susan by Friday.

Finally, Commissioner Kubiak mentioned that she hopes the Commission will drive and control how to utilize the resources being allocated for data analytical purposes. Commissioner Levine inquired if any victim information and relationship to victim data is available. Commissioner Kaminski did not believe so, but will check. Commissioner Stelma offered that it is available in the criminal report, but may not be in a form that can be aggregated for Commission purposes.

#### **V. Mental Health Subcommittee Update**

With regard to last month's conversation on the mental health subcommittee's plans, Commissioner Strange raised the possibility of starting a conversation with the Diversion Council to avoid duplicating efforts. The Chair offered that while it is important to communicate ideas to Diversion Council, it is important that the subcommittee not feel constrained to go in their own direction and come up with their own ideas. Commissioner Lightner shared that the subcommittee is working on having representatives from community mental health and MPCS come in and speak to the Commission on what they do.

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

The Chair pointed out that hard copies of the Profiles in Probation Revocation publication from the Robina Institute have been distributed and asked members to take a look at this booklet. He then read suggestion #18 from the Criminal History Enhancement Sourcebook Worksheet and noted it would help guide the discussion on this suggestion to have the data subcommittee collect data on individuals and whether or not they recidivate down the road. Commissioner Kubiak noted that would be an extensive analytical process.

#### **VII. Commissioner Comments**

The Chair asked if there were any other comments. Representative Guerra apologized for being late and Commissioner Lightner shared that she will not be at the next meeting, but wished everyone a happy 4<sup>th</sup> of July. There were no other comments.

**VIII. Public Comments**

The Chair asked if there were any public comments. Mr. Jim Casha, of Ontario, Canada, testified and submitted written testimony which is attached to these minutes.

**IX. Next CJPC Meeting Date**

The next CJPC meeting is scheduled for **Wednesday, July 6, 2016, at 9:00 a.m. in the Senate Appropriations Room, 3<sup>rd</sup> Floor of the State Capitol Building.**

**X. Adjournment**

There was no further business. The Chair adjourned the meeting at 11:56 a.m.

*(Minutes approved at the July 6, 2016 CJPC meeting.)*

**TESTIMONY FROM TERRENCE L. JUNGEL, MICHIGAN SHERIFFS' ASSOCIATION**  
**CJPC MEETING – JUNE 1, 2016:**

Mr. Chairman & Distinguished Commission Members:

I am Terrence Jungel, Executive Director and CEO of the Michigan Sheriffs Association, and a former Sheriff.

I have 45 years in law-enforcement and am not unfamiliar with your concerns and mission.

It's my privilege and my honor to be here to assist you in any way I can in meeting that mission and helping you identify the best ways to address the issues confronting our criminal justice system. In 45 years I've seen a lot of change. And I have seen a lot of solutions that turned out to be a problems disguised as a solution.

I have served on various commissions and committees which have also attempted to address the very same problems you're trying to tackle through this commotion. I applaud your efforts and hope I can help in any small way.

I do know that you are concerned about the lack of coordinated jail data being collected and submitted which creates an analytical problem for you. In response to one of your anticipated questions, as near as I can tell out of the 81 county jails there are at least 29 distinct and different jail management and operations system products in Michigan.

I believe nearly all sheriff's offices report data via NIST. which I believe stands for the" national Institute of standardized technology". But that is only basic information such as the biographical information, birth dates, current charge and then the SIDS number and the FBI number. I think we are doing a good job of collecting the data at the front door, it's the back door, or doors, that we need to improve on.

Finding and developing an extract software that would coordinate all of these different programs may be problematic.

And I'm certain I don't have to point out to this commission that there is a much broader scope of information than that which may be obtained from the county jails.

The criminal justice system is a large wheel with many spokes all of which lead to a common hub.

Starting with PREVENTION –APPREHENSION-ADJUDICATION-INCARCERATION OR DIVERSION—REHABILITATION

I believe we are currently being somewhat successful AT LEAST IN PART, with our specialty courts and diversion programs and that is reflected in the reduction of population in our state prisons.

In fact, just yesterday I was notified that the Michigan Department of Corrections will be closing one of its facilities in Traverse City which is known as the Pugsley correctional facility which in and of itself proves there is currently a reduction in prison population.

I know this commission is aware that at one time Michigan Department of Corrections was over 55,500 prisoners and currently is below 42,000 for the first time in over 20 years.

I would caution the commission THAT IT IS POSSIBLE we have a solution in search of a problem that maybe the system is working according to the current reduction in population

Once again ---I'd like to thank the commission for the invitation and I hope I may be of some help!

I am open for questions!

Justice exchange a product of APPRISS who also produces the VINE TECHNOLOGY and collects a plethora of data much of which I'm sure you would be interested in and has an interface with an extract from almost all of the jails

I know we are eating an elephant but I believe it can be done ----all we need is a bigger bottle of A1 sauce

You cannot allow economics to be the engine that drives the train of Public Safety or we are headed for a derailment.

With only 10% of convicted felons currently going to prison I would caution the commission not to be a solution in search of a problem.

Maria Elizabeth Colburn 30 years old was killed April 19 by Kevin Wiley who had an extensive criminal record and was released early on parole. Marie was suffocated and stuffed in her closet to be found by her parents. --Theirs is a life sentence -Their lives have been forever changed!

VICTIMS DESERVE JUSTICE ---Sometimes justice can only be served when the offenders are in jail or prison.

No matter how many commissions we form our committees we form with the best of intentions.

**Demographic Information for Individuals in the Crime Class E Grid – PR Variable Level D and OV Level I Cell.**

This information provides a breakdown of information for all new felony offense (meaning that probation violators have been filtered out) Straddle Cell offenders sentenced in this singular cell during the timeframe encompassing January 2013 through March 2016. Data was obtained from Kent County’s felony disposition system which utilizes sentencing data provided by the Michigan Department of Corrections.

Table 1: Sentencing Dispositions for Straddle Cell Offenders

<b>Disposition</b>	<b>Group 1 (Assaultive)</b>	<b>Group 2 (Non-Assaultive)</b>
Prison	35.1% (n=20)	40.2% (n=45)
Non-Prison	64.9% (n=37)	59.8% (n=67)

Table 2: Group 1 – Comparing Individuals with Prison and Non-Prison Dispositions

<b>Group 1 – Individual Characteristics</b>	<b>Prison</b>	<b>Non-Prison</b>
<b>Sex</b>		
Male	35.7%	64.3%
Female	0.0%	100.0%
<b>Minority</b>	39.6%	60.4%
<b>White</b>	11.1%	88.9%
<b>Habitual</b>	50.0%	50.0%
<b>Non-Habitual</b>	30.2%	69.8%
<b>Substance Abuse</b>		
Yes	37.8%	62.2%
No	30.0%	70.0%
<b>Mental Health</b>		
Yes	20.0%	80.0%
No	40.5%	59.5%
<b>Income</b>		
Less than \$75/month	36.1%	63.9%
Greater than \$75/month	33.3%	66.7%

Table 3: Group 2 – Comparing Individuals with Prison and Non-Prison Dispositions

<b>Group 2 – Individual Characteristics</b>	<b>Prison</b>	<b>Non-Prison</b>
<b>Sex</b>		
Male	45.2%	54.8%
Female	30.8%	69.2%
<b>Minority</b>	35.8%	64.2%
<b>White</b>	44.1%	55.9%
<b>Habitual</b>	53.8%	46.2%
<b>Non-Habitual</b>	38.4%	61.6%
<b>Substance Abuse</b>		
Yes	46.6%	53.4%
No	28.2%	71.8%
<b>Mental Health</b>		
Yes	41.1%	58.9%
No	39.3%	60.7%
<b>Income</b>		
Less than \$75/month	41.7%	58.3%
Greater than \$75/month	37.5%	62.5%

June 1st, 2016

Criminal Justice Policy Commission Meeting

Public Comment: Jim Casha - Reducing the Inmate Population, and Recidivism, by 'SAVING BABIES'

Members of the Commission:

I have one question, but it is not directed to this Commission ...but to a 'Higher' Authority. The question is:

**'Why me, Lord?'**

I have spoken to this Commission several times on the need to address the issue of eliminating ALCOHOL from the diets of our unborn children (Prenatal Alcohol Exposure) as the BEST way to reduce the prison population *and* solve the 'recidivism problem' this Commission seems intent on solving , i.e., if they can ever define it!

I relayed the story of how, at a House Committee meeting on the **Michigan Prisoner Re-entry Program** several years ago, **former MDOC Director Dennis Schrantz's** opening remarks were: "**The best way to reduce the prison population is ...PROPER PRENATAL CARE.**"

**I 'darn' near fell out of my chair!**

Well, a few weeks ago, after your April meeting, during which I pointed out in my public comment (**Saving Babies**) that the last slide of the **presenter Douglas Marlowe's presentation was about ...Producing Drug & Alcohol Free Babies** ...after that, I heard **Commission Member Sen. Patrick Colbeck** present to a Senate Health Policy Committee and he said ...

**"My wife is a pediatrician."** [Sen Patrick Colbeck]

**This time ...I did fall out of my chair!**

Hence the question ...**Why me, Lord?**

There are much more qualified people, with the power to do something, than me, who should be spearheading the discussion, and leading the fight, to **provide proper prenatal care, with an emphasis on eliminating Prenatal Alcohol Exposure (PAE) to all Michigan Moms.**

This, this is the solution to the '**root cause**' of the incarceration and recidivism problem.

**I respectfully request that this Commission direct Senator Patrick Colbeck to enlist the services of his pediatrician wife in championing this cause to the MI Chapter of the American Academy of Pediatricians and for Sen Colbeck to request the funds to do so.**

Also, there was an attempt back in 2006 to establish a **Fetal Alcohol Court in Grand Rapids** ...we need to do this.

[http://blog.mlive.com/grpress/2008/05/district\\_court\\_considers\\_progr.html](http://blog.mlive.com/grpress/2008/05/district_court_considers_progr.html)

Below is my correspondence to Dr. Marlowe following the April meeting ...please read and I request that my comments, the correspondence, and all his attachments be included in the meeting minutes.

Pressing on, with unwavering faith,

Jim Casha  
[540-717-9240](tel:540-717-9240)  
[jim.casha@gmail.com](mailto:jim.casha@gmail.com)



----- Forwarded message -----

From: **Douglas Marlowe** <[dmarlowe@nadcp.org](mailto:dmarlowe@nadcp.org)>  
Date: Fri, Apr 8, 2016 at 11:36 AM  
Subject: RE: Drug & Alcohol Free Babies  
To: Jim Casha <[jim.casha@gmail.com](mailto:jim.casha@gmail.com)>

Mr. Casha,

It was a pleasure meeting you.

Given your knowledge and involvement with this issue, you probably know as much or more about it than I do. Attached are some fact-sheets and articles I recently reviewed for some work I am doing with Drug Courts.

We are focusing mostly on sensitizing Drug Courts to the need to teach pregnant, parenting, and potential child-bearing parents about the dangers of drug and alcohol use by both fathers and mothers before, during, and after pregnancy. Our major goal currently is on prevention.

In addition, we are training Drug Court professionals about signs and symptoms of FASD and similar syndromes so they can develop more effective treatment and supervision plans for participants.

The slide in my talk that you cited at the hearing relates to increasing the proportion of drug- and alcohol-free babies born to Drug Court participants. It is frankly a very blunt and inexact measure of what impacts Drug Courts might be having, if any, in reducing the incidence of FASD and comparable drug-related neonatal syndromes.

I am pleased to say that in calendar year 2014, based on available data from 21 states, at least 670 drug-free babies were born to female Drug Court participants while those women were enrolled in the program. This figure does NOT include drug-free babies born after participants were discharged from Drug Court, fathered by male Drug Court participants, or born in thirty-three states and territories that did not have data to report.

My Best,

Doug

**From:** Jim Casha [mailto:[jim.casha@gmail.com](mailto:jim.casha@gmail.com)]  
**Sent:** Thursday, April 7, 2016 2:28 PM  
**To:** Douglas Marlowe <[dmarlowe@nadcp.org](mailto:dmarlowe@nadcp.org)>  
**Subject:** Drug & Alcohol Free Babies

Dr. Marlowe,

Thanks for coming to MI yesterday to present to the Criminal Justice Commission. I hope the Commission members learned something. I did.

We spoke briefly about prenatal alcohol exposure and it's role in this mess. You said you had some information you could send me. It would be greatly appreciated.

I searched the site *briefly* but couldn't come up with anything.

At a House Committee meeting on the MI Prisoner Re-entry Initiative (MPRI) several years ago (I have been fighting this battle for 10 years), the very FIRST words out of the then MDOC Deputy Director's mouth were: "The best way to reduce the prison population is ...proper prenatal care." I damn near fell out of my chair as that was what I came to tell them ...they didn't listen to either of us.

From my experience with two adopted brothers ...we have to reduce the number of children born with this debilitating disability (FASD) or we are not going to make it.

Perhaps they will listen to you.

Pressing on, with unwavering faith,

Jim Casha

[540-717-9240](tel:540-717-9240)