

final minutes

Criminal Justice Policy Commission Meeting

9:00 a.m. • Wednesday, March 2, 2016

Senate Appropriations Room • 3rd Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

Members Present:

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

Members Excused:

Representative Vanessa Guerra
Senator Bert Johnson

I. Call to Order and Roll Call

The Chair called the meeting to order at 9:05 a.m. and asked the clerk to take the roll. A quorum was present and absent members were excused. Commissioner Lightner arrived at 9:25 a.m. and Commissioner Hilson arrived at 9:56 a.m.

II. Approval of the February 2, 2016 CJPC Meeting Minutes

The Chair asked for a motion to approve the February 3, 2016 Criminal Justice Policy Commission meeting minutes. **Commissioner Verheek moved, supported by Commissioner Moody, that the minutes of the February 3, 2016 Criminal Justice Policy Commission meeting as proposed be approved. There was no objection. The motion was approved by unanimous consent.**

III. Data Subcommittee Update

a. Senator Colbeck-Revised Data Management System Presentation (v 3.0)

The Chair called on Senator Colbeck for an update on the data management system he previously presented. Senator Colbeck explained that he has spent some time discussing the different approaches to use in the upcoming budget process to institute the recommendations discussed regarding the \$500,000 appropriation to the Commission. He noted the funding would essentially be divided into three buckets—ongoing support for a state-based criminal justice data collection and reporting resource, a county-based resource, and a project-based resource that would help with IT and process improvements to fill in some of the gaps in data collection. In his discussions with Senator Proos who chairs the MDOC appropriations subcommittee, the Commission's recommendation to not put Criminal Justice Policy Commission resources under the MDOC budget was discussed. Funding for the state-based data collection resource would be allocated under the legislative services branch in the general government budget as well as the funds for a county-based resource which would be distributed to the county level through grants. A grant to a project-based resource for data and infrastructure improvements would be done in context through a DTMB line item specifically supporting criminal justice policy activities. He hopes to sit down with the chair of the Senate General Government subcommittee in the next several weeks and urged members to let him know if this is not the direction the Commission wishes to pursue. A discussion followed. Senator Colbeck will put together proposed boilerplate language and send it to the Commissioner members for review and feedback.

Senator Colbeck also noted that the data management system presentation was slightly revised. Commissioner Kubiak has some ideas to strengthen the information and will work with Senator Colbeck. The item will be added to the next meeting agenda.

The Chair then asked Commissioner Kubiak for an update from the Data Subcommittee. She reported that the information available on sentencing guidelines presented at the last meeting was the cleanest, most available data, and the most

receptive to some sort of data analysis. Over the next few meetings, the subcommittee would like to spend some time looking at the CSG technical report and use it to determine what we want to know. She asked members to come to the May meeting familiar with the CSG technical report.

IV. Mental Health Subcommittee Update

The Chair called on Commissioner Lightner for an update. She reported that Judge Klaeren from Jackson County and Lynda Zeller and Steven Mayes from the Department of Health and Human Services will be at the April meeting to make a presentation on mental health courts. She has asked that they send their presentations ahead of time so it can be distributed to Commission members before the meeting.

V. Robina Institute Criminal History Enhancements Sourcebook and Worksheet

The Chair commented on another publication released by the Robina Institute of Criminal Law and Criminal Justice entitled, "Profiles in Probation Revocation: Examining the Legal Framework in 21 States." He shared that printed copies of the booklet are out of stock and urged members to go to the Robina Institute's webpage to review the booklet. He noted that the Commission will secure printed copies if and when more are printed.

The Chair then opened a discussion of #3 on the Robina Institute Sourcebook worksheet and each Commissioner was asked to respond to the question and offer comments.

3. Is the primary sentencing objective prevention or punishment or a combination of both? We should make this explicit so that all parties are clear as to the ways prior convictions are counted at sentencing. p. 11 & p. 13 & p. 14

Commissioner Verheek: Combination of both. If he had to pick, he would choose rehabilitation, but one is not mutually exclusive of the other.

Commissioner Moody: Primary duty is to administer justice and protect our communities. To the extent that rehabilitation serves that purpose, the two go hand in hand.

Commissioner Kubiak: Rehabilitation. The goal for public safety is deferred by the experience within and need to include a discussion of risk variables.

Commissioner Buchanan: Rehabilitation, but need to look at risk variables.

Judge Voet: Combination of both and need to separate cases that require punishment. Many judges try to find proportional outcome, but often boils down to whether we are afraid of someone or mad at them.

Representative Webber: Gave a sense of the discussion the House Criminal Justice Policy Committee has been having on this and presumptive parole.

Commissioner Levine: With regard to presumptive parole, the problem has been with the parole board not being consistent. Existing guidelines are an attempt to find a balance between punishment and rehabilitation. The overriding question is proportionality of the offense.

Commissioner Strange: Not mutually exclusive, need a balance between the two.

Commissioner Hilson: Difference in opinions highlights the difficulty of the question presented. We are failing to meet the rehabilitation needs of those who are incarcerated or on probation with the resources available. Need to use evidence-based programming more to determine an individual probationer needs in order to change their mindsets and reduce the jail and prison population.

Commissioner Lightner: A lot of the legislative effort has been focused on being tough on crime and this has put stress on the county level. Emphasis should be on primary prevention, juvenile education, drug education, effective law enforcement, expanded substance abuse programs, adequate funding and use of prevention programs, expanded mental health treatment alternatives to incarceration and improvement in prisoner reentry initiative oversight.

Judge Stutesman: Goal of sentencing guidelines is to be objective and predictable. Value of prior record is used to see if someone has taken advantage of programs offered. There is not enough resources while on probation.

Commissioner Stelma: There is a component of punishment and prevention in every sentence, but no data to show what is effective.

Chairman Caswell announced that he will take the comments made today and put together a statement in terms of this issue. It will be sent to the members for review and feedback.

VI. Commissioner Comments

The Chair asked if members had any additional comments. Commissioner Buchanan expressed her interest in learning more about the DHHS and the courts relationship at next month's meeting. Commissioner Verheek commented that with 30% of probationers going to prison, we need to look into those numbers a little further including who makes up the technical violation population. He added that when talking about the need for rehabilitation, we need to look at

more than rehabilitation for just individuals, but also need to look at rehabilitation in terms of the communities that they return to.

The Chair ended by reading a statement from the Robina Institute Sourcebook regarding the challenge to sentencing guidelines.

VII. Public Comments

Mr. Jim Casha, of Ontario, Canada, testified and submitted written testimony which is attached to these minutes. There were no other public comments.

VIII. Next CJPC Meeting Date

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

IX. Adjournment

There was no further business. The Chair adjourned the meeting at 11:32 a.m.

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

PATRICK COLBECK
STATE SENATOR
DISTRICT 7

Criminal Justice Data Management System

January 8, 2016

v. 3.0

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STATE SENATOR
DISTRICT 7

CJ Policy Commission Mission Statement

The Criminal Justice Policy Commission was established by Public Act 465 of 2014. The Commission shall do all of the following: Collect, prepare, analyze, and disseminate information regarding state and local sentencing and proposed release policies and practices for felonies and the use of prisons and jails, collect and analyze information concerning how misdemeanor sentences and the detention of defendants pending trial affect local jails, conduct ongoing research regarding the effectiveness of the sentencing guidelines, and in cooperation with the Department of Corrections, 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.

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DISTRICT 7

CJ Data Management System Goals

- Define Statement of Work for CJ Research and Data Collection Positions
 - Data Collection Process
 - Define Data Reporting Process
- Define County data requirements
- Define CJ Data System implementation roadmap
- Provide information to stakeholders/public through education/reports

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Data Requirements Scope

CRIMINAL JUSTICE TIMELINE

2,708 probationers recidivate to prison

3,234 parolees recidivate

50% of Michigan prisoners are parole/probation violators

17 yrs old Sentenced by a judge

Earliest Release Date

Return to prison in less than 3 yrs = "Recidivism"

Return to prison in more than 3 yrs

JUVENILE JUSTICE SYSTEM

PROBATION

PRISON

PAROLE

JAIL

5 Years 76% of prisoners are rearrested in two years

Costs to Society \$4.71 billion 1.8 million victims

SOURCE: Senator John Proos 4

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DISTRICT 7

Scope of Work

CJ Data System

State		County		Federal		Local	
Data Collection	Reporting						

In-Scope
Out-of-Scope

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Data Management Framework

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Decisions

Data needs should be driven by the decisions that need to be made

What capacity is needed?

- Probation
- Jail
- Prison
- Parole

What rehabilitation programs are most effective?

- How do we define "Effectiveness"?
- Recidivism rates by offense
- Recidivism rates by program
- Program cost and duration

What punishment is proportional to the crime?

- Is the sentence oriented toward punishment or rehabilitation?
- Is the sentence proportional to the crime?

What sentencing reforms would benefit citizens?

- How do we ensure public safety?
- What sentence duration is necessary to rehabilitate offender?
- What are potential operational impacts of sentencing reforms for all stakeholders in CJ System?
- How would a proposed reform impact public safety?
- What punishment is proportional to the crime?

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Data Sources

State	County	Local	Federal
<ul style="list-style-type: none"> • Judicial Data Warehouse • OMNI • OMS • MDOC • LEIN • MCOLES 	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> • TBD

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Data Management Overview

- Data ≠ Reports

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Key Data Object Classes

- Offender**
 - Crimes
 - Facilities
 - Programs
- Case**
 - Crime
 - Sentence
 - Location
 - Judge
- Program**
 - Duration
 - Cost
 - Recidivism Rate
 - Dropout Rate
- Crime**
 - Sentencing Guidelines
 - Felonies
 - Misdemeanors

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Reports

Capacity

State Prison Capacity County Jail Capacity

Recidivism

Recidivism Effectiveness by Program Recidivism Timeline by Program Recidivism Program-Crime Map Recidivism Program Costs

Sentencing

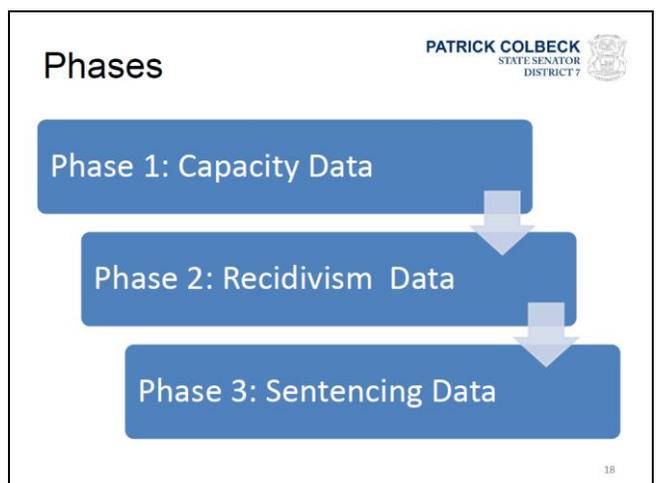
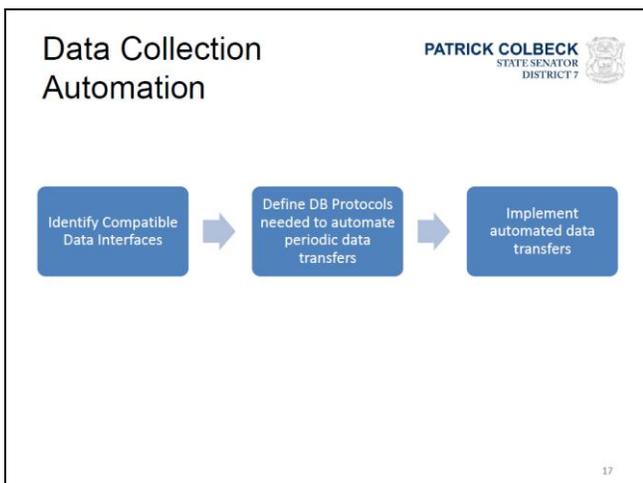
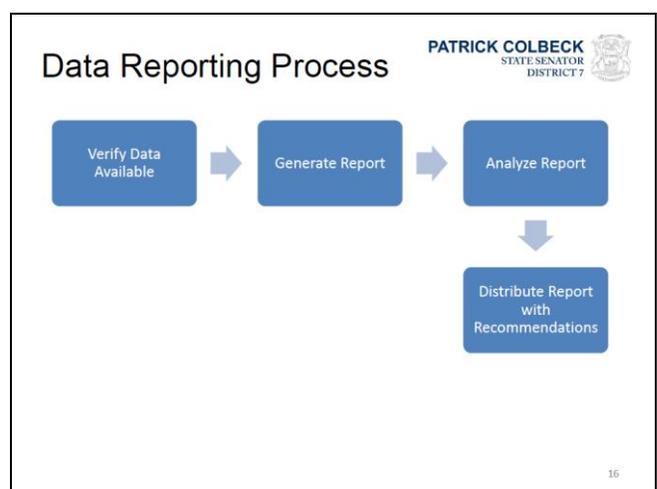
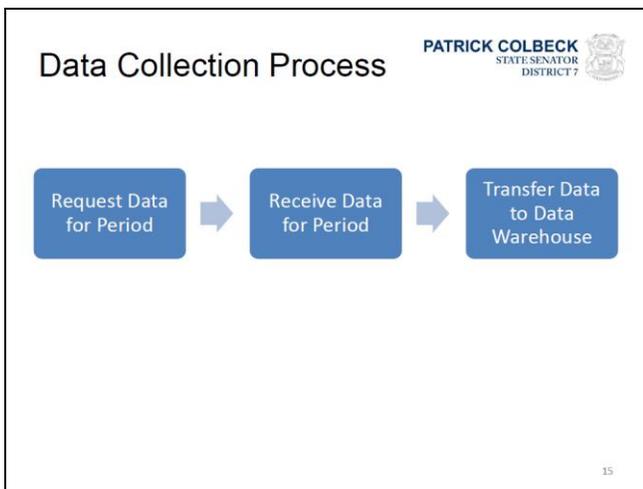
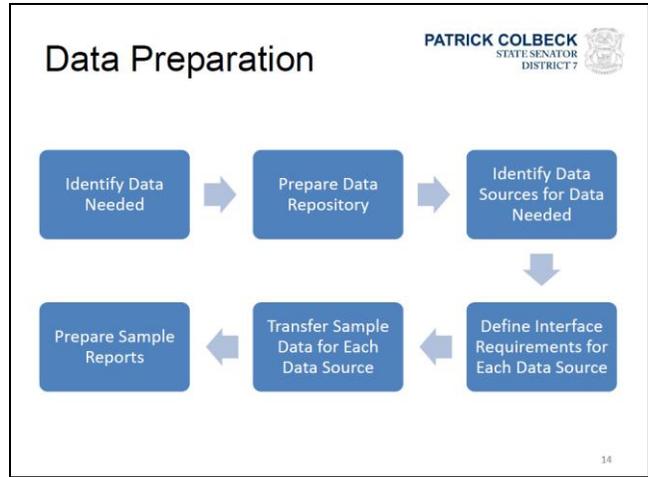
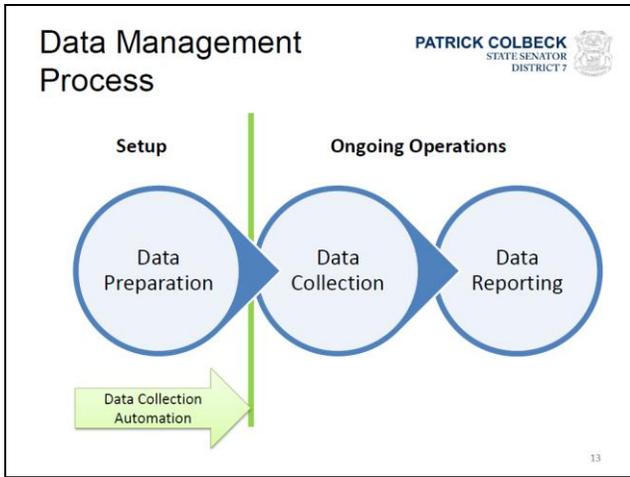
Incarceration Status by Crime Mean Recidivism Time by Crime

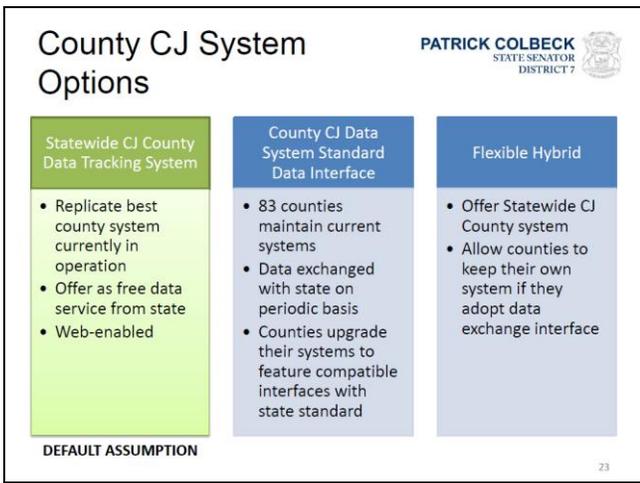
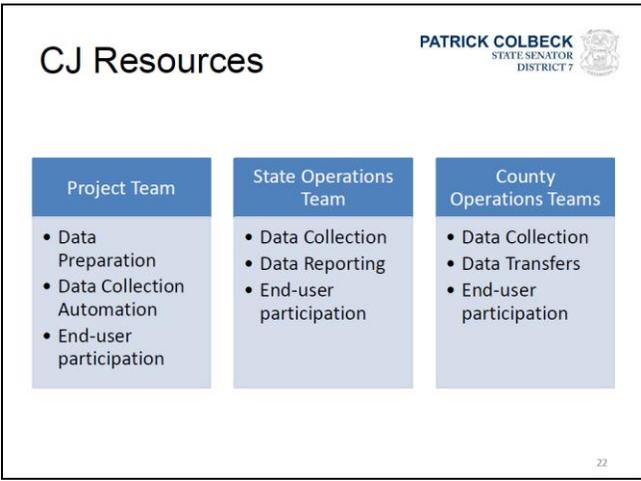
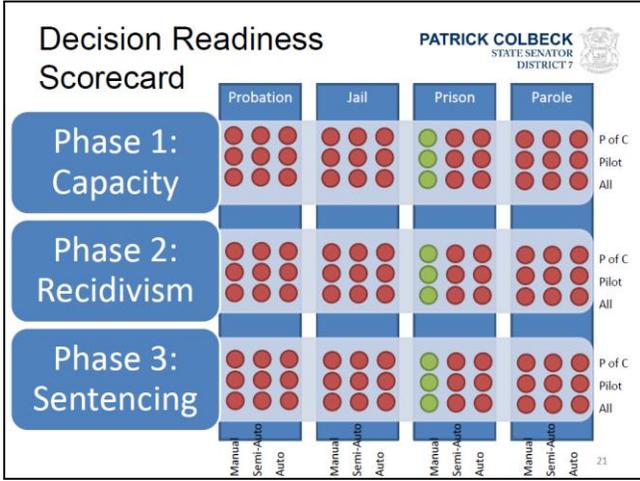
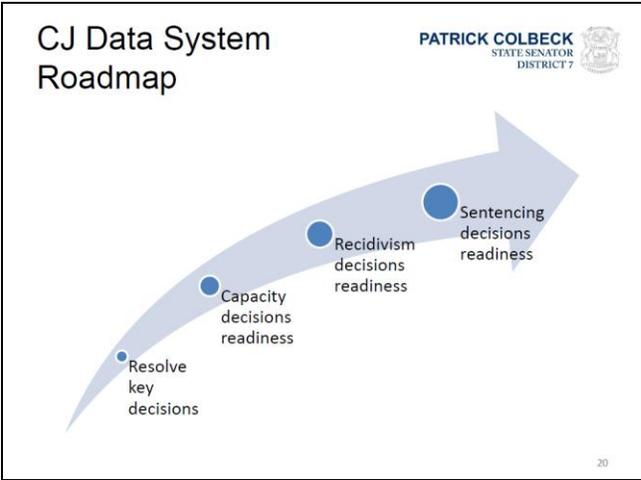
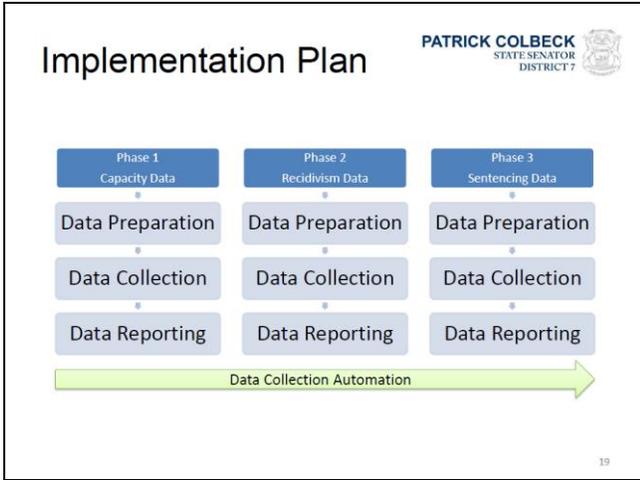
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CJ Data Management Architecture

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Resource Requirements

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Team	Total Cost	Phase 1	Phase 2	Phase 3
CJ IS Project Team	\$ 510,000.00	\$170,000.00	\$170,000.00	\$170,000.00
State CJ IS Operations Team	\$ 488,160.00	\$ 162,720.00	\$ 162,720.00	\$ 162,720.00
County CJ IS Operations Team	\$ 488,160.00	\$ 162,720.00	\$ 162,720.00	\$ 162,720.00
	\$ 1,486,320.00	\$ 494,440.00	\$ 494,440.00	\$ 494,440.00

CJ Commission Decisions Needed

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- Decisions Supported
- Data Needed for Decisions
- Process Model Validation
- Resource Model Validation
- County CJ System Option
 - Data Interface Requirements

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Policy Recommendations

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- Request appropriations to form a CJ IS Project Team
 - 1 FTE for DTMB Project Lead
 - Issue RFP for 3rd Party to Implement Multi-Phase Project
 - Phase 1 Data Preparation
 - Phase 2 Data Preparation
 - Phase 3 Data Preparation
- Request appropriations to form a State CJ IS Operations Team
 - 1 FTE for State CJ IS Operations Lead
- Designate Proof of Concept County for County CJ IS Operations Team
- Request appropriations to form a County CJ IS Operations Team
 - 1 FTE for County CJ IS Operations Lead
- Do not start State CJ IS Operations or County CJ IS Operations until Phase 1 Data Preparation has been completed

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BACKUP

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Recidivism

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State CJ Project Team SOW

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Deliverables	Metrics
<ul style="list-style-type: none"> • State Data Service Bus • Interfaces • Reporting System • County Data Service 	<ul style="list-style-type: none"> • Decision Readiness Scorecard • Project Status • CJ Report Availability <ul style="list-style-type: none"> – Capacity – Recidivism – Sentencing

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State CJ Operations Team SOW

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Deliverables	Metrics
<ul style="list-style-type: none"> • Reports 	<ul style="list-style-type: none"> • Timeliness • Accuracy

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County CJ Operations Teams SOW



Deliverables

- County Data

Metrics

- Timeliness
- Accuracy

Jim Casha
Norwich, ON, Canada
jim.casha@gmail.com
540-717-9240

Commission Members:

Additional information I heard, since I last spoke to you at the February Criminal Justice Policy Commission Meeting, convinces me, more than ever ...that this Commission is a sham.

Something needs to be done, as quickly as possible, to change the course of the discussion of this commission, to a discussion that **will lead to improvements** in the Criminal Justice System, as opposed to 'changes' that benefit special interests groups, that will result in a reduction in the state incarceration rate, especially of those who suffer from mental disabilities (i.e., those suffering with Fetal Alcohol Spectrum Disorders-FASD) and mental illnesses, lead to the humane treatment and care for these individuals, outside the correction system, and develop and fund programs that will effectively deliver the services the mentally disabled (FASD) and mentally ill need to reduce and/or eliminate recidivism. .

The legislation that created this 'commission' (P.A 465-2014) provides a mechanism for the commission to ...'change the course of the discussion'. I suggest you contact Governor Snyder and do so.

What did I 'hear'?

As I stated last month, it *appears* that this commission was set-up by former Representative Joe Haveman, to recommend funding of programs to reduce recidivism ...like programs provided by Joe Haveman's **current employer** ...HOPE NETWORK.

On Monday, during public testimony in front of the House Appropriations Committee on Behavioral Health & Developmental Disabilities, I heard a couple speak on the devastating impacts to their mentally ill son, when the Macomb County Community Living Services (CLS) program that had supported him, successfully, for many, many years, was purchased and eliminated by ...HOPE NETWORK.

The CLS program was cheap and effective, and provided regular contact, observation and timely intervention, if needed, to their son and many others ...others who are now ...on the street. How soon before some of them end up incarcerated?

We need more programs to support community living if we are to reduce recidivism ...not less.

The week before, I heard Linda Zeller, DHHS Sr. Deputy Director, Behavioral Health and Developmental Disabilities Administration give her presentation to the same House Committee. Though not mentioned in the written report, Linda Zeller did bring up the discussion of individuals affected by Prenatal Alcohol Exposure (PAE) and the criminal justice system, as a 'sidebar'.

This should be the main focus of the criminal justice policy discussion ...not a sidebar. It was mentioned last month that Linda Zeller will be presenting to this Commission in April. Perhaps the Commission can request that she, and the State's now 'fulltime' Medical Officer, Dr. Eden Wells, come prepared to discuss, in detail, the link to PAE and the criminal justice system. You can't intelligently talk about one ...and not the other.

Rep Pam Faris questioned Linda Zellar about the 'role of men' in the Prenatal Alcohol Exposure (PAE) as it ...takes two. That night, I was sent this:

Study ties fetal alcohol syndrome to dads alcohol use before conception!

<http://www.examiner.com/article/study-ties-fetal-alcohol-syndrome-to-dad-s-alcohol-use-before-conception>

I don't think that was the 'role' Rep Faris had in mind ...but I'll take it.

What percentage of those incarcerated in our jails or prisons, that **did not** have a mother ...*or father* ... who consumed alcohol prior to conception?

I would think the number is pretty low.

Linda Zellar also commented on those in prison with '*serious* mental health issues'. I asked her, if she thought those incarcerated with a Fetal Alcohol Spectrum Disorder (FASD) can be considered 'those with a *serious* mental health issue'. Linda said it depends on their ability to 'function'. I say ...it's obvious that they are not able to 'function' ...otherwise they wouldn't be there ...many of them numerous times ...even though they appear to be 'high functioning'.

FASD's *are* '*serious* mental health disabilities' even when they appear not to be.

Want to reduce crime, the incarceration rate, and reduce recidivism?

PREVENT women, and men, from drinking before pregnancy and during pregnancy (women only) OR, PREVENT them from getting pregnant when drinking.

"The best way to reduce the prison population is ...proper prenatal care."

former MDOC Deputy Director Dennis Schrantz

Tell the Governor to start this course of action ...immediately.

Pressing on, with unwavering faith,

Jim Casha