

LAW & COURTS COMMITTEE
August 29, 2018
Minutes

Members Present: Hope, Banas, Celentino, Crenshaw, Anthony, and Maiville

Members Absent: Schafer

Others Present: Commissioner Carol Koenig, Prosecutor Carol Siemon, Judge Richard Garcia, Andy Bouck, Andy Daenzer, Scott LeRoy, Rhonda Swayze, Lance Langdon, Mary Sabaj, Lisa McCormick, Steve Kwasnik, Shauna Dunnings, Michelle Montemayor, Harry Moxley, Jeff Weiss, Tim Dolehanty, Teri Morton, Jared Cypher, Jill Bauer, Michael Townsend, Lindsey LaForte and others

The meeting was called to order by Chairperson Crenshaw at 6:00 p.m. in Personnel Conference Room D & E of the Human Services Building, 5303 S. Cedar Street, Lansing, Michigan.

Approval of the August 16, 2018 Minutes

MOVED BY COMM. HOPE, SUPPORTED BY COMM. CELENTINO, TO APPROVE THE MINUTES OF THE AUGUST 16, 2018 LAW AND COURTS COMMITTEE MEETING.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Schafer

Additions to the Agenda

None.

Limited Public Comment

Chris Root, East Lansing resident, stated that she had been recently followed the budget particularly since the millage. She further stated that she was concerned with cash bail and would like to see that system reformed.

Ms. Root stated that she was particularly concerned that it was affecting People of Color at a higher rate. She further stated that she had a couple suggestions for the budget but perhaps this could come from this budget or from allocation of the Justice Complex millage funds.

Ms. Root stated that her first suggestion was to dedicate funding for staff to make reminder phone calls or emails to people who had a court date. She further stated that there was some evidence from Washington, D.C. that reminder phone calls or emails were about as effective as cash bail.

Ms. Root stated that if staff was available to make those reminder contacts, it would be beneficial now and in the future even if there was no cash bail. She further stated that she thought it was important for her suggestions to be beneficial now and in the future.

Ms. Root stated that her second suggestion was to put funding toward data collection. She further stated that there was a need and even though data collection was cost-intensive, it was worth it.

Ms. Root stated that data was needed to understand what was going on in the system and see progress. She further stated that she was not sure if these ideas would be best funded during the regular budget process or during the millage budget process.

<u>1. Budget Hearings</u>	<u>Budget Book Section-Page</u>
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c. Circuit Court – Family Division	5-29
d. Circuit Court – Friend of the Court Division.....	5-89
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f. District Court.....	5-103
g. Ingham County 911 Dispatch Center.....	5-117
h. Office of Homeland Security & Emergency Management.....	5-126
i. Jury Administration	5-136
j. Probate Court	5-140
k. Prosecuting Attorney	5-145
l. Sheriff	5-178
m. Tri-County Metro Narcotics Squad	5-235

Chairperson Crenshaw asked those departments or affiliated entity representatives that were satisfied with their pieces of the Controller’s Recommended Budget to stand and state their name.

The following representatives stated they were satisfied with their piece of the Controller’s Recommended Budget:

<u>Representative</u>	<u>Department or Affiliated Entity</u>
Andy Daenzer	Animal Control
Shauna Dunnings	Circuit Court Adult Probation
Scott LeRoy	Circuit Court Family Division
Harry Moxley	Circuit Court Friend of the Court
Mary Sabaj	Community Corrections
Lance Langdon	Ingham County 9-1-1
Jeff Weiss	Office of Homeland Security & Emergency Management
Rhonda Swayze	Jury Administration
Judge Garcia	Probate Court
Andy Bouck	Sheriff

Chairperson Crenshaw stated that they had not heard from the Circuit Court, District Court, Prosecutor's Office, or the Tri-County Metro Narcotics Squad, so he assumed they would like to further discuss the budget.

Teri Morton, Deputy Controller, stated that she did not see anyone from the District Court or the Tri-County Metro Narcotics Squad, but their budgets were status quo budgets. She further stated that they were made aware of their budget and assumed that they were satisfied.

Andy Bouck, Ingham County Sheriff's Office Undersheriff, stated that he had not spoken with the Tri-County Metro Narcotics Squad but he would have expected them to be at the meeting if they were not in support of the recommended budget.

1. Budget Hearings
 - b. Circuit Court

Judge Richard Garcia, Chief Circuit Court Judge, stated that he was not before the Committee to complain and was pleased with most of the items in the budget. He further stated that security and safety was most important.

Judge Garcia stated that the State had reviewed the Circuit Court prior to him becoming the Chief Judge. He further stated that many of their recommendations for improving the Court and safety had already been implemented but there are a few things left to do.

Judge Garcia stated that the Sheriff's Deputies at the front door of the Veteran's Memorial Courthouse (VMC) which was recommended in the Controller's budget were critical. He further stated that he was appreciative of that change to the budget.

Judge Garcia stated that security at the Mason Courthouse remained a concern. He further stated that with a new Judge being assigned to Mason they were moving to change the docket so that there did not have to be a conga line of prisoners in and out of the building.

Judge Garcia stated that they would no longer have criminal cases at the Mason Courthouse, instead there would be a civil docket only. He further stated that the Judge may occasionally need a Sheriff's Deputy from time-to-time and they may request that as the need arose.

Judge Garcia stated that security has been improved dramatically because of the nature of those changes, but concern had not gone away. He further stated that he had requested Sheriff's Deputies for security at the Mason Courthouse.

Judge Garcia stated that the weapons policy now banned any weapons from the building, but before he had become Chief Judge that ban was only on the third floor. He further stated that there was a need to at least screen people through the metal detector.

Judge Garcia stated there was only screening on motion days which was Wednesday and there were two screeners due to the large amount of people coming in for motion days. He further

stated that the assessment from the State shows that they needed screeners at the Mason Courthouse more than just one day.

Judge Garcia stated that he was requesting one employee Monday through Friday to cover metal detectors and this would be an increase in cost of \$27,204. He further stated that he felt the Board of Commissioners may be motivated to include this change in the budget if they knew that moving the Circuit Court to a new Justice Complex building may be a \$2.4 million expenditure.

Judge Garcia stated that the move may be needed due to safety concerns; however, if they could safely operate at the Mason Courthouse they could remain there for a long time. He further stated that the building was beautiful and renovations had been made.

Judge Garcia stated that a Circuit Court Judge could stay for a long time there if the security concerns were eliminated as those were the only reason they wanted to move.

Judge Garcia stated that with an investment of \$27,204 per year the cost of a \$2.4 million move seemed reasonable. He further stated that if the Board of Commissioners wanted the Circuit Court to move, they may appreciate a new office, but as Chief Judge he thinks it was fine the way it was.

Judge Garcia stated that other offices in the building such as the Register of Deeds and Clerk also deserve to have a weapons-free zone and security monitoring.

Commissioner Maiville asked about the dollar amount given and if it was the full, highest possible cost for the employee.

Ms. Morton stated it was the full cost of the security contract.

Judge Garcia stated that he was trying not to call it a TSA-type presence, but it was a presence and an important one.

Commissioner Maiville stated that he could appreciate the concerns, as he sat on a jury in Mason years ago and the defendant had a shotgun in their car.

Commissioner Hope stated that Judge Garcia was asking for this for the Circuit Court, but this would benefit all of the people who worked in the building. She asked if this increased cost had come through the Circuit Court budget.

Ms. Morton stated that traditionally the security costs were factored into the Facilities Department budget. She further stated that when adding the Deputies to the VMC they had decided to have a courthouse security item that made more sense.

Ms. Morton stated \$16,000 was budgeted for the current contract at the Mason Courthouse, but they had not budgeted for a security guard on-site Monday through Friday.

Chairperson Crenshaw asked how they would offer relief for the individual security officer if there was only one on staff. He further stated that one individual would need breaks and he wanted to know how those would be covered.

Judge Garcia stated that it was up to the Teachout Security staff to cover that shift and he assumed they had some way of covering breaks.

Shauna Dunnings, Circuit Court Administrator, stated that at the VMC the security guards worked in shifts, so they are not necessarily there for the whole time.

Chairperson Crenshaw stated that VMC had three guards working at the front doors, not just one. He further stated that he was concerned with how breaks would work with only one guard.

Commissioner Anthony stated that at one period of time a Sheriff's Deputy was considered for the position at the Mason Courthouse. She asked if this was considered over a security guard.

Ms. Morton stated that two Sheriff's Deputies were requested for the Mason Courthouse but the cost was over \$100,000 annually per Deputy, versus the additional \$27,400 annually for the security contract.

Judge Garcia reiterated that he was not complaining about the budget.

1. Budget Hearings
f. Prosecuting Attorney

Carol Siemon, Prosecuting Attorney, stated that she would try to be brief and over the years her Office came with needs and had not inflated their budget. She further stated that her Office had been acting in reaction mode for a long time and dealing with the most critical things.

Prosecutor Siemon stated that her Office had not able to work out for future issues for some time. She further stated that it had been mentioned during public comment that community collaboration and data were needed.

Prosecutor Siemon stated that due to time constraints, those were things her Office did not have the luxury of doing. She further stated that she would keep coming back to ask for additional funds moving forward.

Prosecutor Siemon stated that her Office had been creative and worked with community agencies and sought grant opportunities for funding. She further stated that they had already filled in places by using existing staff.

Prosecutor Siemon stated that they had been working on some initiatives like the Domestic Violence Safety Review which helped to reduce crime overall. She further stated that they had been exploring ways to track data without special software in order to save funds.

Prosecutor Siemon stated that they had they would like the ability to track important data markers such as race, age, gender, and decision points. She further stated that they were working collaboratively with law enforcement.

Prosecutor Siemon stated that they had been looking to the future for how some other things may affect her Office such as the legalization of marijuana. She further stated that they were supportive of the Public Defender's Office, but she was not sure how that would affect her Office.

Prosecutor Siemon stated that her Office had been in crisis management mode for a very long time. She further stated that her Office would like three additional positions as requested, but she would not ask for all three to be put on the Z-list.

Prosecutor Siemon stated that she was not asking for the administrative position to be placed on the Z-list, although they are one of the few county Prosecuting Attorney offices that did not have an office manager. She further stated that they had given up some of the strategic planning, annual reporting and connecting those pieces that could happen with that position.

Prosecutor Siemon stated that she would be returning next year with the request for that position. She further stated that she had a request for the Z-list which was for the Audio Visual (AV) staff and for an additional Assistant Prosecuting Attorney (APA).

Prosecutor Siemon stated that the AV staff was especially needed with more of law enforcement wearing body cameras and crimes and victims increasingly being recorded through security cameras or mobile devices.

Lisa McCormick, Chief Assistant Prosecutor, stated that there were practical needs for the for AV and APA positions. She further stated that it was very important to victims to have these people available.

Ms. McCormick stated that there had recently been a sexual assault in Lansing. She further stated that the responding officer had a body camera and recorded the victim who was totally naked, injured, and bleeding after being assaulted by a family member.

Ms. McCormick stated that this was a brutal case and the victim's whole body was exposed in freezing weather. She further stated that the officer did a great job but did not have a blanket for her, and he was trying to preserve evidence and get help for the victim.

Ms. McCormick stated that the victim ended up losing sight in both eyes but what would have been more horrific and traumatizing would have been if that video had been released to the public, defense attorney, or media. She further stated that it would be even more traumatizing to know that the offender had been able to see that video.

Ms. McCormick stated that they were lucky that someone looked at the video and caught it before it was released to anyone. She further stated that the victim deserved one APA to take her case and not hop from APA to APA.

Ms. McCormick stated that the victim deserved to not have that video release without redaction. She further stated that they needed to think ahead as the technology was not going way.

Ms. McCormick stated that they needed someone to watch these video and redact when necessary in order to not further traumatize the victim.

Prosecutor Siemon stated that the need for an AV specialist was not a unique issue to this County. She further stated that Wayne County had about five AV specialists on staff.

Prosecutor Siemon stated that the case Ms. McCormick highlighted was not unusual. She further stated that law enforcement indicated that that they will not redact videos as they also did not have the staff to do so. She further stated that sometimes law enforcement recorded critical things such as a victim discussing a safety plan which could be horrible if their aggressor received that information.

Prosecutor Siemon stated that these videos were a liability for victim safety issues. She further stated that APA Steve Kwasnick, Supervisor of the Sexual Assault & Domestic Violence Unit, was available to answer questions.

Prosecutor Siemon stated that they had implemented a number of things already to help victims such as case reviews where they shared ideas. She further stated that the reviews were intensive but had good results.

Prosecutor Siemon stated that communications with complainants needed to be improved so they were working on a new series of letters and screening cases by a small group of experienced attorneys.

Prosecutor Siemon stated that they were using vertical prosecution where they could, but these cases required a lot of attention. She further stated that the victims deserved more.

Prosecutor Siemon stated that her Office needed all three positons but they were only asking to fund APA and AV positions in order to meet the basic needs of the Office. She futher stated that they would continue to operate in crisis management and do the best they can with what they had.

Commissioner Maiville stated that Prosecutor Siemon was only asking for the APA and AV positons. He asked which position was more important at this time.

Prosecutor Siemon stated that the immediate need was the APA first, but both were important.

MOVED BY COMM. HOPE, SUPPORTED BY COMM. ANTHONY, TO ADD SECURITY FOR THE MASON COURTHOUSE FOR THE CIRCUIT COURT BUDGET, ASSISTANT PROSECUTING ATTORNEY POSITON FOR THE PROSECUTOR, AND AUDIO VISUAL SPECIALIST FOR THE PROSECUTOR IN THE AMOUNT OF \$275,177 TO THE Z-LIST.

Commissioner Celentino stated that his calculation came to about \$275,000 being sent on the Z-list with this motion. He further stated that County Services had placed a lot on the Z-list at their budget hearing.

Commissioner Celentino stated that the Finance Committee would have a lot to sort out.

Commissioner Hope asked if they wanted to rank these positions or vote on the three.

Chairperson Crenshaw stated the Committee should vote on the Z-list and then rank the positions.

Discussion.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Schafer.

MOVED BY COMM. BANAS, SUPPORTED BY COMM. ANTHONY TO APPROVE THE CONTROLLER'S RECOMMENDED BUDGET.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Schafer.

The meeting was at ease at 6:36 p.m.

The meeting was called to order 6:40 p.m.

2. Final Ranking

Chairperson Crenshaw announced the ranking:

1. Assistant Prosecuting Attorney – Prosecutor \$149,841
2. Security Contract – Circuit Court \$27,204
3. Audio/Video Specialist - Prosecutor \$98,132

Commissioner Hope stated that the Mason Courthouse security was important and she thought that they should find a way to fund that, even if it had to be done with other budget money. She further stated that it affected a lot of employees.

Chairperson Crenshaw asked how much was in the contingency plan.

Ms. Morton stated that for 2019 there was \$319,000 budgeted for contingency.

Chairperson Crenshaw could take from that funding and then work these costs into the budget next year.

Commissioner Anthony stated that could be a shared cost and other departments have talked about issues with security.

MOVED BY COMM. BANAS, SUPPORTED BY COMM. MAIVILLE TO ADD THE Z-LIST ITEMS IN THE FOLLOWING RANKING ORDER:

1. ASSISTANT PROSECUTING ATTORNEY – PROSECUTOR \$149,841
2. SECURITY CONTRACT – CIRCUIT COURT \$27,204
3. AUDIO/VIDEO SPECIALIST – PROSECUTOR \$98,132

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Schafer

Announcements

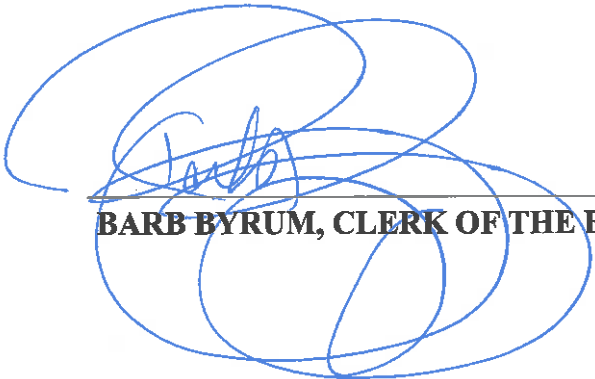
None.

Public Comment

Ralph Monsma provided a statement to the Committee about the Justice Complex millage, which is attached in the minutes as attachment A.

Adjournment

The meeting was adjourned at 6:50 p.m.



BARB BYRUM, CLERK OF THE BOARD

Attachment A – Ralph Monsma

OVERVIEW ON THE DEVELOPMENT OF A PLAN FOR IMPLEMENTATION OF THE JUSTICE MILLAGE.

Now that the August 7 Ingham Justice millage is on the books, development of a smart plan for implementation is needed. The facility or facilities is only part of the plan, NOT the first step. What, policies and programs you want to develop must come first. The design, location and use of the facilities is a second step, not the first.

THIS IS A TIME TO LOOK AT THE INGHAM COUNTY SYSTEM OF JUSTICE AS A WHOLE. THIS IS THE TIME TO RETHINK THE SYSTEM TO MAKE A BETTER OUTCOME FOR ALL.

Do not hurry with the \$1,000,000 yearly allocations. Make sure you use relevant criteria for proposals. Develop clear requirements for performance and evaluation procedures that can be measured. Pick programs that have proven track record in other communities. Do not reinvent the wheel.

NOTE: You have many Ingham County millage programs that have planning processes that embraced citizen input and provide a specific process for learning procedures to prepare a proposal. Thanks to many interested persons in the community who requested input on the millage, arranged for tours of the jail facility, joined the tours, and are waiting for the announcement of regular updates and times for learning of progress and the avenues for input.

DATA IS VERY IMPORANT. HANDLING GATHERING OF DATA FOR CONSIDERATION AT STEPS IN THE PROCESS IS KEY. BUILDING AND SIZING COURT, LOCKUPS, AND JAIL FACILITIES AND FACILITATING SPACE FOR PROGRAM SERVICES IS VERY IMPORTANT. MAKING SURE STAFFING PATTERNS ARE ADEQUATE AND HAVE THE FINANCIAL BACKING TO HANDLE THE ASSIGNMENTS ARE CRUCIAL

Do not overlook volunteer programs already in place. Do they need more room? A better layout or use of space? Are there schedule changes or procedures for bringing people into the facility that will encourage volunteer participation? What kind of procedures, staff support, and space in a new facility would encourage more volunteers to come to the facility

A quick decision on funding new programs without careful consideration of the long term benefit and sustainability of the program may lead to turbulence in service outcomes. If you have to wait for agreements to proceed, take the time to work them out. Limitations in the current facility may keep program development internally from happening for several years. How will you anticipate that staging in their applications at this time?

Do not use millage money to replace current general fund expenditures. The community expects the new annual funds will be for new programming, not to replace or supplant existing county funds.

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If the proposed service is to be delivered in the community, make sure the client, either out in the community or in the facility, has a way to get to the service. If the service will be offered in the lockup or the jail, make sure the facility has space for the program. If the service involves the family, make sure they can get there and are welcome.

You will make the facility, now and in the future, more welcome to family if they have safe entry, a place where they can talk without background noise, and a time that is reasonable for their schedule. Video conferencing has some uses, but it has little value when conditions around the phone or the video in the pod makes real communication impossible. Families that use the phone/video now must pay for the use and subject the inmate to conversation with great noise and waiting pod mates listening. Any new facility plan (lockup or jail) should recognize that a happy inmate needs contact with the family if they still have the connection.

Do not overbuild the facility. The proposed 444 beds appear to be based on current jail inmates, with a small number of juveniles who were referred from the youth home for behavioral issues and are kept separate. A careful look at programs around the state and country demonstrate methods of decreasing beds in secure facilities. Better management, provision of alternative services, and increased community support make the difference. We no longer expect to increase the size of secure facilities. We do not want to pay for empty beds. We do not want to overbuild beds like we overbuilt kitchen facilities in the past. We do not want to incarcerate more people. Put the money in services and better programming in the facility. Make the facility experience better, not worse. Put less pressure on jail employees, make the time supervising inmates more meaningful and rewarding. Give more dignity to all.

These are suggestions for proceeding. I am looking forward to regular opportunities for input and reports on progress.

Sincerely,

Ralph Monsma

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