LAW & COURTS COMMITTEE
March 1, 2018
Minutes

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

Members Absent: Anthony

Others Present: Prosecutor Carol Siemon, Sheriff Scott Wrigglesworth, Lisa McCormick, John Dinon, Steve Kwasnik, Teri Morton, Liz Noel, 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 February 15, 2018 Minutes

MOVED BY COMM. MAIVILLE, SUPPORTED BY COMM. CELENTINO, TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2018 LAW AND COURTS COMMITTEE MEETING.

THE MOTION TO APPROVE THE MINUTES CARRIED UNANIMOUSLY. Absent: Commissioner Anthony

Additions to the Agenda

None.

Limited Public Comment

Steve Kwasnik, President of Ingham County Employees Association Assistant Prosecuting Attorney’s Division and Assistant Prosecuting Attorney, stated the union was in support of the additional Assistant Prosecuting Attorney position on the agenda, as long as it was fully funded and eligible to join union so it was not competitive.

Mr. Kwasnik introduced himself to the Committee and stated the Committee would likely see more of the staff from the Prosecutor’s Office this year, because there were reopeners in the union’s contract that was currently at a 1% raise in 2018 and 0% raises in 2019 and 2020. He further stated the staff wanted to start the process to introduce what they were looking for in the contract reopener, which was a significant increase or some way to adjust the system.

Mr. Kwasnik stated the Prosecutor’s Office staff was not classified, and according to the Hay Study, the position was well underfunded in the public sector. He further stated as the union
President, he had been part of negotiations and understood the Hay Study, but with that in mind, everyone came away with 1% raises in 2018 and 0% raises in 2019 or 2020.

Mr. Kwasnik stated there were some raises, but those were done by reclassifications, but since Assistant Prosecuting Attorneys (APAs) were not classified in a traditional sense, they were not able to be reclassified and get those types of wage increase. He further stated that he thought showing the need for another APA and properly funding the APA positions were locked together.

John Dinon, Animal Control Director, stated the Animal Control Shelter’s largest fundraising event, the Save a Life Soiree, would be held on March 10, 2018. He further stated that events to preview the new Animal Control Shelter would be held on March 14 and March 17 and he invited the Commissioners to come to the Animal Control Shelter to learn about the new plans.

Mr. Dinon stated he hoped that the construction on the new Animal Control Shelter would begin May 1, 2018, and it would be completed about 10 or 11 months later. He further stated that the County’s Animal Control got a lot of support from both the Sheriff’s Office and the Prosecutor’s Office, which was not like some other counties, and he acknowledged to the Commissioners that they did a great job.

Discussion.

MOVED BY COMM. MAIVILLE, SUPPORTED BY COMM. SCHAFTER, TO APPROVE A CONSENT AGENDA CONSISTING OF THE FOLLOWING ITEMS:

1. Sheriff’s Office – Resolution to Authorize a Contract for Dry Cleaning, Laundering, and Repair of Issued Uniforms and Clothing

3. Animal Control – Resolution to Accept the MDARD Anti-Cruelty Grant

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony

THE MOTION TO APPROVE THE ITEMS ON THE CONSENT AGENDA CARRIED UNANIMOUSLY. Absent: Commissioner Anthony

2. Prosecutor’s Office – Resolution to Authorize the Expenditure of Funds to Hire an Assistant Prosecuting Attorney

MOVED BY COMM. SCHAFTER, SUPPORTED BY COMM. MAIVILLE, TO APPROVE THE RESOLUTION.

Lisa McCormick, Chief Assistant Prosecutor, introduced the details of the resolution.

County Prosecutor Carol Siemon stated this position was not just because of one case that had received a lot of attention in the County lately, as they had learned a lot about the assumptions that had been made about rape testing kits over the years. She further stated in the process of
looking at the Prosecutor’s Office’s practices and meeting with other experts in this area, they were seeing what changes her Office could make.

Prosecutor Siemon stated she was proud of the work the Prosecutor’s Office was doing, but there was room to evaluate their practices in continuing to do this work.

Commissioner Celentino asked if the person that came on board would be working reviewing cases, like Mr. Kwasnik did.

Ms. McCormick stated the cases needed to be reviewed in a timely fashion, and there was always a stack of cases an APA had on their desk to go through. She further stated that she wanted to put the priority on those cases.

Ms. McCormick stated the prosecutor would work with Mr. Kwasnik because he was assigned to the East Lansing District Court and he reviewed a lot of them. She further stated that Mr. Kwasnik did a great job with deciding which cases to take vertically, because not all cases could be seen all the way through.

Ms. McCormick stated the prosecutor went through East Lansing District Court to get a sense of the type of case, because it was best to have one prosecutor work through this sensitive type of case. She further stated they would determine the criteria to see the cases through in the extent they could.

Prosecutor Siemon stated her Office was examining the processes of what their overall review was. She further stated currently, every case was reviewed by at least one APA and then cosigned by another APA.

Prosecutor Siemon stated her Office was exploring whether they wanted a more formal review process, which took more resources up front, so there was consistency in the review process. She further stated not every case would be able to be seen all the way through as they did not have the resources for that, but they would pull those cases that needed that handling.

Prosecutor Siemon stated her Office was meeting with the Attorney Generals’ Association, the chief attorney in the Larry Nassar case, and other skilled attorneys in the office, to determine what the Office wanted for a review process and what that would mean when they brought someone on board. She further stated she anticipated this as a long-term need in the Office, and she wanted to make sure there was a process that was sustainable.

Commissioner Celentino asked if asking for a Step 3 salary would give the kind of experience the Prosecutor’s Office was looking for.

Ms. McCormick stated the $76,000 figure included fringe benefits, which was not to say if the Prosecutor’s Office found an entry level candidate, that they could not hire them at a lower level. She further stated it depended on the candidate pool and she wanted to work within the budget and Mr. Kwasnik could provide guidance.
Prosecutor Siemon stated she would like to see a division in her office that dealt with adult domestic violence cases, like there was for crimes against children. She further stated there were other APAs in the office that might be interested in that area, and in that case, they could bring in an APA that would be in District Court, so they wanted the flexibility until they knew the skills and expertise of the applicants.

Commissioner Hope asked what the policy was for the Sheriff’s Office on criminal sexual conduct cases without a victim that was willing to testify or prosecute.

Ms. McCormick stated the Sheriff had a wonderful detective, Annie Harrison, that review those cases, and one detective that was trained in the Sexual Assault Kid Initiative. She further stated she thought the Sheriff’s Office did an outstanding job in the way they handled their cases.

Sheriff Wiggelsworth stated that typically, if there was a known suspect, then they would send them down to the Prosecutor’s Office, but the case would be denied because there was no prosecution.

Ms. McCormick stated Detective Harrison was extremely well trained and she knew how to put a case together.

Commissioner Hope stated she noticed a couple of the largest police departments in the County were not mentioned on the list of police departments that had recently changed their policies.

Ms. McCormick stated the police departments she had mention had let the Prosecutor’s Office know that they had recently changed their policies, whereas other police departments might already have similar policies in place, as she knew Lansing Police Department had officers trained on these situations.

Prosecutor Siemon stated some cases would be screened out, but her Office would look at any cases that will be submitted and she would keep exploring options.

Lisa McCormick stated she had a vision, in that she would love to a sexual assault response team in the County where each agency gave financial support for the team to address these issues, so everyone was on the same page. She further stated that with the Sheriff’s Office and the Prosecutor’s Office leading a sexual assault response, the County could have a set of best practices and make great progress in the area of sexual assault cases.

Commissioner Hope asked if there was a County sexual assault team, if they would be able to investigate cases in any jurisdiction.

Ms. McCormick stated that the Sheriff’s Deputies were deputized across the County and with a dedicated team, so they could come together and have dedicated detectives that were trained on the best practices in the nation. She further stated she had seen great success in other types of investigations, when detectives could work on cases and not worry about jurisdictions.
Commissioner Maiville asked what the long-term need for this position would be, and if it would be covered in the budget for 2019.

Prosecutor Siemon stated it could be likely, but they had not figured it out yet. She further stated there was a certain amount of cases that would be backlog, and then there were new victims that were willing to come forward, and some cases had been screened out previously for some reason.

Prosecutor Siemon stated she could not imagine numbers would stay high.

Commissioner Banas stated logically, more and more people were stepping forward in the County because of the strong prosecution of Larry Nassar and because of the #MeToo movement. She further stated she was supportive of the position.

Discussion.

Commissioner Banas asked if there were other resources that would be coming to bear because of the sensitive nature of the crime.

Ms. McCormick stated the County had great advocacy groups, like End Violent Encounters (EVE) and MSU Safe Place, but they were always in need of help. She further stated if there was a grant they could apply to for advocacy to know how to approach victims, those were not only best practices for advocates, but for the prosecutors on how to approach victims.

Ms. McCormick stated there was a lot that could be done, but the County was lucky to have the resources it did.

Prosecutor Siemon stated there was a Capital Area Sexual Assault Response Team (SART) which she was a part of, but it was different from what Ms. McCormick had in mind for a sexual assault response team. She further stated that the SART was more about bringing together the area resources to create a regional response team to tackle sexual assault.

Discussion.

Commissioner Banas stated in her field of child advocacy, they were spending time to do professional development and education, and she would be supportive of grants they could apply to for the Prosecutor’s Office staff to learn about this field.

Prosecutor Siemon stated that every month, her Office held an APA lunch, and at one lunch she had a presentation of the neurobiology of trauma, and she would continue to build on that front.

Commissioner Schafer stated he supported the position and would vote in favor of it, but he hoped to know about things like this before they made it into the press.

Ms. McCormick stated the media was starting to review agendas for Committee meetings.
Discussion.

Chairperson Crenshaw asked if the resolution passed, there was a deadline of April 1. He asked if Ms. McCormick thought she could hire someone by April 1.

Ms. McCormick stated the Human Resources Department usually allowed her to post the job posting after the resolution passed the Finance Committee. She further stated if she did not hire someone by April 1, then they would not use the full amount of money from contingency, but she wanted to make sure there was enough money that she would not need to go back to the Board of Commissioners to ask for more.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony

4. Law & Courts Committee – Capacity of Proposed New Jail and Future of Jail Bed Rental Program (Discussion)

Chairperson Crenshaw asked where the County was with bed rentals in the current jail.

Sheriff Scott Wriggelsworth stated the County now had a contract Michigan Department of Corrections (MDOC) that brought in about $635,000 per year. He further stated there was currently an issue after the heavy rain, and MDOC only had 27 out of their 50 beds filled because the Health Department needed to sign off that the facility was acceptable to house prisoners before they would send more.

Sheriff Wriggelsworth stated he thought that a new jail should just have County beds and get out of the contract business. He further stated currently MDOC was filling the jail’s empty cells, but the County was always 30 days away from losing the revenue if MDOC pulled out.

Sheriff Wriggelsworth stated that a larger jail meant more staff, and it was currently hard to get people to work in corrections as a career. He further stated he suggested the new facility should have about 420 beds which would be on two floors, and if the jail needed to be expanded at some point, they could easily add a third floor later.

Sheriff Wriggelsworth stated with there were different types of alternatives and specialty programming for jail, and tethers and the push in the State to do away with pretrial bonds on minimal cases. He further stated that the inmates currently held in jail were likely not on $10,000 or less pretrial bonds, and that they were bad people that needed to be locked up.

Sheriff Wriggelsworth stated there were currently 394 County beds in the jail, so if there were 420 beds in the new facility, the number of County beds would increase a bit. He further stated that they never wanted to have the jail at capacity, because then if they were overcrowded, they had to release inmates early.

Chairperson Crenshaw asked if the County housed any inmates on federal writs or other circumstances.
Sheriff Wriggelsworth stated it was rare that the County jail housed federal inmates, because they did not have a federal court in the County.

Commissioner Celentino stated he agreed that the County should get out of rental business. He asked why the County was still renting beds, as he thought the County had gotten out of that.

Sheriff Wriggelsworth stated if they did not have the MDOC beds, then another post would have to be closed at the jail, because one post was about 70 to 80 beds and there were 50 MDOC beds and 30 County beds. He further stated currently the jail had the extra bed space to house those MDOC inmates currently, and otherwise those beds would be empty.

Commissioner Hope stated she wholeheartedly supported the Sheriff's recommendation for this jail, as she thought she did not want to put all of the County's eggs into the MDOC basket because they had been burned before. She further stated that she thought the MDOC prison population was getting smaller as well, and who knew what life in 10 or 20 years would be like, but things seemed to be trending away from putting people in cages, especially as technology improved.

Commissioner Hope stated she supported a smaller jail.

Sheriff Wriggelsworth stated it made him nervous that the County was about five months away from the vote on the new jail, and another three years from being able to use the facility. He further stated if MDOC heard about the County's intention to not have MDOC beds in the new jail, they could get out of the contract sooner than they thought.

Chairperson Crenshaw asked if MDOC told the County that they would be ending the current contract this May, how that would affect the Sheriff's budget.

Sheriff Wriggelsworth stated the MDOC contract was about $635,000 in budgeted revenue.

Teri Morton, Deputy Controller, stated if the County did not fill the 50 MDOC beds then there would also be some cost-savings because they would not have to feed those inmates.

Sheriff Wriggelsworth stated if MDOC pulled out, then another post would probably have to close.

Commissioner Hope stated that was a risk the County ran in making this decision.

Commissioner Schafer stated that trends changed, and he thought it was important to have a facility that could facilitate those changes. He further stated that more women and juveniles were committing crimes, the courts could rule on transgendered individuals in jails, more people were going to jail for animal cruelty and causing an accident while they were on their phones.

Commissioner Schafer stated he believed in long-term foresight to anticipate possible changes in legislation and public perception. He further stated he recalled that when Zero Tolerance had been implemented in schools, students got in trouble much more.
Commissioner Schafer stated while he supported Sheriff Wriggelsworth’s suggested numbers, he recalled a study of the jail in 1996 and Ingham County’s numbers were right in the middle, so he would like to see space available for the future.

Commissioner Banas stated if the need for more beds arose, the concept was to build a third floor. She further stated if there were changes in what was considered criminal, or how the County prosecuted, then there was room to grow if they needed it.

Commissioner Banas asked if this plan for the jail was considered a 50 to 60 year longevity plan.

Sheriff Wriggelsworth stated he did not have that number, as all of this planning had been done before he became Sheriff and this was the boiler plate he had been given to work off of. He further stated that the plan was to have the new jail for 50 years.

Discussion.

Sheriff Wriggelsworth stated he thought the brick and mortar of the building would last, but he was not sure about technology and plumbing.

Commissioner Banas asked how the design would accommodate for different types of people.

Sheriff Wriggelsworth stated the jail had Specialty Housing Units (SHUs) that kept inmates separate inside the facility.

Discussion.

Ms. Morton stated the new jail would be built with a pod system that allowed for more flexibility, and the corrections officers were in the center of the pods which made supervision easier.

Sheriff Wriggelsworth stated the new jail design was more flexible and accommodating for needs, for instance if they needed more room for women, they could partition off a small section of beds rather than having them be in a separate post or in solitary.

Discussion.

Commissioner Banas asked if the scaled-down number of beds reduced the cost of the project.

Discussion.

Ms. Morton stated the current plans called for 408 beds, but because the plan was for a two-floor design, the cost would generally be the same.

Sheriff Wriggelsworth stated the jail used to have 666 beds, but they had closed that many posts.
Ms. Morton stated 420 beds was the goal, but she was not sure if the final plan might have a few more beds or a few less beds, depending on the footprint of the building.

Sheriff Wriggelsworth stated in the future, if the County needed to add a third floor, the pod system would allow them to put the new pods in and hook up plumbing and electricity for a relatively low cost.

Chairperson Crenshaw asked if the Major Darin Southworth, jail administrator, had any thoughts on the jail project.

Sheriff Wriggelsworth stated Major Southworth had none so far, but he was finishing strong with the Lansing Police Department today and would start at the Sheriff’s Office on Monday.

Chairperson Crenshaw stated he was anxious to see what Major Southworth’s thoughts would be.

Sheriff Wriggelsworth stated Chief Deputy Sheriff Jason Ferguson would be integral to the project, because of the experience he had in the Sheriff’s Office and in the jail. He further stated Chief Deputy Ferguson and Major Southworth would work together on the new jail plans.

Announcements

Chairperson Crenshaw stated he, Commissioner Grebner and Ms. Morton would meet on Friday to discuss ballot language. He further stated that he, Board Chairperson Koenig, and Ms. Morton would meet on Monday to discuss the use of public funds to educate the public on the millage.

Sheriff Wriggelsworth stated that the Sheriff’s Office was marketing the needs of the new jail every day. He further stated that he had hosted the Michigan Townships Association (MTA) Ingham County members last night where he held tours of the jail and had a presentation, and he thought it was very eye-opening, especially for townships that were a tougher sell on building a new jail.

Sheriff Wriggelsworth stated he was doing more presentations over the next few months and would meet with any group they could.

Discussion.

Commissioner Schafer asked if the Commissioners could receive a copy of the PowerPoint presentation the Sheriff’s Office had put together.

Discussion.

Commissioner Hope stated she and Commissioner Maiville had attended the MTA meeting and tour of the jail last night, and she thought a lot of eyes were opened. She further stated she had experience with jails in Ionia County because her parents were corrections officers and she had worked for a newspaper, but she was surprised about the condition of the women’s housing.
Sheriff Wriggelsworth stated that post was built in 1964 and had a lot of heating issues.

Commissioner Hope stated that there were people sleeping on the floor and there was a toilet that was not working.

Chairperson Crenshaw suggested meeting with Lansing City Council members, as they had meetings in the community he might be able to attend.

Discussion.

Public Comment

None.

Adjournment

The meeting was adjourned at 6:56 p.m.

BARB BYRUM, CLERK OF THE BOARD