

WASHTENAW COUNTY

CRIMINAL JUSTICE COLLABORATIVE COUNCIL

Pretrial Services Committee

Final Report

**Washtenaw County:
A Just and Safe Community**

PRETRIAL SERVICES COMMITTEE REPORT

I. Charge

The pretrial services committee was charged by the CJCC to research whether pretrial services would be a benefit to the criminal justice system in Washtenaw County and if so, how the operations may best be designed.

This issue was established by the CJCC in its retreat in April and appointed an exploratory committee to make recommendations. The Committee has met since May on a monthly basis to research and discuss issues. The Committee is chaired by Hon. J Cedric Simpson and includes the following representatives:

- Charlie Pope, 14-B District Court magistrate and administrator
- Sheila Blakney, Public Defender
- Julie M. Chaffee, Community Corrections director
- Michael Gatti, 15 District Court magistrate
- Steven Hiller, Prosecuting Attorney
- Joseph DeGraff, Community Corrections case manager
- Scott Patton, CJCC Staff

Additional members attended several meetings, including representatives from the Sheriff's Office, Public Defender, Community Corrections, and Prosecuting Attorney.

II. Background

The needs related to pretrial services have been clearly discussed and documented. In addition to previously having a pretrial unit several years ago (which had been disbanded), a pretrial committee of the Jail Overcrowding Task Force recommended the creation of such a unit.

The National Institute of Corrections also recommended this issue be explored and this has been happening through the Pretrial Services Committee of the CJCC, chaired by Hon. J Cedric Simpson. In October 2003, the National Institute of Corrections also made a series of observations and recommendations about the condition of the justice system in Washtenaw County. One of these (finding #15, Attachment B) identified that pretrial defendants make up a majority of the jail population, leading to concerns about consistent bond settings due in part to insufficient information available at the time. They recommended that the County consider pre-booking screening and assessment. Specifically, they observed that 59% of the jail's population was held on pretrial status.

Through committee work of the CJCC, it became apparent that District Court magistrates and judges have insufficient verified information at the time of arraignment. While the accused may indicate that he/ she has employment, community ties, housing, etc., this information is not verified. Unverified information supplied by a defendant is of little value to a judicial officer facing a bond decision with public safety ramifications. If these factors could be verified prior to arraignment the judicial officer could have sound information upon which to make decisions, and it is projected that, in aggregate, bonds set at arraignment would be more accurate and post arraignment detention would diminish.

The primary purpose of establishing a pretrial unit is to ensure that verified information about the accused is supplied to the judges and magistrates at the time of arraignment. Verification of information such as name, employment, prior criminal history, etc. (see attached), could also serve as the basis for determining program needs in the jail and Community Corrections after court disposition. The same information can also be used to assist Circuit Court Probation in the preparation of their Pre-Sentence Investigation report, which is submitted for a judge's consideration prior to sentencing.¹

The Pretrial Services Committee has been meeting since May 2005 to discuss issues and advise the CJCC on whether a pretrial unit is needed and if so, how it could best be constituted. The committee has identified a list of questions that would need verification for arraignment.

Members of this committee, which includes representatives from the three district courts in Washtenaw County, Community Corrections, Prosecutor's Office, and the Public Defender, have stated a strong preference for any pretrial program to have accountability that is acceptable to the judicial officers who use this information.

The State of Michigan also has articulated its interest in reducing the pretrial population in the jail. The State has created incentives through Community Corrections for counties to establish pretrial services at the county level. In their 2006 grant application, Community Corrections applied for funding to staff a Pretrial Services unit. This effort was successful and the State has agreed to fund two positions beginning October 1, 2005. The Community Corrections 2006 budget reflects the assumption that these services would be provided by contract employees. Services that are State funded must follow the State policies required for reporting purposes. State funding for beyond the fiscal year ending September 30, 2006 is not guaranteed.

The 14-A District Court, through its budget, also requested a position to handle pretrial services to work collaboratively with the Community Corrections Pretrial Services Unit. The County Administrator agreed to approach the Board of Commissioners through a separate resolution to fund this additional position on a pilot basis.

III. Pretrial Services Operational Model and Committee Recommendations

Well-functioning Pretrial Services programs are numerous. The National Institute of Justice published a handbook to assist with the establishment and ongoing evaluation of effective pretrial services. In addition, the Pretrial Services Resource Center (www.pretrial.org) lists several best practices and additional materials that can be modeled by CJCC members. Other counties have also shared their experiences, forms, processes, and policies. These were researched by the committee to institute best practices as well.

The committee proposes the following business model:

- Pretrial staff should be contract employees – the equivalent of two FTEs overseen by Community Corrections and one by 14-A District Court. Staff scheduling would be done collaboratively.²

¹ This issue was discussed by the Committee but clarification, about the efficiencies that could be realized, was not fully researched, as Probation representatives were not present. It is recommended that this issue be further discussed in the Committee at a future date.

² The 14-A position will require the approval of the Board of Commissioners.

- Staff would screen in-custody and walk-in arraignments. Some prioritization will need to occur, as there will be times in which it will not be feasible to have all arraignments screened.
- The core process for staff will be to interview those facing arraignment and verify the information they share. The prime tool for this will be the interview form, see attached.
- All staff will follow the same policies and procedures, as directed by the Community Corrections director and the 14-A District Court administrator.
- The process to identify staff will be a joint venture between Community Corrections and District Court.
- Once operations begin, have frequent meetings between District Court, Community Corrections, and Trial Court to ensure that operations are running smoothly and identify opportunities for improvement and corrective action necessary. The frequency of these meetings and who should be involved are yet to be determined.
- For this model to work, the Committee recommends that the Board of Commissioners fund through resolution the 14-A position on a pilot basis to last approximately six months (beginning in January 1, 2006). State positions will begin as soon as possible in fiscal year 2006.
- During the pilot period, explore additional funding opportunities to ensure viability of the program.
- The Community Corrections Director will work with Pretrial Services staff to develop measures of program effectiveness for the pilot program. They will also produce a collaborative report, which will be presented quarterly to the CJCC Steering Committee, to ensure the ongoing success of operations. This report will evaluate services and recommend implementing changes that are identified through evaluation.