

**OTSEGO COUNTY, MICHIGAN  
CRIMINAL JUSTICE COMMUNITY MASTER PLAN  
2013 Update**

# Otsego County Criminal Justice Community Plan

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Otsego County Criminal Justice Community Plan

**SECTION 1: INTRODUCTION**

## **1.1 General Introduction**

Growth in the Criminal Justice System is directly impacted by changes in the profile and numbers of the general population. Forecasting for a criminal justice system's needs is less scientific than public officials would prefer due to external factors. By taking a longer term view, adjustments to future configurations and expenses can be made by phasing in both operational and capital improvement investments within a framework of a comprehensive master plan.

A criminal justice master plan will require periodic updates as national, state and local policies and conditions change the response of the local criminal justice system.

The task of reducing first time and repeat offenders cannot be tackled by the criminal justice system alone. We need a wide-range of partners to help access the support offenders need to reform. Law enforcement, prosecutors, courts, probation, youth services and the citizenry must work more closely together to create a safer community and reduce criminal activity.

## **1.2 History**

Otsego County is at the crossroads of I-75 and M-32, making the county easily accessible to visitors. Also the County is a popular destination for recreational activities and is becoming a regional center for retail. As a result of these factors, normal daily visitors/pass through population has significantly increased with the population potentially doubling in size during the height of the tourist season.

Ease of access, retail visitors and tourism has brought increased pressures on the Criminal Justice system. Changing societal patterns have also brought unique challenges to the system as it attempts to apprehend, prosecute, punish and rehabilitate offenders.

Otsego County experienced rapid growth during the last 40 years. According to the U.S. Census Bureau, the population of the County in 1960 was 7,545 people. In 1970 that figure grew to 10,422, in 1980 the increase was to 14,993, in 1990 there were 17,957 people in the county, and in 2000 the population was 23,301. The recently completed 2010 Census found that 24,164 people resided in Otsego County. While Michigan lost 0.6% of its population from 2000-2010, Otsego County grew by 3.7%. Otsego County's positive attributed referenced in the preceding two paragraphs can help explain why Otsego County's population grew by 3.7% from 2000 to 2010, while the State of Michigan lost 0.6% of its population during the same timeframe.

The current county jail was built in 1967 and was considered as a "state-of-the-art" facility at that time. Its design is similar to schools of the same era utilizing a linear or "school hallway" concept. Emphasis was placed on maximum use of space for housing inmates and made no allowance for space now necessary to deliver services not

anticipated at the time. By today's standards, the Otsego County Jail lacks adequate bed space, a secure treatment area, and rooms for meeting, training/education and visiting.

During the same time frame, law enforcement staffing levels have not kept pace with demand for services as measured by both number as well as complexity of calls. Since 2005, while the population has increased, the number of law enforcement patrol officers has decreased causing longer response times and a corresponding reduction in crime prevention, detection and offender apprehension. In 2005, the City, State Police and County Sheriff had respectively 10, 22 and 13 road officers. In 2007, their respective numbers were 10, 22 and 7. Those numbers are now at 8, 13, and 7, respectively. The decreasing number of State road officers is putting strain on all law enforcement agencies to provide coverage.

The prosecutor's office and the courts have managed to maintain adequate staffing levels and space but budgets have hampered pretrial release programs or other programs focused on rehabilitation. Due to state budget cuts crime labs cannot process evidence in a timely manner.

The Otsego County Jail has been experiencing overcrowded conditions for at least the last dozen years. These overcrowded conditions prompted Otsego County to attempt a millage for the construction and operation of a new jail at the Alpine Center complex northeast of the City of Gaylord. On August 8, 2006 voters rejected the proposed millage.

The defeat of the millage resulted in Otsego County turning to the public to form a Citizen's Jail Committee to address the overcrowding issue. In addition, the County formed the Jail Technical Committee made up individuals involved with the criminal justice system in Otsego County.

The Citizen's Jail Committee began meeting in March of 2007. One of the results of these meetings was a recommendation to have the County request the National Institute of Corrections (NIC) to conduct a study of Otsego County's Criminal Justice System. The NIC completed this study in February of 2008. The study included recommendations to form a Criminal Justice Coordinating Committee, to draft a criminal justice master plan, to draft a long range crime prevention plan, and to develop intermediate sanctions.

In response to the NIC Study, Otsego County formed the Criminal Justice Coordinating Committee (CJCC), currently composed of the following members:

Catholic Human Services Director – Nancy Morgridge  
Circuit Court Judges – Judge Janet Allen and Judge George Mertz  
City Police Chief – Chief Brett McVannel  
Commission on Aging – Dona Wishart

Community Corrections – Diane Rekowski  
County Administrator – John Burt  
County Commissioners (4) – Doug Johnson, Paul Liss, Richard Sumerix, Erma Backenstose  
County Finance Director – Rachel Frisch  
Court Administrator – Vicki Courterier  
District Court Judge – Judge Pat Morse  
Emergency Manager/Ambulance – Jon Deming  
Fire Department – Dave Duffield  
Jail Administrator – Brian Webber  
North Country Community Mental Health Director – Alexis Kaczynski  
Parole/Probation – Mike Turnbull  
Probate Court Judge – Judge Mike Cooper  
Prosecutor – Michael Rola  
Public Defender – Gary Gelow  
Sheriff – Sheriff Matt Nowicki  
State Police Post Commander – Lt. Blake Davis  
Public – Robert Mammel

### **1.3 Needs/Purpose of the Criminal Justice Coordinating Committee**

The Criminal Justice Coordinating Committee is an advisory board consisting of county officials and principal criminal justice system decision makers and community partners. The Committee's authority comes from the agreement of a common purpose among the independent sovereign entities on the Committee.

The overarching purpose of the Criminal Justice Coordinating Committee is to create a forum where Committee members can meet to develop consensus, set priorities, make choices, and promote an accountable, efficient and coordinated criminal justice system in Otsego County.

### **1.4 Vision Statement**

The Committee's vision is to create a fair and impartial criminal justice system that provides the highest quality of justice to provide for a safer community while at the same time recognizing the need to focus efforts on the prevention of crime and the rehabilitation of the individual criminal offender.

### **1.5 Accomplishments Since the 2008 Plan**

Otsego County and its agencies that deal with Law Enforcement and the Criminal Justice system have been working hard to address issues/recommendations listed in the 2008 Criminal Justice Master Plan, however, progress has been hampered by the

lack of funding and staff availability. The following are some of the improvements implemented since the 2008 Plan.

- A victim/witness room was established at the County Building.
- An outside entry door was installed to the holding cell at the Courts Building to prevent the transporting of prisoners through the public.
- A new air ventilation system was installed in the Otsego County Jail to improve air flow which resulted in lowered humidity.
- More room was made available in the County Building for Jail storage.

## **1.6 Goals/Objectives of the Plan**

### **CRIMINAL JUSTICE SYSTEM**

1. Goal: Create a more transparent streamlined criminal justice system process
  - a. Objective: Improve the regional coordination of state, county and local law enforcement efforts to assure an appropriate sharing of costs, resources and information for crime prevention, criminal investigation and the apprehension of law violators
2. Goal: Reduce violent crimes, drug crimes and property crime rates
  - a. Objective: Establishment of a quality crime prevention program that includes both adults and juveniles
  - b. Objective: Developing and implementing policies and practices that assure the availability of jail and prison space to incarcerate habitual serious offenders and violent criminals

Update: The implementation of the Otsego County Work Camp has been greatly beneficial to the availability of space in the Otsego County jail. The diversion of inmates found guilty of less-severe crimes has allowed for more serious offenders to be placed in the Otsego County Jail. In 2012, it is estimated that 5,528 jail bed days were saved through the program.

In 2012 the Work Camp participants worked a total of 1,396.5 hours providing services to the community.

3. Goal: To have all aspects of the criminal justice system free of bias, perceived bias and disparate treatment of offenders, victims and witnesses

- a. Objective: Establishment of an effective public relations & community outreach program

## **ADULT JAIL ALTERNATIVES**

1. Goal: Reduce the recidivism rates of criminal offenders
  - a. Objective: Establishment of a range of graduated sanctions that provides for a full range of alternatives tailored to the seriousness of the criminal behavior and the offender's criminal history
  - b. Objective: Administer sanctions, supervision, treatment and services for adult offenders that provide adult offenders with the requirement and opportunity to make reparation to their victims
  - c. Objective: Administer sanctions, supervision, treatment and services for adult offenders that provide adult offenders the opportunity to maintain, regain or achieve the capacity to remain in, or return to, the general population as law abiding contributing citizens
  - d. Objective: Determine the relative deterrent effects of sanctions with different conditions, intensities and time periods
  - e. Objective: Establishing or strengthening risk assessment and risk management procedures for all stages of justice system decision-making
  
2. Goal: Prepare offenders in the criminal justice system for re-entry into society
  - a. Objective: Establishment of an effective GED program
  - b. Objective: Establishment of an array of education/training programs that will provide life skills to criminal offenders  
  
Update: The Otsego County Work Camp provides a variety of education/training programs to provide life skills to those low-level offenders participating in the program. Life Skills classes are provided at the jail, but the lack of room restricts the ability to provide a greater quantity of classes.
  - c. Objective: Establishment of work skill programs for offenders to teach skills usable in the workplace  
  
Update: The Otsego County Work Camp provides a variety of education/training programs to provide life skills to those low-level offenders participating in the program. The lack of room in the jail restricts the ability to provide these classes.
  
2. Goal: Provide for the provision of services, treatment, and/or custody for those who require intervention

- a. Objective: Encourage local collaboration to promote a coordinated case management approach to service delivery.

## **JUVENILE JAIL ALTERNATIVES**

1. Goal: Prevent those youth that have broken the law from continuing in the criminal justice system
  - a. Objective: Establish a restorative justice program
  - b. Objective: Provide effective treatment and aftercare services for youth involved in the system. Involve family in the comprehensive effort to reduce and prevent violence, and recognize the role that parental responsibility plays in addressing the juvenile crime problem
  - c. Objective: Provide effective sanctions and services for juvenile offenders
  - d. Objective: Invest in programs that have been shown through solid research to reduce re-entry into the juvenile justice system
  - e. Objective: Establish a juvenile drug court

## **RESTORATIVE JUSTICE**

1. Goal: Allow criminal offenders and delinquents the opportunity to make restitution to their victims, themselves and the community
  - a. Objective: Establish a restorative justice program which includes sanctions to restore the victim and the community

Update: Restorative Justice (1) information has been research and gathered; (2) it was determined that this type of program is primarily successful in larger counties. The number and type of charges in this county are minimal to support a full restorative justice program.

## **WITNESSES & VICTIMS**

1. Goal: Assure the rights of the witnesses and victims
  - a. Objective: Focus on the needs and rights of the victims
  - b. Objective: Increased victims support and participation in the system

## **PREVENTION PROGRAMS**

1. Goal: Promote Community Safety by deterring crime and other anti-social behavior among the community's youth and reduce violence and other crime among the youth in the community
  - a. Objective: Work with schools to identify the at-risk population
  - b. Objective: Prevent delinquency through positive youth development

- c. Objective: Promote individual accountability
- d. Objective: Make sure that there are appropriate activities available to the community's youth
- e. Objective: Provide intervention strategies for truants, at-risk youth or a child in need of services.
- f. Objective: Use mediation and school based mentoring programs
- g. Objective: Improve prevention
- h. Objective: Support community-based services and resources that serve high-risk youth and families before they are seriously involved with the justice system
- i. Objective: Promote community partnerships
- j. Objective: Improve communication and cooperation between community-based agencies, victims and victim-advocates, the juvenile justice system, schools, and social service and health systems

## **DATA**

1. Goal: Improve interagency cooperation and information sharing
  - a. Objective: Facilitate the development and enhancement of a technology infrastructure within the criminal justice system community to further the prevention of crime and the enhanced apprehension, prosecution, sentencing and correctional supervision of offenders, both adult and juvenile
  - b. Objective: Facilitate the enhancement of systems for reporting and accessing criminal and juvenile history information

## **JAIL OPERATIONS**

1. Goal: Ensure that the Otsego County Jail is utilized only a 'last-chance' deterrent to further criminal behavior
  - a. Objective: Encourage the ongoing review and improvement of the ability of the jail to serve as deterrents, to incapacitate habitual repeat offenders and violent predators, and to provide treatment and services needed by incarcerated offenders who will be returning to the general population to increase their skills and capacities to be law abiding, contributing citizens
  - b. Objective: Enhancing jail work programs to provide inmates with income with which to make restitution, and strengthening community-based programs' activities to facilitate offender restitution, community service and other forms of victim/community reparation

## **PUBLIC RELATIONS**

1. Goal: Establish strong public opinion that the justice system is operating efficiently and effectively

- a. Objective: Visible enhancement of efforts to improve system efficiency and effectiveness
- b. Objective: Acknowledgement and acceptance of a responsibility to educate the public (by elected officials, system practitioners, the media and others) of the inherent limitations of a system largely designed to react to individual's and society's problems and shortcomings
- c. Objective: Better identification, documentation and reporting of effective policies, programs and sanctions
- d. Objective: Create accessible ways for the community to be involved in the design, implementation, and monitoring of new programs
- e. Objective: Public involvement in the criminal justice system should be encouraged at all times
- f. Objective: Better reporting and increased awareness of actual volume and nature of crime in Otsego County

Otsego County Criminal Justice Community Plan

**SECTION 2: THE CRIMINAL JUSTICE SYSTEM**

## **2.1 Overview of Criminal Justice Agencies**

### **1. Arresting Agencies**

The police agencies in Otsego County have the responsibility of arresting defendants and booking them directly into custody. If it is a warrantless arrest, the arresting officer lodges the defendant and the charges are reviewed by the County Prosecutor within 24 hours.

The primary police agencies within Otsego County that book defendants into the Otsego County Jail are as follows:

#### **a. Otsego County Sheriff's Office**

The Otsego County Sheriff's Office is the Constitutional law enforcement agency that helps to serve and protect all of Otsego County. The Sheriff is the chief executive officer of the Sheriff's Office, being chosen by popular vote. The Sheriff has county-wide jurisdiction and enforces all state laws and county ordinances, and is responsible for the County jail. Officers have the authority to conduct investigations concerning violations of criminal and traffic statutes. Constitutionally, the Sheriff is also charged with court officer responsibilities and the civil process in the county. The Otsego County Sheriff's Office also conducts snowmobile and marine patrols. In 2008 the sheriff has seven (7) full time road deputies. In addition, the sheriff has three (3) part time court officers providing court officer service, serving civil process, and executing judgments.

The Otsego County Sheriff provides special investigators to the state-wide MISSION TEAM which is comprised of multiple sheriff detectives for special investigations on a state-wide basis.

#### **b. Gaylord City Police**

The Gaylord City Police is a police agency that helps to serve and protect the residents of Gaylord and nearby areas. The City Police Chief is appointed by the Gaylord City Council and reports to the City Manager. City police officers have city-wide jurisdiction to enforce all state laws and city ordinances. However, all city officers are sworn deputies of the Sheriff, therefore granting them county-wide jurisdiction in emergency matters when necessary. As a sworn deputy these officers can also enforce county ordinances when necessary. Officers have the authority to conduct investigations concerning violations of criminal and traffic statutes. There are nine full-time police officers in the City of Gaylord.

### c. Michigan State Police

The Michigan State Police is a police agency that helps serve and protect the residents of Otsego County. Officers have the authority to conduct investigations concerning violations of criminal and traffic statutes through the state of Michigan, regardless of city, township or county boundary. The Michigan State Police Post in Gaylord is Post #73 which is part of the 7<sup>th</sup> District of the Michigan State Police. The Gaylord Post also provides the emergency dispatch service for all of State Police for both the 3<sup>rd</sup> and 7<sup>th</sup> Districts, which includes thirty-three counties in northern Michigan. The Gaylord Post of the Michigan State Police has thirteen, down from twenty-two in 2008, patrol officers that handle law enforcement duties in five counties (Otsego, Cheboygan, Emmet, Oscoda, and Montmorency Counties) up from three counties at the time of the last Master Plan update in 2011. In addition these officers patrol the I-75 freeway from the south Otsego County line to the north Otsego County line.

The Gaylord Post also has officers assigned to five special units that provide specialized services throughout the Region 7 area. These are: (1) Fire Marshal Unit; (2) Criminal Investigative Unit (CID); (3) Internet Crime Unit; (4) Motor Carrier Unit; (5) SANE (Undercover Drug Unit). State Police can be mobilized by the Colonel at any time and sent to locations through the State to handle wide-area emergencies as necessary.

## 2. Prosecuting Attorney

The state legislature has created over 250 duties for the Prosecuting Attorney, including the following:

- Chief law enforcement official in the county
- Reviews, authorizes, and prosecutes violations of felony and misdemeanor criminal laws of the State of Michigan and county ordinances committed in the county
- Reviews, authorizes and prosecutes felony and misdemeanor juvenile delinquency offenses
- Reviews, authorizes and prosecutes child protective proceedings in the Family Court where there are allegations of child neglect and/or abuse, including termination of parental rights
- Represents the “People of the State of Michigan” in criminal matters in the District, Circuit and Family Courts as well as in appeals of cases in the Michigan Court of Appeals and Supreme Court
- Prosecutes contempt proceedings when there has been a violation of a Personal Protection Order (PPO)
- Participates on behalf of the petitioner in mental health commitment hearings
- Provides assistance and input to the victims of serious criminal offenses

- Represents and gives advice to the county board of commissioners and other county departments on legal matters
- Reviews, authorizes and prosecutes civil actions to obtain financial support for children

The office currently has three attorneys handling all of these duties.

### 3. Public Defender

Constitutionally, all persons accused of the commission of a crime or involved in specific areas of the court system, are entitled to be represented by an attorney. If the person cannot afford representation, the costs are at taxpayer expense.

Public Defenders represent indigent defendants that cannot afford an attorney on their own or in family matters requiring representation. Otsego County currently has a contract for this representation, consisting of four attorneys handling all courts within Otsego County. This contract is a 'due process' cost in the court's general fund budget. Although all costs are paid by Otsego County, the court does order reimbursement where practical. The Courts were able to recover 32% of the costs in 2010; 43% in 2011; and 30% in 2012.

### 4. The Courts

The courts are located in two buildings including the Alpine Center which houses three courtrooms and staff offices, and the County Building which houses one courtroom.

The Otsego County court system staffing consists of two full-time judges, two judges shared with Crawford and Kalkaska Counties, and twenty-three other staff positions.

The Michigan Supreme Court appoints a judge as "Chief Judge" to manage each court division. The Chief Judge appoints both a Chief Judge Pro-Tem to act in the Chief's absence, plus a Trial Court Administrator to manage the day-to-day affairs of the trial court in accordance with approved policy.

The County's Judges and the Court Administrator meet regularly to discuss administrative matters. On legal matters, each judge functions independently on assigned court cases and when court is in session.

In Otsego County, even though the citizens elect a judge to serve on a specific court's bench, under a Concurrent Jurisdiction Plan, approved by the Michigan Supreme Court, all Otsego County judges are cross assigned allowing them to serve in any court as needed. This cross assignment provides timely court service to the citizens of the county.

Michigan courts must follow all federal and state laws (legislative and case law), Supreme Court administrative orders, court rules, and Supreme Court approved plans.

Judges and magistrates are on-call 24 hours each day, seven days per week, to ensure there is compliance with the various statutes, orders, rules and plans as they pertain to due process rights.

Magistrates are appointed by the Chief Judge and ratified by the Otsego County Board of Commissioners. In Otsego County, magistrates have the authority to conduct bond hearings, issue search warrants, conduct criminal arraignments and accept pleas of guilty and sentences as allowed by law, hear contested civil infraction cases and small claims cases, and perform civil weddings.

a. Circuit Court

The Circuit Court has jurisdiction over all actions except those given by the Constitution and State law to another court. Generally this includes serious criminal cases and civil cases involving claims of more than \$25,000. The Circuit Court hears cases appealed from other trial courts and from some administrative agencies of State and local government as well. The Circuit Court also encompasses the Family Division which covers child protection and juvenile delinquency proceedings, adoptions, divorces with and without children, custody cases, and child support payments through the Friend of the Court.

75% of all civil cases should be adjudicated within 364 days, 90% of all domestic relation cases should be adjudicated within 91 days if there are no children involved, and within 245 days if children are involved, 90% of all paternity cases should be adjudicated within 147 days, 90% of all delinquency cases should be adjudicated within 84 days, and 90% of all criminal cases should be adjudicated within 91 days, and 90% of all juvenile traffic matters should be adjudicated within 63 days.

b. Family Division of Circuit Court

The Family Division of the Circuit Court (Juvenile) provides services twenty-four hours a day, seven days a week to the community for youth who are, or may be, at risk of delinquent behavior. The Family Division provides services in Abuse and Neglect proceedings, including responding to law enforcement, the County Prosecutor, the Department of Human Services, schools, and other agencies to provide measures for safety and welfare of children. This can either have the purpose of reunifying the family unit or, in extreme cases, can result in the termination of parental rights.

c. Friend of the Court Division of Circuit Court

Friend of the Court services include investigating and making recommendations to the court regarding child support, enforcing court orders regarding support, child custody and parenting time and, in conjunction with the Michigan State Disbursement Unit, collecting, recording and distributing support payments as ordered by the court. Enforcement of health care insurance and uninsured medical costs for children and interstate registration of court orders to ensure payment of child support are also handled by the office.

d. District Court

The District Court has original jurisdiction (meaning cases begin in this court) of the following: all traffic and ordinance violations; all criminal misdemeanor cases; preliminary examinations for all felony cases; small claims suits; civil lawsuits (other than small claims) for claims up to \$25,000; all landlord/tenant matters involving rent and land contract disputes. The District Court issues arrest warrants, search warrants, and peace bonds.

The District Court is required to have 90% of all civil proceedings should be adjudicated within 273 days, 100% of all landlord tenant cases should be adjudicated within 126 days, 90% of all criminal misdemeanors should be adjudicated within 63 days, 90% of all traffic tickets should be adjudicated within 35 days, and 100% of all felony examinations should be completed within 14 days from arraignment.

e. Probate Court

The Probate Court has exclusive jurisdiction in such matters as guardianships and conservatorships, commitment of mentally ill persons, as well as supervision of the administration of wills, estates, and trusts of deceased persons as well as name changes and emancipation of minors.

The Probate Court is required to have 75% of all contested estates, trusts, guardianships, and conservatorship proceedings should be adjudicated within 182 days, 90% of all mental illness petitions should be adjudicated within 14 days, and 75% of all civil proceedings should be adjudicated with 364 days.

5. Probation

There are three probation agents serving Otsego County.

a. Circuit Probation

This office services the needs of the 46<sup>th</sup> Circuit Court by providing pre-sentence investigations and sentencing recommendations for felony criminal cases as well as the subsequent supervision of the offenders sentenced. In addition, the office

provides supervision for parolees and also prison inmates on electronic monitoring (tether) who reside in Otsego County.

The office is staffed by three Field Agents, one Secretary and the Field Supervisor who also oversees Alpena, Crawford, Montmorency, and Otsego Counties. The office is governed by the Michigan Department of Corrections and the 46<sup>th</sup> Circuit Court.

b. Circuit Court Family Division (Juvenile Court Probation Officers)

The office serves the Family Division for juvenile matters in the Circuit Court. Two probation officers are assigned to juveniles that require more intensive supervision. Each of these probation officers has a maximum caseload of 20 juveniles each. An additional probation officer is assigned to juveniles that only require standard probation monitoring. This probation officer has a routine caseload of approximately 65-70 cases at any one time.

c. District Probation

This office services the needs of the 87<sup>th</sup> District Court by providing pre-sentence investigations and sentencing recommendations for misdemeanor criminal cases as well as the subsequent supervision of the offenders sentenced. The office is governed by the Chief Judge of the 87<sup>th</sup> District Court.

d. Drug Court

This is a specialty court that diverts alcoholics and addicts from jail and prison. The mission is rehabilitation of defendants who are in the criminal justice system primarily because of addiction. Drug court is voluntary and admits only those defendants who are ready to change their behavior to become substance free.

Drug court mandates treatment, testing, attendance at support group meetings, job search, payment of fines and costs, and intense supervision by the probation officer. It is divided into phases, with daily meetings and testing initially, and less supervision after the first year. It is designed as an 18 month program, but participants may take longer to complete all of the requirements. Participants are sanctioned for relapse or non-compliance, and some are discharged for repeated infractions. Discharge always includes a lengthy jail or prison term.

Drug court accepts both misdemeanants and felons. Since it began in 2008 through 2012, there have been 128 defendants accepted into the program. There have been 110 people discharged from the program, and 47 of those have been successful. That translates into a 43% success rate.

6. Community Corrections

Northern Michigan Community Corrections Advisory Board (NMCCAB) provides the courts with additional sentencing options for non-violent offenders while reserving state and local incarceration facilities for the housing of more dangerous criminals. These programs include Community Service, Intensive Supervision, Moral Reconciliation Therapy, GED, Residential Services and Mental Health Services. The Northeast Michigan Council of Governments (NEMCOG) acts as the administrative and fiscal agent and provides assistance in applying for funding through the Office of Community Corrections in the Michigan Department of Corrections.

Community Corrections examines the eligibility of offenders for diversion programs at several stages of the criminal justice process including the following:

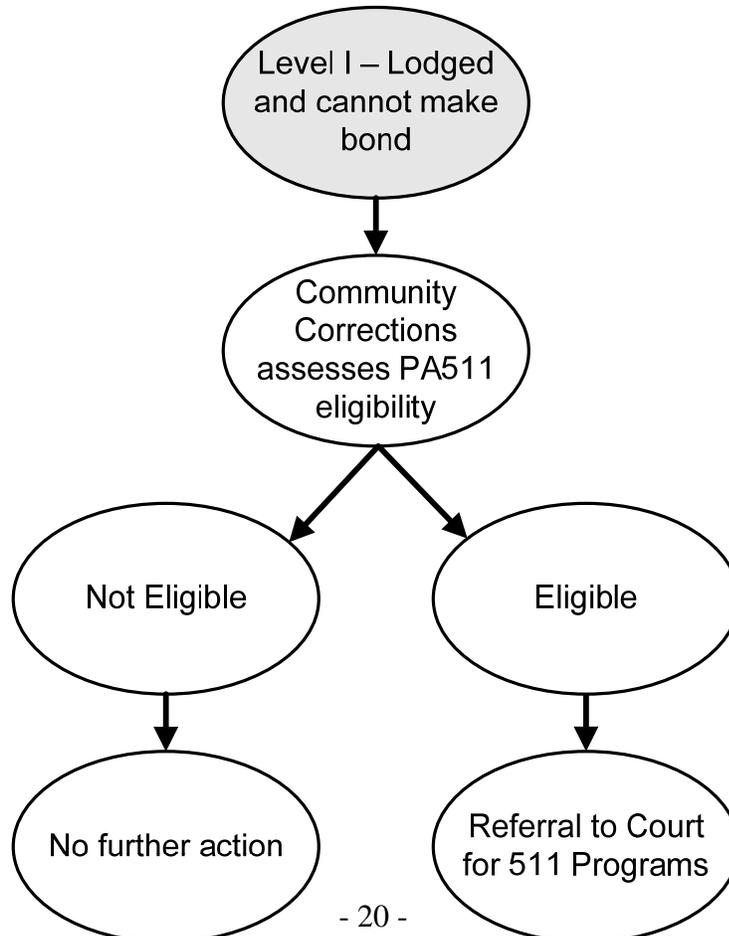
Level I – Offender is lodged in jail and cannot post bond

Level II – When a defendant enters his/her plea

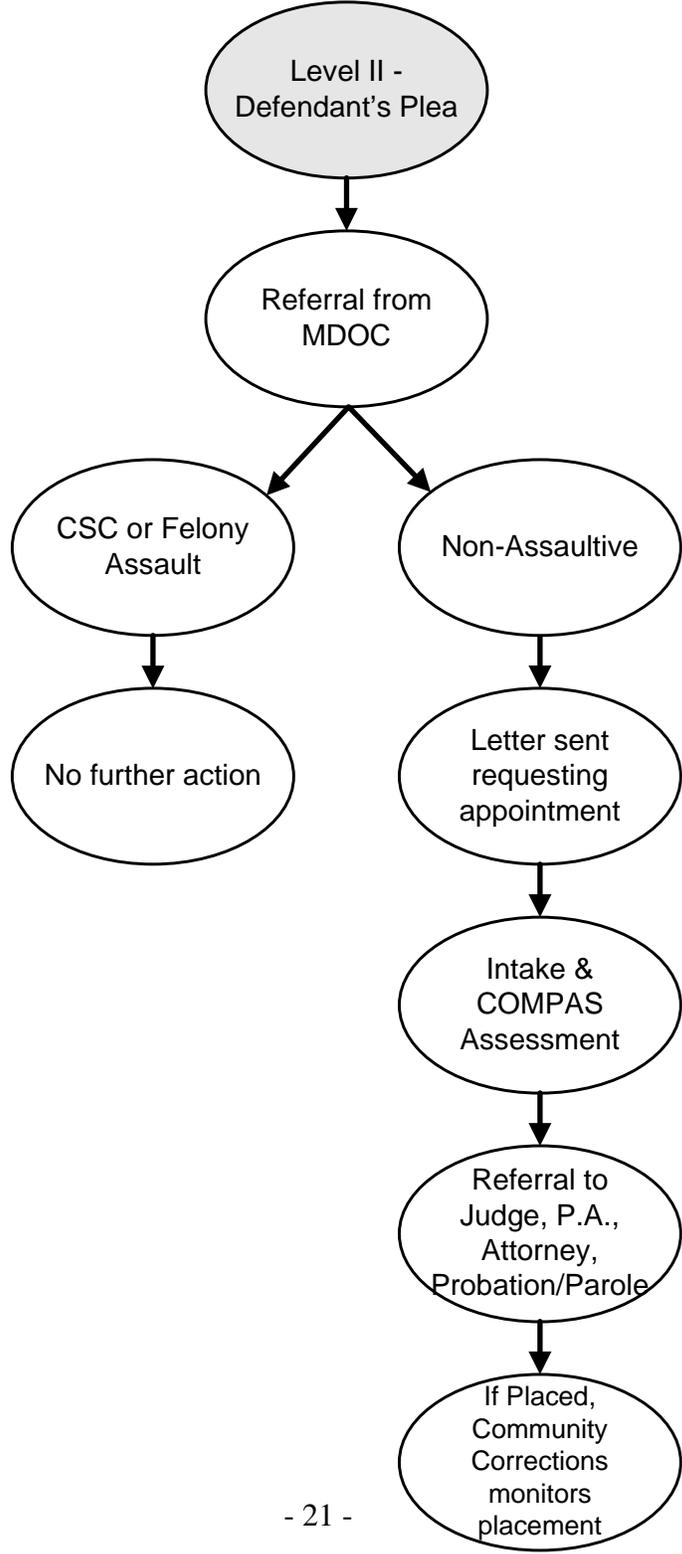
Level III – when an offender is sentenced

The processes for these three levels or stages can be seen in charts 1, 2 and 3.

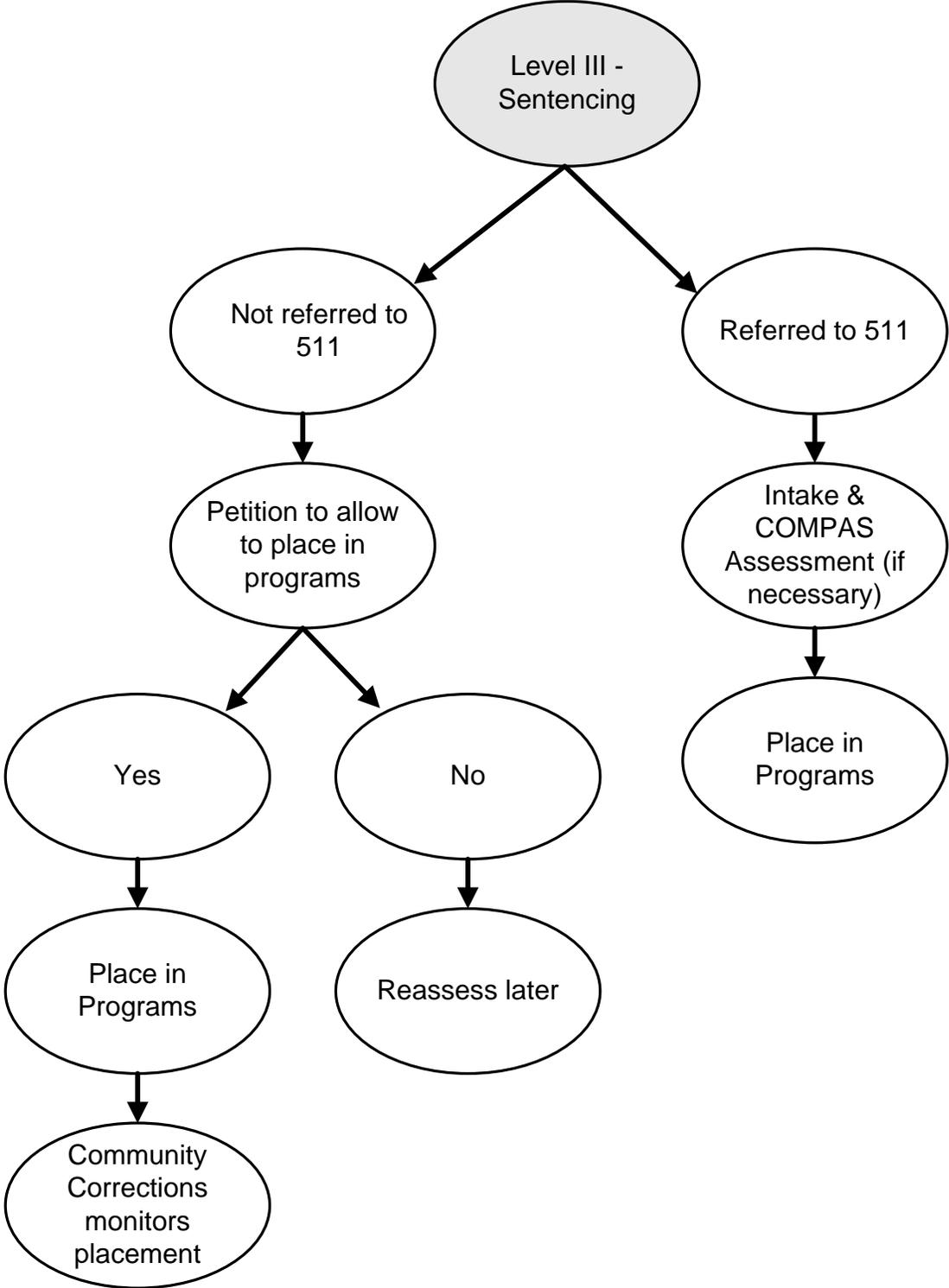
### **Chart 1: Community Corrections Process Level I**



**Chart 2: Community Corrections  
Process  
Level II**



**Chart 3: Community Corrections  
Process  
Level III**



## **2.2 Definitions**

Acquittal – a legal judgment based on the decision of either a jury or a judge, that an accused is not guilty of the crime for which he/she has been charged or tried.

Appeal – a request by either the defense or the prosecution parties to a case that the results of a decision on certain motions or of a completed trial be reviewed by a higher court for error.

Arraignment – an accused person's appearance in a court where the court informs the defendant of the criminal charges, advise the defendant of his/her constitutional rights, appoint a lawyer if the defendant is indigent, accepts a plea and sets bond for possible release.

Bond – written document indicating that certain persons or sureties assure the presence of a defendant at trial; if the defendant is not present, the bond is forfeit.

Charge – a formal accusation filed by the prosecutor's office that a specific person has committed a specific crime also referred to as pressing charges.

Defendant – a person who has been formally charged with committing a crime.

Dismissal – a decision by a judicial officer to end a case for legal or other reasons.

Felony – a serious crime generally punishable by imprisonment for one year or more.

Misdemeanor – a crime punishable by fines and imprisonment for periods of less than one year, often in local jails.

No Contest – a plea that is treated the same as a guilty plea; the defendant does not dispute the facts of the case and does not make any admissions.

Plea – a defendant's formal answer in court to the charge that he/she committed a crime.

Plea Bargain – an agreement between the prosecutor and the defense attorney that the defendant will plead guilty to a crime in exchange for some concession, usually a lesser charge, the dismissal of other pending charges, or a recommendation by the Prosecutor for a reduced sentence.

Probable Cause – the degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime; the evidence must be such that a reasonable

person would believe that this specific crime was committed and that it is probable that the person being accused committed it.

Probation – conditional freedom granted to an offender by the court after conviction or a guilty plea with requirements for the offender’s behavior set and supervised by the court.

Reasonable Doubt – the degree of proof needed for a jury or judge to acquit an accused person of a crime.

Recidivism – the return to a life of crime after a conviction and sentence.

Sentencing Guidelines – are numeric ranges used by sentencing judges to determine an appropriate minimum sentence. The minimum sentence is determined by the seriousness of the offense and the prior criminal record of the offender, and other data about the defendant.

## **2.3 Criminal Justice System Processes**

The criminal justice system process can be confusing to those looking in from the outside. The following is a general summary of the process a criminal case would take through the criminal justice system.

### **1. Initial Steps in a Criminal Case**

These steps apply to both misdemeanor and felony crimes.

#### **a. Crime Committed/Police Notified**

Law enforcement agencies typically learn about crime from victims or other citizens, from discovery by a police officer in the field, or from investigative work.

#### **b. Police Investigate**

After determining that a crime (misdemeanor or felony) has been committed, police then must identify and apprehend a suspect before a case can proceed through the criminal justice system. A police officer can make an arrest if a crime was committed in the officer’s presence. A police officer can also make an arrest without a warrant in the case of the commission of a felony if the officer has probable cause to believe that a crime was committed. If a misdemeanor was committed not in the officer’s presence, a warrant is required to make an arrest.

#### **c. Prosecution**

If an arrest was made without a warrant, law enforcement agencies present information about the case and the accused to the County Prosecutor, who will decide if formal charges will be filed with the Court. The suspect must be released if no charges are filed. If no suspect is in custody, the magistrate or judge may issue a warrant for the suspect's arrest if he/she believes that probable cause exists that the suspect committed the crime.

d. Bond Hearing

A bond hearing must be held within 24 hours of the defendant's arrest.

e. District Court Arraignment

Once arrested and charged, the suspect appears first in District Court for arraignment. The arraignment hearing must be held within 24 hours of the defendant's arrest if bail is not posted, excluding weekends. The defendant is told what the charges are, the maximum penalty if convicted, and is advised of his/her constitutional rights. The Judge or magistrate sets the conditions and amount of bond. Bond is generally based on the nature of the charge, flight risk and danger to the community or self. Further pretrial procedures are determined by whether the defendant is charged with a felony or misdemeanor.

2. Misdemeanor Charges

a. Misdemeanor Charge: Handled in District Court

At a misdemeanor arraignment, the defendant will be allowed to enter a plea to the charge. If the defendant pleads guilty or no contest, the Judge may sentence the defendant immediately or may reschedule the case for a sentencing date, which allows Probation time to prepare a pre-sentence report. If the defendant pleads not guilty or does not enter a plea, the case will be scheduled for a pre-trial conference.

b. Misdemeanor Pretrial Conference

All misdemeanor cases are scheduled for a meeting between the Prosecutor's office and the defendant or his/her attorney to determine whether the case will go to trial or be resolved with a plea. These meetings are meant to determine whether the case can be settled short of a trial by use of a plea bargain. The pretrial conference is held within 14 days of the arraignment hearing.

c. Motions

Motions are scheduled throughout the life of the case.

d. Plea or Trial Status Hearing

The trial status hearing is intended to determine the case status before a trial is set and witnesses are subpoenaed for trial if the defendant demands or waives a jury trial, and to allow the defendant an opportunity to change a plea before trial. The case will be set for sentencing if a guilty or no-contest plea was accepted by the judge.

e. Trial (Jury or Bench/Judge)

A trial is a proceeding in which the Prosecutor must present evidence to prove the defendant's guilt beyond a reasonable doubt. The defendant has the right to a trial by a jury. If a judge decides the case without a jury, this is called a "bench trial". After the evidence is presented, the judge or jury will determine whether the evidence proved that the defendant committed the crime. A criminal case jury verdict must be unanimous.

f. Pre-Sentence Investigation and Report

The court's probation department prepares a report for the judge summarizing the crime, the defendant's personal and criminal background, and a victim's statement. The probation officer includes a recommendation for sentencing in the report.

g. Sentencing

Sentences are usually at the Judge's discretion. The Judge considers information in the pre-sentence report, additional evidence offered by the parties, comments by the crime victim, and other relevant information. The judge has the option of sentencing the defendant to jail, community service, treatment, or a combination of the above.

h. Appeals

Appeals from the magistrate are heard in the District Court. Appeals from the District Court are heard in the Circuit Court. Appeals from a Circuit Court or Probate Court are heard in the Michigan Court of Appeals. Appeals from the Court of Appeals decisions are heard by the Michigan Supreme Court.

3. Felony Charges

Felony charges begin in District Court and are transferred to Circuit Court after Arraignment

At a felony 'first appearance hearing' in District Court, the defendant does not enter a plea. The defendant is advised of the criminal charges and of his/her constitutional rights. In addition, the court will appoint a lawyer if the defendant is indigent, set bond for possible release, and advise the defendant of the right to a preliminary examination within 14 days of the arraignment.

a. Felony Preliminary Exam Conference

In Otsego County the court schedules a preliminary exam conference before a preliminary examination. A pre-exam conference operates similarly to a misdemeanor pre-trial conference where a Prosecutor meets with the defendant or his/her attorney to determine whether a case can be resolved without the need to subpoena witnesses for the preliminary examination.

b. Felony Preliminary Examination

This is a hearing before a District Court Judge, referred to as a "probable cause hearing", held within 14 days after the 'first appearance hearing'. The Prosecutor presents witnesses to convince the Judge that there is probable cause to believe the charged crime(s) were committed and that the defendant committed the crime(s). If probable cause is established, the defendant is "bound over" or sent to Circuit Court for arraignment, plea and sentencing or trial. If the Judge decides that there is not probable cause that the defendant committed the charged crime(s), the Judge can bind the case over on different charges, can reduce the charges to misdemeanors for trial in District Court, or can dismiss the charges. A defendant can waive his/her right to a preliminary examination.

c. Felony Circuit Court Arraignment

The defendant is arraigned after the case is sent to Circuit Court. The defendant is advised what the criminal charges are, the maximum penalty if convicted, and is advised of his/her constitutional rights. The Judge reviews the bond set in District Court and makes changes if deemed appropriate. Bond is generally based on the nature of the charge, flight risk and danger to the community or self. Pre-trial procedures (future hearing dates) are determined.

d. Felony Pre-Trial Conference

The Circuit Court schedules a meeting between the Prosecuting Attorney's office and the defendant's attorney to determine whether the case will go to trial or be resolved with a plea.

e. Motions

Motions are scheduled throughout the life of the case.

f. Plea or Trial Status Hearing

The trial status hearing is intended to determine the case status before a trial is set and witnesses are subpoenaed for trial if the defendant demands or waives a jury trial, and to allow the defendant an opportunity to change a plea before trial. The case will be set for sentencing if a guilty or no-contest plea was accepted by the judge or a trial is scheduled if the defendant maintains a not guilty plea.

g. Trial (Jury or Bench/Judge)

A trial is a proceeding in which the Prosecutor must present evidence to prove the defendant's guilt beyond a reasonable doubt. The defendant has the right to a trial by a jury. If a judge decides the case without a jury, this is called a "bench trial". After the evidence is presented, the judge or jury will determine whether the evidence proved that the defendant committed the crime. A criminal case jury verdict must be unanimous.

h. Pre-Sentence Investigation and Report

The court's probation department prepares a report for the judge summarizing the crime, the defendant's personal and criminal background, and a victim's statement. The probation officer includes a recommendation for sentencing in the report.

i. Sentencing

Sentences are usually at the Judge's discretion. The Judge considers information in the pre-sentence report, additional evidence offered by the parties, comments by the crime victim, and other relevant information. For felonies, the Circuit Court Judge will consult "sentencing guidelines". The sentencing guidelines factor in aspects of the defendant's criminal conduct and his/her prior record, to determine the minimum jail/prison sentence. The Judge may consider different alternatives, such as fines, probation, community service, Otsego County's Work Camp, a sentence to jail or prison, or a combination. The Judge must also order the defendant to make restitution to any victims who have suffered financial harm.

j. Appeals

Appeals from a Circuit Court are heard in the Michigan Court of Appeals. Appeals from the Court of Appeals decisions are heard by the Michigan Supreme Court.

#### 4. Juvenile Cases

Juvenile cases are handled in the Family Division of Circuit Court

Many juveniles are referred to juvenile courts by law enforcement officers, but many others are referred by school officials, human services agencies, neighbors and parents, for behavior or conditions that are determined to require intervention by the formal system for social control.

Juveniles can generally remain under Family Court jurisdiction until age 17. However, under certain circumstances, a youth can be under the court's jurisdiction until age 21.

##### a. Petition

A petition is filed by the Prosecuting Attorney to start a juvenile case.

##### b. Preliminary Petition Hearing, Inquisitional Hearing and Adjudication Hearings

A hearing on the petition must be held within 24 hours of the youth being detained or children being removed in abuse and neglect matters. Depending on initial hearing determinations, the case may take different avenues to proceed. If the judge decides a petition is true, the judge will make a decision regarding the course of action which can result in the removal of the juvenile and new placement of the youth. The juvenile, and potentially other children in the family, plus each parent, are entitled to legal representation in abuse and neglect proceedings. If indigent, the court appoints attorneys to handle representation of each person at public expense.

##### c. Dispositional Hearing

Dispositional hearings are conducted after the judge or a jury has found that a juvenile did commit an offense. The purpose of the dispositional hearing is to craft orders concerning the juvenile and his or her parents or other adults to remedy the circumstances that caused the juvenile to come under the court's jurisdiction. The interval between the plea, admission, trial or disposition, if any, is at the court's discretion. When the juvenile is detained, the interval may not be more than 35 days, except for good cause.

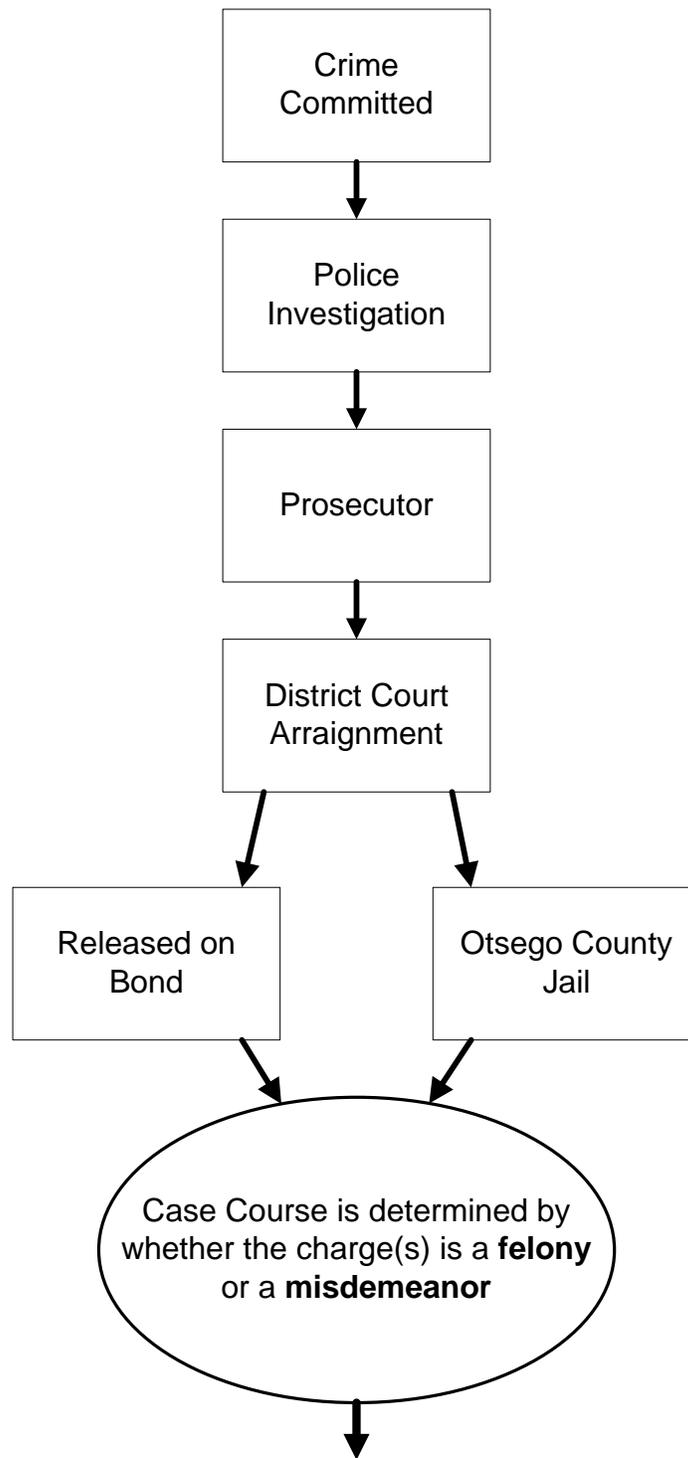
d. Motions

Motions are scheduled throughout the life of the case.

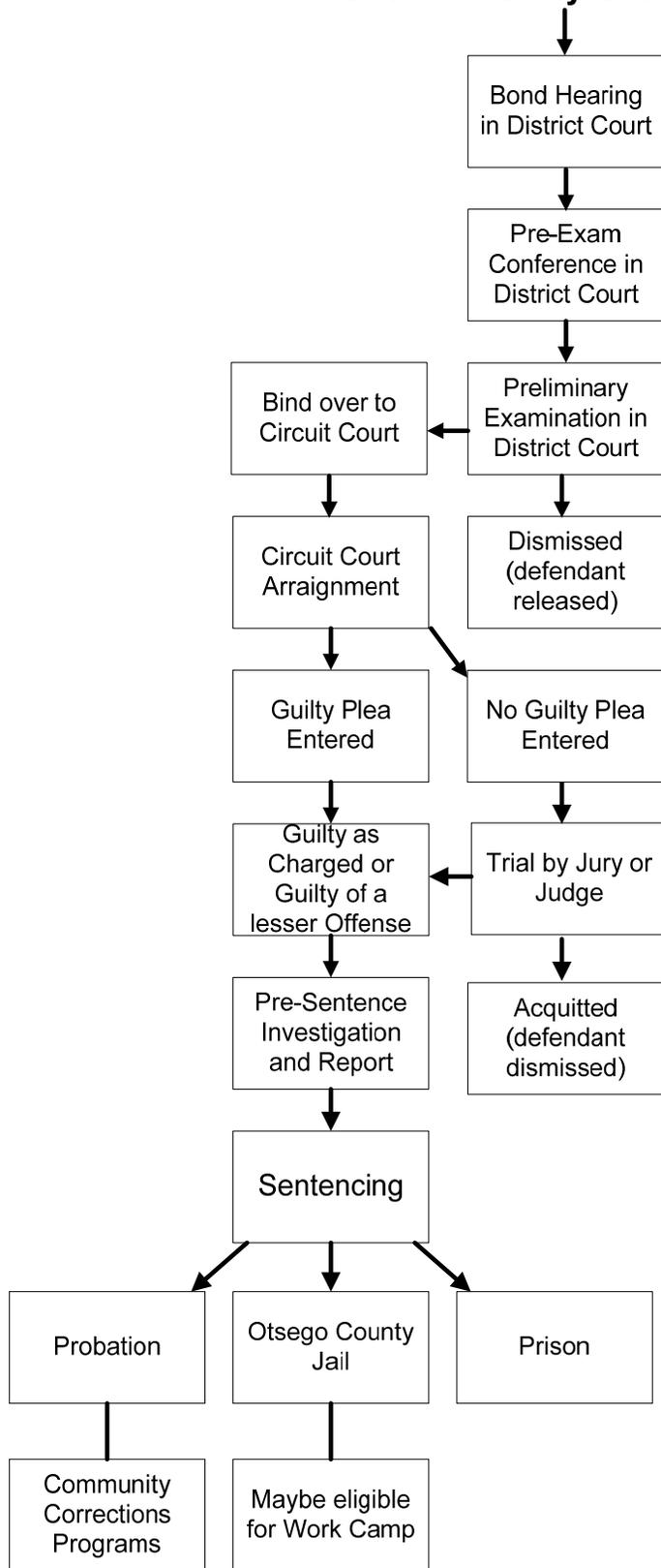
e. Review Hearings

If the juvenile is in placement, review hearings are held every 90 days to determine how the youth is doing in his/her court ordered program. Otherwise a review hearing is held every six months.

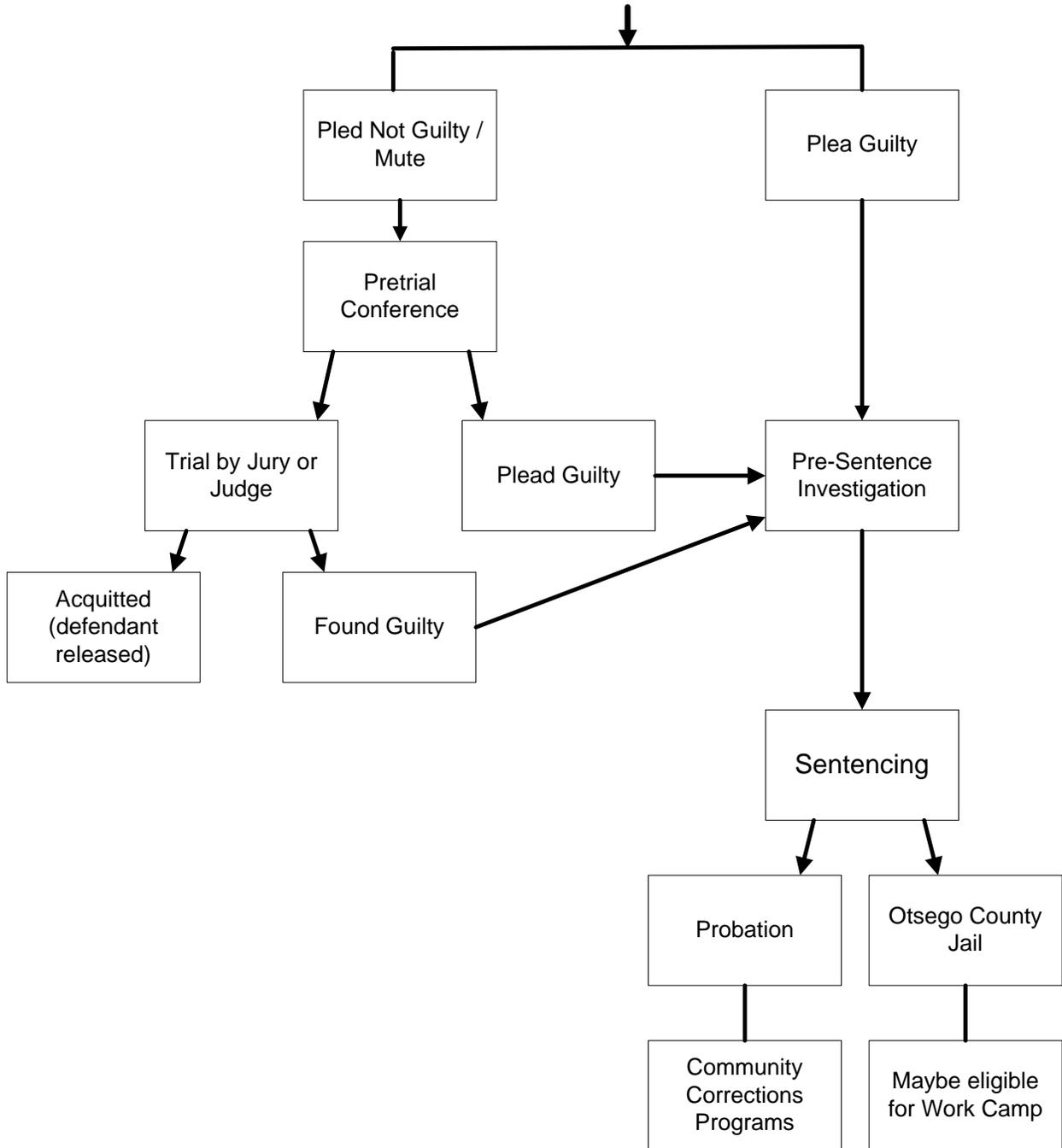
## Chart 4: Adult Criminal Justice Process



**Chart 5: Felony Charge**



**Chart 6: Misdemeanor Charge**



## 2.4 Challenges

The challenges faced by the criminal justice system mostly revolve around facility limitations and the lack of funding for programs. Below is an overview of challenges faced by the criminal justice system.

- The Otsego County Jail lacks the physical space for providing educational and counseling programs, to provide detoxification cells for substance abuse arrests, and to provide line-of-sight watch of defendants that are classified a suicide risk. There is also a lack of jail cells to adequately separate inmates based on classification types. The intermingling of low-level crime and high-level crime inmates increases the chance of violence between inmates as well as creates the opportunity for inmates new to the criminal justice system to learn from repeat offenders. The lack of cells also resulted in the cancellation of the Sheriff's work release program due to multiple incidents of inmates returning smuggling in contraband. Work release inmates must be separated from other inmates.
- There is a Circuit Court room housed at the Otsego County Building. The layout of the building precludes limiting access to one focused entryway which is a security risk. The lack of funding also currently prohibits using metal detectors at either the County Building or the Courts Building. Also, an insufficient number of non-metered parking spots results in complaints from court participants, victims, and jurors. The building also currently lacks meeting rooms for victims, witnesses and attorneys.
- The Courts Building lacks sufficient hold cells for offenders participating in court hearings. There is currently one cell. Due to multiple sessions of court occurring at the same time, there are often multiple offenders including males and females. A second holding cell is needed to separate the male and female offenders.

An exterior entrance is located in the rear of the district courtroom, adjacent to the holding cell. This door remains locked at all times, and is utilized by police agencies only. This reduces the risk of flight and contact with the public.

Also, the current Alpine Center court rooms are in separate parts of the building which, due to the architectural layout of the building, are not connected internally with one another. The disparate location of court rooms, with courts being located at the County Building as well as the different parts of the Court Building at the Alpine Center, creates confusion among participants in court hearings.

- The lack of funding prohibits the Courts from utilizing all alternative programs to the full extent possible, and precludes the addition of programs that could further benefit the justice system.

- The Court received a grant to run a mental health court, which was unsuccessful, resulting in funding being returned to the state. Addressing the needs of those with mental health issues continues to be a challenge.

## **2.5 Recommendations**

1. Seek funding for improving current jail diversion programs and to implement new programs.
2. Seek a solution that will increase the number of jail beds and meeting rooms for education and counseling whether it involves renovation of the current jail or construction of a new jail.
3. Investigate the feasibility of using tether programs for home monitoring/detention and enforcement of Personal Protection Orders.
4. Seek funding to establish a second holding cell at the Courts Building with an outside ingress/egress door directly to the holding cell.
5. Continue communication among the criminal justice agencies by continuing the Criminal Justice Coordinating Committee meetings.
6. Seek architectural solutions to connect the various courtrooms in the Courts Building.
7. Seek funding to improve security for the court rooms.
8. Improve notification of court locations to court participants.
9. Educate physicians on the availability and use of computer programs that monitor prescription drugs.
10. Hire a professional grant writer to help obtain funding for various programs.

Otsego County Criminal Justice Community Plan

**SECTION 3: JAIL ALTERNATIVE PROGRAMS**

### **3.1 The need for adult jail alternative programs**

Jail alternative or diversion programs are intended to 'divert' an offender from further involvement in the criminal justice system. There are a variety of reasons why jail alternative or diversion programs are utilized by the justice system, including:

- avoidance of negative labeling and stigmatization
- reduction of unnecessary social control and coercion
- reduction of recidivism
- provision of services (assistance) to better enable offender to become a contributing member of society
- reduction of justice system cost compared to incarceration
- if done correctly, they do not increase public safety risk

The use of these programs can benefit the criminal justice system by helping to alleviate the following:

- low staff morale and high turnover
- the cost of providing medication and treatment services within the jail
- limited space for more serious felons

For individuals with mental illness, these programs can:

- minimize the impact of treatment interruption
- avoid jail time
- focus on recovery
- avoid recidivism

For individuals with substance use disorders, these programs can:

- help them recover from substance use disorders
- avoid jail time
- focus on recovery
- avoid recidivism

The use of jail alternative or diversion programs can often lead to a more satisfying justice for victims and communities, and it enables the system to deal with the social, economic and personal factors associated with crime, in place of the traditional punitive-oriented alternative.

### 3.2 Overview of the Court's Use of Jail Alternatives

Otsego County uses a variety of programs in different sentencing alternatives, depending on the need of the individual defendant. Otsego County Court Alternative Sentencing Options or Diversion Programs currently in use include:

1. Community Service

Work hours performed in the local community at a non-profit organization with no cost to anyone. Community service hours are ordered as part of a judgment of sentence. All community service hours are tracked and assigned through the Work Camp. With the exception of drug court participants, all probationers are referred to the Work Camp to perform community service.

2. Local Community Service in lieu of jail

Work performed in the community at a non-profit organization at day for day credit rather than serving a jail sentence for a flat fee of \$25.00. (Example: serve one-day jail or 8 hours of community service.)

3. Community service in lieu of fines and costs for the indigent

Work hours performed within the local community at a non-profit organization. Defendant upon sentencing of fine/costs would be evaluated, and if indigent would receive a rate of \$7.50 per community service hour performed. The hours worked would be converted to the hourly rate and applied to the fine/costs ordered at sentencing. Defendant would be required to work enough hours per week or month to convert into the required monthly payment at no added cost to anyone.

4. Deferred or Delayed Sentences (7411; HYTA)

The difference between a deferred judgment of guilt and a delayed sentence is that with a deferred judgment of guilt, although a plea may be taken, an adjudication of guilt is not entered at the time but, rather, is deferred until either successful completion of probation or a probation violation occurs. A delayed sentence requires an adjudication of guilt to be entered by the court at the time a plea is taken. Deferred or Delayed sentence is a one-time offer for someone who has not had any previous criminal activity. The prosecutor would review the defendant's history and make the recommendation to the court at the time of plea. Some fine/costs are assessed to the defendant when this occurs.

5. Treatment programs in lieu of jail or in addition to jail or a reduction of the jail sentence:

a. Residential Treatment

Defendant would check in similar to a hospital setting, and stay at the center for the full-required treatment, which would be determined by an assessment at check in. All costs are direct between the defendant and the treatment center. Defendant would provide proof of completion to probation department. NMSAS has limited funding for this type of treatment. If the offender had a felony conviction with a minimum SGL (Sentencing Guidelines) score of 0-9, Community Corrections can fund the treatment.

b. Anger Management

Defendant would attend classes at a direct cost to them of \$30.00 per class for a total cost of \$330.00. Some funding is available based upon need, which would be evaluated by agency. Defendant would then provide proof of completion to the probation department.

c. GED or continued enrollment in school

Probation department would monitor both, and defendant would provide proof of completion.

d. Tobacco Health Class

Defendant would attend classes at a direct cost to them of \$90.00, providing proof to probation department upon completion.

e. Alcohol Highway Safety Education Program

Defendant would attend classes at a direct cost to them of \$90.00, providing proof to probation department upon completion.

f. Driver Improvement

Defendant would attend classes at a direct cost to them of \$29.95 for the computer class, or \$40.00 to the classroom setting, providing proof to probation department upon completion.

g. Economic Crime Course

Defendant would attend course at a direct cost to them of \$90.00. Defendant must provide proof to probation department upon completion.

h. Minor in Possession Program

Defendant would attend classes at a direct cost to them of \$90.00, providing proof to the probation department upon completion.

i. Domestic Violence Program

Defendant would attend program at a direct cost to them of \$80.00, providing proof to the probation department upon completion.

j. Impact Weekend Panel Program

Defendant would attend weekend program at a direct cost to them of \$295.00, and providing proof to the probation department upon completion.

k. Substance Abuse Counseling

Defendant would attend counseling sessions at a direct cost to them of \$80.00 for individual counseling, or \$37.50 for group counseling. Upon completion they would provide proof to the probation department. NMSAS has limited funding for this type of treatment.

l. Frequent urine, saliva, breath or hair testing in lieu of, or in addition to incarceration

Defendant would complete testing as ordered. Urine tests may be taken through the court at a cost to the defendant of \$20.00 per test. Breath tests may be taken at the Work Camp or County Jail with any violations being scheduled for a violation hearing.

m. To maintain employment or high school education in lieu of jail

No additional costs to anyone, with verification being provided to the probation department.

n. Tether (both ankle/wrist and in-house breath test)

Tether is a direct cost to the defendant as an alternative to jail. Defendant sets up program directly with Tether Company, who would notify the court if a violation occurs. Tether is occasionally used in felony matters but seldom in misdemeanor cases due to costs (user pays) and lack of monitoring.

o. Probation in lieu of jail

No added costs, and is used as alternative to jail. If violation occurs, defendant would then become incarcerated.

p. Saturday Work Program

Alternative to jail, with a direct cost to the defendant of \$30.00 per day.

### 3.3 Overview of Jail Alternative Programs by Agency

#### 1. Assessment Services

Program Provider: Northeast Michigan Council of Governments (NEMCOG)

Provider Contact: Regina Theriault, Case Manager

Contact Information: (989) 705-3735

Program Description: Assessment Services is designed to identify appropriate risk levels of offender for appropriate treatment. Assessors conduct screening of offenders referred from courts. Assessor determines eligibility for Community Corrections programs during screening phase. Once determined eligible for 511 programs, risk/need(s) of offenders are then determined through the use of COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) and/or substance abuse assessments. COMPAS may also be requested from Probation/Parole, Prosecuting and Defense Attorneys, in cases where further information for treatment/risk determination is needed. Recommendation(s) based on Assessment is then provided to courts. Note: a COMPAS is not utilized on everyone. During screening, Assessor may determine the need for more information and would then utilize COMPAS. Probation/Parole, Prosecuting and Defense Attorneys may also request a COMPAS on a felony offender.

Target Population: Felons or misdemeanants who have been sentenced to a term of 30 days or more, including probation, and parole violators.

Eligibility Criteria: Eligibility criteria: No history of assaultive behavior (no more than two convictions for assaultive crimes in the last five years), likely to serve significant (30 days or more) jail sentences, have a history of violations, straddle cell offenders, OUIL3rds, probation/parole violators.

Program Funding Source: 511 Funding.

Total Capacity for Program Participants: Dependent upon funding.

#### 2. Jail Population Monitor Program

Program Provider: Northeast Michigan Council of Governments (NEMCOG)

Provider Contact: Regina Theriault, Case Manager

Contact Information: (989) 705-3735

Program description: The program is designed to place and monitor offenders that are eligible, and ordered, into jail based programs (JPM). The JPM reviews the jail roster and, if applicable, petitions the court for the offender's placement, into an applicable program if the defendant is not currently in some type of rehabilitative program.

Once the offender is sentenced to the jail based program the JPM arranges for placement and monitors progress. JPM prepares weekly progress reports and distributes the reports to probation, probation and parole agents, and the jail. JPM calculates approved credits earned.

Target Population: Anyone, sentenced or unsentenced, in the jail for which an alternative placement is a possibility.

Eligibility Criteria: Eligibility criteria includes: No history of assaultive behavior (no more than two convictions for assaultive crimes in the last five years) and classified as minimum (6, 7, 8) or low medium (5) security using the Jail Inmate Classification System (JCIS).

Program Funding Source: 511 Funding.

Total Capacity for Program Participants: Dependent upon funding.

### 3. Otsego County Work Camp (Day Reporting Center)

Program Provider: Otsego County/Sheriff/Courts and Northeast Council of Governments (NEMCOG)

Provider Contact: Regina Theriault

Contact Information: (989) 705-3735

Program Description: Inmates are given the chance to either continue employment or serve on a work crew doing manual labor around the County. Inmates may be moved to the Work Camp after their temperament is evaluated by the Sheriff and Jail Administrator. Judges may also sentence people directly to work camp in-lieu of jail. At the center the participants receive alcohol and substance abuse counseling, along with a variety of

classes including Parenting, Job Skills, Life Skills, GED, Alchemy Mind's The Program, Cooking and drug counseling.

The intent of the Work Camp is not to have participants take employment away from other Otsego County residents. All organizations and companies using Work Camp participants are required to sign an agreement that stipulates that using the participants would neither reduce the present staff nor preclude in the hiring of additional personnel.

Target Population: Inmates and it is used in-lieu of jail by the Courts.

Eligibility Criteria: No history of violence or sexual assaults. All other inmates are eligible unless specifically excluded by the sentencing judge.

#### 5. General Education Development (GED) Program

Program Provider: The University Center

Program Contact: Jack Thompson, Chief Examiner

Contact Information: (989) 705-3700

Program Description: The GED program consists of a battery of five tests which, when passed, certifies that the taker has American school level academic skills. The program is given once per week to the participants at the Otsego County Work Camp.

Target Population: Any Work Camp participant without a high school diploma.

Eligibility Criteria: Required for all participants at the Otsego County Work Camp.

Program Funding Source: Funding for Work Camp participants who are participating in-lieu of jail time are funded through the Northeast Michigan Council of Governments (NEMCOG) using 511 Program funding from the State of Michigan. The cost to other Work Camp participants is \$50.00 for Intake (enrollment/pretesting) and \$25 for each of five exams.

#### 6. Otsego County Drug and Sobriety Court

Program Provider: 46<sup>th</sup> Circuit Court/87<sup>th</sup> District Court  
Provider Contact: Abe Cruz

Contact Information: (989) 731-0218

Program Description: The program incorporates the immediate detection of suitable candidates, comprehensive assessment of treatment needs, intense judicial supervision, mandatory drug testing, and the use of appropriate incentives and sanctions in concert with a continuum of other rehabilitation and support services. The program is designed to rehabilitate citizens of our community, allowing them to enter or reenter the workforce and become productive members of our society. A defendant does not have to be convicted of a drunk driving crime for admittance to the program. The program is designed to work with any defendant experiencing a serious alcohol or drug dependency problem.

The program's objectives are to: (1) reduce drug use through intense monitoring of participants; (2) to reduce drug related crimes by reducing the dependency on substances; (3) to reduce the birth rate of drug addicted babies and the toll that it takes on our human services agencies; (4) to provide an alternative to incarceration through intense monitoring and court appearances; (5) to allow participants to remain in their homes and community while receiving necessary service; and (6) to provide a means of transportation for the participant to substance abuse treatment and court appearances.

Target Population: Adults under the jurisdiction of the Court that have alcohol or drug abuse issues.

Eligibility Criteria: No history of violence or sexual assaults.

Program Funding: The program is funded at a 100% level between the Federal and State Governments.

Total Capacity: Unlimited

#### 7. General Education Development (GED) Program In the Jail

Program Provider: The University Center

Program Contact: Jack Thompson, Chief Examiner

Contact Information: (989) 705-3700

Program Description: The GED program consists of a battery of five tests which, when passed, certifies that the taker has American school level academic skills. The program is provided to inmates in the Otsego County Jail.

Jail GED Program: Offenders are given 3 days credit for each test passed. If GED is obtained while in jail an additional 5 days credit will be given. Maximum amount earned is up to 20 days off their sentence. GED is recommended for those without a high school diploma who are serving a sentence of 90 days or more. Service provider (certified teacher) conducts two 1-1/2 hour classes per week in all counties but Otsego. The University Center funds computer technology, TABE pre-testing software and the PLATO computer software for learning at no cost to the student. Participating offenders are allowed to use computers in the jail for this program from 7-9 p.m. every day of the week. Five subject areas are covered. Once client completes 1 subject area, testing is provided by alternate examiner. Once client successfully completes five subject areas and passes all five tests, GED is obtained.

Target Population: Any sentenced misdemeanants or felons in jail without a high school diploma, including probation and parole violators.

Eligibility Criteria: Anyone in jail without a high school diploma, who is serving a sentence of 90 days or more.

Program Funding Source: The Jail GED Program is funded primarily by the University Center with additional funding provided by the Northeast Michigan Council of Governments (NEMCOG) using 511 Program funding from the State of Michigan.

## 8. Mental Health Services

Program Provider: Northeast Michigan Council of Governments (NEMCOG)

Provider Contact: Regina Theriault

Contact Information: (989) 705-3735

Program Description: The Mental Health Program is utilized for offenders who are in need of mental health services but do not meet the eligibility criteria for Community Mental Health Services. Straddle cell offenders and probation/parole violators who have issues that are not substance related are targeted. The program provides mental health counseling to address issues identified in screening and assessment (other than substance abuse). An individualized case plan is developed by the provider. A minimum of 1 hour counseling sessions per week with an average of 3 sessions per client are provided in the jail for a maximum of a 90 day period. Mental Health services are available in the community for a continuum of services once the offender is released. Program at this time is not earned release.

Target Population: Any offender participating in community corrections programs.

Eligibility Criteria: Mental Health services are provided to individuals with mental health issues that do not meet the criteria for community mental health services (not suicidal or harmful to others).

Program Funding Source: 511 Funding.

Total Capacity for Program Participants: Dependent upon funding.

9. Residential Alcohol and Drug Treatment Centers (Sub Acute Detoxification Center)

Program Provider: Northern Michigan Substance Abuse Services (NMSAS)

Provider Contact: Sheryl Dey

Contact Information: (989) 732-1791 or (800) 686-0749

Program Description: There are five residential drug and alcohol detoxification centers in northern Michigan. These centers are designed to meet the needs of people withdrawing from alcohol and/or drugs that need support and monitoring but not medical services available in a hospital setting. Residential treatment is typically lasts from 14 to 90 days. The five northern Michigan centers include:

- a. Sunrise Centre in Alpena
- b. Ten Sixteen Assisted Recovery Center in Mt. Pleasant/Midland
- c. Harbor Hall in Petoskey (Males Only)
- d. Addiction Treatment Services in Traverse City
- e. Great Lakes Recovery Center

Target Population: Convicted felons

Eligibility Criteria: Convicted felons may be eligible for funding through NEMCOG. Funds are available through NMSAS for anyone who meets the financial eligibility criteria for assistance.

Program Funding Source: Northeast Michigan Council of Governments (NEMCOG) has funding through 511 Grant Funding, Probation Residential Services (PRS) funds. NMSAS has state and federal funding.

## 10. Mental Health Emergency Services

Program Provider: North Country Community Mental Health (NCCMH)

Provider Contact: Alpine Center – Third Floor

Contact Information: (800) 442-7315

Program Description: We provide 24 hour emergency services and crisis response 365 days a year. These services include phone screening and triage, face to face contact, individual assessment, crisis resolution, referral to other needed services, residential admission, and inpatient admission.

Target Population: Current consumers as well as the general public in need of crisis mental health services.

Eligibility Criteria: Residents of Antrim, Charlevoix, Cheboygan, Emmet, Kalkaska, or Otsego Counties.

Program Funding Source: Various. Medicaid covers over half of users.

Total Capacity for Program Participants: No limit, dependent upon diagnosis.

## 11. Community Support Services for Persons with Developmental Disabilities

Program Provider: North Country Community Mental Health (NCCMH)

Provider Contact: Access Center

Contact Information: (800) 838-3393

Program Description: We provide a wide array of services and supports for people with developmental disabilities. Services are designed to increase and promote personal development, independence, productivity, and general well being. Services provided include: assessment, supports coordination, residential placement assistance, supported living arrangements, volunteer services, professional treatment, crisis intervention, and family support.

Target Population: Persons with developmental disabilities that require assistance in accessing medically necessary and/or therapeutic agency and community services.

Eligibility Criteria: All eligible persons with a developmental disability residing the service area.

Program Funding Source: Various. Medicaid covers over half of users.

Total Capacity for Program Participants: No limit, dependent upon diagnosis.

## 12. Community Support Services for Persons with Mental Illness

Program Provider: North Country Community Mental Health (NCCMH)

Provider Contact: Access Center

Contact Information: (800) 838-3393

Program Description: The purpose of Community Support Services is to reduce the number of occurrences and length of inpatient hospitalization and to assist persons remaining in the community to live in the least restrictive setting and attain their life goals. Services provided include: assessment, linkage with other services, monitoring, advocacy, and outreach.

Target Population: Persons with multiple needs who require the range of supports provided by service coordinators.

Eligibility Criteria: Adults experiencing serious mental illness with multiple service needs and are unable to independently access and sustain involvement with needed services.

Program Funding Source: Various. Medicaid covers over half of users.

Total Capacity for Program Participants: No limit, dependent upon diagnosis.

## 13. Jail Diversion

Program Provider: North Country Community Mental Health (NCCMH)

Provider Contact: Holly Furgeson

Contact Information: (231) 347-7890

Program Description: Jail Diversion is designed to achieve 3 objectives. 1.) Provide cross training between North Country CMH and the legal/law enforcement community. 2.) Act as the liaison between CMH and the legal/law enforcement community. 3.) Identify individuals with a severe mental illness, emotional disturbance or developmental disability who have committed a misdemeanor or non violent felony and divert them away from jail into appropriate mental health services. Diversions may take place prior to arrest.

Target Population: Persons who have a severe mental illness, emotional disturbance or developmental disability and have committed misdemeanors or non violent felonies.

Eligibility Criteria: Determined on a case by case basis.

Program Funding Source: Various.

Total Capacity for Program Participants: No limit, dependent upon diagnosis.

#### 14. Counseling

Program Provider: Catholic Human Services (CHS)

Provider Contact: Pam Morgridge

Contact Information: (989) 732-6761

Program Description: CHS is a full alcohol and drug outpatient treatment facility as well as family service. In addition, CHS provides prevention services to schools and agencies in Otsego County with three prevention specialists on staff.

Preventive services include counseling on the following:

- Underage drinking
- Fetal Alcohol Syndrome
- Adolescent drug use
- Issues of children of alcoholics
- Drinking and driving
- Resistance skills
- Parenting skills
- Anger management skills

Family services include outpatient counseling to individuals, couples and families with adjustment problems other than alcohol and other drugs. Some common issues include marital conflict, parent child conflict, depression, grief and loss.

Target Population: All residents of Northern Michigan

Eligibility Criteria: There is no eligibility criterion. CHS see clients of all ages and status. CHS has alcohol and drug counselors, MRT, family service, anger management, play therapy, etc.

Program Funding Source: Fees are income-based and may in part be subsidized by state and federal funds.

Total Capacity for Program Participants: Unlimited.

#### 15. Reformers Unanimous Addictions Program

Program Provider: Grace Baptist Church

Provider Contact: Bob Coleman

Contact Information: (989) 732-5676

Program Description: Reformers is a faith-based addictions program designed to help the individual overcome any addiction, stubborn habit, or stronghold that may have developed in their lives. The program provides free transportation, personal faith-based counseling, a child nursery, children's programs, and a complete line of faith-based curriculum.

Target Population: Those that struggle with addictions and stubborn habits.

Eligibility Criteria: Those that want help.

Program Funding Source: Grace Baptist Church

Number of Current Participants: 25

Total Capacity for Program Participants: Hundreds

#### 16. Life and Employability Skills

Program Provider: Northeast Michigan Council of Governments (NEMCOG)

Provider Contact: Regina Theriault, Program Manager

Contact Information: (989) 705-3735

Program Description: Life and Employability Skills Program is a cognitive based program. Participants learn to set short and long term goals, manage money, stay health through diet and exercise, rethink their criminal behavior, re-establish new core beliefs, and work on barriers to employment.

Target Population: Felons or misdemeanants who have been sentenced to a term of 30 days or more, including probation and parole violators. The Life and Employability Skills Program is currently given to participants in the jail.

Eligibility Criteria: No history of assaultive behavior (no more than two convictions for assaultive crimes in the last five years), likely to serve significant (30 days or more) jail sentences, have a history of violations, straddle cell offenders, OWI 3<sup>rd</sup> offenses, probation/parole violators.

PA511 eligible inmates attend weekly 90 minute sessions for 12 weeks. Jail inmates may receive one (1) day of earned release jail credit for each session completed. If the inmate completes all 12 session he/she may receive an additional 3 days of credit off their sentences (15 days total).

Program Funding Source: PA511 Funding

Total Capacity for Program Participants: 10 per group

#### 17. Cognitive Behavior Therapy (CBT)

Program Provider: Northeast Michigan Council of Governments (NEMCOG)

Provider Contact: Regina Theriault, Program Manager

Contact Information: (989) 705-3735

Program Description: Thinking for Change. Skills taught in this program include: conflict resolution, active listening, relapse prevention and identifying triggers, coping skills and spirituality.

Target Population: Felons and misdemeanants who have been sentenced to a term of 30 days or more, including probation and parole violators.

Eligibility Criteria: No history of assaultive behavior (no more than two convictions for assaultive crimes in the last five years), likely to serve significant (30 days or more) jail sentences, have a history of violations, straddle cell offenders, OWI 3<sup>rd</sup> offenses, probation/parole violators.

PA511 eligible inmates attend weekly 90 minute sessions for 12 weeks. Jail inmates may receive one (1) day of earned release jail credit for each session completed. If the inmate completes all 12 session he/she may receive an additional 3 days of credit off their sentence (15 days total).

Program Funding Source: PA511 Funding

### **3.4 Review of other recommended programs**

#### **1. Residential Work Camp**

The building that currently houses the Otsego County Work Camp was formerly a residential transition home run by Goodwill Industries. The program was closed due to the discontinuation of grant funding. This program provided relief to the Otsego County Jail by reducing the number of jail beds needed.

The current work camp can be expanded at its existing site to include a 24-hour residential facility, in addition to the current day work camp format. This would allow for greater flexibility for sanctions imposed on offenders.

### **3.5 Recommendations**

1. Investigate the feasibility of establishing a residential work camp in conjunction with the day work camp.
2. Investigate the establishment of a short-term local detoxification/substance abuse facility.
3. Develop valid statistics on the effectiveness of alternative programs.
4. Encourage legislators to revise the mental health code to move some of the offenders who are facing mental health issues out of the jail and into treatment.

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**SECTION 4: JUVENILE JAIL ALTERNATIVE PROGRAMS**

**4.1 The need for juvenile jail alternative programs**

Jail alternative or rehabilitation programs are intended to 'divert' an offender from further involvement in the criminal justice system. The reasons for juvenile jail alternative or diversion programs are very similar to the reasons for adult programs. These reasons include:

- avoidance of negative labeling and stigmatization
- reduction of unnecessary social control and coercion
- prevention of further entry into the criminal justice system
- provision of services (assistance) to better enable offender to become a contributing member of society
- reduction of justice system cost compared to incarceration
- if done correctly, they do not increase public safety risk

The use of these programs can benefit the criminal justice system by saving jail space by preventing future entry into the criminal justice system.

For individuals with mental illness, these programs can:

- minimize the impact of treatment interruption
- avoid further entry into the criminal justice system
- focus on recovery

For individuals with substance use disorders, these programs can:

- help them recover from substance use disorders
- avoid further entry into the criminal justice system
- focus on recovery

The use of jail alternative or diversion programs can often lead to a more satisfying justice for victims and communities, and it enables the system to deal with the social, economic and personal factors associated with crime, in place of the traditional punitive-oriented alternative.

## **4.2 Overview of existing youth jail alternative programs**

### **1. From Decision to Actions (FDTA)**

Program Provider: Catholic Human Services

Provider Contact: Linda Gall

Contact Information: (989) 732-6761

Program Description: FDTA is a ten-week program for youth 12 – 17 years old and their parent(s). The youth and parent are court ordered to attend. Each class meets for two hours. Every youth is paired with a volunteer mentor. Youth and parents meet in separate rooms and have workbooks with parallel coursework. Six out of the ten weeks a different speaker talks with the group about topics such as victimization, resiliency, prison life, and drug abuse. On week ten there is a graduation for youth and parents who have participated in class and completed their work.

Target Population: Youth ages 12-17, who are involved with or at risk for involvement with the courts.

Eligibility Criteria: Must reside in Otsego County and be referred by the court or DHS.

Program Funding Source: Otsego County Child Care Fund

Total Capacity for Program Participants: 20 per year

## 2. Juvenile Justice Services

Program Provider: Otsego County Department of Human Services (DHS)

Provider Contact: Cindy August

Contact Information: (989) 731-3129

Program Description: The vision of the Bureau of Juvenile Justice is to promote safe communities by:

- f. Provide comprehensive treatment and services for juvenile offenders through which they will develop competencies to assist in achieving independence and responsibility.
- g. Holding juvenile offenders accountable for their behavior and working towards repairing harm done to the victim and the community.
- h. Providing leadership within the juvenile justice community by promoting best practices and comprehensive treatment and services for juvenile offenders.
- i. Providing targeted high-need communities with the necessary resources or information to create purposeful and collaborative juvenile delinquency prevention programs.

Target Population: 0-17 year old juvenile offenders

Eligibility Criteria: 0-17 year old children adjudicated by the Court

Program Funding Source: County, State, and Federal Government

Total Capacity for Program Participants: Unlimited

3. Youth Fitness Academy

Program Provider: 46<sup>th</sup> Circuit Court – Family Division

Provider Contacts

Court: Jamie Fitak

Contact Information: (989) 731-0214

Program Description: The Youth Fitness Academy is a program designed to help youth on probation with fitness, self-esteem and discipline. Each session of the program runs for 9 weeks and is run 2-3 times per year. This program is offered free of charge to court-ordered juveniles (referrals made by the Otsego County Family Court Judge). The juveniles attend the program three times per week and physical activities as well as guest speakers are implemented into the program. It is designed to be fun, interactive and educational for youths on the juvenile delinquency docket, and it promotes healthy living, respect (self, as well as for others) and instills self-confidence in youths that generally are lacking in all of the aforementioned categories.

Target Population: Court-ordered juveniles. 13-17 years of age. A maximum of 10 juveniles can be accommodated in each session.

Eligibility Criteria: Youth 13-17 years of age under the jurisdiction of the Court.

Program Funding Source: Otsego County Child Care Fund

Total Capacity for Program Participants: 10

4. Adolescent Substance Abuse Group

Program Provider: 46<sup>th</sup> Circuit Court – Family Division

Provider Contacts

Court: Wesley Smith

Program: Catholic Human Services (CHS)

Contact Information: CHS: (989) 732-6761

Program Description: The Adolescent Substance Abuse Group provides intensive bi-weekly counseling to youth with a serious substance abuse

problem. Youth are drug tested weekly at group sessions and held accountable for any failed tests.

Target Population: Youth under the jurisdiction of the juvenile court with a substance abuse dependency or addiction.

Eligibility Criteria: Youth under the jurisdiction of the court who have or are at risk of drug or alcohol use.

Program Funding Source: Otsego County Child Care Fund

Number of Current Program Participants: 0 (Individual counseling is available in the event that there are not enough appropriate candidates to warrant a group session).

Total Capacity for Program Participants: 50 per year

## 5. Project Adventure

Program Provider: 46<sup>th</sup> Circuit Court – Family Division

Provider Contacts

Court: Wesley Smith

Program: Chuck Fain

Contact Information: (989) 731-0214

Program Description: Project Adventure is a five day program that includes a challenge course and three days and two nights of hiking and camping. Increases self-esteem and challenges youth to deviate from their normal comfort zone and accomplish tasks they previously though impossible. The court runs one program for males and one for females.

Target Population: Youth under the jurisdiction of the juvenile court who would benefit from self-esteem and trust building activities.

Eligibility Criteria: Youth under the jurisdiction of the court.

Program Funding Source: Otsego County Child Care Fund

Total Capacity for Program Participants: 16 per year

### **4.3 Methods of determining program success**

Areas of measurement to determine a program's success include recidivism, educational attainment, self-esteem, community values or citizenship, length and cost effectiveness of the program.

Specifically, pursuant to the existing programs, have the following goals and objectives been met;

Increase in public safety;

Increase in safety of youth and family;

Timely and comprehensive response to the victim(s);

Reduction of the number of first time offenders committing subsequent involvement in serious crime;

Reduction in the rate of recidivism; was the rate of more serious crimes by the same youth reduced, even if a new offense was committed.

Reduction in the number of violent crimes; reduction in degree of harm and morbidity, especially sex offenses and fire arm related offenses;

Improvement in accessibility and continuum of care for drug (including tobacco) and alcohol education, counseling and/or testing pursuant to the specific needs of the youth;

Improvement accessibility and continuum of care for mental health services;

Reduction of youth placed in out of home facilities, reduction in length of stays, of delinquent youth reduced, thereby also reducing the cost to the county;

Reduction of school related violence or threat of violence;

Reduction in truancy, dropout rates;

Improvement in parent education programs and in requiring accountability from parents;

Increase in community vesting of youth by mentoring and volunteer programs.

Comprehensive, community based early intervention programs are critical to successful juvenile planning. The following are areas identified as a continuing need in Otsego County:

Drug and alcohol services for the youth, as well as support services if the youth is living with a substance abuser;

Support services for third party caregivers;

Educational goals and assistance such as vocational training for youth that are not college bound;

Continued collaboration between Community Mental Health, the Department of Human Services, and the Court to share costs and services for mutual client or family;

Early and comprehensive assessments of the youth and the family;

Pre-Teen recreational activities for after school and summer vacation;

Internet safety training for youth and parents;

Reintegration services for family prior to youth returning to the home;

Domestic Violence education and support services for single parent with teenage youth;

#### **4.4 Challenges**

A Subcommittee of the Criminal Justice Coordinating Committee, along with several other invited attendees, met on August 25, 2008 to discuss Juvenile Jail Alternatives and Prevention Programs. They cited the following challenges when dealing with juveniles involved in the criminal justice system:

- Shift in drug use from recreational drugs to more physiologically damaging and addictive drugs (Prescription, heroine, cocaine, methamphetamines) causing a shift to more intensive crimes.
- Increase in economically deprived population causing an increase in juvenile issues.
- Relative caregivers for suburban children. There has been a trend in Otsego for out of town families to send children here to grandparents, after the child gets in trouble in their hometown.
- Lack of intensive drug court system for juveniles to help keep them off of drugs/alcohol.
- Lack of educational materials on jail alternative programs available.
- Lack of funding for juvenile mental health services treatment and screening tools.
- Lack of federal government for funding programs, especially for those aged seventeen. The law says that seventeen is still a minor for non-criminal services. Michigan law and the courts treat seventeen year olds as adults, and are not eligible for court program funding. Most adult residential

substance abuse treatment facilities won't take a seventeen year old. Geography is also an issue. There is a facility in Marquette, Michigan, but the distance prevents the involvement of families, which is crucial.

- No local substance abuse or mental health residential services.
- No juvenile boot camp available in Michigan.
- Poor economy causing pressure within families, as well as preventing a lack of funding for government and agencies to deal with issues.
- As agencies become more overloaded, there is less time and ability for agencies to work together.
- Continued breakdown of the family structure.

#### **4.5 Recommendations**

1. Establish parenting programs in conjunction with school, church and community volunteers.
  - a. Parenting programs provide parents with an opportunity to improve their skills in dealing with the behavior that puts a child at risk of offending. They provide parents/care givers with the one-to-one advice as well as practical support in handling the behavior of their child, setting appropriate boundaries and improving communications.
  - b. By improving the parenting skills of parents and care givers, these programs are addressing one of the major risk factors associated with young people at risk of offending.
  - c. Parents with a child that has become involved with the family court may be offered the opportunity to voluntarily attend a parenting program. However, if voluntary participation cannot be achieved, the court should order parents to the program if deemed appropriate.
2. Establish a mentoring program
  - a. Mentoring pairs a volunteer with a young person at risk of offending. The volunteer's role is to motivate and support the young person on the scheme through a sustained relationship, over an extended period of time. The relationship is built upon trust and a commitment to confidentiality and equality between the mentor and the young person.
  - b. The relationship must be structured and have clearly identified objectives. These objectives should be to help the young person identify and achieve educational, vocational or social goals which

address the factors in the young person's life that put him/her at risk of offending.

3. Establish a teen court for non-violent less serious offenders where the juvenile is judged by their peers. The peer judges would be from different schools than the offender.
4. Educate physicians on the availability and use of computer programs that monitor prescription drugs.
5. Hold TEAM decision making meetings where stakeholders assemble and work out the best plan for a youth.
6. Establish a Court Appointed Special Advocate (CASA) to compile and provide information on juvenile offenders to judges.
7. Establish a juvenile drug court.
8. Hire a professional grant writer to help secure funding for various programs.
9. Have Court review all other available alternative programs for applicability to this region.

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**SECTION 5: RESTORATIVE JUSTICE**

## **5.1 Introduction to the Restorative Justice Concept**

Crime is fundamentally a violation of people and interpersonal relationships. Victims in the community have been harmed and need restoration. The primary victims are those most directly affected by the offense but others, such as family members of victims and offenders, witnesses, and members of the community, are also victims.

A restorative justice process maximizes the input and participation of these parties in a search for restoration, healing, responsibility and prevention. The roles of the parties will vary according to the nature of the offense as well as the capacity and preference of the parties.

Since the primary obligation is to victims, a restorative justice program empowers victims to effectively participate in defining obligations. Offenders are provided opportunities and encouragement to understand the harm they have caused to victims and the community and to develop plans for taking appropriate responsibility.

Voluntary participation by offenders is maximized, coercion and exclusion are minimized. Obligations that follow from the harm inflicted by crime should be related to making things right. They may be experienced as difficult, even painful, but are not intended as pain, vengeance or revenge. Obligations to victims such as restitution take priority over other sanctions.

## **5.2 Review of programs used by other agencies**

The community has a responsibility to support and help victims of crime to meet their needs. The community bears a responsibility for the welfare of its members and the social conditions and relationships which promote both crime and community peace. The community has responsibilities to support efforts to integrate offenders into the community, to be actively involved in the definitions of offender obligations, and to ensure opportunities for offenders to make amends.

In Otsego County the victim program already in place incorporates most of these restorative justice principles. The program is successful.

Other jurisdictions in the United States and other countries also created a restorative justice program used to divert prosecution or provide sentencing recommendations to a court, based on community standards. Another name for the diversion program is a 'Citizen's Probation Authority'. This type of program was successfully used in Otsego County in the late 1970's but ended after the death of the volunteer that worked closely with the county prosecutor's office.

A prosecutorial diversion program would have to be approved by the elected prosecutor and must be based on community input. Standards would be developed whereas some

offenses would not be prosecuted providing the adult or juvenile offender admitted culpability to the crime and complied with the decisions made by a restorative justice board and the victim is made whole. Some cases of criminal activity could begin in the criminal justice system but a Restorative Justice Board would review the facts and interview all parties within the community and then make sentencing recommendations to the court that would make the victim and the community whole and provide for accountability of the adult or juvenile offender.

Compliance by the offender results in the victims being made whole and no official prosecution or, depending on the program structure, may result in a special sentence recommendation to the court. Non-compliance to the conditions set by the restorative justice board results in formal charges being filed and the defendant then proceeding through normal channels of the criminal justice system, up to and including a conviction and a criminal record. Noncompliance with a court order results in additional sanctions, up to and including incarceration.

The type of criminal offenses that qualify for these types of programs is determined after discussion with leaders from all facets of the community. Whether only first time offenders or subsequent offenders are allowed into the program is part of that policy. Policies should reflect the community's values.

In these new roles the community must become the first line of defense in maintaining community standards of behavior, with the criminal justice system used as a measure of last resort.

What is 'community'? It must be accepted that the definition of community as it relates to Restorative Justice Programs is a fluid definition. Community can be the geographic community around a crime. This type of community has a stake in the resolution of the crime and therefore has an interest in the event. Other types of community are aspects of our lives – work, church, schools, neighborhoods, family, hobbies, friends and interests. These types of communities have a vested interest in the victim and the offender.

The Restorative Justice approach to 'Community' looks for involvement, commitment, direction and resources from both communities of place and the personal communities of those most directly affected by a crime.

There are several key responsibilities in the community's work in responding to crime:

- Rally around the victim and attend to the wounds of the victim;
- Provide the opportunity for offenders to make amends for the harm of the behavior;
- Establish norms and hold members accountable to norms;
- Address underlying issues revealed by crimes (prevention).

This new relationship, which is indeed a partnership with the partners changing places, is shaped by several key ideas:

- Community is the source of moral authority or influence.
- Community is the center of decision making whenever possible.
- Community is the center of action.
- Formal government is the source of legal authority.
- The government is in a position of broader oversight than the community.
- The government is the guardian of individual concerns and rights (in contrast to community responsibility for collective concerns).

Four Restorative Justice Models:

1. Victim-Offender Mediation

- a. Process offers victims an opportunity to meet offenders in a safe, structured setting and engage in a mediated discussion of the crime.
- b. With the assistance of a trained mediator, the victim is able to tell the offender about the crime's physical, emotional, and financial impact, receive answers to lingering questions about the crime and the offender, and be directly involved in developing a restitution plan for the offender to pay back any financial debt to the victim.
- c. Provides an opportunity for the victim and offender to develop a mutually acceptable plan that addresses the harm caused by the crime.
- d. Cases can be referred as a diversion from prosecution.

2. Community Reparation Board

- a. Primarily used with offenders convicted of nonviolent and minor offenses
- b. Composed of small group of citizens who conduct face-to face meetings with the offender.
- c. Board develops sanction agreements with offenders, monitors compliance and submits compliance reports to the prosecutor or court.
- d. Cases can be referred as a diversion from prosecution.

3. Family Group Counseling Program

- a. This model uses police officers and school officials to set up and facilitate family conferencing meetings.
- b. Involves the community of people most affected by the crime – the victim, the offender, and the family, friends and key supporters of both, in deciding the resolution of a criminal or delinquent incident.
- c. Community is brought together by trained facilitators to discuss how they and others have been harmed by the offense and how the harm might be repaired.

- d. In many states a wide variety of offenses have been resolved through family group conferencing, including theft, arson, minor assaults, drug offenses, vandalism and child maltreatment cases.

#### 4. Circle Sentencing

- a. A community, holistic reintegrative strategy, designed not only to address the criminal or delinquent behavior of the offender but also to consider the needs of victims, families and the community.
- b. The 'Circle' can include victims, offenders, family, friends of both, justice and social service personnel, and interested community residents searching for an understanding of the event.
- c. The 'Circle' identifies the steps necessary to assist in healing all affected parties and prevent future crimes.
- d. The significance of the 'Circle' is more than symbolic: all 'Circle' members – police officers, lawyers, judges, victims, offenders, and community residents -participate in deliberations to arrive at a consensus for a sentencing plan that addresses the concerns of all interested parties.

### **5.3 Methods of determining the program's success**

Justice monitors and encourages follow-through since healing, recovery, accountability and change are maximized when agreements are kept. Methods of determining the program's success are:

1. Accurate record keeping of the number of offenders placed in the program.
2. Whether the offender successfully completed the program by complying with all aspects of the Board's sentence.
3. Whether the victim was made whole if restitution was ordered.
4. Whether the offender committed another offense after being released from the program.

### **5.4 Recommendations**

1. Gather information about current Restorative Justice Programs in Otsego County and also other models in other jurisdictions
2. Assess potential support both in the community and in the criminal justice system and educate key leaders about restorative justice.

3. Meet with community leaders, elected prosecutors, judges and law enforcement leaders to begin to focus on needs and solutions.
4. Attend community gatherings, ask local residents about issues.
5. Clarify goals and values in approaching the community. (Questions to be discussed are (1) what are we trying to achieve and (2) why is it important to you about what the committee is doing and how it will be done?)
6. Working with community leaders, plan informational sessions to explore community interest. Invite participation of victims' representatives.
7. Identify underlying values of the community and discuss the shared values which will guide the community based program.
8. Form a task force or steering committee including community members, key system representatives and victim representatives to begin exploring options and creating an approach tailored to this community.
9. Identify criminal and delinquent behavior that will be channeled through the new Restorative Justice Programs.
10. At each session recruit volunteers who would like to be involved in creating a new approach to the community based restorative values.
11. Provide basic mediation/facilitator training to volunteers for each model selected.
12. Develop referral systems and protocols.
13. Clarify responsibilities of all parties.
14. Pilot several cases.
15. Refine procedures.
16. Share stories with the community on a regular basis.
17. Establish steps for working out conflict between the criminal justice system and the community.

Update: Restorative Justice (1) information has been research and gathered; (2) it was determined that this type of program is primarily successful in larger counties. The number and type of charges in this county are minimal to support a full restorative justice program.

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**SECTION 6: SERVING WITNESSES & VICTIMS**

## **6.1 Introduction to witness & victim programs**

One of the most often cited concerns in community surveys is public safety which refers to the entire criminal justice system. Prior to the implementation of witness and victim programs in 1985, the loss, hurt, and fear experienced by victims were made worse by a system which provided extensive legal rights for the criminal defendant, while ignoring the victim/witness.

To ensure fundamental rights for crime victims, the Crime Victim's Rights Act was established. At a higher level, however, the Constitution continued to list a number of important rights for the criminal defendant, but not one specific right for the victim. Then the people of the state of Michigan overwhelmingly approved the constitutional amendment on November 8, 1988 and it became Article 1, Section 24 of the State Constitution on December 24, 1988. Crime victims in Michigan now have the most complete legal rights in the country, finally bringing long overdue balance.

A concerned and informed citizen is the criminal's worst enemy. When large numbers of citizens work together as a team with law enforcement agencies, crime does decline.

## **6.2 Overview of existing programs**

The crime victims, as defined by law, shall have the following rights, as provided by law:

- The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
- The right to timely disposition of the case following arrest of the accused.
- The right to be reasonably protected from the accused throughout the criminal justice process.
- The right to notification of court proceedings.
- The right to attend trial and all other court proceedings the accused has the right to attend.
- The right to confer with the prosecution.
- The right to make a statement to the court at sentencing.
- The right to restitution.
- The right to information about conviction, sentence, imprisonment, and the release of the accused.

There is currently one full time Victim Advocate employed at the Otsego County Prosecutor's Office that is partially funded by a grant from the Crime Victim Services Commission of Michigan. The Advocate provides comprehensive assistance to victims in all Felony, Misdemeanor and Juvenile cases.

There is currently a witness/victims room at both the Alpine Center Building and the downtown County Building. These rooms are intended as a waiting room during trials and hearings, as well as an interview room to meet with victims. They contain couches, a television and a DVD player. The goal is to make victims/witnesses comfortable while waiting to testify or while waiting for a jury verdict. The room at the County Building is also used as a juvenile holdover room.

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**SECTION 7: CRIME PREVENTION PROGRAMS**

## 7.1 Introduction to crime prevention programs

Prevention programs can be effective against both early and late-onset forms of criminal behavior in general populations of youth, high-risk youth, and youth already involved in the criminal justice system.

## 7.2 Overview of existing programs

### 1. Compass Youth & Family Guidance

Program Provider: Northeast Michigan Community Service Agency, Inc.  
(NEMCSA)

Provider Contact: Lisa Slupecki

Contact Information: (989) 732-2693  
Crisis Hotline: (800) 292-3003

Program Description: Crisis intervention and short-term counseling for youth and families on an outreach basis (in area schools or at the client's homes). Services are voluntary and free of charge. No income guidelines. Group services are also available.

Target Population: Youth, primarily ages 13-17, but can serve ages 6-12 and 18-21 on a limited basis, who are in crisis, have runaway or are thinking about running away, and their families when appropriate.

Eligibility Criteria: Youth as described above, that voluntarily choose to work with the program. Parental permission is required.

Program Funding Source: Primarily paid for by the Department of Human Services Runaway Contract. NEMCSA supplements with Community Service Block Grant Funds and Temporary Assistance to Needy Families funding.

Total Capacity for Program Participants:

### 1. Early Head Start – Not Currently Funded

Program Provider: Northeast Michigan Community Service Agency, Inc.  
(NEMCSA)

Provider Contact: Lisa Slupecki

Contact Information: (989) 732-2693

Program Description: The program provides intensive and comprehensive child development and early education services including health, nutrition, and family support services. Early Head Start seeks to provide the foundations for school readiness by fostering developmental competence during the earliest years of childhood.

Target Population: Pregnant women and children birth to three years old and their families.

Eligibility Criteria: Program is free to families who meet federal poverty guidelines or other risk factors.

## 2. Head Start

Program Provider: Northeast Michigan Community Service Agency, Inc. (NEMCSA)

Provider Contact: Lisa Slupecki

Contact Information: (989) 732-2693

Program Description: Head Start is a comprehensive program that, in addition to education, provides for social services, health/dental nutrition, mental health, and disability services to participating families. By coordinating these services for each child, Head Start provides skills that bring about a greater degree of social competence and allows the child to deal more effectively with his/her present environment and later responsibilities in school and life.

Target Population: Children 3-5 years of age whose family incomes are at or below 100% of poverty.

Eligibility Criteria: Program is free to families who meet federal poverty guidelines or other risk factors.

Program Funding Source: Funding comes from a variety of local sources.

Total Capacity for Program Participants: No limit, dependent upon funding.

## 3. School Success Partnership

Program Provider: Northeast Michigan Community Service Agency, Inc. (NEMCSA)

Provider Contact: Dorothy Pintar, Program Director

Contact Information: (989) 358-5006

Program Description: The School Success Partnership Program utilizes a prevention approach, in that it attempts to identify elementary, Junior High and High School students who are showing signs of difficulty in school and other settings. The staff works cooperatively with students, parents, teachers, and other service providers in the community to address issues and concerns. This program hopes to increase every child's opportunity to come to school ready to learn, able to concentrate, and eager to succeed.

Target Population: School age children having difficulty in school and other settings.

Eligibility Criteria: NEMCSA will work with anyone as long as NEMCSA personnel are qualified to perform the required work.

Program Funding Source: Funding comes from a variety of sources including Public Schools (Title One; Safe and Drug Free Funds; General Fund); NEMCSA Head Start; Temporary Assistance for Needy Families (TANF); Juvenile Delinquency Grant Funds; NEMCSA (CSBG; CDA); Blended Funding (Court Funds); Community Foundation; Fundraisers; Strong Family Safe Children.

Total Capacity for Program Participants: No limit.

#### 4. Foster Grand Parent Program

Program Provider: Northeast Michigan Community Service Agency, Inc. (NEMCSA)

Provider Contact: Barbara Dault, Program Director

Contact Information: (989) 732-2693

Program Description: This program utilizes eligible senior citizen volunteers to establish a one-on-one relationship with children in need of personal attention and special help.

Target Population: Children

Eligibility Criteria: Seniors must be 60 years of age or older and reside in the NEMCSA service area; meet low/limited income guidelines at or below 125% of poverty as established annually by Health and Human Services (HHS); be cleared for service by a physical examination by a licensed health care provider; be cleared for service by a criminal history background check

through the Michigan State Police and the National Sex Offender Public Registry maintained by the Department of Justice.

Program Funding Source: Corporation for National and Community Service, and Michigan Office of Services to the Aging.

Total Capacity for Program Participants: 62, low/limited income senior volunteers.

## 5. Adoption

Program Provider: Otsego County Department of Human Services (DHS)

Provider Contacts:

Diana S. Vert  
Chippewa County DHS  
Tel: (906) 635-4148

Madeleine McConnell  
Alpena County DHS  
Tel: (989) 354-7247

Program Description: The DHS is given the charge of finding permanent homes for children who have come into the state's care. Some of these children have been abused or neglected and all of them have been removed from their home. A court has terminated their parents' rights after efforts to improve the family's situation have failed. Together with private agencies, DHS staff searches for appropriate adoptive families that will best meet the needs of the child.

Target Population: Some of these children have been abused or neglected and all of them have been removed from their home. A court has terminated their parents' rights after efforts to improve the family's situation have failed.

Program Funding Source: State and Federal Government

Total Capacity for Program Participants: Unlimited

## 6. Children's Foster Care

Program Provider: Otsego County Department of Human Services (DHS)

Provider Contact: Cindy August

Contact Information: (989) 731-3129

Program Description: Provides placement and supervision of children who are the responsibility of DHS and are under the jurisdiction of the Family Court, or children whose parents have voluntarily released their parental rights. The goal of Foster Care is to give the child a home and a family to care for him/her until he/she is either returned to his/her legal parents or adopted.

Target Population: Children 0-17 years of age

Eligibility Criteria: The Children's Foster Care Program provides placement supervision of children who are the responsibility of DHS and are under the jurisdiction of the Family Court, or children whose parents have voluntarily released their parental rights.

Program Funding Source: County, State and Federal Government

Total Capacity for Program Participants: Unlimited

## 7. Children's Protective Services

Program Provider: Otsego County Department of Human Services (DHS)

Provider Contact: Sherie Bailey

Contact Information: (989) 731-3129

Provider Contact: Dawn Munger

Contact Information: (989) 395-0363

Program Description: By law, DHS has the responsibility to receive and to respond to any complaint of child abuse, child neglect, sexual abuse, sexual exploitation, maltreatment or improper custody.

In each case being investigated, DHS must complete a safety assessment to identify present or immediate danger of harm to a child during the investigation and at other important points during the life of the case. DHS must also assess the risk of future abuse and/or neglect to the child.

Because children have a right to be with their own families, the ultimate objective is to protect children by stabilizing and strengthening families whenever possible through services, either direct or purchased, to the parents or other responsible adults to help them to effectively carry out their parental responsibilities.

Target Population: Children 0-17 years of age

Eligibility Criteria: The CPS program is based on the conviction that protection of children is primarily the responsibility of parents. When parents and other responsible adults fail, and children are harmed or at risk to warrant intervention, DHS intervenes to safeguard the rights and welfare of children whose families are unable or unwilling to do so.

Program Funding Source: State and Federal Government

Total Capacity for Program Participants: Unlimited

#### 8. Alternative Education Program

Program Provider: Courts

Provider Contact: Jamie Fitak

Contact Information: (989) 731-0214

Program Description: The Court has recently implemented an Alternative Education Program to meet the needs of the youth on probation. It is funded by the Child Care Fund and grants from United Way.

Target Population: High risk students on probation who are not successful in a traditional school setting

Eligibility Criteria: High risk students on probation who are not successful in a traditional school setting

Program Funding Source: County Child Care Fund and United Way grants.

Total Capacity for Program Participants: No limit, dependent upon funding.

#### 9. School Prevention

Program Provider: Johannesburg-Lewiston Area Schools

Provider Contact: Rick Holt

Contact Information: (989) 732-1773

Program Description: The program includes:

- a. classroom education such as Botvins Life Skills, Get Real About Violence, Protecting You Protecting Me, Project Alert

- b. Small groups – divorce, grief and loss, social skills
- c. Individual skill building
- d. After school programs – All Starts, Middle School Summer Program, Bigs and Littles mentoring program, study groups/tutoring

Target Population: K-8 students

Eligibility Criteria: Poor academic performance, low social skills, low self-esteem, at-risk youth

Program Funding Source: Johannesburg-Lewiston Area Schools

Total Capacity for Program Participants: No limit, dependent upon funding.

#### 10.D.A.R.E. Program

Program Provider: MI State Police Post #73

Provider Contact: Trooper Corey Hebner

Contact Information: (989) 732-5141

Program Description: The Otsego County D.A.R.E. program has been in this county since 1987.

The program is given in the Gaylord Intermediate School, Johannesburg Elementary School, St. Mary's Cathedral Elementary School, and the Vanderbilt Elementary School.

The D.A.R.E. curriculum teaches 5<sup>th</sup> and 6<sup>th</sup> grade students skills on how to resist the pressures to experiment with alcohol, tobacco and other drugs. There are 10 lesson modules in the D.A.R.E. curriculum, reinforced with family support activities.

The D.A.R.E. officer works in partnership with the schools and parents to give a clear and consistent message about the dangers of drug, alcohol and tobacco use. Parents are a very important part of the curriculum, with information being sent home with their child after every lesson module.

D.A.R.E. students are taught a decision making model which is then used with scenarios on possible real life situations. The model, which is used throughout the entire curriculum, is DEFINE the situation or challenge,

ASSESS the choices, RESPOND with confidence and EVALUATE the choice made.

Target Population: 5<sup>th</sup> and 6<sup>th</sup> grade students

Eligibility Criteria: All 5<sup>th</sup> and 6<sup>th</sup> grade students

Program Funding: MI State Police

Total Capacity: Unlimited

### **7.3 Challenges**

A Subcommittee of the Criminal Justice Coordinating Committee, along with several other invited attendees, met on August 25, 2008 to discuss Juvenile Jail Alternatives and Prevention Programs. They cited the following challenges facing our community:

- Lack of community understanding of the causes of delinquency.
- Lack of effective parenting programs to help teach parents how to be parents and to cope with issues with their children.
- Lack of motivated parents. There are many parents involved in the court system that want someone to “fix” the problems with their children. Parents need to involve the court at an earlier stage rather than waiting until the youth is fifteen or sixteen and in more serious trouble. Issues with the child can often be detected by the age of nine.
- Lack of available designated truancy officers to prevent and deter delinquent behavior. A truancy officer would be a proactive deterrent on the temptation of skipping school and engaging in other delinquent behavior.
- Lack of programs that break the family cycle of substance abuse/domestic violence, etc. The children that come into contact with the courts due to other issues in the family will often end up being in the criminal justice system later.
- Lack of structure and affordable after school programs. When children are consistently left to their own devices, without a guardian, they are more likely to get into trouble. Often times, the parents can't afford to put their children into existing programs.
- Lack of affordable drivers training. The cost of taking drivers training has been consistently rising, resulting in many teenagers deciding to put off getting their drivers license. Without a drivers license, it can be very hard to obtain and maintain employment. Employment helps to give people a sense of pride, purpose, and accomplishment. These teenagers will miss out on this experience and may end up having too much “idle” time on their hands.
- DARE program not given in all grades. Working with children to keep them away from drugs should be ongoing through school

- Lack of awareness of the law. There are some who get in trouble that do not know they were breaking the law. A common example is laws regarding underage sex.
- Studies show that one-on-one counseling does not work for behaviorally disturbed juveniles, as the child returns to the same problematic family issues in the home.

#### **7.4 Recommendations**

1. Establish parenting programs in conjunction with school, church and community volunteers.
  - a. Parenting programs provide parents with an opportunity to improve their skills in dealing with the behavior that puts a child at risk of offending. They provide parents/care givers with the one-to-one advice, as well as practical support, in handling the behavior of their child, setting appropriate boundaries and improving communications.
  - b. By improving the parenting skills of parents and care givers, these programs are addressing one of the major risk factors associated with young people at risk of offending.
  - c. Parents with a child that has become involved with the family court may be offered the opportunity to voluntarily attend a parenting program. However, if voluntary participation cannot be achieved, the court should order parents to the program if deemed appropriate.
2. Implement a program that involves parents with juveniles. The program must address academics as well as behaviors.
3. Increase life skills classes in the schools.
4. Provide mental health counselors in the school as a position jointly funded by Community Mental Health and the schools.
5. Increase family fairs/town hall meetings to promote what services are available for early intervention.
6. Establish a high school program that provides legal information to students to make sure they have an understanding of the law.
7. Pursue grant funding through the Department of Community Health to help with funding recommendations.
8. Continue cooperation between Community Mental Health and courts to work with behavioral problems before juveniles are in the criminal justice system. Establish

the Oregon Model which includes more modeling and role-playing focused on parents. Note: Community Mental Health currently has two of their staff training on this model.

9. Work to establish affordable after school programs.
10. Expand drug awareness programs in the schools.
11. Seek funding for Early Childhood Head Start

Otsego County Criminal Justice Community Plan

**SECTION 8: DATA**

## 8.1 Introduction and review of criminal justice data

Understanding who is in the jail, along with why they are there, is crucial to being able to shape policies and programs that will best allow inmates to reenter society and prevent them from reoffending.

The following are locally accessible databases of criminal justice data:

### 1. Law Enforcement Information Network (LEIN)

Statewide computerized information system that enables participating law enforcement agencies to access and/or modify stored information. Some of the data tracked includes State of Michigan criminal record information, sex offenders, missing/wanted persons, prison and parole information, gun registration/permits, weapons convictions, personal protection orders (PPO), arrest/warrants, juvenile records, officer cautions, Michigan Secretary of State information, and National Crime Information Center (NCIC) wants and warrants from all states.

Limitation: There are only certain reports programmed into the software. Any other data must be looked up by individual. This can be very time consuming.

Availability: Executive Branch Departments and Sub-units, and Legislative and Judicial agencies.

The information can only be accessed by law enforcement agencies, and courts, and is not subject to the Freedom of Information Act.

### 2. FSG Law Enforcement Management System (LEMS)

LEMS is a software database produced by FSG which is a canned software package that tracks a variety of jail inmate data entered by correction officers as they book inmates into the jail. Some of the data tracked includes booking, sentencing, release details, inmate medication, jail incident reports, daily jail log, and inmate questionnaire answers.

Limitation: There are only certain reports programmed into the software. Any other data must be looked up by individual. This can be very time consuming.

Availability: Otsego County Jail staff.

### 3. Internet Criminal History Access Tool (ICHAT)

Information system that allows the search of public records contained in the Michigan History Record maintained by the Michigan State Police, Criminal

Justice Information Center. All felonies and serious misdemeanors that are punishable by over 93 days are required to be reported to the state repository by law enforcement agencies, prosecutors, and courts in all 83 Michigan counties.

Limitation: Data must be looked up by individual. This can be very time consuming.

Availability: Anyone can perform a search through ICHAT. There is a charge to the public for the service. The full name and date of birth of the person is required at a minimum.

#### 4. Judicial Data Warehouse (JDW)

JDW is a central repository that provides one consolidated database for the Michigan Supreme Court, State Court Administrative Office (SCAO), and the judicial community. JDW utilizes a “unique person identifier” to tie together data and provide a complete report of all known data about any individual’s involvement with the courts in Michigan.

Limitation: Data must be looked up by individual. This can be very time consuming.

Availability: Available free of charge to any state courts.

#### 5. Victim Information Notification Everyday (VINE)

Computer-based system for informing victims of their perpetrator’s court case and prison release dates. Court fees collected by the Crime Victim Rights Fund pays for the service. The system can check if a person was arrested and is currently lodged in a Michigan Jail.

Limitation: Data must be looked up by individual. This can be very time consuming.

Availability: Available free of charge to any state courts.

#### 6. AS 400 Internal Database

Internal program used by the court to track their own criminal justice data.

Limitation: The program allows for broader checks on recidivism data. The system is not as labor intensive. The only data available for recidivism is whether the offender is rearrested within a certain given number of years.

The Otsego County Criminal Justice Coordinating Committee has elected to use arrest for a new crime within 3 years as the index to be used locally to track recidivism due to the data availability in the AS 400 internal database. Overtime, the hope is to have sufficient staff to track individuals using other statewide programs. Over the next few years, until more staffing is available, a sampling of offenders in the jail can be compared to those involved in jail alternative programs to compare recidivism rates.

## 8.2 Overview of statistics

<b>Table 1: Crime Trends by Year - Otsego County Bookings by Crime Code</b>				
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Arrest on Warrant	49	38	42	36
Arson	0	0	1	1
Assault	32	46	44	44
Bad Checks/Fraud	78	49	46	62
Burglary	53	28	78	54
Child/Family Crime	81	53	72	42
Domestic Violence	67	49	79	72
Driving Under the Influence of Drugs or Alcohol	125	105	140	145
Drugs: Amphetamines-Other	0	0	0	4
Drugs: Amphetamines-Manufacture	0	0	1	5
Drugs: Amphetamines-Sell	1	3	0	2
Drugs: Cocaine-Other	23	5	10	16
Drugs: Cocaine-Sell	30	1	8	18
Drugs: Crack-Other	0	0	0	1
Drugs: Crack-Sell	0	2	0	1
Drugs: Heroin-Other	3	1	5	3
Drugs: Heroin-Sell	0	1	16	4
Drugs: Marijuana-Other	42	44	50	50
Drugs: Marijuana-Sell	11	9	11	22
Drugs: Methamphetamine - Manufacture	0	0	0	1
Drugs: Methamphetamine - Other	0	0	0	0
Drugs: Other	42	36	37	102
Drugs: Synthetic-Other	2	13	6	16
Drugs: Synthetic-Manufacture	16	1	1	6
Drugs: Synthetic-Sell	6	5	6	13
Embezzlement	14	4	2	5
Failure to Register as a Sex Offender	0	3	2	5
Forgery	10	7	3	4
Hold for Other Agency	41	36	53	44
Homicide	0	0	0	0
ID Theft	7	5	2	16
Kidnapping	1	4	0	0
Larceny	68	60	72	89
Malicious Damage to Property	22	10	13	11
Obstruction of Justice	263	205	280	310
Other Alcohol	6	2	6	11
Receiving Stolen Goods	7	13	35	17
Resisting/Obstructing/Fleeing Police Officer	32	34	39	35
Sex Offenses	23	27	34	29
Stalking	5	0	2	0
Unauthorized Use of a Vehicle	0	7	14	10
Weapons Crimes	8	6	15	37
Other	152	106	125	111
<b>Total</b>	<b>1,320</b>	<b>1,018</b>	<b>1,350</b>	<b>1,454</b>

Table 1 shows that overall criminal charges in Otsego County have been increasing to 1,454 in 2012 from the low of 1,018 in 2010. The largest increase has been in Drugs: Other which can incorporate a variety of drug offenses.

<b>Month</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
January	41	36	31	36	37	34
February	34	31	34	33	34	41
March	45	33	35	37	28	46
April	47	34	32	41	30	41
May	46	27	32	40	35	39
June	47	24	31	36	30	40
July	42	33	38	41	32	37
August	42	38	37	39	39	37
September	35	36	40	37	37	40
October	34	42	39	32	38	36
November	40	32	45	27	38	33
December	35	29	38	30	34	38
<b>Average for the Year</b>	<b>41</b>	<b>33</b>	<b>36</b>	<b>36</b>	<b>34</b>	<b>39</b>

As Table 2 shows, the Jail's total capacity of 34 beds has been routinely exceeded in the last three years, but is helped by the various alternative programs. The Sheriff and Courts have routinely redirected 6-8 inmates at any given time to the Otsego County Work Camp. According to the National Institute of Corrections, the jail should not be beyond 80% full in order to adequately separate the prisoners by the severity of crime committed. Using 80% capacity, the jail bed limit would be 27 beds. This would mean the jail was operationally overcrowded thirty-five of the last thirty-six months.

**Table 3: Summary Statistics - Otsego County  
Booked Inmates**

	<b>2009</b>		<b>2010</b>		<b>2011</b>		<b>2012</b>	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
<b>Age Groups</b>								
17 to 26	331	37.74%	254	37.85%	367	42.53%	342	42.91%
27 to 40	314	35.80%	259	38.60%	324	37.54%	275	34.50%
41 to 60	219	24.97%	152	22.65%	159	18.42%	170	21.33%
61 +	13	1.48%	6	0.89%	13	1.51%	10	1.25%
No Age								
Total	877	100.00%	671	100.00%	863	100.00%	797	100.00%
<b>Sex</b>								
Male	676	77.08%	507	75.56%	685	79.37%	619	77.67%
Female	201	22.92%	164	24.44%	178	20.63%	178	22.33%
Total	877	100.00%	671	100.00%	863	100.00%	797	100.00%
<b>Crime Class</b>								
Felony	284	32.38%	256	38.15%	303	35.11%	355	44.54%
Misdemeanor	591	67.39%	415	61.85%	560	64.89%	441	55.33%
Civil	1	11.00%	0	0.00%	0	0.00%	1	0.13%
Other	1	11.00%	0	0.00%	0	0.00%	0	0.00%
Total	877	100.00%	671	100.00%	863	100.00%	797	100.00%

Table 3 shows a relatively stable level of inmates booked from 2009 to 2012, other than a sharp decrease in 2010.

The trends in ages of booked inmates shown in Table 3, appears to show static percentages in each category. As might be expected, arrests appear to be higher in the younger categories than in the older populations.

Table 3 also shows a relatively stable percentage of men versus women being booked.

### 8.3 Recidivism

Recidivism generally means the rearrest, reconviction, or reincarceration of former inmates. Recidivism can be difficult to track due to the lack of data and resources. The Otsego County Criminal Justice Coordinating Committee has elected to use arrest for a new crime within 3 years as the index to be used locally to track recidivism.

The obvious goal of the Criminal Justice System is to reduce the rate of recidivism. Obtaining that goal is not always easy. According to Roger Przybylski, the following programs have been shown to be generally effective in reducing recidivism:

- Education and vocational programming
- Substance abuse treatment
- Drug courts
- Sex offender treatment
- Cognitive-behavior therapy including Alchemy Mind's The Program
- Mental Health treatment
- Programs for juvenile offenders including Functional Family Therapy

An important part of the process is attempting to prevent the onset of criminal behavior. Some things that are effective in preventing the onset of criminal behavior include:

- Nurse home visits during infancy
- Preschool intellectual enrichment programs
- Parent management training
- Child social skills training
- School-based programs
- Community based programs such as the Boys and Girls Clubs of America, and Big Brothers Big Sisters

Programs that work for one area do not always appear to work in every area. Each area is unique with its own unique challenges. Over time, each area needs to conduct its own "evidence-based" study of its programs to determine their effectiveness. The term "evidence-based" has generally been used to describe practices and programs that are informed by the results of scientific research and deemed to be effective. It also applies to a broader decision-making approach. Rather than relying on conviction, conjecture, and common sense, decision makers turn to the best available evidence about what does and does not work when evaluating options and making decisions.

<b>Table 4: Recidivism Data Years 2008 through 2010</b>	<b># Arrested Base Year</b>	<b># Rearrested Year 1</b>	<b>% Recidivism Locally</b>
2009	1,219	96	12.70%
2010	1,162	110	10.56%
2011	1,300	144	9.03%
<b>Average</b>	<b>1,227</b>	<b>117</b>	<b>10.49%</b>

Table 4 shows that an average of 1,227 people were booked into the Otsego County Jail. Of those booked between the years 2009 and 2011, an average of 120 per year were rearrested within a 1-year period. As this data is tracked in the years to come, we can begin to tell generally whether the County is headed in the right direction in terms of recidivism. Although this data is useful, a more robust system of tracking inmate recidivism outside of the County is desirable and should be the goal of the Criminal Justice System.

#### **8.4 Recommendations**

- a. Continue to track overall one and three year recidivism rates using the AS 400.
- b. Determine a more thorough way of tracking recidivism, as staffing and resources allow.
- c. Begin tracking recidivism rates for jail alternative program by the individual using a broader database that includes statewide arrest data.
- d. Establish “evidence-based” approaches to track the effectiveness of criminal justice programs.
- e. Have LEMS software updated by FSG to allow reports on inmates reporting mental health issues or drug/alcohol dependency.

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**SECTION 9: JAIL OPERATIONS**

## 9.1 Jail Overview

The Otsego County Jail is located at 124 S. Court Street in Gaylord, Michigan. The facility opened after construction in 1967 with remodeling in the late 1980's. The number of total beds was initially twenty-six (26), but in the late 1980's expanded to thirty-four (34) with the addition of eight (8) dormitory-style beds. There are five (5) four (4) bed cells, none of which have day rooms, one maximum security unit with two (2) one (1) bed cells, one two (2) bed holding cell and a two (2) bed dorm room for trustees. Multi-bunking is throughout this jail.

(Picture 1: Otsego County-City Building with Jail Outlined)



(Picture 2: Otsego County Sheriff' Department and Jail)



(Picture 3: Hallway at the Otsego County Jail)



## 9.2 Review of issues related to Otsego County Jail

Gary Waller and Kevin Warwick, consultants for the National Institute of Corrections, conducted site visits at the Otsego County Jail on January 7-9, 2008. The following is a summary of their reported observations:

### Inmate Observations:

- The supervision method is intermittent, with cell checks at least every thirty (30) minutes and probably closer to every ten (10) minutes;
- Expenditures paid to other counties to hold inmates are zero to date;
- On the day of our visit there were thirty-six (36) inmates and some cells had excess inmates sleeping on mattresses on the floor;
- Six (6) women occupied one of the cells;
- Juveniles have not been held here for six (6) months;
- The jail has not classified any inmates to work release in the last six (6) months due to overcrowding and contraband being brought in by work-release inmates;
- Inmate lock down hours are virtually 24/7 due to the design of the jail as there are no day room areas in the housing units;
- Inmate security classification/segregation other than by gender is non-existent due to overcrowding and the jail design;
- Access to telephone/mail is available to all inmates including the indigent;
- Inmate access to Courts/legal counsel is provided but difficult for counsel as the non-contact booth is the only point available within the security perimeter of the jail or the Sheriff's conference room located outside the jail;
- Inmate recreation in the interior is non-existent;

- An exterior area is available but utilized only during warm weather and its use is impacted by short staff and overcrowding;
- The canteen service (commissary) is provided by a vendor, Swanson, and delivered by the staff once a week. Items available include hygiene items, phone cards, coffee, candy and snacks;
- Inmate visiting is non-contact in one booth and not handicap accessible;
- The visiting space is inadequate;
- Visiting hours are Friday, Saturday and Sunday all day until 9:30 p.m.;
- An inmate medical program is not provided on a scheduled basis in the facility. Essentially it is on an emergency basis by bringing the inmate to the Otsego Memorial Hospital Clinic in Gaylord;
- There is no specific physician who sees inmates;
- There is no nursing program in the jail;
- Dental care is provided on an emergency basis at the Otsego County Health Department Clinic;
- The frequency of dental care is on an emergency basis outside of the jail and is adequate;
- Mental health care is provided by a liaison one time each week by the County Community Mental Health Center;
- The jail reports 20% of the inmates are receiving antidepressant medication;
- There is no medical space in the facility, but locked medication storage is provided;
- All inmates are billed for any medical care together with a \$35 a day pay to stay, most go unpaid;
- A detox facility is not available in the city or county;
- Essentially the only detox facility is the jail, which is both dangerous and inappropriate but is currently the only option;
- The emergency hospital is the Otsego Memorial Hospital in Gaylord;
- The mental health facility is the Petoskey Hospital, which is forty-five (45) miles from Gaylord; and
- A tobacco free policy has been in effect at the jail since 1993.

**(Picture 4: Typical Otsego County jail cell in 2006)**



#### Facility Observations:

- The building houses the jail and Sheriff's office;
- The garage sally port has space for only one vehicle and a door entrance into a jail hallway;
- Public access is provided to both the jail and Sheriff's office;
- No disability access is provided to this facility;
- Intake/booking is actually in a hallway adjacent to the entry from the sally port. It is crowded and narrow. It provides both digital mug shots and live scan fingerprints;
- There is one holding cell that does not have clear lines of sight from the control room. It is used for a number of functions including detox, suicide watch, administrative segregation for vulnerable inmates and the mentally ill;
- Inmate property storage is small with little air circulation. It also functions as the jail video arraignment point;
- Inmate uniforms and changeover is a small area adjacent to inmate storage;
- The laundry consists of two household appliances. The frequency of uniform changes is every other day. The bedding is changed when requested. Two (2) inmate workers perform the laundry duties;
- Central Control is located in the old dispatch area. There is a new security system recently installed. There is one exterior surveillance camera in the hallway outside of the jail. There are Twenty-six (26) interior cameras inside the facility;
- Monitors are in the control area and are recorded digitally and kept 90 days;
- The food service area is small but recently updated. The area is clean and the meals provided are very good. Hot meals are provided at least twice a day at lunch and supper with one hot breakfast each week. The cold meal is breakfast six (6) days each week. There is one full-time cook, and one part-time cook, who are county employees;

- The custodial/facility maintenance is provided by Court House staff however maintenance is often done by the jail cook. The custodial staff are Court House workers augmented by inmate workers;
- The general condition of the facility is worn and aging;
- In the past, it has been hard to maintain due to overcrowding and the inability to move inmates out of their cells; and
- A multipurpose room is actually nonexistent.

### **9.3 Review of Jail Bed Needs**

The Otsego County Jail has experienced consistent overcrowding over the last 3 years until approximately 6 months ago, when the number of inmates started decreasing. The jail has had as many as 55 prisoners, which is 21 inmates more than the jail is rated to contain. There have recently been as few as 24 inmates in the jail which at times has left a surplus of beds. The lower inmate population can partially be explained by the recent implementation of the Otsego County Work Camp for placement of non-violent, non-sexual offense prisoners. However, the Work Camp has only had as many as 12 inmates at a time participating in the camp, it can't account for the total drop in inmate population. The Otsego County Criminal Justice System has overall experienced a decline in offenses, though it has seen an increase in several categories of serious crime which would involve offenders not eligible for the work camp. It is yet to be seen whether these low numbers are a trend and, if it is a trend, what is causing it.

Gary Waller and Kevin Warwick, consultants for the National Institute of Corrections, estimated that Otsego County needs between 60 and 80 beds available for the next 10 years, with 60 beds being the number needed if Otsego County optimizes the use of diversion programs such as the Work Camp. They believe that if the Work Camp added a residential component, it could house between 18 and 24 inmates. The need for jail beds is greatly associated with population, economy, and the criminal justice system's use of jail diversion programs and prevention programs. It can be very difficult to predict population and the economy into the future. According to Gundlach Champion, as well as the NIC Consultants, counties generally need 3 to 3.5 jail beds per 1,000 residents without taking into account jail diversion programs. While the literature on the general effectiveness of jail diversion programs is abundant, there are no true studies on the savings of jail bed space that could be found. The lack of information may, in part, be due to the fluid nature of jail populations, which are constantly in flux. After consultation with the National Institute of Corrections, and a review of available literature, it appears that jails using effective diversion programs can experience a savings of 10% to 25% of bed space.

According to the US Bureau of the Census, there were 23,200 people living in Otsego County in 2000. The Michigan State Demographers Office estimated 25,800 people in 2005 and has projected growth to 34,800 twelve years from now by the year 2020. Given the recent decline in the economy, the Criminal Justice Coordinating Committee

believes that there will be a delay in realizing that kind of population growth in the County.

Currently there are approximately 25,800 residents of Otsego County. Using 3 beds per 1,000 residents would result in an approximate need for 77.4 beds without the extensive use of diversion programs. If you could count on a 25% reduction by using diversion programs that would result in a need for approximately 58 beds currently.

The Committee recognizes the need to view the jail as a long-term investment in the community. Therefore, in addition to the current needs, the Committee has reviewed the long-term jail needs through the year 2020. The Committee is planning for a modest population growth to 30,300 by 2020. Using 3 beds per 1,000 inmates, that would result in an approximate need for 90.9 beds without the heavy use of diversion programs. If you reduce that by 25% by using diversion programs that would result in a need for approximately 68.18 beds by the year 2020 which is 34 beds more than the current jail contains.

#### **9.4 Review of options**

The options for increasing jail bed space include 1) Building a new jail facility; 2) Renovating the existing jail facility; 3) Housing inmates with other counties.

##### **1. Renovation of Existing Jail Facility**

Utilizing the recently vacated city office space, the County Building could be expanded to 68 beds. According to the Cost Study done by Schenkel-Shultz, the cost of renovating the existing jail by expanding it to 68 beds is \$6.50 million dollars. The existing jail facility is known to contain asbestos. The study did not delve into the cost of asbestos remediation. In addition, the Chamber of Commerce Information Center would have to be purchased to allow enough room for expansion. The site faces two challenges related to expansion. The first is that expansion would only leave three parking spots available on the property. The second is the lack of room for future expansion. In order to expand in the future, First Street would likely have to be closed.

##### **2. New Jail Facility**

A new jail facility could be designed to exactly meet the needs of Otsego County including sufficient bed space, as well as auxiliary meeting rooms and offices. The County owns the former DNR site behind the library, or a lot could be obtained in the industrial park as a potential site for a new jail. According to the Cost Study done by Schenkel-Shultz, the cost of building a new 68-bed facility is approximately \$7.8 million dollars. The site does contain ample room for parking and for future expansions.

### 3. Housing Inmates with other Counties

There are several county jails that have beds available currently. It is unknown whether one such facility could accommodate all of Otsego County's needs. The cost for housing inmates usually averages about \$35.00 per prisoner per day, which would be a base cost of \$12,775 per prisoner per year. In addition Otsego County would have to transport prisoners to and from these other jails and also to court hearings back in Otsego County. In addition, Otsego County would have to pay for any medical costs for these inmates. Since Otsego County has a program to temporarily parole minimum security inmates in the event that an inmate needs a procedure and has insurance, the loss of this program could be a great expense to Otsego County. Additionally, county jails will only accept minimum security inmates with no known health issues from other counties. Since, these are the very same inmates being placed in diversion programs; this option clearly does not meet the needs of Otsego County, which is for bed space for offenders that have committed more serious crimes.

The Criminal Justice Coordinating Committee (CJCC) met on November 26, 2008 to discuss the various jail options. The CJCC made an unofficial recommendation to the Jail Citizen's Committee to build a new facility rather than renovate the existing facility, but to wait until the jail is experiencing increased overcrowding and the local economy has rebounded.

The Citizen's Jail Committee met on December 16, 2008. The Committee made final recommendation to the Otsego County Board of Commissioners to construct a new 68-bed jail facility, on the County's property along S. Otsego Avenue, but to wait until the existing jail is experiencing increased overcrowding.

### 9.5 Recommendations

1. At such a time as the CJCC judges it appropriate, attempt a millage to construct a new 68-bed jail at the former DNR property, currently owned by Otsego County, along South Otsego Avenue.
2. Enhance the options for diversion programs, with particular emphasis on creating a residential work camp.
3. An additional corrections officer should be added to the staff.
4. Provide for a nurse-practitioner to visit the jail on a scheduled basis.

Update: The County has attempted to solicit bids for this service, but a willing provider has yet to be found.

5. Add at least one additional holding cell.
6. Provide an additional room for inmate intake and booking.
7. Add space for educational and counseling programs that can also be used for religious services.
8. Add space that will allow an attorney to interview his/her client in a secure area. Provide secure and non-contact visiting space for more than one prisoner at a time.

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**SECTION 10: PUBLIC RELATIONS**

## **10.1 Engaging communities: why this matters**

Public confidence in the criminal justice system builds trust and support. To build public confidence, the criminal justice system needs to inform, consult and involve the local community. The system must be accountable to the community both in performance and how it is responding to the local concerns.

Trust and support are the avenues a criminal justice system must follow when financial support for new programs, additional officers, a need for additional tools for personnel or increased space needs, are required.

## **10.2 Existing avenues for information dissemination**

Currently in Otsego County the four avenues available to the criminal justice system include:

1. Local news papers
2. Local radio station
3. Community presentations
4. The Internet.

As a matter of practice, with few exceptions, the system does not actively pursue any of these avenues other than the Internet. However, newspaper and radio reports are generated based on a review of police activity from a complaint ledger, by the reporter.

## **10.3 Recommendations**

The criminal justice system should be proactive in the community by:

1. Appear weekly on the local radio to discuss various aspects of the criminal justice system, to include criminal activity, safety precautions, and various rehabilitative programs offered. In addition, discuss cause and effect of certain criminal activity causing specific types of crime.
2. Publish weekly in the local newspapers, various aspects of the criminal justice system, to include criminal activity, safety precautions, and various rehabilitative programs offered. In addition, discuss cause and effect of certain criminal activity causing specific types of crime.
3. Create a citizens input committee comprised of a cross section of the county-wide community as a communication tool from the citizenry to the local criminal justice system.

4. Create and publish public service announcements (PSA) concerning crime, safety, criminal justice activity. These PSA's can be delivered electronically over the Internet and paper format.

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**SECTION 11: CONCLUSIONS AND ACTION PLAN**

## 11.1 Recommendations

This section contains those recommendations that Committee members listed as being of short-term to mid-term length. Remaining recommendations in this study should be considered long-term until such time as adjusted by the Criminal Justice Coordinating Committee.

### 1. Short-Term Recommendations

The following recommendations are those that the CJCC believes are able to be implemented within the near future (1-2 years):

- a. Establish a Juvenile Mentoring Program, which will require commitment from citizens.

Update: The Juvenile Mentoring Program is partially covered by the From Decision To Actions Program.

- b. Continue to track overall one and three year recidivism rates and determine a more thorough way of tracking recidivism.
- c. Continue communication among the criminal justice agencies by continuing the Criminal Justice Coordinating Committee meetings.
- d. Provide for a nurse-practitioner to visit the jail on a scheduled basis.
- e. Utilize radio, newspaper, Internet, and any other media options to distribute information criminal justice issues.

### 2. Mid-Term Recommendations

The following recommendations are those that the CJCC believes are able to be implemented within the mid-future (2 years – 5 years):

- a. At such a time as the CJCC judges it appropriate, attempt a millage to construct a new 68-bed jail at the former DNR property, currently owned by Otsego County, along South Otsego Avenue.
- b. Develop valid statistics on the use and effectiveness of jail alternative programs.
- c. Establish a Restorative Justice Program.

Update: Restorative Justice (1) information has been research and gathered; (2) it was determined that this type of program is primarily successful in larger

counties. The number and type of charges in this county are minimal to support a full restorative justice program.

## RESOURCES

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