

**Washtenaw Equity Partnership (WEP) Court Process Subcommittee Inaugural Meeting
January 20, 2022 5:00-6:15pm**

Meeting Minutes

Attendees:

Deborah Labelle (Co-Chair)

Judge Carol Kuhnke (Co-Chair)

Judge Tim Connors

Joe Summers

Abigail Bennetti

Judge J. Cedric Simpson

Dick Soble

Jason Morgan

Jim Fink

Bonsitu Kitaba

Ashley Goldon

Nimish Ganatra

Peter Joseph Martel

Alma Wheeler Smith (WEP Co-Chair)

Sandhya Kajeepeta (Vera)

Alex Roth (Vera)

- Co-Chair Carol welcomed everyone and expressed thanks for everyone accepting the invitation and joining this subcommittee
- Members all introduced themselves.
- Alex gave some background on the history of the WEP
 - Started last year when a group of criminal legal system stakeholders and community members jointly pursued a project to look at racial disparities across the criminal legal system in Washtenaw County
 - Received funding from the Michigan Justice Fund and hired Vera Institute to support/facilitate the work

- The structure of the WEP is a working group that serves as a steering committee for the entire project plus six subcommittees that are going to do the in-depth work. The six subcommittees are:
 - Prevention and front-end
 - Court process
 - Post-sentencing and re-entry
 - Youth justice
 - Behavioral health
 - Data
- The subcommittees will determine what issues they each want to look at and dive into those issues, making recommendations on how to address disparities in the system. The working group will then put those recommendations together into a report.
- Sandhya presented on the role of Vera in the WEP and the subcommittees and provided updates on data procurement:
 - The WEP work should be a community-driven and evidence-based process where WEP and subcommittee members have ownership over the work.
 - Vera has been brought on as an independent party to provide technical support, to bring expertise working with other local jurisdictions, and to help facilitate administratively. Vera has no predetermined answers of what recommendations should be implemented in Washtenaw County.
 - Alex and Sandhya are the two Vera staff members who will be supporting the data subcommittee.
 - Vera is in the process of executing data sharing agreements with the Washtenaw County Trial Court to obtain adult court data and with the Washtenaw County Sheriff's Office to obtain jail data
 - External to the WEP, there are three ongoing research projects with overlapping goals focused on the prosecutor's office, the juvenile justice system, and the Ann Arbor Police Department. The WEP will not duplicate this ongoing work, instead we will coordinate with the leads of those research projects and integrate their findings into our recommendations.
 - Question from member: If we're going to use data to answer the question of whether or not there are racial disparities in the criminal legal system in Washtenaw County, how does that interface with the data subcommittee?
 - A: This is part of the reason we have a data subcommittee. They have two main tasks/goals: 1) help provide some support to the other subcommittees about what data systems exist and what data would be needed to answer certain questions and 2) developing recommendations for data transparency and integration moving forward
- Alma discussed the history and purpose of the WEP. Emphasized that this work is not possible without everyone's participation and effort and thanked everyone for joining.
- Members took a poll to see which timing works best for standing meetings. Tuesday at 5:00pm worked best for the group.

- Deborah summarized the guiding principles of the Washtenaw Equity Partnership (handout shared prior to meeting).
 - Equitable Outcomes – justice-impacted people must be at the center. We know 74-80% of all charges are charges against people of color, so independent of structural or institutional racism, the very fact of the numbers means that people of color will be impacted in a disparate way. We also know Michigan is one of the top five states in terms of impact of probation and parole: one of every 30 people is on probation or parole supervision in the state.
 - Evidence-based Action – Data has to inform the development of recommendations. We can request data and we can ask individuals to present to us as experts.
 - Accountability – Having the public involved and able to scrutinize the work will contribute to public confidence in the criminal legal system.
 - Collaboration – Aiming for coordination, collaboration, and partnership between legal institutions, nongovernmental groups, and the public.
 - Innovation – We are here to be open-minded and reimagine how Washtenaw County can work to eliminate racial disparities across the system. Everyone is committed to that and we are in a moment in which we have a progressive prosecutor for the first time in 30 years, who’s looking at restorative justice and diversion. We have a Chief Justice for the first time that is initiating a drug court in the county for the first time. We still have no mental health court in the Circuit Court. We have an opportunity to be creative and be a model for the rest of the state.
 - Resources – Allocation of resources should reflect these principles.
- Carol summarized the charge of the data subcommittee (handout shared prior to meeting):
 - Our charge is to open our minds completely and think about what our criminal legal system would look if we could make any change we wanted to. It may not be possible to make every change we’d like, but we should start with a blank slate and not be held back by things we can’t do.
 - We know the vast majority of defendants in our system are people of color. That wrong is fed by many different aspects of our society ranging from someone’s early childhood to late adulthood.
 - If we focus on the processes that we operate once a person enters the criminal legal system – how can we make it more fair for people of color because people of color are so grossly overrepresented in the criminal legal system? We also want to make it more fair for everyone because we can make things fair for everyone and its necessarily going to make it more fair for people of color.
 - Members had discussion about punishment as one of the core principles of the criminal legal system and the purposes of punishment. Members pushed back on the notion that punishment should be a goal of the criminal legal system. Other discussions related to vocabulary included referring to the criminal legal system rather than the criminal justice system and thinking about differences between accountability and shared responsibility.
- Carol posed the question of whether there are any gaps in the subcommittee membership. The co-chairs worked to keep the subcommittee at a manageable size, but if there is a voice

that is glaringly missing, members should notify the co-chairs. If someone comes to mind later on, the members can notify the co-chairs at any time.

- Member raised whether representative(s) from the community-based treatment providers should be added to the subcommittee.
 - A: There is a subcommittee focused primarily on mental health. Another point is that even if someone does not sit on the subcommittee, they can be invited to speak if we're going to spend any particular meeting talking about a specific subject.
- Question from member: What will our work plan be? We've discussed nomenclature and language, what will come next?
 - A: We have not yet developed formal work plans for the subcommittees. The WEP Working Group is narrowing down the overall research priorities for the partnership. The subcommittees will then identify the most important questions that they want to answer/address that are responsive to those priorities. Carol is also working on a system map/flowchart of the court process to share with the group so that everyone can start from a shared understanding. Vera and the co-chairs will discuss the building of a work plan.
- Additional comment from member: My fear is that these issues are so big and complex that it will be easy to get bogged down and then scramble to form recommendations at the end. A written work plan, which can be modified, will be very helpful so we don't lose focus.
 - A: In advance of the next meeting, members will be asked to review the flowchart and think about questions about why certain processes work the way they do, what other resources they would like to have to work with, and what comes to mind already about what you would like to change based on your own knowledge and experience.
- Question from member: Looking at the charge, my question is what data does the committee have to look at in order to determine whether a racial disparity in the system exists? Until we know that question it's hard to move forward.
 - A: We do already have data demonstrating that Black people are grossly overrepresented in the incarcerated population and the court. We might also want to understand racial disparities in sentencing. To do that, we would ideally like to compare two people in the same situation who differ only by race, though that is too pure of a question that cannot be answered with real world data. Until recently, the court did not reliably track race. So we can think about how close we can get to answering this question.
 - Additional discussion from members:
 - There's the issue of fairness – when someone is in front of a judge and what sentencing disparities there are. The question of justice goes beyond that. Is there a way that courts can serve the greater cause of justice. We also don't have good economic data and we know that people in prisons are overwhelmingly poor, including poor white people.

- Have we talked about getting data on jury composition? I think we get that through the trial courts or the county clerk.
 - A: Vera and the co-chairs will explore getting access to jury composition data.
 - Have we accessed MDOC data on probation? Do we have sentencing guideline data?
 - A: We will have sentencing guideline scores in the court data going back until October 2020. Vera and the co-chairs will continue to explore getting access to probation data.
 - Deborah stressed that administrative data has important limitations and these data aren't the only source of information. For example, the guidelines themselves may be racially biased. It is also important to listen to the experiences of people impacted by the criminal legal system.
 - Member: the pre-sentence report itself is more telling than the guidelines. I don't know if that's possible to get.
 - Deborah: the PSI is very protected so it likely won't be available.
- Carol and Deborah closed with some logistics updates:
 - Meetings will be schedule on Tuesdays at 5pm
 - We will send materials via email and will keep materials in a Google Drive folder that members will be able to access
 - There will be a stipend offered to participants who are eligible. The amount and eligibility is still being formalized, but the current plan is to give \$1,800 stipends to people who either: 1) work for an NGO with a budget of \$350,000 or less or 2) make less than \$50,000/year. Once it's finalized, the co-chairs will send out that information and tell the members who to contact.
 - Discussion about how to arrive at decisions in this group:
 - Multiple members supported the idea of requiring a two-thirds majority
 - One member supported unanimity to encourage the group to work collaboratively
 - Member posed that we could strive for consensus but use two-thirds
 - Deborah mentioned that if one-third are uncomfortable with an idea, we would not just move on but we would discuss it.
 - Members generally supported moving ahead with two-thirds vote, striving for unanimity, but pausing for discussion when votes are not unanimous.
 - Member offered to share a resource about shared group values, such as presuming good intentions
- Meeting adjourned at 6:33pm