

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

**Meeting Minutes**

**Attendees:**

Deborah Labelle (Co-Chair)

Judge Carol Kuhnke (Co-Chair)

Judge Tim Connors

Joe Summers

Nimish Ganatra

Peter Joseph Martel

Ted Heaton

Sandhya Kajeepeeta (Vera)

Kaitlin Kall (Vera)

Liz Swavola (Vera)

- Reminder to fill out survey to share ideas about what the subcommittee's priority areas should be – deadline extended to March 25
- Voted unanimously to approve last month's minutes
- Vote on decision-making process: strive for unanimity but two-thirds will pass, when we do not reach unanimity pause for discussion
  - Clarification: two-thirds of present members not entire group
  - Unanimously approved
- Review of submitted survey responses for subcommittee priority areas
  - Quality of legal representation
    - Have seen first-hand lack of communication between defendants and their attorneys. Not necessarily fault of attorney, they have high caseloads.
    - Interest in assessing differences resulting from court appointed defense counsel (including public defenders) vs. retained counsel
    - This may also influence who is informed of specialty court programs and who gets into those programs
  - Access to specialty court programs
    - Anecdotally, appears that participants in felony drug court are more white than expected. We know that public defenders are referring people and seems that more referrals are coming from appointed counsel than retained counsel, so what explains this disparity?

- Ask for Vera to help come up with right questions to ask about eligibility and referral processes if group decides this is a key priority area
  - Indigent Defense Commission might have information about policies around assignment of counsel.
  - Would be helpful to see data on charges. Are certain charges prohibited? Prosecutor's viewpoint would be helpful.
- Metrics on a dashboard to report racial inequities in the court
  - Member who proposed this idea was not present
- Racial disparities with plea agreements, Cobbs agreements, sentencing decisions
  - If we have the ability to go back 3-5 years. That might be helpful because there's been some changeover in the circuit court judge assignments that might give us good reference points
  - Update on Prosecution Transparency Project
    - Quantitative analysis on charging should be finished by summer at the latest
    - Have not started on analysis of pleas
    - Next step after charging is case outcomes
  - Q: Would this analysis be building on the CREW report?
    - A: Cannot say for certain because not knowledgeable enough on the CREW report. This could be a fresh start.
- Jury pool composition
  - Q: Who holds this data?
    - A: Either jury administrator or county clerk. In Washtenaw, there is a jury administrator who holds the data.
    - Another member confirmed that it is likely that the circuit court has this data.
  - Q: Is the purpose of this determining if jury pools are representative because that might shape whether someone takes a plea agreement?
    - Yes, goes to legitimacy of the system as well, and also to understand who is being called to jury service
  - There are many barriers to equal representation in who is called to jury service. State statute may not be inclusive enough and addresses may not be up to date. There are also many barriers to reaching people and getting a response. Important to consider if there are more inclusive ways to reach people other than mail.
  - Up until 1950s, in Michigan, you had to be a landowner to serve on a jury. Today, we may still see bias in favor of landowners because they do not move as much and their addresses may be more accurate.
  - The system also relies on having a driver's license or state ID. So we expect to see the same issues that we see with voting rights.

- Comment that court staff appear overwhelmingly white, while same is not true for defendants. Michigan Supreme Court DEI Commission, circulated by Deb, could offer insight.
  - Restorative justice institutionally available to everyone; should be expanded and major resources should be devoted to this
  - Bail and bond terms that have a disparate impact on people of color
    - Terms of bonds often impact peoples' economic stability. Bond violations can increase jail time. Reporting mechanisms that demand transportation, time off of work, etc., can strain lower income people and lead to disparities.
  - Probation terms and violation that have a disparate impact on people of color.
    - Probation terms vary by judge. Violations drive punishment and incarceration. Racialized components and outcomes.
  - Bind over decisions
    - Are they happening 100% of the time? If not, is there a disparity in when they are happening?
  - General note that we should include the demographics of the victim in our analyses
    - The court and prosecutor's office do not track this data. Flag for data subcommittee that this is a gap in the data.
  - Were there major changes in court practices that aligned with the dramatic increase in mass incarceration in the 70s?
- Next steps
  - Vera will reach out to the people who did not fill out the survey so that they fill it out by March 25
  - Vera will circulate a short-list of all the proposals plus longer descriptions for people to review before next month's meeting
  - During next month's meeting, we will conduct a vote to select the priorities of the subcommittee
    - Vera and co-chairs will decide on a clear strategy to conduct the vote
  - During next meeting we will also think about how to structure the work ahead
  - Next meeting: Tuesday, April 12 at 5pm