

CHAIRPERSON  
KARA HOPE

VICE-CHAIRPERSON  
SARAH ANTHONY

VICE-CHAIRPERSON PRO-TEM  
RANDY MAIVILLE

LAW AND COURTS COMMITTEE  
BRYAN CRENSHAW, CHAIR  
VICTOR CELENTINO  
PENELOPE TSEKNOGLOU  
SARAH ANTHONY  
TERI BANAS  
RANDY SCHAFFER  
RANDY MAIVILLE

## **INGHAM COUNTY BOARD OF COMMISSIONERS**

*P.O. Box 319, Mason, Michigan 48854 Telephone (517) 676-7200 Fax (517) 676-7264*

THE LAW AND COURTS COMMITTEE WILL MEET ON THURSDAY, AUGUST 11, 2016 AT 6:00 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

### Agenda

Call to Order

Approval of the [July 14, 2016 Minutes](#)

Additions to the Agenda

Limited Public Comment

1. Board of Commissioners - Resolution [Amending Resolution #16-340](#) Authorizing an Appointment to the Community Corrections Advisory Board
2. CCAB - Resolution Authorizing Entering into a Contract with the City of Lansing for an Allocation of Funds to Ingham County/City of Lansing Community Corrections for the City [2016-2017 Fiscal Year](#)
3. Circuit Court - Resolution Authorizing a [Project Change Request](#) for the Statement of Work Entered into with Imagsoft Corporation Pursuant to Resolution 16-276
4. Circuit Court/Family Division - Resolution to Authorize Acceptance of [United Dairy Industry Grant Award](#)
5. Human Resources - Resolution Approving the Letter of Understanding with Capitol City Labor Program, Inc – 911 Non-Supervisory Unit Regarding [Vacation Maximum Accumulation](#)
6. Prosecuting Attorney's Office
  - a. Resolution Authorizing Statements of Work with Imagsoft to Purchase [Replacement Scanners](#)
  - b. Resolution Authorizing Statements of Work with Imagesoft to [Correct Juvenile Foldering](#)
7. Sheriff's Office
  - a. Resolution to Purchase Onbase Workflow Program with Imagesoft for the Sheriff's Office to Submit [Paperless Warrant Requests](#) to the Ingham County Prosecutor's Office
  - b. Resolution to Honor [Lieutenant Andrina Morence](#) of the Ingham County Sheriff's Office

8. Law & Courts Committee - Discussion on the BOC Taking a Position on an MDOC  
[Inmate Parole Hearing](#)
9. Controller's Office - Animal Control Millage Vote Outcome – Discussion on Next Steps

Announcements  
Public Comment  
Adjournment

**PLEASE TURN OFF CELL PHONES OR OTHER ELECTRONIC DEVICES  
OR SET TO MUTE OR VIBRATE TO AVOID  
DISRUPTION DURING THE MEETING**

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at [www.ingham.org](http://www.ingham.org).

LAW & COURTS COMMITTEE  
July 14, 2016  
Draft Minutes

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

Members Absent: Anthony

Others Present: Comm. Kara Hope, Tim Dolehanty, Maureen Winslow, Scott LeRoy, Allen Spyke, Jacqueline Straub, Rick Terrill, Ryan Buck, and others.

The meeting was called to order by Chairperson Crenshaw at 6:00 p.m. in Personnel Conference Room "D & E" of the Human Services Building, 5303 S. Cedar Street, Lansing, Michigan.

Approval of the June 16, 2016 Minutes

MOVED BY COMM. BANAS, SUPPORTED BY COMM. MAIVILLE, TO APPROVE THE MINUTES OF THE JUNE 16, 2016 LAW & COURTS COMMITTEE MEETING.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

Additions to the Agenda

None.

Limited Public Comment

None.

1. Board of Commissioners - CCAB Interviews

Jacqueline Straub interviewed for appointment to the Community Corrections Advisory Board (CCAB).

MOVED BY COMM. SCHAFFER, SUPPORTED BY COMM. TSERNOGLOU, TO RECOMMEND THE APPOINTMENT OF JACQUELINE STRAUB TO THE CCAB.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

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

2. Animal Control - Resolution to Accept the ASPCA Adoption Ambassador Program Grant
3. Circuit Court/Family Division

- a. Resolution to Authorize Funds for Two Replacement Vehicles for the Ingham County Family Center
  - b. Resolution to Authorize Funds for Renovation of Office Space at the Ingham County Family Center
5. Sheriff's Office
- a. Resolution to Authorize the Ingham County Sheriff's Office to Accept (10) .38 Caliber Revolver Firearms Donated from Securitas Security Company
  - b. Resolution Authorizing the Ingham County Sheriff's Office to Extend a Contract with the Michigan Department of Corrections to Rent 100 Beds to the Michigan Department of Corrections
6. Controller's Office
- c. Resolution Authorizing Adjustments to the 2016 Ingham County Budget

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

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

4. Facilities Department - Resolution Authorizing a Contract with Teachout Security for Uniformed Unarmed Guard Services in Various County Buildings

MOVED BY COMM. BANAS, SUPPORTED BY COMM. CELENTINO, TO APPROVE THE RESOLUTION AUTHORIZING A CONTRACT WITH TEACHOUT SECURITY FOR UNIFORMED UNARMED GUARD SERVICES IN VARIOUS COUNTY BUILDINGS.

MOVED BY COMM. CELENTINO, SUPPORTED BY COMM. BANAS TO TABLE THIS RESOLUTION.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

Please note that later in the meeting, the Committee took this agenda item off the table and approved it unanimously. Absent: Commissioner Anthony.

6. Controller's Office
- a. Resolution to Adopt the 2017 Juvenile Justice Community Agency Process Calendar

MOVED BY COMM. BANAS, SUPPORTED BY COMM. CELENTINO, TO APPROVE THE RESOLUTION TO ADOPT THE 2017 JUVENILE JUSTICE COMMUNITY AGENCY PROCESS CALENDAR.

MOVED BY COMM. CELENTINO, SUPPORTED BY COMM. BANAS, TO AMEND THE RESOLUTION AS FOLLOWS:

WHEREAS, the Ingham County Board of Commissioners wishes to adopt a resolution to establish the 2017 Juvenile Justice Community Agency Process and to reserve Juvenile Justice Millage funds in the amount of \$100,000 for this purpose.

THE MOTION TO AMEND THE RESOLUTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

THE MOTION TO APPROVE THE RESOLUTION, AS AMENDED, CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

6. Controller's Office

- b. Discussion Item: Overview of Jail/District Court 1) Construction Options, 2) Jail Location Cost Comparisons, and 3) Finance Options

Tim Dolehanty, Controller/Administrator, provided an overview.

There was a discussion about project options.

Commissioner Tsernoglou asked how long would a renovated facility last before it became obsolete.

Mr. Dolehanty answered that they did not know.

Commissioner Celentino stated that staff would have to determine and report back whether payments for an approximate \$20 million renovation project could be sustained over time.

Commissioner Tsernoglou asked why a renovation was not considered until now.

Mr. Dolehanty stated that the consultant had ruled it out previously.

Commissioner Banas asked whether we were in a position to afford the construction of a new jail.

Mr. Dolehanty provided an overview of potential funding sources.

Discussion.

Commissioner Maiville stated that they needed information about the maintenance costs for other buildings. He further stated that there were concerns regarding security needs at both the Jail and 55th District Court. Commissioner Maiville stated that we need to be cognizant of other upcoming potential projects, such as a new 911 emergency radio system.

There was a discussion about the Lansing Model.

Commissioner Banas stated that there may be federal dollars available to assist in funding construction. She suggested that staff investigate an opportunity for federal money.

Commissioner Banas stated that she supported the pod design for a jail. She further stated that she was concerned for the safety of both inmates and jail employees.

Commissioner Schafer stated that the cost for the Sheriff's Administrative Operations for Option 1 appeared inflated. He further stated that 55th District Court's concern was safety. Commissioner Schafer stated that he supported building a new jail as renovation would be fraught with difficulties. He further stated that other county's charged a jail lockup fee, which could be adopted for our Jail.

Chairperson Crenshaw stated that 55th District Court was also concerned with the physical setup of the facility. He asked staff to contact Hon. Donald L. Allen, 55th District Court Chief Judge, to schedule a tour for commissioners.

Commissioner Maiville stated that a tour of the jail was scheduled in two weeks.

Commissioner Celentino stated that there was a thorough discussion with the Sheriff among others at the last Board Leadership meeting regarding needs. He further stated that Commissioner Banas made a good point that staff should research whether other funding sources were available. Commissioner Celentino stated that staff should tour the Jail with the Sheriff to determine what was needed versus what was wanted.

Commissioner Celentino stated that he was not in favor of raising the operating millage.

Commissioner Hope stated that everyone agreed that there was a need, but it was now a question of funding. She further stated that renovation may have to be the option if funding for a new construction was not available.

Commissioner Banas asked where the risks were based off the projections.

Mr. Dolehanty stated that the best projections could only go out two years. He further stated that the only possible revenue source that was pretty likely to be available was the current bond amounts that could be reallocated. Mr. Dolehanty reviewed the possible revenue sources.

Chairperson Crenshaw asked that staff research possible federal funds that could be available, to look into scheduling a tour of 55th District Court, to analyze the renovation possibility more thoroughly, to tour the Jail in the hope that costs for Option 1 could be reduced, and to research a possible revenue stream produced by booking fees.

Commissioner Tsernoglou asked what would happen if someone would have to pay the booking fee if they were jailed, but not charged or were later found not guilty.

Discussion.

4. Facilities Department - Resolution Authorizing a Contract with Teachout Security for Uniformed Unarmed Guard Services in Various County Buildings

MOVED BY COMM. SCHAFFER, SUPPORTED BY COMM. MAIVILLE, TO TAKE THE RESOLUTION AUTHORIZING A CONTRACT WITH TEACHOUT SECURITY FOR UNIFORMED UNARMED GUARD SERVICES IN VARIOUS COUNTY BUILDINGS OFF THE TABLE.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

MOVED BY COMM. SCHAFFER, SUPPORTED BY COMM. BANAS, TO APPROVE THE RESOLUTION AUTHORIZING A CONTRACT WITH TEACHOUT SECURITY FOR UNIFORMED UNARMED GUARD SERVICES IN VARIOUS COUNTY BUILDINGS.

Commissioner Schaffer asked for the rationale for the post-bid addendum.

Rick Terrill, Facilities Department Director, provided an overview of the addendum. He also provided his reasoning for his recommendation to authorize the contract with Teachout.

Chairperson Crenshaw asked whether some type of penalty could be built into the contract for no-shows.

Mr. Terrill stated that they currently do not pay for hours that someone would be a no-show for.

Commissioner Banas asked how much training was required.

Mr. Terrill stated that there was a list that describes their training sourced from education and prior employment. He further stated that background checks were performed on individuals who would work on this contract.

Commissioner Banas asked what the protocol was to address emergency situations.

Mr. Terrill stated that each building had an emergency procedure manual and they describe the roles and responsibilities of individuals in the building. He further stated each station had a duress button. Mr. Terrill stated that they would not be able to restrain someone. He further stated that two guards were released by the vendor because they were not paying attention at 55th District Court.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Anthony.

3. Circuit Court/Family Division
  - c. 2016 2<sup>nd</sup> Quarterly Report

This agenda item was not addressed.

### Announcements

Chairperson Crenshaw announced that the Ingham County Academy basketball team was the state runner-up.

Public Comment

None.

Adjournment

The meeting was adjourned at 7:17 p.m.



**AUGUST 11, 2016 LAW & COURTS AGENDA  
STAFF REVIEW SUMMARY**

**RESOLUTION ACTION ITEMS AND PRESENTATIONS:**

**The Chief Deputy Controller is recommending approval of the following resolutions:**

1. *Board of Commissioners - Resolution Amending Resolution #16-340 Authorizing an Appointment to the Community Corrections Advisory Board*

This Resolution amends Resolution #16-340, to correctly reflect the appointment of Jacqueline Straub to the Community Corrections Advisory Board as the Circuit Court Probation representative to a term expiring September 17, 2018. The original Resolution was for a media appointment to a term expiring September 17, 2019.

2. *CCAB - Resolution Authorizing Entering into a Contract with the City of Lansing for an Allocation of Funds to Ingham County/City of Lansing Community Corrections for the City 2016-2017 Fiscal Year*

This Resolution authorizes a contract renewal with the City of Lansing for \$12,500 to be used to support CCAB administrative costs and collaborative efforts with the 54-A District Court and Probation Office. The funds are used for CCAB Manager personnel costs (\$5,740), CCAB Staff Consultant costs (\$5,740) and supply costs for public education and training and CCAB administration (\$1,020.)

This revenue is consistent with the historical level of support from the City of Lansing.

3. *Circuit Court - Resolution Authorizing a Project Change Request for the Statement of Work Entered into with Imagesoft Corporation Pursuant to Resolution 16-276*

This Resolution approves amending the Milestone Payment Schedule (MPS) contained in the original Statement of Work (SOW) through PCR #001\_17275 for a period beginning on July 1, 2016 and extending into 2017. The cost of \$14,880 for prorated maintenance in the 2017 fiscal year will be addressed through a quarterly budget adjustment in 2017.

4. *Circuit Court/Family Division – Resolution to Authorize Acceptance of United Dairy Industry Grant Award*

This Resolution authorizes accepting a grant in the amount of \$584.00 from the United Dairy Industry of Michigan to support Ingham County Youth Center to purchase new kitchen equipment.

5. *Human Resources - Resolution Approving the Letter of Understanding with Capitol City Labor Program, Inc – 911 Non-Supervisory Unit Regarding Vacation Maximum Accumulation*

This Resolution authorizes a Letter of Understanding (LOU) between the Employer and the CCLP 911 Non-Supervisory Unit regarding payment of vacation time in excess of the maximum accumulation. The Ingham County 911 Center continues to experience a staffing shortage and some of the more senior employees are unable to schedule enough vacation time to avoid encroaching on the maximum accumulation of 320 hours under the collective bargaining agreement. Both parties wish to establish a temporary procedure to pay

employees for hours in excess of the maximum so employees do not lose the earned vacation time, provided they have requested two weeks off in each of the vacation selection processes.

Similar temporary policies have been proposed and adopted in the past for the CCLP 911 unit and with the Corrections Unit in response to staffing shortages.

6a. *Prosecuting Attorney - Resolution Authorizing Statements of Work with Imagesoft to Purchase Replacement Scanners*

This Resolution authorizes entering into a Statement of Work (SOW) with ImageSoft to purchase two (2) replacement Fujitsu Scanners in the amount of \$ 12,380 to be paid from the Prosecutor's existing 2016 CIP budget

6b. *Prosecuting Attorney - Resolution Authorizing Statements of Work with Imagesoft to Correct Juvenile Foldering*

This Resolution authorizes entering into a Statement of Work (SOW) with Imagesoft to correct the foldering issue problem for Juvenile cases in the system. The discounted SOW cost is \$7,000.00 to be paid from the Prosecutor's existing 2016 CIP budget.

7a. *Sheriff's Office -Resolution to Purchase Onbase Workflow Program with Imagesoft for the Sheriff's Office to Submit Paperless Warrant Requests to the Ingham County Prosecutor's Office*

This Resolution authorizes the purchase of the OnBase Workflow program with ImageSoft to automate the Sheriff's Office warrant process at a cost not to exceed \$ 47,265. This will allow the paperless submission of all warrant requests to the Ingham County Prosecutor's Office.

Sufficient funds are available within the Sheriff's Office 2016 CIP budget for this purpose.

7b. *Sheriff's Office -Resolution to Honor Lieutenant Andrina Morence of the Ingham County Sheriff's Office*

This Resolution honors a retiring long term Sheriff's employee for her many years of service.

8. *Law & Courts Committee – Discussion on the BOC Taking a Position on an MDOC Inmate Parole Hearing*

This is a discussion item.

9. *Controller's Office - Animal Control Millage Vote Outcome – Next Steps*

This is a discussion item.

Introduced by the Law & Courts Committee of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AMENDING RESOLUTION #16-340 AUTHORIZING AN APPOINTMENT TO THE  
COMMUNITY CORRECTIONS ADVISORY BOARD**

WHEREAS, Resolution #16-340 Authorized the Appointment of Jacqueline Straub to the Community Corrections Advisory Board as the media representative to a term expiring September 17, 2019; and

WHEREAS, it is necessary to amend the resolution to reflect that Jacqueline Straub was appointed to the Community Corrections Advisory Board as the Circuit Court Probation representative to a term expiring September 17, 2018.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby amends Resolution #16-340, to reflect the appointment of Jacqueline Straub, 726 Wolverine Road, Mason, 48854 to the Community Corrections Advisory Board as the Circuit Court Probation representative to a term expiring September 17, 2018.

BE IT FURTHER RESOLVED, that the County Clerk forward a copy of this resolution to the City of Lansing for consideration of this joint appointment.

BE IT FURTHER RESOLVED, that the City of Lansing is requested to review and confirm the above appointment as soon as possible.

**TO:** Board of Commissioners Law & Courts Committee and Finance Committee  
**FROM:** Mary Sabaj, CCAB Manager  
**DATE:** August 3, 2016  
**SUBJECT: Resolution Authorizing Contract with the City of Lansing**  
For the meeting agendas of August 11, 2016 and August 17, 2016

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**BACKGROUND**

This Resolution approves entering a contract with the City of Lansing for \$12,500 to be used to support CCAB administrative costs and collaborative efforts with the 54-A District Court and Probation Office.

**ALTERNATIVES**

Community Corrections administration and programs are funded with a combination of State of Michigan Public Act 511 funds, Ingham County general funds and City of Lansing grant funds. There is no alternative source for the City of Lansing grant funds.

**FINANCIAL IMPACT**

Failure to approve this Resolution will result in the loss of revenue that helps support CCAB Manager personnel costs (\$5,740), CCAB Staff Consultant costs (\$5,740) and supply costs for public education and training and CCAB administration (\$1,020.)

**OTHER CONSIDERATIONS**

Community Corrections administration and all Public Act 511 treatment and service programs for the local Circuit Court probation population are dependent upon funding received from the State of Michigan, Ingham County and the City of Lansing.

**RECOMMENDATION**

Based on the information presented, I respectfully recommend approval of the attached resolution to support Community Corrections administration.

Introduced by Law and Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT WITH THE CITY OF LANSING  
FOR AN ALLOCATION OF FUNDS TO INGHAM COUNTY/CITY OF LANSING COMMUNITY  
CORRECTIONS  
FOR THE CITY 2016-2017 FISCAL YEAR**

WHEREAS, the Community Corrections Advisory Board requests authorization for a contract to be entered between the County and the City of Lansing for an allocation of funds to Community Corrections for the City 2016-2017 fiscal year; and

WHEREAS, the Michigan Community Corrections Act of 1988 (PA511) authorizes the establishment of a Community Corrections Advisory Board (CCAB) and Community Corrections programming; and

WHEREAS, Ingham County and the City of Lansing formed a joint CCAB in 1990; and

WHEREAS, a Comprehensive Community Corrections Plan was approved by the Ingham County Board of Commissioners and the Lansing City Council; and

WHEREAS, the City of Lansing approved an allocation of \$12,500 to be used to assist with CCAB administration and to support collaborative efforts with the City of Lansing, 54-A District Court and 54-A District Court Probation Department.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners approves entering into a contract with the City of Lansing for \$12,500 for the time period of July 1, 2016 through June 30, 2017.

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners is authorized to sign any necessary contracts and/or subcontracts consistent with this resolution subject to approval as to form by the County Attorney.

### Agenda Item 3

TO: Law and Courts Committee  
Finance Committee

FROM: Rhonda Swayze  
Deputy Court Administrator

DATE: August 2, 2016

RE: Project Change Request Imaging Statement of Work (SOW)

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Resolution #16-276 authorized the Ingham County Circuit Court to enter into a contract with ImageSoft for the analysis and design of an imaging solution. The resulting Statement of Work No. 15485 (SOW) cited a 20% software discount if the OnBase software needed for the imaging project was purchased by June 30, 2016 from Hyland. The SOW also set forth the Milestone Payment Schedule (MPS) indicating a first payment of \$57,947 for software down payment which was due at the time the SOW was signed. The software was purchased before June 30, 2016.

The court received an invoice from ImageSoft dated June 28, 2016 in the amount of \$148,800 for software and maintenance which covers a maintenance period of July 1, 2016 – June 30, 2017. The amount of the invoice received did not match the amount cited in the SOW for the software down payment. The invoice also indicated that the maintenance period started six months before the court expected it to start.

ImageSoft acknowledged an error in the MPS section of the SOW approved in Resolution 16-276 and clarified that the software purchase is defined as an add-on to an existing system which causes the maintenance period to begin immediately after the software is ordered.

ImageSoft has submitted a Project Change Request (PCR #001\_17275) which corrects the MPS section of the SOW, clarifies which services will be invoiced in 2016 and which services will be invoiced in 2017, and verifies the amount of prorated maintenance that will be due on June 30, 2017.

PCR #001\_17275 will not require additional money but does change the schedule of payments over a multi-year contract. Pursuant to our discussions with the Budget Director the \$14,880 for prorated maintenance in the 2017 fiscal year will be addressed through a quarterly budget adjustment in 2017.

The court requests that PCR #001\_17275 be approved by the Ingham County Board of Commissioners. Once the PCR has been approved, we will submit the June 28, 2016 invoice received from ImageSoft to the Board for payment consideration.

cc: Hon. Joyce Draganchuk  
Shauna Dunnings  
Hon. Janelle A. Lawles

Introduced by the Law & Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AUTHORIZING A PROJECT CHANGE REQUEST FOR THE STATEMENT OF WORK ENTERED INTO WITH IMAGESOFT CORPORATION PURSUANT TO RESOLUTION 16-276**

WHEREAS, the Ingham County Circuit Court entered into a contract with ImageSoft to implement an imaging system for the Ingham County Circuit Court as approved through Resolution 16-276; and

WHEREAS, the Ingham County Circuit Court was told by ImageSoft that it would realize a 20% software discount if the OnBase software was purchased by June 30, 2016 from Hyland and said discount was reflected on page 20 of the Statement of Work No. 15485 (SOW); and

WHEREAS, the Milestone Payment Schedule (MPS) on page 22 of the SOW indicated that the Software Down Payment in the amount of \$57,947 would be invoiced upon signature of the SOW; and

WHEREAS, the Ingham County Circuit Court relied on the MPS contained in the SOW when preparing the budgetary portion of Resolution 16-276; and

WHEREAS, the software was purchased before June 30, 2016 and the Ingham County Circuit Court received an invoice dated June 28, 2016, in the amount of \$148,800 from ImageSoft for software and maintenance with a maintenance period of 07/01/2016 – 06/30/2017; and

WHEREAS, the invoice in the amount of \$148,800 for Software Down Payment did not match the amount listed on the MPS of the SOW and the maintenance period listed started six months before the Ingham County Circuit Court believed it would; and

WHEREAS, ImageSoft acknowledged an error in the MPS section of the SOW approved in Resolution 16-276 and clarified that the software purchase is defined as an add-on to an existing system which causes the maintenance period to begin immediately after the software is ordered; and

WHEREAS, because of the immediate start of the maintenance period, on June 30, 2017, the Ingham County Circuit Court will be responsible for a prorated amount of the annual maintenance for the software in the amount of \$14,880; and

WHEREAS, ImageSoft has drafted a Project Change Request (PCR #001\_17275) which corrects the MPS section of the SOW, clarifies which services will be invoiced in 2016 and which services will be invoiced in 2017, and verifies the amount of prorated maintenance that will be due on June 30, 2017 and the period that will be covered.

THEREFORE BE IT RESOLVED, that Ingham County Board of Commissioners hereby approves amending the Milestone Payment Schedule (MPS) contained in the original Statement of Work (SOW) through PCR #001\_17275 for a period beginning on July 1, 2016 and extending into 2017.

BE IT FURTHER RESOLVED, that the Chairperson of the Ingham County Board of Commissioners is authorized to sign any contract/purchase documents consistent with this Resolution and approved as to form by the County Attorney.



## **MEMORANDUM**

To: Law and Courts Committee

From: Maureen Winslow

Date: August 2, 2016

Re: RESOLUTION TO AUTHORIZE ACCEPTANCE OF UNITED DAIRY  
INDUSTRY GRANT AWARD

This resolution authorizes the acceptance of \$584.00 in grant assistance from United Dairy Industry of Michigan to support Ingham County Youth Center in purchasing new kitchen equipment.

The Ingham County School Nutrition program operates in accordance with the National School Lunch Act and the Child Nutrition Act of 1966 as amended and regulations set by the United States Department of Agriculture (USDA). The Ingham County Youth Center is in need of additional kitchen equipment to better serve the Ingham County Youth Center residents healthy, nutritious, appetizing meals.

Introduced by the Law and Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO AUTHORIZE ACCEPTANCE OF UNITED DAIRY INDUSTRY  
GRANT AWARD**

WHEREAS, the United States Department of Agriculture (USDA) and the National Dairy Council (NDC) have created a school program to support Fuel Up to Play 60 (FUTP60), a program that empowers youth to take action to improve nutrition and physical activity at their school and for their own health; and

WHEREAS, United Dairy Industry of Michigan is providing Michigan schools the opportunity to apply for competitive equipment assistance mini-grants to Michigan Public Schools who are committed to providing students a nutritious balanced diet; and

WHEREAS, Ingham County Youth Center is committed to providing Youth Center residents healthy, nutritious, appetizing meals served courteously, in a clean and pleasant dining environment; and

WHEREAS, the Ingham County School Nutrition program operates in accordance with the National School Lunch Act and the Child Nutrition Act of 1966 as amended and regulations set by the United States Department of Agriculture (USDA), The Department of Elementary and Secondary Education as well as other state and local laws, regulations and policies; and

WHEREAS, on May 5, 2016, Ingham County Youth Center submitted a grant application for \$584.00 to purchase new kitchen equipment; and

WHEREAS, United Dairy Industry of Michigan awarded Ingham County Youth Center \$584.00 to purchase the equipment.

THEREFORE BE IT RESOLVED, that the Board of Commissioners accepts the \$584.00 in grant assistance from the United Dairy Industry of Michigan to support Ingham County Youth Center to purchase new kitchen equipment.

BE IT FURTHER RESOLVED, the Controller/Administrator is authorized to make any necessary adjustments to the budget consistent with this resolution.

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners is hereby authorized to sign any necessary contract documents on behalf of the County after approval as to form by the County Attorney.

## Agenda Item 5

**TO:** Board of Commissioners - Law and Courts Committee, County Services Committee and Finance Committee

**FROM:** Travis Parsons, Human Resources Director

**DATE:** July 28, 2016

**SUBJECT:** LOU – CCLP 911 Non-Supervisory Unit  
Law and Courts August 11<sup>th</sup> Agenda, County Services August 16<sup>th</sup> Agenda  
Finance Committee August 17<sup>th</sup> Agenda

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### **BACKGROUND**

The Ingham County 911 Center continues to experience a staffing shortage and employees are unable to schedule enough vacation time to avoid encroaching on the maximum accumulation of 320 hours under the collective bargaining agreement. It is the desire of the parties to establish a temporary procedure to pay employees for hours in excess of the maximum so employees do not lose the earned vacation time, provided they have requested two weeks off in each of the vacation selection processes.

### **ALTERNATIVES**

Not addressing this problem would allow employees to lose vacation time.

### **FINANCIAL IMPACT**

The LOU outlines the process for payment at the employee's regular hourly rate, less applicable payroll withholdings.

### **OTHER CONSIDERATIONS**

There are not many 911 employees that will approach the maximum and those that may approach the maximum accumulation are long term employees that have a higher vacation accrual rate. Similar LOU's have been executed with limited duration for this unit and with the Corrections Unit in response to staffing shortages.

### **RECOMMENDATION**

Based on the information presented, I respectfully recommend approval of the attached resolution authorizing the Letter of Understanding between the Employer and CCLP regarding payment of vacation time excess of the maximum accumulation.

**Agenda Item 5**

Introduced by the Law and Courts Committee, County Services Committee, and Finance Committee of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION APPROVING THE LETTER OF UNDERSTANDING WITH CAPITOL CITY LABOR PROGRAM, INC – 911 NON-SUPERVISORY UNIT REGARDING VACATION MAXIMUM ACCUMULATION**

WHEREAS, a collective bargaining agreement had been reached between representatives of Ingham County and Capitol City Labor Program, Inc. (CCLP) – 911 Non-Supervisory Unit for the period January 1, 2016 through December 31, 2017;and

WHEREAS, the parties wish to amend the Agreement; and

WHEREAS, the County Attorney, Human Resources and Ingham County 911 Central Dispatch have discussed with the CCLP 911 Non-Supervisory Unit the need for payment of hours excess of the maximum vacation accumulation due to current staffing shortages and have prepared the attached Letter of Understanding between the parties; and

WHEREAS, the provisions of the Letter of Understanding have been approved by the Law and Courts, County Services and Finance Committees.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby approves the attached Letter of Understanding with respect to payment of vacation hours excess of the maximum accrual between Ingham County and the CCLP 911 Non-Supervisory Unit.

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners is authorized to sign the Letter of Understanding on behalf of the County, subject to the approval as to form by the County Attorney.

LETTER OF UNDERSTANDING  
BETWEEN  
COUNTY OF INGHAM  
AND  
CAPITOL CITY LABOR PROGRAM, INC.  
911 NON-SUPERVISORY UNIT

**VACATION PAYMENT EXCESS OF MAXIMUM ACCUMULATION**

**WHEREAS**, the current contract between the parties provides in Article 29, Vacation, Section 29.12, that vacation leave time not used may only be accumulated to a maximum of 320 hours; and

**WHEREAS**, due to the current staffing shortages presently existing in the Ingham County 911 Center, the parties want to establish a temporary procedure to pay employees for hours in excess of the maximum 320 hours; and

**THEREFORE**, the parties agree to the following:

1. Employees who have vacation leave time accumulations over **300 hours** on July 1, 2016, January 1, 2017 and/or July 1, 2017 will be paid their regular hourly rate for hours over the maximum by a separate check (less applicable payroll withholdings), provided they have requested two weeks off in the applicable period's vacation selection process.
2. This Letter of Understanding will be effective through the end of the current contract which expires on December 31, 2017, at which time the temporary procedure for payment for hours excess of the 320 hour maximum shall expire.
3. This Letter of Understanding shall modify the parties' Contract only to the extent expressly provided herein.

**CAPITOL CITY LABOR  
PROGRAM, INC.**

**COUNTY OF INGHAM:**

\_\_\_\_\_  
Division Representative

\_\_\_\_\_  
Kara Hope  
Chairperson Board of Commissioners

\_\_\_\_\_  
Thomas Krug, Lodge  
Executive Director

\_\_\_\_\_  
Steven Lett, Lodge Attorney  
Approved as to form

\_\_\_\_\_  
Mattis D. Nordfjord, County Attorney  
Approved as to form

**Agenda Item 6a**

TO: Law and Courts Committee and Finance Committee

FROM: Lisa McCormick, Chief Assistant Prosecutor

RE: Purchase of 2 Fujitsu Scanners to replace current equipment

DATE: July 26, 2016

In 2009 the Ingham County Prosecutor's Office entered into a Contract with Imagesoft, a single source vendor with the purpose of going paperless. At that time equipment was purchased including 2 scanners. Both scanners are due for replacement. One scanner has been intermittently breaking and the other scanner is still functioning without issue. This proposed resolution is to replace both scanners.

Because each scanner is over \$5000.00 the current purchasing policy requires me to bring this is to the Board. The money for both scanners is budgeted in the 2016 CIP fund. Assuming this resolution passes, I am only going to replace the scanner that is intermittently breaking. I will only purchase the 2<sup>nd</sup> scanner if we are start experiencing difficulties. Since we rely heavily on these scanners I want to be prepared If the 2<sup>nd</sup> scanner breaks.

Introduced by the Law & Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AUTHORIZING STATEMENTS OF WORK WITH IMAGESOFT  
TO PURCHASE REPLACEMENT SCANNERS**

WHEREAS, the Ingham County Prosecutor's Office uses the Onbase imaging system and scanners to scan documents; and

WHEREAS, the Ingham County Prosecutor's Office uses scanners to scan documents into the imaging system; and

WHEREAS, Ingham County purchased two (2) Canon scanners in 2009 and they are due to be replaced; and

WHEREAS, the Ingham County Prosecutor's office received a bid for two (2) Fujitsu scanners from a single source vendor, Imagesoft, and these scanners are compatible and recommended by the Ingham County IT Department; and

WHEREAS, the Statement of Work (SOW) satisfies the Prosecutor's Office needs; and

WHEREAS, the Prosecutor's Office has sufficient funding in its Capital Improvement Project (CIP) budget to pay for the SOW.

THEREFORE BE IT RESOLVED, the Board of Commissioners authorizes entering into the SOWs with ImageSoft for two (2) Fujitsu Scanners in the amount of \$ 12,380 to be paid from the Prosecutor's 2016 CIP budget.

BE IT FURTHER RESOLVED, that the Chairperson of the Ingham County Board of Commissioners is hereby authorized to sign any necessary Contract documents (Statement of Work - SOW) consistent with this resolution upon approval as to form by the County Attorney.

## Agenda Item 6b

TO: Law and Courts Committee

FROM: Lisa McCormick, Chief Assistant Prosecutor

RE: SOW with Imagesoft – Juvenile Foldering

DATE: August 2, 2016

This SOW is to correct an existing problem with the foldering for juvenile cases. When we first went live in approximately 2011 with the project the foldering was working without any problems. It was determined at some point that the foldering was not working properly. The structure is complicated due to the nature of the way the juvenile court handles subsequent petitions. The issue seems to occur with the eforms on orphan files. Our IT department made every effort to work with the vendor to fix the problem but it appears to me that when fixes were put into place more problems were created. Due to this the vendor has to re-structure the process and this SOW addresses the changes.

I have budgeted for this in the 2017 budget but in light of the problems that are being caused I am requesting the ability to move forward now. I have the money in the 2016 CIP budget and would like to take the funds from there. This would alleviate the already recommended funds in the 2017 budget.

The original SOW is for \$ 21,000 to fix the foldering problems. Based on that SOW, Deb Fett and I spoke with Imagesoft and the cost was reduced. The new SOW was for \$10,500 which took into account a \$3500.00 credit. Based on that SOW I spoke with Mike Nolen at the IT department and we addressed some of the miscellaneous issues because I believed he could address some of the minor problems instead of having the county pay for the changes. He agreed and has already started working on those issues.

Based on that, I requested the SOW to be reduced further. The 3<sup>rd</sup> and final SOW is for \$7000.00. This includes an additional \$3500.00 credit. This credit is being given to the County prior to any changes to the vendor policies. This is a good will credit. This credit has been given to the Prosecutor's office because of speaking engagements that I did at their Annual Conference. I have also allowed other Prosecutor's office to visit our office and have dedicated time to go over system and the benefits to our office. I have not received any financial benefit from Imagesoft. It is common practice to open your office to other Prosecutor's so that we can collaborate and work together to address mutual problems. That reduced the cost to \$7000.00. This amount is budgeted for in the current 2016 CIP budget.



Introduced by the Law & Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AUTHORIZING STATEMENTS OF WORK WITH IMAGESOFT  
TO CORRECT JUVENILE FOLDERING**

WHEREAS, the Ingham County Prosecutor's Office uses the Onbase imaging system and scanners to scan documents; and

WHEREAS, the Ingham County Prosecutor's Office uses Onbase for all juvenile delinquency cases; and

WHEREAS, Ingham County Prosecutor's office has been experiencing difficulty with the way the juvenile files were being foldered; and

WHEREAS, the Ingham County Prosecutor's office received a bid to correct the issue presented from a single source vendor, Imagesoft, and these scanners are compatible and recommended by the Ingham County IT Department; and

WHEREAS, the Statement of Work (SOW) satisfies the Prosecutor's Office needs; and

WHEREAS, the Prosecutor's Office has sufficient funding in its Capital Improvement Project (CIP) budget to pay for the SOW.

THEREFORE BE IT RESOLVED, the Board of Commissioners authorizes entering into the SOWs with Imagesoft to correct the foldering issue that has developed in the amount of \$7000.00 to be paid from the Prosecutor's 2016 CIP budget.

BE IT FURTHER RESOLVED, that the Chairperson of the Ingham County Board of Commissioners is hereby authorized to sign any necessary Contract documents (Statement of Work - SOW) consistent with this resolution upon approval as to form by the County Attorney.

**Agenda Item 7a**

TO: Law & Courts Committee  
Finance Committee

FROM: Major Maatman, Field & Staff Services Administrator

DATE: July 26, 2016

RE: RESOLUTION TO PURCHASE ONBASE WORKFLOW PROGRAM WITH IMAGESOFT FOR THE SHERIFF'S OFFICE TO SUBMIT PAPERLESS WARRANT REQUESTS TO THE INGHAM COUNTY PROSECUTOR'S OFFICE.

This resolution is for the approval to purchase the OnBase Workflow program from ImageSoft that will allow the Sheriff's Office to submit Warrant Requests paperless to the Ingham County Prosecutor's Office.

The Sheriff's Office currently utilizes OnBase from Imagesoft, however this designed program/workflow will allow the Sheriff's Office to submit all warrant requests to the Ingham County Prosecutor's Office paperless, thus saving the County as well as the Sheriff's Office budget in costs of paper, ink, and officer time printing and taking the warrant requests to the Prosecutor's Office.

Introduced by the Law & Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO PURCHASE ONBASE WORKFLOW PROGRAM WITH IMAGESOFT FOR THE SHERIFF'S OFFICE TO SUBMIT PAPERLESS WARRANT REQUESTS TO THE INGHAM COUNTY PROSECUTOR'S OFFICE**

WHEREAS, the Ingham County Sheriff's Office is responsible for submitting warrant requests for suspects arrested and charged under state law; and

WHEREAS, the Sheriff's Office upon arresting a suspect is required to complete an incident report of the alleged actions against the arrested subject; and

WHEREAS, the Sheriff's Office is required to submit all incident reports and forms reference the arrested subject to the Ingham County Prosecutor's Office for review and pending authorization; and

WHEREAS, the Sheriff's Office has to utilize one staff member to take all incident reports and forms to the Prosecutor's Office, reducing the staff members ability to accomplish other required police tasks; and

WHEREAS, the Sheriff's Office , along with the Chief Assistant Prosecutor of the Ingham County Prosecutors Office, has identified the cost saving of purchasing a workflow program from ImageSoft to stream line the warrant process by submitting all incident reports and forms by electronic submission to the Prosecutor's Office through Onbase; and

WHEREAS, the County of Ingham already utilizes the ImageSoft Company with the OnBase program as a sole source vendor; and

WHEREAS, the funds for this expenditure are currently in the Sheriff's Office 2016 Capital Improvement Account; and

WHEREAS, the total expenditure for this proposal is not to exceed \$47,625.00.

THEREFORE BE IT RESOLVED, the Ingham County Board of Commissioners authorizes the Sheriff's Office to purchase OnBase Workflow program with ImageSoft to submit all warrant requests paperless to the Ingham County Prosecutor's Office.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners authorizes the Board Chairperson to sign any necessary contract documents or purchase documents that are consistent with this resolution and approved as to form by the County Attorney.

**Agenda Item 7b**

**TO:** Law & Court Committee  
**FROM:** Major Sam L. Davis  
**DATE:** July 12, 2016  
**RE:** Retirement Resolution for Lieutenant Andrina Morence

Summary of Proposed Action: This resolution will honor Lieutenant Andrina Morence of the Ingham County Sheriff's Office for dedicating 19 years of her career to corrections and law enforcement. She has served the citizens of Ingham County with the highest possible standards while respecting the rights of all people.

Introduced by the Law & Courts Committee:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO HONOR LIEUTENANT ANDRINA MORENCE  
OF THE INGHAM COUNTY SHERIFF'S OFFICE**

WHEREAS, Lieutenant Andrina Morence was hired by the Ingham County Sheriff's Office as a Deputy in November of 1996 and assigned to the Corrections Division; and

WHEREAS, Lieutenant Morence worked as a Deputy with the Ingham County Sheriff's Office until November of 1998; and

WHEREAS, in November of 1998, Lieutenant Morence was transferred to the Field Services Division; and

WHEREAS, in July of 2005, Lieutenant Morence was promoted to Sergeant and was assigned to the Field Services Division supervising the Night Shift; and

WHEREAS, in November of 2007, Lieutenant Morence was assigned to supervise Staff Services as a Sergeant; and

WHEREAS, in November 2008, Lieutenant Morence was assigned to supervise in the Corrections Division as a Sergeant; and

WHEREAS, in September 2015, Lieutenant Morence was promoted to the rank of Lieutenant and assigned to the Corrections Division; and

WHEREAS, throughout her career, Lieutenant Morence was a dedicated employee and well respected by her peers; and

WHEREAS, over her 19 year career with the Ingham County Sheriff's Office, Lieutenant Morence received numerous letters of recognition and Unit Citations as well as being Deputy of the Year in 2001 and receiving the Community Service award from the 100 Club in 2002; and

WHEREAS, after 19 years of dedicated service to the citizens of Ingham County, Lieutenant Morence is retiring on July 12, 2016.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby honors Lieutenant Andrina Morence, for her 19 years of dedicated service to the citizens of Ingham County and wishes her continued success in all of her future endeavors.

Michigan Department of Corrections  
Crime Victim Services  
P O Box 30003  
Lansing, MI 48909

Dear Madam Supervisor:

Re: Prisoner approaching eligibility for parole: Donald Eugene Miller

Your office informed me that a letter of concern on behalf of victims would be forwarded to the appropriate Parole Board authorities. Thank you for receiving and forwarding this communication.

Dear Members of the Parole Board of Michigan:

I am a medical doctor, a psychiatrist, the former director of the Michigan Department of Mental Health and a former gubernatorial appointee to the Crime Victim Services Commission. In the late 1990s, when Donald Miller approached his prior release date from MDOC, I served as chair of an organization of family members of Mr. Miller's victims, of local and national criminal justice and mental health professionals, of experts in behavioral analysis of violent crime, and of victim advocates. We dedicated ourselves to protecting the community from further harm from Mr. Miller.

Our efforts resulted in a second trial for Mr. Miller in which he was found guilty of making and possessing a garrote while incarcerated and was sentenced to an additional term. The first parole hearing for Mr. Miller is scheduled for the week of August 29, 2016.

Based on interviews of family members of Mr. Miller's victims, of one of his surviving victims, of prosecutors and police officers directly involved with Mr. Miller and of analysts with the FBI who reviewed his case, I offer the following observations and conclusions:

1. Mr. Miller killed four women over a period of several years and hid their corpses, eventually leading officials to the disposal sites.

2. Mr. Miller raped a fifth woman and attempted to kill her and her brother before being interrupted, fleeing, leaving a fingerprint in blood at the scene.

3. Mr. Miller fashioned a garrote while incarcerated, after a female correctional officer was assigned to his unit.

4. Mr. Miller evaded detection after his crimes, appearing harmless, devout and cooperative to many observers.

5. Analysis of Mr. Miller's behavior, character, motivation, selection of victims and disposal of victims by serial killer experts in the Michigan State Police, FBI and other law enforcement agencies confirms his status as a "lethal predator."

6. Mr. Miller's history of depraved behavior served as the index case in academic publications on the lethal predator:

[https://www2.fbi.gov/publications/leb/2003/apr2003/april03leb.htm#page\\_17](https://www2.fbi.gov/publications/leb/2003/apr2003/april03leb.htm#page_17) (print-out appended)  
<http://www.ncbi.nlm.nih.gov/pubmed/14608825>

7. Lethal predators have killed after release from custody and at advanced age:

<http://murderpedia.org/male/M/m1/mcduff-kenneth.htm> (case of Kenneth McDuff)  
<http://maamodt.asp.radford.edu/Research%20-%20Forensic/SPCP%202008%20-%20Profiling%20the%20Age%20of%20Serial%20Killers.pdf> (Aamodt et al, Profiling the age of serial killers)

8. Although guidelines for release of murderers reflect rates of recidivism based on murder in general and prison performance of most murderers, these guidelines are not based on analysis of serial killers, sexual psychopaths and lethal predators.

9. Mr. Miller is a member of a small, deadly, dangerous population: murderers who stalk, capture, torture and kill; murderers who derive sexual and narcissistic gratification from their predation; murderers who maintain a "mask of sanity" appearing normal and harmless. Moreover, he is a murderer who has chosen a killing zone in the Capital Area of our state.

On behalf of the victims of Mr. Miller, the potential victims of Mr. Miller, the loved ones of these victims, and on behalf of the members of the Committee for Community Awareness and Protection, I urge members of the Michigan Parole Board to take these observations and conclusions into account, and protect our citizens from fear and harm. Do not grant parole to Donald Miller.

Respectfully,

Frank M Ochberg, MD

Endorsed by (members and friends of C-CAP: The Committee for Community Awareness and Protection)



# Lethal Predators and Future Dangerousness

By ALAN C. BRANTLEY, M.A., and FRANK M. OCHBERG, M.D.

In the summer of 1978, police in East Lansing, Michigan, arrested a baby-faced criminal justice student and youth minister witnesses had seen running from a house following the assault and rape of a 14-year-old girl and the stabbing of her 13-year-old brother. Fortunately, both children survived and ably assisted police during the investigation. The subject, then in his early 20s, was no stranger to Lansing police officers when they arrested him. For many months, they had considered him a suspect in the disappearance of four area women, beginning with his fiancée who vanished on the first day of 1977 after spending New Year's Eve with him. Local detectives and prosecutors believed that he was responsible, but, despite exhaustive efforts, they never developed enough evidence to charge him in any of the cases. Moreover, in three of the four cases, police never found the women's bodies.

After the subject's subsequent conviction, prosecutors offered him a plea bargain in the other cases. He would lead authorities to the bodies of his victims, allowing authorities to close the cases and the families to end their anguished uncertainty. In exchange, he would be prosecuted for manslaughter, with sentences to run concurrently with the 30- to 50-year term he already was serving. The missing women's families agreed to the deal and so did the subject. Because of statutory sentencing guidelines, including mandatory "good time," he was scheduled for release in February 1999.<sup>1</sup> The county prosecutor who oversaw the plea bargain remembered the subject as "cunning, religiously obsessed, deceptive. He did not look physically threatening or dangerous, anything but."<sup>2</sup> He remained calm and composed during the long investigation, "so composed that he went over to one victim's house on the morning after the murder and offered to help search for her."<sup>3</sup> Twenty years later, this same individual maintained his earlier assessment, believing that the subject still would be dangerous if released, "I was positive to a moral certainty that he would kill again."<sup>4</sup>

## CONCEPT

The authors consider this subject representative of a small, identifiable, and exceptionally dangerous subpopulation of lethal criminals. Those who investigate their crimes and evaluate and study their behavior call these killers "lethal predators."<sup>5</sup> These offenders, almost always males, have killed at least once and are likely to keep killing as long as they are free to do so. They are deliberate, sadistic, and often highly intelligent. They tend to carry out their crimes in a ritualistic manner, to include a strong sexual component in their acts, and to rape or torture their victims. They formulate their plans, then pursue, capture, assault, and ultimately kill their prey. Some leave their victims' bodies in poses that express and symbolize the feelings of power and pleasure they have achieved in the act of killing. They lack feelings of guilt or remorse. They typically become increasingly violent and cruel over time, driven by fantasies that feed their predatory desires and lead them to compete with themselves in a twisted game of "practice makes perfect." They understand their misbehavior, know the difference between right and wrong, and can choose when and where to act upon their urges. They are criminally responsible for their acts and are not insane.

Many of these killers are skilled at covering their tracks and become more competent and confident with each crime. As a result, they often are convicted for lesser offenses leading to less severe sentences than their crimes and level of dangerousness should warrant. They have little or no motivation for treatment, which, in any case, is extremely unlikely to offer any kind of "cure." Upon their release or, in some cases, their escape, they essentially are unchanged and as likely to assault and kill as they were before their incarceration.

No one knows the number of lethal predators, whether in prison or out, or how many are serving less than maximum sentences and might be released with their capacity and desire for violence still intact. In addition, no easy way exists to develop that information. Crime statistics, court records, and prison data do not distinguish lethal predators from the rest of the criminal population or from the more than 140,000 inmates now serving time for murder in U.S. prisons.<sup>6</sup> These killers have several overlapping characteristics. They have a history of lethal violence, sexual predation, and certain types of mental abnormality. Law enforcement and mental health professionals agree that each of these factors independently is associated with violence and aggressive behavior. When all three coexist, a synergistic effect can form, greatly increasing the probability of violent acts that inflict extreme suffering on others. From a public safety standpoint, the most important concern about lethal predators is

that they commit their crimes repeatedly. Policymakers in the criminal justice and mental health systems, as well as the public, legitimately may consider whether criminals of this type are too dangerous to ever be released.

In considering the questions surrounding sentencing issues and postsentence confinement of these predators, authorities should remember that potential at-risk victims exist both outside and inside prison. When someone is freed from imprisonment and then commits another highly publicized crime, especially likely when one of these killers is involved, it undermines public confidence in criminal justice and mental health professionals. In that sense, lethal predators have the capacity to endanger not just the people they stalk and kill but the bond of trust between citizens and their governmental institutions. For this reason, developing an understanding of lethal predators from both criminal justice and mental health perspectives is essential and has serious implications for public safety. Those, like the authors, attempting to combat these criminals understand the need to develop reporting procedures or other methods that will provide an informed estimate of where these predators are located. They also urge the development of protocols and a methodology for evaluating violent felons who may fit the definition of a lethal predator.

As the country debates these issues, legislators, the public, the criminal justice system, and the behavioral science community must reach an understanding of exactly which offenders might be subject to maximum sentences or indeterminate confinement. The criteria that the authors suggest are intentionally narrow, designed to identify a small number of killers who fall at the extreme end of the spectrum of offenders who commit murder or manslaughter.

#### **DEFINITION**

The authors base their definition of a lethal predator on four elements: lethal violence, multiple acts of sexual predation, mental abnormality, and legal sanity. All four must exist for a criminal to be classified as a lethal predator. In addition, this definition of lethal predation is consistent with, but more restrictive than, the criteria the FBI uses to define sexual homicide.

The FBI's National Center for the Analysis of Violent Crime (NCAVC) distinguishes four types of sexual homicide: organized sexual homicide, disorganized sexual homicide, mixed sexual homicide, and sadistic murder.<sup>7</sup> These subclassifications are related closely to the types of criminal acts committed by those the authors define as lethal predators. According to the FBI, sexual homicide, both organized and disorganized, "involves a sexual element (activity) as the basis for the sequence of acts leading to death. Performance and meaning of the sexual element vary with an offender. The act may range from actual rape involving penetration (either before or after death) to a symbolic sexual assault, such as insertion of foreign objects into a victim's body orifices."

#### **Lethal Violence**

Lethal violence is criminal killing, meeting the legal definitions of murder or manslaughter. To comply with the authors' proposed constellation of factors, the killing must occur at least once in the context of sexual predation.

#### **Multiple Acts of Sexual Predation**

Sexual violence is "the threat or use of physical force either to coerce another person to submit to sexual behavior or to produce sexual excitement or release in the perpetrator."<sup>8</sup> Predation is not a legal term, but denotes an intentional act of selecting, pursuing, and overpowering a person and then inflicting harm on that person for the pleasure of the predator.

Sexual predators, whether they kill or not, will escalate their activities over the course of their careers. Typically, they will start with violent sexual fantasies and progress to acting out their imagined scenes with both willing and unwilling partners. The lethal predator also will demonstrate increasing skill in selecting, pursuing, capturing, and controlling the victim and carrying out the murder.

In analyzing sexual motivation, the authors point out that predators may find sexual gratification in activities most people would consider nonsexual, such as the infliction of pain, mutilation, or postmortem display of the body

and collection of trophies.<sup>9</sup> Those sexual predators who kill commit acts quite often that have nothing to do with the commission of the murder. For example, they may pose, move, mutilate, or dispose of the victim in an unusual way. These acts may be symbolic and designed to make an impact on others or for the predators' perverse pleasure and enjoyment, or both. In some cases, no evidence is found of "normal" sexual arousal, such as erection and ejaculation. Such seemingly non-sexual behaviors, when they occur repetitively, also can establish the criterion of multiple acts of sexual predation.

These crime-scene behaviors also can indicate that a lethal predator is likely to re-offend. Law enforcement professionals trained in crime-scene analysis techniques and experienced in working with violent offenders are best able to assess evidence of predation based on their thorough review of case materials.

### **Mental Abnormality**

Mental abnormality, the most elusive of the four elements in the authors' definition, can become evident when someone exhibits the traits and characteristics of a variety of mental disorders without reaching the threshold of mental illness necessary for exculpability or diminished capacity. At the core, evidence will exist of severe personality disorder or paraphilia and may include, but is not limited to, traits associated with antisocial personality disorder, psychopathy, sexual sadism, pedophilia, and, in certain extreme instances, necrophilia.<sup>10</sup> Other disorders may coexist with these, but, similarly, do not rise to the level of mental illness or defect that satisfies the legal standard of diminished criminal responsibility. Psychiatrists and psychologists are best able to assess mental abnormality based upon traditional mental health assessment techniques, such as using record reviews, interviews, and psychometric testing.

In *Kansas v. Hendricks*,<sup>11</sup> the U.S. Supreme Court upheld the constitutionality of Kansas' Sexually Violent Predator Act<sup>12</sup> against a claim that the act violates the due process clause of the Constitution. The act provides for the civil commitment of persons who, because of mental abnormality or personality disorder, are likely to engage in predatory acts of sexual violence.<sup>13</sup> Mental abnormality is defined in the act as "congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such people a menace to the health and safety of others."<sup>14</sup> The Court ruled that the statute satisfies constitutional due process because it requires a precommitment finding that these individuals are dangerous and suffer from a mental abnormality or personality disorder that renders them dangerous beyond their control. Because those two conditions are satisfied, the Court was untroubled by the fact that the Kansas statute does not require a finding of mental illness as it is understood by the medical community.<sup>15</sup>

### **Legal Sanity**

In saying that lethal predators are mentally abnormal but legally sane, the authors recognize that mental abnormality and mental illness are not precise terms. They use the term mentally ill to refer to a condition that diminishes people's abilities to understand the nature and quality of their acts or to commit them with conscious intent. The authors use the term mental abnormality to describe a mental state that is surely perverse, but does not diminish criminal responsibility.

Individuals with a mental abnormality may lack the ability to experience remorse and empathy. They may be able to control their predatory behavior when witnesses are present or if they are unlikely to escape without being identified and apprehended. Conversely, when a victim is available and their assessment of risk to themselves suggests a high probability of a successful escape, they will not stop themselves. Mental abnormality can include traits of mental illnesses or severe personality disorders, but not necessarily to the point of meeting strict clinical diagnostic requirements.

While the mental health community has no uniform definition of abnormality, the authors believe that it is a diagnosable condition and that trained professionals can reach valid, reliable conclusions about its existence when evaluating cases. Similarly, the legal world has no commonly accepted meaning for mental abnormality. However, the authors believe that the concept can be defined and diagnosed clearly enough to satisfy the legal requirements for civil commitment after criminals have completed their prison terms.<sup>16</sup>

### **FINDINGS**

Across the country, other cases have continued to demonstrate the extreme danger that lethal predators can represent. A particularly relevant example occurred in Great Falls, Montana, and involved the kidnapping and murder of a fifth-grade boy missing for nearly 5 years.<sup>17</sup> According to prosecutors, the subject raped and tortured the boy before killing him, then dismembered, cooked, and ate the remains. In the subject's garage, detectives dug up 21 bone fragments that DNA tests showed belonged to another child. In the house, police found other evidence, including photographs and a handwritten list with names and dates that appeared to link him to dozens of cases of child abduction and molestation in several states.

Montana residents and state officials were outraged to learn that the subject had come to Great Falls following his release from 12 years of confinement in his home state of Massachusetts. The judge who freed him determined that he was "not dangerous," even though several evaluations had concluded the opposite and even though his original sentence for attempted murder and kidnapping of two 13-year-old boys had called for 18 to 20 years in prison. Evaluations of the subject, while confined in Massachusetts, contained such descriptions as "a borderline personality with marked passive-dependent and psychopathic features and a dangerously disturbed young man whose prognosis for recovery seems questionable."<sup>18</sup> One psychologist noted that the subject's "sexual fantasies, bizarre in nature, outline methods of torture extending to dissection and cannibalism; he expresses a curiosity about the taste of human flesh."<sup>19</sup> Another reported that fantasies of violence appeared as his primary source of sexual excitement. Those ominous evaluations proved accurate when authorities arrested the subject in another child-molesting incident barely a month after his release.

Like the man in the opening scenario, this subject appears to fit the definition that the authors have developed for the lethal predator. The devastation both men left behind among the families of their victims and the terror they created in their communities stand as compelling reasons for further study of this special type of criminal and for informed and careful decisions about how best to guard against the danger they represent. While further research must occur, the authors believe that present knowledge clearly establishes three primary facts.

- 1) Lethal predators are dangerous and a high probability exists of their future behavior remaining consistent with their past behavior.
- 2) Lethal predators can be identified by specific criteria.
- 3) Lethal predators can be confined beyond criminal sentences, according to current U.S. Supreme Court holdings of constitutionality.

## **CONCLUSION**

Lethal predators, a small group of killers, form a relatively homogeneous subpopulation of criminals who are cruel, predatory, violent, and likely to kill again if released from criminal or civil incarceration, regardless of the length of their confinement. The authors, along with others, have studied the characteristics of such individuals to find ways of preventing future acts of violence and cruelty committed by these killers.

By offering a clear and comprehensive definition of lethal predators, calling for an informed accounting of their numbers and whereabouts, and encouraging the development of protocols and policies for evaluating potential members of this dangerous and perverse class of criminals, the authors hope to break the cycle of suffering these felons can create. To this end, the criminal justice community along with mental health professionals, legislators, and the public must join in a concerted effort to find ways of identifying and removing these predators from society. Only then can those in the public safety arena protect law-abiding citizens from such senseless acts of cruelty and perversion.

*Special Agent Brantley, former senior psychologist with the North Carolina Department of Correction, is assigned to the National Center for the Analysis of Violent Crime at the FBI Academy.*

*Dr. Ochberg, former associate director of the National Institute of Mental Health, is a clinical professor of psychiatry and adjunct professor of criminal justice at Michigan State University in East Lansing.*

## Endnotes

1 Amid growing community anxiety as the release date approached, Dr. Ochberg assembled a group of detectives, judges, legislators, prosecutors, prison psychologists, and victim advocates to explore ways to prevent the subject's release. Under Michigan state law, he could not be confined in a mental hospital because he was not insane. In the absence of viable alternatives, the group approached Michigan lawmakers, asking for new legislation consistent with the recently issued *Kansas v. Hendricks* ruling. In the meantime, guards found a homemade garotte in the subject's cell, and prosecutors filed a felony charge of weapon possession while in prison. Because it was his third felony under Michigan's habitual offender law, he received an additional sentence of 20 to 40 years in prison.

2 Chief Judge Peter D. Houk, 30th Judicial Circuit of Michigan.

3 Ibid.

4 Ibid.

5 The authors based this article on a larger project to define and examine the "lethal predator" so that legal interventions may prevent future acts of violence. This project has received support from the Critical Incident Response Group of the FBI; the Dart Foundation of Mason, Michigan; and the Critical Incident Analysis Group based at the University of Virginia. Individuals involved in the project

include the authors and Robert D. Hare, professor emeritus of psychology, University of British Columbia; Peter D. Houk, chief judge, 30th Judicial Circuit of Michigan; Robert Ianni, assistant attorney general in charge, Criminal Division, Department of Attorney General, state of Michigan; Earl James, president, International Forensic Services, Inc.; Mary Ellen O'Toole, special agent, National Center for the Analysis of Violent Crime, FBI; and Gregory Saathoff, associate professor of clinical psychiatry, University of Virginia School of Medicine.

6 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Prisoners in 2000* (Washington, DC, 2001).

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12 Kan Stat. Ann Sections 59-29a01 *et seq.* (1994).

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14 *Id.* Section 59-29a02(b).

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16 *Foucha v. Louisiana*, 504 U.S. 71, 118 L. Ed. 2d, 112 S. Ct. 1780 (1992).

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