MR. CHAIRMAN: So those several individuals who the States Attorney said they can't proceed against, what will happen to those cases?

THE WITNESS: Well, we sent this letter indicating what our problems are and what our resource was. That's when we sent a copy to the Michigan State Police and to the State's Attorney General's Office. So what's going to happen from there, I can't tell you.

Oh, I did say I was going to give you a solution. When I tried to assess this since Tuesday or Monday, whenever I got the call, if there are grants or federal monies available to be able to prosecute those cases, then that's something we would be able to do. But I can't sit here and tell you picking, at this point, even one full-time person because unless you get that case, and oftentimes you will, it's reciprocal. I can't tell you honestly that it's going to take one or two full-time people because I haven't had chance to assess it. So it might be a situation where we
need resources for one and a half persons.

And so, again, if you were interested in that kind of assessment, I can do that. When we look back in our records, then we can certainly assess from the Michigan State Police how many of these cases they investigate and give you or anybody an accurate picture of what kind of resources we're talking about.

COMMISSIONER FELLNER: I'm very sympathetic to the pressures of resources in your office and I can think it's distressing that you are so underpopulated with resources in the criminal justice system as you are. Nevertheless, I assume that the inmates who are in prison in your area are counted as residents of this area. They are for census purposes and for all federal funding purposes and state and everything else counted as residences, and I have a hard time understanding that any group of residents is simply removed from the protection that they are entitled to when their rights are violated.

We're not talking victimless crimes, we're
talking about people who have been raped and
assaulted. Whether they're state employees,
whether they're perpetrators, whether they're in a
state facility or if they are here, they deserve
the protection of your office, I believe. But I
also understand what you're saying about tension.
And I wondered if you could tell me how many
cases do you prosecute, for example, what I would
call victimless drug crimes? How much of your
caseload involves street level drug transactions,
for example?

MS. WORTHY: Well, let me go back to the
context and the impression was. First of all,
nobody suggested at all that people incarcerated in
Wayne County, whether they be prisoners or in a
jail as "citizens who are arrested for an offense."
Nobody suggested that they don't have rights, and
nobody suggested that their case shouldn't be taken
seriously. I think you missed the point, quite
frankly.

COMMISSIONER FELLNER: No, I understand
the point, which is that you don't have the
resources to take on those cases and the state is not, apparently, willing to take them on. But if you would take on anybody else, you are making a line between by which cases you will take and which cases you won't of people in your -- and I believe all victims of violent crime have a right to have law enforcement take their cases seriously. So I'm just wondering in terms of the resources, because I understand there are real limitations, can you give us a sense or do you have statistics on how your office allocates its resources between drug crimes, theft, public order offenses, homicide? I mean do you have that kind of data with you that you could share with us?

MS. WORTHY: No. I think to do that would be irresponsible for many reasons. Number one, we're not talking about going over -- interviewing a prisoner in the Ryan (ph.) facility. That's not what we're talking about. That would be a trip that would take about 15 minutes. But we're talking about traveling to the UP and other places in Michigan that we don't have the resources to go
to, number one. So I just want to make that clear.

But, I don't make where you have five points
for homicides, so we're going to prosecute that,
four points for criminal sexual conduct, so that's
a part of it, three points for child abuse. We
don't do that. We do it based on the warrants that
are brought to the office. And we have to have a
line of demarcation somewhere. And our line of
demarcation is that we have to travel outside of
the county to interview the victim of a crime in a
state institution when we feel that the State
Attorney General should be doing that. That's
where I draw the line.

So do I have stats of how many drug cases that
we do? Of course, I do. Do I have homicides about
how many homicide cases that we do? Yes, I do, not
with me, but I can provide it.

COMMISSIONER FELLNER: Thank you.

COMMISSIONER SMITH: Good afternoon. I
guess what you're hearing from Commissioner Fellner
and which you're also hearing from me is, first of
all, I think you did an excellent job in terms of
marshaling sort of exactly -- crystallizing exactly what the issue is. But if we focus on those three cases, for example, that a State's Attorney General's Office decided that for complex reasons they're not going to prosecute, then what happens is you have a situation where we've heard a tremendous amount of testimony on that its corrosive to the correctional environment, it's exclusive in terms of public safety and/or where neither the State's Attorney General's office or the county prosecution office is going to do anything about, okay?

MS. WORTHY: I agree with you. Sure.

COMMISSIONER SMITH: So what happens then? What should happen then?

MS. WORTHY: What should happen is that people who are concerned about this issue should put their money where their mouth is and provide the resources so that we can do these cases. It's with the same vigor and zeal that we do all the cases. That's what should happen.

You know, no prosecutor or no person in law
enforcement who is responsible for public safety,
especially in a county as large as this one, should
have to beg for resources to make the streets safe
or to make the jails safe or to make the churches
safe. That's a responsibility that I should not
have, but I do. So what I think should happen is
if people are serious about prosecuting these
cases, then they need to give us the dollars to do
so.

COMMISSIONER SMITH: Where do you see
that coming from? How can we be helpful because
that's what it's always all about from our
perspective. How can we be helpful in creating
that space because, again, what we continue to hear
and you've actually articulated it, is that staff
are not coming forward, prisoners are not coming
forward in these cases. Then you can understand
the reluctance if you paid for it, and you put
yourself out there again --

MS. WORTHY: Oh, I can, yes.

COMMISSIONER SMITH: -- and nothing ever
happens. And because we know people's cycle in and
out of the system that they might have to go back there.

So I mean what can we do in order to support that? I mean where are the buttons to push here?

MS. WORTHY: I understand your question. I guess having been a person that sat on the Commission for the Governor of the state on a whole other issue, what I think should happen, and I assume that you're going to make recommendations to Congress or to whatever body empowered you, one of the primary recommendations should be, if not the primary recommendation, that there should be adequate resources allocated to state, local and federal authorities to aggressively and zealously prosecute these cases. And that means we have to have the dollars and the bodies to do so. That would be my first recommendation. That's the way that the job could get do.

COMMISSIONER SMITH: And would that be specific resources that say for prosecution within a correctional setting?

MS. WORTHY: I have no problem with the
wording. I have no problem with you saying to me, you have to have a specific person that does this and these cases and this person is charged or these people are charged with the prosecution of these types of crimes. I have no issue with that because if that was provided, that's what I have to do. And I assume that I have to report back, and both audits and everything else I'd have to do --

COMMISSIONER SMITH: About what happened with those prosecutions.

MS. WORTHY: I have no problem with that. If however they want to word it is going to help me get to issues within our prison walls, I have no problem with that.

MR. CHAIRMAN: Well, our main thing is to make recommendations to the Congress and President and the state and local officials.

MS. WORTHY: I'll say again, I think that your recommendation should be exactly as I outlined and that would take care of the resource problem. I can't speak for the rest of the DAs across this country or even the rest of the DAs in the state,
but I can speak for my office having been there for a very long time, even as a worker and that is that there would be no reluctance in pursuing a case just because it's harder. And if any assistant prosecutor feels that way, they should not be an assistant prosecutor.

MR. CHAIRMAN: Anyone else?

COMMISSIONER FELLNER: I guess I still don't understand. And maybe if you would bear with me and try and clarify it.

You do do drug cases, I assume, that are street level transactions?

MS. WORTHY: Of course.

COMMISSIONER FELLNER: Of course. So your office has made a choice to continue to do those cases. Could you, could you not, say because we're underresourced, understaffed, you know, whatever, we are not going to do any, quote, victimless crimes, we are only going to focus on crimes where somebody claims to have been physically assaulted, sexual abused, or had their property stolen from them.
MS. WORTHY: There's no such thing as a victimless crime.

COMMISSIONER FELLNER: I understand that, but I'm saying you could say -- you would have the authority, I gather, to say exercising my discretion, we're only going to focus on crimes in which a person alleges a violation of either their physical integrity or theft of their property, which would exclude most drug cases, which don't involve, you know, rape, homicide, sexual assaults, you know, robbery stuff. Why wouldn't you --

MR. CHAIRMAN: Political suicide.

COMMISSIONER FELLNER: Well, I understand it's political suicide, but what I'm saying is underneath what you're saying is you've got a resource problem, but you have chosen, and I am just going to be very blunt, you have chosen to sort of cut off from the benefits of your office the most politically powerless, most unpopular constituency possible.

MS. WORTHY: I don't agree with you all.

COMMISSIONER FELLNER: You don't think
prisoners are politically powerless?

MS. WORTHY: There are many people that we do prosecute on a daily basis that are politically powerless. I mean I don't really understand. So I'm supposed to look at -- first, let me answer your question. No, I would never exercise my discretion in that manner and I would never think about exercising my discretion in that manner, to be quite frank with you.

I am going to look at the person and say, no, I'm not going to prosecute your car theft case? I'm going to look at -- like I said, there's no such thing as a victimless crime. I'm going to look at the neighborhood on the east side or wherever in Detroit or across the county and say, no, I'm not going to prosecute the five drug houses or crack houses --

COMMISSIONER FELLNER: But you're saying, no, you're not going to prosecute the prisoners?

MS. WORTHY: Excuse me, excuse me -- because they're a victimless crime? Come on. I'm not going to do that.
What I've tried to make clear to you is that I cannot spare a warrant prosecutor to take a half a day or a day to travel to an institution outside of my county. I can't do that. I'm happy to do that, if you or anyone on your Commission or this Commission as a whole want to make a recommendation that resources be allotted for that. So I am not going to rank the crimes in that way.

I have different sections in my office, child abuse, homicide, elder abuse, general files, public integrity. We have all of those units. And I'm certainly not going to say to my public defender unit that because the potential defendant in your case is a public official or police officer, we're not going to do these cases because we should do prisoner cases. We're not doing it based on the quote, unquote, class of the person. And I think that's the point that you're missing. We're doing it based on I don't have the resources to send someone to the UP two or three times to interview somebody to work on a case. I can't do it, but that's the one point, the first point. But I think
there are appropriate people in the state that can
do it that do have the resources.

COMMISSIONER SMITH: Ms. Worthy, let me
just ask one question, and I am going to speak
loudly. If, for example -- I assume that there's a
Detroit County Jail, right?

MS. WORTHY: There's a Wayne County Jail.

COMMISSIONER SMITH: Wayne County Jail,
Wayne County Jail. If an inmate on inmate sexual
assault occurred in the Wayne County Jail or if
staff sexual misconduct occurred in the Wayne
County Jail --

MS. WORTHY: You do those cases.

COMMISSIONER SMITH: -- you would do
those cases?

MS. WORTHY: We do those cases.

COMMISSIONER SMITH: Okay.

MS. WORTHY: We walk across the street
and interview them.

COMMISSIONER SMITH: And if it's in the
county, if it's -- what about Wayne County?

MS. WORTHY: We probably could do most of
those cases, but the problem becomes, and this is what happens all the time, that generally once the incident occurs, the inmate is removed from this area and they're sent to another part of the state. And so by the time the case is brought to us, none of the people involved are anywhere within a 100-mile radius, generally. And I don't want to be quoted. I'm just giving you an example. That's the problem. That's the problem. It's not based on the fact that they're prison inmates. It's not based on that. You know, we prosecute homeless victims. We prosecute all kinds of people. It's based on the resources to be able to send the assistants up to the UP or other places to be able to do a proper investigation.

Now if you want to me to base it on the paper that comes before me, if I choose to conduct myself in that irresponsible nature, then sure we can do it. But we're going to afford that prisoner a proper investigation, interview each and every witness that that inmate may have to their assault, and on top of that interview each and every witness
that that witness may lead us to, which leads us, oftentimes, all over the state. So I am not going to take a piece of paper or warrant package that a police agency brings to me, even though I know it's a good police agency, and have my assistants sign off on that without talking to the people involved. They deserve that. And for me to treat them differently than I treat something that happens across the street when I take the resources to go and interview those people and I'm not going to go and interview people who say they are sexually assaulted, that's irresponsible. And I'm not going to conduct my business that way.

COMMISSIONER SMITH: Because I want to make clear that some of the questioning that I perceive that you got from Commissioner Fellner was because it appeared that there was a blanket policy that we're just not going to do prison cases any more.

MS. WORTHY: We're not going to do prison cases where we have to -- we're not going to do prison cases, that's right, but we do jail cases
all the time.

COMMISSIONER FELLNER: So even if the
prisoner was still in -- the prison -- the state
prison is in Wayne County.

MS. WORTHY: But that's not the way it
works. In a perfect society you would have --
well, in a perfect society you wouldn't have this
issue. But in a perfect society beyond the assault
itself, that inmate would still be there, the
witnesses would still be there, the prison
personnel would still be there and everybody would
still be there and we say why don't you go and do
that and issue a warrant or not issue a warrant.
And then, it's not only that, at the time that the
trial comes and/or pretrial issues because we have
motions where we have to bring the prisoners back
and forth all the time in other types of cases --
and let me just make clear, we do cases all the
time where we have inmates as witnesses, but then
you're talking about this particular case. And if
you have six months down -- not six months, but
four months down the road when this case comes to
trial, all the people are still the same place, that would be one issue, but that's never the way it happens, never.

COMMISSIONER FELLNER: Is there something the DOC could do that would help you so that you could take these cases within reasonable constraints?

MS. WORTHY: Even if I had the resources to do so?

COMMISSIONER FELLNER: No. Is there something -- given your current lack of resources, could the DOC, the Department of Corrections or whatever the technical name is --

MS. WORTHY: DOC, yes.

COMMISSIONER FELLNER: -- behave differently to handle things differently to make it easier for you?

MS. WORTHY: No, because I think it's appropriate that they move the inmate away from the place of the assault. I think that's appropriate. So, no, I don't think it's the fault of the commission of the Department of Corrections. It is
what it is. It's a resource issue.

THE CHAIRMAN: Well, we have another panel to move to. We truly appreciate you responding to us on such a short notice.

I, having been a big city prosecutor myself for a long time, appreciate the problem that you have, plus I know what you say. You've got a room full of victims. You're talking about human beings who are waiting to --

MS. WORTHY: Talking about, literally, a room full of victims. But if there are any questions that you have or you want me to provide that to you, I can certainly do that for you, directly in some cases and other cases it would take me a while to put that together. But I would be willing to assist you in any way that I can with the information you may need. If you think of a question later on that you have for me, just call me and I'll be able to put that information together for you.

THE CHAIRMAN: I'm sure we all find this distressing, the fact that these cases cannot be
prosecuted because I'm sure we would like to get
those figures from you as to a county of this size
in our country clearly in this situation.

    MS. WORTHY: Well, there are many other
reasons that probably haven't even been addressed
yet. I mean there are written questions far beyond
cases not being prosecuted. There are written
questions when that person does not have these
needs met and addressed when their case is not been
prosecuted when they're released and returned back
to society. Sometimes it will affect how they live
their lives and you may see them back as
recidivists. And they may not have been a
recidivist if their issue had been addressed.

So there are many issues far beyond what I've
addressed, you know, criminal justice issues and
others, mental health issues -- don't get me
started -- provide the proper mental health to the
person in the first place. There are many issues
beyond what we're talking about here.

    THE CHAIRMAN: Thank you very much.

We'll take a five-minute break.