

EXECUTIVE SUMMARY

Problem Statement

Washtenaw County's jail has a rated capacity of 332. In the six months prior to this report, (April 2004 through September 2004), the jail has had an average daily population of 355, and has had a population below 332 on just fifteen days. The facility is in a chronic state of overcrowding and the justice system does not have the resources to adequately sentence offenders.

When facing an overcrowding, state law mandates that the jail must make the inmate population comply with the jail's rated capacity, or below it, through any means possible – including the early release of felons and misdemeanants. From January 2003 through September 2004, 482 inmates have been released early due to chronic overcrowding. An additional 25 Washtenaw County inmates per day, on average, are being housed at the Jackson County Jail - again as a direct result of overcrowding.

In addition to early releases, overcrowding can be detrimental to public safety in other ways. Police agencies become unable to perform targeted operations (drug sweeps, drunk driving operations, targeted vice arrests, etc..) because this population presents a lower risk to the public than violent felons. Beyond any physical discomfort, inmates too are influenced by the overcrowding. Rather than agree to a reduced jail term with compliance to corrective programming outside of the jail, many choose instead to take a chance on staying in jail and receiving an early release due to overcrowding. Alternative sanctions do not work without the threat of jail time for violators of those sanctions. Sanctions require access to a full continuum of justice options, including incarceration, to be used effectively.

The root cause of overcrowding is simply that the size of the jail has not kept pace with the population of the county. While other growing counties have increased their jail's capacity in recent years, Washtenaw has not yet done so. The Washtenaw County jail now has the lowest number of jail beds per 1,000 residents of all Michigan counties with a population greater than 100,000.

Finally, the jail was constructed in 1978. In the intervening 26 years, jail management philosophies have changed dramatically. The jail must be updated to assure better inmate management and better system-wide management. The current facility is already in need of upgrades in order to meet state and federal standards, with a cost to meet these standards estimated at \$20.8 million – without adding a single jail bed.

Response

Elected officials and professionals in the fields of criminal justice, public safety and public policy have formed the Criminal Justice Collaborative Council (CJCC). The purpose of the CJCC is to manage the elements of the criminal justice system that are inter-agency in scope. The jail is key to all of these issues as it impacts the judiciary, police agencies, prosecution, and defense. This group meets monthly to confront and comprehend these complex issues of justice and to make recommendations to the County Board of Commissioners. This report reflects recommendations which have received unanimous support from the CJCC.

Summary of Recommendations

Based on reviews of Washtenaw County's justice system by national and state experts, local task forces and with the unanimous support of the CJCC, the County Administrator recommends the following actions:

- Increase the capacity of the jail, from its current capacity of 332 to 532 by 2014. This will provide our justice system with sufficient size to address the current overcrowding situation, and allow the expansion it will need to meet the needs of the community. This increase in capacity should be accomplished by expanding the current facility in a phased approach over a number of years.
- Develop a stronger physical link between 14-A District Court and the jail. The current location of the 14-A District Court is both an inappropriate and inadequate building that is neither sufficiently safe nor friendly to the public. Integrating district court into the same facility as the jail will address this deficiency, and will allow for greater staffing efficiencies as inmates attend hearings.
- Improve alternative sanctions available to the judiciary by constructing a probation residential center (PRC). A facility of this nature can be used by the judiciary as a lower cost, more appropriate sanction for non-violent offenders. Centers in other counties have helped reduce recidivism by focusing on the root causes of criminal activity and providing the necessary programming to keep its clients from re-offending.
- Develop strategies to divert mentally ill offenders from jail. Numerous studies show that incarcerating individuals who suffer from mental illness in the jail's general population does not serve the individual or the community at large. Without specific actions and treatment, a very high percentage of these people have been shown to continue to offend.
- Refer the issue to the voters. Each of these strategies is necessary to ensure the high quality of life that Washtenaw County residents enjoy today, but each is also expensive and can not be funded through dollars currently available to county government. Public safety is a community issue and only county residents should determine the level of service that they deem

appropriate. A ballot issue that refers funding these strategies through increasing property taxes is recommended for February 22, 2005. A twenty year millage increase of .75 mills is sufficient to fund these strategies in their entirety.

- Finally, the Criminal Justice Collaborative Council has been a model for addressing this complex issue. The CJCC should continue their work to identify improvements to the justice system, manage the inmate population, and seek appropriate alternatives to incarceration when available.