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TO: Wesley Prater, Chair  
Ways & Means Committee

FROM: Robert E. Guenzel  
County Administrator

DATE: November 3, 2004

SUBJECT: Approval of Resolution submitting to the Washtenaw County electors a question of whether the tax limitation should be increased by 0.75 of a mill for twenty (20) years, beginning with the December 1, 2005 tax levy, to enhance public safety by providing funding to renovate and increase the size of the County jail, construct the 14-A District Court at the jail site, construct a probation residential center, and fund jail operations and strategies to divert mentally ill offenders from the jail.

**BOARD ACTION REQUESTED:**

It is requested that the Board of Commissioners approve ballot language for the February 22, 2005 election requesting the Washenaw County electors to approve a 0.75 millage increase for twenty years beginning with the December 1, 2005 tax levy to enhance public safety by funding a number of construction projects and operational programs designed to eliminate the County's persistent jail overcrowding problem and provide increased alternatives to incarceration.

**BACKGROUND:**

The present Washenaw County jail on Hogback Road opened in 1978. At that time, it could house 215 inmates. As the County's overall population grew, the need for additional inmate housing space increased. Over the years, the County has taken a number of measures to increase the capacity of the jail to keep pace with the increasing inmate population in the County. These measures included converting space originally designed for the Inmates Services Program as well as a courtyard to housing and converting a maximum security unit to double-bunking. Finally, in 1998, a "direct supervision" housing unit expansion was opened. These actions have increased the jail capacity to 332 inmates.

Despite these efforts, the jail remains chronically overcrowded. In the past six months, the jail has had an average daily population of 355 and has been below the 332 capacity for only fifteen days. State law mandates that the inmate population be at or below the rated capacity of the jail. As a result, Washtenaw County inmates are being released early to reduce the inmate population to statutorily acceptable levels. From January, 2003 through September 2004, 482 inmates have been released early. An additional 25 County inmates, on average, are being held, at County expense, in the Jackson

County jail.

To manage all elements of the criminal justice system, including the jail, elected officials and professionals in the field of criminal justice, public safety and public policy representing all parts of the County formed the Criminal Justice Collaborative Council (“CJCC”). This group meets monthly to address issues pertaining to criminal justice in the County and to make recommendations back to the County Board of Commissioners when necessary. The CJCC has been working with County Administration, the County Sheriff, the Court system, as well as state and national experts to review and find solutions to the County’s chronic jail overcrowding problem.

As a result of this collaboration, the County Administrator has created; “Draft Recommendations on Public Safety” which outlines in detail the historic overcrowding problem the County jail has endured as well as a number of recommendations to alleviate this problem. This Report, which has the unanimous support of the CJCC, makes the following recommendations; (1) increase the jail capacity from 332 inmates to 532 by 2014; (2) develop a stronger physical link between the 14-A District Court and the jail by constructing a court facility at the jail which would also serve as a full service court; (3) construct a residential probation center to improve alternative sanctions available to the judiciary; (4) develop strategies to divert mentally ill offenders from the jail; (5) approve a ballot proposal requesting the County electors to fund these physical, operational and programmatic improvements through a 0.75 millage increase for twenty years; and (6) continue to use the CJCC to search for means to improve the justice system, manage inmate population and point out appropriate alternative to incarceration.

### **DISCUSSION:**

A county is mandated by Michigan law to operate a jail. The jail is the key to effectively operating a criminal justice system within the County. The jail impacts all aspects of the criminal justice system, including the judiciary, police agencies, prosecution and defense. Thus, if the County jail is too small for the actual county inmate population or is deficient in any other areas, the entire county criminal justice system suffers.

In Washtenaw County, the jail inmate capacity has not kept pace with the increasing inmate population and increase in more violent crime. This is due in large part to the large overall increase in the general population experienced by the County over the past quarter century. Moreover, the jail facility itself is in serious need of physical improvements apart from any possible expansion.

While the County has taken actions over the years to increase the inmate capacity, its current limit of 332 is simply not enough to adequately handle the County’s criminal justice needs. As noted above, Michigan law requires all county jails to maintain their inmate populations at or below the rated capacity for that jail. As a result hundreds of inmates have been released early to bring the jail population within this statutory guideline. When early releases are necessary, every effort is made to release only those individuals who do not pose a threat to the populace. Nevertheless, the early releases mandated by the inadequate inmate capacity in the jail results in convicted misdemeanants and felons being released earlier than they should.

The overcrowding problem in the jail also creates other public safety problems. For example, police agencies are not able to perform certain operations such as drug sweeps, warrant crackdowns or drunken driving enforcement zones because there is no room in the jail. Moreover, even if there were room for many of the individuals arrested by these actions, such individuals would be the first to be

given early release once the jail became overcrowded because these individuals generally pose a lower threat to the public than other felons.

One of the problems contributing to jail overcrowding is that because of space issues, the County is not able to offer sufficient programming in the jail and an array of diversion programs designed to rehabilitate certain individuals without placing them in jail. One of these programs is the Probation Residential Center ("PRC"). A PRC provides a physical location where non-violent offenders may be placed and receive treatment alternatives. Candidates for this type of alternative program are non-violent sentenced felons and misdemeanants as well as parole and probation violators. Because the County currently has no PRC, these individuals are simply sent to the jail where they add to the overcrowding problem or sent by contract out of the County.

Similarly, the County's mental health diversion efforts are hampered by the lack of space and programmatic funding. There are many current jail inmates who are diagnosed with mental health issues who could benefit from either intensive mental health treatment within the jail or a mental health diversion program. Again, many of these individual today are simply being sent to jail with other inmates. Under this scenario, such individuals stand little if any chance of becoming fully rehabilitated members of society.

To address the problems resulting from the inadequate jail capacity in the County, the Administrator released "Draft Recommendations on Public Safety." The CJCC unanimously supports the recommendations in this document. The "Draft Recommendations" outlines a number of proposed actions designed to alleviate jail overcrowding and improve the criminal justice system in the County. These proposals are stated-above under the Background section of this Memorandum.

To pay for these proposals, the Administrator and CJCC are proposing a millage increase of 0.75 mills for twenty years. The proposed millage request would be submitted to the Washtenaw County electors on February 22, 2005. If approved, the first levy would be on December 1, 2005. The Draft Recommendations conclude that each of the proposals could be funded if the millage is approved by the electors.

Michigan law states that a county-wide ballot proposal must be approved by the county board of commissioners at least 60 days before the election where that proposal will be presented to the electors. As the next regularly scheduled state-wide election date is February 22, 2005, ballot language seeking an increased millage to pay for the recommendations contained in the "Draft Recommendations" must be approved by the County Board of Commissioners by December 23, 2004.

**IMPACT ON HUMAN RESOURCES:**

The proposed Resolution, if passed, will have no impact on the County's human resources.

**IMPACT ON BUDGET:**

If the proposed Resolution is passed and the ballot proposal seeking a millage increased is passed, the additional millage funds will be added to the County's budget and used to pay for the items described above.

**IMPACT ON INDIRECT COSTS:**

There are no indirect costs associated with the proposed Resolution.

**IMPACT ON OTHER COUNTY DEPARTMENTS AND OUTSIDE AGENCIES:**

Approval of the proposed Resolution will require the County Clerk to insure that the ballot language is properly placed on the ballot for the February 22, 2005 election.

**CONFORMITY TO COUNTY POLICIES:**

The proposed Resolution conforms to all County Policies and Procedures.

**ATTACHMENTS:**

The Washtenaw County Administrator's "Draft Recommendations on Public Safety" is attached.

A RESOLUTION SUBMITTING TO THE WASHTENAW COUNTY ELECTORS A QUESTION OF WHETHER THE TAX LIMITATION SHOULD BE INCREASED BY 0.75 OF A MILL FOR TWENTY (20) YEARS, BEGINNING WITH THE DECEMBER 1, 2005 TAX LEVY, TO ENHANCE PUBLIC SAFETY BY RENOVATING THE JAIL AND INCREASING JAIL CAPACITY, CONSTRUCTING A DISTRICT COURT AND RESIDENTIAL PROBATION CENTER AT THE JAIL AND PAYING FOR OPERATIONAL AND DIVERSION PROGRAMS FOR COUNTY JAIL INMATES.

WASHTENAW COUNTY BOARD OF COMMISSIONERS

November 17, 2005

WHEREAS, the Washtenaw County jail was built in 1978 with a capacity to hold 215 inmates; and

WHEREAS, over the years, as demand has increased, the County has taken a number of steps to increase capacity so that today, the jail's capacity is 332 inmates; and

WHEREAS, despite these measures, the jail remains chronically overcrowded thus resulting in the periodic early release of sentenced felons and misdemeanants; and

WHEREAS, the overcrowding at the jail has also thwarted attempts to implement jail internal programs and diversion programs, including the creation of a probation residential center and the alternative treatment of individuals with mental illness; and

WHEREAS, County Administration, along with the County Sheriff and the Criminal Justice Collaborative Council ("CJCC") have been studying the jail overcrowding problem; and

WHEREAS, as a result of this collaboration, the County Administrator, with the CJCC's unanimous support, has released "Draft Recommendations on Public Safety" which proposes that the following steps be taken to address the chronic jail overcrowding problem: (1) increase jail capacity to 532 inmates by 2014; (2) construct the 14-A District Court at the jail; (3) provide the judiciary with alternative sentencing options by constructing a probation residential center at the jail; (4) develop strategies to provide mental health programs within the jail and divert mentally ill individuals from the jail; and (5) retain the CJCC to continue its efforts to find recommended ways to improve the criminal justice system; and

WHEREAS, the "Draft Recommendations" proposes that these recommended strategies be financed by a millage increase of 0.75 of a mill for twenty years beginning with the December 1, 2005 tax levy with the ballot proposal for this millage to be placed before the Washtenaw County electors on February 22, 2005.

NOW THEREFORE, BE IT RESOLVED by the Washtenaw County Board of Commissioners, State of Michigan, as follows:

1. The County Administrator's "Draft Recommendations on Public Safety" is adopted.
2. There shall be submitted to the electors of the County of Washtenaw at the Election to be held

on February 22, 2005 from 7:00 a.m. to 8:00 p.m. prevailing time, the following proposition:

“Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Washtenaw County, Michigan be increased as provided in Section 6, Article IX of the Michigan Constitution and the Board of Commissioners of the County be authorized to levy a tax not to exceed three quarters of one mill (\$0.75 per \$1,000 of state equalized valuation) on the taxable value of such property for a period of twenty years, beginning with the December 1, 2005 tax levy, (which will generate estimate revenues of \$9,600,000.00 in the first year) to enhance public safety by acquiring, constructing and renovating an upgrade and addition to the Washtenaw County jail, the 14-A District Court and Probation Residential Facility, and operating the jail and jail diversion programs designed to provide alternative rehabilitation for appropriate individuals?”

3. The election shall be held in accordance with Chapter XXVII, the General Election laws of the State of Michigan.
4. The Washtenaw County Clerk is instructed to carry out all appropriate statutory duties stated in this Resolution and the General Election laws of the State of Michigan so that the question of adoption may be submitted to the voters on February 22, 2005.
5. The Washtenaw County Board of Commissioners certifies to the County Clerk the following question as the appropriate ballot wording for the February 22, 2005 Election for the above-referenced proposition:

**PROPOSITION TO INCREASE THE TAX LIMITATION TO ENHANCE PUBLIC SAFETY BY PROVIDING FUNDING TO RENOVATE THE JAIL AND INCREASE JAIL CAPACITY, CONSTRUCT A DISTRICT COURT AND RESIDENTIAL PROBATION CENTER AT THE JAIL AND PAY FOR OPERATIONAL COSTS RELATED TO THE JAIL AND JAIL DIVERSION PROGRAMS.**

“Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Washtenaw County, Michigan be increased as provided in Section 6, Article IX of the Michigan Constitution and the Board of Commissioners of the County be authorized to levy a tax not to exceed three quarters of one mill (\$0.75 per \$1,000 of state equalized valuation) on the taxable value of such property for a period of twenty years, beginning with the December 1, 2005 tax levy, (which will generate estimate revenues of \$9,600,000.00 in the first year) to enhance public safety by acquiring, constructing and renovating an upgrade and addition to the Washtenaw County jail, the 14-A District Court and Probation Residential Facility, and operating the jail and jail diversion programs designed to provide alternative rehabilitation for appropriate individuals?”

YES

NO

6. Each city and township clerk shall give appropriate notice of the submission of the Proposition as provided by law, which notice shall contain the statement of the Washtenaw County Treasurer as to previously voted tax limitation increases affecting property within Washtenaw County.

h: general/jail