

EXECUTIVE SUMMARY

Problem Statement:

In 2003, the Washtenaw County Jail was overcrowded sixteen (16) times. A jail overcrowding is declared when there are more inmates than jail beds available for seven (7) consecutive days. When this happens, the judiciary and the sheriff are required to release inmates into the community who would otherwise remain in jail. Last year, Washtenaw County released 353 individuals into the community - 177 misdemeanants and 176 felons.

Jail overcrowding can also compromise the integrity of the criminal justice system. When a jail is overcrowded, it can influence both a judge's decision on who gets sent to jail as well as a police decision on who they arrest. The primary cause of jail overcrowding is that jail capacity has not kept pace with the growing population of the County. In addition, State "Truth in Sentencing" legislation has contributed to jail overcrowding.

Response:

In June 2003, Circuit Court Chief Judge Archie Brown convened the Jail Overcrowding Task Force (JOTF). The JOTF includes elected officials who are mandated to administer justice and appointed officials who are responsible for managing County resources. The JOTF made several immediate changes to policies and processes that impacted the incidents of jail overcrowding, including:

- Increased use of summonses (when appropriate), thereby reducing the issuance of arrest warrants for non-violent offenders;
- Scheduling Pre-Trial hearings within one week after an un-sentenced inmate waives a preliminary examination;
- Reducing the sentence dates for in-custody felony offenders to three weeks post-conviction;
- Establish a jail population management committee to review the jail population on a weekly basis;
- Establishing a policy providing for the automatic release of selected non-violent misdemeanants on personal recognizance bond during the second stage of overcrowding; and
- Creating a four (4) day deadline for processing records for individuals sentenced to prison or boot camp providing for the timely movement out of the Jail.

In addition, Task Force members took the initiative to conduct further investigation and analysis into the jail's operations, the facility, Court case processing, and alternative sanctions. This document summarizes the findings from the following studies and work groups - many of which are ongoing. These efforts include:

- **National Institute of Corrections** - a branch of the U.S. Department of Justice that offers technical assistance to local jails and justice systems;
- **Pre-Trial Subcommittee** - a subcommittee of the Task Force whose charge was to analyze standards and processes to expedite case processing and improve system-wide operations;
- **Jail Space Work Group** - a group of officials convened by the County Administrator to advise on jail space needs and design;
- **Communities of Interest** - discussions involving public safety and justice officials that identified possible long-term strategies to make Washtenaw County a better place to work and live;
- **University of Michigan Ford School for Public Policy** - a group of graduate students who, as part of their practicum requirement, analyzed how a Probation Residential Center might be used in the County;
- **Jail Mental Health Diversion Task Force** - a diverse group that represents police, jail, mental health, and substance abuse interests that has been meeting to examine pre-booking and post-booking diversion opportunities;

- **Community Corrections Advisory Board** - a board that meets monthly to advise and oversee programs designed to reduce prison commitments.

Summary of Consistent Findings:

These initiatives and studies have revealed several consistent findings that require the response of justice officials and the public, namely:

- There is significant suppressed usage of the jail which means that judges have a limited ability to use jail time as a deterrent option for probation violators and other offenders. Also, police agencies are unable to perform targeted operations including drug and alcohol stings or warrant sweeps.
- The Washtenaw County jail is significantly undersized, when compared with other county jails across the State of Michigan. It has 40% fewer beds on a per-capita basis than other jails in Michigan counties.
- Changes at the State level, primarily legislation impacting sentencing guidelines, have in effect mandated overcrowding in jails statewide as a large percentage of felony offenders can not be sentenced to prison, thus adding to the jail population.
- Washtenaw County lacks an adequate array of alternative sentencing options, including but not limited to the need for an expansion of Community Corrections.
- Open jail beds are necessary for probation and other alternative sanctions to be successful. Without the threat of jail, the incentives for meeting the conditions of probation are compromised.
- The characteristics of inmates have changed significantly since the jail was originally designed impacting the way in which the jail operates. For example:
 - 1) Consistently, one-third of the jail population receives psychotropic medication for mental illness;
 - 2) More inmates are violent offenders - from 43% assaultive in 1998 to 64% in 2003;
 - 3) The female jail population is increasing;
 - 4) Jail inmates, on average, are older than in the past, creating new health demands.

Summary of Recommendations:

Based on these findings, the Jail Overcrowding Task Force recommends the following actions:

- Evaluate the current justice system improvement initiatives with the possibility of reconfiguring them into an ongoing Criminal Justice Collaborative Council (CJCC). The CJCC would be responsible for developing policies and improving processes that impact multiple agencies within the criminal justice system or are intergovernmental in scope.
- Charge the CJCC with developing and implementing a strategic plan that maintains the mandates of constitutionally elected offices, while making improvements to shared justice issues.
- Because the success of the CJCC depends so heavily on information, develop a plan for integrating data management systems that will give the CJCC and various agencies the information they need to regularly monitor and manage they system.
- Expand the number of beds available in the jail. However, any expansion efforts should recognize the changing nature of the jail population and provide space that is designed to better meet the needs of special populations including but not limited to the mental health needs of inmates, a growing female population, the health needs of older inmates, and allow for the improved provision of jail programs that have been proven to reduce recidivism.
- Continue to enhance Community Corrections programs and services with the aim of meeting the needs of the courts.
- Ultimately, the amount of justice provided within a community should be a community decision. It is therefore prudent to refer the jail space issue to the residents of Washtenaw County by requesting a millage to fund the construction of jail space.

TABLE OF CONTENTS

1. Overview	4
2. National Institute of Corrections Report	6
3. Communities of Interest	9
4. Jail Space Study	11
5. Community Corrections Grant	14
6. Jail Pre-Trial Diversion Subcommittee	15
7. Jail Mental Health Diversion Task Force	16
8. Probation Residential Center Study	17
9. State Court Administrative Office Statewide Recommendations	18

1. OVERVIEW

The Washtenaw County Sheriff had declared 24 jail crowding emergencies in 2003. By statute (PA 325 of 1982), he is required to do so when the jail population exceeds its rated capacity (332). The result of these emergency declarations has led to the early release of a total of 353 inmates during that time.

This overview summarizes the factors that contribute to the jail population, the frequency of jail crowding emergencies, and other jail characteristics. It is based on the analysis that Joe DeGraff, former Community Corrections Manager, developed in August 2003.

Factor 1: Jail space is significantly less in Washtenaw than in other Michigan counties

The county jail, even after expansion, is 40% smaller than the state per capita average.

- The jail's rated capacity (332) is equal to 1.04 beds per 1,000 in population, compared to a statewide average of 1.77 beds per 1,000 in population.
- Washtenaw has the smallest number of jail beds per capita in Michigan.
- If the state-wide per-capita average were applied to the Washtenaw County jail, it would have 611 beds.

Factor 2: Truth in Sentencing reform increased local jail utilization

In 1999, the Michigan legislature enacted dramatic reforms to felony sentencing practices by limiting which offenders could be sentenced to prison.

- The reforms limit judicial discretion, thus preventing judges from sending certain serious and/ or chronic recidivists to prison. These are typically drug users, felony drunk drivers and minor property offenders. Without prison as an option, these offenders are usually sentenced to jail.
- The reforms also required offenders to serve their calendar minimums in prison - effectively eliminating the key incentive of reduced sanctions for good behavior.
- The net result of sentencing reform was that many non-violent felons prone to recidivism or failure under supervision were granted probation or split sentences. These offenders often returned to jail after a split sentence as probation violators. A jail snapshot analysis in June 2003 revealed that probation violators booked to jail outnumbered new court commitments 3 to 1 for sentenced felons and 3 to 2 for sentenced misdemeanants.
- This situation is expected to increase the demand on jail space in the future, as changes in sentencing law appear likely. In fact, state policies are aimed at increasing local jail utilization for felons further. Discussions at the State level are leading local criminal justice professionals to believe that "straddle cell" offenders may be mandated to a jail sentence, eliminating the possibility of a prison sentence. Currently, straddle cell offenders are defined as those offenders about whom a judge has the discretion of sentencing either to prison or jail.

Factor 3: The County Jail is populated by a growing number of violent offenders

Violent offenders are more expensive to the operating cost of a jail because they require additional supervision and heightened security. Violent offenders are also not eligible for many diversionary opportunities.

- The number of felony dispositions for violent offenses has increased at a disproportionately higher rate than the overall increase in dispositions. In the past two years, the number of felony dispositions has grown 19%.
- In July 2003, 63% of inmates were lodged on an assaultive offense compared to 43% in 1998.
- A policy change to aggressively prosecute domestic violence offenses has contributed to jail overcrowding. In April 2003, 15% of the jail population was being held on a domestic violence offense as their primary charge - greater than drug, burglary, property or any other offense.

Factor 4: Available jail diversion and alternative sanction efforts are heavily utilized.

Washtenaw County's Community Corrections programs provide judges with a sentencing alternative to jail. These programs, funded in part by the State through PA 511 of 1988, are designed to reduce the prison commitment rate while maintaining public safety.

- Existing alternatives to financial bail for non-violent offenders are heavily utilized. Community Corrections' Pre-trial Release Enhancement Program (PREP) will provide supervision to 297 clients of which 80% will be referred as unsentenced felons, at a 73% success rate.
- In-home electronic alcohol monitoring is provided to more than 180 misdemeanor drunk drivers as a condition of bond - a 50% increase over the 2002-03 year.
- Partnerships between the Jail's Inmate Services and Community Corrections are designed to continue programming after release from the jail.

Factor 5: There are service gaps and process barriers to utilization of a full continuum of jail alternative programs for specific populations of offenders.

Community-based alternatives for recidivism-prone sentenced felons and probation violators have been primarily confined to residential drug treatment - most of which are located out of county.

- Because these placements are not local, offenders give up jobs both to participate in out-county treatment and upon return to their local community when the treatment is complete. They also lose the support of local family, friends and the community. This inhibits successful reintegration from jail.
- Research suggests that offenders need structured cognitive-based behavioral intervention as much or more than treatment for drug addiction.
- The creation of a local cognitive-based residential center for males may be a viable and cost effective option. This would allow recidivism-prone offenders to transition from jail based programming to structured residential placement to intensive supervision.

2. NATIONAL INSTITUTE OF CORRECTIONS

At the request of Sheriff Dan Minzey, the National Institute of Corrections (NIC) Jails Division visited Washtenaw County to assist officials in examining the criminal justice system. NIC's representatives, Robert Gibson and Robert Aguirre, worked with the Jail Administrator and County Administration to interview key leaders, analyze jail utilization data, and recommend improvements. The assessment was done in October 2003, and the Sheriff released the final report in February 2004.

Key Findings

There are many things that Washtenaw County does very well. These practices are strengths that deserve recognition and can serve as the foundation for future improvements.

- Washtenaw County is a relatively safe community. Crime rates are relatively low as recorded in the FBI Uniform Crime Reports (UCR) and have not been increasing, as has the population, during the past several years.
- Washtenaw County has relatively low incarceration rate. Almost all criminal justice system officials say that the incarceration rate is too low, but it is clear that the community is using expensive jail cells very carefully. This appears to also reflect Washtenaw County community values.
- Washtenaw County officials reflect their community in that they are intellectually sophisticated and have a very strong desire to operate well-maintained, modern managed operations. This applies to county administration, courts, jail, prosecutor's office, community corrections, and more.
- Local citizens are very comfortable with judicial operations and their sense of safety and wellbeing - perhaps too comfortable for their maximum safety. While the technical assistance providers were onsite for a very short time this impression was gained when talking to municipal and county elected officials.
- The County is in tough economic times but is still in relatively good shape.
- There is a very sophisticated group of citizenry throughout the community and as well as within the government agencies. Washtenaw County has a competent and intellectually diverse talent pool from which to draw. This permeates the local governments in many ways.
- There is a history of effective collaboration amongst the various county and judicial system actors within the county. Washtenaw County has all of the skills and talent needed to manage its own justice system.
- The court, prosecutor, defense and other justice systems officials have made considerable policy and process changes that appropriately expedite the cases of defendants in jail. Examples include the creation of the unified court system through which the courts have established an efficiency design for all defendants by centralizing all preliminary exams. The ability of the courts to hear all cases has decreased average jail days significantly. The District Court can take pleas and violation of probation cases which are brought before the court in within one working day. The courts are leading a renewed effort to work with the prosecutor and defense to institute additional case processing measures specifically focused on incarcerated inmates. This is being done in conjunction with the statewide effort of the Michigan Supreme Court.

There are also several gaps in the criminal justice system at Washtenaw County. These gaps can all be overcome but the County should prioritize which are most important and need to be addressed first.

- All criminal justice agency personnel agree that the jail is crowded and too small. This includes professionals from law enforcement, the courts, the prosecutor, defense (public and private), probation and community corrections.

- Decision support information is severely inadequate. There is not enough management information in useful formats to be able to operate the criminal justice system in a modern way. There is no way to manage this very complex and sophisticated system of courts and county agencies properly without more information - not just data - but information. This especially includes the jail, community corrections and the courts.
- Because of the size of the jail there is a lot of suppressed usage of the jail by the courts, all local law enforcement agencies, probation and parole, community corrections, and even alternative programs. Alternative programs are less effective if there is not a realistic chance that termination results in jail. Law enforcement agencies reports that their actual operations are impacted because they are unable to arrest and jail defendants caught in an operation. Courts are stymied in setting bail, dealing with violations of probation and sentencing offenders.
- Pre-trial defendants make up the majority of the jail population. This may be more due to the ability of the courts to influence the jail population through sentencing practices than it is to control law enforcement arrests even through the bonding process. With very limited jail space and the population constantly at or beyond capacity, then any increase in one area's workload will result in a decrease somewhere else. This may result in the jail being used for higher risk pre-trial detainees as opposed to a facility used for punishment or sanction of lower risk offenders.
- Other pre-trial concerns include inconsistent bond setting at the initial hearings, not enough defendant information at the time of the bond setting, not enough alternative programs for pre-trial (or sentenced inmates), and warrants are not centralized.
- Many officials said that they do not believe that there are enough alternative programs for either pre-trial or sentenced inmates. Community Corrections has a number of programs but they are very limited in size and resources. And despite the best efforts of the community corrections office, there is not enough analysis of programs to determine not only whether particular programs are successful or not but which programs are successful with whom. Even the best program is successful with certain populations and not with others.
- Officials agree that there are not enough mental health and ADA (Americans with Disabilities Act) services available. There is a bit of controversy over how well the available resources are used and whether they provide the right mix of services.

Recommendations

- **Reconfigure the various justice systems' committees into a Washtenaw County Criminal Justice Collaborating Council CJCC).** Washtenaw County should create a permanent Criminal Justice Collaboration Council and ensure that it includes all of the principals of the primary agencies involved in the criminal justice system. One of this policy group's objectives is to resolve the questions about the jail, but the mission is to manage the system. This should be an official collegial body with explicit mission statement, governing rules and strategic plan.
- **Provide the CJCC with a Coordinator whose time is dedicated to provide services for the Council.** One agency should provide personnel to staff the CJCC for planning and other support needs. The staff assigned must have enough time to do the job properly and collect the right information for this group to use. It can be the most important and effective action the county can take in the long term and short term. Especially as it pertains to the jail, the information gatherer can literally save the county hundreds of thousands, if not millions, in the years ahead.
- **Conduct a strategic planning session for the Council soon and prepare a total criminal justice system plan.** Washtenaw County should prepare a Public Safety Strategic Management Plan that provides the community with an overall public safety design and an improved jail. It should include a more detailed population analysis that projects the kind of correctional services, including different kinds of jail beds, needed in Washtenaw County. It should take into consideration Washtenaw County criminal justice system policies and practices to include pre-trial and

sentencing practices along with the use of community alternative programs currently in operation and others that might be implemented. This should be done immediately, in conjunction with the other recommendations regarding planning. A part of this plan should include an overall community education and outreach group to help educate the citizens without alarming them as to the realistic needs of the justice system and to gather information from the citizenry about their needs, wants and views.

- **Prepare an information plan that defines the information needed to serve the council and staffs of the various agencies.** An information collection and analysis plan should be created that will be used to prepare a template for data and information that the CJCC thinks is needed to regularly monitor the system. This should be included in the strategic plan and involve the jail and each of the other major components in the local criminal justice system. Each agency should design a plan to identify what they should be collecting to track performance and impact information. They should determine what is happening, what is working and what can be improved. This should be done immediately, in conjunction with the other recommendations regarding planning. Specifically, the three information systems and processes that should be improved substantially and as soon as practical are the jail, the courts and community corrections. Improve each of their automated and non-automated information systems so that they can generate management information reports that portray the detailed makeup, processes and success of services provided. No county in the United States has more citizenry who understand the complexity of such questions and how to measure them than Washtenaw County.
- **Review the current ongoing jail study and consider the adequacy of the facility within the new criminal justice strategic plan. Increase the number of beds in the corrections facility.** The current jail is inadequate in terms of space. Determining how much more space is needed requires much more work and thought by Washtenaw County officials. The County is doing just that and has commissioned a study with the intent to include additional bed space in the next budget cycle.
- **Expand programs in the jail with their continuation in the community.** To the degree that is practical under current circumstances consider additional programming that is connected to programs within the community. More information is needed to examine both the jail population and the community corrections needs for Washtenaw County. This should be a very high priority because as more bed space is added it will be filled to capacity and it should not be the only correctional resource that is expanded. But alternative programs should be chosen based on an analysis of the population based on a matrix of factors.
- **Consider other kinds of facilities and programs to include pre-booking screening and assessment services.** It is clear that pretrial defendants are a major issue within the population so Washtenaw should consider creating an up-front screening and assessment process that allows the county to make the best decisions based on professional experience to decide what corrections and treatment environments will be the most effective. This can also lead to a much more clear idea as to what programs are needed to make effective interventions. The same basic process can be applied to both pretrial defendants sentenced offenders in the same place - a defendant/offender management center.
- **Notify the Public Defender's Office of Appointments Immediately by Electronic Means.** This is a very discrete and specific recommendation because it stands out in the discussions of the larger issues and it impacts so many defendants that it should be able to be resolved immediately using a little ingenuity.

3. COMMUNITIES OF INTEREST

To prepare for the 2004-05 budget and planning process, County Administrator Bob Guenzel arranged for elected officials, service departments, agencies, and external partners to discuss common strategies to make Washtenaw County a better place to live and work. Those with common customers or processes gathered to develop a common vision for their “Community of Interest” and strategies to make that vision a reality. One of those Communities of Interest was Public Safety and Justice. Those involved in discussions included the Sheriff, administrators from the Prosecuting Attorney, Trial Court, Public Defender, and Community Corrections, as well as local police agencies, elected township officials and members from the County Bar. While the discussions did not address the jail crowding issue directly, members did recommend strategies that support the recommendations made in this report.

Washtenaw County Public Safety & Justice: Top Priorities

The first items discussed in the Communities of Interest were strengths, weaknesses, opportunities, and threats. This discussion, in September 2002, formed the foundation of further discussions around making Washtenaw County a better place to live and work. From this discussion, four items were recommended to take top priority:

- Work more efficiently between departments and between the county and local units by creating the infrastructure necessary for sharing data and information.
- Support the long term space needs of the judicial system (jail, courts, community corrections, etc.) by developing and implementing a comprehensive space plan that addresses the current and future space needs with a focus on enhancing customer service.
- Support the immediate space needs of the judicial system by developing a facility that supports the unified court system and addresses the issue of safety.
- Continue to support the unified court system by placing a value on discussing the courts as a system and sustaining its success.

Vision: Washtenaw County will be a just and safe community

Participants gathered again two months later to discuss a vision for the Community of Interest. During the visioning session, several recommendations were made to change or enhance existing governmental structures. These recommendations should be viewed as things that will be necessary for the ten year vision to be realized and not as immediate recommendations.

- An integrated information system that goes from 911 through court disposition and beyond.
- Develop and implement a public safety strategic plan that shares accountability for implementation among all players.
- Identify the cross-over between public safety and human services with the potential of identifying common goals.
- Integrated customer interface with public safety and justice so that the customer’s experience is one of an integrated court system.
- Document existing processes and collaborations to become informed of the structures that are already in place.

Public Safety and Justice: Contribution to the Board of Commissioners Areas of Consideration

The Board of Commissioners took the information generated through the Community of Interest discussions, along with those from similar discussions in other Communities of Interest, and identified eleven “Areas of Consideration” - strategies for the County to improve upon over the course of the next few years. Four of these Areas of Consideration advance the vision of Public Safety and Justice:

- **Continuum of Sentencing Options** - Jail overcrowding has put a premium on alternatives to jail sentencing but, at present, there is no comprehensive listing of options to gauge gaps and

overlaps within the County correctional and justice system. Needed attention to two gaps in this continuum is clear-cut: pre-trial incarceration (consistently, almost half of the jail's population is there awaiting trial); and re-integration or re-entry services for inmates.

- **Mental Health Services and Corrections** - The State's Mental Health system redesign has increased the number of mentally ill persons in the judicial system, creating distinct sets of problems. Implement a coordinated initiative with other Communities of Interest (Health and Homelessness) to find and divert the mentally ill in the judicial system, ensuring treatment options as appropriate, and alternatives to incarceration as necessary.
- **Treatment Options for Youthful Offenders** - This Community of Interest identified serious gaps in treatment alternatives for youth-at-risk and youthful offenders. Convene discussions with area stakeholders on the creation of alternative placement programs for youthful offenders. Facilitate the discussion of possible alternative substance abuse programming for youth-at-risk.
- **Information and Referral** - Currently, there is no encompassing repository of available resources in accessible services in the County, nor is there an effective and credible means of updating and communicating such information. This gap was identified as an impediment to effective, efficient and reliable service delivery.

4. JAIL SPACE REPORT

In conjunction with the National Institute of Corrections visit, the County Administrator hired an architectural firm to analyze the existing jail facility. The architects, Mike Griebel and Henry Pittner, provided a series of planning and technical studies between September and November, 2003. The process included a series of interrelated steps and activities designed to review existing facilities and operations, develop and gain consensus regarding a likely range of future projections of inmates and justice system activities associated with the Adult Correctional Facility. This is a summary of their findings.

General Background

The jail was constructed in 1978 with a rated capacity of 215 inmates. Since that time, the building has undergone several additions and remodeling including the enclosure of the north courtyard (current I block) in 1982 and enclosing the east and south courtyard (current J and G2 block) in 1998. These additions make the current rated capacity 332 inmates.

But while the rated capacity has increased 1978, Washtenaw County's general population has grown as well from 264,748 in the 1980 census to an estimated 342,495. In addition, the factors identified in Section 1 of this report have contributed to a chronic overcrowding situation.

From a judicial standpoint, there are three broad categories of jail inmates: those who have been arrested awaiting arraignment; those who have been arraigned and are awaiting trial (either because they are unable to make bond or a judge deems them a flight risk or a public safety risk) and those who have been sentenced to jail. A properly designed jail facility will be able to address all three populations while maximizing the efficient use of human resources and maintaining the highest degree of safety and security. In addition, properly designed data systems enable effective inmate management and allow for policy decisions to be based on trending information. While not a recommendation made by the architects, the lack of an integrated data system created a barrier in the ability to forecast these three categories of inmates.

Inmates are classified and housed according to their behavioral/ safety risk inclusive of their adherence to jail rules and policies. An inmate classification system is most effective when a jail's capacity is at 80 percent or lower. This allows for sufficient classification elasticity to ensure that inmates of similar classification are housed appropriately. When a jail houses more inmates than 80% of its rated beds, it is "crowded." When it houses more than 100% of its rated capacity, it is "overcrowded." As stated earlier, the Washtenaw County jail was overcrowded 24 times in 2003.

A jail is among the most regulated buildings, regulated by both the Michigan Building Code and the Michigan Department of Corrections standards. In addition, the American Correctional Association has published standards to promote improvement in the management of correctional agencies through the administration of a voluntary accreditation program and the National Commission on Correctional Health Care provides standards to promote the provision of health services within a jail.

Summary Architectural Findings

Overall the building was built to last: masonry exterior and interior walls, concrete columns and roof structure, redundant central plant system, security hollow metal doors and frames, and minimal finishes. Maintenance has been outstanding extending the life of mechanical systems. To continue to use the building in the next 30-years, key systems will require upgrading, replacing or installing for the first time at an estimated cost of \$20.6 million - without adding a single bed. Reasons for this include:

- The jail was originally constructed in 1978. Since then, the State's building codes have become more stringent but these codes only apply to newly constructed or renovated correctional facilities. Any renovation or expansion to the building will mandate that the building meet these codes.
- Significant building systems (air handling, mechanical systems, kitchen and laundry) are either at the end of their life expectancy or operating beyond their capacity, thereby requiring replacement.

Jail Operations

From an architectural standpoint, a jail consists of 13 different functional components - 12 of which are designed to support the most important function of inmate housing. The other components are designed in such a way that the facility is self-supporting; with highest security standards to ensure that no unauthorized individuals enter or leave the building. Components include:

- **Custody Administration** - The daily management of staff and inmates, as well as the coordination of staff training and daily briefing functions, are primary responsibilities of this program component.
- **Employee Facilities** - Sheriff's corrections personnel and civilian support staff are provided the opportunity to prepare for and gain relief from the performance of detention-related responsibilities during scheduled break periods.
- **Security and Central Control** - A fundamental purpose of a detention facility is to provide the security necessary to protect citizens from the dangerous criminal; to assure the appearance of unreliable defendants in court; to protect inmates from one another; and afford staff and visitor safety.
- **Inmate Housing** - This is the most important function in the corrections facility from a total space perspective and the ability of the facility to effectively operate in a secure and safe manner.
- **Intake/ Transfer/ Release** - This is responsible for the systematic processing of individuals from the point at which the arresting or transporting officer completes pre-booking activities and acceptance is granted, through the determination of whether the individual should either be released or housed within the correctional facility. Inmates with severe medical and/ or mental health issues may require intervention outside the practical operational functions of the facility.
- **Public/ Official Visiting** - This includes official and confidential interviews conducted between an inmate and his/ her attorney as well as personal visits which occur between an inmate and family or friends.
- **Medical/ Mental Health Services** - These services are provided not only to maintain an inmate's health and to protect the inmate population from the spread of contagious diseases, but also to promote the rehabilitative process by alleviating the physical and mental problems which may contribute to criminal or anti-social behavior.
- **Inmate Programs** - A variety of inmate programs, including education and counseling services, religious services, and legal and reading library services, are made available to the incarcerated population.
- **Inmate Recreation** - A diverse recreation program, including exercise, table games, arts, etc., is recognized as an important element in the maintenance of an inmate's physical and mental health.
- **Inmate Services** - This encompasses the processing of inmate mail, the provision of commissary services, and the provision of hair care opportunities.
- **Food Services** - This component includes the delivery of quality food that meets daily nutritional requirements.
- **Laundry** - Proper laundry services are essential to maintain sanitary conditions within the corrections facility and to assure the inmate's right to a healthful environment.
- **Building Maintenance/ Storage** - Proper maintenance and cleaning is one of the essential factors which makes it possible for a corrections facility to operate safely and efficiently.

Planned Housing Capacity

All components of the jail are determined at least in part by the rated capacity of the jail. Evidence from the NIC analysis, a statewide comparison, and interviews with public safety officials reveals that the jail is already below a desired capacity, thereby impacting policy and operations. It also makes projecting the needed capacity a difficult task.

In general, the projections suggest that the adult male and female detention requirements for Washtenaw County will exceed 450 inmates (average daily population) by 2015, and more than 528 inmates by 2025. This corresponds to an overall rated bed requirement of between 528 rated beds by 2015 an approximately 656 beds by 2025. Long term requirements for the County suggest that an

overall rated bed capacity of 800 to 900 beds should meet the need of the County for the next thirty years, based on historical trends and projections of adult age-at-risk and general populations. These numbers are consistent with the analyses completed by the National Institute of Corrections in an independent and concurrent study.

To meet these capacity requirements, Washtenaw County can pursue one of three options:

- **Option 1: Do Nothing** - In this option, the County would be committing to maintaining and repairing the jail facility, with 332 rated beds and 30 non-rated beds. The capital cost of this option is \$20.6 for systems upgrades and maintenance. However, the operating costs of this option are high, as inmates would need to be boarded out by renting bed space from nearby jails. The rental and transport costs are high, and it removes an inmate from family, friends, and legal support.
- **Option 2: Construct a New Facility** - This option would include demolishing the current facility and replacing it with a new larger facility within the same vicinity. (Sites at other places in the county were not deemed to be desirable or politically feasible). The transition for this option makes it difficult, as construction of a new facility would need to happen concurrent with the current facility's operation.
- **Option 3: Expand Current Capacity** - This option would involve expanding the Jail in a phased, pay as you go approach. When the first two phases are complete, the rated capacity would be 460 with an additional 120 non-rated beds. A total rated capacity of 636 is possible over time, but the phased approach allows for the issue of jail space to be revisited again on an ongoing basis.

Each option takes into account the projected need for jail space through 2015. This need is one that can be managed through effective information exchange and collaboration of all justice officials. Failure to effectively manage the jail population from a systems perspective is likely to result in the need for additional jail space prior to 2015. Also, as noted in Section 1 of this report, there are lower cost alternatives to a jail for certain individuals. These alternatives are not currently available in Washtenaw County.

5. COMMUNITY CORRECTIONS

Community Corrections manages a set of programs that are designed to reduce the prison commitment rate for offenders who have not demonstrated a pattern of violent behavior and do not have a criminal record that indicates a pattern of violent offenses. As enabled in Public Act 511 of 1988, the State provides reimbursement for local programs that are designed to meet these criteria. These programs are managed by the Trial Court with the oversight of the Community Corrections Advisory Board - a diverse group of criminal justice officials and professionals, as well as members of the County Board of Commissioners and the Ann Arbor City Council.

Community Corrections Programs

Community Corrections programs are designed to decrease prison commitments and improve an offender's opportunities for re-integration into the community. The programs are approved by the State Department of Corrections in an annual grant process that determines the funding for this division of the Trial Court. Washtenaw County also provides funding for the programs. Services managed by Community Corrections include:

- **In-Jail Substance Abuse Program** is a short-term earned release program designed as a sanction for the substance-abusing probation absconder with higher levels of treatment needs.
- **In-Jail Cognitive Skills Program** is a cognitive skills treatment program that research has shown to be effective in reducing recidivism by confronting and changing the criminal attitudes and thinking distortions of offenders.
- **Probation Residential Services** allow inmates to have part or all of a jail term suspended upon successful completion of residential treatment programs with stays up to one year.
- **Pre-trial Release Enhancement Program** provides a viable alternative to financial bail for offenders with higher risk for failure to appear or other violation of bond.
- **Day Reporting Program** provides cognitive skills programming, educational and employment skills programming, and substance abuse testing and treatment services on site.
- **Outpatient Substance Abuse Program** delivers both traditional outpatient and relapse prevention programming under one contract.
- **Outpatient Cognitive Skills Program** delivers highly structured programs that assign privileges and consequences in direct relation to a client's adherence to behavioral expectations and treatment objectives.
- **Sustainable Work through Employment Attitudes Training** (Project SWEAT) is a partnership with Michigan Works! with employment attitudes training delivered over ten consecutive days.
- **Electronic Monitoring** includes electronic alcohol monitoring, conventional tether, and global position satellite tether.

Community Corrections Strategic Plan

As a part of the grant proposal, the State asks local Community Corrections managers to establish strategies, goals, and targets that are consistent with State priorities. To help in this planning effort, Community Corrections developed a Strategic Plan in January 2003. This plan was a thorough systemic assessment that included 29 primary recommendations, 43 supporting recommendations, 15 special recommendations, and 20 professional development recommendations. Several of these recommendations correlate with the other efforts discussed elsewhere in this document. Highlights of these recommendations included:

- Develop a cross-system criminal/social justice issues policy group, based upon the model of the Social Justice Policy Team including community corrections, the courts, the jail, human service agencies, the planning department and the police.
- Review the current organizational structure to assure that it is the proper fit given its role in the Washtenaw County criminal justice process.
- Develop a 2-5 year coordinated technology plan in partnership with County ITS.
- Identify, map and if necessary, redesign organizational processes articulated within Community Corrections policy and procedure.

6. JAIL PRE-TRIAL SUBCOMMITTEE

The Pre-Trial Subcommittee of the Jail Overcrowding Task Force convened at the request of Chief Judge Archie Brown. This subcommittee was charged to recommend improvements to operations. Members of this subcommittee included practitioners and administrators from the Trial Court, Sheriff, Prosecuting Attorney, Community Corrections, Public Defender, the Clerk/ Register of Deeds and County Administration. Many recommendations were made immediately and the remaining items were prioritized according to impact, achievability, timeliness, impact on funding, and long-range impact. This section summarizes those recommendations, presented in September 2003.

Background, Organization and Activity

The Pre-Trial Subcommittee originally made 18 recommendations in an August 2003 report. Seven of the recommendations were either immediately implemented, or assigned to another group for further exploration. These included:

- Use a “Summons”, when requested by the Prosecuting Attorney and deemed appropriate by the Court, to avoid the issuance of arrest warrants for non-violent offenders.
- Schedule pre-trial hearings one week after an un-sentenced inmate waives their preliminary examination.
- Reduce sentence dates for in-custody felony offenders from four weeks post-conviction to three weeks post conviction.
- Allow for the automatic release of selected non-violent offenders on personal recognizance, only in the second stage of overcrowding, unless specifically prohibited by the Court.
- Allow the early release or transfer to Community Corrections of targeted inmates who successfully complete treatment plans collaboratively developed by the Jail and Community Corrections.
- Conduct a systematic evaluation of the overall capacity required for the County jail. (See Section 4)
- Develop mental health resources that the Court can refer to for assessment and pre-trial monitoring, both inside and outside of the Jail. (A mental health diversion group has been examining this recommendation.)

An additional eleven recommendations were made, along with a method, timeline and possible accountability for implementing the recommendation. In prioritized order, the additional recommendations were:

- Develop a local probation residential center.
- Develop a unified criminal justice management information system.
- Develop a Court-wide comprehensive pre-trial release program.
- Expand the use of alcohol tethers.
- Process all paperwork (e.g., probation orders, judgment of sentence, pre-sentence investigation reports, etc.) required for the transportation packet of an individual sentenced to prison or boot camp, to the Jail within four days.
- Develop a system for timely access to Judges to hear motions on episodic medical, psychiatric or other high cost/ impact situations involving Jail inmates.
- Court Clerk’s Office develops a “checklist” to track “process flow” of judgment of sentences.
- Develop a brief, easy to read monthly report to the Court and others that details Jail population management statistics with the goal of measuring appropriate use of the Jail.
- Develop and maintain an updated electronic “bench book”, to provide the Judges with easy access to current information on available sentencing alternatives.
- Establish a standing Jail Population Management Committee.
- Use the “Show Cause” to the extent possible to avoid issuing bench warrants that automatically place an individual in Jail.

7. JAIL MENTAL HEALTH DIVERSION TASK FORCE

A group of mental health professionals, corrections officials, police officers, justice officials and county commissioners attended a training sponsored by the Michigan Sheriff's Association. The purpose of the training was for members to develop a shared understanding of the issues faced by the mentally ill in the recommend improvements to the interface between enforcement, corrections, and mental health provision. When the training was completed, participants decided to identify potential improvements and diversion opportunities.

Current Reality

The Task Force mapped out the criminal process for the mentally ill. A copy of this process is available upon request. The arresting process varies according to the agency performing the arrest but generally speaking, the following points were posited as general practice:

- An officer will take a suspect to PES (Psychiatric Emergency Services) if the suspect is suicidal or mentally ill, and will take the suspect to a hospital if the suspect is injured. In either case, the officer makes this initial assessment and the level of training for making this assessment varies significantly from agency to agency.
- After booking, jail staff also determine if the inmate is injured or mentally ill. They may also transport inmates to hospitals for evaluation. But many inmates who are treated in the jail for mental health services do not meet eligibility for services in the community.
- The only two pre-booking diversion opportunities are PES and the Crisis Residential Unit supported by the county provider of mental health services - Community Support and Treatment Services (CSTS). The Crisis Residential Unit has only six beds and is available for CSTS clients.
- Some inmates that are treated in the jail for mental health services do not meet eligibility (as defined by the Mental Health Code) for services in the community.
- There is no 24 hour crisis line for mental health clients to obtain help when needed.
- There are many post-booking diversion opportunities but the general consensus of the group is that these are underutilized. Barriers preventing utilization were posited as including funding restrictions, funding availability, unawareness of the options by the judiciary, the belief that there is not enough level of treatment. It is important to note that these points were brought up for discussion purposes but the group did not develop data to support these claims.

Next Steps and Recommendations

Members of the task force shared information about national models that have worked well in Florida, Tennessee, and Maryland. Discussions are too preliminary to make recommendations but the group will explore the possibilities for diversion further by separating into two groups, one to examine pre-booking diversion and the other to examine post-booking diversion.

Graduate students from the Gerald R. Ford School of Public Policy supported Community Corrections in analyzing the viability of a Probation Residential Center (PRC) in Washtenaw County, as an alternative sanction for certain offenders. This project was the practicum class for the students for the fall 2003 semester. Their analysis was completed and submitted to the Trial Court in February 2004. The students conducted a cursory review of PRCs within Michigan, available literature, and jail population data.

Analysis and Methodology

At the request of the former Community Corrections director, the Ford School students were given the charge of analyzing whether the creation of a local Probation Residential Center would be a viable alternative to jail for certain offenders. To accomplish this task, the students:

- Summarized Washtenaw County's efforts, including the successful grant application for a PRC construction in 1998, the Community Corrections Strategic Map, and discussions that were underway by members of the JOTF;
- Reviewed national and state trends, including published reports and success stories across the State;
- Interviewed 18 officials, including those in Washtenaw County as well as leaders in Community Corrections in other jurisdictions;
- Analyzed Jail Population Information System data and Basic Information Report data to help understand jail population dynamics.

Summary Results and Recommendations

Most of the analysis was scheduled to take place in November and December 2003. Due in large part to staff vacancies in important positions and the political climate between the Trial Court and the County at the time, the students were unable to fully complete the task they set out to do. However, much of the information they compiled is included in the appendices of this summary report. The groups recommendations include:

- Broader sentencing guidelines for PA 511 eligibility could decrease jail overcrowding in Washtenaw County.
- To adequately gauge the potential effects of a PRC, Washtenaw County's Office of Community Corrections needs to improve its data management practices and, above all, integrate its data systems. The datasets currently maintained are not useful for the type of analysis that would demonstrate how the County could benefit from a PRC.
- The use of the PRC hinges on how judges and probation agents view the PRC as a viable sentencing option. Adequately communicating its purpose, benefits, and proven successes is crucial.
- If Washtenaw proceeds with a PRC, it should sub-contract with a non-profit service agency to manage and operate it. This is the practice of other PRCs included in the study and is an arrangement that helps contain risks and costs.

At the Michigan Association of Counties' annual conference in August 2003, the State Court Administrator's Office advised county officials to follow eight key items, based on Supreme Court Chief Justice Maura Corrigan's meeting with Chief Judges on June 11, 2003. This is an excerpt from materials shared at that conference. For the most part, the SCAO recommendations are already being implemented at Washtenaw County.

Best Practices in Michigan Trial Courts to Control Jail Overcrowding

Michigan Supreme Court Chief Justice Maura Corrigan convened chief judges from around Michigan to address the issue of jail overcrowding and resultant early releases triggered by imposition of the Jail Overcrowding Emergency Release Act. Key "lessons learned" by court leaders to effectively deal with this problem include:

- **Convening Stakeholders** - Because the Court is viewed as an honest broker, the Court's role as convener of policy makers to address a jail overcrowding problem is critical. The purpose of convening stakeholders is to review jail population data on a regular basis and to identify policies, procedural changes, and programs that can alleviate jail crowding.
- **Jail Facility Population Review** - Information in a clearly understood format about who is in jail, for how long, and for what reason(s) is critical. This data should be gathered on a regular basis by jail administration for review by the local policy committee. Once the causes of jail overcrowding have been identified, then strategies to address the problem can be developed, prioritized and implemented.
- **Maintaining Constant Communication/ Collaboration** - Jurisdictions that successfully control jail overcrowding understand that this problem has no single solution. Shared responsibility for alleviating jail crowding is important. Regular, candid communication can contribute to the shared vision that is required to address this serious problem.
- **Caseflow Management** - Strong effective criminal caseflow management, led by the Court, can have a dramatic impact on jail overcrowding. A pre-trial services program operated by the Court can ensure that jail space is reserved for only those offenders presenting a risk of absconding prior to trial.
- **Effective Media Relations** - Because jail overcrowding has become such a serious and recurring issue, media attention has become an important factor in solving the problem. The goal is to engage citizens with the facts and real choices faced by judges in considering who should stay in the jail and who should be released. If the expansion of programs and/ or facilities becomes necessary, taxpayers will be affected either by increased taxes or by a reduction in services. Therefore, a long term strategy to include the media and the public should be maintained.
- **Allocating Scarce Resources** - Some jurisdictions facing chronic jail overcrowding have adopted a rationing of jail beds among the Courts. This forces the local criminal justice policy makers to be accountable for bonding and sentencing practices to stay within the capacity of the local jail.
- **Developing Appropriate Alternative Sanctions** - Effective intermediate sanctions, which offer a range of sentencing alternatives to judges, can be helpful in controlling jail overcrowding. However, in order to be effective, the threat (or reality) of jail must be present.