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# Corrections and Detention Millage Committee Report and Recommendations



*The mission of Kent County government is to be an effective and efficient steward in delivering quality services for our diverse community. Our priority is to provide mandated services, which may be enhanced and supplemented by additional services to improve the quality of life for all our citizens within the constraints of sound fiscal policy.*

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# Corrections and Detention Millage Committee Report and Recommendations

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# Corrections and Detention Millage Committee Report and Recommendations

## **EXECUTIVE SUMMARY**

In 1990, Kent County voters approved a levy of .84 mills for a 20-year period to expand, remodel, equip, operate, maintain, and defray debt service for the Kent County Correction and Detention Facilities. Funds from this millage have been utilized to expand and remodel the County Jail and to support the continued operation of the Correctional Facility.

The current levy expires on December 31, 2009. Based on the “Headlee” mandated millage reductions, the County levied .7893 mills during 2005 for this restricted purpose.

When the millage was established in 1990, the Board of Commissioners and staff were very deliberate and far-sighted, noting that the millage could be used for both debt retirement on the bonds used to pay for the expansion and operation of the Correctional Facility and the Juvenile Detention Center.

Currently, revenues from this millage approximate \$14.8 million. Of that amount, \$3.8 million is currently dedicated for debt retirement and \$11 million is budgeted for operations. The total annual operating costs for the facility are estimated to be \$36.5 million in 2006. Even with the \$11 million from the millage and \$5.9 million from fees, charges, etc., the County’s General Fund still provides \$19.6 million to cover costs associated with the facility’s operation.

The County may use funds generated from the correctional millage for operational costs, capital replacement, or capital improvement projects. If the current Millage is renewed, there may be additional funds available for capital improvement.

Based upon population trends, booking rates, and the continued deterioration of the old-linear designed facility, Kent County will face significant challenges when the millage expires in 2009. Without funding for the continued operation of the correctional facility and for the necessary structural improvements or replacements, the County may face overcrowding emergencies, security and safety issues, and may have to house offenders in other communities at a greater cost or release offenders

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early prior to serving their full sentence. Without continued funding, the costs to operate and renovate the correctional facility will necessitate significant general fund allocations and may impact other county services as funding may be reallocated.

Given the depth of the financial issues facing the State and County and the high cost of facility expansion or replacement, it is evident that a compelling business case must be made to seek voter approval for a millage renewal.

The following report is a culmination of work that was completed by a County interdepartmental team to examine the Kent County Correctional Facility. As part of this process, the Corrections and Detention Millage Committee was created and two subcommittees, the Alternatives to Incarceration Committee and the Jail Capacity and Review Committee were established. The subcommittees have each prepared a full-report and are attached in the appendix of the report.

The following documents provide a review of:

- The changes and progress that has been made since the 1989 Bennett Study that examined and evaluated the Kent County Criminal Justice System.
- The utilization of alternatives to incarceration in Kent County.
- The utilization of the Kent County Correctional Facility.
- The current infrastructure of the correctional facility and whether it has the capacity to meet the forecasted demands of the Kent County Criminal Justice System.
- The external factors that impact the jail population

The Corrections and Detention Millage Committee recommends: 1) the Board of Commissioners appropriate up to \$75,000 in 2006 to procure an architectural/engineering firm(s) to provide a comprehensive analysis of the programming, space, and infrastructure needs for the replacement/expansion of the facility; and, 2) the Board of Commissioners consider that the existing millage be presented to the voters in August 2008 for renewal at its current rate of .7893 mills.

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## **ACKNOWLEDGEMENTS**

In order to complete the following analysis, the Kent County Administrator's Office facilitated the collaborative effort of County Staff, 61<sup>st</sup> District and Circuit Court Probation staff, and the Sheriff's Department to provide an analysis of the Kent County Criminal Justice System and Correctional Facilities. Without their commitment to the continued development of a responsive and responsible correctional system and the thorough examination of each part, we would not have been able to develop and propose the following recommendations.

We are appreciative of the generous contribution of knowledge and expertise from these committed individuals. Their hard work has resulted in this final document.

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## **BACKGROUND**

In 1989 Kent County commissioned an independent consultant to analyze and evaluate the Kent County Criminal Justice System. This study, hereafter known as the Bennett Study, provided an analysis of the following elements of the Kent County Justice System:

- The impact and availability of alternatives to incarceration.
- A review of the data to forecast jail needs, crime patterns, and the options for holding offenders.
- An examination of the efficiency and effectiveness of the local criminal justice system.
- The suitability of the County Jail for incarceration, renovation, and expansion.

As a result of this study and the continued need to address jail overcrowding and system inefficiencies, voters approved a levy of .84 mills in 1990.

Revenues from the Corrections and Detention Millage are projected to provide \$14.8 million in 2006 of which \$3.8 million is dedicated for debt retirement and \$11 million is budgeted for operational costs. Despite the \$11 million from the millage and an additional \$5.9 million from fees, charges, etc., the County's General Fund will still provide \$19.6 million to cover costs associated with the facility's operation during 2006. Appendix "A" provides additional information regarding the Corrections and Detention Fund.

Since the approval of the millage, the County has made significant efforts to improve the design of the jail by constructing two buildings that are more efficient and effective housing models. Yet, a portion of the facility that was originally constructed in the 1950s and expanded and renovated numerous times since, continues to house over 500 medium and maximum security offenders. The deteriorating infrastructure and potential system failures combined with continued overcrowding may lead to the loss of available jail beds and result in increasing costs to house offenders in other facilities or result in emergency releases. In 1989, the Bennett Study recommended that this portion of the jail be demolished due to its inefficient and outdated linear design that severely impacts the ability to maximize efficiencies. However, due to the growing population of the jail, demolition was never completed and renovations were done in order to continue housing offenders in this part of the facility.

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The recommendations of the Bennett Study also identified the women's division, the infirmary, and the receiving area as sections of the jail that could be remodeled and expanded to be more efficient and to improve the safety of the jail. As a result, the women's division was relocated and the receiving area was expanded and remodeled to better facilitate the "fast-tracking" of offenders<sup>1</sup>. The infirmary remains an area of the facility that needs further assessment to determine how it can be better utilized to meet the needs of the jail population and the medical services provider.

In an effort to manage the jail population the Bennett Study also recommended expanding the pre-trial release and supervision programs, developing a centralized intake facility, monitoring the jail population and data processing more closely, and increasing the funding of court services and alternatives to incarceration programs.

As a result of these recommendations and the continued need to manage the jail population, Kent County now has 32 alternative programs, compared to the 10 programs offered in 1989, which address issues such as substance abuse, job-training, anger management, and other issues that may contribute to criminal activity.

Despite these changes, the Kent County Criminal Justice System continues to be challenged to provide a variety of services to a complex population composed of the mentally ill, juveniles, an increasing women's population, and violent criminals that continue to demand a higher level of service, more space, and increasing fiscal resources.

In 2004, Kent County hired Design Plus, Inc. to assist staff in developing a Strategic Plan for the Fuller Campus where the Main Jail and Work Release are located. This plan identified the Fuller Campus as having the space available to construct additional structures to house inmates. Although this is not the short-term solution recommended by this Committee, it does indicate that there is available space for construction and/or replacement projects at the Fuller Campus.

## **KENT COUNTY CRIMINAL JUSTICE SYSTEM REVIEW & ANALYSIS**

In order to provide a review and analysis of the factors relating to the jail population, the Corrections and Detention Millage Committee formed two subcommittees to examine the alternatives to incarceration programs and to evaluate the capacity and infrastructure of the Main Jail and Juvenile Detention. These subcommittees spent many months analyzing data and dissecting policies and procedures to develop

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<sup>1</sup> The process of fast-tracking enables an offender to bond-out without being introduced into the general population of the jail.

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recommendations and identify issues related to managing the jail population. The full report, as prepared by each committee, is located in the Appendix of this report.

### Main Jail Structural Review

In order to prepare for an increasing offender population, County staff has completed a cursory review of the old linear designed portion of the Main Jail that was constructed in the 1950's and renovated numerous times. This portion of the jail houses 520 medium and maximum security offenders and was recommended by the Bennett Study to be demolished. However, due to the growing jail population this portion of the jail continues to be utilized but demonstrates serious structural inefficiencies that could lead to overcrowding and emergency releases if these systems fail.

Specifically, staff identified the following issues as significantly impacting current and future operations:

- Electrical distribution systems are severely deteriorated, unreliable, and could be dangerous.
- Plumbing and heating systems, dating back to the 1950's, are damaged, some beyond repair and many systems have significantly outlived their useful life, as it relates to operation and repair.
- The 1950's construction and design severely limits the ability of the facilities management team to monitor electrical and plumbing systems and does not enable easy or cost effective repairs.
- Structural limitations (ceiling height) of the existing facility prevent the installation of an improved HVAC system due to space constraints.
- The shell of the building is thermally inefficient resulting in extensive heat loss and increased energy costs.

Located in Appendix B are photographs of some of the deteriorated areas within the linear designed facility. Failure of some or all of these maintenance systems could result in a loss of jail capacity and result in significant overcrowding that may lead to emergency releases.

The newer buildings constructed in the 1990s provide approximately 300,000 square feet to house offenders and conduct other jail functions. With the availability of space on the Fuller Campus and the demolition of the old-linear designed facility, there is room to expand the facility an additional 600,000 square feet.



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It should be noted that new construction is subject to new standards and that the demolition of the old-linear designed jail will require additional space as it cannot be rebuilt according to the current dimensions of the facility. New construction will have to comply with MCL 792.262(c) which sets minimum square footage standards for cells and dayrooms.

Cost estimates for new construction vary depending upon the type of facility constructed, the number of jail beds, the security and observation needs of the unit and many other safety and security factors that arise when constructing or renovating a jail. An initial survey of construction estimates indicates that new construction of each jail bed could cost between \$37,000 - \$50,000 or more. If voters approve a renewal of the millage at its current rate, funds could be generated to support \$17.5 million in operating costs as well as a bond issuance of approximately \$27 million; which would pay for the construction of 540-730 jail beds. In addition, the size of the facility will depend upon the design and the square footage requirements for each jail bed could range from 200 to 308 square feet or larger. It should be noted that the design of the facility will also impact the staffing and operational costs and should be considered in the decision-making process.

Further assessment of the structural and space needs of the facility should be completed by a professional engineering/architectural firm that will provide a comprehensive analysis of the infrastructure and space needs and provide a basis for the potential expansion and/or replacement of the facility. Completion of this process will provide the necessary information to estimate the capital, staffing, and operational costs if expansion or replacement of the facility is deemed appropriate.

### Jail Capacity and Review

The Jail Capacity and Review was completed utilizing the same evaluation model that was used by the Bennett Study. Specifically, the evaluation examined the county population trends, admission rates at the jail, average length of stay, and the classification of offenders. Together, these elements provide the basis for the examination of the current jail capacity as well as a forecast for the future population.

Since 1969, the population of the correctional facilities has demonstrated a steady growth rate of 4%. At the current rate of growth, all three facilities (Main Jail, Honor Camp, and Work Release) are projected to need 1,567 jail beds by 2007. Further projections indicate that by 2020 the average daily population is projected to reach 2,601; resulting in the need for 1,096 new jail beds. The U.S. Department of Justice confirms that the inmate population is increasing and has calculated that the average number of inmates per 100,000 people rose from 193 in 1995 to 243 in 2004. At this rate, Kent County can continue to anticipate that more offenders will need to be housed in County facilities.

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In order to accommodate the growing population and the types of jail beds needed in 2020, the Jail Bed Capacity and Review Report offers two scenarios to accommodate the anticipated population.

They are as follows:

- **Scenario “A”** calls for the construction of a new jail to be opened in 2012 that will add an additional 1,616 jail beds to meet the projected need in 2020. The old linear designed jail would be demolished upon the completion of the new one; resulting in a net gain of 1,096 new jail beds and the replacement of 520.
- **Scenario “B”** envisions a gradual construction process that adds jail capacity in three phases during 2010, 2015 and 2020. The old linear designed jail will be demolished in 2015. Final completion of the construction will result in a net gain of 1,096 new jail beds and the replacement of 520.

The only difference between the two scenarios is the time frame in which the final bed is constructed. Scenario “A” will complete construction in 2012 and in Scenario “B” construction is completed in 2020. In either scenario, there will be an imbalance between the number of beds available and the actual number of offenders that are sentenced to be incarcerated.

Scenario “A” indicates that Kent County will have a shortfall in housing from 2007 until 2012 during the construction of the new jail but will have a surplus of beds until 2018 that the County could rent to other jurisdictions or until the space is needed locally.

Scenario “B” provides the construction of beds to occur in three phases over a 15-year time period. The intermittent construction will result in the overcapacity of the jail between 2007-2009, 2012-2014, and 2017-2019. During those times, the County will need to continue developing alternative programs and may have to house offenders in other counties until the construction is complete.

Overall, the complexity of new jail construction will require additional projections and the eventual size and shape of any future construction will need to be tailored to the size and scope of the jail population and the available fiscal resources. A copy of the complete Jail Capacity & Review Report is located in Appendix C of this report.

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## Juvenile Detention Needs Assessment

As part of the Jail Capacity and Review Committee's efforts, an analysis of the Juvenile Detention Center was completed to assess the facility needs and population trends through 2020.

The Detention Facility was constructed in 1959 to include housing for 45 youth. In response to continued overcrowding the Board of Commissioners approved the concept of increasing the capacity of the detention center and renovating the existing facility in 1994.

In June 1995, an additional 24 beds were made available through new construction and renovation of the existing facility. Renovation and new construction was also completed on the intake area, visiting area, medical area, administration, Day Treatment/Night Watch Program, and a Central Control Unit to oversee the facility. Additional renovations provided greater access by Central Control, improved lighting and communications systems, improved visual control of resident rooms and circulation paths, and the creation of a Video Arraignment Room.

Following completion of these renovations, the Detention Facility continued to be challenged by overcrowding and in 2000 the Board of Commissioners approved a plan to convert a building adjacent to the Detention Facility into a 20-bed, staff secure residential facility. Since the addition of these beds and the occasional use of beds at the Main Jail as well as the utilization of a Census Control Officer to monitor the population and coordinate priority releases, the facility has been able to operate within its rated capacity of 69 beds.

The projected population growth at the Detention Facility indicates that by 2010 the facility will need a minimum of 8 additional beds and by 2020 an additional 16 beds. The "Day Treatment" space could be utilized as a potential area for adding the needed beds for 2010, without requiring major building construction. Of further benefit, these eight beds could be acquired through a capital improvement budget request, in the event a millage request is not approved. However, based upon the current population projection, the additional bed space needed by 2020 will require an expansion project.

A copy of the Juvenile Needs Assessment is located in Appendix E of this report.

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## Alternatives to Incarceration

The Alternatives to Incarceration Committee identified 32 alternative programs that provide alternative programming for eligible offenders and that assist in managing the population of the correctional facilities.

In 2004, these programs saved 604 jail beds per day that would have otherwise been needed if these programs did not exist. Without these programs, the County could have incurred significant costs to house offenders in other jails and may have resulted in significant overcrowding and emergency releases.

Offenders that are eligible for alternative programs receive case-specific treatment to promote attitude and behavioral change. Programs incorporate individual and group counseling, residential and non-residential drug treatment programs, sex-offender treatment, anger management counseling and programming, community service and work crews, electronic monitoring and tether programs, mental health counseling and care, and education and employment training.

Through these alternative programs and the collaborative efforts of the judiciary, the Sheriff was able to avert 10-overcrowding emergencies in 2004 and eight in 2005. However, there is a rising population of offenders that are not eligible for alternative programs and the saturation of alternative programs may result in emergency releases that jeopardize the social and economic welfare of the community.

Despite the success of Kent County's alternatives to incarceration, the population of the community continues to grow as do the number of bookings at the jail. By 2007, it is projected that the correctional facilities (Main Jail, Work Release, and Honor Camp) will need to provide housing for 1,567 offenders; 62 more beds than what is projected to be available by the end of 2006.

The continued discussion of state prison closures, changes to the sentencing guidelines, and the peaking prison populations will continue to demand more from the local jails and local communities. As a result, Kent County must continue to forecast and anticipate the growth of crime and the need to provide more alternative programs combined with more housing in order to enforce sentences and provide a secure facility to house offenders that are considered a risk to the community.

A copy of the Alternatives to Incarceration Report is located in Appendix D of this report.

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## DISCUSSION

Overall, the data suggests that Kent County will see significant growth in the jail population and that Kent County will need to add an additional 1,616 jail beds by 2020; a net gain of 1,096 new jail beds and the replacement of 520 beds. The consideration of adding additional jail beds requires that there be a discussion of the external and internal factors that are influencing the growing jail population. The following provides a brief review of some of the issues impacting the size of the jail population.

### Michigan Department of Corrections Prison Overcrowding

In 2004, Governor Granholm convened the *Michigan Task Force on Jail and Prison Overcrowding* to identify the strategies that may be utilized to improve the efficacy of the jail and prison system without compromising the safety of communities. As a result, the task force identified numerous short-term, intermediate, and long-term strategies to maximize resources and to aid communities in addressing the issue of overcrowding and emergency releases.

Despite these efforts, the state prison system and local jails continue to suffer from overcrowding. In a February 1, 2005, memo to Senator Alan Cropsey, Chair of the Senate Appropriation Subcommittee on Corrections, from Patricia L. Caruso, Director of the Michigan Department of Corrections, the prison population decreased by 902 during 2003 and 2004 but is projected to increase by 1,020 offenders during 2005.

In an effort to combat the rising prison population, the report calls for the continued implementation of additional strategies to increase the parole population. However, the report also states that the increasing population of parolees has resulted in a larger population of parolees that return to prison through the local criminal justice system for violations of their parole.

### Sentencing Guideline Changes

The changes to the sentencing guidelines made by the State Legislature in 1999 have reduced sentences for some offenses, making the offender eligible for jail rather than prison. At the same time, the sentencing guidelines have increased the penalty for offenses that may have previously received fines and/or community service but now require an offender to be incarcerated.

For example, a review of the felony offenders in Kent County indicated that the percentage of offenders that actually received a jail sentence increased 4.4% and, the percentage of felony offenders that could have received a sentence involving jail time increased 21.9% due to the change in sentencing guidelines.

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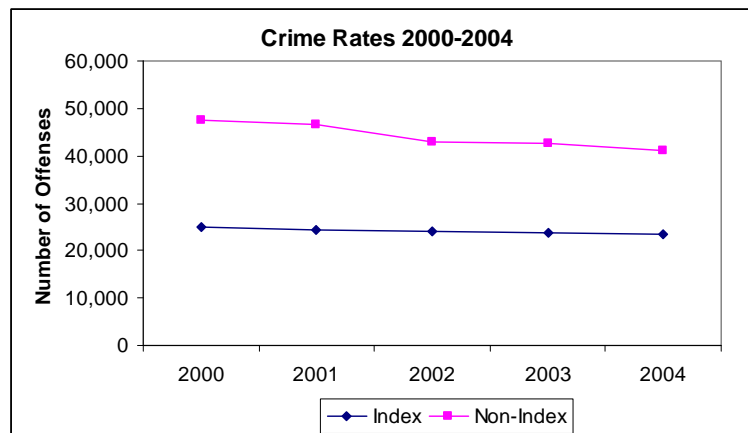
Early in 2005, the State Legislature continued discussions of additional changes to the sentencing guidelines. Although conversation has slowed and the initiative is not moving forward, there is a continued need for the County to be aware of these potential changes and to monitor the continued impact on the population of the Correctional Facility.

### Michigan Prisoner Reentry Initiative

In response to the growing prison population, the State has initiated the *Michigan Prisoner Reentry Initiative*. It is anticipated that this program may have a significant impact on the resources of the County as it will move offenders that were once incarcerated in prison to local communities, resulting in a saturation of resources and the continued pressure on local criminal justice systems if these offenders are returned to prison.

### Crime & Booking Trends

According to the Uniform Crime Report, compiled by the Michigan State Police, the number of offenses for index and non-index crime has remained relatively stable over the past five years<sup>2</sup>.



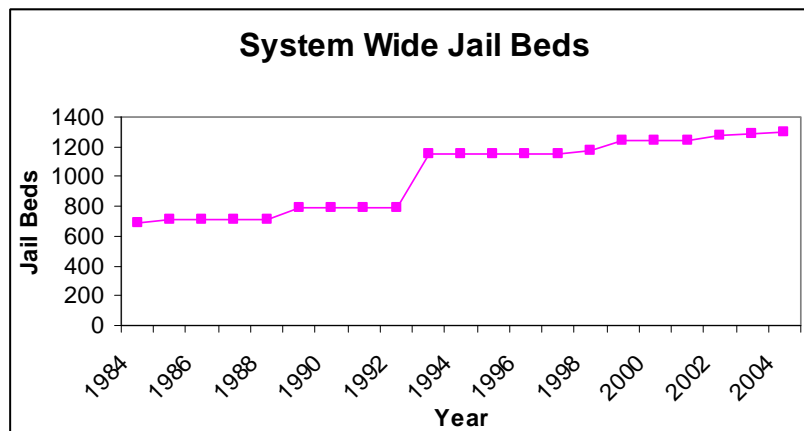
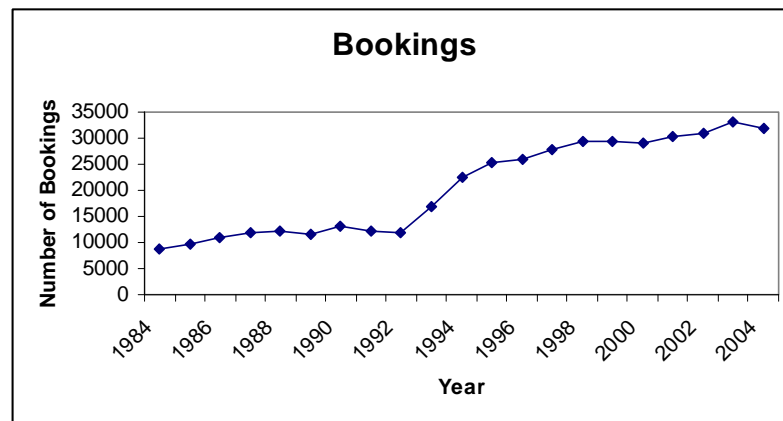
However, the population of the local jails and state prisons continues to increase at a rate greater than the capacity of the correctional facilities and may result in overcrowding and emergency releases.

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<sup>2</sup> Index crime includes murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Non-Index crime includes negligent manslaughter, non-aggravated assault, forgery & counterfeiting, fraud, embezzlement, stole property, vandalism, weapons, prostitution & common law vice, sex offenses, narcotic laws, gambling, offenses against family & children, driving under the influence, liquor laws, disorderly conduct, and all other crimes not listed nor included as an index crime.

In an examination of the physical capacity of the KCCF and the growing number of bookings at the jail there is a correlation between the size of the jail and the number of bookings.

For example, in 1993, three years after the Corrections and Detention Millage was approved, the number of jail beds increased by 363 or 53% and the number of bookings also increased by 41% or 4,945.



Additional consideration should be given to other factors that influence the jail population including: police patrol, arrest policy changes, sentencing guideline changes, average length of stay, and the number of offenders sentenced to serve time in jail.

### Who's in jail & what's their status?

The following provides a review of some of the demographic data of offenders booked into the County Jail during 2003 and 2004 and the stock population as reported in the *2004 Kent County Correctional Facility Annual Statistical Report*.

Note: The stock population is the inmate population that remains in jail following an arraignment and/or the opportunity to bond out.

Gender		
	Booked	Stock Pop.
Male	80%	83.8%
Female	20%	16.7%

Age		
	Booked	Stock Pop.
Teens	12%	10.5%
20's	40%	37.1%
30's	24.2%	26.3%
40's	18.1%	20.7%
50's	4.7%	4.8%
60's	.6%	.4%
70's	<1%	.3%

Status in Jail	
Hold	26%
Remanded	11%
Prison	4%
Pre-Trial	27%
County Time	27%
Pre-Arraignment	5%

Race		
	Booked	Stock Pop.
White	50.2%	46.4%
Black	39.3%	44.4%
Hispanic	10.3%	9.0%
Other	.2%	1.2%

# of Charges		
	Booked	Stock Pop.
One	65.2%	48.9%
Two	20.9%	26.0%
Three	7.9%	13.2%
Four+	6.0%	11.9%

Shift Arrested On		
	Booked	Stock Pop.
First	31.2%	40.0%
Second	39.7%	38.6%
Third	29.1%	21.4%

### Millage Failures

In the past few years, counties across Michigan have been unsuccessful in passing millages for the purpose of renovating and/or expanding county jails.

During 2004 and 2005 millage proposals in Kalamazoo, Allegan, Washtenaw, Menominee, and Benzie counties failed to receive voter approval. The failure of these proposals is due to a wide-scope of reasons including political disparities and failure to communicate the level and impact of alternatives to incarceration.



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It is evident that the number of millage failures is aligned with the economic slowdown and push for more efficient government services. In order for future correctional millages to be approved by voters, adequate information will need to be provided about efforts underway to negate the need to build additional facilities to house more offenders.

Overall, the Kent County Justice System must continue to review and evaluate the case-flow process and work to improve efficiencies. The recommendations made by the Alternatives to Incarceration Committee have the potential to influence the future growth of the jail population by ensuring that the alternative programs are being utilized to the fullest and to identify system inefficiencies. It is expected, that Counties across Michigan will continue to be challenged to review each step of the case-flow process, from the time of arrest and booking until prosecution and sentencing, to identify opportunities for system efficiencies and to further the efficacy of the justice system.

### Early Releases

Due to the difficulty in passing millage proposals, counties across Michigan have been forced by state statute to declare emergency overcrowding emergencies after the jail has remained over 100% of its rated capacity for more than 10 consecutive days.

Pursuant to MCL 801.55, the Sheriff, County Prosecutor, and Judiciary are notified of the overcrowding and may attempt to reduce the jail population by using any method within the scope of law, including but not limited to the following:

- Judicial review of bail for possible bail reduction, release on recognizance, or conditional release.
- Prosecutorial pre-trial diversion.
- Judicial use of probation, fines, community service orders, restitution, and delayed sentencing as alternatives.
- Use of work release, community programs, and other alternatives arranged by the Sheriff as authorized by law.
- House prisoners in other facilities.

If the jail population is not able to be reduced within 14-days following the declaration of an overcrowding emergency additional mandatory sentence reductions may be imposed, resulting in the early release of offenders from jail.

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In 2004, the Kent County Main Jail was at least 90% full each day and 95% full 325 days out of the year. The jail was 98% full 204 days of the year and exceeded capacity 83 times but was able to avert 10 overcrowding emergencies during 2004 and eight in 2005.

However, not all communities have been able to avert early releases. Macomb, Oakland, Wayne, Kalamazoo, and Livingston Counties have all been forced to release offenders back into the community prior to the completion of their sentence.

Information provided by the Kalamazoo Criminal Justice Council indicates that early releases have occurred in Kalamazoo since 1989 and during 2002; over 68% of the offenders released early are rearrested and/or are wanted on new warrants within 12 months.

In addition, counties that previously housed offenders for Kent County are now experiencing peaking populations. For example, Cass County was previously utilized by the 61<sup>st</sup> District Court as an alternative location for housing misdemeanor offenders. However, they are now facing their own peaking population that requires jail population management and the threat of early releases.

## **OPTIONS**

Although the data suggests that the County will need an additional 1,616 beds in the next 15 years, staff realizes that Kent County voters are unlikely to support a millage increase of the size necessary to construct 1,616 jail beds.

As a result, the Committee has identified the following short and long-term options to address the need to replace the old-linear designed facility, fund the continued operation of the existing facility, and/or to plan for the expansion of the facility in order to manage the growing jail population.

### **Short-term Options**

#### **Option A: Do Nothing**

The absence of \$17.5 million for operating costs in FY 2011 will severely impact either the operations at the jail or other county services. Portions of the jail, especially the old-linear designed jail may face closure and result in the reduction of the jail capacity by almost 500 beds, reducing the total capacity to approximately 850.

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Failure to provide adequate housing for felony offenders may result in boarding inmates in other jails will require funding to transport offenders to and from the facilities in other counties.

If the existing millage is not renewed by voters the County and the community will be in a position of financial hardship that will compromise the safety of the community and the efficacy of the justice system.

### Option B: Renew the Existing Millage

In order to support the continued operation of the KCCF and to fund necessary improvements, the County could ask voters to approve a 20-year extension of the existing millage levy at .7893 mills. In 2006, the millage is projected to generate \$14.8 million and is projected to be \$18.6 million by 2010.

At the current rate of taxable value growth and ratio of the dollars allocated for operational and capital expenses, it is projected that the County will have the capacity to issue up to \$27 million in bonds to finance the replacement of a significant segment of the 1950's linear designed facility. Further assessment by a professional engineering and architectural firm will provide more specific information related to the construction/replacement of the old-linear designed facility.

If approved, there will be no impact/change to a homeowner's current tax bill.

### Option C: Renew the Millage at a Reduced Rate

The renewal of the operating millage at a reduced rate would require voters to approve a levy of .7087 mills that will generate \$17.5 million in the first year (FY 2011) of the renewed tax levy, a balance sufficient to only provide operating support.

The continued deterioration of the structure will continue to hinder the efficacy of the jail and may result in emergency releases if operating systems fail and inmates are not able to be held in this area of the jail. Significant safety and health hazards could develop as a result of overcrowding.

The homeowner of \$160,000 would see a \$6.45 per year reduction in their current tax bill if the millage was reduced.

## **Long-term Options**

### Option D: Renew the Existing Millage and Request an Increase

Renewal of the existing millage will maintain the current level of funding generated for the correctional facilities and provide an allowance for the limited expansion

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and/or replacement of the correctional facilities in order to meet the projected need and to address the deterioration of the infrastructure of the main jail.

At a rate of 1.00 mills this millage is projected to generate \$24.7 million in 2011 and would provide the necessary funding to expand and/or replace the facility to accommodate a growing jail population. Further assessments completed by a professional engineering and architectural firm would provide additional information as to cost and square footage requirements that are available on-site and feasible for the County to consider.

Renewal of the existing millage and a request for an increase of .2107, for a total of 1.0 mills, will cost the owner of a \$160,000 home an additional \$16.86 per year above their current tax bill. The owner of a \$125,000 home would see an increase of \$13.17 and the owner of an \$80,000 home would see an increase of \$8.43 per year.

If a request for a millage increase is not pursued at this time, the Board of Commissioners may consider that a millage increase be presented to voters at a later date through a separate ballot question.

### Option E: Pursue the Feasibility of a Regional Jail

Due to the demonstrated difficulty in passing a millage for jail renovation or expansion, consideration should be given to the discussion of a regional jail that would operate with joint leadership and joint fiscal resources. However, doing nothing now could potentially result in significant fiscal pressures on the general fund and impact other county services as the county will have to reallocate resources. In addition, failure to address the current needs of the facility may result in severe overcrowding problems, infrastructure failures, and may pose significant health and safety hazards to inmates and officers at the jail.

The regional jail concept joins unmet needs of each community with combined resources to satisfy jail expansion more efficiently. The proposed facility would provide housing for sentenced offenders on a per-diem rate with consideration and discussion of locations as deemed necessary by the interested parties.

Communities in Ohio, Virginia, Washington, Mississippi, Arkansas, and Maine have successfully implemented regional correctional facilities that provide a coordinated correctional facility across multiple jurisdictions. Administrators of the facility represent the interests of each community and work collectively to provide housing and care for offenders.

These facilities range in size from 100 to over 600 beds and are designed to incarcerate specific offender populations that are sentenced and that do not present serious medical and/or mental health issues. On the other hand, some reports indicate that costs to house and treat difficult offenders can be reduced when a

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larger facility provides care; however, if cost containment is the true purpose of a regional jail, it may be best to have “low-maintenance” offenders at this facility and those with additional needs remain the responsibility of the appropriate jurisdiction. Dialogue and agreement regarding inmate eligibility and appropriateness will be critical to effectively controlling costs and managing the facility.

The savings associated with the development and operation of a regional jail is one that continues to be debated between practitioners and researchers. However, reports do indicate that cost-savings are possible and are a result of a strong planning group that seeks to secure additional space for incarcerating offenders.

The Corrections Commission of Northern Ohio notes that through the utilization of a regional jail, they have been able to contain costs through measures such as joint transportation, per-diem food and medical costs, and per-diem housing costs. In addition, space has been leased to other communities in order to aid in providing revenue for the facility. Further analysis should identify the desired size of the facility, the population necessary to balance the operational costs of the facility, and the debt commitment of each county to support construction of a regional facility.

The regional jail concept may also include some of the following benefits:

- Counties with limited and over-extended resources have access to additional housing with limited costs associated with utilization of the facility.
- Community safety is not compromised by early releases.  
Additional jail beds are available, but each community continues to utilize alternative programming to limit the jail population. More space is not considered a solution to a complex problem and instead provides space for offenders not eligible for alternative programs.
- Collective consideration of correctional facilities may spawn additional discussions of the regional impact of crime and how each community can work more effectively to reduce the rate of recidivism.

Despite the benefits, the Northwest Ohio Corrections Center reports that a 1992 report by the National Institute of Corrections identified the following challenges to the creation of a regional jail:

- Absence of legal authority to permit the sharing of resources across jurisdictional lines.  
Although there may be statutory limitations that exist, there is a legislative base for collaborative efforts that may continue to foster the discussion and introduction of new legislation to implement these

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changes. Further review of statutory limitations and opportunities should be explored.

- Regional jails are not designed to incarcerate difficult or complex populations.  
In order to achieve the benefits of a regional jail, the population that is housed there must not present significant physical or mental health issues. Through the careful screening and classification process of inmates and an agreement between participating local units of government, a process can be developed to provide guidelines for offenders that are housed at this facility.
- Turf issues and loss of control by Sheriff's and County governing boards.  
Through a collaborative effort, each participating member would have an opportunity to provide input and to be communicated with regarding the provision of correctional services.
- Differences in management philosophies.  
Cooperation is up to the stakeholders involved and will have to be discussed and agreed upon. In addition, each member involved works under the same labor standards and state statutes that would impact management philosophies.
- Perceived inequities and proportionate sharing of costs.  
Through a collaborative and sound agreement, costs will be shared proportionately.
- Increased transportation costs in geographically remote rural areas & jail location.  
Transportation costs could be significant depending upon the location of the jail. Consideration of this fact is dependent upon the ability of the planning group to agree and to devise a transportation method that will best benefit all involved.

In all, the key to the successful implementation of a regional jail facility is to create a planning group that is willing and able to objectively discuss issues and work collectively to pool resources to address the growing concern of jail overcrowding and emergency releases.

Successful development of a regional jail will require significant planning efforts of all stakeholders within the criminal justice system, including elected and appointed officials.

## RECOMMENDATIONS

Overall, the prescription to address jail overcrowding and a deteriorating infrastructure is not clear-cut and there is no stand alone solution to the problem. The County must continue to examine these issues and to identify the systematic approaches to efficiently and effectively manage the jail population.

Needless to say, if the Corrections and Detention Millage is not renewed, Kent County will face significant financial hardships that result in decreased services, dangerous overcrowding situations, and the emergency release of offenders into the community.

The Corrections and Detention Millage Committee recommends: 1) the Board of Commissioners appropriate up to \$75,000 in 2006 to procure an architectural/engineering firm(s) to provide a comprehensive analysis of the programming, space, and infrastructure needs for the replacement/expansion of the facility; and, 2) the Board of Commissioners consider that the existing millage be presented to the voters in August 2008 for renewal at its current rate of .7893 mills.

Approval of this millage is critical to providing a base level of service and may provide the County with the capacity to issue up to \$27 million in bonds to finance the replacement of a significant segment of the linear-designed jail.

The County will continue to struggle with long-term jail population increases, but must continue to analyze the utilization of alternatives to incarceration and the justice system as a whole. Further review and analysis may validate the need to expand the facility and will provide the basis for further consideration of the allocation of funds in the future.

## **Timeline & Action Steps for Corrections & Detention Millage Renewal**

<b>Date</b>	<b>Action</b>	<b>Responsible Party</b>
January 2006	Corrections/Detentions Millage Committee Report to County Administrator	Administrator's Office
Feb. – March 2006	Work session with the BOC  Present to BOC for approval to fund study by professional architectural/engineering firm  Regional Jail Discussions	Administrator's Office  Administrator's Office  Sheriff/Admin.
April 2006	Issue RFP for proposals to evaluate structure and site of KCCF	Purchasing/Sheriff's Dept
May-June 2006	Architectural/Engineering Eval Complete	Contractor
July 2006	Review and Prepare Cost Estimate Options for BOC consideration	Sheriff's Dept./Admin. Office
August 2006	Present results to BOC for consideration  Review and process feedback from BOC	Sheriff/Administrator's Office
September 2006	Review and Prepare Action Request for Correction/Detention Millage Request	Administrator's Office
October 2006	Present Action Request to Finance  Present Action Request to Legislative	Administrator's Office  Administrator's Office
November 2006	Seek approval from full Board	BOC
December 2006	Public Information	Citizens
August 2008	ON BALLOT	Board of Commissioners



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## **PROPOSED BALLOT LANGUAGE**

### **PROPOSITION FOR MILLAGE RENEWAL FOR KENT COUNTY CORRECTION AND DETENTION FACILITIES**

**SHALL KENT COUNTY LEVY .7893 OF ONE MILL WHICH IS EQUAL TO 78.93 CENTS PER \$1,000 OF THE TAXABLE VALUE OF ALL REAL AND PERSONAL PROPERTY SUBJECT TO TAXATION FOR THE PERIOD 2010 THROUGH 2029 INCLUSIVE TO EXPAND, REMODEL, EQUIP, OPERATE, MAINTAIN AND DEFRAY DEBT SERVICE FOR KENT COUNTY CORRECTION AND DETENTION FACILITIES? THIS MILLAGE IS A RENEWAL OF THE PREVIOUSLY AUTHORIZED MILLAGE OF .84 MILLS WHICH EXPIRES FOLLOWING THE 2009 LEVY. THE AMOUNT RAISED BY THE LEVY IN THE FIRST CALENDAR YEAR IS ESTIMATED AT \$19,490,000.**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

There are in Kent County 20 local authorities that capture and use, for authorized purposes, tax increment revenues from property taxes levied by the County. Such capture would include a portion of the new millage levy. The total amount of captured tax increment revenues from such millage in the first calendar year of the levy is an estimated \$382,005. The tax increment authorities in Kent County include the following:

Bowne Township - Alto Downtown Development Authority  
Byron Township - Local Development Finance Authority  
Cascade Charter Township - Downtown Development Authority  
Cedar Springs, City of - Downtown Development Authority, Local Development Finance Authority  
Gaines, Charter Township - Local Development Finance Authority  
Grand Rapids, City of - Downtown Development Authority, Monroe North – Tax Increment Finance Authority, Smartzone – Local Development Finance Authority and Brownfield Redevelopment Finance Authority  
Grandville, City of - Downtown Development Authority  
Kent City, Village of - Downtown Development Authority  
Lowell, City of - Downtown Development Authority  
Plainfield, Charter Township - Downtown Development Authority  
Rockford, City of - Downtown Development Authority  
Sparta, Village of - Downtown Development Authority  
Walker, City of - Downtown Development Authority, Brownfield Redevelopment Authority  
Wyoming, City of - Downtown Development Authority, Local Development Finance Authority

## **APPENDIX “A”**

# **Corrections and Detention Fund Long-Term Financial Projection**

## **Visual Images of the KCCF**

**November 2005**

**APPENDIX “C”**

**Kent County Correctional Facility Capacity Report**

**Prepared By:**

**Jail Capacity & Review Subcommittee**

**February 28, 2005**

**APPENDIX “D”**

**Alternatives to Incarceration**

**Prepared by:**

**Alternatives to Incarceration Committee**

**October 2005**

**APPENDIX “E”**

**Juvenile Detention Needs Assessment**

**Prepared By:**

**Jail Capacity & Review Subcommittee**

**June 27, 2005**

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**APPENDIX “F”**

**History of Jail Capacity in Kent County**

**Prepared By:**

**Kent County Sheriff's Department**

**Corrections & Detention Millage**

**Fact Sheet**

**&**

**Frequently Asked Questions**



## **CORRECTIONS AND DETENTION MILLAGE FACT SHEET**

- In 1988 Kent County had 10 Alternative to Incarceration Programs.
- In 2005 Kent County has 32 Alternatives to Incarceration Programs.
- The 32 Alternative to Incarceration Programs saves 604 jail beds per day that would otherwise be needed to house offenders if these programs did not exist.
- Population of the jail has increased 4% per year since 1969.
- The Correctional Facilities (Main Jail, Work Release, & Honor Camp) have a projected 2006 capacity of 1,505.
- In 2005, the Main Jail has averted 8 overcrowding emergencies.
- In 2004, the Main Jail averted 10 overcrowding emergencies.
- 27% of offenders are being held on pre-trial status.
- 27% of offenders have been sentenced to County Jail Time.
- 26% of offenders are being held on a "Hold"
- 765 offenders were "fast tracked" in 2004.
- The average number incarcerated per 100,000 is 243 (Bureau of Justice Statistics).
- Housing at the current facility costs \$80.97 per day.
- In 2006, the Corrections and Detention Millage is projected to generate \$14.8 million to support the operating expenses at the jail.
- There are 520 medium and maximum security offenders housed in the old portion of the jail.

## **CORRECTIONS AND DETENTION MILLAGE F.A.Q'S**

**1. When was the Corrections and Detention Millage originally passed?**

In 1990, Kent County voters approved a levy of .84 mills. Due to the Headlee Rollback, the millage rate was reduced to .7893.

**2. When will the current Corrections and Detention Millage expire?**

December 31, 2009.

**3. How much is generated per year as a result of the millage?**

In 2006, the millage is projected to generate \$14.8 million for capital and operating costs of the jail.

**4. How much does it cost to house an inmate in the KCCF per day?**

Based upon an average population of 1,242 at the Correctional Facility in 2006 it costs \$80.97 per day to house an offender at the Main Jail.

**5. What is being done to provide alternatives to incarceration?**

Kent County provides 32 adult alternative programs that in 2004 saved 604 beds per day that would have been otherwise needed if offenders had not been diverted through these programs.

**6. What will the new millage provide?**

The renewal of the existing millage will provide funding for the continued operation of the Kent County Jail as well as funding for the expansion/replacement of the old antiquated linear jail.

**7. Is the jail really overcrowded?**

Yes. In 2004, the jail was at least 90% full each day. Of that year, the jail was at 95% full 325 days, and was 98% full 204 days per year; with the jail exceeding 100% of its stated capacity 83 times during the year.

In 2004 alone, the Sheriff was able to avert 10 overcrowding emergencies by monitoring the population, requesting judicial review of bail amounts, probation, fines, community service orders, restitution, work release, and alternative programs in order to reduce the capacity of the jail when it is faced with an overcrowding emergency.

During 2005, the Sheriff has averted eight over-crowding emergencies.

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**8. Are judges utilizing the Jail Bed Agreement?**

Judges are aware of the potential for jail overcrowding and many participate in the Jail Bed Agreement in order to maintain and control the population at the jail.

This agreement has been an integral part of managing the current population but is a short-term solution to a long-term problem.

**9. What else are we doing other than incarcerating these offenders? Shouldn't we spend money on fighting poverty, increasing access to healthcare and job creation?**

Kent County, as a community, has demonstrated and continues to demonstrate a commitment to addressing the issues of poverty, housing, employment, and healthcare. In 2005, the County has allocated \$1.8 million as a Prevention Initiative to address social and family issues relating to substance abuse, neglect, and the mental and physical health of children and families. In addition, this community invests significant public and private funds through countless social service agencies to address problems and issues that may be an impetus for criminal behavior.

**10. What services are we providing for our mentally ill that end up in the jail?**

Kent County continues to be on the forefront of utilizing services and making connections with private organizations to support the mentally ill and to address problems such as medication availability, counseling services, housing, and continuity of care issues.

The Kent County Sheriff's Department currently contracts with Network 180, formerly the Kent County Community Mental Health Department, to assess each offender that is booked into the County Jail. Care and follow-up is a standard part of the medical services that are provided.

**11. How many offenders are repeat offenders? Have we ever surveyed them to see what their real problems are that are precipitating this behavior?**

In 2004, 21,727 offenders were booked into the jail for 31,737 times. Of that number 14 offenders came to the jail 10 or more times with one offender coming to jail 17 times. He is a 26 year old single man with no permanent residence and a 10<sup>th</sup> grade education. He says he would like to earn his GED but he needs help with his learning skills. He has a problem with crack cocaine. He was placed in a local in-patient drug treatment facility after one of his arrests, but he violated the conditions of his release by leaving the program without completing it. Most of his charges have been trespassing, with a few disorderly conduct and/or false information charges. He had one drug arrest and one arrest for assault. Despite the efforts of the jail and private service providers, the likelihood is that this individual will continue to be a repeat visitor at the jail.

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**12. What about the threats from the state to close prisons? How will this impact us?**

The recent closure of the Baldwin Youth Facility has not had an immediate effect on the population of the Kent County Correctional Facilities. However, over time, it is projected that the state prison population will continue to exceed its rated capacity and force legislators to again amend the sentencing guidelines so that more offenders are pushed into the local jail system rather than being incarcerated in a state facility.

The continuing discussion and realization of the state financial woes will eventually provide a direct impact to the jail population as it already has on county resources and revenue sharing.

**13. Are other communities experiencing the same problems as Kent County?**

Yes. Communities across Michigan are experiencing jail overcrowding and infrastructure problems. Kalamazoo, Allegan, Washtenaw, and Oakland Counties continue to struggle with a growing jail population and have implemented emergency releases due to overcrowding.

**14. What exactly is the county asking for in the renewal of the millage?**

The renewal of the millage will support the continued operating expenses of the jail and will also provide funding for an additional replacement/expansion of the old-linear designed facility. A professional architectural and engineering firm will provide a complete assessment of the infrastructure and capacity of the Fuller Campus.