

**Jail Overcrowding – A Serious Problem  
Requiring Comprehensive Solutions**

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**BEST PRACTICES IN MICHIGAN TRIAL  
COURTS TO CONTROL JAIL  
OVERCROWDING**

**State Court Administrative Office**

## **BEST PRACTICES IN MICHIGAN TRIAL COURTS TO CONTROL JAIL OVERCROWDING**

Michigan Supreme Court Chief Justice Maura Corrigan recently 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**

**Jail facility population review**

**Maintaining constant collaboration/communication**

**Caseflow management**

**Effective media relations**

**Allocating scarce resources**

**Developing appropriate alternative sanctions**

**Technical Assistance**

## **CONVENING STAKEHOLDERS**

The chief judge of the circuit court is named in the Jail Overcrowding Emergency Act as the authority empowered to release persons from jail in the event of a formal emergency declaration. 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. Persons invited to participate in a jail overcrowding committee should include: the chief circuit judge, the chief district judge, the sheriff, the prosecuting attorney, the Public Defender's Office and/or a representative of the defense bar, the chair of the county board, the local manager of the State Department of Corrections, and a representative of local alternatives to incarceration programs. The purpose for meeting 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. In several jurisdictions, particular types of cases were identified as contributing to jail crowding; for example, probation violation cases, cases awaiting presentence investigation preparation, cases awaiting trial, cases wherein bond has not been posted, and cases awaiting placement in an alternative sanction facility. 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. Constant vigilance of the jail population and regular face to face meetings of the policy makers are required for success. Shared responsibility for alleviating jail crowding is important – the county board must understand that an adequate jail facility must be maintained; the judges must understand that the expensive resource of the jail must be utilized effectively for those requiring incarceration. Regular, candid communication can contribute to the shared vision that is required to address this serious problem.

## **CASEFLOW MANAGEMENT**

Strong effective criminal caseload management, led by the Court can have a dramatic impact on jail overcrowding. Third Circuit Court in Wayne County set the goal of resolving criminal cases within 91 days of the bindover from district to circuit. Methods utilized to achieve this goal, which have resulted in a significant reduction in jail population over the past year:

- “Spin off” docket for trials using available judges
- Expedited felony plea process
- Pre-exam program operated by district court in cooperation with prosecutor

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. Uniform standards are utilized during pre-trial screening to identify candidates eligible for safe pre-trial release. Supervision by probation staff can be accomplished so that jail capacity is not taxed with less serious pre-trial offenders.

## **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. Kalamazoo County policy makers have been proactive with the media by providing detailed information on characteristics of persons released during public release sessions. 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. The release of inmates prior to the conclusion of their sentence is NOT the preferred solution. Therefore, policy leaders must plan ahead for the inevitable “mistake” – the released person who re-offends during the time he/she would otherwise have been incarcerated. Blame should not be placed; all interested parties need to assume collective responsibility for release decisions in the most effective way. The problem of jail overcrowding needs to be viewed as a serious public policy matter that requires comprehensive community-wide solutions; therefore the public should be involved in the development of solutions through the effective engagement of the media. 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. As part of the settlement of a lawsuit regarding the conditions and practices in the Muskegon County Jail, the presiding judge in the case entered an order which allocates jail space among the local courts. The local chief judges have maintained that allocation plan even though the jail case is no longer active.

## 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. Kalamazoo County has developed a range of diversion and alternative programs including: drug treatment court, pre-arraignment jail screening, intensive supervision, day reporting, community service, probation residential services, work release, electronic monitoring, and anger management. Further information is available through the Kalamazoo Criminal Justice Council (KCJC) at [www.kcjc.org](http://www.kcjc.org).

## TECHNICAL ASSISTANCE

The National Institute of Corrections (NIC) has developed a variety of resources, many of which are available in PDF format @ [www.ncic.org//pubs/jails.htm](http://www.ncic.org//pubs/jails.htm)

**Jail Crowding: Understanding Jail Population Dynamics.** *Mark A. Cuniff, January 2002.* Provides a framework for analysis and planning to support effective criminal justice system oversight. Sections discuss how to identify factors behind jail crowding, key questions about bed space needs, trends underlying jail population growth, forecasting, and analytic processes and roles. 60 pp. Accession no. NIC-017209.

**Guidelines for Developing a Criminal Justice Coordinating Committee.** *Robert C. Cushman, January 2002.* Provides information for persons wishing to establish or strengthen a formal or informal criminal justice coordinating committee or to learn how they can alleviate jail crowding and accomplish other system improvements. Addresses initiating a committee, the range of activities it can undertake, organizational options, and benefits. 50 pp. Accession no. NIC-017232.

**How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators.** *Gail Elias, Voorhis Associates, Inc., September 1999.* This document explains statistical analysis and data collection procedures for jail personnel. Provides a step-by-step approach to identifying the information needed and information sources, preparing for data collection, implementing the collection effort, analyzing and interpreting the results, and sharing the information. 205 pp. Accession no. NIC-015580.

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