

Jail faces taxpayers' verdict - County seeks money for expansion, renovation and operating costs

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JAIL MILLAGE

This report is one in an occasional series detailing Washtenaw County's jail expansion plans and the millage request to pay for it.

News Staff Reporter

Only a sixth of the \$314 million that Washtenaw County is seeking under a Feb. 22 jail millage request would pay for construction. The rest, \$265.9 million, would pay for increasing operations and programming - expenses such as electricity bills, psychiatric drug prescriptions and salaries for corrections officers.

It's not surprising that the actual building costs, \$48.1 million, would be a fraction of the overall levy, said Jim Robertson, a national jail consultant who has been advising the county.

"Bricks and mortar is always the lowest cost of a life cycle of a jail," Robertson said. "It's the annual operation that far exceeds the capital costs associated with it."

But some say the millage - a three-quarter mill levy for 20 years - is just too much.

Kim Easter, an Ann Arbor lawyer who works on human and civil rights issues for prisoners, said the proposed court improvements and alternative sentencing programs, including mental health diversion and probation residential programs, are worthwhile. But she said she's not sold on the jail expansion.

The overall millage, she said, "is immense. ... If \$50 million would get us excellent alternatives to jail programs, maybe that would solve our jail overcrowding and we wouldn't need the jail expansion."

If the levy passes, the county over the next 10 years will phase in 200 jail beds, up from 332, at the jail on Hogback Road just north of Washtenaw Avenue. The district court facilities would be renovated and made secure. The programming and sentencing alternatives would help mentally ill inmates and reduce recidivism, county officials said. And the additional jail beds would reduce pressure on a facility originally built for 215 inmates in a county that is Michigan's sixth largest, according to the 2000 census.

To get all of this, a Washtenaw County resident with a home valued at \$250,000 would pay an additional \$94 in taxes a year, beginning this year.

Justifying the expense

The county and an advocacy group for the proposal, the Committee for Public Safety and Justice, have been making daily presentations to community groups about the need for the jail and court expansion. Soon they'll mail the information to each household in the county.

In an EPIC/MRA poll commissioned by the county in December, more than half of the county's registered voters said they would approve the millage. But seven years ago, voters by a 3-2 margin said no to a 20-year, quarter-mill levy to expand the jail and build a new juvenile detention center. The county later built the juvenile center without a millage.

Some ask whether the new proposal is necessary and whether county residents should pay for it at a time when governments, including Washtenaw County, have cut their budgets severely.

"I don't think the jail is needed," said David Cahill, an Ann Arbor lawyer. Cahill noted that from 1997 to 2003, there was a drop in offenses and in arrests. "Therefore the whole system should shrink," he said, "and I'm not in favor of a big, new jail."

Easter is among those who object for philosophical reasons.

"We as a state and nation realize we've vastly overrelied on incarceration," Easter said. "Until now, Washtenaw County has been a leader in spending conservatively on jail space. With this millage, we'd change all of that. That's why I'm encouraging the alternative sanctions."

County officials maintain that the county already maximizes alternative sentencing options through its jail diversion program for nonviolent offenders, that the county has the lowest prison commitment rate in the state, and that it buys space in other counties' probation residential centers.

Chuck Ream, a Scio Township trustee and medical marijuana advocate who formed and registered what he calls the "No Giant Jail Committee," said the county should first reevaluate its substance abuse policies.

"Voters don't want to see their money spent on substance abuse punishments," Ream said. "Clearly, locking people up isn't working. When you lock up a drug dealer, you just create a new employment opportunity."

County Administrator Bob Guenzel said Ream's concerns aren't related to the millage issue. "There just aren't people in the jail for smoking cannabis. There may be people who come through the system with drug addiction problems," he said. "Our public safety millage attempts to give those people a chance to be rehabilitated."

Out of 13 Michigan counties of comparable or smaller size, Washtenaw has the second-lowest number of jail beds per capita, according to a state analysis. Only Leelanau County has a smaller per-capita number. By March, when Leelanau opens up a few more prison beds, Washtenaw will again be the lowest.

Sheriff Dan Minzey said that even with the expansion, "bed space will just be keeping up with the times. Ten years from now, we'll probably still say we're the lowest per-capita bed space in the state and we'll still be proud of that because of all of the other initiatives."

Robertson said the size and cost of the proposal falls in the middle of jail projects nationwide.

"What Washtenaw County has done is said, 'We have a current facility that needs improving but overall is a good building,'" Robertson said. "They're adding capacity in a thoughtful approach. The bed space they are projecting is not what some call a Taj Mahal. It is a blend of security needs, a blend of beds for at-risk offenders as well as increasing the ability of the staff to manage more inmates."

Not everyone is sold. The Southwest Washtenaw Council of Governments, which represents some of the county's most rural townships, has questioned why they should pay for the jail at the same rate as urban communities that, they say, generate more inmates. The council has asked whether jail costs could be allocated based on the services and prisoners sent from an area, similar to road patrol services.

Some in urban areas ask the opposite question: Why can't rural areas more fully cover the costs of patrols by sheriff's deputies?

Ypsilanti City Council Member Barry LaRue, D-Ward 3, said the millage could be a quarter of a mill if the county ceased its annual subsidy for contracted sheriff's patrols.

"It's the subsidy of contract deputies to townships that's unfair," he said. "If the county charges the actual cost, they'd recover this amount of money at a minimum of \$5 million that could be applied to the jail."

A plan for the jail

The jail was built in 1978, but only after a millage in the early 1970s failed and the American Civil Liberties Union and Legal Aid sued the county, alleging that jail conditions constituted cruel and unusual punishment, Guenzel said. The county then levied a special property tax to build the jail. The sheriff will spend \$14.5 million this year on jail operating costs.

"It was state-of-the-art at the time. It was a well-designed jail. We're trying to retain what we can and build on it," Guenzel said.

Since then, various expansion projects have increased the capacity from the original 215 beds to 332. Yet during 324 days in 2004, the jail was over capacity and sometimes held more than 400 inmates, said Sheriff's Cmdr. Kirk Filsinger, who is responsible for jail operations.

A year ago, the National Institute of Corrections issued a report that said the county jail is too crowded and too small - conditions that prohibit judges from using jail as a deterrent for probation violators and other offenders.

The NIC found that, in 2002, the average daily population at the jail was 334 - a number that exceeded the number of beds.

In 2004, Filsinger said, county figures show the average daily population at 359.

The jail's gym has not been used as such since 2002, and instead is full of mattresses and inmates. Two of the holding cells in the intake area for men are now used for suicide watch. Uncommitted holding cells in the men's area are down to one, a situation that puts jail personnel and inmates at risk, particularly on busy weekend nights when 10 to 15 inmates might be kept in one holding cell, said Sheriff's Cmdr. Dave Egeler.

A 2003 audit of the facilities showed that air, mechanical, laundry and food services and security systems are operating beyond their capacity or at the "end of their useful life." The report also said the jail complex does not comply with the 2000 Michigan Building Code or guidelines from the Americans with Disabilities Act and the Michigan Department of Corrections.

"The building is almost 30 years old and runs 24/7," Egeler said. "It's the same thing as if you started your car and let it run all day long

and never shutting it off."

Egeler said one of the areas that severely needs attention is security. Door controls and motors that were new 30 years ago have worn out.

"It's not unusual for a door that could be remotely controlled to have a motor or locking system go bad and now we're manually opening the door," Egeler said. "It's key-opened now, so that puts correction officers at potentially greater risk."

New security systems proposed under the millage would correct such problems throughout the complex and add video security monitoring equipment.

Minzey said he is comfortable with the capacity plan in the proposal because of the sentencing alternatives. "That's what makes the difference. It's the alternatives that ... keep overcrowding down. With those things in place, I'll be more comfortable at this time with the 200 extra beds."

Still, he said, "it's difficult to say how many inmates I'll have in the future. ... I don't know exactly what the crimes will be, and will those alternatives fit those offenders? But we're trying to be hopeful."

A plan for the court

If the millage passes, the 14-A District Court facilities will be integrated into the jail complex, using new construction and the soon-to-be vacated Huron Valley Ambulance building on the site. The court operates in a building once used by a seminary. The building floods during major storms and is infested with insects in summer.

Most importantly, judges said, the court lacks adequate security. There is no consistent security screening for the two courtrooms and there are no metal detectors.

Chief District Judge J. Cedric Simpson said the court is simply too crowded in the hallways to keep enough space for each group of people attending court proceedings. Victims and families, defendants and families, attorneys and staff, all use the same narrow hallway to stand, wait and walk. He said the 14-A court has more than 54,000 filings and the vast majority, about 30,000, of them are heard at the Hogback Road location.

"The public ought to be able to have a facility they can use safely," Simpson said. "Those with traffic tickets, small claims matters, they should have a safe facility."

The new courtrooms, if approved by voters, would be designed so offenders would never leave the jail complex for preliminary exams. All people, including inmates and the public, would enter through one security point, Simpson said.

Criminal defense lawyer John Shea, of Ann Arbor, said the court is totally inadequate and sometimes security concerns are so great that hearings must be moved downtown.

"You have sort of a built-in security system ... because lots of witnesses happen to be cops and they carry guns. They provide a presence that's a strong incentive not to be acting out," Shea said. "Even if we always dealt with nice people and there were never any arguments - setting aside the danger in connection with some cases - there's no privacy, there's no place to go except outside to talk to your client confidentially."

Trial Court Judge Donald Shelton said he fears "a fatal incident in 14-A," unless the recommended improvements to the court are made.

"Someone will be shot or at least seriously hurt, if not killed, at the preliminary examination facility out there - not necessarily in the courtroom but in the hallway," Shelton said. "Every felony case passes through that facility. We put in close proximity the defendant, the victim, the families, the witnesses."

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