

report 2016
Macomb County

Jail Needs Analysis &
Criminal Justice System
Assessment

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introduction

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❖ Jail space is a limited and expensive resource, and while the Sheriff is responsible for managing the detention facility, overall jail usage is dictated by decisions largely outside his control. This Report is premised on the assumption that Jail planning requires an understanding of the system in which it operates. Available beds in any correctional facility tend to become filled — regardless the number added. *‘Build it and they will come.’* The only way to manage limited, and expensive, jail capacity is to understand the system policies and practices that are driving it.

Macomb County will need to take a ‘Systems Approach’ to successfully address jail overcrowding. Macomb County needs more jail capacity; but without improvements in local system efficiency and effectiveness any new beds will soon be filled. The solution is to implement a System Master Plan.

Criminal justice system policies and practices drive jail populations. As such, planning for future jail capacity requires identifying the factors that impact the jail and then asking: What measures might be taken to mitigate jail capacity/growth without compromising community safety? Does the Jail operate within a criminal justice system that can ensure fair and consistent treatment? Does the Jail benefit from a coordinated and efficient adjudication process that can deliver swift justice? Finally, what innovative approaches might be considered to improve outcomes and lower costs?

Jail planning also provides a unique opportunity to consider new and innovative ways of doing business. Across the country, jurisdictions are taking a new look at the high cost of jail incarceration and asking fresh questions. Jurisdictions are paying attention to research that shows the limits of incarceration in solving drug and mental health problems; that shows that recidivism is reduced, not by the severity or length of a jail sentence, but the swiftness and certainty of the sanction; and by findings that the concentration of resources on the highest risk persons provides the best return on the dollar.

New research is also up-ending some long-held system assumptions. Recent landmark studies have proven that detaining lower-risk defendants can actually increase their recidivism; that even relatively short detention times for pretrial defendants can increase their long-term failure; and that monetary bonds do nothing to improve pretrial outcomes.

This Report presents the Findings from a data-driven assessment of the Macomb County Jail and the local criminal justice system. It presents the key factors driving the local jail population and suggests practical (and innovative) strategies to address them.

Macomb County has Strengths to Support System Reform

We commend Macomb County officials for their initiative to support a forward-thinking approach to jail planning.

County Executive Mark Hackel and Sheriff Anthony Wickersham, along with the Board of Commissioners, spearheaded and supported this project. They expressed their interest in an approach to jail capacity planning that was data-based and had a systems orientation; and they made known their interest in considering new ways of doing business. As part of the analysis they proposed the exploration of front-end reforms such as a new Intake System — one that could better coordinate the process of arrest, assessment and jail booking. Openness to such innovation set the tone for the broad reforms that this Report proposes.

Macomb has many things in its favor when it comes to effecting broad system reform. The Courts have shown a strong commitment to innovative specialty court programs: Drug Court, Mental Health Court, and Veterans' Court; the Sheriff has put Macomb County on the map as the first law enforcement agency in the country to equip deputies with Narcan to reverse the deadly effect of an opioid overdose and for making Vivitrol available on a limited basis for inmates. Furthermore, the Sheriff's office designed and has supported a jail diversion program for mentally ill inmates (The Mental Health Jail Reduction program) and has supported jail-based Community Corrections programs and alternatives that have saved lives and money (In 2015, these alternatives saved \$5.9 million dollars in jail incarceration costs).

The Macomb County Community Mental Health Department has taken the lead in establishing front-end assessment and stabilization services for the mentally ill (albeit an underutilized resource); and the County has worked to establish strong Community Corrections Act programs, which include a range of addiction treatment services.

Finally, the County has the advantage of working with the Michigan Department of Correction's Probation Office, which is to be applauded for its embrace of evidence-based practices.

Macomb County has a good foundation of progressive measures upon which to build.

Project Methodology

This project was initiated by County Executive Mark Hackel with the support of Sheriff Anthony Wickersham and was commissioned by the Macomb County Commissioners. The goal was to assess future jail capacity needs in the context of a broad system assessment. After a competitive bid, the County contracted with the firm of Voorhis/Robertson Justice Services LLC, and David Bennett Consulting, Inc. and Donna Lattin Consulting were also brought onto the team. This Report is the culmination of their work.

This project was grounded in data collection. This included the development of a ‘*Jail Snapshot*’ of the local to study how jail beds are being utilized; a *Case Processing analysis*: the tracking of a sample of individuals across the case adjudication process, from booking through case disposition, to allow an examination of case processing efficiency; and an *Inmate Profile* study: the collection of data from a sample of inmates serving a local jail sentence of 30 days or more to inform a discussion about jail diversion, treatment, and re-entry.

The data collection portion of the project was enhanced by a qualitative review of system programs and operations, and a review of key policies and practices. We held meetings with more than 65 individuals who represented all aspects of the local law enforcement and criminal justice system; observed court proceedings, pretrial assessments and in-jail treatment sessions; and held several workgroup sessions to explore concepts such as a new pre-booking Intake model.

Importantly, this project was initiated with the formation of a Criminal Justice Planning Group. Comprised of a cross-section of the local criminal justice system (with both District and Circuit Court represented), this group convened multiple times over the duration of the project to receive presentations on system trends and innovations and to discuss local system issues. We appreciate the commitment of this group, along with the support and interest of many other individuals across the system, who enthusiastically supported this project.

Key Findings: Factors that Impact the Macomb County Jail

Macomb County has the potential to significantly reduce its jail population.

The overcrowding of the Macomb County Jail reflects, in large part, a local justice system with built-in delays to swift felony case processing, due to a fragmented court structure. The extent to which local justice system inefficiency and lack of coordination negatively impact the Jail cannot be overstated. One example is the extraordinarily high numbers of ‘holds’ from other jurisdictions. In over 40-years of analyzing jail populations, we have never seen the percentage of inmates in jail with ‘holds’ from other jurisdictions. Unresolved ‘holds’, along with delays in

case adjudication, clog the gears of justice and slows the movement of individuals through the jail.

In over 40-years of analyzing jail populations, we have never seen the percentage of inmates in jail with holds from other jurisdictions. Current policy has the jail contacting the demanding authority only after the local charges have been resolved. The defendant may have a minor local charge and a serious charge from another jurisdiction or visa versa. Work should be done between the jurisdictions to determine which jurisdiction should proceed first. The individual with a minor charge locally who stays in jail only to have the demanding authority decline to pick up the person up at the conclusion of the local charges might have been able to be released immediately and kept the job/housing/community ties that have been lost due to unnecessary detention. Comprehensive analysis that perhaps could be facilitated by the recommended full-service Pre-Trial Services program needs to be undertaken.

Jail overcrowding in Macomb County reflects the lack of universal pretrial screening, and the historical use of financial forms of release, which can contribute to inconsistent justice outcomes while offering no public safety protection. It also reveals an imbalance in the administration of justice: insufficient defense resources; the county prosecutor's limited use of charge/plea reductions; and a defense counsel compensation formula that creates a built-in disincentive to take cases to trial.

Demands on the Macomb County Jail also reveal the terrible costs of local problems with drug addiction and mental illness for those individuals who come into contact with the law enforcement and Corrections system. The cost is born by the individuals, the community, the Jail and the larger criminal justice system. This problem is compounded by shortfalls in front-end diversion and gaps in alternative- to- jail sentencing options, such as the commendable Circuit Court Drug Court program that has insufficient capacity for a county this size.

Jail overcrowding also highlights shortfalls in in-custody treatment and the lack of jail re-entry services through the repeat cycling of inmates who repeatedly fail after release. To make matters worse, the lack of coordination between District and Circuit Courts has resulted in redundant supervision of some probationers; not only is this not cost-effective but it can set offenders up for failure.

The jail has also been impacted by an over-reliance by the courts on fines and the imposition of 'Pay-or-Stay' sentences, along with the detention of lower level or low-risk pretrial defendants who occupy a jail bed simply because they are not able to afford a monetary bond.

The Jail is directly impacted by the lack of 'one empty bed.' An inability to deliver swift and certain jail sanctions can undermine community-based rehabilitation

efforts and ultimately increase recidivism. The average number of prior arrests among sentenced inmates in the Macomb County Jail undoubtedly reflects this reality.

Finally, the Macomb County Jail facility itself contributes to overcrowding. This antiquated facility was not designed to support successful offender outcomes. It lacks program and recreation space, and it does not offer an Intake area that can accommodate pretrial staff or support an expanded Intake process.

Key Recommendations for Reform

This report includes many recommendations to reduce demands on the Jail and to help strengthen the local administration of justice. A key recommendation is the development of *Centralized booking facility* designed to streamline the booking process; to offer a new mechanism for the consistent referral and diversion of appropriate cases; to free up police officer time; and to allow the closure of satellite booking facilities operated by separate law enforcement agencies across the county. Macomb County has the opportunity to craft an innovative front-end Intake process that could be a model for other jurisdictions.

This report urges that attention be given to local systemic inefficiencies and unnecessarily long case processing times due to a bifurcated court system, recommending the formation of an up-front *Felony Arraignment Court*; the investment in a *Full-Service Pretrial program* to ensure informed and swift pretrial release decisions; and a new coordinated Case ‘Hold’ *Resolution process*.

Criminal justice systems must not only deliver swift justice, but also equal justice. To strengthen the bedrock principles upon which justice reform is built this report makes several recommendations including the establishment of a Public Defender’s Office, and an investment in a full-service Pretrial Services program. Importantly, this report also makes the case that monetary bail, along with fee-based sentences, without consideration of ability to pay should be ended.

The goal to protect public safety and safeguard victims is paramount. This Report makes several recommendations focused on reducing reoffending and the repeat cycling of individuals through the Jail. The key recommendation is the adoption of *risk-based assessments* to safely and effectively manage both pre-trial defendants and sentenced jail inmates; the development of a *risk-based continuum of jail programs*; the swift *diversion of low-risk individuals* (whose detention can increase reoffending); an *expansion of Drug Court* and other specialty court programs; and the development of an evidence-based *Jail Re-entry program*.

Finally, fully aware of the design deficiencies of the existing Jail, but sensitive to the tremendous cost of facility replacement, we offer a recommendation to enhance the existing Jail by expanding the custody continuum with an investment in a *Community Corrections Center*: a jail step-down facility with a focus on community reintegration and the reduction of reoffending. We suggest a Community Corrections Center with a capacity in the range of 300-350 beds.

It is a good time for reform in Macomb County. There is real momentum for positive change, as seen by the criminal justice reform implemented at the State level over the last year. In May of this year, the Michigan Supreme Court ordered to make 'pay-or-stay' sentences contingent on a determination of ability to pay. Over this last year, the Michigan Supreme Court has also adopted new Indigent Defense Standards; and, it has eliminated mandatory minimum sentencing guidelines instead making them advisory.

Taken together, Macomb County can take real steps to improve public safety, improve the administration of justice, and control taxpayer costs.

The report is organized in four sections. **Section I** presents Findings and Recommendations specific to system decision points: from pre-booking diversion to jail re-entry. **Section II** presents the Macomb County Jail 'Snapshot' which shows how jail beds are currently utilized. **Section III** is data from the local Case Processing study which was designed to allow a look at adjudication efficiency and outcomes. **Section IV** presents Jail Forecast scenarios for discussion.

A | Report Overview

Macomb County is facing the significant challenges of jail overcrowding and increasing demands upon its criminal justice resources. The factors that affect jail usage are complex, but planning an efficient and effective system depends upon understanding them.

Those jurisdictions which are most successful in limiting unnecessary jail detention, reducing recidivism, and lowering costs have systems that can deliver swift justice, ensure equal treatment, and offer a continuum of effective jail alternatives. Jurisdictions which are most successful at slowing jail growth and improving public safety have something else in common: the use of data to track and refine practices and a commitment to test new models and ideas.

Importantly, Jail planning is not a one-time project. The key to the long-term population management of a jail is the development of system baseline data, the implementation of a Criminal Justice Master Plan, and a commitment to data collection, analysis and system refinement. This is a process that will allow a county to not just react to change, but to influence and *shape* that change for years to come.

Key Findings

The Macomb County has a great potential to significantly reduce the demand on its jail. The local jail population represents, in large part, the practices of a justice system. Key findings include:

- **A Fragmented Court System contributes to Case Delays** There are built-in delays to swift felony case processing, due to a fragmented court structure. The average time for felony case processing from District Court case filing to Circuit Court filing is 80.2 days. For those felony defendants detained prior to Circuit Court arraignment and pretrial release consideration, this structural delay represents a failure of the expectation of swift justice. Taken as a whole, the average time for felony case processing from Booking to Circuit Court disposition is 313.6 days. This is 3x longer than the national average for felony case processing (measured from arrest to adjudication.)

- **Very High Percentage of Jail Beds Occupied by Pretrial Defendants** Almost 80 percent (77%) of Macomb County's jail beds are occupied by defendants in pretrial status (including those awaiting adjudication of 'holds'). This is an astoundingly high percentage. Not only does the detention of pretrial defendants compromise basic principles of 'presumption of release' but the need to use jail beds for those awaiting adjudication severely limits jail beds for the sentenced or sanctioned population. In Macomb County less than 20% of jail beds are occupied by sentenced inmates. The high percentage of pretrial defendants reflects the lack of a full-service Pretrial Services program and the absence of universal risk screening; extraordinarily high average bail bonds; case processing inefficiencies due to bifurcated court structure; and the crush of 'holds' from other jurisdictions.

- **Extremely High Percentage of Pretrial Defendants in Jail with 'Holds' from other Jurisdictions** In over 40 years of consulting we have never encountered a jurisdiction with the level of 'holds' that we found in Macomb County. Almost 60 percent (56%) of individuals occupying jail beds have, in addition to a local charge, a 'hold' from another jurisdiction. 'Holds' clog the systems gears and slow the process of justice. Not having a coordinated and expeditious strategy to resolve 'holds' with other jurisdictions takes a terrible toll on the jail and court and prosecution resources.

- **Lack of Parity between Prosecution & Defense counsel Resources** An imbalance in adjudication resources erodes the basic principles of a fair and balanced system and has a deleterious effect on the jail. Plea negotiations become one-sided when prosecutors know that the other side is reluctant to go to trial.

One of the more startling findings from our observation of the adjudication process in Macomb County is the lack of robust adjudication. The system has settled into a 'habit' in which many cases are simply pled to the original charge; and this lack of challenge is compounded by an extremely low trial rate. A review of the 2014 court statistics shows that in 2014, there were 71 jury verdicts and 61 bench verdicts out of a total 22,986 case dispositions, or a trial rate of .57%. The danger is formulaic justice in which due process is compromised.

- **High Dismissal Rate for Domestic Violence Offenses** In District Court, the overall case dismissal rate in District Court is 19%. However, for domestic violence cases the dismissal rate is 51%. This merits discussion.

- **Public Order Offenses Impact the Jail** 35% of persons booked into the jail on a misdemeanor, and 23% of those booked on felony, were charged with a Public Order offense, many of which, are minor nuisance alcohol related offenses.

- **The Terrible Impact of Drugs** Of felony defendants booked into the Macomb County Jail 43% have, as their most serious charge, a Narcotics offense. The impact of drug offenses carries through to court dispositions 48% of felony dispositions in Circuit Court (and 52% of felony dispositions in District Court) are for Narcotic offenses. This has a tremendous impact on the local Jail.

In our Inmate Sample study 35% of the sentenced jail population (those with sentences of 30 days or more) were serving time for a drug crime; 29% had been convicted of Drug Possession, with an average 8 month jail sentence.

- **Significant Mental Health Involvement** In our Inmate Sample study a high percentage of sentenced jail inmates reported serious mental health issues. An astounding 25% had been previously hospitalized for a mental health episode. Of those who had been previously hospitalized, almost 40% scored as low-risk for re-offending, highlighting the potential to divert lower risk, mentally ill individuals out of the jail to a more appropriate setting.

- **Lower Risk Defendants Serving Jail Sentences** The Inmate Sample study showed the real potential to safely reduce demands on the Jail by providing non-jail alternatives for the lower risk offender (24% of the sentenced inmates in Macomb County Jail scored as low or medium risk for reoffending.) Research makes clear that detaining lower-risk persons can actually increase recidivism. We recommend the identification of low risk offenders at the time of sentencing and the expansion of community-based alternatives for this population.

- **Unfulfilled Potential for use of jail alternatives** 67% of inmates serving a jail sentence of 30 days or more were deemed eligible for Community Corrections alternatives, and 73% of those inmates were serving time for a non-violent offense. This demonstrates the significant potential for the use of non-jail alternatives for a large percentage of the jail population. And, while we applaud the District and Circuit Court's commitment to specialty courts (drug court, mental health court, vets court) the capacity of these programs cannot accommodate the many who would, for the sake of public safety, be better served in these programs than simply serving a jail term.

- **Over-Reliance on Jail as a Disposition for Misdemeanor offenses** Sixty-four percent of misdemeanor sentences in District Court were to Jail. Fifty-three percent of misdemeanor sentences in Circuit Court were to Jail. The extent to which non-jail alternatives might be made available to judges for non-violent misdemeanor offenses bears review.

- **High Percentage of Females** While the nation has, over the last ten years, seen a rapid increase in the percentage of females involved in the criminal justice system, percentage female involvement in Macomb County is especially high: females made up roughly one quarter of all bookings into the jail last year.

- **Shortfalls in Jail Treatment & Re-entry Services** Of the Macomb County Jail inmates who were interviewed as part of our Inmate Sample (those serving a sentence of 30 days or more) 63% reported that they were not involved in in-custody programs. Shortfalls in treatment programming within the jail (and the lack of coordinated Re-entry services), represents a missed opportunity to interrupt reoffending.

- **High Number of Offenders Return to Jail** A good test of a systems' effectiveness in protecting public safety is to look at the effects of its interventions. In the case of those sentenced to jail it is fair to ask — *Did they return?* Indeed, in Macomb County, 45% of felony defendants booked into the Macomb County Jail had a prior booking on a misdemeanor offense (20% had 4 or more prior bookings on a misdemeanor). And, 41% of felony defendants had a prior booking on a felony offense. This level of recidivism should challenge the system to think anew about the use of jail alone to reduce reoffending.

Clearly, the system currently in place, in which jail is the sole sanction for too many offenders (62% of sentences inmates noted that they would be exiting jail with continued probation supervision) is not effective in reducing repeat cycling through the system: Inmates serving more than a 30-day jail sentence had an average of 6 prior misdemeanor arrests; one individual had 89 prior misdemeanor arrests.

- **Heavy Reliance on Fees & Fines** A heavy reliance on fees & fines and the historical use of 'Pay-or-Stay' sentences impacts the jail and can produce unequal justice. This is made worse by a system in which district courts derive portions of their court operation funds from these fees. This long-held reliance on fees risks distorting justice and should be ended.

- **Uneven Philosophy Regarding Procedural Justice** The Jail is also impacted by the local justice culture. A focus on 'therapeutic justice' in some quarters of the system was seemingly contradicted by a punitive philosophy in other quarters. The lack of a cohesive philosophy for individuals across the justice continuum can confound reform efforts and undermine offender outcomes.

- **Critical Lack of Jail & Criminal Justice System Data** The lack of reliable and routine data for both the jail and the criminal justice system in Macomb County is a problem that cannot be overstated. Macomb County does

not know what it does not know. As such, significant problems cannot be addressed and any overall vision or coordinated action on criminal justice system reform is hampered. One example of this is the finding that 45% of Misdemeanor cases and 37% of Felony cases in the local system had ‘holds’ from other jurisdictions. This is an important finding. However, without identifying a problem or understanding its ramifications, it cannot be mitigated. This is just one example. This project was frustrated by the inability to collect data that we normally compile. We were unable to report pretrial release rates, pretrial release type or attorney type, to list just a few things. Given the lack of local system data it is not an exaggeration to say that, in many instances, the local system is flying blind.

- **Jail Overcrowding Undermines System Efforts** The Jail is impacted by a lack of ‘one empty bed.’ Jail overcrowding is costly. An inability for judges to deliver swift and certain jail sanctions can undermine community-based rehabilitation efforts and ultimately increase recidivism. The average number of prior bookings among sentenced inmates in the Macomb County Jail may very likely reflect this. Fifty-one percent of misdemeanor defendants booked into the Jail had, a prior misdemeanor booking (11% had 8 or more prior misdemeanor bookings); 33% had a prior felony booking.

- **Antiquated Jail Facility** The Macomb County Jail facility itself is a factor in the discussion about overcrowding. The facility is antiquated and was not designed to support successful offender outcomes. It lacks program space; and the separation of staff and inmates (with security staff monitoring inmates from separate watch towers) can impede the kind of positive interactions between staff and inmates that can contribute to inmate success.

Key Recommendations

This Report includes many recommendations to reduce demands on the Jail and to strengthen the local administration of justice. Key recommendations include the following:

- **Develop a Centralized Intake Facility** A central booking facility serves many goals. The provision of a ready drop-off point for law enforcement officers would allow the closure of separate police agency lock-ups. This not only saves police agencies the cost of holding defendants in temporary custody, but it serves public safety by freeing up more officer time. A centralized booking process will also create a more unified response at the front end of the system; and it provides the mechanism for early screening, stabilization, referral and diversion. Such a process could also yield dividends for the entire system. A centralized booking process also sets the stage for other case processing efficiencies: the early identification

of appropriate diversion (specialty court) cases; the identification of cases appropriate for expedited processing; the coordinated resolution of defendants ‘holds’; and swift and coordinated pretrial release decisions.

- **Establish a Central Arraignment Court for Felony Cases** The goal is to expedite and coordinate felony case processing within a bifurcated court system, one with built-in delays for felony defendants. Instead of waiting for a felony case to be ‘bound-over’ from District Court to Circuit Court for arraignment, felony cases would be immediately directed to a central arraignment court operated by the court of general jurisdiction. The Central Arraignment Court would have a team comprised of a judge, prosecutor, public defender, pre-trial services officer, and a clerk of court. This recommendation should not be seen as a ‘fix’ for a broken system. However, this recommendation comes with strong encouragement for a statewide review of Michigan’s court structure to address the inherent inefficiencies and costs of a system that supports multiple judges in multiple courthouses across a single county. Reforms taken in other states include a unified court system, one in which District Court becomes part of a unified court system with the Circuit Court. Another approach is to consolidate the many district courts into one or two district courts. Both should be explored.

- **Establish a Public Defender Office** It is our recommendation that Macomb establish a public defender office. For a county the size of Macomb it is the most economical, efficient way to deliver services — full time experienced attorneys who are paid the same whether the cases settle or go to trial. There will be a director of the office who can sit at the table with the other stakeholders of the criminal justice system to discuss overall system policy. Such a system is easier to insure parity between the deputy prosecuting attorneys and deputy public defenders. It allows the assignment, or if necessary the re-assignment of cases to the attorney best qualified to handle a specific case. It allows county government to see performance measures of the office’s effectiveness. It is time to make the change to a professional public defender office.

- **Invest in Universal Pretrial Screening and a Full-Service Program** Invest in a full-service Pretrial Program that can provide universal screening for all defendants, offer court data monitoring and pretrial supervision, provide indigent screening, identify diversion candidates, and be part of a team, operating out of the Sheriff’s Office and working with the County Prosecutor, to resolve ‘holds’ at the time of booking, thereby accelerating case processing and reducing the demand on the jail. As part of the development of a full-service Pretrial Services Program adopt a static risk-based pretrial release screening tool (such as one developed by the Arnold Foundation) and move away from a reliance on financial bail.

Establish new Case ‘Hold’ Resolution Process: In over 40-years of analyzing jail populations, we have never seen such a high percentage of inmates in jail with ‘holds’ from other jurisdictions. By practice, cases with ‘holds’ are currently not released until local charges are resolved, at which point the demanding authority from another jurisdiction is contacted to come retrieve the person. This sets up a scenario in which Macomb County may very well invest time and money in the prosecution of a charge that is less consequential than the charge from the other jurisdiction that has instigated the ‘hold’ and/or vice versa. To insure efficiency and effectiveness this we recommend the establishment of a ‘hold’ resolution process with the formation of a team, under the sheriff, that would include a designated sheriff staff person as well as designated staff from the Pretrial progress and the County Prosecutor’s Office.

- **Make a Strong Commitment to Public Defender Resources** Parity of prosecution and defense resources is fundamental to all system reforms and to the cause of swift, equal and balanced justice. We recommend the adoption of the new Michigan Indigent Defense standards, including the presence of defense counsel at first appearance hearings.

- **Remove Money from the Criminal Justice System** Legislatures around the country are trying to fund the criminal justice by having the persons processed by the system pay the cost. The problem is that many of these individuals are in the system because they are struggling to make ends meet. Adding fines, fees, and costs whether to fund the system and/or to provide additional monies to the general fund only creates a vicious cycle of defendants not being able to pay their financial obligations, taken to jail and either time in custody is spent and/or additional financial obligations are incurred. Our goal is to change the behavior of defendants so that they do not return to the system and that is not achieved through this process. The change in behavior that results in the defendant not returning to they system after there are new victims is financial award enough for the system. Elsewhere in this report, we have discussed the problems of relying upon financial considerations for who is to be released from jail prior to trial. The bottom line is that we need to work to remove money from the criminal justice system.

- **Shift to a Public Health Approach for Addicts and the Mentally Ill** The potential to reduce the demand on the jail by expanding the continuum of custody alternatives holds great promise in Macomb County. We recommend the adoption of a public health approach to addiction and mental health issues with the expansion/creation

of strong front-end diversion options for non-violent individuals. The goal should be the screening and swift diversion of individuals through the Centralized Intake Center. Pre-booking diversion programs in Miami-Dade (mental health diversion) and Seattle (The 'LEAD' law enforcement addiction diversion program) should be considered. For those individuals who penetrate the system we recommend a substantial expansion of the local specialty court programs: drug court, mental health court, vets court.

- **Build a Jail Program Continuum & Re-entry Services** Service planning for the sentenced jail inmate should mirror the front-end Centralized Intake process: Risk assessment should guide diversion and program planning; a service team should assist with the creation of individual program/case plans; and a continuum of in-custody to community services should be funded to match the risk and needs levels of its inmates. The highest priority should be on those inmates with the highest risk for reoffending. Our study showed that only half of high-risk inmates in the Macomb County Jail (serving a jail sentence of 30 days or more) had accessed in-custody programming. Individual case plans, based on crime-related factors (addiction, mental illness, etc.) should inform case plans and these plans should span the time in jail and after release. A continuum with risk tiers should be developed.

- **Institute Routine Data Collection** Data collection is not a one-time effort. The data routines that we have worked to put in place in Macomb County need to be instituted to allow on-going data collection and analysis.

- **Create a position of 'Criminal Justice Coordinator'** to oversee on-going system data collection and analysis implement the Criminal Justice Master Plan; and serve as lead staff to the Criminal Justice Planning group.

- **Plan a Jail Step-down Facility** Design and build a Community Corrections Center to transition inmates from custody to the community.

B | Pre-Trial Services

Pre-Trial Services is a crucial component of the criminal justice system. The importance of a fully functioning Pre-Trial Services program cannot be over-emphasized. It has a direct impact on jail usage, system costs, and the success of broad system reform. A fully funded Pretrial Services program provides universal risk-based screening of all defendants booked into the jail. It supports judicial pretrial release decision-making; expands pretrial release option; and offers on-going bail review. Universal Pretrial screening and services is also a key component of fair and equal justice.

Nationally, more than 60 percent of jail beds are occupied by individuals not yet convicted of any crime. To successfully address the Macomb County Jail overcrowding problem, and achieve the goals of fair and equal justice, will require a focus on pretrial detention.

Macomb County data from the Case Processing Sample reveals built in structural delays in felony pretrial release processing: with an average 99.6 days from District Court case filing to Circuit Court Arraignment. This is bold evidence of the terrible costs of non-unified Court system: costs to defendants, in terms of swift justice, and costs to taxpayers and the larger criminal justice system due to unnecessarily limited jail resources.

New research on risk assessment and pretrial practices has helped many jurisdictions significantly reduce their jail populations in a safe and effective manner. A dependence on money bail has resulted in many high-risk individuals being released from jail while low-risk defendants are detained due to lack of funds.

In Macomb County, the pretrial screening of defendants and the presentation of a pretrial report and release recommendation to the judiciary is solely request-based, initiated by individual judges. The lack of universal pretrial screening impacts the jail and undermines goal of equal justice. We recommend the consolidation and expansion of Pretrial Services to allow universal screening and comprehensive Pretrial Services.

Macomb County Pretrial Services has laid the foundation on which to build a full-service program. It has adopted a risk tool and it offers pre-trial supervision.

The Benefits of a Full-Service Pretrial Program

Pre-Trial Services is the gatekeeper for the system. A fully functioning Pre-Trial Services program is essential to the efficiency of the criminal justice system. Pre-Trial Services provides objective information to the courts to guide release decision-making, supervises released defendants, and provides on-going bail review for those persons detained after the initial court appearance.

The benefits of a comprehensive Pre-Trial program are many. We recommend that the County support the development of a full-service program.

A public Pre-Trial Services program advances the principles of equal justice and due process

A publically operated Pre-Trial Services program ensures the use of reliable and objective information for release decision-making; promotes public safety by tailoring release plans; and works to support the notion that financial conditions be used only as a last resort.

“The purpose of the pretrial release decision includes providing due process to the defendant accused of a crime, maintaining the integrity of the judicial process by securing defendants release before trial, and protecting victims, witnesses and the community from threat, danger and interference.” (ABA, Criminal Justice Standards, 2004)

The effectiveness of a pre-trial program is measured by the degree to which it ensures that fundamental pre-trial principles are honored (the presumption of innocence, the use of the least restrictive options, and the presumption toward non-financial conditions) and the extent to which the integrity and neutrality of the pre-adjudication process is maintained.

A Pre-Trial Services program promotes system efficiency

A comprehensive Pre-Trial Services program provides a range of services that help manage and preserve criminal justice resources.

A comprehensive Pre-Trial Services program performs the following tasks:

- Interview all Defendant booked into Jail
- Verify information provided in interview
- Apply objective risk assessment to inform release decisions
- Contact victims for input in cases of violence
- Conduct criminal history checks
- Screen defendants for appointed counsel eligibility
- Identify diversion candidates
- Prepare reports for court
- Staff in court to provide information and track cases
- Support Early Case Resolution Program
- Routine review of Jail population for bail review
- Provide court date notification
- Supervise defendants: conduct drug testing, refer to services, report non-compliance
- Facilitate return to court for defendants who Fail to appear for scheduled hearings
- Collect and analyze program data

A Pre-Trial program supports Jail population management

Policies and practices that affect pre-trial release have a direct impact on jails.

63 percent of jail inmates are in pre-trial status, up from just over half in 1996 (Bureau of Justice Statistics, Jail Inmates at Mid-year, 2014)

In Macomb County an astounding 77% of beds are occupied by defendants in pretrial status (including those with ‘holds’ from other jurisdictions).

A nationwide trend in courts has been an increased use of financial bonds, and this has directly corresponded to an increase in the percentage of jail beds occupied by pre-trial defendants.

As courts have imposed more and more financial bonds, the result has been an increase in jail population. This is because 5 out of 6 felony defendants detained pre-trial were unable to post the financial bond ordered by the court.

Pre-Trial programs offer a systematic, front-end mechanism for managing jail populations. This replaces the ‘back-end’ approach currently in place in Macomb County that depends on the forced release of inmates to manage the population when it nears or exceeds capacity. This is not the way to manage a jail. Pre-Trial programs help forestall jail overcrowding through a risk-based approach that reduces the need to resort to emergency releases.

Jurisdictions with comprehensive Pre-Trial Service programs are less likely to have an over-crowded jail.

Without structured, front-end approaches to jail management, small shifts in system policies or practices can undo any short-term gains. The way to sustain progress for the long run is by establishing a comprehensive Pre-Trial program.

National data indicate that defendants released from jail on a forced (citation) release are more than two times as likely to have a bench warrant issued because of a failure to appear in court, than those released with pre-trial conditions and supervision.¹

The goal of a full-service Pre-Trial Program is to prevent these types of release, replaced by a system that allows early release decisions and follow-up monitoring, tracking and supervision.

¹ “Pretrial Release of Felony Defendants, 1992”, Bureau of Justice Statistics U.S. Dept. of Justice, Nov. 1994

Pre-Trial programs promote public safety: Reduce Re-arrests

National data indicate that re-arrest rates for defendants released from jail to Pre-Trial supervision are significantly lower than those released on either deposit bonds or through a forced release.

The Macomb County Case Processing Sample study revealed a 19% pretrial re-arrest rate for defendants released through Circuit Court.

The bail bondsman is focused on securing the appearance of the defendant in court in order to not lose their bond, not on public safety: if the defendant is re-arrested the bondsman does not lose the bond –and the new arrest provides another business opportunity for the defendant to post another bond to secure release. In contrast, a person released to Pre-Trial supervision is monitored through drug tests, office visits, and supervised according to an individualized plan designed to reduce failure-to-appear and protect the public.

The national re-arrest rate for supervised defendants is almost half that of forced releases.²

A full-service Pre-Trial Services Program supervises defendants based on a validated risk assessment. The pre-trial risk assessment structures the frequency of contact and helps inform the setting of conditions. Not only is this assessment vital for public safety considerations, but:

National data indicate that Pre-Trial programs that rely exclusively on subjective determinations of risk are more than twice as likely to have a jail that exceeds its capacity than those that rely exclusively on an objective risk assessment.³

Pre-Trial programs Minimize Failures-to-Appear

Failures-to-appear are costly to the system. The cost to the system can be measured in a number of ways: in expended staff time, in the issuance and enforcement of warrants, and in jail days to respond to violations.

The Macomb County Case Processing Sample study revealed a 16% felony Failure-to-Appear rate for defendants released from Circuit Court.

Pre-Trial Programs contribute to reductions in FTA's through systematic case monitoring: providing court date notification, and working to return FTA cases to court without the issuance of a bench warrant.

² "Pretrial Release of Felony Defendants, 1992", BJS, U.S. Dept. of Justice, Nov. 1994

³ Clark, John and D. Alan Henry, "Pretrial Services Programming at the Start of the 21st Century: A Survey of Pretrial Services Programs," BJA, July 2003

- **Make Pretrial Risk Assessment Universal across Courts in Macomb County**

In Macomb County whether a defendant gets assessed for pretrial release depends on which court he/she comes through. While the County does have a Pretrial Services program, at this time it is serving only four out of nine District Courts (Warren District Court 37, Roseville District Ct. 39, Clinton Township 40, and District Court 41-A) as well as individual judges who call upon them to request assessments. Taken together, the Pretrial program is assessing only about 10 percent of all defendants who are arraigned.

Individual judges who use Pretrial Services may limit their involvement with particular types of cases. For example, one judge asks for pretrial input only for drug cases. This process creates a system of ad-hoc justice, with the information available to a judge depends on which court defendants happen to find themselves in.

The lack of universal pretrial assessment further exacerbates an already fragmented system of pretrial justice. The lack of universal pretrial services also contributes to unnecessary delays in the pretrial release of defendants, which also comes with a real cost to Macomb County in terms of jail crowding.

A pretrial assessment should be universally available to all defendants, instead of an ad hoc process based on the interest of individual Court or judges. The program should be scaled up to serve all defendants at the first court appearance. Currently, in Macomb County, those few defendants who are assessed by the County Pretrial program are not seen until approximately one week after District Court Arraignment. All defendants should be screened before their first appearance.

- **Adopt the Arnold Foundation pretrial risk assessment (PSA-Court)**

The risk tool that has been in use by the Macomb County Pretrial program was recently found to lack significance in predicting defendant outcomes when assessed as part of a cross-county validation study. Modifications have been made since that time, and future validation would be needed to confirm the validity of these changes; but the availability of the new PSA-Court risk tool which was validated on a large scale across states, provides a new gold standard.

A landmark study by the Arnold Foundation provides valuable confirmation of the importance of pre-trial risk tools and formal pre-trial supervision. Highlights follow:

Arnold Foundation Pre-Trial Study (2013)

- **Pre-Trial Services supervision was shown to significantly reduce the likelihood of a failure-to-appear (FTA). The positive impact of supervision was most pronounced for higher risk defendants.**
- **Higher risk defendants who were released to pretrial supervision had a 42% lower FTA rate compared to higher risk defendants who were released from custody but not supervised. This held true after controlling for age, race, gender, risk score, and other variables.**
- **Pre-Trial supervision was proven effective in lowering failure-to-appear (FTA) rates. Pre-trial supervision of any length was shown to be effective.**

- **Provide Universal Indigency Screening** Once universal pretrial assessments are in place, pretrial staff is in a good position to add universal indigency screening for purposes of defense counsel assignment. Universal pretrial assessments and indigent screening are vital to ensure fair and equal treatment for all defendants, to support swift assignment of counsel, and to help inform decision-making by the courts.

- **Assess all Felony Cases at the time of bind-over from District Court** Absent a Felony Arraignment docket at the front-end (we recommend this in the next section) we recommend that all cases be screened at the District Court level and then again at bind-over to Circuit Court. At this time there is no universal pretrial assessment at the point of remand; it only occurs on a case-by-case basis.

- **Institute Routine Bail Review** Any defendant denied bail and still detained after 14-days should be reviewed by pretrial staff and brought back for review. The process of review should be a dynamic process with continual assessment of the conditions which might, if met, (such as a change in residence, return to work, urinalysis testing, etc.) allow release consideration.

- **Work with the Courts to develop a uniform Pretrial Recommendation form** At this time some of the judges who do work with the Pretrial program do not want recommendations regarding pretrial detention/release (and conditions of release, if so recommended), they only want charge and background information about the defendant. Other judges welcome the pretrial staff recommendations, although their decisions might not always reflect those recommendations.

“ Of those district court judges who receive our pretrial recommendation I would say that about half of the time the recommendation is actually followed. ”

Pretrial staff

“ I would estimate that we [Pretrial staff] recommend for pretrial release three-quarters of the time, but actual judicial releases are more in the 30-40 percent range. ”

Pretrial staff

Independent of the interest or needs of particular judges all information and recommendations should be presented in a uniform format. This information should include the pretrial risk score, full criminal history, criminal justice status (whether on probation/parole, for example), etc. Recommendations should be based on the risk score and inform the recommendations for setting release conditions.

Clearly, as the program moves towards a universal format it also needs to engage in a system-wide discussion with judges to discuss how information is presented and applied.

- **Provide a Pretrial staff presence in Court** Not only should Pretrial Services staff provide reports for each defendant coming before the court for bail review, but Pretrial staff should be present to answer questions or to respond to judicial requests for additional information.

- **Distribute Pretrial Assessment report to Prosecution, Defense and the Court** At this time, Pretrial program staff does not provide a copy of defendant assessment reports and recommendations directly to prosecution and defense, only to the court. They cite the difficulty in determining which prosecutor and defense counsel are working a particular case. This problem should be reviewed and a remedy found. The provision of pretrial reports to all members of the prosecution team as well as to the judiciary is fundamental to the proper working of the program.

- **Start the Identification of Diversion Candidates at the Pretrial Assessment phase** Pre-Trial Programs serve another important role in the immediate identification of possible candidates for drug court, mental health court, and any other diversion options. This serves to both broaden the pool considered for these important programs as well as to shorten the time to program entry.

Importantly, time to program entry has been shown to be a predictor of positive program outcome.

Without a universal, front-end screening process, the identification of potential diversion clients is a made more challenging. Pre-trial screening consolidates what is, in many jurisdictions, a fragmented approach to identifying diversion clients.

The pre-trial screening also provides an opportunity to flag underlying issues that merit further assessment, such as mental health issues or repeated entry into the jail. Pre-Trial screening can serve as the referral point for individuals in need of clinical mental health assessments and referral services.

This front-end screening becomes all the more important with the passage of the Affordable Care Act. The new law broadens access to medical, mental health and substance use disorder treatment by expanding eligibility to Medicaid and providing Marketplace insurance for those who enroll. Since 65% of all adults in the U.S. Corrections system meet medical criteria for drug and or alcohol use disorders it is very important that jail booking be a portal through which this population is linked to ACA coverage. Enrolling pre-trial defendants in coverage and facilitating access to treatment will result in decreased criminal activity and cost savings to tax payer. All Pre-Trial Service programs should develop plans for screening and enrolling defendants in Medicaid and Marketplace plans.

Macomb County Pretrial staff is in a position to identify defendants who meet broad eligibility criteria for specialty courts or other diversion or deferred prosecution programs. (Pretrial staff does attempt to identify Veterans in support of diversion.) A full-service program would support the goal of early identification and entry of individuals into these programs, saving system resources and reducing the impact on the jail, and improving offender outcomes. (We were informed that it can take 3-4 weeks for District Court cases to make it to the point of consideration for Circuit Court drug court.)

- **Ensure a strong presumption of Non-Financial release**

“ Who is the pretrial population in Macomb County jail? The main situation is that they are here because they are poor. We keep more poor people [in jail in pretrial status] than serious criminals. The problem is that it comes down to money. Also, law enforcement is setting really high bonds. Here is a possession case, less than 25 grams, and the bond is set at \$200,000. Who can get out except a person with money? ”

Pretrial specialist, Macomb County Pre-Trial Services program

Pretrial staff should not recommend financial bond. The current practice is to recommend financial bonds for defendants who score as high risk. However, this provides a false sense of security. Research shows that there is no relationship between the posting of a bond and pretrial success.

- **Expand Pretrial Supervision Resources** A full-services Pretrial Services program not only provides universal assessment, indigency screening, and bail review, it must have the resources necessary to provide monitoring, tracking and supervision to the higher risk defendant released to the community pending trial. The cost of this and other suggested reforms should be explored.

Strengthen System Support of Pretrial Services

- **Address System Problem of Information Tracking and Quality** Pretrial staff struggles not only to identify which attorneys are assigned to a case but, once Pretrial issues an assessment report, they are not readily able to determine if the report actually made it to court. This needs a solution.

There is also a need to improve the accuracy of criminal history databases. It was noted that these databases are riddled with errors. This lack of accurate and reliable data can impede fair and responsible decision-making.

- **Move toward a New Norm that makes Defense Counsel present at Arraignment and all Bail Review hearings**

Pretrial justice depends upon robust representation from the start. The participation of defense counsel in the bail and release decision (and the plea) is crucial to front-end justice. This should be explored as part of a comprehensive Indigent Defense reform.

- **Develop Sanction Guidelines with the Courts for Pretrial Release Non-Compliance**

“ In most cases nothing happens if there is non-compliance [by a defendant released on pretrial supervision]. We report it to the court but rarely see a bond revoked for non-compliance; maybe once every 3 months we will see a revocation. ”

Pretrial specialist, Macomb County Pre-Trial Services program

Program integrity depends upon consistent responses from the court to defendant non-compliance. The adoption of sanction guidelines can help move the system to a more consistent response. At the time of release, Pretrial staff and court personnel should be able to speak in one voice in communicating to the defendant the consequences of violating any conditions of release, and there must be certainty in follow-through.

- **Tighten coordination between Victim Services in Prosecutor’s office**

In domestic violence cases the judge should, at first hearing, be presented with a report that includes pretrial risk information on all defendants

“ People will often take a plea just to get out [of jail]. ”

*Pretrial specialist,
Macomb County Pre-Trial Services program*

“ When nothing happens in response to violations [of pretrial release] we feel that we are spinning our wheels. ”

*Pretrial specialist,
Macomb County Pre-Trial Services program*

and victim input. This is critical to making release decisions. Timely and complete pretrial assessments also serve the goal of expeditious and thorough adjudication. We were informed that many domestic violence cases are dismissed at the next hearing and that many defendants are released ‘time served.’ The pretrial report, with its inclusion of criminal history and other factors, can enhance early decision making.

- **Reconsider the Court’s use of UA testing as a blanket condition for pretrial release** The current practice is to use urinalysis testing for those individuals who indicate in their pretrial assessment that they have a problem with alcohol or drugs. However, the recent research from the Arnold Foundation did not demonstrate a significant relationship between the use of these substances and pretrial failure. This is consistent with research for post-adjudication risk assessment where the use of drugs and alcohol are, for many offenders, more of an exacerbating factor to crime than a causal factor (with the exception of driving under the influence cases).

- **Limit the Court’s use of Treatment-related Pretrial Release Conditions**

A defendant released to pretrial supervision has not yet been convicted of a crime. As such, the practice of mandating treatment as a condition of release should be used sparingly, and only when no other conditions will serve to ensure the defendant’s return to court without commission of a new crime. The practice of mandating a defendant’s to Community Corrections programs during the period of pretrial release merits review.

The use of dual diagnosis treatment, outpatient and intensive treatment (ISP treatment) for some defendants is justified in part as a way for the defendant to demonstrate compliance in order to positively affect sentencing. A distinction needs to be made between deferred prosecution and diversion programs and pretrial treatment mandates. That said, there is a rationale for providing community-based stabilization services for mentally ill defendants released prior to trial. The use of housing and other support services has proven effective in realizing pretrial compliance for individuals with serious mental illness.

- **Discontinue Court practice of Dual Supervision: Defendants reporting to both County Pretrial Services program and to a Commercial Bail Bondsman**

This practice violates National Association of Pretrial Services Association (NAPSA) standard 1.4g. It sets defendants up for failure by requiring that they report to two different entities and it binds the public pretrial operations to a for-profit business recommended for abolition by the American Bar Association.

“ There are cases where a defendant is charged with a felony and put into a residential or outpatient treatment program before conviction. ”

*Pretrial specialist,
Macomb County Pre-Trial Services program*

- **Reconsider use of For-Profit Sureties**

The American Bar Association (ABA) and the National Association of Pre-Trial Service Agencies (NAPSA) have both called for the abolition of compensated sureties. The American Bar Association standards state, “*A system of public prosecution ought not to depend upon private individuals using personal means to bring defendants before criminal courts.*” (ABA Criminal Justice Standards, Chapter 10, Pretrial Release, 1985. pp. 114-115).

The National District Attorney’s Association Standard 45.6 (a and b) states, “Money bail should be set only when it is found that no other conditions of release will reasonable assure the defendant’s appearance in court. Money bail should not be set to punish the defendant or to placate public opinion.

Attempts at reform have long been under discussion. This is not a new issue: In the late 1960’s Attorney General Robert Kennedy called for reform in the use of money bail, which resulted in the Bail Reform Act (which makes financial release the last resort after all other release conditions have been considered). Nor is this an issue that has escaped the attention of major advocacy groups: The American Bar Association has long called for the abolition of the compensated surety system. Four states and almost the entire federal district court have already done so.

Reliance on financial pre-trial release conditions, coupled with the use of for-profit compensated sureties, can result in unequal treatment for poor defendants. Financial criteria should not result in pre-trial detention.

Inmates in pre-trial status have not all been disqualified for release. Some remain in jail because they are awaiting a pre-trial interview ordered by the judge; others wait placement in a diversion program; and, then there are those who remain in jail unable to post bond. Oftentimes those who remain in jail are there only because they cannot afford to post a bond, and are not necessarily defendants with serious charges or high bond amounts. Oftentimes the sex offender with a high bond is more likely to have the financial resources to post a bond than the lower risk property offender with a low bond.

Across the county, jails hold low-risk pre-trial defendants who cannot afford to pay bail; and cannot attract a bondsman because of the small profit yielded on a low bond. The danger in a system that depends on a for-profit business to approve and effect releases from jail is that inmates who pose a low criminal risk, but a high financial risk, are often the most likely to remain detained.

A recent study in New York City showed that 42 percent of those who had bail set by a judge remained in custody until their case disposition. Of those who remained incarcerated prior to trial, many had low bails: more than one-third of those with a bail between \$500 and \$1,000 could not afford to post it. ⁴ For the lack of a few hundred dollars many defendants remain detained through the pre-trial period.

Importantly, the effects of this injustice are compounded. Research shows that defendants who remain in custody receive harsher sentences than those released pending disposition.

When the release decision is given to the bail bondsman, by refusing to write a bail bond – to accept a client – the bail bondsman is in effect overriding a judicial decision. This compromises the integrity of the system, and results in the disproportionate detention of the poor, the mentally ill, and others who cannot afford to purchase their release.

Nationally, the percentage of felony pre-trial releases that include financial conditions has climbed from 37 percent to 61 percent over the last several years. And this has contributed to an increase in the percentage of jail populations made up of pre-trial defendants, now over 60% .

We recommend that Macomb County reduce the reliance on for-profit compensated sureties; shift from a bail schedule to a risk tool to guide pretrial conditions; and work toward a full-service Pre-Trial Services program.

- **Create a Statewide Agency in Michigan for Pretrial Coordination** A state level agency for Pretrial Services would help move Michigan toward a more professional, coordinated, and standardized delivery of services. A state Pretrial Agency would be responsible for:

- Statewide data collection
- Establishing uniform guidelines/standards for Pretrial practices
- Recommending adoption of a common risk assessment tool
- Assist Legislators with review of State Code regarding Pretrial, including: eligibility for citation release; eligibility for pretrial release; use of Preventive Detention; etc.

⁴ From “The Pretrial Reporter”, Volume XXXIII, No. 5, Oct-Dec. 2007.

Create an Information Management System

Macomb County is severely challenged by the lack of justice system data. The lack of system-wide data compromises system level reform. This project, to design a system Master Plan, was premised on the collection of case processing data, both to identify and quantify areas in need of improvement, and to establish baseline data to chart future progress. This data was not forthcoming. However, the struggle to collect the data has resulted in a cadre of staff who are now informed as to the data collection necessary for comprehensive and continuous system assessment. The County should seize this moment to take the steps necessary to develop the data platform to make case processing, jail snapshot, and other system reports available on a routine basis. Only then will the system players be able to make informed decisions about system improvements and jail management.

The collection of criminal justice system data in Macomb County is made more difficult by the fragmented court structure, but it also suffers from a lack of computer interfaces within systems (the Courts can't interface with the jail, for example); from antiquated information exchange ('bind-over' information is still e-mailed and faxed from one court to another); and the terrible inefficiency of data re-keying due to data silos (the same data can be re-keyed 5-6 times as it is entered into separate data systems belonging to police, prosecutor, district court, circuit court, etc.).

In addition to the presence of the above issues, the problem is exacerbated by the lack of recognition of the importance of this type of data. Business understands these issues. It is the reason why virtually all of Delta Airline flights are always full. They have good analytics and they know how to maximize its available resources. We need the same analytics to run the criminal justice system. How are our scarce jail beds being used? Where are the inefficiencies in the processing of defendants? Where are the delays occurring? Which programs are successful and need to be expanded and which reduced or eliminated?

The information systems need to be designed with the above ideas in mind and not as just a glorified card file. There needs to be the absolute ability to track cases from jail to district court to circuit court and into the programs. That does not exist today and as a consequence our inmate sample was severely compromised. We were not able to track many of the cases from one system to another. We were not able to determine how all of the inmates were released from custody. We were not able to determine whether the defendant retained or was appointed an attorney. Missing this data and more, we were not able to provide the importance cross tabulations to tell us about defendant processing.

- **Better Coordinate District and Circuit Court**

The court structure in Michigan hampers reform. The lack of a unified court system creates a fragmented system of justice that is costly, inefficient and unequal.

In Michigan, judges, whose salaries are paid by the State, hold court in Municipal facilities. The arrangement creates structural issues when it comes to trying to achieve cohesive justice system reform. The dispersal of judges across municipalities has likely resulted in higher costs (more judges than would be needed in a centralized system), and runs the risk of creating a judicial process that is beholden to the municipal financial needs. This, coupled with the lack of any centralized judicial structure, in which District and Circuit courts operate under separate authorities, frustrates reform efforts.

The bifurcated district and circuit court model frustrates expeditious case resolution, challenges coordinated case management, and contributes to jail overcrowding. The locally-grounded and fragmented judicial structure in Michigan is an impediment to coordinated reform and should be reviewed.

In an ideal world the State would establish a Task Force to consider a structural reform to unify district and circuit courts under a single Chief Judge; or, to consolidate individual district courts into a unified district court. In the absence of this we recommend some non-structural reforms: a more uniform approach to sentencing conditions (such as jail-based treatment) and risk-based jail diversion (based on an identification of the low-risk or mentally challenged offender); the development of common disposition forms; and better coordination of case management for those offenders with both felony and misdemeanor charges. Arranging a joint District Court/Circuit Court symposium bail and release and another one on evidence-based sentencing would be good initial steps to exploring this issue.

- **Establish Process to Expedite Felony Case Processing: Felony Arraignment Court**

The fragmented judicial structure in Michigan is an impediment to coordinated reform and should be reviewed at the state level. In Michigan, judges, whose salaries are paid by the State, hold court in Municipal facilities. This arrangement frustrates cohesive justice system reform. The dispersal of judges across municipalities has likely resulted in higher costs (more judges than would be needed in a centralized system), a greater impact on the jail, and an over-reliance on fees and fines for courts whose financial solvency requires fee collection. The impact on the jail cannot be minimized.

For those individuals charged with a felony offense, the average time from District Court filing to Circuit Court filing is 80.2 days (Macomb Case Processing Sample)

A bifurcated District and Circuit Court system creates a built-in delay for felony defendants whose cases cannot be resolved at the lower court level. It was reported that the time from District Court arraignment to Pretrial review can take 4 weeks, and the time from Pretrial review to Sentencing can take 6 weeks. This is unnecessary.

The average time from Booking to Circuit Court disposition for felony cases is 313.6 days. (Macomb Case Processing Sample)

The ideal recommendation would be to replicate what is happening in New Hampshire. The court structure in Michigan is similar to New Hampshire. New Hampshire is in the process of rolling out county-by-county the filing of felony cases directly in the court of general jurisdiction (superior court). The right to a preliminary hearing is preserved but will be in front of the superior court. The above data documents the delays that would either be eliminated (district court filing to circuit court filing) or greatly reduced (overall case processing times).

While Macomb County cannot be expected to fix the broken system we recommend that steps be taken to improve case processing efficiency within the existing structure by the establishment of a Felony Arraignment Court at the front-end. The goal is to allow felony pleas to be taken at District Court first appearance hearings along with the determination of the Circuit Court judge who will be assigned the case. This would support the principle of swift justice while helping to reduce unnecessary jail detention. A fragmented court system negatively impacts the jail, frustrates the goal of swift justice, and can increase defendant failure.

While filing felony cases directly in circuit court would be a preferred structural reform for achieving swift justice, the establishment of a Felony Arraignment Court represents a procedural reform to bring efficiency to a badly fractured process. This reform is crucial to all other reforms.

As such, we recommend that when the County receives the anticipated additional judicial positions (2 new positions in 2017 and one additional position in 2019) some judicial resources be dedicated to this front-end reform.

- **Create a level playing field for Prosecution and Defense**

This reform should go hand-in-hand with serious efforts to achieve parity between prosecution and defense counsel resources. An imbalance in adjudication resources erodes the basic principles of a fair and balanced system and has a deleterious effect on the jail. Plea negotiations become one-sided when prosecutors know that the other side will not go to trial.

“ We have learned that if we can get to the defendant sooner (before arraignment), that the rate of judicial acceptance of the Pretrial recommendation is higher, and the rate of defendant compliance [while on pretrial release] is better. ”

*Barb Caskey,
Director, Macomb
County Community
Corrections*

One of the more startling findings from our observation of the adjudication process in Macomb County is the lack of robust adjudication. The system has settled into a ‘habit’ in which many cases are simply pled to the original charge; and this lack of challenge is compounded by an extremely low trial rate. A review of the 2014 court statistics shows that in 2014, there were 71 jury verdicts and 61 bench verdicts out of a total 22,986 case dispositions, or a trial rate of .57%. The danger is formulaic justice in which due process is compromised.

These practices, in any jurisdiction, raise questions about parity between prosecution and defense. Adjudication practices that are unbalanced can reflect a distorted relationship between prosecution and defense such as unequal adjudication resources and/or perverse financial incentives.

In Macomb County Defense reimbursement practices actually provide no incentive for taking a case to trial — and may actually provide a disincentive to do so. The compensation structure for court appointed attorneys provides for a \$250 daily trial rate for non-capital cases and \$350 a day for capital cases — *the same amount paid in 1977*. When examining the very limited use of plea negotiations, a higher trial rate would be expected. Does the low compensation rate for appointed counsel have anything to do with the low trial rate??

The impact on the Jail of limited use of plea negotiations and low trial rates is very real and can disrupt the very foundation of the Justice System.

This should be reviewed and rectified as part of an overall reform of Defense practices and funding. We have already recommended that the County participate in a pilot project on Indigent Defense reform to allow it to get a jump-start on this crucial issue; to help shape the State’s direction; and to work toward making Macomb County a model that other counties can emulate.

The Michigan Supreme Court has set a process in motion to address the integrity of the adjudication process with a focus on Indigent defense practices. The formation of the Michigan Indigent Defense Commission, followed by the recent approval of minimum standards for the delivery of indigent criminal defense services, helps advance this issue. Macomb County should embrace these reforms, starting with the new standard for counsel to be present at the first court appearance.

It would also be advantageous to have someone from the defense bar to represent defense counsel; in counties with a public defender it is that person (most jurisdictions Macomb County’s size or larger have a public defender).

- **Establish a Public Defender Officer**

The Michigan Indigent Defense Commission is examining different models for the delivery of services. We have worked with all different types of systems, from private non-profit corporations that provide public defense; private law-firms from which the lowest bid is selected to provide the services; government agencies that function as a law office; even to the Florida model, where the public defender is elected; and of course systems like the one in Macomb County that pay appointed counsel. We have worked with systems which have grown, but kept the appointed counsel system so as to allow for a number of attorneys to be able to supplement their private practices with public defense work.

It is our recommendation that Macomb establish a public defender office. For a county the size of Macomb it is the most economical, efficient way to deliver services—full time experienced attorneys who are paid the same whether the cases settle or go to trial. There would be a director of the office who can sit at the table with the other stakeholders of the criminal justice system to discuss overall system policy. Such a system makes it easier to ensure parity between the deputy prosecuting attorneys and deputy public defenders. It allows the assignment, or if necessary the re-assignment of cases, to the attorney best qualified to handle a specific case. It allows county government to see performance measures of the office's effectiveness.

It is time to make the change to a professional public defender office.

Strengthen Pre-Sentence Investigation

- **Consider Presentation of Offender Risk Information to Judge** This year MDOC began conducting risk & needs assessments (using COMPASS risk assessment tool) in all pre-sentence investigations. The information on offender risk (the likelihood of committing another offense) does not however, factor into the recommendations given to the judge at the time of sentencing. Instead, offender risk information informs supervision levels. This merits review. Increasingly, courts are considering how best to use offender risk information, at both the pretrial stage and at sentencing.

Risk assessment information can enhance decision-making by the courts when used in a manner that is limited, is only one factor under consideration, and recognizes the inherent limitation of applying actuarial data to individual cases. We suggest that an appropriate use of risk assessment information at sentencing is to inform the judge if the person has been assessed as 'low risk.' Given data that shows that incarcerating low-risk offenders can actually increase recidivism, the ability to identify these cases allows judges to consider a community-based sanction or sentence for these persons.

This discussion should take part within a broader context of the value of a PSI to the sentencing judge. We were informed by some court staff that some judges rely on the PSI principally for the sentencing guideline information and pay scant attention to other elements. While the PSI is valuable as a supervision and case management guide, given the time it takes to complete (and the fact that many individuals wait in jail between case resolution and sentencing) judicial feedback is paramount.

- **Expedite Presentence Investigation (PSI) process** A PSI for an in-custody case can take 3-5 weeks; an out-of-custody case can take 4-7 weeks. In a system where felony case processing is already extended by a bifurcated court system (district and circuit courts) it becomes all the more important to expedite the PSI process. Shortening the time for PSI completion would advance the cause of speed justice and reduce jail costs. A conversation between MDOC and the County is recommended to consider how to shorten this period.

- **Collect data regarding degree to extent to which Judges agree with PSI Recommendations** Data about the sentencing decision, and how closely it conforms to the PSI recommendation, would be of value for purposes of better understanding how the PSI is formed (when is treatment recommended? How do Sentencing Guidelines limit or shape the PSI recommendations?) and for discussing and suggested modifications.

- **Provide more Information about Mentally Ill at time of Sentencing** In the Presentence report a mental health need is noted by circling a note that a “mental health assessment is needed.” But, given the importance of an early identification of mental health needs, access to the Community Mental Health information would be valuable. This should be part of a broader discussion about information sharing and access.

- **Consolidate supervision for Persons with both Felony and Misdemeanor cases** We were told that it is common for probationers to have both Felony and Misdemeanor probation agents. And, while some District Court judges will allow the probationer to report to MDOC, there is no standardized practice. This redundancy not only represents a waste of resources but it easily set offenders up for failure.

- **Ensure Quick Identification of all Low-Risk Persons for Diversion**

Defendants who are low-risk for recidivism should be identified and considered for diversion at the time of sentencing.

- **End ‘Pay for Stay’ Sentences**

The detention of individuals for failure to pay a fine or fee, if unable to afford the monetary penalty, has been deemed unconstitutional by the nation’s highest court. The Michigan Supreme Court has recently ruled that the practice must be tied to a financial assessment of a person’s ability to pay. This is important; however, an over-reliance on fees and fines can still have a disproportionate impact on the poor; and the collection of fees and fines can result in less money available for restitution or for family support. As a start, the reform of this practice should start with the following steps:

- Universal indigent screening
- Assignment of Defense Counsel to all Hearings
- Expansion of alternative- to-jail sanctions for criminal non-payment (including Community Services and Work Release)

- **End Court Reliance on Offender Fees to Support Courthouse Operations**

We were informed that the system depends upon upfront fees & fines to “pay the building.” The courts’ dependence on offender-based revenue to support courthouses and fund operations risks warping justice.

A system in which the judge must assume a central role in fee extraction turns court proceedings into cash register justice.

We observed a troubling example of this in one court where a judge turned the fee collection portion of sentencing into a financial fishing expedition, asking a defendant ‘how much money do you have in your pockets?’ When the defendant indicated that he did not have enough to pay the fee, the judge then asked the woman who had accompanied him to court if she wanted her fiancé to be able to go home that evening, did she have any money to contribute to go toward the offender’s fee obligation.

Courts should not function as cash registers for the maintenance of their offices, the municipality, and their staff. This is an issue for statewide review. [see: *Conference of State Court Administrators (COSCA), 2015-2016 Policy Paper, “The end of debtors’ prison: Effective court policies for successful compliance with legal financial obligations.”* Available online at: <http://cosca.ncsc.org>.]

- **Expand Alternatives for Non-Payment of Fees**

Community-based alternatives should be available to judges for all non-payment of fees & fines. In some jurisdictions a special Community Court

“ We very much operate in silos in this County. ”

*Barb Caskey,
Former Director,
Macomb County
Community
Corrections*

“ Addiction does not discriminate. But I’ve seen people succeed in Drug Court. I feel like I’m part of something that can really help people. ”

*Melissa Handlon,
MDOC Probation agent,
Drug Court caseload*

is established to handle all low-level charges and non-payment cases. The advantage of this is the uniform and quick resolution of low-risk cases and the coordinated placement of cases into jail alternatives. While the bifurcated District/Circuit Court structure in Macomb County complicates this, it could be considered.

A more accessible option would be to expand the use of community-based alternatives that could be accessed by all courts. District Court’s 41-A Community Service program used by the Drug Court program, and the ‘Macomb Alternative for Real Community Help’ (MARCH program) which organizes community service placements to community non-profits and Macomb County agencies should be expanded to meet the need.

- **Develop Universal Case Disposition form**

There is no standardized form for judges to use to make requests for offender assessments or to sentence to Community Corrections alternatives to jail — or to jail programs. Some judges have developed their own stamp to indicate placement in Community Corrections programs or jail programs. We heard that the development of a universal disposition form has been a subject of discussion for years.

Last year, the Macomb County Community Corrections Program placed approximately 500 persons in residential treatment, 100 in mental health diversion, provided alcohol-specific services for almost 70 OUIL-3rd cases, and oversaw the successful completion of Cognitive Restructuring program for 239 individuals.

This discussion would be beneficial, in the context of a broader conversation about judicial philosophy in the referral to substance abuse/mental health assessments, the use of jail programs (and the use of successful completion of jail programs to trigger jail release), the use of Community Corrections alternatives — including the Mental Health Jail Release program. We are told that judicial practices are broadly divergent when it comes to the use of alternative interventions.

D | Drug Court & Other Specialty Courts

Macomb County Circuit Courts have made an exceptional commitment to specialty courts. It has established well-designed Drug Court, Mental Health Court, and Veteran’s Court programs that are making differences in the lives of participants. The programs are targeting higher risk offenders (all drug court participants fall into the ‘straddle cell’s on sentencing guidelines and thus would be prison bound),

“ The face of addiction here [in Macomb County] is not your inner city kid. In Drug Court we have youth from good homes. ”

*Macomb County
Drug Court staff*

“ I treat all in the drug court program with respect. This gets the best results. They know that they can call me anytime if they feel like using. ”

*Melissa Handlon,
MDOC Probation agent,
Drug Court caseload*

and are judiciously using jail as a sanction for program non-compliance — after first imposing non-jail sanctions.

The Veteran’s Court is doing a good job trying to identify possible candidates at Jail Intake and has strong program teams. The Veteran’s Court is employing evidence-based practices, such as mentors.

Overall, the Macomb County specialty courts make good use of program phases and program length, and have designed a process that takes advantage of local services (individuals who are screened but found not eligible for Veteran’s Court are referred to Community Corrections to be assessed for other service eligibility; those found not eligible for Mental Health Court are referred to Community Mental Health for consideration for alternate program placement.)

The Macomb County Drug Court program does a good job of responding to participant relapses by responding swiftly and getting the person immediately back in court and then assigned to residential treatment, if need be. The fact that residential treatment is readily available, with fairly minimal waits of up to one week is something not all drug court programs have, and is essential to success. This, in addition, to the 1-2 year follow-up for program participants makes for a program geared to produce positive change.

In addition, the County specialty courts have valuable ancillary services for participants, including access to ‘three-quarter housing’ for those in Mental Health court: independent living at low cost in a small-scale living arrangement with an in-house manager, with no time-limit on one’s stay.

We were tremendously impressed by the staff on all the specialty court teams. One needs look no further to find the kind of innovation and optimism often lacking in justice systems.

We were pleased to learn that Drug Court programs are in operation in several District Courts (16th and 37th and 41-A, among them). We visited the District Court 41-A Drug Court program. This appears to be a strong program that focuses on high risk/high needs individuals. (This is critical for realizing the greatest benefit as research shows that it is this population that is responsible for most of the reported recidivism reduction in drug court programs.) The program will take domestic violence cases on a case-by-case basis; has added a law enforcement officer to its drug court team; uses Vivitrol for opioid addiction.; and has adopted a full range of therapeutic strategies including: acupuncture, group counseling, couples counseling, and also incorporates recreational outings to teach lessons about living a balanced life. It also makes judicious use of jail sanctions relying on a graduated continuum of jail sanctions of: 1-2 days/5-10 days/10-15 days.

“ We are missing lots of cases; as a system we need to do a better job of flagging these cases. ”

*Regina Williams,
MDOC Probation
agent, Mental Health
caseload*

This is commendable. But these programs are constrained by a lack of judicial resources. Programs this important should not depend on judges using their lunch times to run a specialty court docket. The lack of sufficient judicial resources hampers the expansion of these specialty court programs.

The Macomb County Drug Court program has a capacity for 50 persons and had 40 active participants when we visited.

These programs deserve full support and should be expanded. A jurisdiction of this size could easily serve 3-4 times the number of drug court participants it currently does. This would require the dedication of judicial resource. In order to expand, the specialty court programs in Macomb County need dedicated judges who do not have a trial docket.

An expansion of specialty courts should be viewed as a basic jail management strategy.

Circuit Court Specialty Courts

Based on our conversations with local officials and program staff we recommend the following ideas to strengthen the County specialty courts:

- **Provide universal screening for eligibility for Drug Court and Mental Health Court and expedite entry** This can be addressed in large part by having a universal pretrial screening for eligibility.

In terms of time to entry, for Mental Health Court, once cases are referred to the program at sentencing we are told that the best case scenario is that the person is seen within 30 days. Given the strong connection between time to program entry and successful program outcomes it is in the systems' interest to achieve swift identification and enrollment of participants.

- **Improve coordination between District and Circuit Drug Courts to facilitate case transfers and to come to common agreement about how to coordinate the use of program 'tracks' for participants of varying risk/need levels** This kind of coordination is already in place between the District and Circuit Court Veteran's Court programs.

- **Collect Prosecution Reasons for Program denial to allow the Circuit Court drug court program to track the rationale for denying program entry** This information is vital to the on-going discussion necessary to improve the program and to track the process that supports it.

“ Being on the team [drug court] has been eye-opening. Before, I wouldn't have guessed that these people could 'make it.' And I didn't know all the things, the obstacles, they faced. To see the hard work it takes to turn around — and that they do it, really is eye-opening. ”

Law enforcement officer assigned to District Court 41-A Drug Court

- **Encourage Prosecutor’s Office to assign a prosecutor as an active participation on Drug Court team** The Prosecutor’s Office has a presence on the Veteran’s Court and the Mental Health Court team but not on the Drug Court team. The prosecution practice of limited plea reductions also has an impact on the Drug Court program. It is one factor in the program not reaching its capacity over this project.

- **Consider adding Law Enforcement officer to Drug Court team** Drug Court research shows a positive benefit for the inclusion of a law enforcement officer on the drug court team. District Court 41-A has done this. A law enforcement presence on the team allows offenders to develop a new and positive relationship with the police, and serves to give law enforcement a glimpse of not only offender struggles but to see success stories.

- **Review Incentives for Specialty Court participation** There is some variation between the County specialty courts in terms of incentives. While the Veteran’s Court program may drop a person’s charges from felony to misdemeanor for successful program completion, the Drug Court program is more likely to consider the incentive to be jail or prison avoidance. The County might take a look at other post-adjudication programs to consider the success of other incentives such as criminal record expungement.

- **Develop two ‘Tracks’ for Drug Court program** The National Association of Drug Court Professionals, through its Standards, is recommending that Drug Court programs accept higher risk individuals. Not only do these individuals exhibit outcomes that are as good, or often better, than the lower risk participant, but the return on the dollar is significantly higher. It makes no sense to have repeat offenders with addiction sitting in jail, only to be released to the community without the benefit of treatment.

Expanding drug court to include an expanded population should also result in the creation of ‘tracks’ of treatment, with the more intensive, long-term program reserved for the higher risk. This should be coordinated between Circuit and District Court drug court programs, with a possible agreement to designate certain courts for medium or higher risk offenders. The research on offender risk levels argues for varying treatment duration and intensity by the level of risk and need. Lower risk/low need offenders should not be engaged in drug court but should be served in an alternative manner.

In Veteran’s Court, it was suggested that a Felony Child Support track might be a separate path for some participants, with less focus on treatment but more on complex family issues.

- **Seriously Consider Use of Medically Assisted Treatment (MAT) for Drug Court Participants** The use of MAT is recommended for Drug Court participants by the National Association of Drug Court Professionals in their Standards and is now required by the Bureau of Justice Assistance for all new programs receiving grant funding. The argument is to view the MAT options, where appropriate, as a clinical tool to support addiction recovery. Suboxone and methadone are two examples of clinical aids to recovery.

- **Ensure that specialty court participants sent to jail on short-sanctions can access continued programming while detained** The jail-based Relapse Prevention program is a good fit, and used by District Court drug court, but it usually has a wait list. In-custody treatment programs should be readily available for all drug court and other community-based offender treatment program participants who are serving time in jail on a program violation.

- **Review fees & fines** This is part of a larger system issue of the cumulative financial burden placed on offenders that can, in some instances, set an individual up for failure. As such, the Macomb County Community Corrections stopped charging fees for its community services (MARCH) program. There is also no fee for cognitive treatment in the community.

However, many fees, and the penalties attached for late payment, are set by state code. One example is the 20% late fee applied to any costs or fees which have not been paid 56 days after the amount is due (P.A. 317). This can work against an offender who is striving for stability in the community and can disrupt or delay progress or graduation from treatment. Ostensibly, Veteran's Court participants must pay all fees before program discharge. Access to community service options through the MARCH program would be one alternative.

A concern was raised by some about charging offenders Assessment fees before decisions about program placement.

And concern was also raised by some treatment providers that the standard \$10 urinalysis test, with a required 2 tests per week for up to 6 months, is not modified for those without employment. This can cause no-shows or offenders dropping out. A participant could owe \$2,400 at program end.

Improve Response to Domestic Violence

The effective supervision of domestic violence offenders requires quality treatment, evidence-based supervision, and a system that can

deliver swift and certain sanctions. The Macomb County Domestic Violence Council, with the participation of Judge Oster, 40th District Court, has been in recent discussion about measures that might improve the delivery of justice services. Some issues that merit review, which arose as part of our conversations with local players, include the following:

- **Review the risk tool used for domestic violence cases** At this time no specialized risk assessment tool is employed for DV cases at the time of supervision. Both District Court probation and MDOC should review the research on this and adopt a common risk tool.

- **Review Law Enforcement use of domestic violence Lethality risk assessment tools** Police agencies and the sheriff’s office should review Lethality risk assessment tools used by some jurisdictions at the point of contact/arrest to help determine the risk to victims.

- **Collect and Analyze Adjudication & Sentencing Data on Domestic Violence Cases** In meeting with the Probation officers who supervise domestic violence cases we were informed that for defendants with charges that fall into ‘straddle cells or higher’ on the Sentencing Guidelines Grid the charges are most often pled as charged. For those defendants with charges not in those guideline cells, it was reported that the norm is to plead cases down (many pled down from felonies to misdemeanors) and to employ immediate sentences without the benefit of a Presentence Investigation. The lack of a PSI results in a Probation agent receiving a case without much information for case planning.

Some Probation agents also raised concern about a perceived inequity in case handling based on observations that defendants with private attorneys appear to enjoy better sentencing outcomes. A final issue noted by agents is the “inappropriate” referral by some judges of domestic violence cases to anger management treatment.

We recommend comprehensive collection of local case processing data to provide an empirical basis for discussions about adjudication. The adjudication issues raised by agents with respect to domestic violence cases highlight the value of having data to frame discussions regarding the processing, sentencing, supervision and sanctioning of offenders.

- **Ensure consistent and quality domestic violence counseling & treatment services are delivered by the various treatment counselors to which DV cases are referred** This is especially important given fairly new research that challenges the efficacy of the standard 52-week DV treatment program and it philosophical ‘power and control’ rehabilitation approach.

“ We try our hardest not to revoke probation if [a DV offender] can’t pay for treatment. Need some subsidies for those cases. ”

*Chris Campbell,
MDOC Probation,
Domestic Violence
caseload*

“ A domestic violence offender might be very likely to sit in jail for a year. It would be good to get treatment started. ”

*Chris Campbell,
MDOC Probation,
Domestic Violence
caseload*

“ Within an hour of being booked into jail the probationer (DV) can be back in our lobby. ”

*MDOC Probation agent,
Domestic Violence
caseload*

- **Make certain that inability to pay for treatment is not a barrier for DV perpetrators**

Offenders pay \$70 to \$90 for an assessment and then pay for each counseling visit thereafter. However, when coupled with other fees and fines the ability to afford on-going treatment costs can be challenging. While the system is right to hold offenders accountable for payment, in those cases in which a true inability to pay will result in failure, it is in the systems' interest to assist with the treatment cost.

- **Establish a Domestic Violence treatment program in the Jail**

- **Expedite the sanction process for domestic violence program or supervision violations**

We were told that the Violation of Probation process can take up to one month. That is too long. To be effective, sanctions must be delivered in a matter of days. And, there was a reported lack of judicial consistency in responding to domestic violence violations, often with offenders building up multiple violations before the delivery of a swift sanction. In an ideal world all domestic violence offenders would know with certainty what sanction to expect for non-compliance.

- **Better Coordinate Victim information for Improved Offender Supervision**

The Probation agent is not required to have continued contact with the victim while supervising the offender and MDOC and the Prosecutor's Victim Services Office do not have a formal relationship.

Probation agents report that there is only a 50/50 chance that the Victim Impact Statement will be in the offender supervision file. The two offices should review how to better coordinate information sharing and victim tracking.

- **Ensure that the Pretrial release of Defendants charged with Domestic Violence is based on risk assessment**

Probation agents expressed frustration that too often a domestic violence probationer who is returned to jail on a warrant bonds out of jail almost immediately.

- **Better Consolidate Probation Supervision of Domestic Violence cases between District Court and MDOC**

Nearly half of one MDOC Probation agent's caseload of domestic violence offenders (30 individuals out of 70) had a District Court Probation agent as well as an MDOC agent.

Although some District Court cases are put on 'non-reporting status' because it is known that the offender has an MDOC Probation agent, in other cases the probationer is reporting to two agents.

“ There is no mandated treatment for a 3rd felony drunk driving case in Michigan. A typical sentence for such a case is a mandatory minimum 30 days in jail; 60 days of community service; and fees and fines. ”

*Kathy Vermander,
MDOC Probation,
Court Liaison*

“ I have tons of guys who ask if they can stay on SCRAM tether — it deters them. It helps them stay clean. ”

*Brian Harmon, MDOC
Probation, Electronic
Monitoring caseload*

“ The District Court and MDOC supervision of domestic violence offenders could benefit from being more formalized. It might help, for example, to give District Court access to the MDOC OMNI database. ”

MDOC Probation agent, Domestic Violence caseload

Strengthen DUI Case Management & Treatment

By code, Michigan relies on OLL programming that has not demonstrated strong outcomes. Across the country, mandated educational classes, sober links and tethers, when not used as part of a comprehensive approach, have produced only mixed results in preventing repeat OLL offending.

At the same time, new research on DUI court programs, both nationwide and in Michigan, show good results. Organized according to the familiar drug court program model, these programs result in half as many repeat drug or alcohol related driving incidents as straight probation or other alternatives. DUI court program research makes a compelling argument for an expansion of this option for the higher risk offender.

The MDOC operating in Macomb County has taken an approach in which most OLL-3 cases will be on electronic monitoring for 9-13 months (SCRAM), participate in the drunk driving education class (AIM) for 8 weeks, and attend AA, and be referred to intensive outpatient as needed. The attempt to refer cases to treatment is a positive step. A collection of data to examine which cases are accessing treatment and other services, and a look at outcomes, would be a good step toward assessing how these services could be more tailored and improved. Tailoring services, by offender risk and need levels, and working toward more consistent judicial agreement on incentives and sanctions would be expected to improve outcomes — short of establishing an OLL specialty court.

While SCRAM can be an effective supplement to supervision, without accompanying treatment is not a panacea. In some cases it can even give a false sense of security; and it is only available to those offenders who have a working telephone.

Some Macomb County parole agents even argued that keeping an offender on a ‘tether’ or SCRAM, works against rehabilitation efforts.

“ We need the ability to swiftly sanction [violators] without a judge order. It can take 3-10 days to get [the case] before the judge for a sanction. That’s too long. ”

Brian Harmon, MDOC Probation, Electronic Monitoring caseload

“ In my experience, it is not good to keep someone on SCRAM during the entire supervision period. In the end, we need to work with them on small failures to make sure long-term success. ”

Bridgette Evolio, MDOC Parole agent, DUI Caseload

Data should be collected on case outcomes, but other studies have shown that the exclusive use of these control measures without effective treatment would not be expected to have a significant long term benefit.

Tethers and SCRAM can, for the short-term, be an effective deterrent (MDOC in Macomb County automatically recommends an electronic tether/SCRAM for domestic violence cases in which the perpetrator was drunk at the time of the crime) but longer term recidivism reduction requires a balanced approach.

“ I have drunk driving cases that have served 1-2 years in prison but never had treatment in the community. I think a Treatment Mandate for lower level OUIL offenders (not just education groups) would go a long way toward improving outcomes. ”

Bridgette Evolio, MDOC Parole agent, DUI Caseload

Toward improved offender outcomes we also recommend that the county and state review the sanctioning of violations.

A swift sanction is imperative to achieving longer term compliance. Either the courts need a more immediate response or the probation agent needs expanded authority to immediately sanction certain types of supervision violation. Both should be explored.

E | Offender Supervision, Sanctions & Services

- **Expand Community-based Treatment and Services for the Offender Population**

Macomb County is fortunate to have a solid foundation of offender services. For the most part, substance abuse treatment is readily available; support housing is in place; and Community Corrects funding provides valuable assessment, treatment and support services. There are, however, gaps in

“ If we deal with the root of [the offenders'] problem and have options we can bring the jail population down. ”

*Erin Smith,
MDOC Area Manager*

“ When we fall short in community treatment for addiction it has repercussions for the jail. Some judges are inclined to send offenders to jail in order to access the well-regarded Track 1 & Track 2 treatment programs. ”

*Macomb County
Circuit Court staff*

service that impact the jail and hamper rehabilitation.

Of course, more treatment services alone will not reduce the impact on the jail; the services must be utilized by the judges. This argues for ensuring that judges uniformly receive sentence recommendations that reflect the appropriate use of alternatives to jail based on risk and needs. The potential to mitigate the impact on the jail is great.

Our inmate survey showed that of inmates in the Macomb County Jail serving a sentence of 30 days or more (based on a sample) 67% were deemed to be eligible for jail alternatives by the Community Corrections staff.

- **Review Sufficiency of local community-based Detoxification Resources**

We received varying opinions about the sufficiency of detox resources in the community and the use of those resources as a first option instead of jail. As such, we recommend that this issue be reviewed as part of a broader look at the community diversion and treatment continuum.

“ There are few detox options in Macomb County. Some individuals are in the jail because of this. We need better options, and we need a secure option. ”

MDOC Probation agent

- **Establish Common Standards for offender Assessment and Supervision**

A court system as fragmented as that found in Michigan and Macomb County, can challenge the goal of consistency in offender management. Short of probation consolidation more consistency could be achieved by the adoption of a single risk and needs assessment (some judges in District Court use their own needs surveys), and the establishment of supervision contact standards (some probationers in District Court are reportedly seen by their probation officer 1x per month for no more than 5 minutes) and supervision caseload standards (some District Court probation agents have caseloads of 200 or more probationers).

An agreement about a more uniform approach to offender assessment, and voluntary guidelines about supervision standards is one way to create a more consistent approach to offender processing and management. Another approach would be the development of a shared Post-Adjudication Assessment Center that would serve both District and Circuit Courts. This,

“ The System tends to group all sex offenders together as the same. It doesn't recognize real differences. ”

*Marques Johnson,
MDOC Probation,
Sex Offender caseload*

in combination with a Felony Arraignment court (and the proposed pre-adjudication Intake Center) would go a long way toward streamlining the existing system.

- **State Community Corrections Funds should be More Readily Available for Non-Felony High Risk or High Need Offenders** Michigan has been progressive by supplementing county Corrections budgets with Community Corrections dollars. However, the focus on felony offenders who are potentially prison-bound does not acknowledge the importance of front-end (pre-book diversion, pretrial services, etc.) or jail re-entry services that, if more fully funded, could serve to interrupt cycles of offending that ultimately do impact prisons.

PA511 funding also cannot be used for serious and violent offenders; and it has most recently been restricted to medium or high risk offenders. These restrictions can pose a problem in dealing with mentally ill individuals in jail. It is reported that many of these cases are already Community Mental Health clients. However, both the low-risk individual and the higher risk person cannot access funds for alternative community services because of PA511 restrictions. Often these individuals belong to the ‘frequent flier’ population: that group of offenders who repeatedly cycle through the jail. These individuals are often not the most seriously and persistently mentally ill (SPMI) individuals: a group for whom longer term case management services are more readily available. A sizeable number of inmates with mental illness fall below SPMI criteria and score at a lower risk level than PA511 is designed to serve. This can be an expensive catch 22 for a system. These individuals are in need of medication monitoring, continued psychological care, and stabilization services.

- **Adopt a new Quality Control Protocol for Offender Treatment programs** The issue of sex offender treatment is one example of the need to review evidence-based treatment practices. We were told that there is no specialized treatment for younger sex offenders with age-related offenses (“Romeo cases) and that they are often placed in groups with older males who have committed offenses on a different plane of severity.

- **Eliminate Redundant Probation Supervision** We were repeatedly told that it is not uncommon for a person under MDOC supervision might also be under District Court supervision. This is a waste of resources and can contribute to offender failure.

The supervision of offenders by multiple entities can also sow confusion; it can also challenge consistent supervision practices. It was reported by MDOC agents that some District Court judges take a more strict approach in imposing fees and fines on the probationer than do the Circuit Court judges.

“ Around 30 percent or more of my caseload is also on Misdemeanor Probation, many out of District Court 41-B. ”

*Jameka Mobley, MDOC
Probation, General
Supervision caseload*

This poses a challenge for supervision. A bifurcated supervision plan has built-in inconsistencies that can erode a sense of justice.

- **Adopt uniform Domestic Violence assessment** Some judges in District Court use their own domestic violence assessment that was developed in-house. Given the movement of offenders across Courts and programs it would behoove the broader system to adopt a single assessment approach.

- **Review Fees for those on Probation supervision** The fees for those under supervision can quickly add up. These include: a \$1290 fee for a first driving under the influence offense; \$40/month for probation; \$10 per urinalysis testing; \$8 hour for community service work. Drug Court in 41-A charges a flat \$750 fee. The downside is that the system may pay a substantial cost in probation supervision and jail time for fees that can't be paid. One District Court probation department staff noted the high number of cases under continued supervision simply for non-payment, and the high number of Show Cause hearings they initiate for non-payment; proceedings in which the offender is confronted with an order to pay or spend 30 days in jail.

- **Adopt Robust Use of 'Supervisory Authority' concept for Offender Management**

Circuit judges do their best at the time of sentencing to impose treatment or supervision conditions. However, the effective management of offenders depends on full assessment (which can take time) and a dynamic system response to offender risk and needs. The concept of 'supervisory authority' used in some jurisdictions is worth considering.

The value could easily be envisioned by a look at Macomb County's Mental Health Jail Reduction (MHJR) program. When an inmate is identified as good candidates for a jail step-down program, staff must petition the court for a modification to the sentence order. It is reported that most judges approve the petition.

Instead, under 'supervisory authority' a designated person/team of jail treatment, community corrections, and supervisory personnel would be given authority to move inmates up and down a jail to community continuum, dictated by offender risk level, needs, and institutional behavior. This form of offender management recognizes the changing conditions of evidence-based offender management and affords a more effective and flexible approach.

- **Expand the Continuum of Community-based Programs**

Macomb County has a good foundation of offender programs, from Community

Corrections funded services to state supported jobs support and transitional housing.

Community Corrections funding, through P.A. 511 (also known as the Community Corrections Act) was established in 1988 to support county Corrections programs that could reduce the pressure on state prisons. The funding supports a range of services and sanctions for non-violent felony offenders who would otherwise be incarcerated. Funding is prioritized for higher risk offenders. The program has made changes along the way, and continues to adapt and evolve.

As of October 1, 2015, P.A.511 funding became available for individuals who are charged but not yet convicted of a felony (allowing the inclusion of District Court cases that could be bound over to Circuit Court); and eligibility was expanded to include individuals with chronic medical conditions.

The placement of offenders in programs is supported by a good system of assessments: from The ACCESS Center which offers mental health assessments; to the Michigan Department of Corrections' use of a risk assessment tool (The COMPAS tool), to the assessments funded through Community Corrections Act funds.

Still, there are areas that could use strengthening. Historically, State funding for county offender services, through Community Corrections, has been tied to a reduction in the prison commitment rate, a measure that the County cannot much influence.

Community-based service gaps that were noted by staff of local departments and agencies include:

- **Expand Mental Health Services**

We repeatedly heard of the need for more mental health counseling services, at all stages of offender management, including more counseling services within drug treatment programs, and a recommendation to place mental health professionals within residential substance dependence treatment programs.

- **Address Need for Female- specific Services**

We heard from multiple sources that more treatment and service options are needed for females. A special need was recognized for gender separated residential substance abuse treatment programs. Assessment staff within Community Corrections made the case for separate programs by noting that

“ We have few options for females. ”

*Erin Smith,
MDOC Area Manager*

“ The biggest obstacle to success is substance abuse use. Most of the individuals on our caseloads started using at a young age and were introduced to drugs by siblings or parents. ”

*Hope Hunter,
MDOC Parole agent*

because females are often dealing with trauma from past relationships the recovery process requires a safe place to explore these issues. This argument is supported by research that shows better outcomes for women and girls who receive gender specific treatment (or at the very least receive regular female – only groups within a larger treatment program).

It was reported that in Macomb County females have, over the last decade, consistently comprised around 14 percent of the jail population; three years ago that increased to around 24 percent. In Macomb County, the increase in the female population in jail came during the same period when the jail was cutting nursing staff, parenting classes, vocational and educational course, and more.

The female population brings their own complex set of issues to inmate treatment and reintegration. Across the country, we see that the female inmate has double the rates of mental illness of male prisoners, a high incidence of addiction, and complicating factors of trauma, and child-rearing. Overcrowding is dangerous and degrading. It can compromise the management of offender. Female offenders housed in maximum security – not because this is the proper housing, but because there is no other space available.

- **Provide Separate Treatment Groups for 17-20 year olds**

Young inmates represent a special group for treatment focus. Ideally, they would have their own treatment group with more individualized counseling time. Parent and family support is especially important to deter future re-offending for this group.

- **Ensure Substance abuse treatment is of therapeutic duration** It was reported that the maximum length of stay for many residential treatment programs is 90 days, but there is a need for programs that can provide a longer duration of treatment for some persons.

“ For some individuals, a 90-day treatment program is just a minimum needed; at the end of 90 days many are just starting to turn things around. We need longer duration treatment options. ”

Bridgette Evolio, MDOC Parole agent

Of course, the key to any residential treatment program is the continued treatment and aftercare upon exit. On the other hand, some staff complained

“ These 21-30 day programs are worthless. ”

Macomb County District Court Drug Court team member

“ We have had good results [in the Veteran Court program] with very violent offenders. ”

Macomb County Circuit Court Veteran’s Court team member

about those programs that don't even meet a 90-day minimum.

- **Expand Treatment program eligibility** Some probation and parole agents recommended a review of treatment program eligibility. Some exclusionary criteria might be counter-productive.

“ I had a person with a serious substance use problem spend 60 days in prison for a Retail Fraud conviction. Because he reported that he hadn't used (drugs) in the 60 days before, I couldn't get him in to treatment. We will now wait for him to fail. ”

MDOC Parole agent

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- **Prioritize Programs for the Violent Offender** Although Community Corrections Act dollars are only for non-violent offenders a degree of flexibility has been allowed in order to, on a case-by-case basis, connect offenders with treatment. However, there is still a problem with some of the most serious offenders under supervision in the community unable to readily access treatment. Data should be collected on this population: How many offenders are denied entry into programs due to the violent nature of their charge? These are exactly the offenders we want in treatment programs. The Veteran's Court is a good example of serving individuals, some of whom have been involved in violent episodes.

Given the success of the Focused Deterrence model nationwide to reduce re-offending among violent offenders, we recommend its adoption for a subset of high violent offenders. Already, the MDOC area office in Macomb County is involved in a Ceasefire initiative in Wayne County that includes some Macomb County offenders. This model, targeted at a subset of violent offenders engages system players and the community to deliver a clear message: “You are on our radar. We don't want you to end up in prison or dead. We can promise swift consequences for any criminal activity, but we are also here to help you take a different path.”

This intervention model, grounded in a clear and respectful treatment, has been repeatedly shown to be very effective in reducing re-offending —not only for the individual targeted but for the larger group of associates. We recommend that every system, Macomb County included, consider how this model can be applied to domestic violence offenders and other individuals who score 'high violent' on a risk assessment.

- **Job Training and Preparation** We were told that some Michigan counties have more robust job training programs, through the Salvation Army, than

“ In the Veteran's Court [Circuit Court program] we have had some hard-core heroin addicts, but if they don't have insurance they can't access Vivitrol. ”

Circuit Court Veteran's Court team member

Macomb County. The development of a strong continuum of job preparation and vocational training should be explored; one that provides consistent services and support across a community to in-custody continuum. Macomb County is the home of local automotive and other industries that could lend their particular expertise in this area. They should be invited to the table to discuss the creation of a world-class 'jobs not jail' program.

- **Make Vivitrol more available to offenders** Some treatment counselors and jail staff made the case for broadly expanding access to Vivitrol to save lives and assist with addiction recovery. Of course, this must be approached with care. The use of Vivitrol in the jail must be limited to motivated inmates and be coupled with structured and on-going support upon release. While Vivitrol holds promise in saving lives it can also result in death if not used in appropriated fashion.

- **Improve Information Linkage between Agencies for Offender Case Management**

The Michigan Department of Corrections has, this last year, made the risk level of the offender (the likelihood of re-offending) a determinative criteria for treatment access. This is consistent with research that shows that focusing resources on the highest risk population yields the best returns on the Corrections investment. This is positive.

Community Corrections staff, who conduct assessments for program placement, would benefit from access to the MDOC data on individual offender risk. Offender risk information collected through the COMPAS risk assessment would be valuable for offender planning and coordinated case management.

“ If we deal with the root of [the offenders'] problem and have options we can bring the jail population down. ”

*Erin Smith,
MDOC Area Manager*

F | Jail Programs & Re-entry

The strategic use of custody resources must take offender risk into account. Ideally, the courts would not send low risk inmates to jail. Research is definitive: incarcerating low risk inmates can actually increase recidivism.

One an individual is sentenced to jail staff should employ a standardized risk and need assessment to develop risk/need based offender management plans, make in-custody treatment placement decisions, and coordinate transition services.

Coordinated management of the offender begins with standardized and universal screening and assessment. The same Risk assessment and clinical screening and assessment tools should be used across the custody to community continuum; and a common Offender Case Management Plan should be available for review and updating at each stage of the process. All offenders sentenced to jail for more than a brief period should receive risk and needs screening.

Review Information Collection at Booking

- **Validate Jail Classification scheme**

Inmates at the Macomb County Jail are assigned to jail housing based on objective classification. The classification scheme was adopted many years ago (Northpointe instrument) and was modified in-house at some point. The modification of risk tools runs the risk of diminishing their accuracy. Given the modification, and the number of years that the tool has been in use, it would be a good time to review the instrument and ultimately validate it.

- **Conduct Risk Assessments to Guide Inmate Management**

For those who are booked into Jail, we recommend a new protocol that includes risk and clinical needs assessment for all sentenced inmates to help guide inmate management, case planning, treatment placement, and re-entry planning. This should be supported by investment in expanded in-custody treatment options.

Coordinated management of the offender begins with standardized and universal screening and assessment. The same risk assessment and clinical screening and assessment tools should be used across the custody to community continuum; and a common offender case management plan should be available for review and updating at each stage of the process.

All offenders sentenced to jail for more than a brief period should receive risk and needs screening.

Build the Program Continuum

- **Build a Jail Program Continuum & Re-entry Services** Service planning for the sentenced jail inmate should mirror the front-end Centralized Intake process: Risk assessment should guide diversion and program planning; a service team should assist with the creation of individual program/case plans; and a continuum of in-custody to community services should be funded to match the risk and need levels of its inmate. A continuum with risk tiers should be developed. The continuum of risk and needs based services (tiers of service) should extend from the jail through the Community Corrections Center, with a phased progression based on risk, sentence length (we recommend in-jail programming for all inmates serving 30 days or more) and in-custody behavior. The Sheriff already has some good in-jail programs upon which to build. Program tiers would include the following:

High Risk Inmates The highest priority should be on those inmates with the highest risk for reoffending. Our study showed that only half of high-risk inmates in the Macomb County Jail (serving a jail sentence of 30 days or more) had accessed in-custody programming. Individual case plans, based on crime-related factors (addiction, mental illness, etc.) should inform case plans and these plans should span the time in jail and after release.

We recommend that all higher risk inmates (with a minimum of 30-day sentences) receive job readiness and education services, cognitive-behavioral classes (or drug focused classes), and parenting classes.

High Risk for Violence Inmates who have committed violent offenses, or who score high for future violence on a risk assessment, based on past criminal behavior, should receive the same services as the high-risk inmate, with the addition of anger management and, ideally, peer support upon release. Additionally, there should be a real system priority to ensure Probation supervision upon release. We were surprised by the percentage of sentenced inmates who reported no mandate to probation after jail.

Violent (Domestic Violence) For repeat domestic violence cases, we recommend the adoption of a Focused Deterrence intervention. This targeted intervention, which has significantly reduced domestic homicides in Highpoint, North Carolina, relies on the delivery of a clear message to a jail inmate from a police official about the consequences of any further crime. *The message is: ‘ We know who you are. We are watching you. We care about your future success. This behavior must stop.’*

Medium Risk We recommend that medium risk/high need (addiction or mental illness) inmates with a sentence of 30 days or more be provided the same level of service as high risk inmates.

Mentally ill inmates and female offenders require special services. We recommend that domestic violence prevention classes (with trauma counseling) be made available to female inmates and that expanded mental health counseling services be in place for inmates with mental health problems.

All Inmates Understanding the constraints of space we still recommend that all inmates receive outdoor recreation, and that all sentenced inmates have access to transition readiness services.

Low risk offenders should be diverted from jail.

“ We had more treatment in the jail 20 years ago than we do now. ”

*Michelle Sanborn,
Former Jail
Administrator*

A Look at Specific Program Types

- **Expand the Continuum of Jail-based Substance Abuse Treatment**

The Macomb County Jail offers some well designed jail programs. It offers cognitive-behavioral therapy which, studies show, offers one of the most effective offender programs in terms of recidivism reduction and return on the dollar. The Jail has developed a well-regarded ‘Track 1’ and ‘Track 2’ substance abuse program. It has pursued innovations in terms of the use of Vivitrol for inmates addicted to opioids. And, it took the lead in developing the Mental Health Jail Reduction Program, aimed at identifying mentally ill inmates who were good candidates for alternative to jail programs but were traditionally not prioritized because, in many cases, they did not meet the criteria for accessing state programs.

We recommend strengthening and expanding the continuum of Inmate treatment and transition services, to include:

- **Expand Track 1 & Track 2 Treatment** This highly regarded jail program, which has a waiting list for entry, should be supported to the level that all interested and eligible inmates can be served.

In our Macomb County Jail survey, 42% of inmates serving a sentence of 30 days or more said they wanted help with addiction issues.

- **Discharge Planning** Discharge planning helps prevent a return to jail. This becomes all the more important when a high percentage of inmates exit the Macomb County Jail without the benefit of post-custody Probation.

Our inmate survey showed that 62% of inmates exiting the jail (who had served a sentence of 30 days or more) were *not* sentenced to Probation upon release.

Discharge planning should be available for all high-risk inmates, the seriously mentally ill, and all inmates incarcerated for 30 days or more.

- **Mental Health Counseling & Treatment** Expanded resources are needed to address the high incidence of mental health issues among inmates.

40 percent of the sentenced inmates in Macomb County Jail (serving a sentence of 30 days or more) indicated that they would benefit from mental health counseling.

A good place to begin is by improving the coordination of existing resources. The requirement for a signed release form from a mentally ill inmate to grant

access to records can be an impediment to making medications available to the mentally ill inmate, many of whom are Community Mental Health clients. This is another example of the need to review HIPPA policies.

- **Expanded Educational courses and Vocational Training** Macomb County used to provide a level of employment preparation for those inmates in its Work Release program. The opportunity to learn job search skills should be available to all inmates. The opportunity to learn a job skill and to step-down to work in the community, as part of a structured jail transition program, is a wise investment for all repeat offenders.

In our survey, 54% of inmates in the Macomb County Jail, serving a sentence of 30 days or more, asked for help with Education and Jobs.

- **Domestic Violence treatment** A Focused Deterrence model should be put in place for a subset of high risk/high violent domestic violence offenders.

- **Cognitive-Behavioral Treatment** The County contracts with Clinton Counseling to offer in-jail programs which include Cognitive Reflective Programming (CRP). Given the evidence about its effectiveness and its relative low cost, it should be made as broadly available as possible. It has proven to be one of the most effective courses for offenders in terms of recidivism reduction. It is so successful that it bears being taught to all jail staff as a way to develop a common language of rehabilitation. CRP should be supplemented with Anger Management classes for inmates with violent histories.

- **Parenting Classes** The goal of Prevention is served by offering parenting classes to all interested inmates.

In our survey of Macomb County inmates serving a sentence of 30 days or more, 56 percent had a family member who had been incarcerated.

Parenting classes used to be offered in the Macomb County Jail but were cut due to budget reductions. These classes are a good investment in the next generation. Programs offered in jails include the ‘Parenting Inside Out’ and ‘Inside Out Dads.’

In our survey, parenting class was the *most* requested program, with 88% of inmates indicating interest.

- **Sex Offender treatment** Many sex offenders sentenced to jail are serving 6-12 month sentences. This time should be spent in treatment that can mitigate their risk upon return to the community.

“ We could really use an 8-week sex offender class in jail. It’s important because a lot of sex offenders are denying their crime while sitting in jail. This would help them start to get a grip on this. ”

*Marques Johnson,
MDOC Probation, Sex
Offender caseload*

- **Outdoor Recreation** All inmates should be granted time for outdoor recreation. The ability to use once designated outdoor spaces should be reviewed.

Strengthen Jail Health & Mental Health Services

The Macomb County Jail, like many jails, is challenged by the need to care for an increasing number of mentally ill inmates. In Macomb County, the already difficult task of providing quality care and coordinated case management is made all the more difficult by an overcrowded jail mental health unit (with some inmates housed in booking due to lack of space); impediments to information collection and sharing (The Forensic Center will not accept jail inmate information without a Release of Information; the rotation of jail deputies in and out of the mental health unit; and the lack of full-service coverage. On the other hand, Macomb County has taken steps to meet some of these challenges, such as the use of Tele-Medicine for quick access to medical care.

- **Examine the Need for 24/7 Medical/Mental Health Care** At this time the contracted medical services through Correct Care Solutions is not available 24/7. We were informed that the funded service level supports contracted staff to, on most days, be on site for no more than 12 hours. Given the complex medical and mental health issues inmates have, and the lack of predictability of inmate crises, this should be reviewed.

- **Establish a Specially Trained cadre of Jail personnel for longer assignments to the Jail Mental Health Unit**

At this time, Macomb County Jail staff is not permanently assigned to the Jail Mental Health Unit. This can contribute to a lack of cohesion in the management of this population. Staff assigned to this Unit would benefit from specialized training, incentives for working in the Unit, and an acknowledgement that this work demands officers with the highest skill levels.

- **Improve Information Exchange & Identification of Medication Needs of Inmates**

The lack of a more free exchange of information is an impediment to the timely and safe management of inmate medical and mental health needs. Some impediments, like the HIPPA law are grounded in the important principle of individual privacy and personal information protection, but HIPPA was not designed to serve as an impediment within the Corrections setting and other jurisdictions have found a way, within the legal limits, to allow a more open sharing of patient information when that patient is an inmate in need of care. This should be reviewed.

“ We have seen an increase in both the number of mentally ill inmates and their acuity. ”

Natalie Pacitto, Mental Health Director, Correct Care Solutions

According to Macomb County Jail mental health staff, approximately 27% of jail inmates are receiving psychiatric medications for serious mental illness. This is consistent with our data. In our survey of inmates serving sentences of 30 days or more, 25% indicated that they were prescribed mental health medication.

A real challenge for staff working in the jail is trying to determine medication needs. The obstacles to gaining this information should be remedied.

This review should include of what it will take to ensure Jail medical and mental health staff can readily receive information from the Forensic Center when an inmate is returned to jail after spending time there. The legal wall erected between the Center and Jail mental health staff is not in the best interest of the patient. We were told that upon transfer of an inmate to the Forensic Center, the Center staff would not accept jail information about the inmate without the inmate signing a Release of Information (ROI). And, when the inmate is returned to detention, jail staff often doesn't know the Center's determination about the person. This compromised common sense coordination of care.

This discussion should also address the access to mental health medications for inmates who are in jail but *reside out of county*. We were informed that they are not readily able to access medications. This should be addressed.

• Ensure that all Inmates with Serious Mental Health issues not only Receive Medication while Incarcerated but Leave Jail with a supply of medications

The problem of being unable in all cases to quickly identify, at the time of jail booking, the medications an inmate was prescribed is compounded when they exit jail.

“ Mentally ill inmates can typically leave jail with only the medicines they received during their last stay in jail. We are dealing with medications that are mind-altering. Not having the right medication is a factor in behavior, both in jail and upon release. ”

Regina Williams, MDOC Probation agent, Mental Health caseload

To address this issue the system should start by investigating how to improve information sharing.

• Improve the Linkage between Community Mental Health and Jail/Community Corrections

“ The mentally ill inmate would benefit from a higher level of monitoring and case management from CHM. ”

*Community
Corrections staff*

We were told by several jail and Community Corrections staff that a closer working relationship with CMH would be beneficial.

- **Strive for Earlier Identification of Candidates for Mental Health Diversion**

The practice of identifying mentally ill inmates who have been sentenced to jail and might be good candidates for a diversion program is commendable. Macomb County Jail deserves credit for its progressive thinking in working to find post-adjudication options for this population in its jail and Community Corrections does a good job of identifying and assessing these cases. But the process can be cumbersome. Once an appropriate case is identified staff must approach the sentencing judge for a modified sentence order.

The County should explore what it would take to identify more cases at the point of sentencing. This could include identifying lower risk defendants with high mental health needs at the time of sentencing; and it could include an agreement about which defendants are good candidates for the existing (or an expanded) continuum of jail diversion options, including Mental Health Court. Not only would this save time and jail resources, by expediting the person's entry into treatment the system could expect better program outcomes.

In any case, the County should consider restoring the Community Mental Health In-Jail position to full time. This position (which serves the jail and Mental Health Court) was cut to half-time in the last budget. It is one example of how County General Fund cuts have impacted positions and services.

- **Fund specialized Re-entry services for mentally ill offenders** Efforts to successfully interrupt the repeat cycling of mentally ill offenders through the local jail and hospital depend upon front –end diversion; coordinated care, and a jail-to-community transition plan.

25% of Macomb County Jail inmates (from a sample serving a sentence of 30 days or more) reported that they had been previously hospitalized for a mental health issue.

Specialized transition services should be available at the minimum to all high risk and mentally ill individuals, all mentally ill with a propensity for violence, and all low risk by 'frequent flier' individuals. These services should include:

Discharge planning This should include a dedicated Mental Health caseworker responsible for coordinating community transition plans, making arrangements for community-based housing and other services, and following up post-release to ensure that the inmate has made the planned connections with services and is engaged in them. This position should also be responsible for calling pre-release meetings for coordinated case planning

“ I notice a real [positive] difference in those inmates who access Affordable Care Act funded services. They do much better after leaving jail. ”

*Macomb County
Community Corrections
Assessment staff
person*

with MCDOC, service providers, family members, and others involved in ensuring the person’s successful community reintegration.

“ We need someone to continue with the mentally ill inmates when released. Statistics show that most will stop their medications and treatment because it feels good. This begins a vicious cycle of coming back into the jail and being released. The goal should be to stabilize them so they can function in society. ”

Regina Williams, MDOC Probation agent, Mental Health caseload

“ A lot of our guys (sex offenders) come out of jail homeless. We could use a program like Parole’s half-way out service. ”

Marques Johnson, MDOC Probation, Sex Offender caseload

- **Enroll justice-involved population in Medicaid before release from jail**

Medicaid enrollment This is important for all inmates, but it is critical for the mentally ill. As part of a system to universally enroll inmates in Medicaid, the County should also examine the extent to which Medicaid benefits can be suspended upon detention, not terminated.

- **Provide Specialized Re-entry services for High Risk and Violent Offenders** High risk and violent offenders need a more intensive re-entry program, with close on-going case management and stabilization services.

G | The Community Corrections Center

Plan a Community Corrections Center

We strongly recommend the development of a Community Corrections Center as the centerpiece of long-term Transition Planning. Macomb County has a history with Transition Planning with its Work Release Center.

A Community Corrections Center (CCC) prepares inmates for successful transition back to the community. It is a non-secure residential facility that offers a community-oriented environment as an alternative to Jail. Inmates at the CCC work in the community during the day and then return to the facility for the night. The Center provides a structured living environment in which to learn new skills and chart a path for the future.

A Community Corrections Center offers an option for serving jail time that can improve offender outcomes and thereby lower system costs. (It can also serve as an intermediate sanction for probation violators —an option that provides structure without the loss of a job that often comes with jail sanctions.)

In our survey of Macomb County inmates (serving a sentence of 30 days or more) we learned that 62% had been employed at the time of the offense that led to their incarceration, but that only 42% expected to still have a job upon release from jail.

While living at the Community Corrections Center inmates earn income, reimburse the county for part of their confinement, are required to pay toward their restitution and family obligations, and build up savings for their eventual release.

The Community Corrections Center model is not a work release facility. It does not provide just another alternative to custody, but a whole new way of ‘serving time.’ It moves from a model in which time in custody is one of idleness punctuated by an occasional program, to a model in which the inmate moves through a holistic program plan and work experience, learning new skills and then testing them in the community during their stay. The CCC provides a model in which an offender leaves custody with new skills, new connections, and a plan for continued treatment and support. This becomes especially important for those inmates who exit jail with no continued structure or support.

In Macomb County, 67% of sentenced inmates (those serving a sentence of 30 days or more) indicated no Probation obligations post-release.

A Community Corrections Center should reduce system costs, improve offender outcomes, and help create a more cohesive system of local services.

Benefits of a Community Corrections Center

- Improved public safety outcomes
- Lower cost alternative to Jail
- Allows offender to step-down to lower cost community options
- Improves offender re-integration
- Enhanced flexibility in Jail management
- Expanded sanction options
- Cohesive system response

A recent cost-benefit analysis conducted by the Washington State legislative research team (the Washington State Institute of Public Policy) shows an \$11 return for every dollar invested in a Work Release Center.

Such a center (also called a Community Corrections Center) offers a structured jail transition that provides a valuable option for the higher risk inmates. This kind of program represents a new paradigm for the system by changing the very nature of the incarceration experience. Successfully planned, it can serve to leverage other

“ The closing of the Work Release center was a loss. Now we try to do weekend sentences but we are seeing more failure. ”

*Macomb County
Circuit Court staff*

system reforms; but only if it is implemented as more than just a program, but as a broad system initiative.

A Community Corrections Center represents, at the back-end of the system, what a Centralized Intake process represents at the front-end: a coordinated focus on improved outcomes and risk and need based case management.

The concept of ‘supervisory authority,’ which formalizes the Sheriff’s ability to move offenders along a custody-to-community continuum without an automatic return to court in all cases, is a key component of this model and should be pursued. Under this model the judge sentences a person to a custody sentence based on the offense after which a sheriff’s team (that can include Probation, mental health and addiction specialists) assigns the inmate to programs and moves them along a custody continuum based on risk, need and behavior. This allows maximum flexibility in successfully effecting behavior change.

- **Use the Community Corrections Center for Young Drug-Addicted Offenders**

In Macomb County, 64% of sentenced inmates (based on a sample of those serving a sentence of 30 days or more) reported using drugs at the time of the offense for which they were serving time, based on our survey.

The Community Corrections Center can offer safe and structured step-down from jail; it can also serve as an immediate sanction for certain offenders — bypassing jail altogether. Non-violent drug users would be good candidates for this.

“ I can pinpoint when the heroin epidemic started: the end of 2009 and into 2010. I supervise young ladies who started using as an experiment; wanting to find themselves. Most of these young ladies are between 19 and 24 years old, and most of these girls have either lost their mothers or their mothers died when they were young. I try to be a positive figure in their lives. I tell them I’m proud of them. I’m here to encourage them. We need to be more serious about the drug issue. Need more intermediate programs. Need some involuntary drug use programs. The only thing we have like that is the jail. ”

Tannis Walker, MDOC Probation, Gender Responsive caseload

Drug addiction is not cured by time in jail. Offenders who are punished with a jail term do not leave any less likely to continue drug use. A Community Corrections Center offers a new model, one where a lock-down period is designed to stabilize

a person and ready them for treatment: some within the CCC and others in the community. All residents living in this treatment-oriented setting would have the benefit of structured living and re-entry planning.

The shift toward a more therapeutic detention experience would be helped in Macomb County by the fact that it already has a jail-based Track 1 and Track 2 substance use program. This program allows inmates to shorten their jail stays, is tailored to different levels of need, and allows the probation agent to structure an overall supervision strategy that can include aftercare treatment and monitoring.

53% of Macomb County Jail inmates (based on a sample of those serving a sentence of 30 days or more) indicated that they had an addiction problem with alcohol or drugs.

This model would fit nicely into a CCC context while retaining it in jail as well. This would require program expansion. At this time there can be a 1-3 month wait for entry into the program.

- **Review Transitional Housing resource needs**

Macomb County is fortunate to have some temporary housing resources for its offender population. These ‘Three-Quarter Houses’ provide a shared housing resource that offers an affordable alternative to the shelter system to assist with stabilization and reintegration to the community. Some of these houses could be integrated into a CCC step-down plan for designated offenders. A review of who is currently accessing this housing resource (by offense and risk level and gender) would also help plan for any expected increase in transitional housing.

H | Data Collection & System Planning

A significant challenge to reform efforts in Macomb County is the lack of systemic data. The collection of data from the local system has proven difficult and reflects the silo’s within which the local criminal justice system operates. Each agency only tracks the data necessary for their own operations.

The lack of readily available data posed a challenge. The difficulty in extracting case processing data across court systems and the challenge in constructing a jail ‘snapshot’ cannot be overstated. Deadlines were extended to provide IT staff an opportunity to try and resolve problems linked to the lack of data availability and data integration. The lack of complete data represents some missed opportunities to document system inefficiencies that, if remedied, could mitigate demands on the jail.

“ The girls on my caseload that I’ve seen become successful, those who are sober for more than one year, have lots of family support. ”

*Tannis Walker, MDOC
Probation, Gender
Responsive caseload*

The system is also broken when it comes to data connectivity. There is no connectivity of the data between the jail and the District Court and the District Court and the Circuit Court. This must be remedied if the jail is to be efficiently managed; it must be remedied to coordinate offender management for better outcomes; and it must be remedied to give system reform effects a chance of succeeding.

Issues we encountered during the data collection efforts for this project include the following:

- ❖ There seems to be some issue easily and accurately matching up data across the Jail and Court systems. There doesn't seem to be an accurate unique identifier shared across systems.
- ❖ Data collected by JDW and Quadtran do not seem to be the same, the data itself or the data values for common fields. The same data should be collected by all parties in the same manner.
- ❖ There doesn't seem to be a known, good contact at each of the courts, or where the data is housed to answer questions or provide data dictionaries as necessary in a timely fashion.
- ❖ Macomb County doesn't seem to have a data dictionary for each of the systems where their data is housed.
- ❖ Macomb County doesn't seem to have data experts for the systems where their data is housed.
- ❖ Data collection is not consistent and data entry is not consistent.
- ❖ There appears to be data missing, for example: the record contains a disposition class and disposition PACC code, but there is no disposition date, or there is sentencing data but no sentencing date.
- ❖ Attorney data is collected in such a way that it does not provide useful information.
- ❖ Disposition data does not seem to be retained in such a way that it can be easily extracted, to know what actually occurred AT disposition time, not what happened in follow-up hearings.

• **Collect Routine System & Jail Data**

Data allows the system to spot trends and to more nimbly respond. Data allows system change to be grounded in empirical decision-science and provides a

“ We need better temporary housing. Many have to use shelters. The ‘Three-Quarter Houses’ are a good thing but many of my folks [offenders on a General Supervision caseload] don’t do well in these houses because of the level of Felonies in there. ”

*Jameka Mobley, MDOC
Probation, General
Supervision caseload*

means to measure progress against clear system goals. System data is also critical for transparency and accountability. Criminal justice systems must be prepared to provide data that demonstrates it is operating in a fair and equal manner.

Case processing data allows a system to track efficiency (case processing times), equal access (defense counsel at first hearing), presumption of pretrial release (pretrial release rates), equal treatment (pretrial release rates by risk level), least restrictive response (use of jail alternatives), and effectiveness (re-offending rates) – to name just a few measures.

A *Jail Snapshot*, taken daily, allows a system to monitor the use of its capacity resources and to examine the factors impacting that usage, and to have the information needed to discuss and explore changes in policies and practices to ensure judicious use of this limited resource.

Importantly, data collection is not a one-time effort. The data collection and analysis routines that we have worked to put in place in Macomb County, such as the Jail Snapshot and the Case Processing methodology, need to be continued.

- **Assess Procedural Justice** Not only must a system be designed to be deliver fair and equal treatment but the individuals processed through that system must perceive it as such. A fair, equal and humane system must be the goal. Routine offender and inmate surveys should be conducted to assess it.

- **Ensure Valid and Unbiased Risk Assessment** The adoption of actuarial risk tools represents a real advancement for empirically based offender management. On the other hand, these new tools come with the responsibility to ensure that they are locally validated and appropriately applied. Local systems must ensure that the tools they employ are fully understood (rates of ‘false positives’) and tested for local validity and any inherent bias.

- **Encourage Transparency in Justice System Decision-Making**

System planning not only requires good data but it depends on system transparency. Why does a prosecutor deny entry to a drug court program? For what reason does a judge deny pretrial release? How are offender fees & fines used? The design of routine system data collection should include a discussion about this kind of information.

- **Track Data Regarding Race** The collection of data on race (and gender) allows a system to take a more nuanced look at its practices and explore questions related to any unseen practices or unintended consequences. More importantly, it creates a culture of transparency and demonstrates a good faith

effort at self-scrutiny. This being said, the analysis of equal justice issues must employ an approach that is careful and credible and that avoids broadcasting conclusions based on limited information. A local example that we can offer is the examination of the local booking rate by race. Analyzing the rate of black bookings into the local jail against the demographics of the county population might paint picture; however, with knowledge that half of local bookings are for individuals who live outside Macomb County, this broader demographic profile paints a different picture.

- **Establish Quality Control Protocol** We recommend that the County adopt the ‘Corrections Program Assessment Inventory’ (CPAI) [also known as the ‘Corrections Program Checklist’ (CPC)] to routinely evaluate its programs: both community-based and in-custody programs. A quality control assessment helps ensure that funds are being well spent, and that programs are operating in a manner that conforms to best practices: those practices shown to reduce re-offending.

- **Create a new position of Criminal Justice Coordinator** Criminal Justice reform efforts are always a challenge. The very nature of justice systems, with their multiple agencies and the lack of a single leader, complicates reform. These issues are especially pronounced in Macomb County. Given this, we recommend the hiring of Criminal Justice Coordinator as a permanent position, reporting to the Executive branch, to oversee data collection and guide the implementation of the System Master Plan.

section Case Processing Data

3

❖ The criminal justice sample was identified using all new pre-trial bookings into the Macomb County Jail from 1 July 2014 to 30 June 2015. Those dates were chosen so that the data would be recent enough to be relevant, yet the majority of the cases would have completed their journey through the criminal justice system. Excluded from the sample were individuals being booked on bench warrants, only for a hold for another jurisdiction, sentenced prisoners, and civil charges.

Because of the difficulty in obtaining data from each of the police lock-ups in the county, the Sheriff's information system was utilized to identify the sample. Defendants booked into one of the lock-ups and released prior to being booked in the County Jail are not part of the sample.

Once the sample was identified, we attempted to match the cases with the district court assigned to the case. This process was very difficult as four of the eight district courts use one system, three use another, and one has its own system. Each system is designed differently. We had difficulty matching some of the bookings with any of the district courts. Once the cases were matched, the available data varied based upon which system the particular district court was using and based upon the specific case. The cases that were bound over to circuit court were then followed through to completion. Once again, there were many cases that we were not able to match up district court data with circuit court data. This chapter only contains data that we feel are accurate to report. There are a number of fields of data that were unable to validate the accuracy and are not included. The recommendation section of this report contains specific recommendations about the importance of data and some of the problems that need attention.

Each graphic contains the "n" of the number of cases with available data. Most of the data is presented broken down by charge class (misdemeanor/felony).

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Criminal Justice System Data

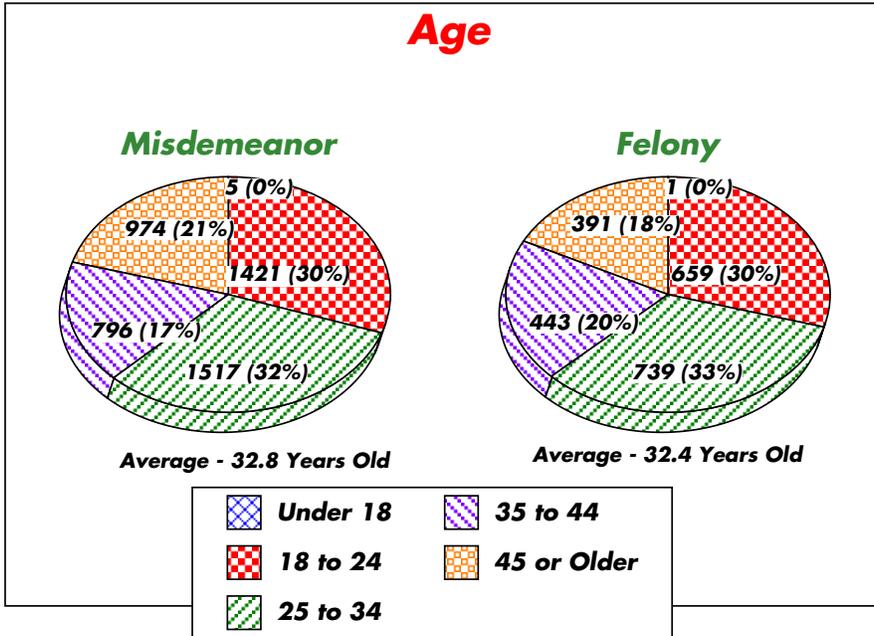
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A. Demographics

1. Age

The first graphic displays the age of the defendants in the sample.

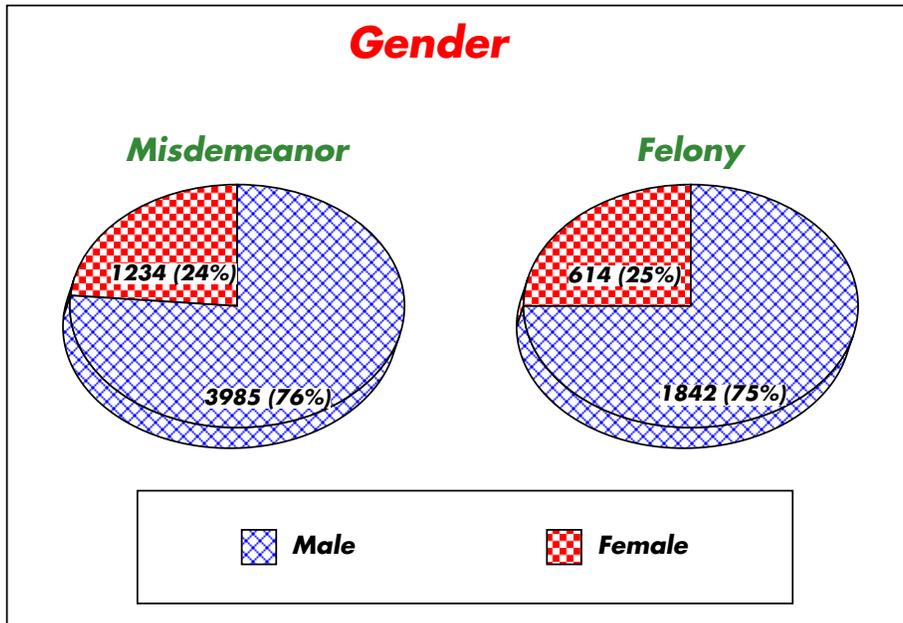


The age of the defendants at the time of booking are remarkably similar regardless of charge class. This is unusual because misdemeanor defendants are usually older than felony defendants. Thirty percent of both the misdemeanants and the felons were 18 to 24. Thirty-two percent of the misdemeanants and 33% of the felons were 25 to 34. Seventeen percent of the misdemeanants and 20% of the felons were 35 to 44. The remaining 21% of the misdemeanants and 18% of the felons were 45 or older.

The average age for the misdemeanants was 32.8 years old and for the felons 32.4 years old.

2. Gender

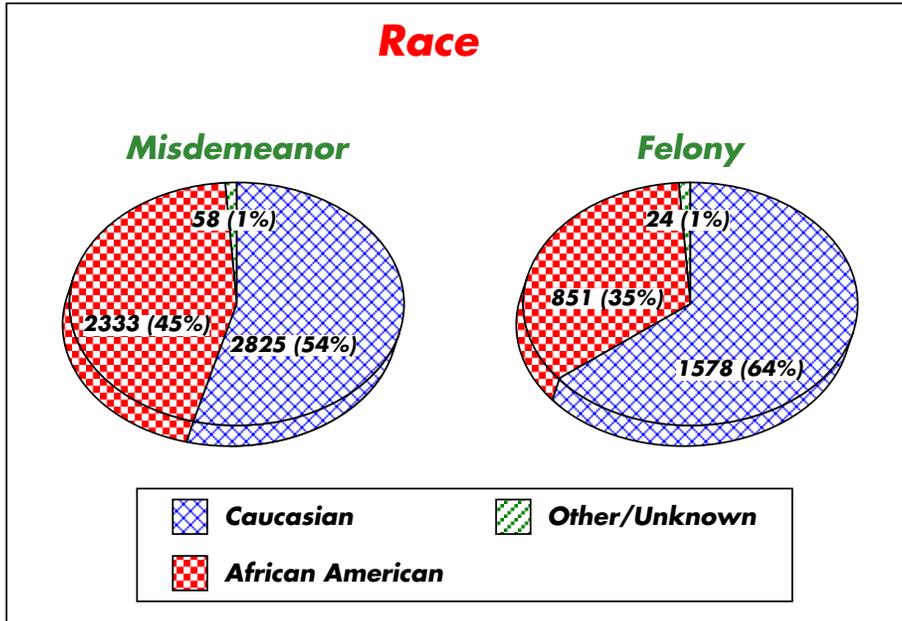
The next graphic shows the gender of the defendants in the sample.



Seventy-six percent of the misdemeanants and 75% of the felons were male.

3. Race

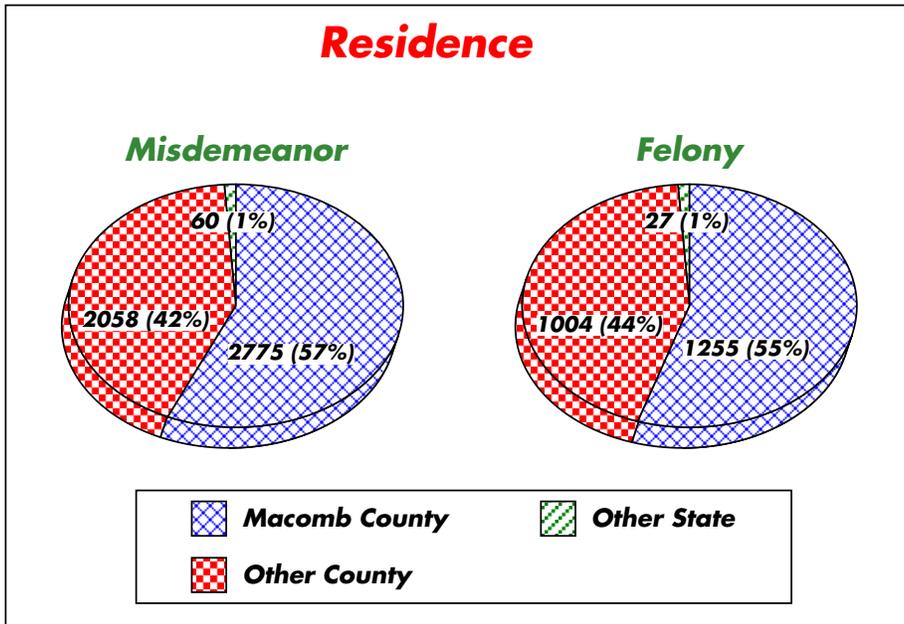
The next graphic shows the race.



Fifty-four percent of the misdemeanants and 64% of the felons were Caucasian. Forty-five percent of the misdemeanants and 35% of the felons were African American. The remaining 1% were of other races.

4. Residence

The next graphic shows the residence of the offenders as self-reported at the time of booking.

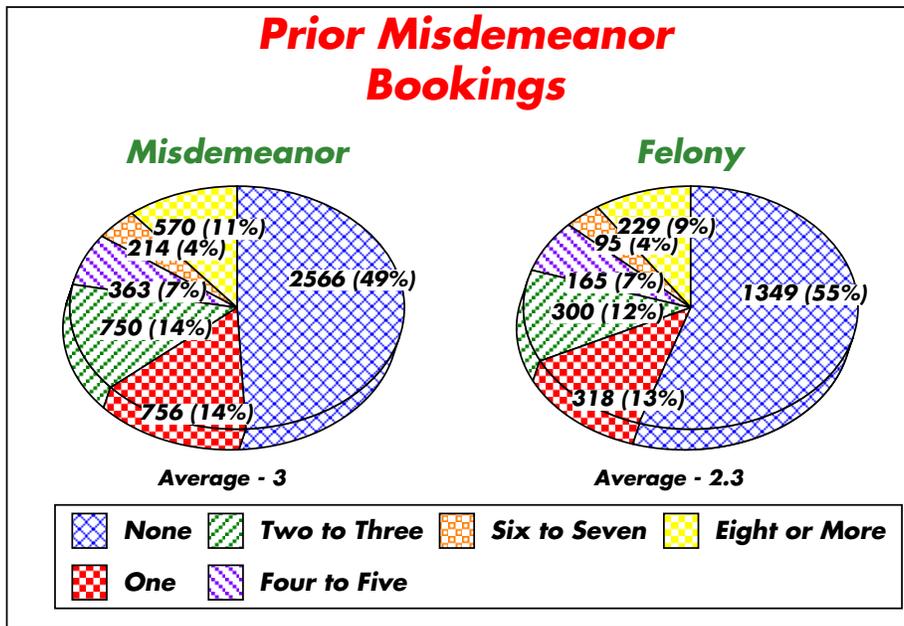


Fifty-seven percent of the misdemeanants and 55% of the felons were residents of Macomb County. Forty-two percent of the misdemeanants and 44% of the felons were residents of other counties within the state. The remaining 1% were from out of state.

5. Prior Bookings

a. Misdemeanors

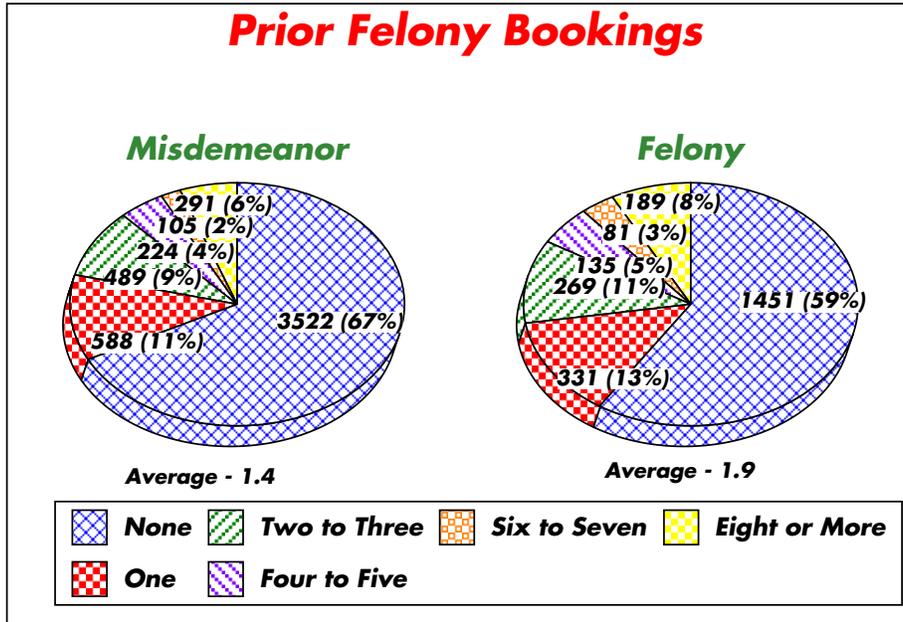
The next graphic shows the number of prior misdemeanor bookings into the Macomb County Jail by whether they were in the sample as a misdemeanor or a felony.



Forty-nine percent of the misdemeanants and 55% of the felons in the sample had no prior misdemeanor bookings. Fourteen percent of the misdemeanants and 13% of the felons had one prior booking; 14% of the misdemeanants and 12% of the felons had two or three prior bookings; 7% of both the misdemeanants and the felons four or five prior bookings; and 4% of both the misdemeanants and the felons had six or seven prior bookings. The remaining 11% of the misdemeanants and 9% of the felons had eight or more prior bookings. The misdemeanants had an average 3 prior misdemeanor bookings and the felons 2.3 prior misdemeanor bookings.

b. Felons

The next graphic shows the number of prior felony bookings into the Macomb County Jail by whether they were in the sample as a misdemeanor or a felony.



Sixty-seven percent of the misdemeanants and 59% of the felons in the sample had no prior felony bookings. Eleven percent of the misdemeanants and 13% of the felons had one prior booking; 9% of the misdemeanants and 11% of the felons had two or three prior bookings; 4% of the misdemeanants and 5% of the felons four or five prior bookings; and 2% of the misdemeanants and 3% of the felons had six or seven prior bookings. The remaining 6% of the misdemeanants and 8% of the felons had eight or more prior bookings.

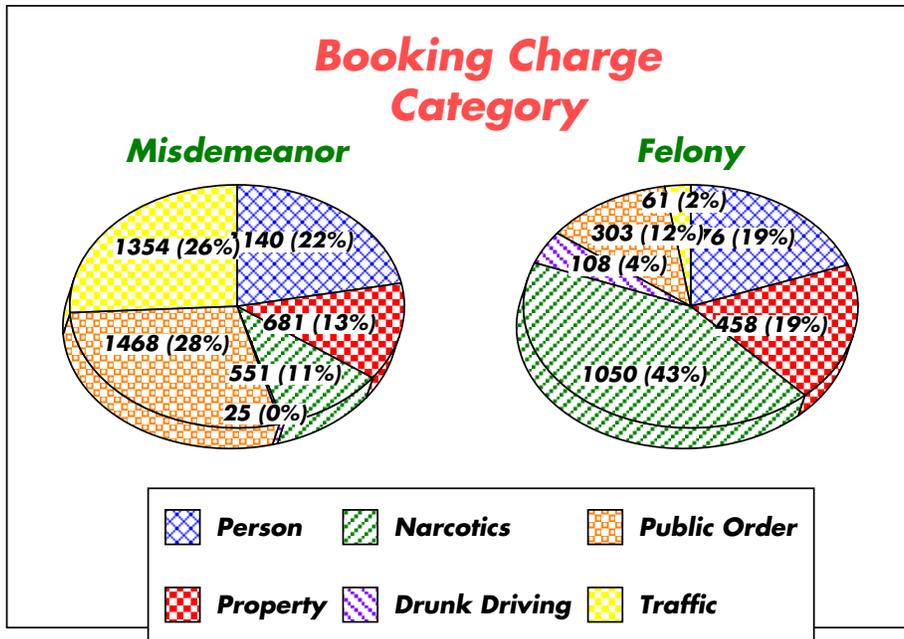
The misdemeanants had an average 1.4 prior felony bookings and the felons 1.9 prior felony bookings.

B. Booking Information

1. Charge Category

a. Overall

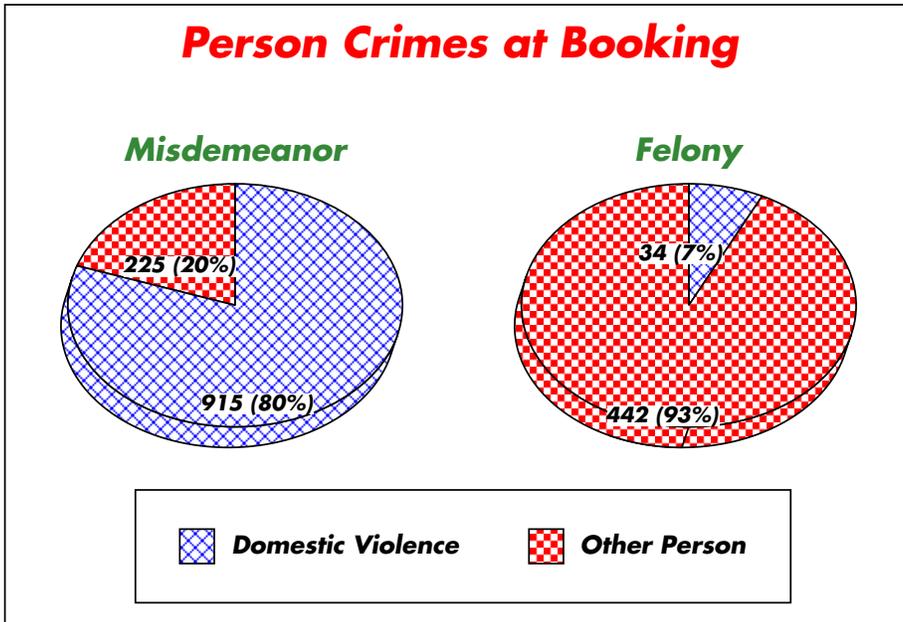
The next graphic shows the most serious booking charge category by charge class.



Twenty-two percent of the misdemeanants and 19% of the felons were booked on person crimes. Thirteen percent of the misdemeanants and 19% of the felons were booked on property crimes; 11% of the misdemeanants and 43% of the felons on narcotics offenses; xx percent of the misdemeanants and 4% of the felons were booked on drunk driving; and 28 percent of the misdemeanants and 12 percent of the felons were booked on public order offenses. The remaining 26% of the misdemeanants and 2% of the felons were booked on traffic charges.

b. Person Crimes

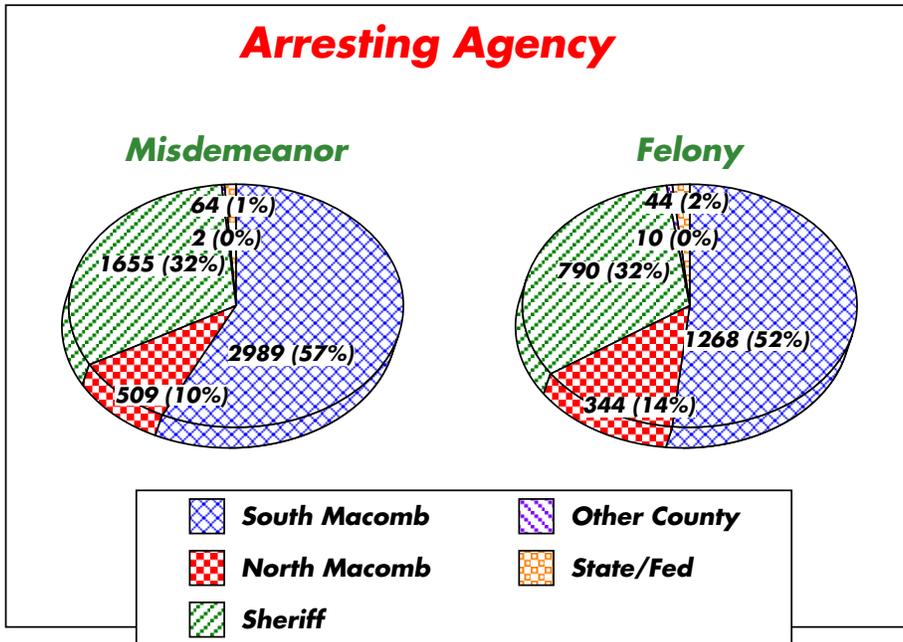
The next graphic shows the person crimes at booking by whether they were domestic violence charges or other person crimes.



Eighty percent of the misdemeanants and 7% of the felons booked on person crimes were domestic violence charges. The remaining were other types of person crimes.

2. Arresting Agency

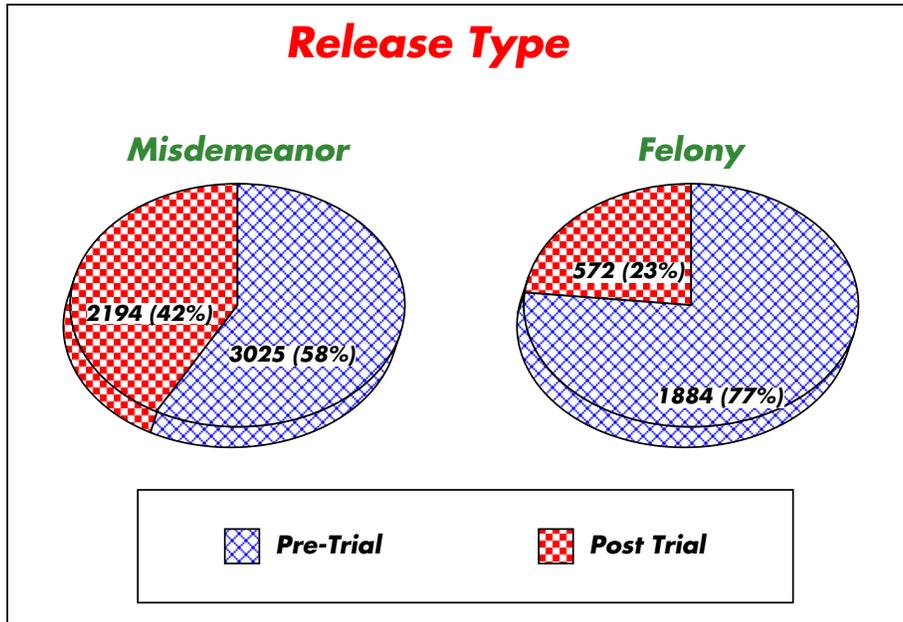
The next graphic shows a grouping of the arresting agency.



Fifty-seven percent of the misdemeanor bookings and 52% of the felony bookings were arrested by a south Macomb police agency. Ten percent of the misdemeanants and 14% of the felons were arrested by a north Macomb police agency; and 32% of both the misdemeanants and the felons were arrested by the Sheriff. The remaining 15 of the misdemeanants 2% of the felons were arrested by a state or federal agency.

3. Release Type

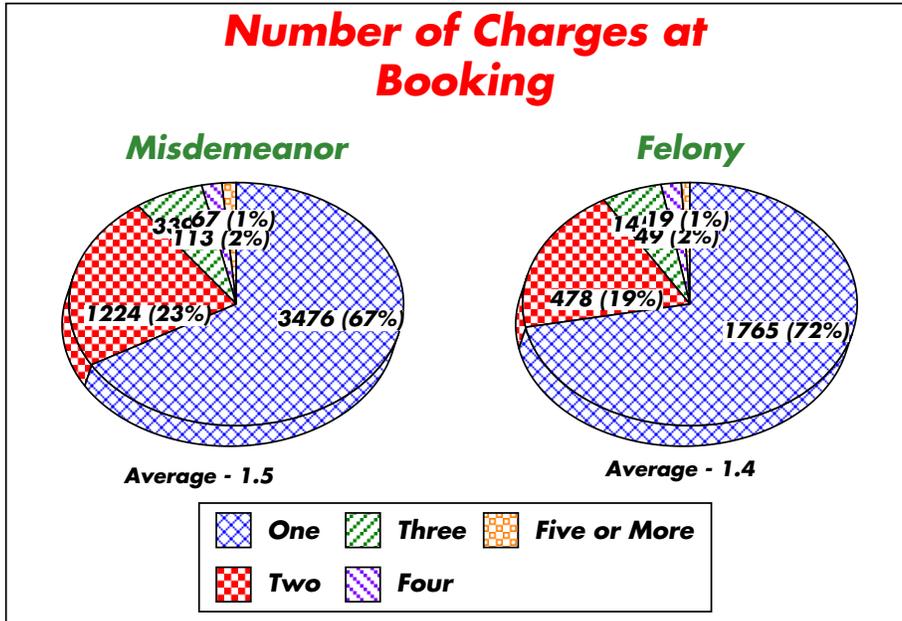
The next graphic shows whether the defendants were released prior to adjudication or after adjudication.



Fifty-eight percent of the misdemeanants and 77% of the felons were released from custody prior to adjudication.

4. Number of Charges

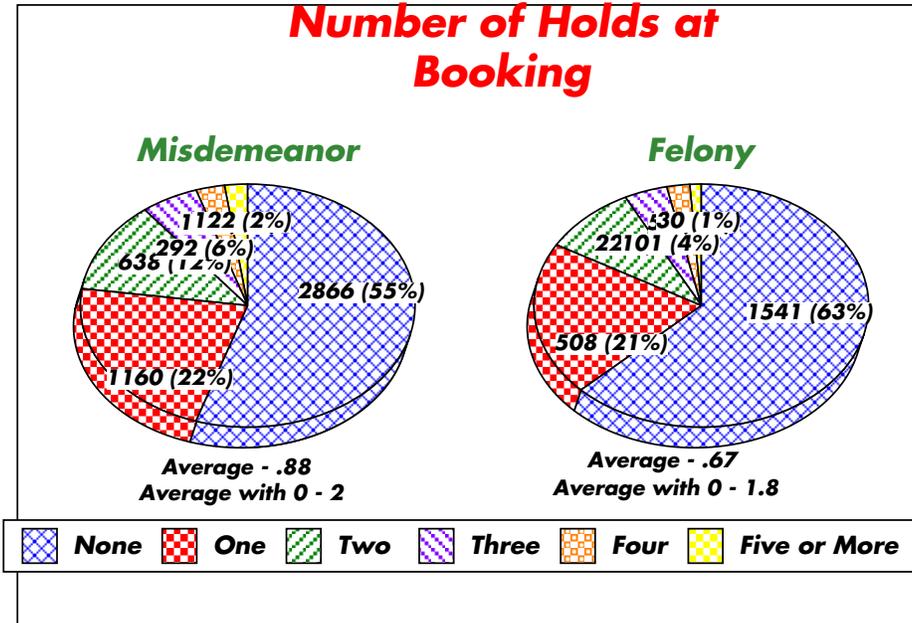
The next graphic shows the number of charges at booking.



Sixty-seven percent of the misdemeanants and 72% of the felons were booked on one charge. Twenty-three percent of the misdemeanants and 19% of the felons were booked on two charges; 6% of both the misdemeanants and the felons were booked on three charges; and 2% of both the misdemeanants and the felons were booked on four charges. The remaining 1% of both the misdemeanants and the felons were booked on five or more charges.

5. Number of Holds

The next graphic shows the number of holds at booking.

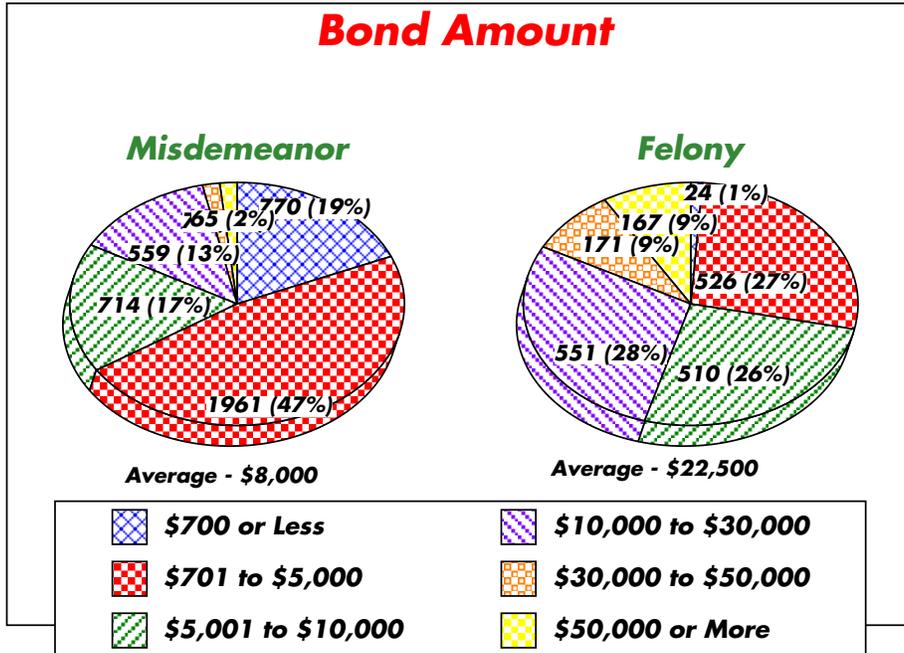


Fifty-five percent of the misdemeanants and 63% of the felons had no holds. Twenty-two percent of the misdemeanants and 21% of the felons had one hold; 12% of the misdemeanants and 9% of the felons had two holds; 6% of the misdemeanants and 4% of the felons had three holds; and 3% of the misdemeanants and 4% of the felons had four holds. The remaining 2% of the misdemeanants and 1% of the felons had five or more holds.

The average number of holds for the misdemeanants was .88 and if the persons with no holds are removed the average is 2 holds. The average number of holds for the felons was .67 and if the persons with no holds are removed the average is 1.8 holds.

6. Bond Amount

The next graphic shows the bond amount set at the time of booking. Defendants who either did not have bail set or were being held no bail are not included in this graphic.

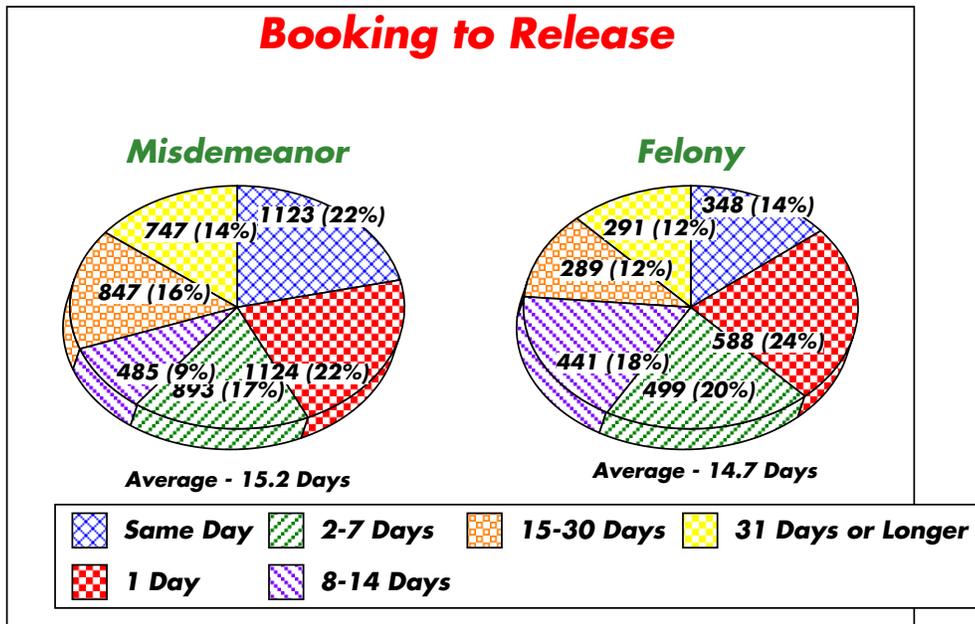


Nineteen percent of the misdemeanants and 1% of the felons had bail set at \$700 or less. Forty-seven percent of the misdemeanants and 27% of the felons had bail set between \$701 and \$5,000; 17% of the misdemeanants and 26% of the felons had bail set between \$5,001 and \$10,000; 13% of the misdemeanants and 28% of the felons had bail set between \$10,000 and \$30,000; and 2% of the misdemeanants and 9% of the felons had bail set between \$30,000 and \$50,000. The remaining 2% of the misdemeanants and 9% of the felons had bail set greater than \$50,000. The average bail setting for a misdemeanant was \$8,000 and for a felon \$225,000.

7. Booking to Release

a. Overall

The next graphic shows the time from booking to release.

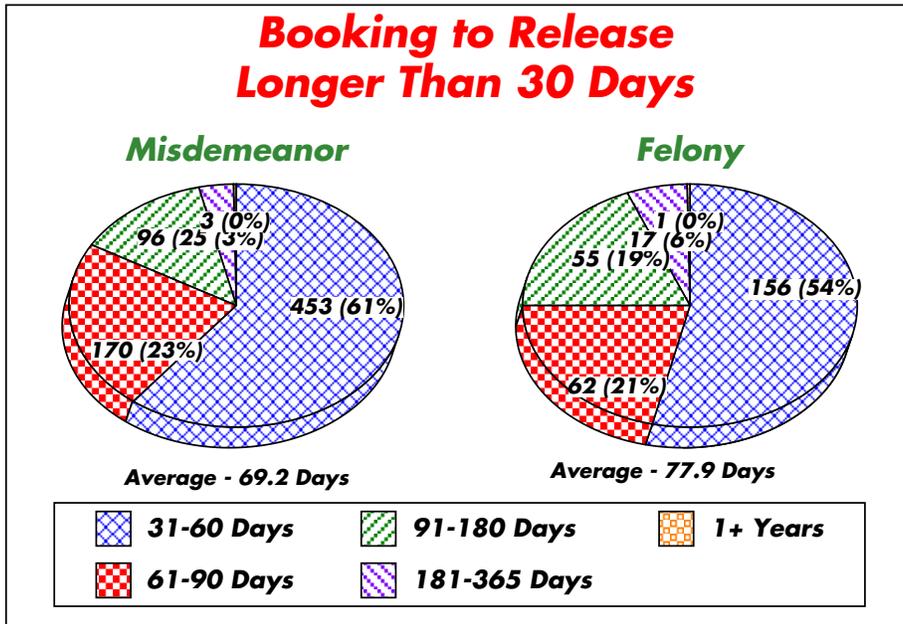


Twenty-two percent of the misdemeanants and 14% of the felons were released from custody the same day. Twenty-two percent of the misdemeanants and 24% of the felons were released after one day; 17% of the misdemeanants and 20% of the felons were released between two and seven days; 9% of the misdemeanants and 18% of the felons were released between eight and fourteen days; and 16% of the misdemeanants and 12% of the felons were released between fifteen and thirty days. The remaining 14% of the misdemeanants and 12% of the felons were released in 31 days or longer.

The average time from booking to release for the misdemeanants was 15.2 days and for the felons 14.7 days.

b. Longer than 30 Days

The next graphic shows the length of time from booking to release for those defendants released after 30 days.



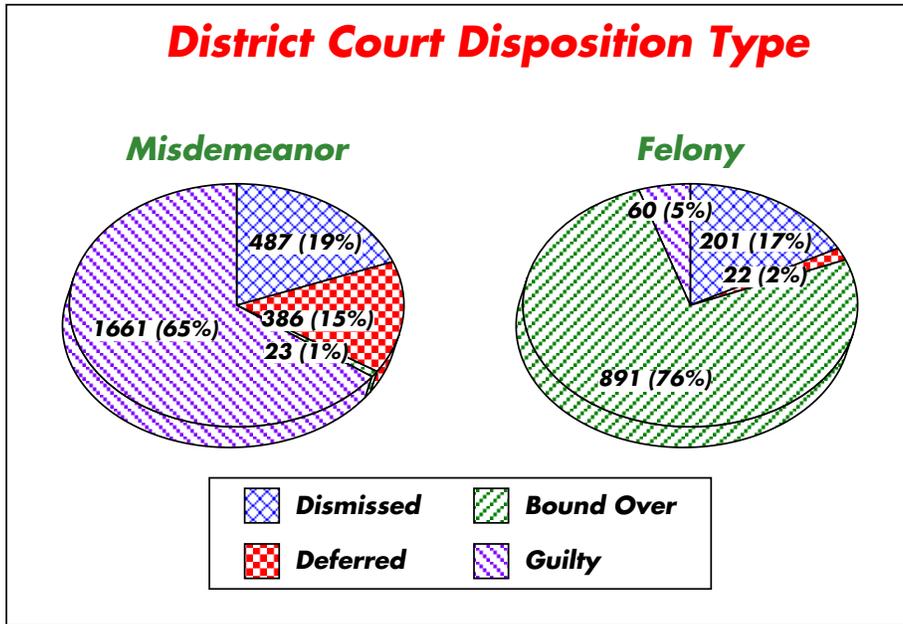
Sixty-one percent of the misdemeanants and 54% of the felons released after 30-days were released between 31 and 60 days. Twenty-three percent of the misdemeanants and 21% of the felons were released between 61 and 90 days; 3% of the misdemeanants and 19% of the felons were released between 91 and 180 days; and the remaining 3% of the misdemeanants and 6% of the felons were released between 181 and 365 days. The remaining 3 misdemeanants and 1 felon were released after a year.

C. District Court

1. Dispositions

a. Type

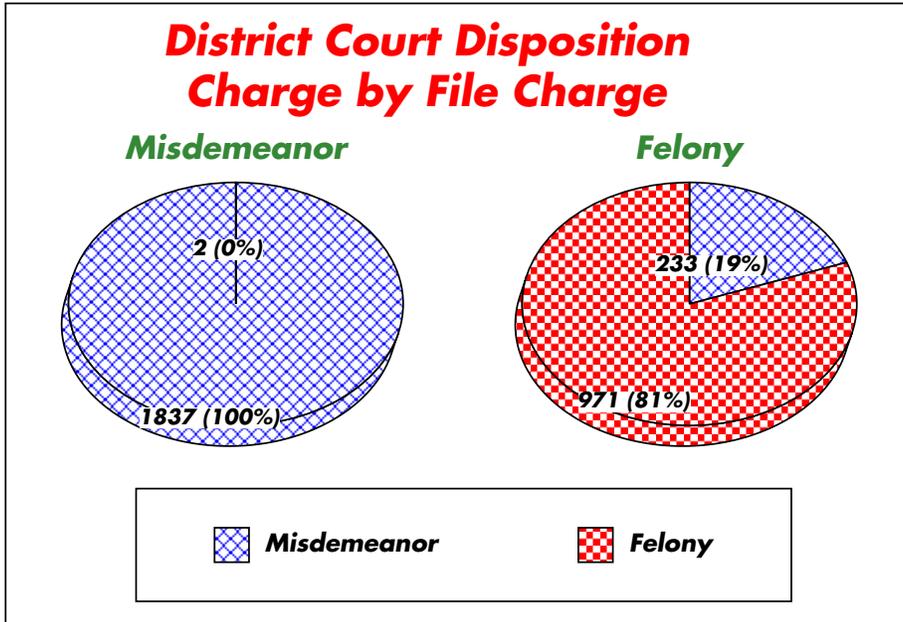
The next graphic shows the disposition type in the district court.



Nineteen percent of the misdemeanants and 17% of the felons had their cases dismissed – a dismissal was only recorded if all charges were dismissed. Fifteen percent of the misdemeanants and 2% of the felons had their cases deferred and 1% of the misdemeanants and 76% of the felons were bound over to the circuit court for trial. The remaining 65% of the misdemeanants and 5% of the felons were either found guilty or pled guilty.

b. File Charge

The next graphic shows the disposition charge class by the file charge class.

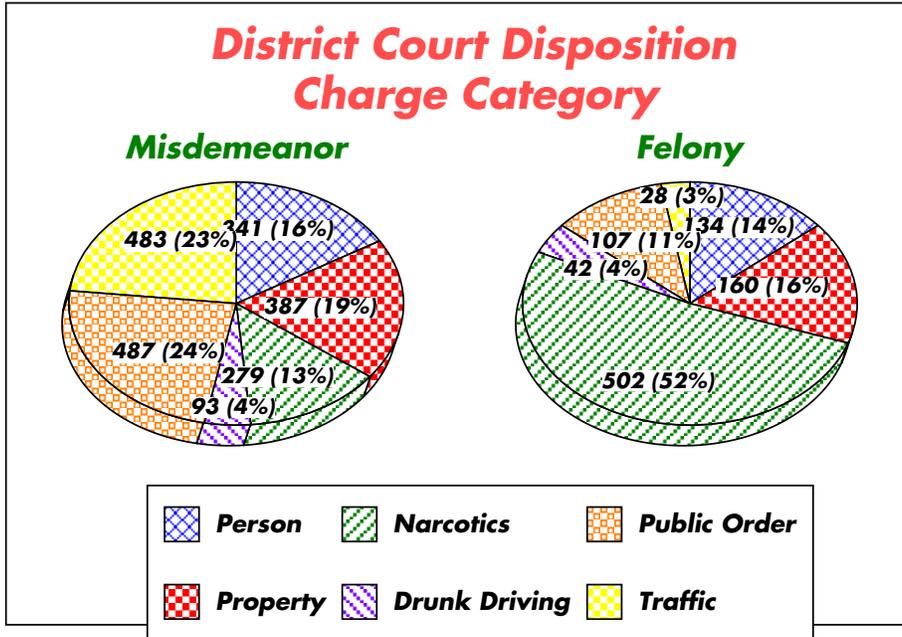


All but 2 of the misdemeanor dispositions were filed as misdemeanors. Nineteen percent of the cases filed as felonies were resolved as a misdemeanor.

c. Charge Category

(1) Overall

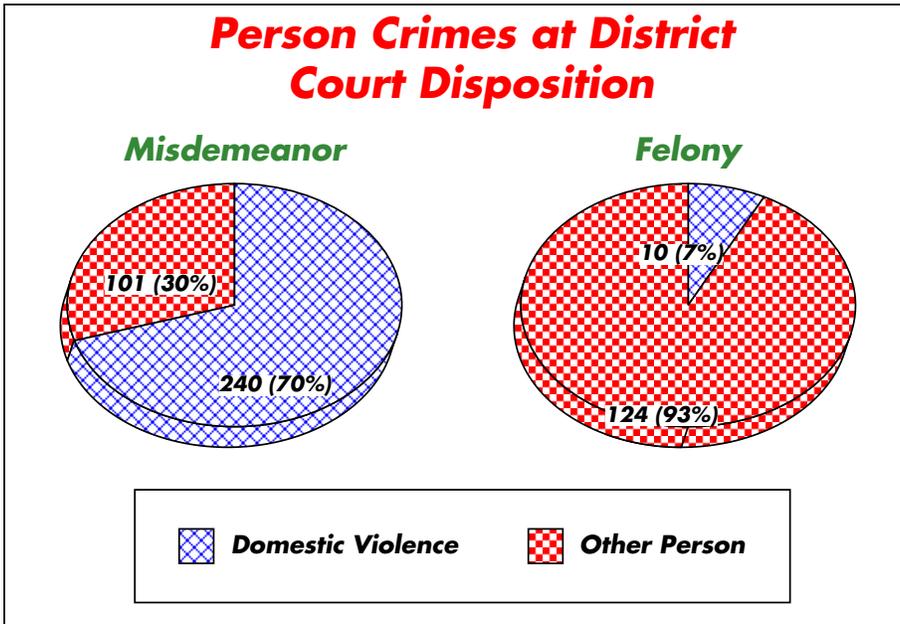
The next graphic shows the most serious district court disposition charge category by charge class.



Sixteen percent of the misdemeanants and 14% of the felons were resolved as person crimes. Nineteen percent of the misdemeanants and 16% of the felons were resolved as property crimes; 13% of the misdemeanants and 52% of the felons on narcotics offenses; 4% of both the misdemeanants and felons were resolved as drunk driving; and 24 percent of the misdemeanants and 11 percent of the felons were resolved as public order offenses. The remaining 23% of the misdemeanants and 3% of the felons were resolved as traffic charges.

(2) Person Crimes

The next graphic shows the person crimes at district court disposition by whether they were domestic violence charges or other person crimes.

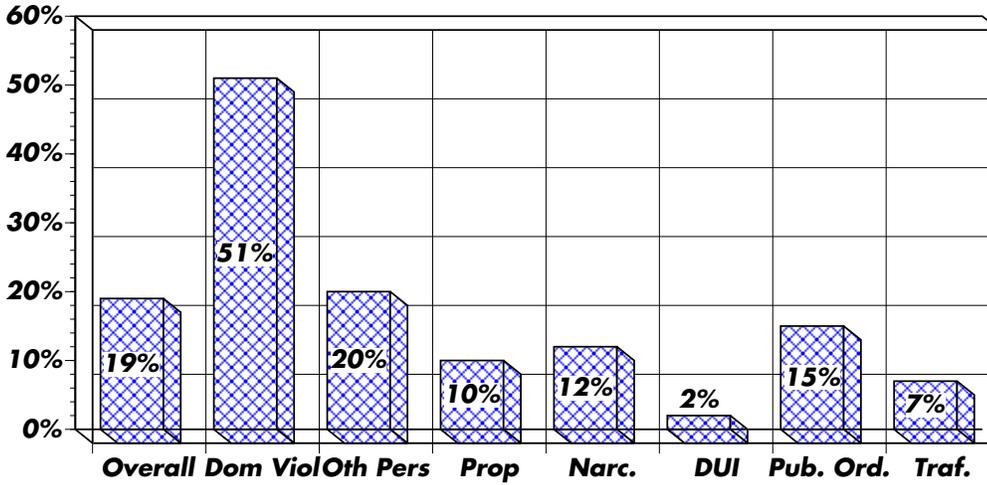


Seventy percent of the misdemeanants and 7% of the felons district court disposition person crimes were domestic violence charges. The remaining were other types of person crimes.

d. Dismissals

The next graphic displays the charge category for the misdemeanor cases that were dismissed.

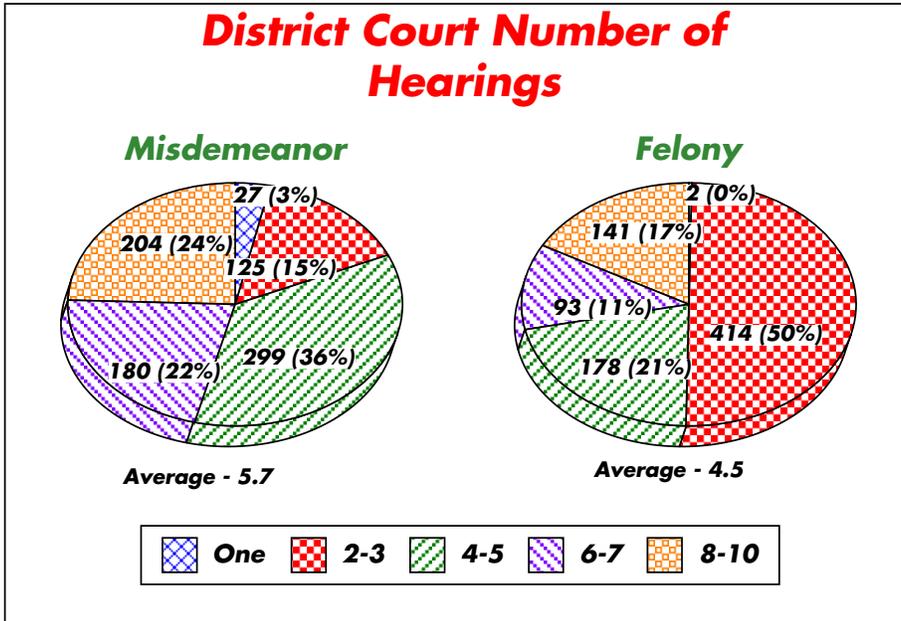
**District Court Dismissals
Charge Category**



Overall, 19% of the misdemeanor cases were dismissed. Fifty-one percent of all the domestic violence cases were dismissed. Twenty percent of the other person crimes were dismissed; 10% of the property crimes were dismissed; 12% of the narcotics cases were dismissed; 2% of the DUI cases were dismissed and 15% of the public order cases were dismissed. The remaining 75 of the traffic cases were dismissed.

2. Number of Hearings

The next graphic shows the number of hearings for each case in district court.

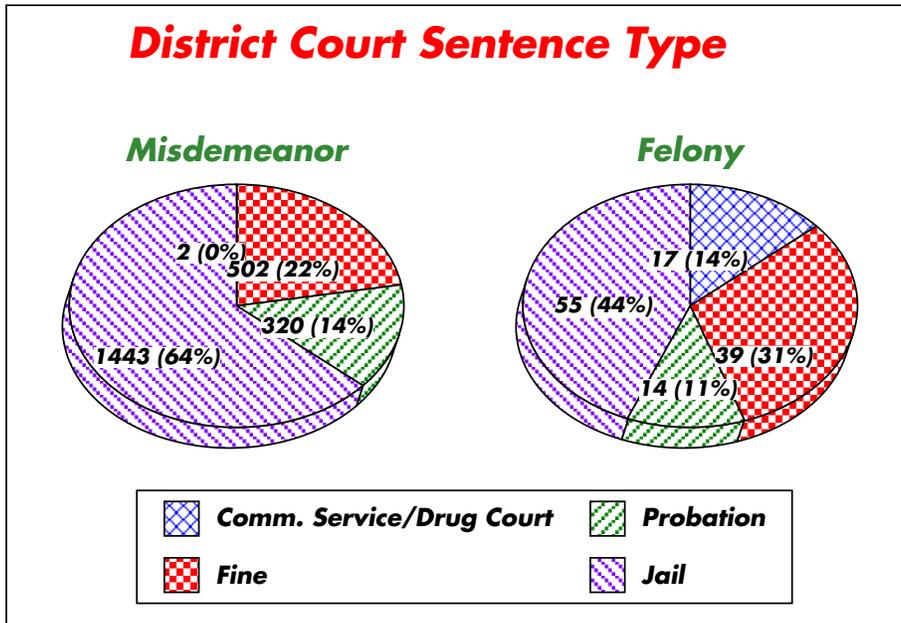


Three percent of the misdemeanants and 2-felony cases were resolved with only one hearing. Fifteen percent of the misdemeanants and half of the felony cases were resolved with two or three hearings; 36% of the misdemeanants and 21% of the felons were resolved with four or five hearings; and 22% of the misdemeanants and 11% of the felons were resolved with six or seven hearings. The remaining 24% of the misdemeanants and 17% of the felons took eight to ten hearings.

3. Sentences

a. Overall

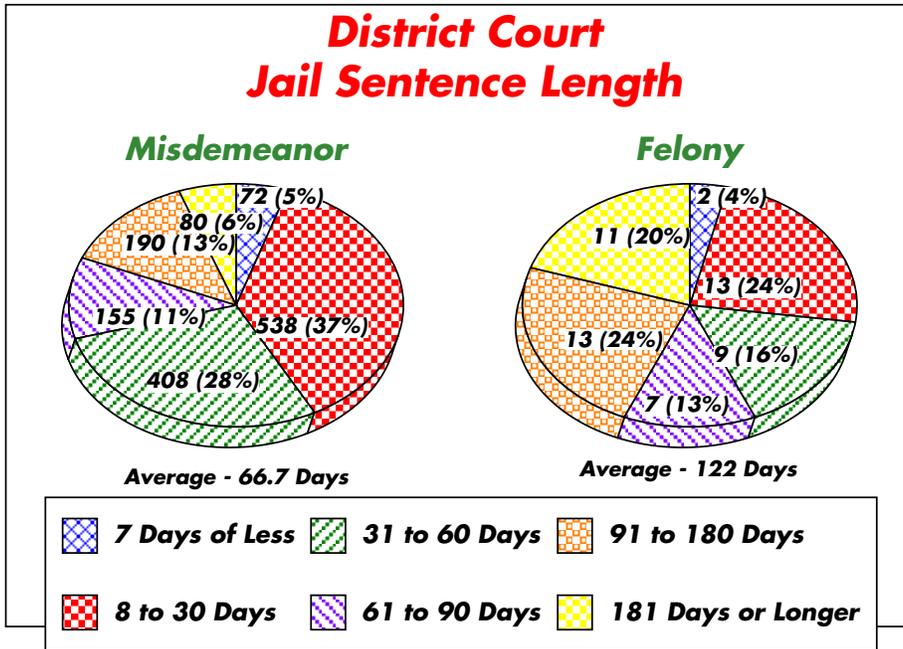
The next graphic shows the type of sentences for the defendants convicted in district court. The most significant sentence type is displayed.



Fourteen percent of the felons received either community service or Drug Court. Twenty-two percent of the misdemeanants and 31% of the felons received a fine; and 14% of the misdemeanants and 11% of the felons were placed on probation. The remaining 64% of the misdemeanants and 44% of the felons received a jail sentence.

b. Jail Sentence Length

The next graphic shows the length of the jail sentences.

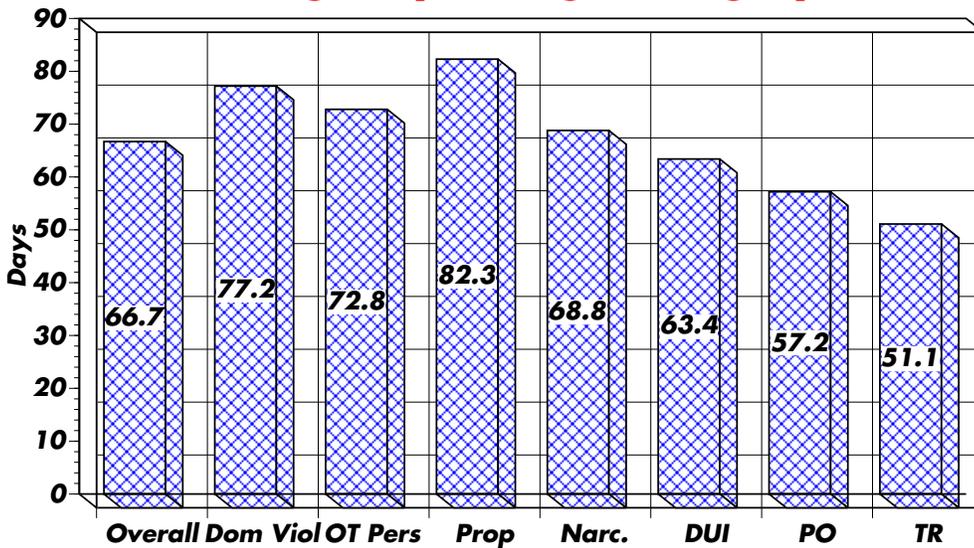


Five percent of the misdemeanants and 4% of the felons who were sentenced to jail received a sentence of 7-days or less. Thirty-seven percent of the misdemeanants and 24% of the felons received a sentence between 8 and 30-days; 28% of the misdemeanants and 16% of the felons received a jail sentence between 31 and 60 days; 11% of the misdemeanants and 13% of the felons received a jail sentence between 61 and 90days; and 13% of the misdemeanants and 24% of the felons received a jail sentence between 91 and 180-days. The remaining 6% of the misdemeanants and 20% of the felons received a jail sentence longer then 180 days. The average misdemeanor jail sentence was 66.7-days and the average felony jail sentence was 122-days.

c. Average Jail Sentence Length by Charge Category.

The next graphic shows the average misdemeanor jail sentence length by charge category.

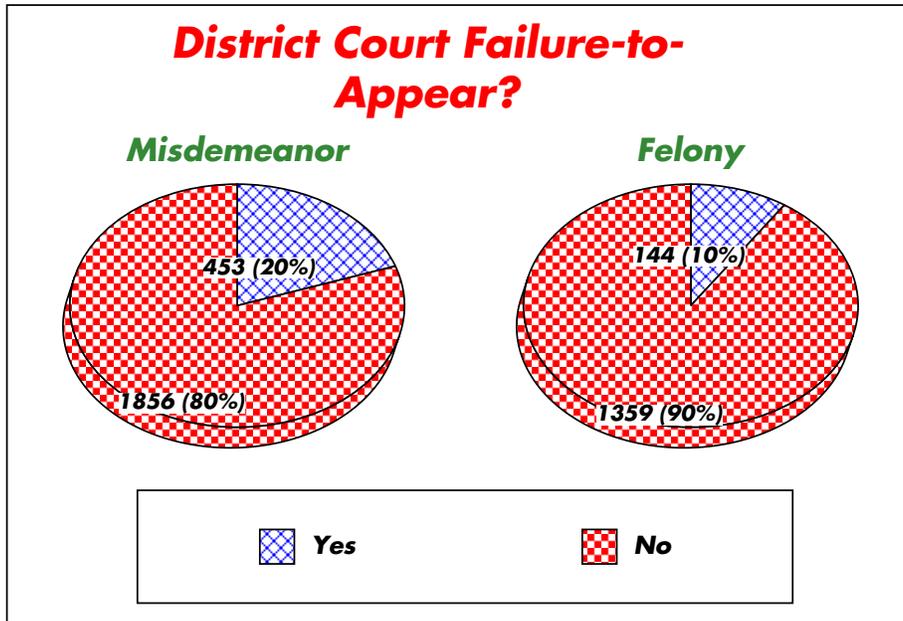
District Court Average Jail Sentence Length by Charge Category



The overall average misdemeanor jail sentence length was 66.7 days. Defendants convicted of domestic violence had an average jail sentence length of 77.2 days. Defendants convicted of other person crimes sentenced to jail received an average sentence of 78.2 days; property crimes 82.3 days; narcotics charges 68.8 days; DUI 63.4 days; and public order 57.2 days. Traffic cases received an average jail sentence of 51.1 days.

4. Failure-to-Appear

The next graphic shows the failure to appear rate.



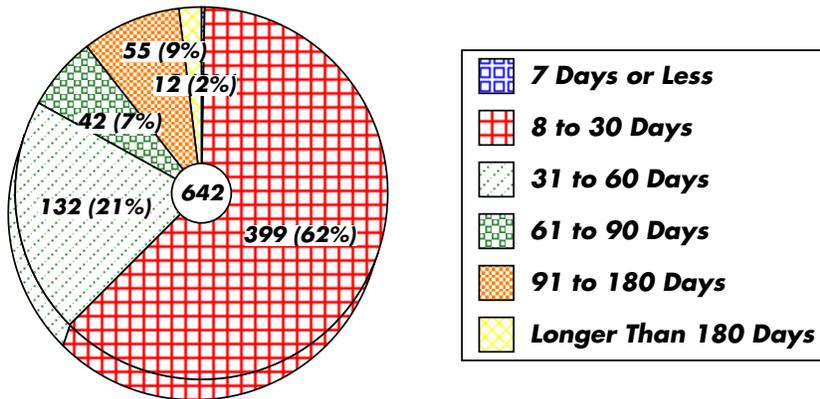
Twenty percent of the misdemeanants and 10% of the felons had a failure-to-appear.

5. Process Times

a. Arraignment to Preliminary Hearing

The next graphic shows length of time for the felony cases from arraignment to preliminary hearing.

District Court Arraignment to Preliminary Hearing



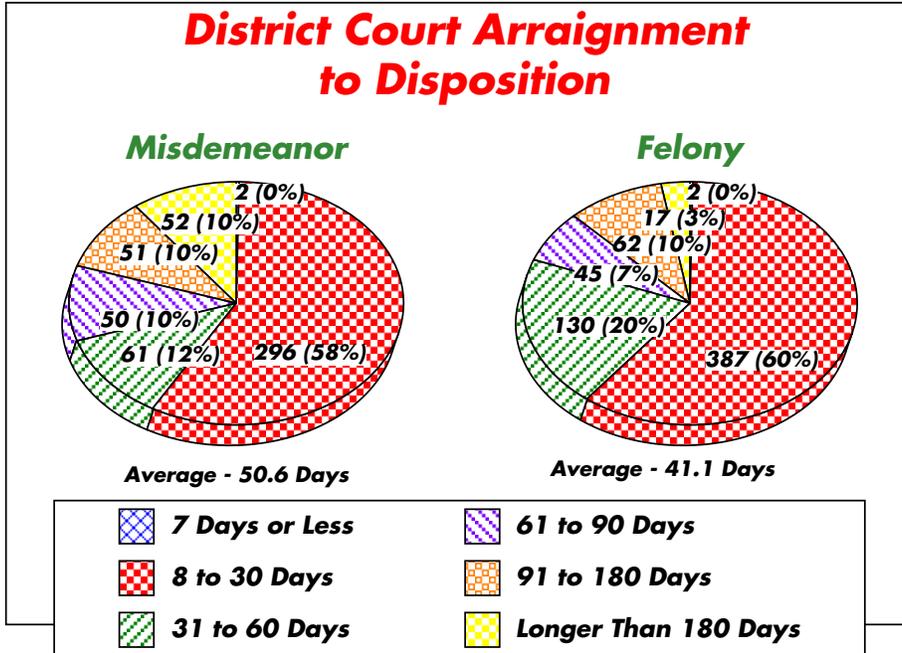
Average - 36.8 Days

Two of the felons got to preliminary hearing in 7-days or less. Sixty-two percent took between 8 and 30 days; 21% took between 31 and 60 days; 7% took between 61 and 90 days; and 9% took between 91 and 180 days. The remaining 2 percent took longer than 180 days.

The average period of time from district court arraignment to preliminary hearing was 36.8 days.

b. Arraignment to Disposition

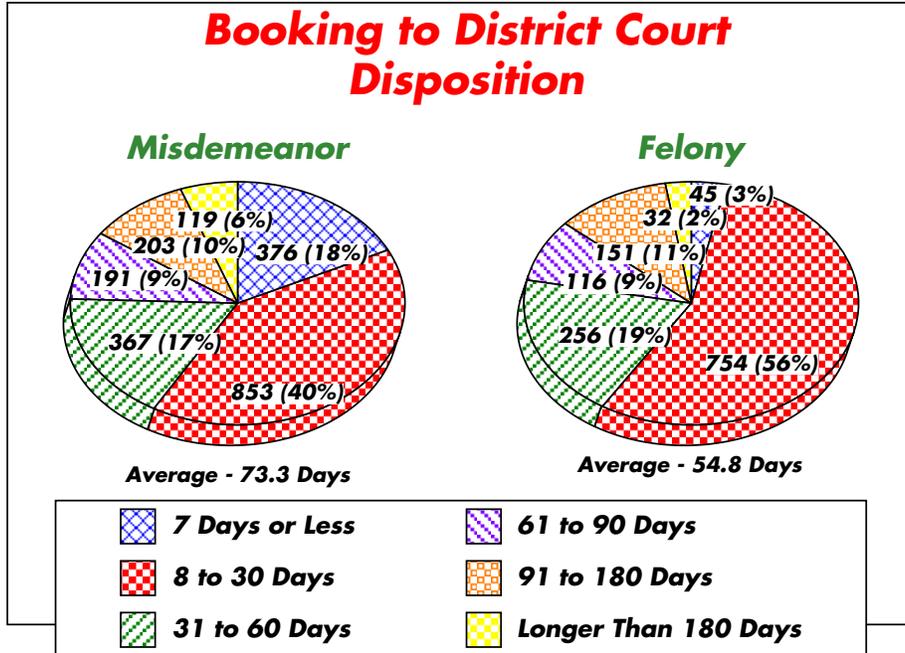
The next graphic shows the length of time between arraignment and disposition by charge class.



Two misdemeanor cases and 2 felony cases went from district court arraignment to disposition in 7-days or less. Fifty-eight percent of the misdemeanants and 60% of the felons were disposed of between 8 and 30 days; 12% of the misdemeanants and 20% of the felons were disposed of between 31 and 60 days; 10% of the misdemeanants and 7% of the felons took between 61 and 90 days; and 10% of both the misdemeanants and the felons took between 91 and 180 days. The remaining 10% of the misdemeanants and 3% of the felons took longer than 180 days. The average time from district court arraignment to disposition for the misdemeanants was 50.6 days and for the felons 41.1 days.

c. Booking to Disposition

The next graphic shows the length of time between booking and disposition by charge class.



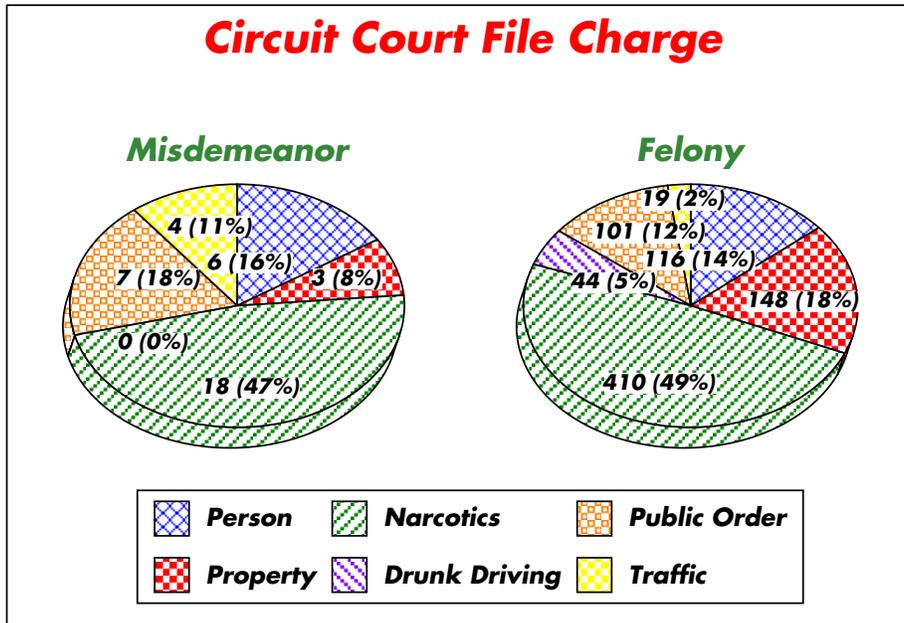
Eighteen percent of the misdemeanor cases and 2% of the felony cases went from booking to disposition in 7-days or less. Forty percent of the misdemeanants and 56% of the felons were disposed of between 8 and 30 days; 17% of the misdemeanants and 19% of the felons were disposed of between 31 and 60 days; 9% of both the misdemeanants and the felons took between 61 and 90 days; and 10% of the misdemeanants and 11% of the felons took between 91 and 180 days. The remaining 6% of the misdemeanants and 3% of the felons took longer than 180 days. The average time from booking to disposition for the misdemeanants was 73.3 days and for the felons 54.8 days.

D. Circuit Court

1. File Charge

a. Overall

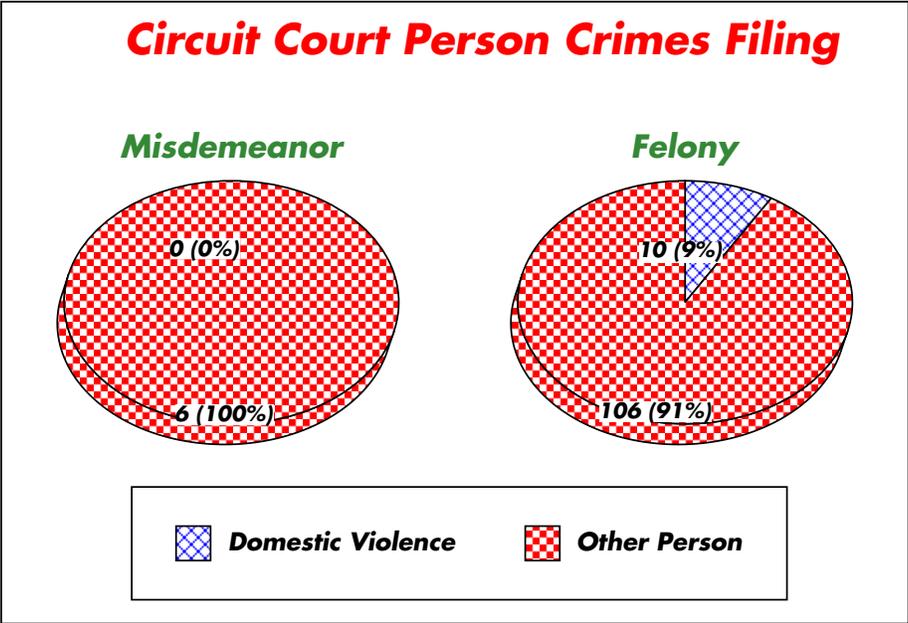
The next graphic shows the circuit court file charge category by charge class.



Sixteen percent of the misdemeanants and 14% of the felons were filed as person crimes. Eight percent of the misdemeanants and 18% of the felons were filed as property crimes; 47% of the misdemeanants and 49% of the felons on narcotics offenses; 5% of felons were filed as drunk driving; and 18% of the misdemeanants and 12% of the felons were filed as public order offenses. The remaining 11% of the misdemeanants and 2% of the felons were filed as traffic charges.

b Person Crimes

The next graphic shows the person crimes at circuit court filing by whether they were domestic violence charges or other person crimes.

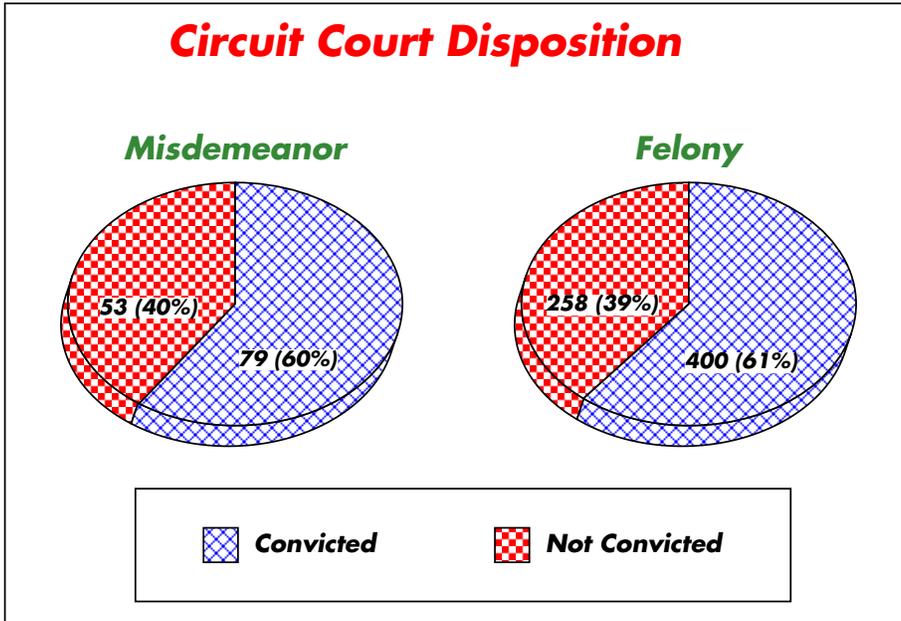


Nine percent of the felony circuit court filing person crimes were domestic violence charges. The remaining were other types of person crimes.

2. Dispositions

a. Convicted

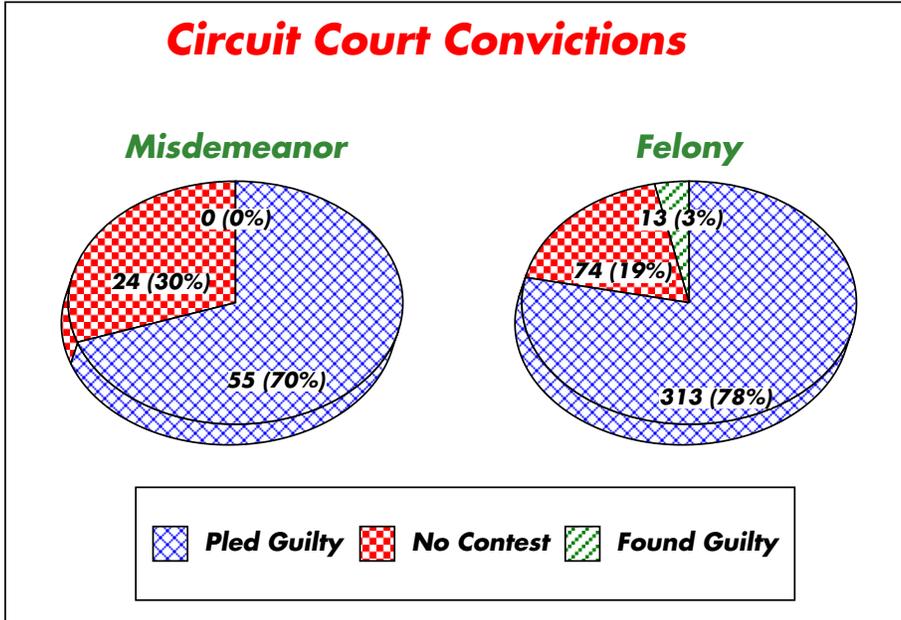
The next graphic shows whether or not the defendants were convicted in circuit court by charge class.



Sixty percent of the misdemeanants and 61% of the felons were convicted. The remaining defendants were not convicted.

b. Conviction Type

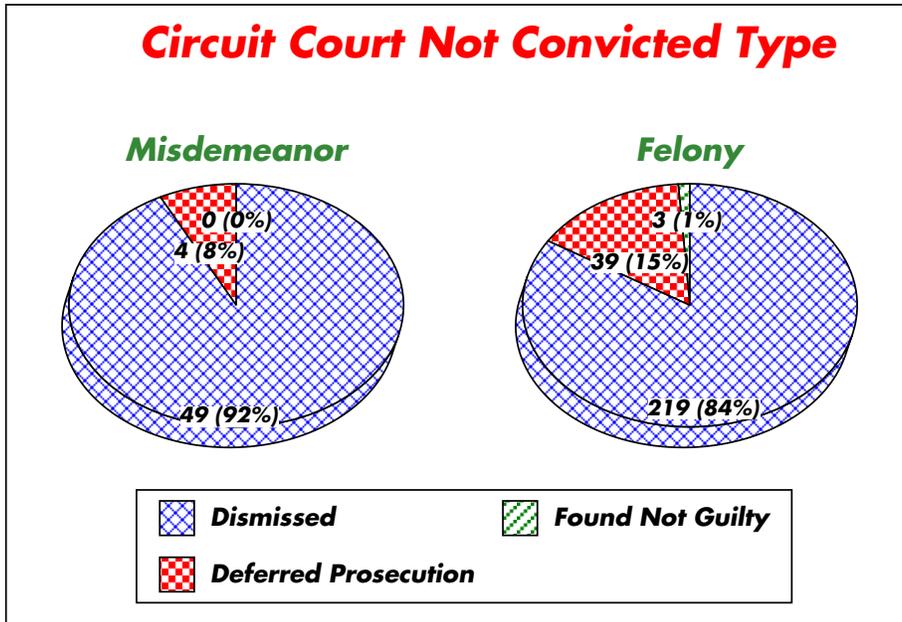
The next graphic shows the type of convictions.



Seventy percent of the misdemeanants and 78% who were convicted pled guilty. Thirty percent of the misdemeanants and 19% of the felons pled no contest. The remaining 3% of the felons were convicted following a trial.

c. Not convicted type

The next graphic shows how the defendants whose were not convicted had their cases resolved.

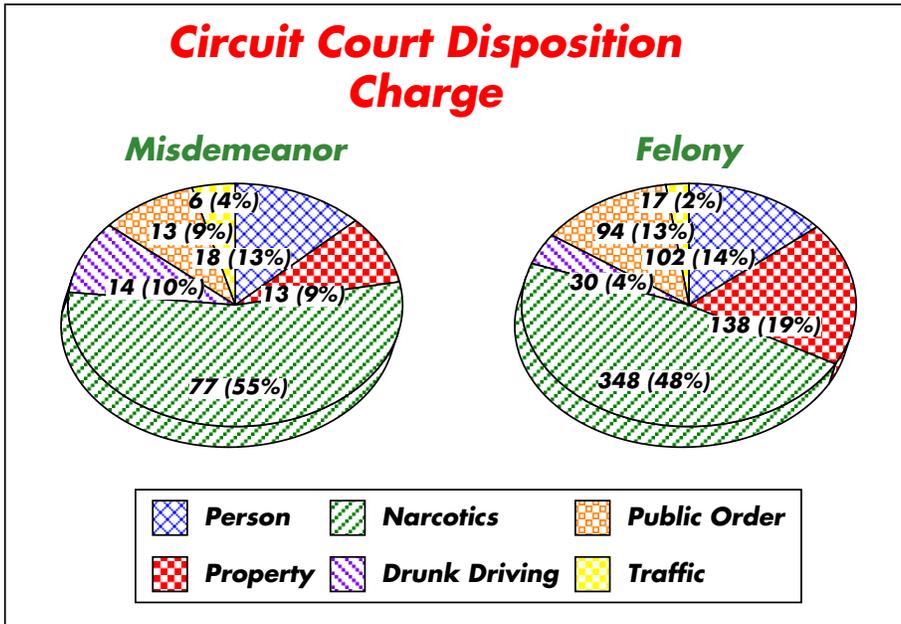


Ninety-two percent of the misdemeanants and 84% of the felons who were not convicted in circuit court had their cases dismissed. Again, dismissals are not recorded unless all charges were dismissed. Eight percent of the misdemeanants and 15% of the felons entered a deferred prosecution program and the remaining 1 felon was found not guilty following a trial.

d. Charge

(1) Overall

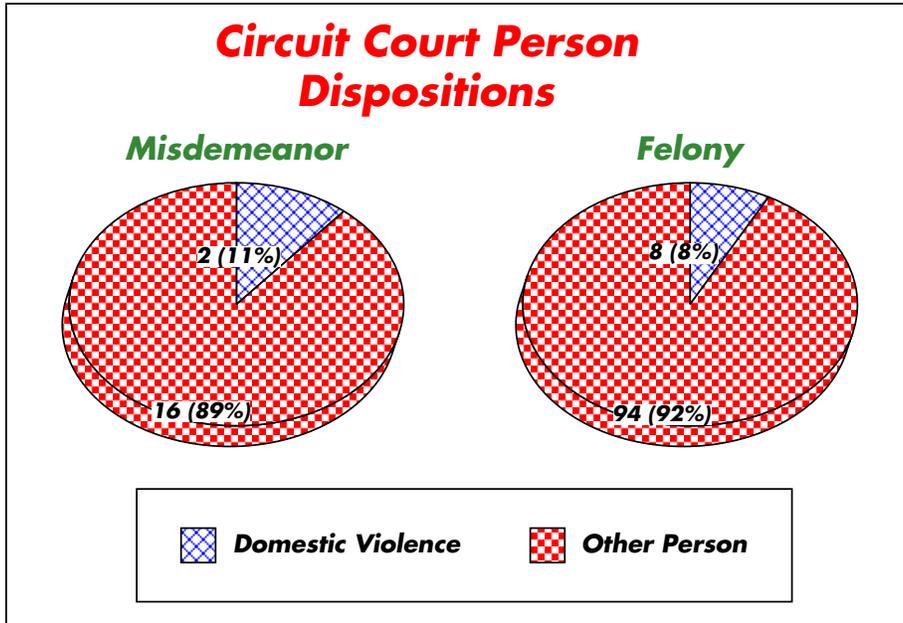
The next graphic shows the most serious circuit court disposition charge category by charge class.



Thirteen percent of the misdemeanants and 14% of the felons were resolved as person crimes. Nine percent of the misdemeanants and 19% of the felons were resolved as property crimes; 55% of the misdemeanants and 48% of the felons on narcotics offenses; 10% of the misdemeanants and 4% of the felons were resolved as drunk driving; and 9 percent of the misdemeanants and 13 percent of the felons were resolved as public order offenses. The remaining 4% of the misdemeanants and 2% of the felons were resolved as traffic charges.

(2) Person Crimes

The next graphic shows the person crimes at circuit court disposition by whether they were domestic violence charges or other person crimes.

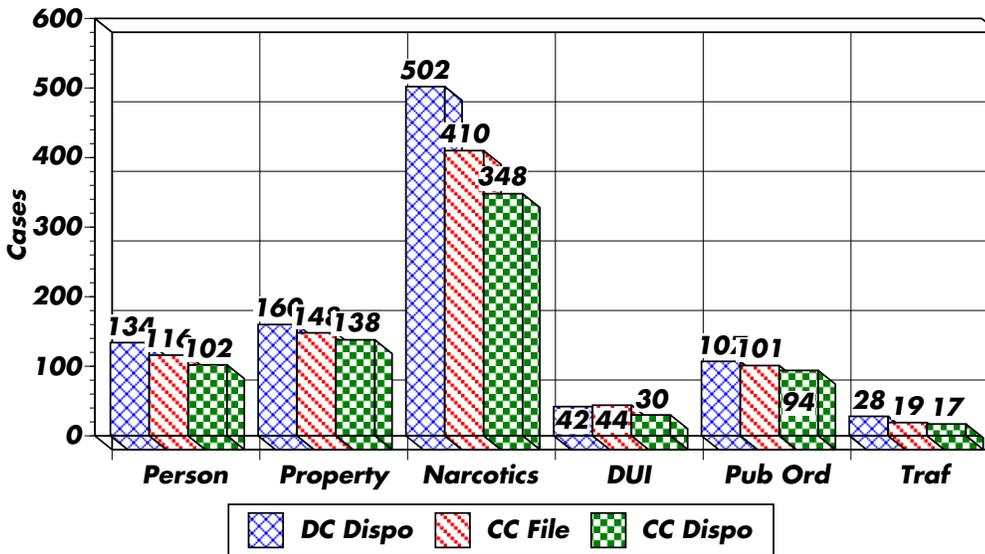


Eleven percent of the misdemeanants and 8% of the felony circuit court disposition person crimes were domestic violence charges. The remaining were other types of person crimes.

3. Attrition

The next graphic shows the overall number of felony cases at district court disposition, circuit court filing, and circuit court disposition.

Felony Attrition



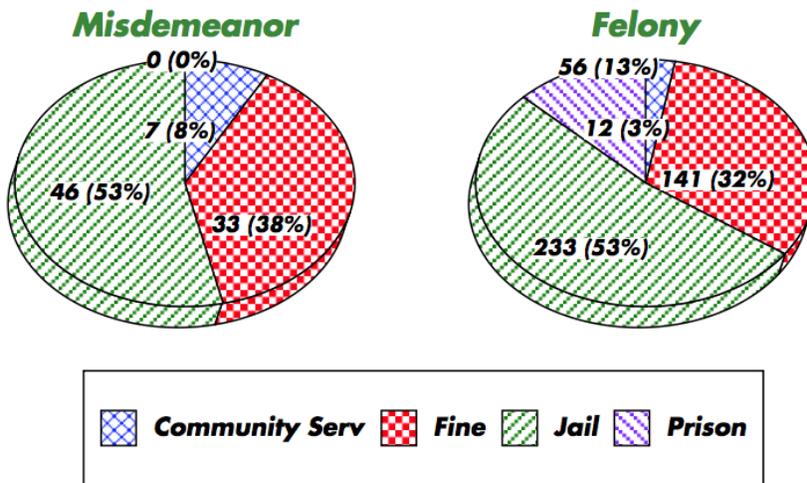
The only charge category showing a noticeable attrition of felony cases were narcotics cases. There were 502 felony cases there were bound over from district court, 410 at circuit court filing, and 348 at circuit court disposition. A 31% attrition rate on narcotics offenses is not unusual.

3. Sentences

a. Type

The next graphic shows the type of the most significant sentence ordered by the court for those defendants convicted in circuit court.

Circuit Court Sentence Type

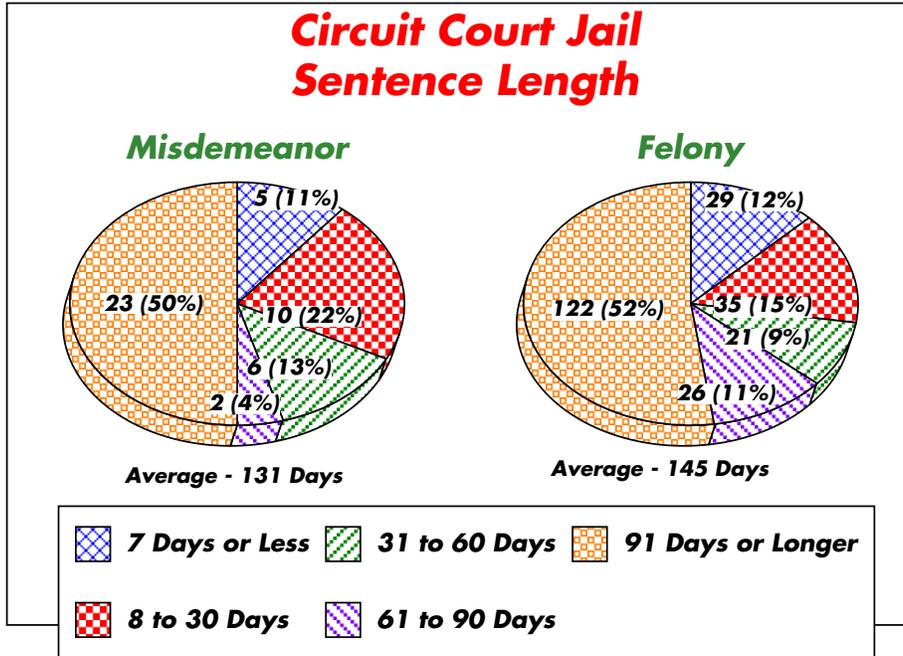


Eight percent of the misdemeanants and 3% of the felons were sentenced to community service. Thirty-eight percent of the misdemeanants and 32% of the felons were ordered to pay a fine; and 53% of the misdemeanants and 53% of the felons received a jail sentence. The remaining 13% of the felons were sentenced to prison.

b. Jail Sentence Length

(1) Overall

The next graphic shows the length of the jail sentences.

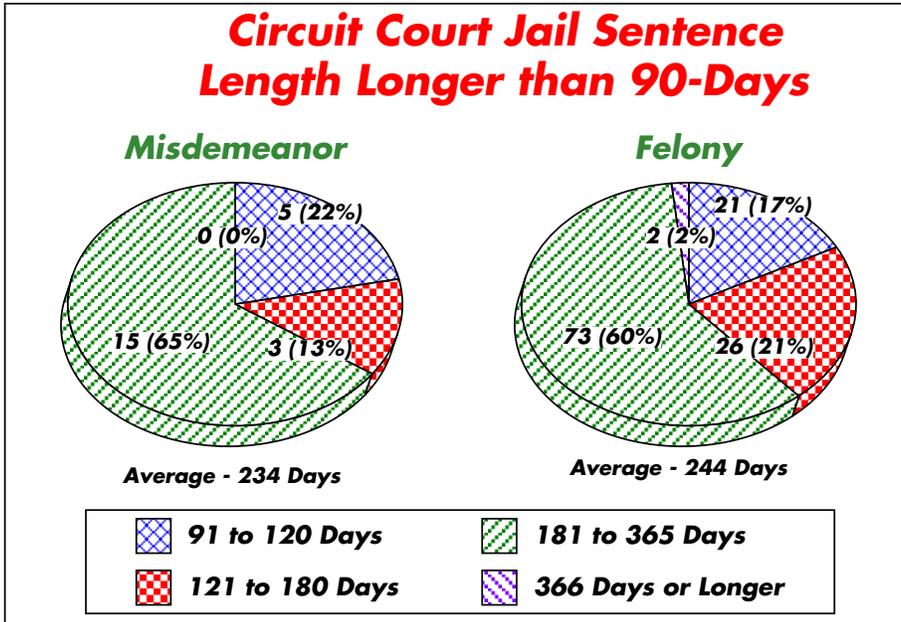


Eleven percent of the misdemeanants and 12% of the felons who were sentenced to jail received a sentence of 7-days or less. Twenty-two percent of the misdemeanants and 15% of the felons received a sentence between 8 and 30-days; 13% of the misdemeanants and 9% of the felons received a jail sentence between 31 and 60 days; and 4% of the misdemeanants and 11% of the felons received a jail sentence between 61 and 90 days. The remaining 50% of the misdemeanants and 52% of the felons received a jail sentence longer than 90 days.

The average misdemeanor jail sentence was 131 days and the average felony jail sentence was 145 days.

(2) Longer than 90-Days

The next graphic shows the length of the jail sentences for those who received a sentence longer than 90-days.

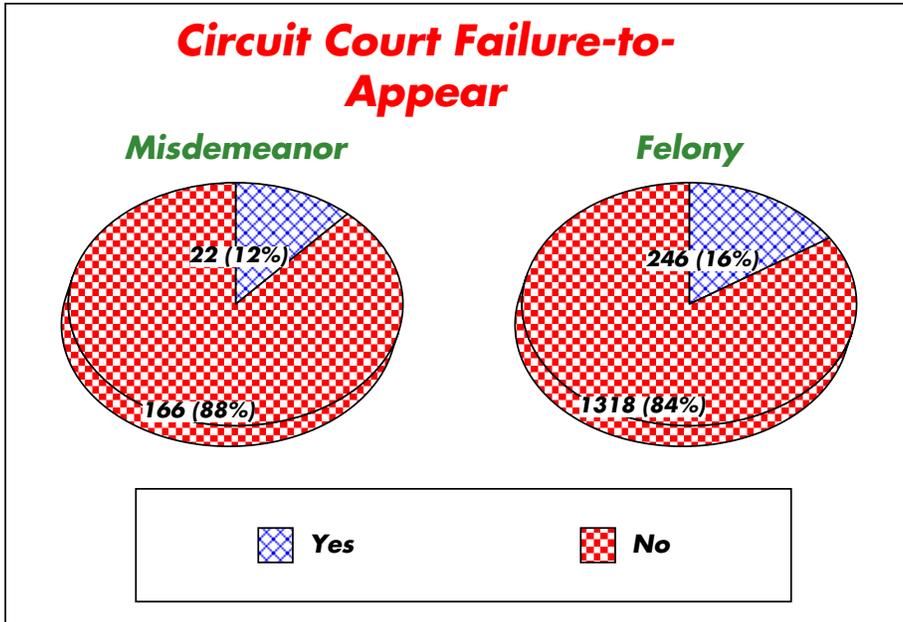


Twenty-two percent of the misdemeanants and 17% of the felons who received a jail sentence longer than 90-days received a sentenced between 91 and 120 days. Thirteen percent of the misdemeanants and 21% of the felons received a sentence of between 121 and 180 days; and 65% of the misdemeanants and 60% of the felons received a sentence between 181 and 365 days. The remaining 2% of the felons were sentenced to longer than 365 days.

The average jail sentence length of the misdemeanants sentenced to longer than 90 days was 234 days and for the felons 244 days.

4. Failure to Appear

The next graphic shows the failure-to-appear rate in circuit court by charge class.



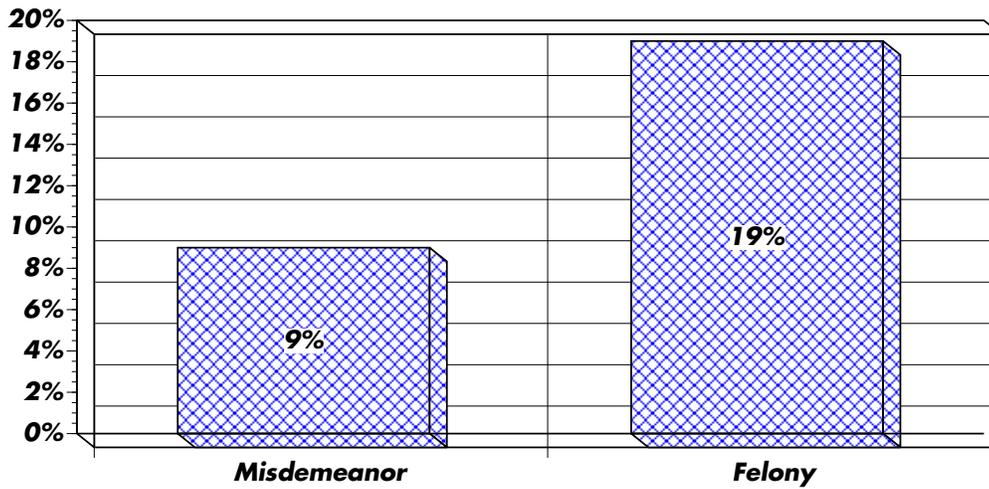
Twelve percent of the misdemeanants and 16% of the felons had a failure to appear in circuit court.

5. Re-Arrest

a. Overall

The next graphic shows the re-arrest rate for persons released prior to adjudication. The window examined was from the release on the instant offense to disposition.

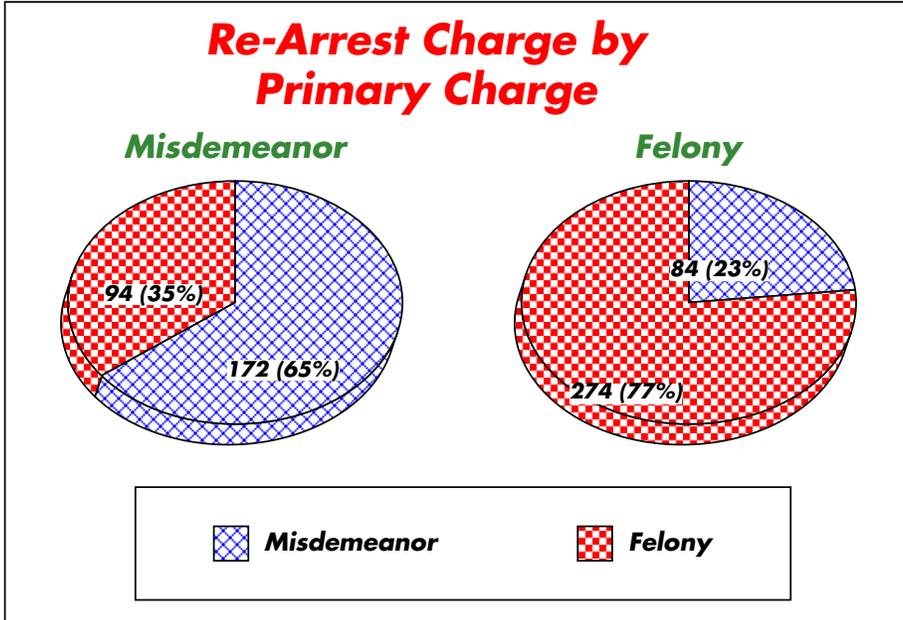
Re-Arrest Prior to Adjudication



Nine percent of the misdemeanants and 19% of the felons were re-arrested while awaiting adjudication.

b. Charge Class

The next graphic shows the class that the defendants were re-arrested for by their original charge.



Sixty-five percent of the misdemeanants who were re-arrested were charged with a new misdemeanor. The remaining 35% were charged with a new felony.

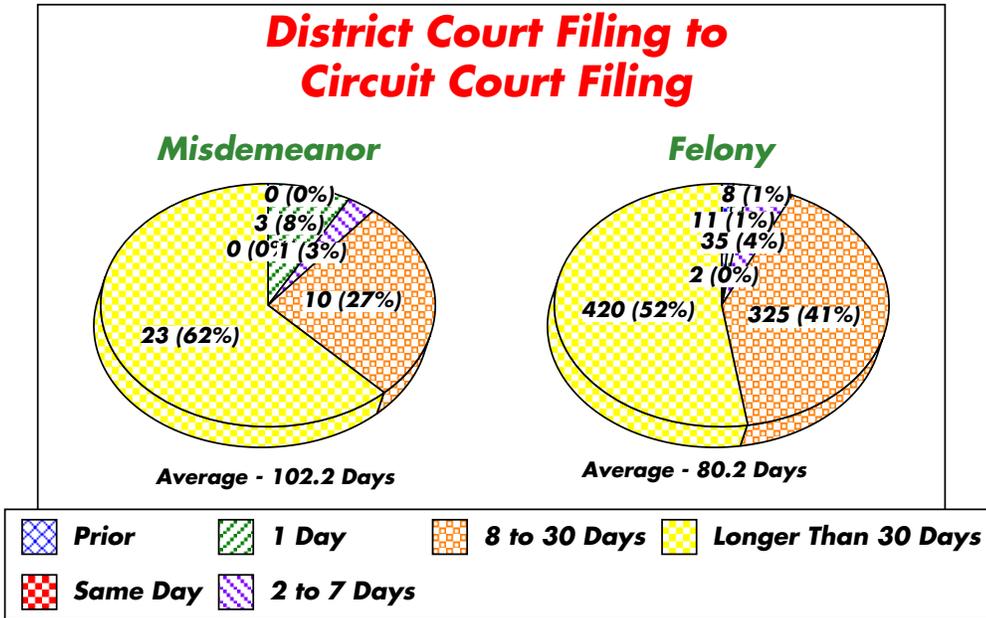
Twenty-three percent of the felons who were re-arrested were charged with a new misdemeanor. The remaining 77% were charged with a new felony.

6. Process Times

a. District Court Filing to Circuit Court Filing

(1) Overall

The next graphic shows the length of time between district court filing and circuit court filing.

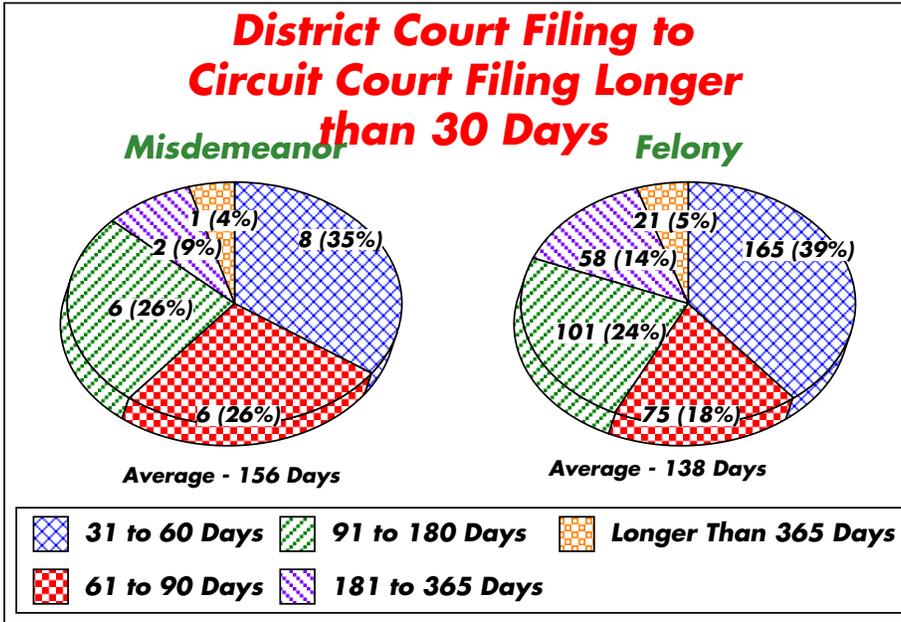


Eleven percent of the misdemeanants and 7% of the felons took 7 days or less between district court filing and circuit court filing. Twenty-seven percent of the misdemeanors and 41% of the felons took between 8 and 30 days. The remaining 62% of the misdemeanants and 52% of the felons took longer than 30-days.

The average length of time between district court arraignment and circuit court filing was 102.2 days for the misdemeanants and 80.2 days for the felons.

(2) Longer Than 30 Days

The next graphic shows the length of time between district court filing and circuit court filing for cases that took longer than 30-days.

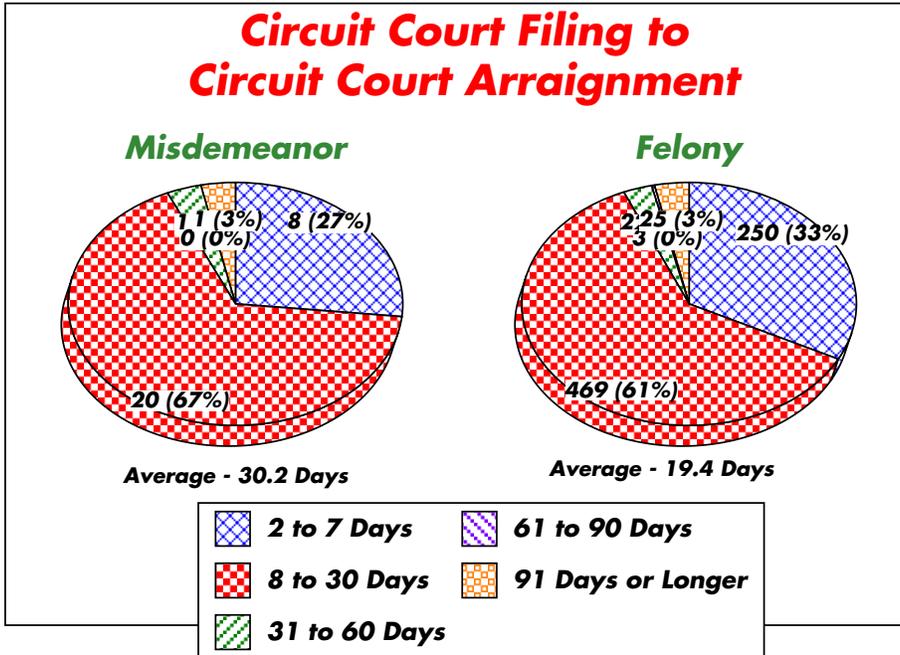


Thirty-five percent of the misdemeanants and 39% of the felons whose cases took longer than 30-days between district court filing and circuit court filing took between 31 and 60 days. Twenty-six percent of the misdemeanants and 18% of the felons took between 61 and 90 days; 26% of the misdemeanants and 24% of the felons took between 91 and 180 days; and 9% of the misdemeanants and 14% of the felons took between 181 and 365 days. The remaining 4% of the misdemeanants and 5% of the felons took longer than 365 days.

For those cases that took longer than 30-days, the average length of time for misdemeanants was 156 days and for felons 138 days.

b. Circuit Court Filing to Circuit Court Arraignment

The next graphic shows the length of time between circuit court filing and circuit court arraignment.

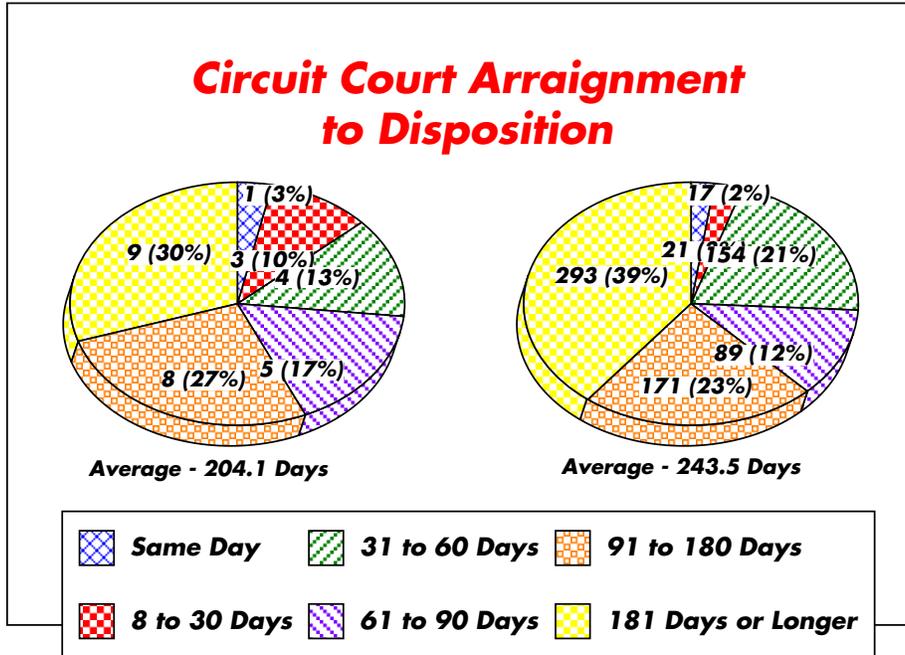


Twenty-seven percent of the misdemeanants and a third of the felons took between 2 and 7 days between circuit court filing and arraignment. Sixty-seven percent of the misdemeanants and 61% of the felons took between 8 and 30 days; 3% of both the misdemeanants and the felons took between 31 and 60 days. The remaining 3% of the both the misdemeanants took 91 days or longer.

The average length of time between circuit court filing and arraignment was 30.2 days for the misdemeanants and 19.4 days for the felons.

c. Circuit Court Arraignment and Disposition

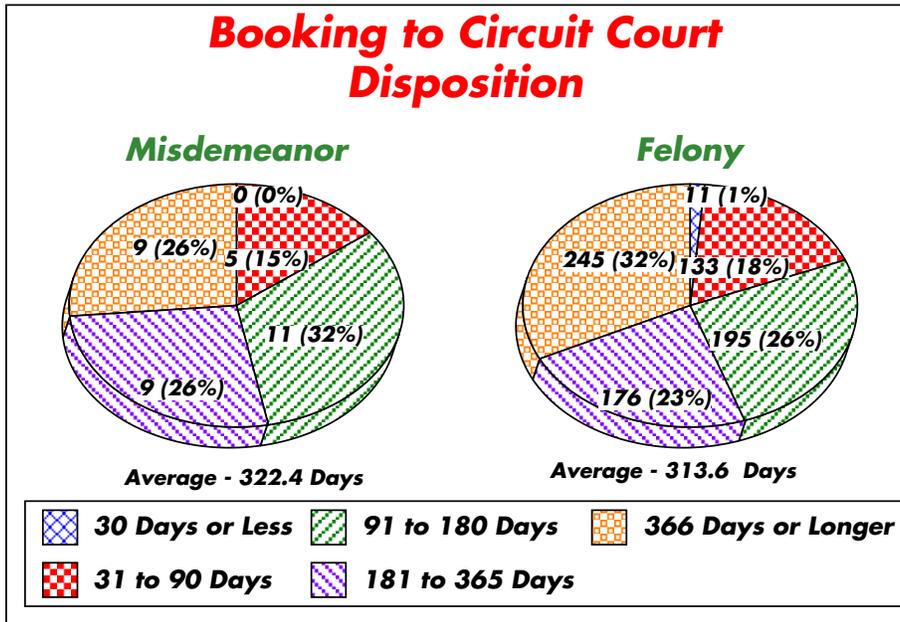
The next graphic shows the length of time between circuit court arraignment and disposition.



Thirteen percent of the misdemeanants and 5% of the felons took 30-days or less between circuit court arraignment and disposition. Thirteen percent of the misdemeanors and 21% of the felons took between 31 and 60 days; 17% of the misdemeanants and 12% of the felons took between 61 and 90 days; and 27% of the misdemeanants and 23% of the felons took between 91 and 180 days. The remaining 30% of the misdemeanants and 39% of the felons took 181 days or longer. The average length of time between circuit court arraignment and disposition was 204.1 days for the misdemeanants and 243.5 days for the felons.

d. Booking to Circuit Court Disposition

The final graphic shows the length of time between booking and circuit court disposition.



Fifteen percent of the misdemeanants and 19% of the felons took 90-days or less between booking and circuit court disposition. Thirty-two percent of the misdemeanants and 26% of the felons took between 91 and 180-days; and 26% of the misdemeanants and 23% of the felons took between 181 and 365-days. The remaining 26% of the misdemeanants and 32% of the felons took longer than 365 days.

The average length of time between booking and circuit court disposition was 322.4 for the misdemeanants and 313.6 days for the felons.

section Jail Snapshot

4

❖ Joe McBratnie from the Macomb County Information Technology Department developed the routines to complete a daily snapshot of every prisoner in custody. The snapshot methodology uses a hierarchy to determine the most significant charge for which a defendant is being held and from that determines their status. The snapshot is recorded each night at midnight and a monthly composite is prepared at the end of the month.

The data presented in this chapter was taken from monthly composites from January through September 2016. It is presented in three sections: the first section details the number of prisoners in each category and the second shows the inmates regardless of whether they have a hold; finally how long they have been in custody. Time in custody is a different measurement than length of stay. Time in custody is the average length of time each prisoner in the specific category has been in custody as opposed to average length of stay, which captures all of the prisoners in jail during a given period of time. Average length of stay is much shorter as it includes all the prisoners who came in and were released from custody, while time in custody only includes the prisoners in custody at the time of the snapshot.

The Macomb County jail operates at capacity. Consequently, the snapshots don't reflect the demand on the use of the jail.

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Jail Population Breakdown

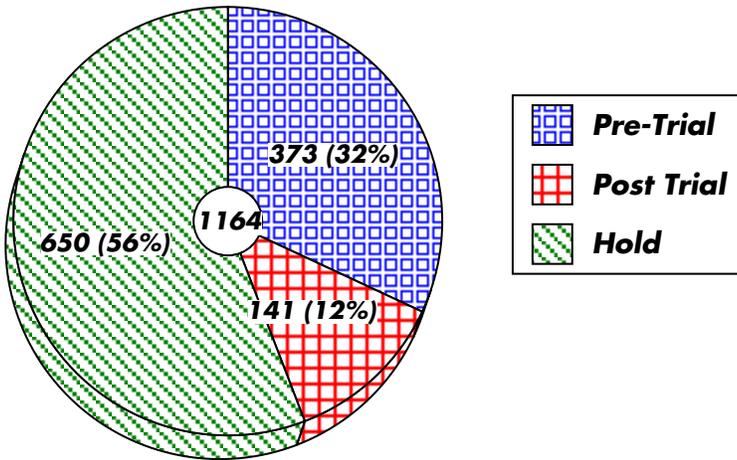
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A. Prisoner Status

1. Overall

The first graphic shows the status of the average 1,164 prisoners in custody.

Prisoner Status

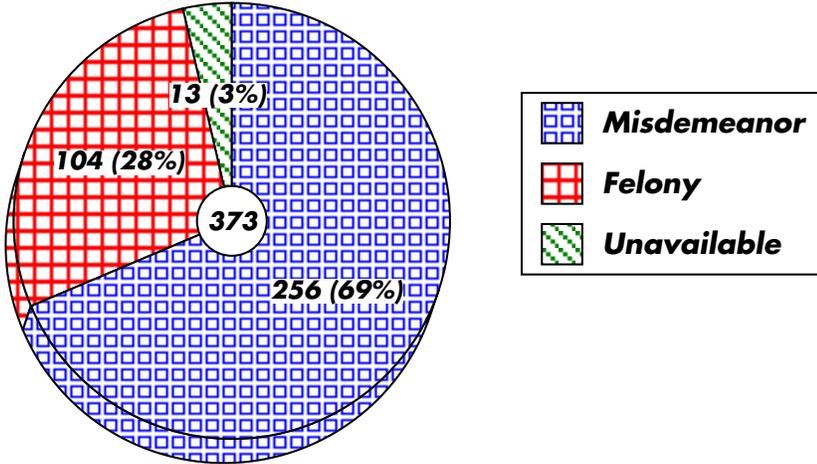


Thirty-two percent of the jail population was there awaiting trial. Twelve percent was serving a sentence and an astounding remaining 56 percent were in jail on holds.

2. Pre-Trial Prisoners

The next graphic displays the charge class for the 373 pre-trial prisoners.

Pre-Trial Prisoners

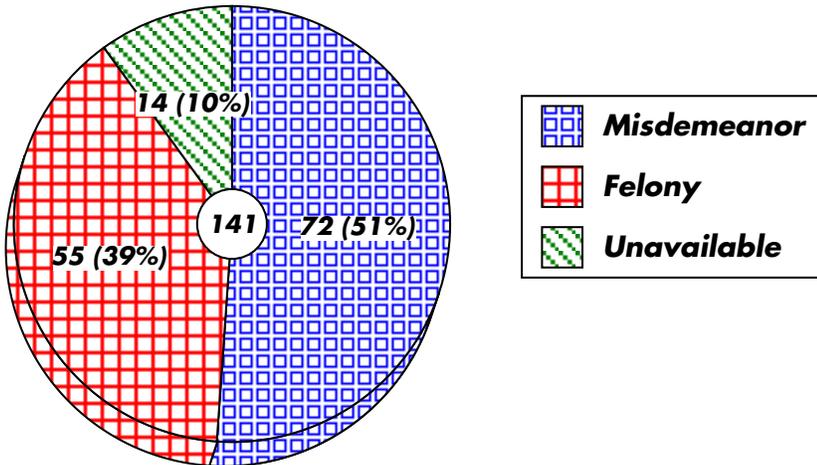


Sixty-nine percent of the pre-trial prisoners were awaiting trial on a misdemeanor and the remaining on a felony charge.

3. Post Trial Prisoners

The next graphic shows the charge class for the average 141 post trial prisoners.

Post Trial Prisoners



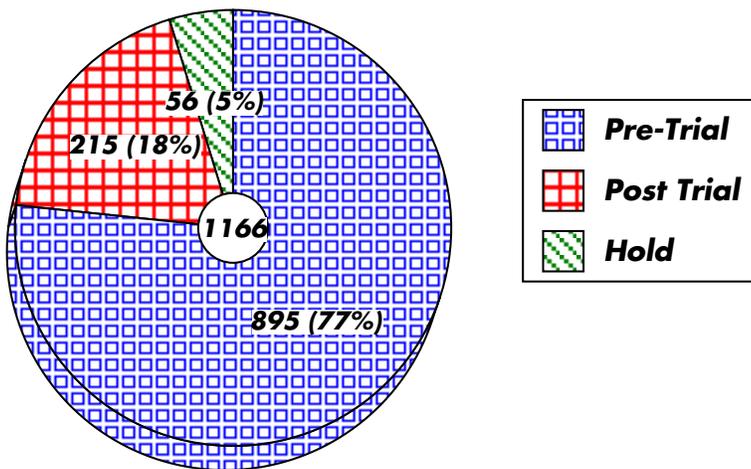
Fifty-one percent of the post trial prisoners had been convicted of a misdemeanor. Thirty-nine percent had been convicted of a felony and the remaining 10% were convicted of an unknown charge class.

B. Including Holds

1. Prisoner Status

There is such a large group of prisoners with a hold from another jurisdiction; the graphic in this section shows the prisoner status regardless of the presence of a hold. The only prisoners in this section showing a hold are those who do not also have a local charge.

Prisoner Status Including Holds



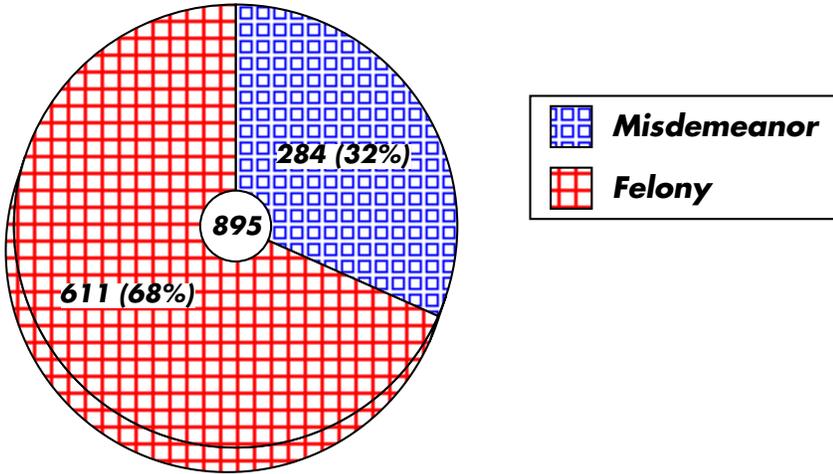
Seventy-seven percent of the prisoners in custody are awaiting trial. Eighteen percent are serving a sentence and only 5% are being held only for another jurisdiction.

2. Pre-Trial Prisoners

a. Charge Class

The next graphic shows the pre-trial prisoners by charge class.

Pre-Trial Prisoners Including Holds

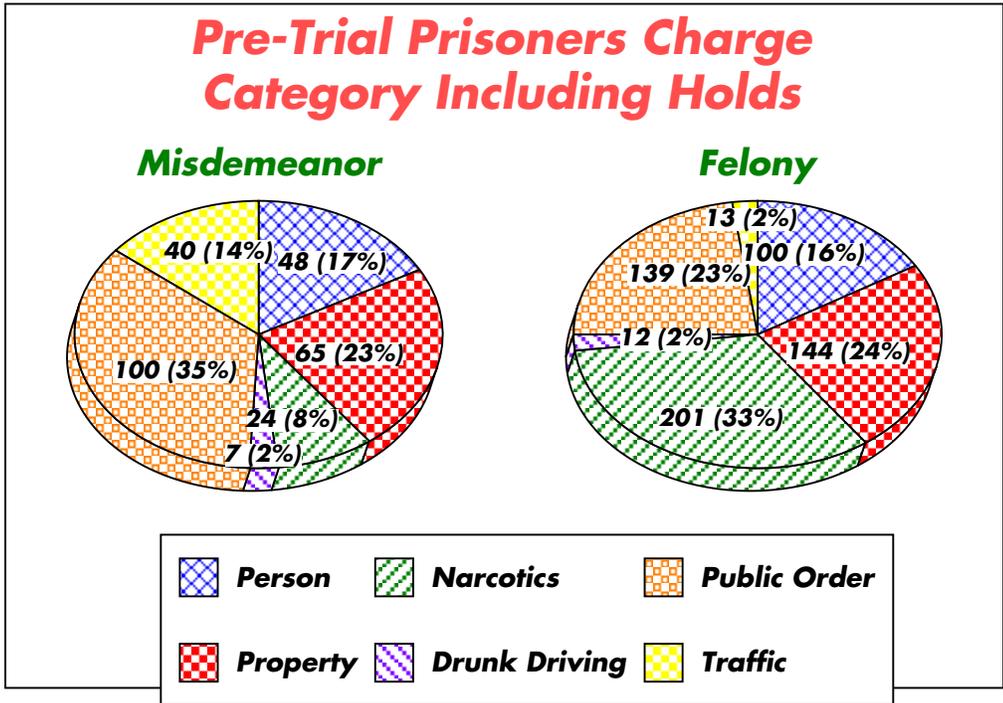


Thirty-two percent of the pre-trial prisoners were misdemeanants. The remaining 68% were charged with felonies.

b. Charge Category

(1) Overall

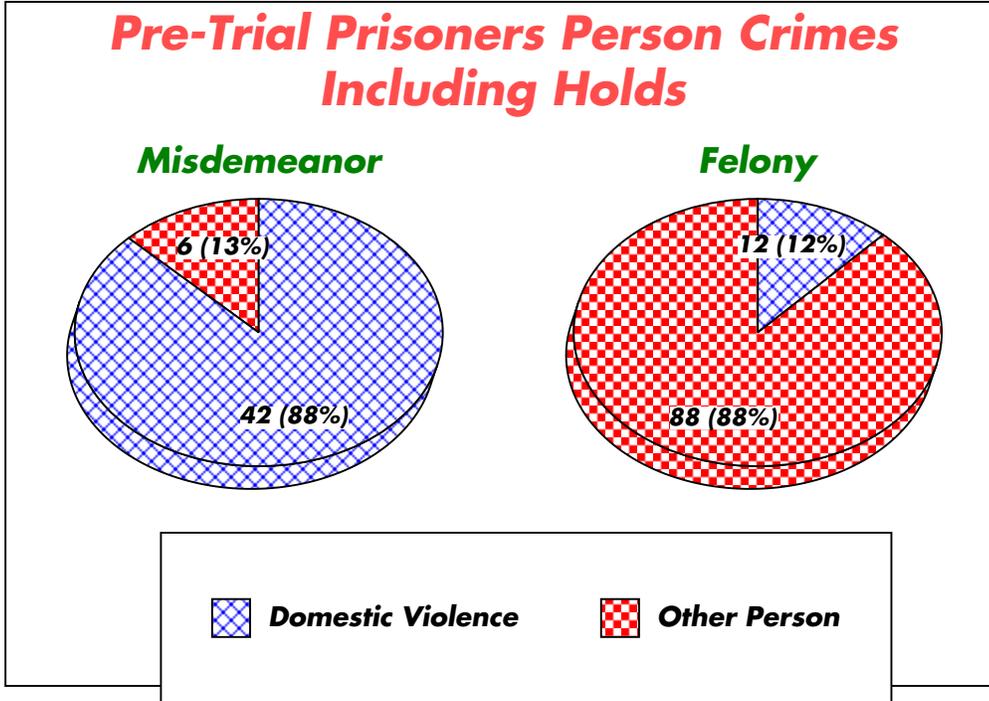
The next graphic shows the charge category for the pre-trial prisoners by charge class.



Seventeen percent percent of the pre-trial misdemeanors and 16% of the felonies were in jail awaiting trial for a crime against person. Twenty-three percent of the misdemeanors and 24% of the felons were awaiting trial on a property charge; 8% of the misdemeanors and 33% of the felons for a narcotics offense; 2 percent of both the misdemeanors and the felons for drunk driving; and 35% of the misdemeanors and 23% of the felons for a public order offense. The remaining 14 percent of the misdemeanors and 2% of the felons were in jail for a traffic offense.

(2). Person Crimes

The next graphic examines the person crimes to determine if it was a domestic violence charge.



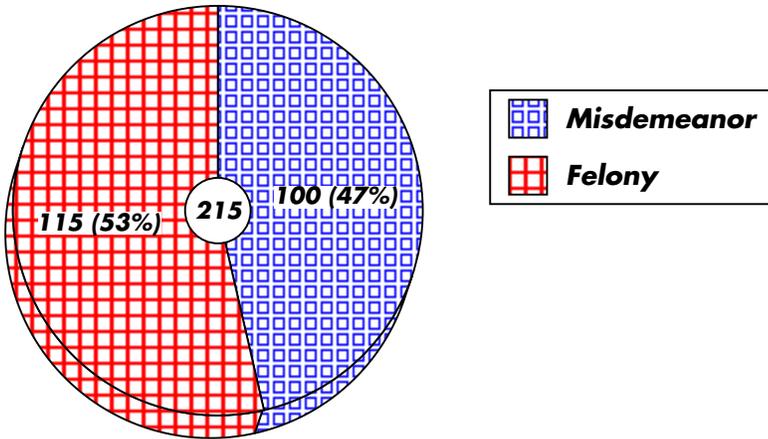
Eighty-eight percent of the misdemeanants and 12% of the felons in custody for a person crime were charged with domestic violence. The remaining 13 percent of the misdemeanors and 88% of the felons were charged with “other” person offenses.

3. Post Trial Prisoners

a. Charge Class

The next graphic shows the charge class for the 215 post trial prisoners.

Post Trial Prisoners Including Holds

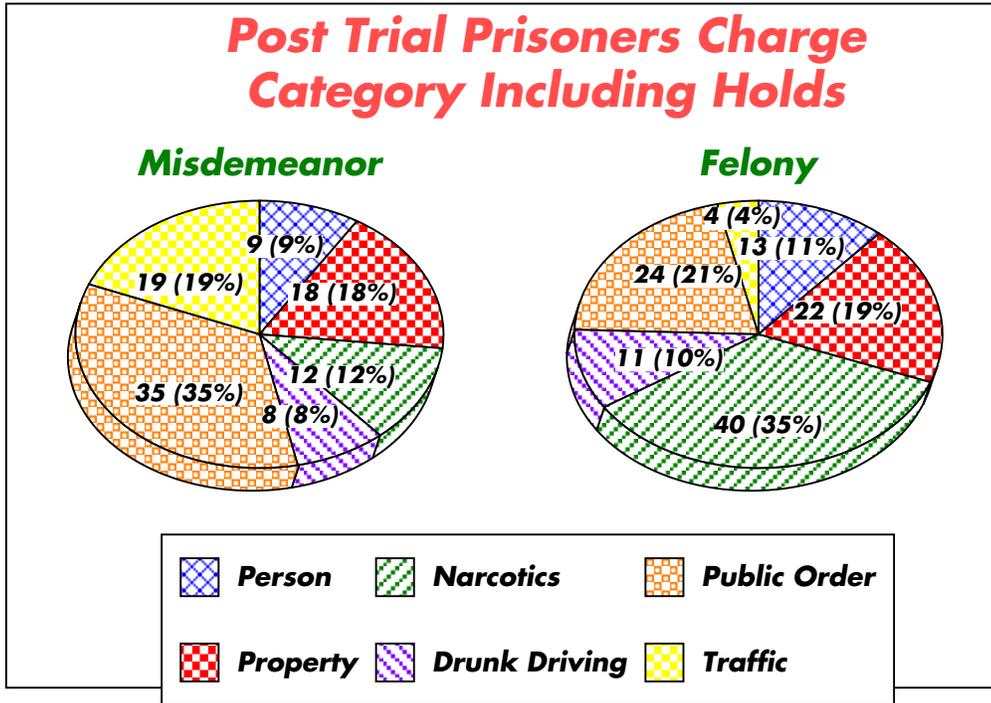


Forty-seven percent of the post trial prisoners were serving a sentence for a misdemeanor charge and the remaining 53% had been convicted of a felony offense.

b. Charge Category

(1) Overall

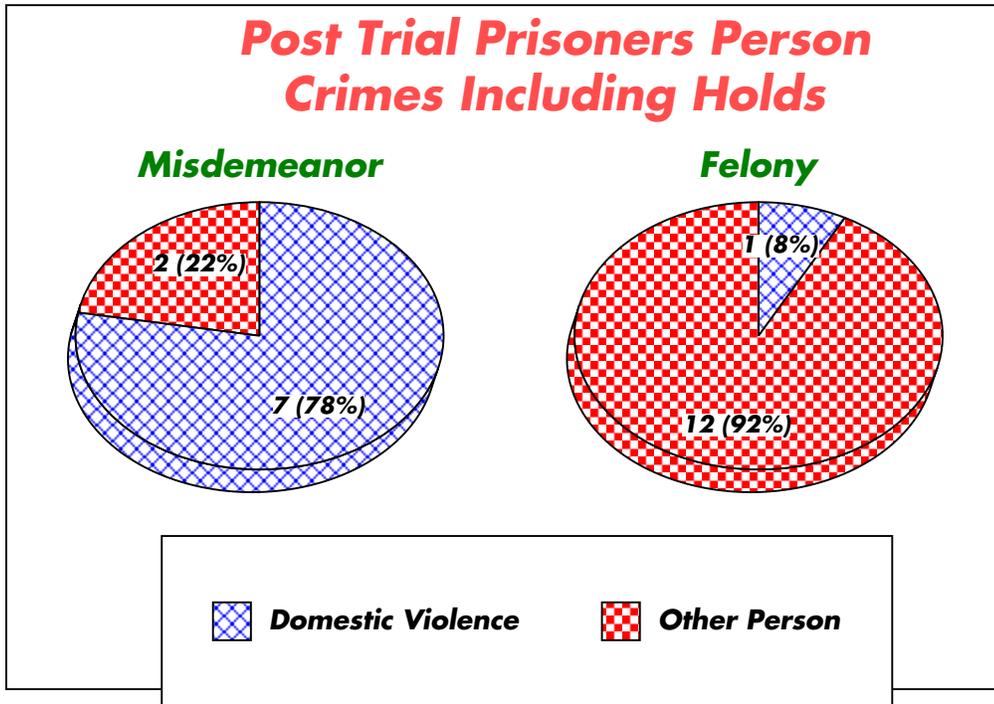
The next graphic shows the charge category for the sentenced prisoners by charge class.



Nine percent of the misdemeanants and 11% of the felons had been convicted of a crime against person. Eighteen percent of the misdemeanants and 19% of the felons had been convicted of a property offense; 12% of the misdemeanants and 35% of the felons for a narcotics offense; 8% of the misdemeanants and 10% of the felons for drunk driving; and 35% of the misdemeanants and 21% of the felons for a public order offense. The remaining 19% of the misdemeanants and 4% of the felons had been convicted of a traffic offense.

(2) Person Crimes

The next graphic details the type of person.

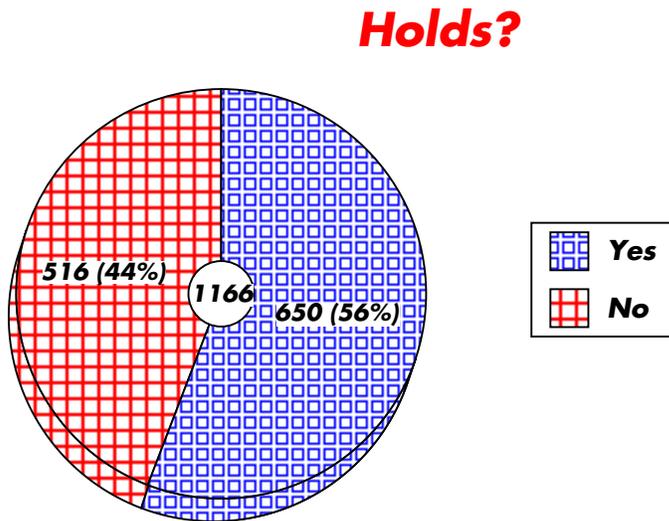


Seventy-eight percent of the misdemeanants and 8% of the felons serving a sentence for a person crime were convicted of a domestic violence offense. The remaining 22% of the misdemeanants and 92% of the felons had been convicted of an “other” person crime.

4. Holds

a. Overall

The next graphic displays whether or not there was a hold.

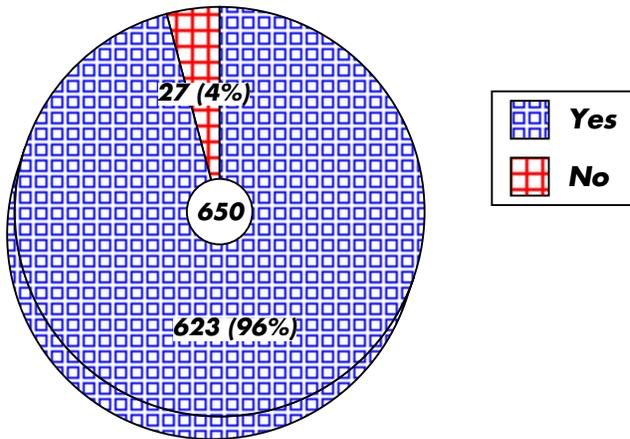


As discussed above, an astounding 56% of all prisoners being held in the Macomb County Jail also had a hold from an “other” jurisdiction. None of these inmates were eligible to be released while the hold was lodged. The general policy is to wait until the local charges are resolved and then to contact the demanding authority to determine if they want to proceed with picking up the inmate. In many instances, the demanding jurisdiction declines.

b. Local Charges

The next graphic looks at the hold prisoners to determine if they also had local charges.

Holds Local Charges?

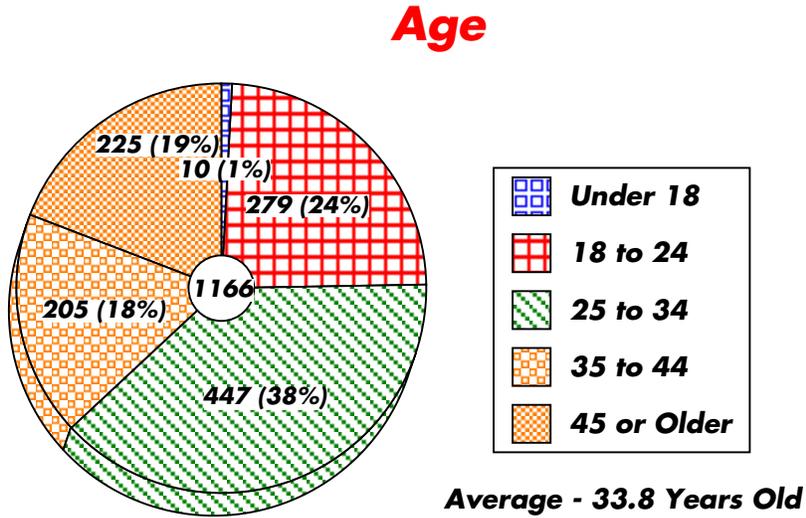


Overall, 96 percent of the holds also had local charges pending.

6. Demographics

a. Age

The next graphic shows the age of the prisoners in custody.



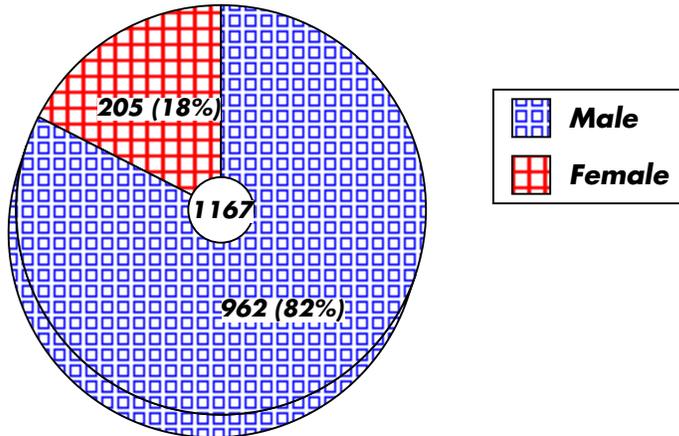
A quarter of the prisoners were younger than 25 years old. Thirty-eight percent were between the ages of 25 to 34; and 18% between 35 to 44. The remaining 19% were 45 or older.

The average age was 33.8 years old.

b. Gender

The next graphic shows the gender of the prisoners

Gender

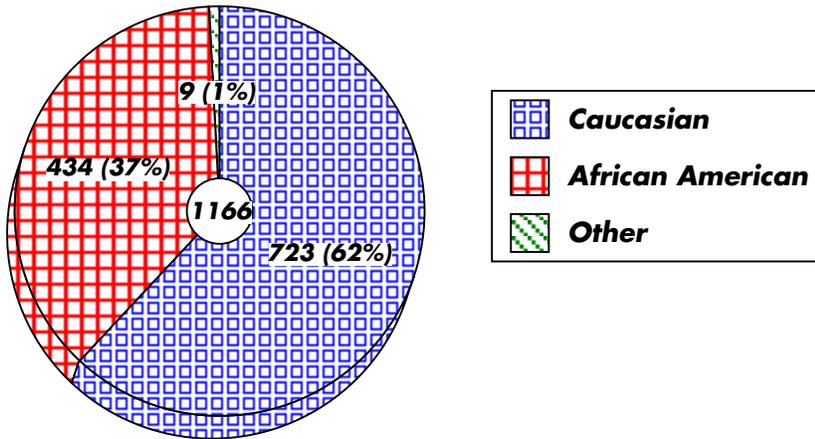


Eighteen percent were female.

c. Race

The next graphic shows the race of the prisoners.

Race



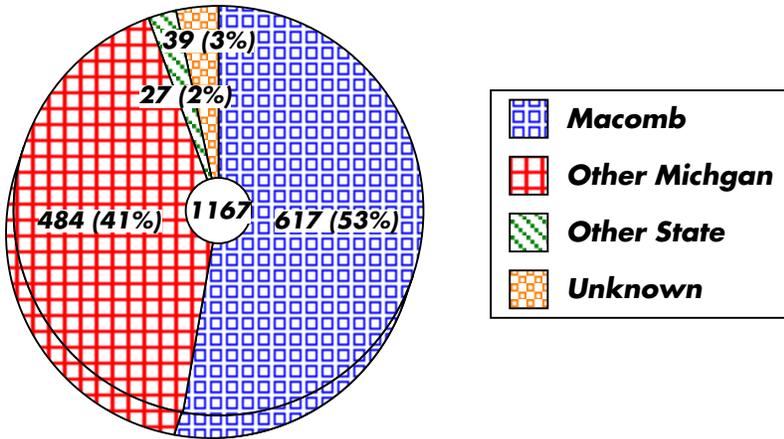
Sixty-two percent were Caucasian and 37 percent were African American. The remaining 1 percent were “other”.

d. Residence

(1) Overall

The next graphic shows the residence reported by the defendant at the time of booking.

Residence



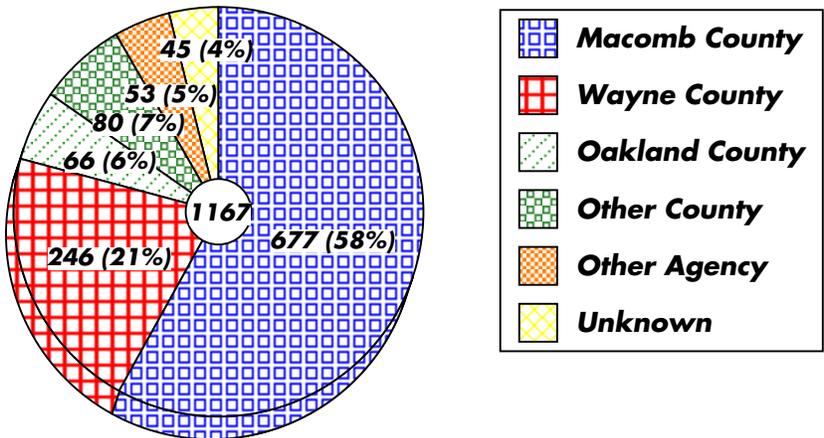
Fifty-three percent of the offenders reside in Macomb County. Forty-one percent reside in an “other” Michigan county; and 2% reside in a state other than Michigan. The remaining 3% place of residence was unknown.

e. Complaint Agency

(1) Overall

The next graphic shows the complaint agency of record for the inmates in the jail.

Complaint Agency

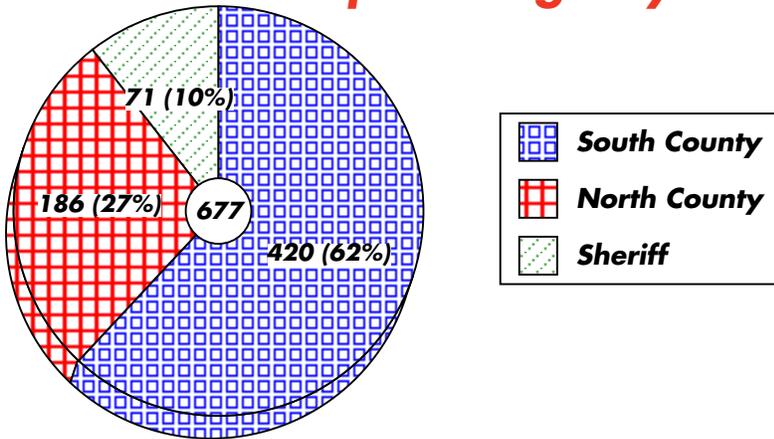


Fifty-eight percent of the inmate had a Macomb County police agency as the agency of record for the complaint. Twenty-one percent of the complaints came from Wayne County; 6% from Oakland County; 7% from an other Michigan agency; and 5% from an “other” agency. The remaining 4% of the inmates were being held the complaint agency was unknown.

(2) Macomb County

The next graphic shows more detail regarding the Macomb County police agencies.

**Macomb County
Complaint Agency**

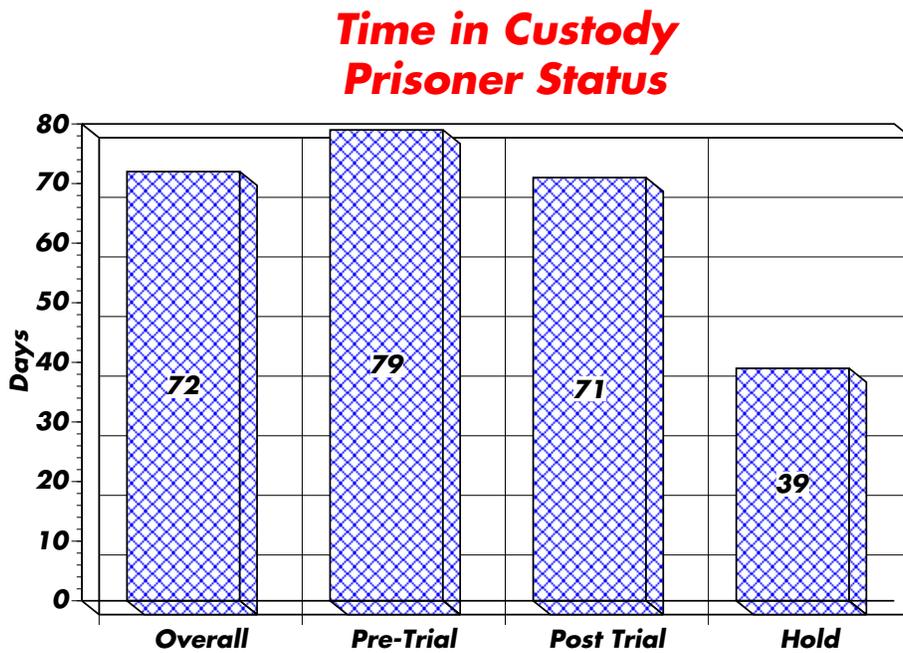


Sixty-two percent of the inmates where the complaint agency was a Macomb County police agency were from the southern portion of the county. Twenty-seven percent were from the northern portion of the county and the remaining 10% were for complaints by the Sheriff.

C. Time in Custody

1. Status

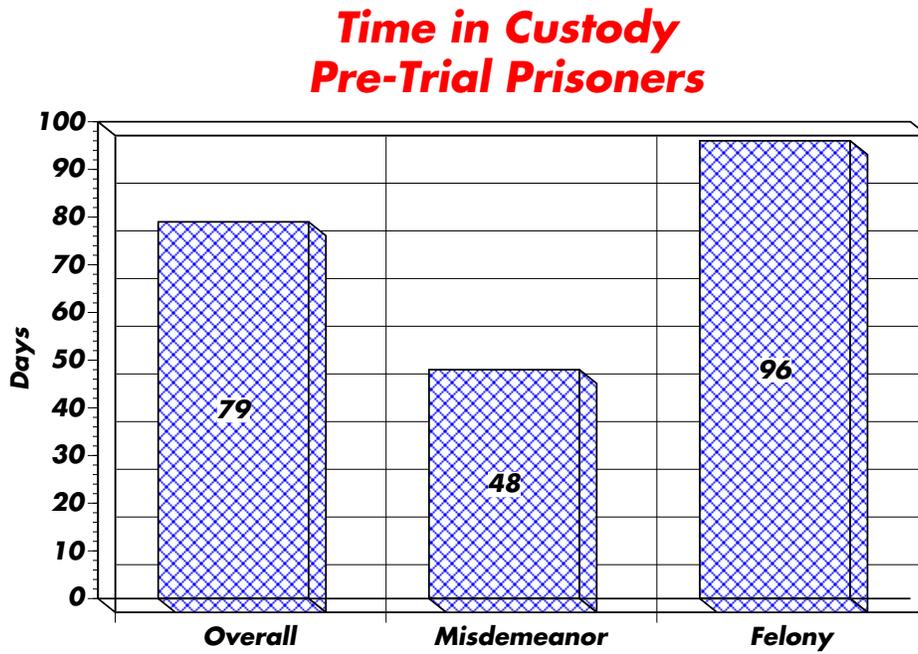
The next graphic shows the overall time in custody.



The overall average time in custody was 72 days. Pre-Trial prisoners had been in jail for an average 79 days and post trial prisoners 71 days. Holds had been in custody an average 39 days.

2. Pre-Trial Prisoners

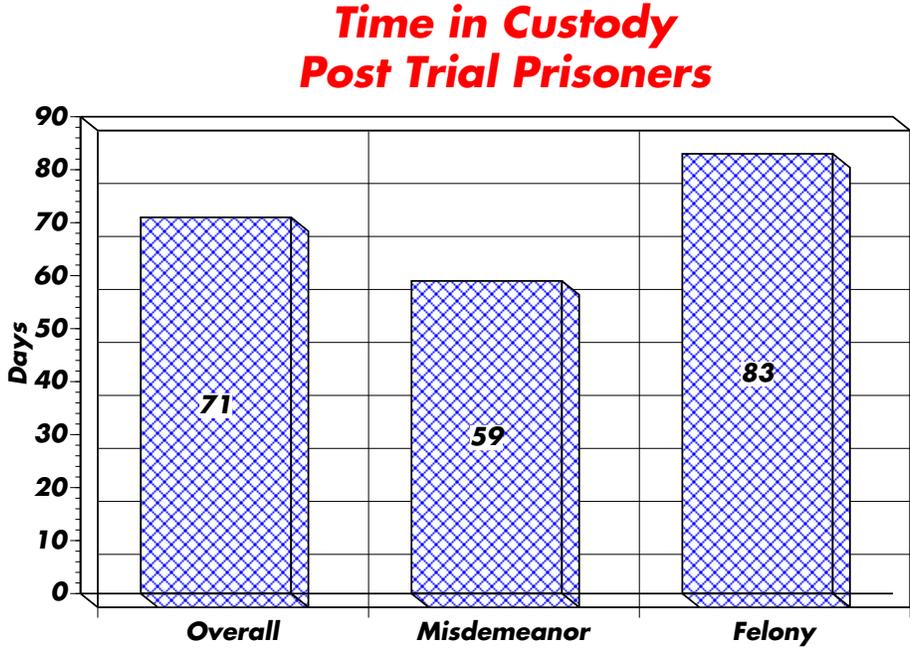
The next graphic shows the time in custody for the pre-trial prisoners by charge category.



The pre-trial prisoners had been in custody an average 79 days. Pre-Trial misdemeanants had been custody an average 48 days and felons an average 96 days.

3. Post Trial Prisoners

The next graphic shows the time in custody for post trial prisoners by charge category.



The overall time in custody for post trial prisoners was 71 days. Post trial misdemeanants had been in custody an average 59 days and post trial felons an average 83 days.

Key Findings from Macomb County Sentenced Inmate Profile

Inmate Profile

Findings based on a random sample of inmates in Macomb County Jail serving a sentence of 30 days or more. N=60

Demographics

- Average age: 31 years (24% of the sample were 25 years or younger)
- 55% Caucasian; 36% African American; 2% Hispanic; 7% Other
- 18% of the sample Female
- 59% live in Macomb; 37% live outside Macomb; 2% homeless; 2% not reported

Jail Sentence Break-Out

- 54% were serving time for a Felony; 46% were serving time for a misdemeanor
- 73% of the sample were serving time for a non-violent offense
- 35% of the sample were serving time for a drug offense
- 29% of the sample were serving time for drug possession, average sentence of 8 months
- Overall, the average sentence length was 6.8 months

Inmate Crime Profile

- 50% had experienced their first arrest at 19 years or younger; 25% had experienced their first arrest at 16 years or younger

- Inmates in the sample had an average 8 prior arrests: 6 prior misdemeanor arrests and 2 prior felony arrests (The maximum number of prior misdemeanor arrests was 89)
- Inmates in the sample had an average 4 prior admissions to the Macomb County Jail (10% had 10 or more admissions)
- 24% scored as low or moderate risk on a Recidivism measure

Family Profile

- 62% have children under the age of 18 years
- Of those with dependent children, in 29% of the cases the children live with them
- 56% of the sample had family members who had been or currently were incarcerated

Education & Employment

- 84% have a High School diploma
- 69% were Suspended or Expelled from School at least once
- 62% were employed at the time of Jail admission
- 45% expect to be employed at the time of Jail release
- 9% had Served in the Military

Substance Use

- 64% revealed that they were using drugs at the time of the current offense
- 53% indicated that they had a drug or alcohol use problem; 43% said they had a problem with opiates or heroin

Mental Health

- 44% had been treated for an emotional or psychological issue before admission to jail
- 25% had been previously hospitalized for a mental health issue
- 25% are currently, or were at the time of incarceration, taking a prescribed psychotropic medications for a mental health issue

- Female inmates had a higher reported incidence of mental health issues than male inmates
- 30% of the population have co-occurring substance use and mental health problems

Jail Programs and Re-entry

- 67% met Community Corrections criteria for eligibility for Alternative to Jail programs
- 63% were Not involved in any jail programs
- 62% would not be receiving Probation or Parole services upon release from Jail
- 7% said that, upon release from Jail, they will not feel safe in the place they will live

Inmate Interest in Jail Programs

- 38% expressed interest in Parenting classes
- 53% would like help with Education advancement
- 42% requested help with drug and alcohol problems
- 40% said they would benefit from mental health counseling

section Jail Forecast Scenarios

6

❖ Forecasting future jail capacity needs in Macomb County is complicated. In Macomb County, a forecast analysis to consider future jail capacity needs turned out to be particularly complex. Jail capacity planning in Macomb County was frustrated by the limited jail trend data (we could only access data back 6 years).

It was challenged by a jail incarceration rate that, while on its face is relatively low (when compared to the State of Michigan), does not include local law enforcement lock-ups. The lack of reliable trend data on these lock-ups, and the varying jail booking practices of local law enforcement agencies, posed a challenge.

There was also the challenge of forecasting future capacity needs when the existing jail has been full for years and the capacity usage statistics have been flat over time. We could not clearly assess average daily population and average length of stay without the lack of normal fluctuations in these number. The lack of change in population undoubtedly reflects a facility operating at capacity, thereby making it difficult to calculate pent-up demand.

Taken together, these issues make it difficult to recommend a precise future capacity recommendation. Instead, we provide the County with science-based scenarios of future capacity need based on the best available information. We urge the County to use the recommendations in this Report as a starting point to consider the extent to which future capacity projection needs can be reduced.

Certainly, the System Needs Assessment has revealed the incredible potential in Macomb County to reduce demands on the jail through improved system efficiencies and reforms.

Fully aware of the design deficiencies of the existing Jail, but sensitive to the tremendous cost of facility replacement, we offer a recommendation to enhance the existing Jail and expand the custody continuum with investment in a *Community Corrections Center*: a jail step-down facility with a focus on community reintegration and the reduction of reoffending. We suggest a Community Corrections Center with a capacity in the range of 300-350 beds; and, we recommend that any space that this will open up in the existing Jail be renovated to serve as program and job-training areas.

Forecasting future jail population sizes is, or should be, a policy-based task. The changes that have occurred in United States jail populations during the last twenty-five years provide considerable evidence that shifts in local policies can bring about dramatic increases or decreases in jail populations within a county. Few planners who did jail population forecasts during the 1980s or 1990s were able to foresee the nation-wide policy-shift trends that would lead to dramatic growth in jail populations in the 1990s and 2000s. They were unable to foresee, for example, the greater focus on persons convicted of drunk driving. In the 1990s, the offenses that impacted most jails in the United States were domestic violence and all of the narcotics and drug-related crime.

Because of this failure of foresight, even those counties that built new jails during the latter half of the 1990s found that space that was supposed to be sufficient until the year 2025 was filled by the early 2000s. In many cases, the decision-makers responsible for the policy shifts at issue had been on hand when the forecasting studies were done; they were no more able than the forecasters to predict where policy emphases would fall during the coming decade.

Too much jail forecasting work done in recent years has assumed that criminal justice system policies in a county will remain the same over the forecast period. In reality, this is rarely the case. When forecasters make their predictions based on the assumption that county decision-makers will make no changes in criminal justice system policy, they doom their predictions to failure. No county criminal justice system today can afford not to anticipate change. For better or for worse, all county systems will have to change, with increasing frequency, in the years to come. The question is not whether but how a particular set of policies can be expected to change. Jail forecasters must learn to take the likelihood of such changes into account and try to foresee the various possibilities. As the drunk-driving and domestic violence examples illustrate, forecasters cannot do this without the close cooperation of county decision-makers. Ultimately, the decision-makers are the ones who must decide where the emphasis will fall in the years to come.

Jail capacity forecasts must depend in large part on information made available to forecasters by a county. The forecasts contained in this report are no exception. Historical information exists on the way the Macomb County Jail has been used during the past 7 years. Jail admissions, average length of stay, and average daily population figures are available from 2010 to the present.

An estimate of the forecast of county population was received from the Southeast Michigan Council of Governments that was completed in 2015. It forecasts the county population to 2040.

The forecasts are very difficult to complete for a number of reasons. First of all, data on the use of the jail is only available back to 2010. Ideally, we should have data as far back as we are forecasting in the future. Second of all, we have no idea of the actual demand for jail — the jail is always full and persons have to be released due to overcrowding. Each of the judges is given a cap as to the number of jail beds they can use. We don't know the actual demand for jail if there were unlimited number of beds available. Finally, the big issue is that many of the law enforcement agencies operate their own lock-ups. This is a policy that is becoming increasingly rare in the United States and Macomb County has proposed to move to a central booking facility. The problem is that we have no idea of the actual number of people who will be booked into the central booking facility. Even if the sheriff provides all of the transportation, policies change when defendants are booked centrally rather than into a neighborhood lock-up. The presence of a central booking facility will also alter the overall average length of stay. Defendants who are booked into satellite facilities frequently appear before a judge prior to being transported downtown and many persons are released without entering the main jail. The central booking facility will change all of that. The forecasts will utilize a series of assumptions that ultimately county officials will have to decide which is the best scenario.

As useful as these numbers may be in constructing a picture of what is to come, they will not aid the county unless a consensus regarding criminal justice system policy for the next twenty-five years is reached. The text, tables, and graphs that follow illustrate several possible population scenarios, scenarios that suggest what the county might expect in terms of Jail bed demand given several possible policy scenarios. No one-policy scenario is the "right" scenario. It will be up to the county decision-makers to select the view of the future that best represents what they believe to be the most likely direction of county decision-makers, and then plan for jail space on that basis.

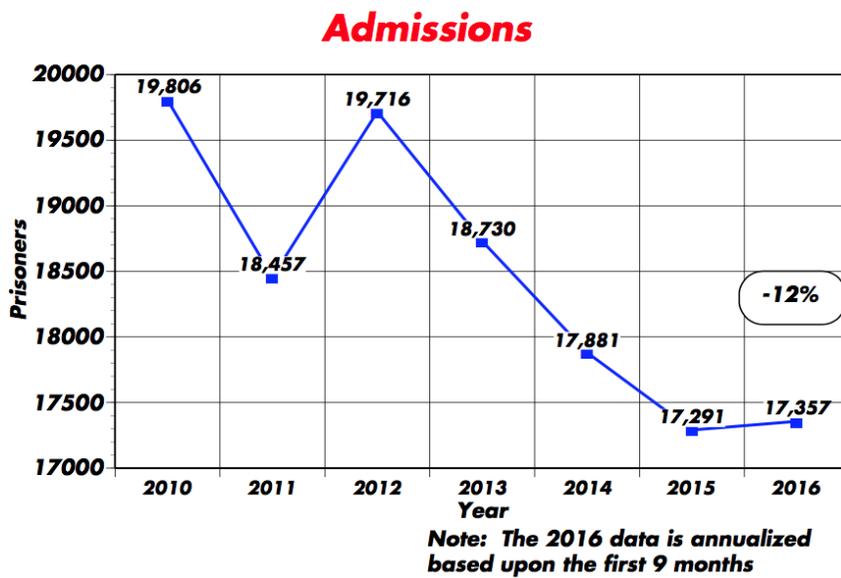
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A. Admissions

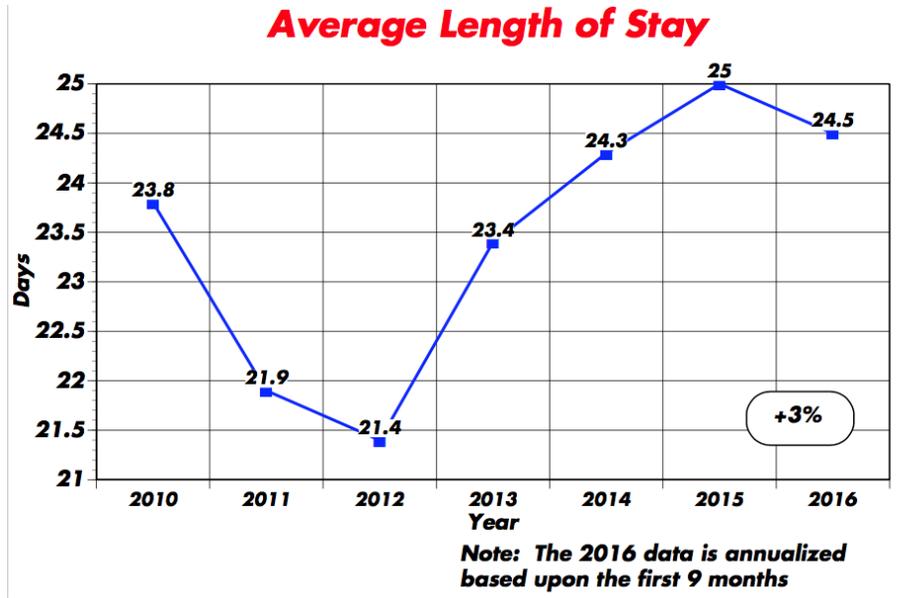
The first graphic presents the total criminal admissions per year for the years 2010 to 2016. The 2016 data is annualized based upon the first 8-months.



In 2010, the Macomb County Jail admitted a total of 19,806 into the jail. The number of admissions has been up and down over the last 6-years. In 2016, it is anticipated that there will be 17,355 bookings into the county jail, representing a 12 percent decrease over the period.

B. Average Length of Stay

The next graphic shows the average length of stay for 2010 to 2016. The 2016 length of stay is predicated on the first 8-months.

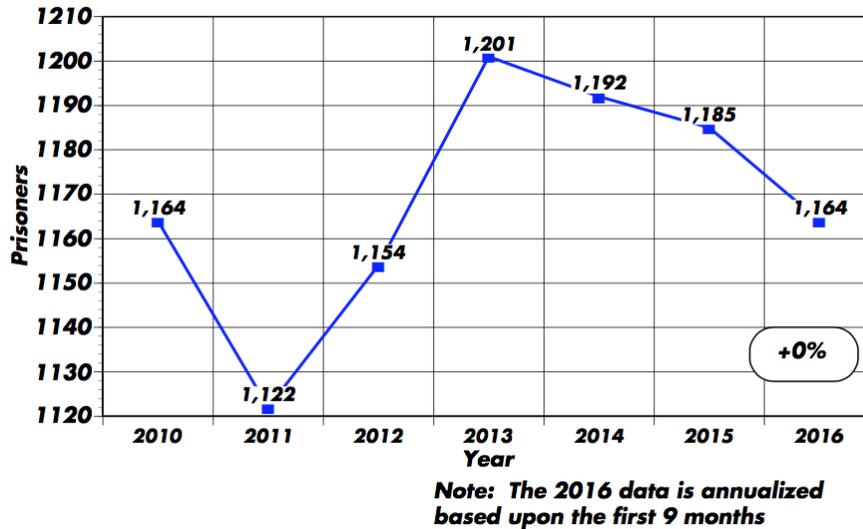


The average length of stay in 2010 was 23.8 days. It dropped to 21.4 days in 2012 before beginning rising. In 2016, the average length of stay is 24.5 days, a 3 percent increase over the period.

C. Average Daily Population

The next graphic presents the historic average daily population (ADP) for the Macomb County Jail over the period 2010 to 2016. The 2016 data is annualized based upon the first 8-months.

Average Daily Population

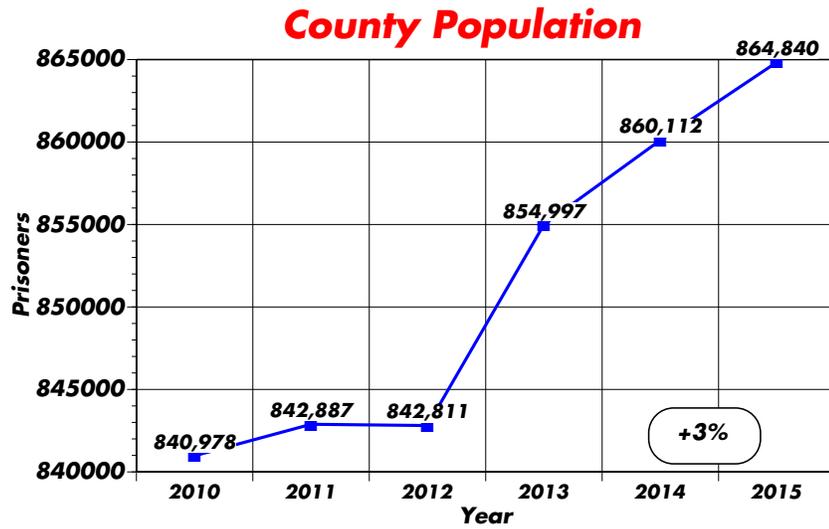


The average daily population was 1,164 in 2010. The average daily population dropped slightly in 2011 before rising until 2013 when it has dropped slightly through this year. In 2016, the average daily population is exactly the same as it was in 2010, 1,164 prisoners.

D. County Population: Actual and Forecasted — 2010-2040

1. County Population: Actual — 2010-2015

The next graphic shows the actual county population for each year between 2010 and 2015.

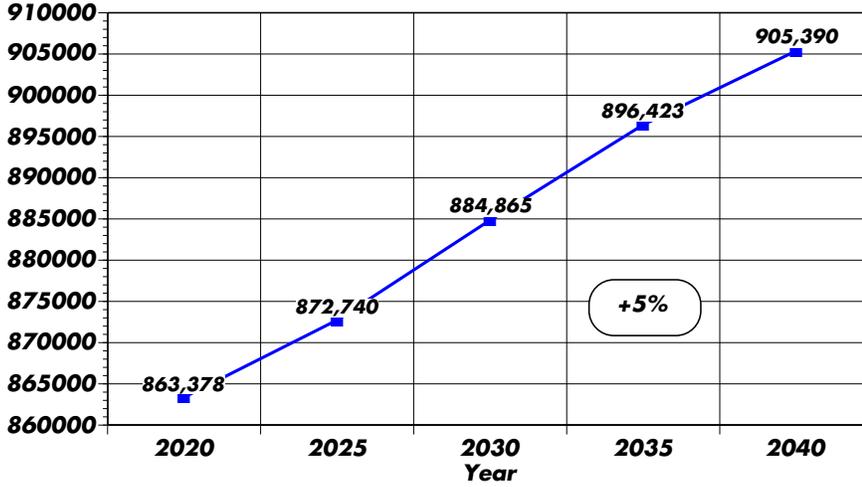


In 2010, 840,978 persons resided in the county. Since then, the population has risen steadily and it is estimated that 864,840 persons lived in the county in 2015, a 3 percent increase over the period.

2. County Population: Forecasted — 2010-2040

The next graphic shows the forecasted county population from 2020 to 2040 as provided by the Southeast Michigan Council of Governments.

Forecasted County Population



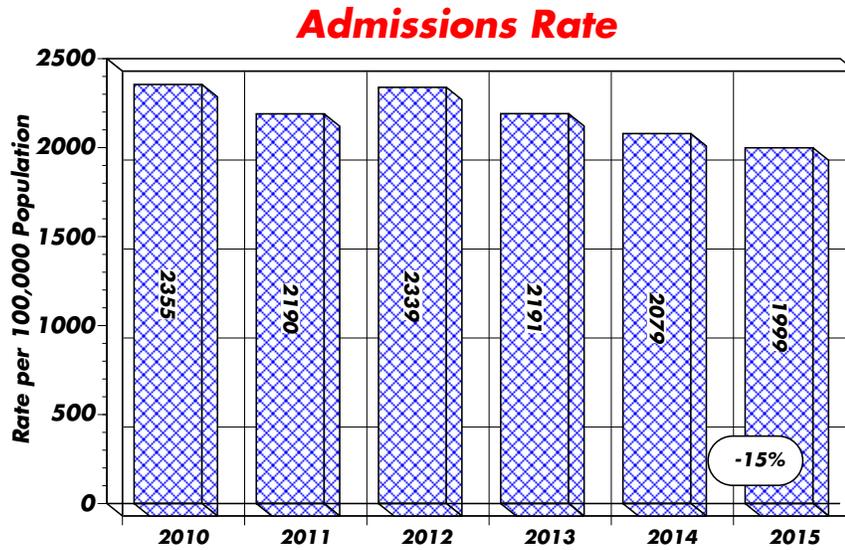
Source: Southeast Michigan COG

The county population in 2020 is estimated it will be 863,378 persons. Population is expected to grow to 905,390 persons by 2040, a 5 percent increase.

E. Rates

1. Admissions

The next graphic shows the rate of admissions to the Macomb County Jail per 100,000 population from 2010 to 2015. As mentioned in the narrative, these numbers do not include persons booked into the police lock-ups in the county who were released without being booked into the County Jail.

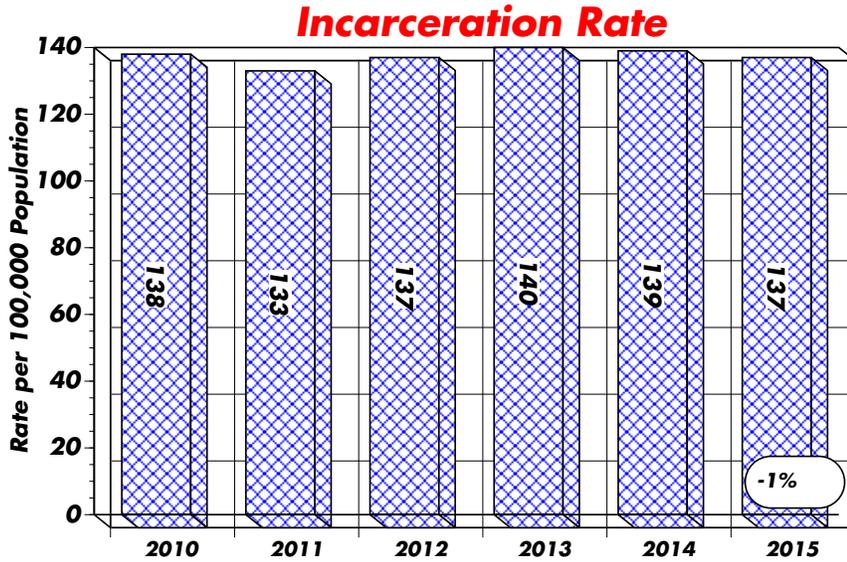


In 2010, the admission rate into the Macomb County Jail was 2,335 per 100,000 population. In 2015, the admissions rate was 1,199 persons per 100,000 population, a 15% decrease.

2. Incarceration

a. Macomb County

The incarceration rate per 100,000 of the population is shown in the graphic below for the years 2010 to 2015.

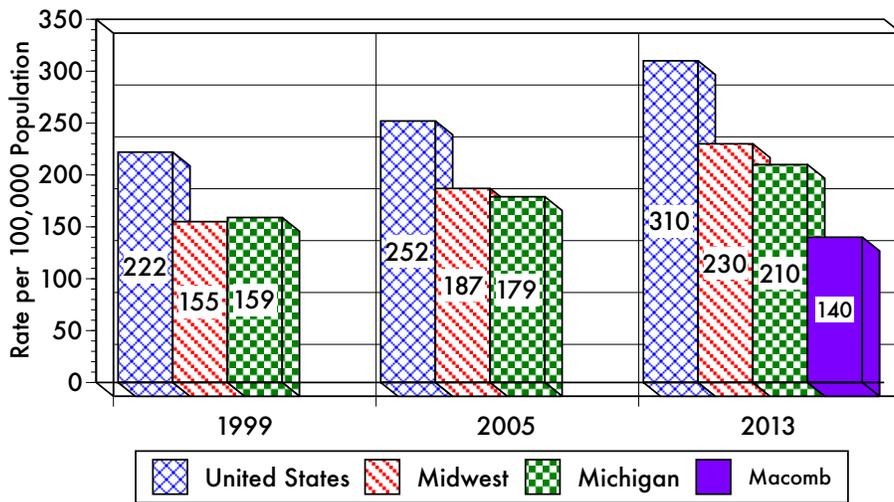


The incarceration rate has remained virtually flat. In 2010, the incarceration rate was 138 persons per 100,000 population. In 2015, the rate was 137, a 1 percent decrease over the period.

b. United States

The next graphic shows the incarceration rates for the United States, Midwest US, and State of Michigan for the years 1999, 2005, and 2013 (Macomb County data was only available for 2013). The national and state data is taken from the Census of Jails from the Bureau of Justice Statistics. The national data is only collected every 5 or 6 years.

Incarceration Rate Comparison



In 1999, the national incarceration rate was 222 persons per 100,000 population, while the Midwest was 155, and Michigan was 159. In 2005, the national incarceration rate was 252 per 100,000 population while the Midwest was 187 and Michigan was 179. In 2013, the national incarceration rate was 310 per 100,000 population while the Midwest was 230, Michigan was 210, and Macomb County was 140.

F. Jail Capacity Forecasts

1. Introduction

One method some use for forecasting the need for future jail beds space is to just do a straight line forecast – as much as the jail population has grown is how much it will grow in the future. However, this forecast assumes that the Jail is being appropriately utilized today (that no additional pre- or post trial intermediate sanctions exist that could impact the Jail population) and that the Jail will continue to be used at the same rate. Neither of these assumptions is likely to be true. And, in the case of Macomb County there is not enough historical data to even do such a forecast. As detailed earlier in this chapter, the jail population is flat. Regardless, a more detailed approach is recommended to be used to develop Jail population forecasts – one in which county officials can help select specific scenarios for the future on which such forecasts can be based.

The average length of stay has not changed significantly over the study period. The average length of stay over the last 7 years averaged 23.5 days. In 2013, the average length of stay was 23.4 days; in 2014 it was 24.3 days and in 2015 it was 25 days. The move to central booking will reduce the overall average length of stay because it will include persons who were not previously booked into the jail who released from custody within a number of hours. For the purposes of these forecasts, three estimated average lengths of stay have been used for the year 2040: 18, 20, and 22 days.

Admissions have decreased over the study period. The number of bookings in 2016 is expected to be 12% less than in 2010; however, the number of admissions is expected to sharply increase with central booking. The admissions rates averaged 2192 per 100,000 persons over the last 6-years. The admissions rate in 2013 was 2191; for 2014, it was 2079; and for 2015 was 1999. Three different admissions rates are used for these forecasts: 3000, 3500 and 4000 per 100,000 population.

2. Adjustments: Peaking and Classification Factors

The expected average daily population for each of the forecast scenarios does not mean that the county will only need this number of beds. Since these are daily averages, the county's plans should include allowances for those days (in a given year) when the population surges above the average because of normal fluctuations in admissions and releases.

This situation is similar to a storm drain system. A storm drain sits empty most of the year; however, it needs to be large enough to handle the peak run-off from a summer thundershower or melting snow from the mountains. Jail populations are very similar. During peak periods — traditionally weekends, the end of the month, and the summer months — jail populations climb. A jail needs to be large enough to handle the peak periods.

An attempt was made to analyze the 3-highest jail population days each month. Unfortunately, in this portion of the data collection as well as with much of the jail trend data, only 6-years of jail data is available.

The jail is continuously operating at capacity with adjustments made to the inmate population when it would be seeing normal peak populations; however, I was unable to determine an accurate peaking factor so a standard factor of 10% was used.

A second factor, classification, was used to allow for the daily need, in any jail, to have a few open beds available for new inmates within each classification category. In a jail of this size, an appropriate classification adjustment factor would be four beds for each of the four primary classification categories. That is, the county should increase its estimate for each year by 14 beds for each of the four categories, or 56-beds to come to a final figure of what will be needed for each of the years in this planning cycle.

3. The Forecasts for 2040

The next set of graphics gives figures for the year 2040 based on an average length of stay of 18 days, 20 days, and 22 days.

The tables below show (1) the average daily population, (2) beds necessary to handle peak periods, and (3) beds necessary for classification purposes. These figures are given for each of the three possible admissions rates. Each table then gives the incarceration rate per 100,000 population for each of the three possible admissions rates per 100,000 population: 3000, 3500 and 4000.

By 2040, it is estimated that 905,390 persons will be living in the county; this figure provides the baseline for the tables.

Average Length of Stay of 18 Days				Year 2040
Admissions Rate per 100,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 100,000 Population
3000	1339	1473	1529	148
3500	1563	1719	1775	173
4000	1786	1965	2021	197

Average Length of Stay of 20 Days				Year 2040
Admissions Rate per 100,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 100,000 Population
3000	1488	1637	1693	164
3500	1736	1910	1966	192
4000	1984	2183	2239	219

Average Length of Stay of 22 Days				Year 2040
Admissions Rate per 100,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 100,000 Population
3000	1622	1801	1857	181
3500	1910	2101	2157	211
4000	2183	2401	2457	241

G. Conclusion

1. Types of Beds

The data in the Jail Population Breakdown documents the breakdown of the prisoners being held in the county's correctional system. The jail has been averaging 18% of its population serving a sentence and additional prisoners are in custody on probation violations, many of which would be qualified for a Community Corrections Center. The exact type of bed can be determined through the administration of a Risk/Needs Assessment such as COMPAS by Northpointe Institute or the LSI-R instrument. It is recommended that such an analysis be conducted and that 300-beds be designed as a minimum security Community Corrections Center with appropriate programming for sentenced prisoners.

2. Summary

The forecasts presented in this report are just starting points. The projections are, at best, estimates of what is likely to occur in the coming twenty-four years. Should the county decision-makers wish to alter any of the scenarios, they can do so by adjusting the key indices of jail use — county population, admissions rate, expected average lengths of stay, the peaking factor, and the classification factor. By adjusting these factors, the decision-makers will obtain different estimates of the required number of jail beds.

There is no guarantee that criminal justice system policy will not change and push jail populations higher or lower than these numbers indicate. The forecasters of the 1980s did not foresee the dramatic rise in jail populations that took place during the 1990s early 2000s. No one was able to estimate those changes accurately.

Macomb County officials must analyze the data contained in this report and adopt a plan for the future of their criminal justice system. Policy shifts that could change the amount of jail space available are detailed in this report. If the necessary changes recommended in this report do not occur, then more beds than those predicted in this report will be necessary. Left uncontrolled, the present correctional populations will continue to grow, filling and overflowing whatever facilities are constructed in response to such growth, and leaving Macomb County with no alternatives for managing the jail population other than simply building new facilities every few years in response to renewed overcrowding. An approach that emphasizes active management, on the other hand, may make it possible to prolong the sufficiency of new correctional space for a longer period — giving Macomb County time to explore and try out the many viable alternatives to construction that have become available in recent years and have been recommended in this report.

Individuals Interviewed

ROBERT AWE

Substance Abuse Clinician
Macomb County Community
Corrections

BILL BAILEY

MDOC Probation agent
Veteran's Court caseload

BRENDA BAKER

Road Patrol Captain
Macomb County Sheriff's Office

JUDGE JAMES BIERNAT

Chief Judge
Macomb County Circuit Court

CHRIS CAMPBELL

MDOC Probation agent
Domestic Violence caseload

BARB CASKEY

Director, Macomb County
Community Corrections

JUDGE MICHAEL CHUPA

37th District Court

ROB CURTIS

Court Administrator
37th District Court
Warren

JUDGE LINDA DAVIS

41A District Court

DAN DECOURIS

Community Mental Health
Mental Health Diversion

MICHELENE EBERHARD

Macomb County Bar Association

LISA ELLIS

Court Services Director
Macomb County Circuit Court

BRIDGET EVOLIO

MDOC Parole agent

KARA JACQUMAIN

Drug Court Coordinator
41B District Court

JUDGE JENNIFER FAUNCE

Macomb County Circuit Court
Drug Court

ALLISON JOHNSTON

Substance Abuse Clinician
Macomb County Community
Corrections

KATHY FAZZALARE

Treatment Specialist
Community Programs, Inc. (CPI)

MEGAN FINKLE

Substance Abuse Clinician
Macomb County Community
Corrections

JUDGE JOHN FOSTER

Chief Judge
Macomb County Circuit Court

TANYA GRILLO

Macomb County Bar Association

MARK HACKEL

Macomb County Executive

MELISSA HANDLON

MDOC Probation agent
Drug Court caseload

BRIAN HARMON

MDOC Probation agent
Electronic Monitoring caseload

DOROTHY HARMON

Mental Health/Dual
Diagnosis Clinician
Macomb County
Community Corrections

TAYLOR HARTZ

Pre-Trial Specialist
Macomb County
Community Corrections

HOPE HUNTER

MDOC Parole agent

KARA JACQUEMAIN

Probation Agent
41-B District Court

MARQUES JOHNSON

MDOC Probation agent
Sex Offender caseload

PAULA KEENA

Community Coordinator
Michigan Prisoner Re-entry Program

JOHN KINCH

Director
Macomb County Community
Mental Health

MELISSA KING

Court Administrator
39th District Court

JOE MCBRATNIE

IT Specialist

SARA MCCANN

MDOC Probation agent
Domestic Violence Caseload

MARLA MCCOWAN

Michigan Indigent Defense
Commission

DON MCRAE

Director
Probation Residential Services

JUDGE JAMES MACERONI

Macomb County Circuit Court

JUDGE CARL MARLINGA

Macomb County Circuit Court
Mental Health Court
Macomb County Probate Court

PAT MAZZOLLA

Clinical Director
Macomb County
Community Corrections

JAMEKA MOBLEY
MDOC Probation agent
General Supervision caseload

STACIE NEWBERRY
Pre-Trial Specialist
Macomb County Community
Corrections

RANDY O'BRIEN
Director
Macomb County Office
of Substance Abuse

SGT. BILL PACE
Jail Commander
Macomb County Sheriff's Office

NATALIE PACITTO
Mental Health Director
Correct Care Solutions

GAIL PAMAKOV
Defense Attorney
Veteran's Court

JENNIFER PHILLIPS
Circuit Court Administrator
Macomb County Circuit Court

STEVE RABAUT
Defense Attorney

CAPTAIN JOHN ROBERTS
Chief of Staff
Prisoner programs
Macomb County Sheriff's Office

MICHELLE SANBORN
Jail Administrator
Macomb County Sheriff's Office

JUDGE EDWARD SERVITTO
Macomb County Circuit Court

J ERIC SMITH
Macomb County Prosecutor

ERIN SMITH
Michigan Department of Corrections
(MDOC) Area Manager

JUDGE STEPHEN SIERAWSKI
President District Court
Judge's Association
41-A District Court

JUDGE MARK SWITALSKI
Macomb County Circuit Court
Veterans Court

JAKO VANBLERK
IT Team

KATHY VERMANDER
MDOC Probation agent
Court Liaison caseload

LINDA VERVILLE
Assistant Director
Macomb County
Community Corrections

JUDGE DAVID VIVIANO
Michigan Supreme Court Justice

TANNIS WALKER
MDOC Probation agent
Gender Responsive caseload

SHERIFF ANTHONY WICKERSHAM
Macomb County

REGINA WILLIAMS

MDOC Probation agent
Mental Health Caseload

CAPTAIN WALTER ZIMNY

Sheriff Department

**Information Technology
& Courtview staff**

JOE MCBRATNIE

CHRIS CHOJNACKI

SANDY WILSON

SANDY JUREK

MARK TREMAINE

TROY SMITH-MANN

JOHN DICKINSON

ANTHONY JUNE