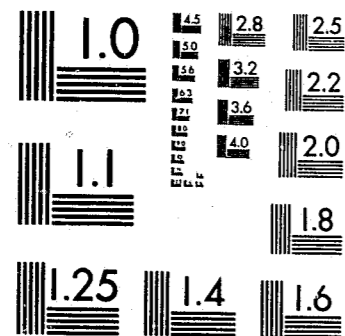


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PRE-PLANNING STUDY
GENERAL JUSTICE AND
CORRECTIONAL SERVICES

COUNTY OF WASHTENAW, MICHIGAN

RECEIVED
AUG 15 1973
NATIONAL CLEARINGHOUSE
FOR CRIMINAL JUSTICE PLANNING
AND ARCHITECTURE

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PREFACE

The information in this Pre-Planning Report and the Appendices is not presented in a final, "pre-digested" form in which the consultants review the data and attach meanings to their findings. Comments and observations are included, as indications of questions to be explored and directions which are indicated. However, the task of translating this information into a meaningful tool for planning is for the Corrections Committee and future consultant groups.

Under National Clearinghouse on Correctional Planning and Architecture (NCCPA) guidelines, this translation process occurs in the next phase, the Detailed Planning Phase, for which a grant proposal has been submitted. If the new detention/corrections system is to be a product of this county, and not just that of the consultants, then the Corrections Committee must actively involve itself in the planning process, assisted by the consultants.

With the goal of the Committee being to plan and implement a community-based criminal justice/detention/corrections system, there must be a corresponding community-based training process, of which the Corrections Committee is certainly capable.

The Pre-Planning Phase outlined herein is defined by NCCPA (screening agency for all federal funds which are granted for correctional planning leading to and involving construction) as the period in which information is collected and analyzed which clearly defines the local criminal justice system and its recent functioning.

Recommendations presented herein for goals and objectives to be considered in this Pre-Planning Report are based on successful, nationally recognized standards and practices, developed and/or supported by Presidential and Congressional commissions, the National Council on Crime and Delinquency, the American Correctional Association, the American Bar Association, the American Judicature Society and the John Howard Association.

Thanks must be expressed for the cooperation obtained from various public and private agencies in gathering data for this report.

The consultants are indebted to the Corrections Committee and its members for their direction and guidance, particularly in the form of critiquing the first draft report, which should lead to a better final product as a result of their efforts.

INTRODUCTION

The Blue Ribbon Committee for the Design of a New Washtenaw County Correctional System (Corrections Committee) was formed by the Washtenaw County Board of Commissioners in October, 1972. The Committee consists of citizens representing a wide range of groups and occupations in Washtenaw County.

The Corrections Committee is staffed by the Washtenaw County Metropolitan Planning Commission. A grant from the Michigan Commission on Law Enforcement and Criminal Justice was obtained for the Pre-Planning Study.

In March, 1973 the Corrections Committee hired two consultant groups to assist in the collection and analysis of data for the Pre-Planning Study.

The two consultant groups, both non-profit organizations, are Community Corrections Resource Programs of Ann Arbor and the John Howard Association of Chicago, Illinois. In March, both organizations began their collection of data and information about the local criminal justice system as specified in the Pre-Planning contract.

From its inception, the Corrections Committee has attempted to broaden its perception of its task from that of planning for a new jail facility to that of planning and implementing a new criminal justice/detention/corrections system. The term "jail" is inherently restricting because of its many connotations; it is considered to be a single (local/county) facility, often confused with (state) prisons, although its functions are broader. A jail must handle short term detainees awaiting disposition and sentenced offenders (up to one year).

A criminal justice/detention/corrections system has a different meaning: a set of components, both physical and programmatic, established to effectively detain certain persons to guarantee appearance at court and to provide treatment for persons sentenced to serve terms in local correctional settings. It can address itself to the problems of the detainee and the offender and his/her family. It can actively involve the resources of the community in having a positive but not manipulative impact upon the user population. In summary, the person awaiting disposition or sentenced should leave the system (or any part of it) in a better condition than when he entered.

When we speak of the "user population" of a criminal justice/detention/corrections system in this report, we refer to the mixture of detainees charged with crimes and sentenced offenders which comprises the daily users of the jail and related programs. This report and Appendix E clearly define the user population of the jail as it was in 1972.

Appendix D concerns itself with court and related functions and indicates the need for further options, both in detention and sentencing.

In short, the past user population is defined in this report but is subject to thoughtful redefinition by the Corrections Committee where the user population includes more than those persons incarcerated in the jail. In other words, revised general administration of justice practices which affect the number of beds being used in the jail now, will result in a different jail population makeup in the future.

A great deal of data has been collected and presented at length in the Appendices to this report. Interested persons wishing to explore the actual data collected by the consultants which was not presented in the Appendices due to space restrictions will find such at the office of the Washtenaw County Metropolitan Planning Commission.

HIGHLIGHT FINDINGS

1. WITH ABOUT 50 PERCENT OF THE PERSONS ADMITTED TO THE COUNTY JAIL HAVING NO PRIOR ARREST RECORD, THIS MEANS THAT A MUCH GREATER NUMBER OF THEM COULD HAVE BEEN RELEASED ON THEIR OWN RECOGNIZANCE AT THE TIME OF ARREST (APPEARANCE TICKET SYSTEM AUTHORIZED BY MICHIGAN LAW) OR AT THE TIME OF ARRAIGNMENT (PERSONAL RECOGNIZANCE).

THE EFFECTING OF THESE APPROACHES WOULD RESULT IN FEWER PERSONS BEING NEGATIVELY AFFECTED BY JAIL CONTAMINATION, FEWER FAMILIES ON THE WELFARE ROLLS, AND BETTER OVERALL PROTECTION TO THE COMMUNITY IN THE LONG RUN.

2. THE WORKLOAD OF THE ADULT PROBATION DEPARTMENT (COUNTY) IS FOUR TIMES THAT RECOMMENDED BY NATIONALLY RECOGNIZED STANDARDS. FOR THE FIFTEENTH DISTRICT COURT PROBATION DEPARTMENT (ANN ARBOR) THE WORKLOAD IS 3.6 TIMES GREATER THAN STANDARDS CALLED FOR. PROBATION SUPERVISION AMOUNTS TO "REPORTING IN" AND THERE IS NO TIME FOR A FAMILY CENTERED APPROACH TO PROBATION, WHICH MUST BE THE GOAL. FEW CONTACTS ARE MADE WITH PROBATIONERS IN THE COMMUNITY. THE LARGE WORKLOADS PRECLUDE THE PROVIDING OF PRE-SENTENCE INVESTIGATIONS AT AN EARLIER TIME, PARTIALLY CONTRIBUTING TOWARD UNNECESSARY USE OF JAIL AND DELAYS IN SENTENCING.

WITH 68 PERCENT USE OF PROBATION FOR ALL DISPOSITIONS, GREATER USE OF PROBATION IS BEING MADE THAN IN MOST JURISDICTIONS. HOWEVER, WITH MORE ADEQUATE STAFFING AND REMOVAL OF EXCLUSIONS TO PROBATION, ITS USAGE CAN BE INCREASED TO 85 PERCENT OF ALL DISPOSITIONS.

3. NEARLY 40 PERCENT OF THE JAIL ADMISSIONS, 24 PERCENT OF THE TIME SPENT IN JAIL, AND 16 PERCENT OF THE OCCUPIED BEDS PERTAIN TO PERSONS WITH ALCOHOL RELATED OFFENSES.

NO EMERGENCY DETOXIFICATION PROGRAM EXISTS AS IN OTHER COMMUNITIES. USE OF THE JAIL FOR DRINKING PROBLEM OFFENDERS PENDING DISPOSITION IS A VERY COSTLY APPROACH AND LENDS TO THE "REVOLVING DOOR" AND NUMBER OF BEDS NEEDED IN JAIL. (It is felt that the number of alcohol related offenses would increase if those cases were counted in which alcohol had an influence but not of a sufficient nature at that time to be charged as such but that these would probably be balanced off by the driving under the influence of liquor cases which would not or could not be considered for handling in the emergency detoxification center.)

4. THE COUNTY HAS NEITHER AN EMERGENCY DRUG DETOXIFICATION CENTER NOR A LICENSED RESIDENTIAL TREATMENT CENTER. BASED ON NATIONAL EXPERIENCE, A NUMBER OF THE PROPERTY OFFENSES ARE COMMITTED FOR THE PURPOSE OF OBTAINING MONIES TO PURCHASE DRUGS TO CONTINUE THE HABIT.

IN LINE WITH RECOMMENDED STANDARDS AND PRACTICES THE WASHTENAW COUNTY DELEGATION TO THE MICHIGAN LEGISLATURE SHOULD SUPPORT THE REMOVAL OF "VICTIMLESS OFFENDER" OFFENSES FROM CRIMINAL HANDLING TO THAT OF MEDICAL/MENTAL HEALTH HANDLING. IN THE MEANTIME THE COUNTY SHOULD DEVELOP DETOXIFICATION AND TREATMENT PROGRAMS TO MEET THIS SERIOUS PROBLEM.

5. WHILE THE SAMPLING OF CIRCUIT COURT CASES SHOWED THAT FROM ARREST TO DISPOSITION THE AVERAGE TIME WAS APPROXIMATELY 76 DAYS (THE

GOAL SHOULD BE 60 DAYS), THE TIME FOR TOTAL PROCESSING OF CASES IN THE DISTRICT COURTS WAS ABOUT 51 DAYS (ABOUT FOUR TIMES LONGER THAN THEY SHOULD TAKE).

THESE DELAYS IN PROCESSING WORK AGAINST THE GENERALLY ACCEPTED CONCEPT THAT (REASONABLY) SPEEDY JUSTICE, WITH FULL PROVISION OF CONSTITUTIONAL SAFEGUARDS BENEFITS BOTH THE OFFENDER AND SOCIETY BETTER. FROM ONE STANDPOINT, POOR OFFENDERS UNABLE TO MAKE BAIL AND NOT RELEASED ON THEIR OWN RECOGNIZANCE, CONSTITUTE UNNECESSARY JAIL AND WELFARE EXPENSES.

6. A MAJOR COMPLAINT OF INMATES IN THE COUNTY JAIL IS IDLENESS. WHILE A GOOD START HAS BEEN MADE TOWARD MEETING THIS PROBLEM A GREATER VARIETY OF IN-HOUSE AND "BORROWED" PROGRAMS NEEDS TO BE DEVELOPED SO THAT MORE OFFENDERS ARE RETURNED TO THE COMMUNITY BETTER THAN WHEN THEY ENTERED.
7. TWO PROBATION DEPARTMENTS EXIST WITHIN WASHTENAW COUNTY AND THE CRIMINAL JUSTICE "SYSTEM" IS REALLY NOT A SYSTEM. EFFECTING ONE PROBATION DEPARTMENT IN AN OVERALL WASHTENAW COUNTY DEPARTMENT OF CORRECTIONS, TO INCLUDE THE JAIL, THE VARIETY OF COMMUNITY-BASED PROGRAMS THROUGHOUT THE COUNTY, AND A MUCH NEEDED BASIC INFORMATION SYSTEM REGARDING OFFENDERS AND WHAT HAPPENS TO THEM, WOULD RESULT IN GREATER OVERALL EFFICIENCIES AND ECONOMIES.

I. PROBLEM DEFINITION

The two major goals of the criminal justice system are to control and, where possible, prevent crime. How these goals can be achieved most effectively and, at the same time, economically, has plagued the American public, and other countries down through the years. Crime and delinquency are considered by many citizens as America's number one domestic problem.

THE CRIMINAL JUSTICE SYSTEM

The term "criminal justice system" refers to a complex of agencies and institutions designed to protect persons and property and maintain public order. Its point of origin is the body of laws that define public conduct believed necessary to protect the essential interests of society. Its practical operations include identifying, apprehending, prosecuting, convicting, sentencing, and, hopefully, returning the offender to society in a better condition than when he entered the system, through a process called "corrections."

In most jurisdictions the corrections process falls far short of achieving its goal. According to the United States Justice Department and knowledgeable persons in the field, over three-fourths of the crimes are committed by "repeaters." At a minimum, over 50 percent of the offenders currently under jurisdiction can be expected to return to crime.

The following objectives are acknowledged to be appropriate for some portion of the overall group of law violators to bring about crime control and prevention:

1. Punishment (sentencing, involving societal pressures and "negative learning").
2. Removal of dangerous people from unrestricted community life.
3. Deterrence of others from illegal behavior.
4. Transforming law violators into law abiding citizens through corrective and rehabilitative programs.

A major obstacle to achieving the objectives of the criminal justice system is the existence of a "non-system" characterized by the various parts of the "system" generally working separately due to no central administrative control or coordination. At best, if the various elements of the process are working to the best of their abilities, it frequently is a matter of working parallel to each other rather than as a team.

Even if a team relationship exists, improvements in the functioning of the system might not result because of the lack of a sound, basic information system which can show how various aspects of the criminal justice system are working in light of nationally recognized standards.

Even with a sound basic information system, making it possible for administrators and financial bodies to determine what is happening to the tax dollar, the next major problem is the allocation of financial resources to the various elements

within the system which are made on a much more rational rather than competitive basis as is typically the case. "Each looking out for his own" is seldom replaced by an approach in which one administrator supports financial increases in another segment of the system which needs more resources to increase effectiveness.

Even if all aspects of the criminal justice system are operating to their fullest potential, the greatest single need is for a better informed and involved public which will then support sound policies and provide the tools necessary to do the job properly.

The consultants noted that problems in the criminal justice field in Washtenaw County follow along the lines of those which exist throughout the country, as outlined earlier.

THE WASHTENAW COUNTY CRIMINAL JUSTICE SYSTEM

Law Formulation

The local criminal justice system is concerned primarily with codes defined by statutes and ordinances. Statutes are laws and regulations formulated through state legislative acts, and ordinances are laws and regulations formulated by local municipalities.

The most familiar statutes are traffic laws. Other statutes address themselves to criminal codes and regulations pertaining to state agencies (such as the rules for state parks).

There are six municipalities in Washtenaw County which have formulated ordinances for enforcement by local enforcement agencies: the cities of Ann Arbor and Ypsilanti, and the villages of Dexter, Chelsea, Manchester, and Whitmore Lake. The County Board of Commissioners has not formulated any ordinances for the areas under its jurisdiction.

Law Enforcement

There are presently ten distinct law enforcement agencies operating within Washtenaw County:

- Ann Arbor Police Department
- Washtenaw County Sheriff's Department
- Ypsilanti Police Department
- Michigan State Police
- Saline Police Department
- Dexter Police Department
- Chelsea Police Department
- Manchester Police Department
- Eastern Michigan University Police
- Michigan State Park Rangers

The Ann Arbor Police Department is the largest agency, followed by the Washtenaw County Sheriff's Department, the Ypsilanti Police, and the Michigan State Police. All of these agencies depend upon the jail for detention and incarceration functions, although several of the agencies have lock-ups for temporary detention purposes. The County Jail is under the jurisdiction of the Sheriff's Department.

There is no central coordination between law enforcement agencies in Washtenaw County, although the Sheriff's Department does coordinate the activities of the latter six agencies on the list. In neighboring Wayne County there are more than 50 law enforcement agencies. The need for master/long range police planning in Washtenaw County is not yet critical but is becoming more important as the county continues to urbanize.

Courts

There are three kinds of courts in Washtenaw County: District Courts, Circuit Court and Probate Court. Each serves a unique function in the criminal justice system.

District Courts are the courts of original jurisdiction. The first arraignment of any arrestee is in the District Court. The court has jurisdiction in traffic, general civil, small claims, and misdemeanor cases. The District Courts provide the preliminary examinations for any person accused of a felony.

The functions of the District Courts were, until 1969, performed by the Municipal Courts System, which was staffed by magistrates and justices of the peace. There were some difficulties with this system and the quality of the court functions was not always adequate. Under the Municipal System, some officials were salaried from a percentage of the fines imposed, and some officials had no legal training.

The District Courts Enabling Act, passed by the Michigan Legislature in 1968, provided for the upgrading of the Municipal System by reorganization into the District Court System. Standards were established to guide the court functions. Certain courts were exempted from the reorganization for as long as they complied with the standards. Traffic Court and Recorders Court in Detroit are two examples of exempted courts.

As of January 1, 1969, Washtenaw County was divided into two districts: the Fourteenth and the Fifteenth Districts.

The Fourteenth District Court has jurisdiction for the entire county except the city of Ann Arbor. It is comprised of three courts, each with a full-time judge presiding. Court 1 is located at the County Service Center. Court 2 is in Ypsilanti. Court 3 is in Chelsea. The Chelsea court travels to small municipalities in the county.

In 1972, the Fourteenth District Court received a total of 28,895 new cases. More than 1,200 were civil cases, approximately 21,000 were statute and ordinance traffic cases, and more than 5,000 were non-traffic statute and ordinance cases.

The Fifteenth District Court has jurisdiction for the city of Ann Arbor. It is comprised of two courts, both located in the City Building in Ann Arbor.

The Circuit Court handles felony and divorce cases. The court is housed in the County Building. Felonies, which comprise the majority of prisonable offenses, are processed through the Circuit Court.

Bonding practices, processing time and sentencing practices have a great impact on the jail population.

The Probate Court is divided into two sections, the Juvenile Division and the Probate Division. The Juvenile Division has jurisdiction in cases involving offenders under the age of 17 years who have: violated public laws; committed certain "children's offenses" (runaway, truancy, incorrigibility, etc.); or are the victims of parental neglect. The Probate Division is concerned with guardianships, wills, estates, and commitments to mental institutions.

Prosecution

The responsibility of prosecution is given to the Washtenaw County Prosecuting Attorney, an elected official. The current prosecuting attorney heads a staff of 13 assistant prosecutors, divided into two sections. The first section is responsible for cases originating in the city of Ann Arbor, and is located in the County Building. The second section is responsible for cases originating in other parts of the county and is located at the County Service Center.

Defense

The county provides legal counsel for those who are determined by the court to be unable to pay for the services of a private attorney. Prior to 1971, the court appointed private attorneys for those unable to pay and bore the cost of defense. This was a great expense to the county, and the quality of representation was often questioned.

In November, 1971, the county received a federal grant to aid in the establishment of the Public Defender's Office. The Public Defender was assisted by two other attorneys. As of September, 1972, the county has been supporting the Public Defender's Office almost entirely. The office is now staffed with the Public Defender, one Chief Assistant Public Defender, and five assistant Public Defenders. The Public Defender's Office is located in the County Building.

Sentencing

Sentencing in all of the courts is a combination of a number of options open to the sentencing judge. The judge has discretion in his choice of sentence but is guided by parameters outlined in statutes and ordinances. A pre-sentence investigation is carried out by the Probation Departments for every person to be sentenced. This investigation outlines for the sentencing judge the case history of the person to be sentenced and recommends a suitable sentence. Other agencies make sentencing recommendations as well.

The sentencing judge has two options for delaying the sentence:

1. Delayed Sentencing: The person to be sentenced is placed under certain conditions of behavior for a prescribed period of time. These may include participation in drug or alcohol programs and supervision by the Probation Department. This option is used primarily in cases where the individual is being considered for incarceration, and the court offers the person an opportunity to prove that incarceration is not necessary.
2. Deferred Sentencing: The person to be sentenced is given conditions of behavior for a prescribed period of time. These may include payment of costs, volunteer work for organizations, or participation in drug and alcohol programs. After the time is up, the judge has the option of

dismissing the case, thereby expunging the individual's record. This option is used primarily with misdemeanor cases.

The sentencing judge has six basic options for sentencing: fines, costs, restitution, probation, community-based rehabilitation programs, and incarceration.

Fines - Fines may be imposed within limits prescribed by statutes and ordinances. Fines are often offered as an alternative to incarceration.

Costs - A reasonable amount of money may be required of the person sentenced, consistent with the costs of prosecution and conviction.

Restitution - A payment to the victim(s) of the offense, consistent to the damage incurred to person or property.

Probation - A person may be sentenced to the jurisdiction of the Probation Department for supervision during the prescribed period of time. Probation sentences in this county range from a few months to five years. The probation function may range from the active intervention of the probation officer in the life of the probationer, to the monthly reporting of the probationer to the probation officer.

There are two adult probation departments in Washtenaw County. One serves the Circuit Court and the Fourteenth District Court. The other serves the Fifteenth District Court. These Probation Departments are located in the County Building and the City Building, respectively.

Rehabilitation Programs - A number of programs are used as sentencing options. The Alcohol Safety Action Program and the court and police work programs are most frequently used. Participation in drug programs may be used as part of the sentence but is usually accompanied by probation supervision. There are no residential drug or alcohol programs in Washtenaw County which are used by the criminal justice system. Programs in Detroit, Toledo, Grand Rapids, and California are frequently used by the courts.

Incarceration - Individuals may be sentenced to serve time in county or state institutions for periods ranging from one day to life imprisonment.

Persons sentenced to less than one year are incarcerated in the County Jail. Some of these qualify for the weekend program, in which the person serves time during the weekends. Most, however, are restricted to the jail and suffer from the inadequate facilities provided.

The Washtenaw County Jail Inmate Service Program was initiated in January, 1973, with federal funding. This program has provided an increasing number of opportunities for the inmates. The program is severely limited by the outdated jail facilities. At one point during the survey there were 14 inmates at the jail who were serving one year jail sentences in lieu of longer prison sentences.

Felons who are sentenced to one or more years of incarceration are placed under the jurisdiction of the Michigan Corrections Commission. This commission administers the Michigan Department of Corrections, the adult correctional agency. There is one state institution in Washtenaw County: Cassidy Lake Technical School, a minimum security school for youthful offenders, located near Chelsea.

PROBLEM DEFINITION - FACTORS AFFECTING JAIL PLANNING

Rational planning for a specific part of the criminal justice system such as a jail is more difficult than the previous section might suggest. Each community is unique in a number of ways and is subject to a number of influences beyond its own direct control. Though past experience of the community is an important indicator, we live in an era of relatively rapid social change that can at least partially negate the predictive value of past experience. Consequently, predictions and projections about the size and composition of the community in years to come provide a basic framework within which the more specific computations must be placed.

The jail is an integral part of the whole criminal justice system. Its size and character are determined by a variety of factors, few of which are under the direct control of those responsible for its operation. Since it is a function of the system as a whole, the factors that need to be considered when planning a jail originate in various parts of the system. This section will identify these factors under four headings: law formulation, law enforcement, judicial and corrections.

Law Formulation

The formulation of law that defines illegal activity is a major practical determinant. Law is formulated to protect persons and property and to preserve public order, and the body of law forms the practical outer dimension of the criminal justice system. The definition of various offenses, their relative seriousness and the penalties that may be imposed are all basic and primary influences on the system. It is important to remember that laws may originate at national, state and local levels.

Of particular interest in recent years are the "victimless offenses" that involve no important assault on other persons or property or do not affect the preservation of public order. National organizations with competence to judge the merits of such laws recommend abolishing some of them.

Alcohol related offenses are the most prominent of these "victimless offenses" and nationally constitute the largest single category of arrests, not including traffic arrests. A change in the legal status of this type of behavior could result in a major change in the volume of jailings.

Traffic law violations account for the largest single category of arrests and judicial actions. The status of these laws has also been questioned in recent years on entirely different grounds than "victimless offense" laws. Since autos are the mode for the largest number of violent deaths, maimings and injuries in our country, changes in these laws should not be ruled out. Such changes might affect the volume of jailings either upward or downward.

Law Enforcement

Law enforcement agencies serve as the point of contact between the public and society's standards expressed in law. They give practical expression to enacted laws. Their effectiveness in carrying out their mandate depends on a number of factors. The resources provided to them for carrying out their duties is a major determinant, but their aggressiveness or selectivity in enforcement efforts and the skills which they develop are also highly important. Significant differences in the effectiveness with which similar resources are used by different departments are well known.

Community attitudes toward the police are highly significant and can affect the effectiveness of police efforts greatly. Bouma's study of attitudes toward the police in Michigan illustrates how wide a gap can exist between public and police attitudes and beliefs. Since attitudes toward the police can change very suddenly, it is probably useful to understand that attitudes are continually being generated by police performance. Police performance within the structure of traffic laws is a crucial area of concern since this is the most frequent arena of contact between the average non-criminal citizen and the police.

Modern technology is not uniformly available or consistently utilized by police agencies at present. In years to come, this will probably be less true, resulting in higher arrest rates and greater deterrence to criminal activity. More uniform utilization of modern technology should result in higher clearance and conviction rates and, possibly, a reduction in the number of offenses.

A relatively minor change in the clearance rate has a magnified effect on the agencies and institutions who are responsible for subsequent handling of criminals. A five percent improvement in the clearance rate (from 35-40 percent) would result in a 14 percent greater load on courts and corrections. Therefore, improvements in police effectiveness can result in much greater demands on the other agencies and institutions within the system.

Police effectiveness is also related to conviction rates and often to plea bargaining. An improved quality of investigative work could reduce the percentage of contested cases and improve the conviction rate for contested cases. This would have the further effect of making more persons amenable to court imposed corrective and rehabilitative programs - which might reduce recidivism.

Law enforcement agencies are also responsible for the operation of jails, though they typically have only a minor influence on admissions and releases.

Judicial

The term judicial will be used in a very broad sense in this report. Pre-trial arraignments, prosecution, defense, trials and sentencing will all be discussed under this heading.

Pre-trial arraignments for the accused are of three basic kinds: outright release, release on bond, and confinement in jail. Decisions about which of these kinds of pre-trial arraignments will be allowed obviously affect the number of admissions to jail, the length of stay, and, therefore, the average population in the jail. The majority of those arrested meet the bond that is set for them or are released on their own recognizance (ROR). However, a significant number are unable to meet the bond specified or are denied bond. These are the persons who constitute the majority of the days of care provided by the jail.

The criteria for ROR and for fixing the amount of bond are the major determinants at this point. Various scales of stability factors are used or proposed for ROR decisions. One developed by the local Bar Association is currently under study by the judges and the office of the prosecutor here. The principle behind such scales is to allow the release of those whose stability in the community seems to make them a good risk for appearance in court - as long as they also seem to present no obvious threat to public safety.

Those who do appear to present a threat to public safety have traditionally been

dealt with through the mechanisms of bonding and denial of bond. These practices directly affect who stays in jail, and most studies show that the poor are disproportionately more likely to remain in jail than are others. They are usually the ones who are least likely to be able to deal with the dislocations of family life and income that jail produces, increasing the likelihood of additional or continued public support or interest. Therefore, changes in the method of setting or denying bond will not only have an effect on the jail population but on other areas of public interest as well.

The prosecution and defense of cases can also affect the jail situation. An effort is made to proceed to trial in a shorter period of time on the cases of those who remain in jail. An even shorter period of time seems both possible and desirable. If achieved, it would result in a reduction of the average daily population of those in pre-trial detention.

Plea bargaining can have an effect on the duration of pre-trial detention, since it may result in a change from a non-bailable offense to a bailable one, and it may result in the reduction of bond to a level that can be met by the accused.

It is generally desirable to schedule a trial at the earliest possible date consistent with adequate time for preparation of prosecution and defense. Trial dates should not be primarily determined by lack of manpower in the prosecutor's or defender's office or inefficient scheduling practices of the court. To the extent that either of these factors affect trial scheduling in regard to those who remain in jail, changes should be made. Any shorter average time before trial that results from such changes will have the effect of reducing the average daily population of those in pre-trial detention.

Pre-sentence investigations by the probation department are uniformly conducted on those who have pleaded or been found guilty. These investigations are relatively thorough, though they do not generally specify or propose an active plan of correction or rehabilitation for those who are likely to remain in the community on probation.

Sentencing is a discretionary area of judgement for each individual judge and should remain so. However, sentencing should be related to realistic demands and periods of time as well as appropriate corrective or rehabilitative programs. Except in a few offenses allowing no possibility of probation, the sentenced person will be expected to resume responsible and productive life in the community. Therefore, sentencing should strongly suggest or specify an active effort to deal with the person's known problems through all available means in the community.

Corrections (Including Pre-Disposition Custody)

This study originates with the judgement that the existing County Jail is totally unacceptable (age, condition and layout/spacewise), a view with wide support and several modes of expression. This pertains to both pre-disposition and sentenced inmates. A study was initiated two years ago based on an unfavorable report from state jail inspectors. (Board of Commissioners requested Metropolitan Police Commission to do a site study. Bond issue failed in November election, 1972.) There are lawsuits pending against the jail, citing conditions that are easily confirmed by a visit to the jail.

Penalties consistent with the offense for which guilt has been established and the individual's past record are imposed by the court and ordinarily carried out by

some other authority. The basic sentencing options are: fines, probation, jail, prison (and parole), and other individualized sentencing orders. Combinations of these are common, with the exception of prison and parole.

The use of the jail as a sentencing option will obviously affect the jail population very directly. Programs of considerable corrective and rehabilitative value can be operated within the structure of the jail and used as a major resource for sentencing. There are already programs of this type in operation at the Washtenaw County Jail which should be strengthened and augmented in order that they can be used for a larger group of sentenced persons.

It is reasonable to expect that recidivism would be reduced by such programs and that there would be a diminished need for other public services as a result of such programs. The decision to operate a range of jail centered programs would obviously affect the size of the jail and its interior layout very significantly. Though they would share some facilities, those sentenced to jail should be segregated from those awaiting trial, another point with implications for the design of the facility.

The "weekend jail" program of some years' standing is an admirable program designed to attain a punitive impression without also causing a total disruption of family life, income, etc. It also avoids the generally negative effects on both the individual and his family of commitment to prison.

Washtenaw County presently has the beginnings of a community corrections program which, if more fully developed, might provide more effective corrective and rehabilitative programs for those who remain in the community. An effective community corrections program might also reduce the need for commitment to prison and the extensive dislocations which that involves.

Probation is a traditional resource in corrections. It should be designed to provide aggressive intervention in the life-style of those placed within its jurisdiction. However, this is not possible with the large workloads, a problem pointed out by various officials. In order to do this, caseloads of 35 work units per month should be established (one work unit for a supervision case, 3.5 units for a pre-sentence investigation) and maintained. The period of probation should be somewhat shorter than is now commonly ordered. Probation officers should be trained to perform a variety of functions. A dozen or more standard techniques should be available for use in any particular case. An effective probation program that actively helps probationers to re-orient themselves to society would reduce recidivism significantly - thus affecting the size of the jail.

Probation and jail programs comprise the core of a community corrections program but not its full extent. There are other kinds of services that could be used concurrently. Some of these are currently used, as indicated, in the county. More extensive use should be made of these additional services, and they should be placed on a more stable footing.

Finally, the community (via the courts) sends those it does not feel it can handle and those subject to a mandatory sentence to the state correctional system. The community has a vested interest in how well the correctional system does its job because 95 percent or more of those committed will return to the community and because their families remain in the community. The community has an even more obvious vested interest in the parole system. The effectiveness of these state-operated systems has a direct connection to recidivism and subsequent need for

the jail and other community criminal justice resources. Needless to say, this vested interest is rarely given the attention it deserves.

Summary

The foregoing brief review of factors that affect the size and design of a jail will be supplemented hereafter by a series of factual reports on how the system has operated in Washtenaw County in recent years. These reports will provide a definite basis for determining the extent to which the experience of the past is a useful guide for the future, when compared with recognized standards and recommended practices.

This presentation should clearly indicate that the jail facility (and program) is one function of the entire system for public handling of persons who have violated the law. Rational planning must, therefore, take into account and evaluate a multiplicity of factors.

II. SURVEY OF CRIMINAL JUSTICE SYSTEM AND REHABILITATION SERVICES

POPULATION AND ARREST DATA/UNIFORM CRIME REPORTS

Appendix A presents a total of 12 tables and commentary which outlines national, state, and local trends in offense frequencies and arrests. The information is supposed to lead to valid projections of the future volume and composition of the local criminal justice system users. The NCCPA has provided formulas for the calculation of local projections, but after careful review, the consultants have recommended an alternative method of projections.

It is proposed that a subcommittee be formed to review relevant quantitative and qualitative factors and as a joint effort between the subcommittee and the consultants, arrive at meaningful projections.

Quantitative factors for review include:

1. Population and Arrest/Uniform Crime Reports - Appendix A
2. Survey of Courts - Appendix D
3. Survey of Jail Population - Appendix E
4. County Profile and Characteristics - Appendix B

Other factors to be considered include: changes in law enforcement methods and priorities; changes in laws; and new developments in handling and treating detainees and offenders. These and other factors must be considered in any projection process which is to have credence.

The actual contents of the Population and Arrest/Uniform Crime Reports survey are not reviewed here but are clearly set forth in Appendix A. Comments are made by the consultants where appropriate, but the tables are self-explanatory and should be interpreted by various individuals in light of their experiences and priorities.

LOCAL COURTS

The survey of the local courts included a summary of the caseloads for the three levels of courts for the past five years. The trends indicated that there was a steady rise in the volume of criminal cases processed by the District and Circuit Court. The Juvenile Court showed some declines in recent years of total new cases reviewed.

The courts had very different methods of reporting annual caseloads and developments. By far the most effective presentation was the Six Year Report published by the Juvenile Court. This document is a good example of the value that public information has in generating community support of court programs.

The Circuit Court had no annual report and should definitely consider publishing summaries of cases and developments in the near future.

District Court Survey

The survey of the Fourteenth and Fifteenth District Courts included a total of 2,403 cases reviewed. This represents approximately 10 percent of the cases

handled by the courts for the years 1969-1972.

Overall, money bonds were set five times more frequently than personal recognizance bonds. There was a minimal amount of bond changes during the court process.

Most cases were processed in a period ranging from four to six weeks between the arraignment and the pre-trial or trial hearings. Sentencing was seldom immediate, and often there were lengthy delays for the convicted person. More rapid delivery of the pre-sentence reports from the probation departments could help to shorten this time span.

Probation was used for 25 percent of the cases sentenced, with one year terms most frequent and two year terms the maximum. Jail sentences were imposed on 20 percent of those sentenced, ranging from 30 days or less up to one year. The majority of cases were disposed to pay fines, costs, and restitution.

Circuit Court Sample

The Circuit Court sample consisted of 328 cases, focusing on the years 1967, 1969, and 1971. These cases represented approximately 10 percent of the total cases handled by the court in those years.

Money bonds were overwhelmingly the majority of the bond type, with a low ratio of personal recognizance bonds set. The use of PR bonds varied from less than one percent from one judge to 40 percent for another.

The majority of the cases were charged with drug related, breaking and entering, alcohol and larceny offenses being prevalent.

The total process time for Circuit cases was much longer than in the District Courts with some cases waiting as long as one year for final disposition. A much greater percentage of the defendants spent time in jail awaiting trial. Twenty-three (23) percent of the cases were disposed from three to six months; 23 percent between one and two months; and the remaining 54 percent were disposed in six or more months.

There was a high frequency of cases in which a second count was introduced after arraignment, to which the defendant eventually pleaded guilty and the first count was dismissed. In almost all of these cases the second count was a lesser charge and carried a lesser sentence.

Probation was used frequently, with the five year term (maximum by law) given in the great majority of cases. (A total of 83 cases of 48 percent of the sample were sentenced to five years' probation.)

There was little use of treatment programs and no use of work programs in the Circuit Court. Jail and prison terms were used and comprised 31 percent of the cases sentenced (40 percent jail, 60 percent prison).

The court used the Washtenaw County Jail Inmate Services Program as an alternative to longer prison terms, a trend that is getting good support from standard setting agencies.

A complete summary of the court surveys is presented in Appendix D for review by any person interested in the details of the court functions.

WASHTENAW COUNTY JAIL

Introduction

One of the key components necessary for planning a criminal justice/detention/corrections system is an accurate profile of the user population. One part of the population which can be identified is the jail population.

CCRP has reviewed every case in which an individual was in contact with the jail for the year 1972. This was a very complex process which was hampered by the filing system for the booking cards, which are filled out for each case entering the jail. The complete review of the data is presented in Appendix E.

A total of 3,946 cases were reviewed, which represented the entire caseload of the jail for the year 1972. The number of cases reviewed differs from the number of individuals (3,171) who comprised the 3,946 cases. In some cases more than one charge was pressed per case and the resulting figures for charges (4,368) are higher than the total number of cases.

Population Characteristics

The charges for which individuals were booked were placed into 31 offense categories which correspond to the offense categories outlined in the State of Michigan Uniform Crime Reports. The most frequent offenses were in the following categories:

Driving under the influence of liquor.....	736 cases
Drunk and disorderly.....	723 cases
Traffic warrant.....	399 cases
Traffic offenses.....	349 cases
Violation of probation.....	179 cases
Breaking and entering.....	177 cases
Bench warrant.....	140 cases

The offense frequencies raise some interesting speculations in the context of local, state and national crime trends. Nationally, the alcohol related crimes are declining in recent years, while it is breaking and entering and larceny offenses that are increasing rapidly (possibly drug related - to get money to keep the habit going).

Time spent in jail varied from a few hours up to more than two years. Approximately three-fourths of the cases at the jail were in for 48 hours or less. The vast majority of these were in fact in jail for less than 24 hours. The rest of the cases (927 individuals) spent more than two days in jail. Of these, 123 were in the jail for more than 50 days. As of May, 1973, 12 persons had spent more than 150 days in jail and were still in custody.

The data collected for the reason for release was the most unreliable for the sample because it was often incomplete. In order for the information to be valid, an officer or clerk would have to retrieve each booking card upon the release of a person and fill in the appropriate explanation. This was not done consistently. In the cases where this was done, 40 percent were released on immediate bonds, 20 percent were released on other forms of bonding, 17 percent were released on personal recognizance, and the remainder either paid fines or served sentences.

The following comments pertain to Appendix E. The ratio of male to female cases was almost nine to one. A large number of the cases handled were individuals ages 17-25 (over 2,000 cases, more than 50 percent, in this age span). This type of information is analyzed in depth in the Jail Population Appendix.

In the area of previous arrests, 2,099 of 3,932 incarcerations indicated no previous arrests. This indicates that 50 percent of the jail population for the year 1972 had no previous contacts with the criminal justice system in the county. This is a very key insight in the composition of the jail population.

It has been established that the first days of incarceration are crucial times for the first offender. The adjustments demanded create a tremendous amount of stress on the person, and the pressure from the fellow inmates can be overwhelming.

A new detention/corrections system must attempt to utilize Release on Own Recognition (ROR) to the fullest and, for those remaining, provide separate settings for the first offender with adequate treatment staff available to aid in the adjustment.

Another factor to be considered is that greater percentages of the population remain in jail longer if they have a previous arrest. As an example of the previous statement, there were 509 males incarcerated for non-serious offenses. This figure is divided almost evenly with 258 having no previous offenses. Of the males with no previous offense, 51 percent (139) were processed and released within one day. Only 33 percent (103) of the males with a previous incarceration were released within one day. Within two days, 90 percent (226) of the males with no previous arrest had been released, and only 63 percent (162) of those previously arrested had been released.

Other information included in Appendix E is an in-depth analysis of the individuals who spent more than 50 days in jail. These 123 persons constituted only three percent of the total jail population, but the length of their stay represents an important factor in terms of inmate/days in the County Jail. Therefore, their stay was analyzed as deeply as possible.

In an effort to obtain input and insights from the user population, a number of interviews were conducted with inmates in the jail during April, May and June of 1973. Many of the comments made during the interview referred to the hardships imposed and the disruptions caused to the personal lives of those incarcerated. Many indicated that financial matters were crucial and that they had lost employment as a result of their confinement. A selection from the appendix material that discusses the interviews provides an outline of topics.

In the interest of clarity and specificity, the following are major issues or topics raised for consideration:

1. Flexibility of bond or bond procedure revisions.
2. Expansion or development of jail programs.
 - a. educational
 - b. vocational
 - c. recreational
 - d. light entertainment - music, newspapers, etc.
 - e. crafts and hobbies

3. Restructuring the physical jail facilities for:

- a. separation of inmates
- b. library and related facilities
- c. visitations

4. The need for counseling (both group and individual) during confinement and after release.

5. Increased informal contact with guards and jail staff by the inmates to promote more harmonious relations.

6. A larger staff to act as liaison for aiding inmates with problems and for continuing contacts with families and other community member resources.

7. A re-evaluation and restructuring of parole/probation officers, regulations and general procedures.

Questions and Concerns

The information provided poses certain questions for the Corrections Committee. Upon observation of the tables, it is apparent that black males with no previous arrests and with previous arrests are detained longer than white males on a percentage basis. (This discrepancy occurs in 1972 data and is valid for only that time period.) Is this a discrepancy created by the criminal justice system (bond, sentencing or other practices)? Is this discrepancy due to sub-cultural dynamics, the inability of black males to produce monetary bond due to mechanisms which stagnate blacks economically?

Somewhere in the criminal justice system or in the community is located the cause(s) of this difference. We feel that the Corrections Committee should investigate the source of this and any other discrepancies revealed by the cross tabulations. Very possibly, bonding practices may create an unfair burden for blacks, and the difference can be eliminated by an alteration in this area.

Another distinction that we would like to point out concerns the two groups of persons that use the jail at present - those who are detained for a relatively short period of time and those who are in the jail for 50 or more days. Data dealing with those cases involved in a short duration of stay may emphasize a need for reform of arrest, processing and release procedures. Of all cases, 82 percent were out of jail within 72 hours.

For the short-term inmate we can ask: How much rehabilitation can take place during this time? What form of help can be administered in this short amount of time? Which of this body needs to be incarcerated? No doubt, a change in the way alcohol-related offenses are handled could divide the jail population into easily handled categories. These offenders are short-term inmates with a specific type of need for rehabilitation.

For the long-term users we can ask: What programs should we offer these individuals who will remain a long time? Will we create a system that encourages sentencing individuals to jail, rather than prison? What effect do the short-term users have in detracting from the goal of rehabilitating long-term users?

Another group to be considered is the population in the jail that are awaiting trial. They are short and long-term users, but they are not available for mandatory rehabilitation. What services should be offered to these individuals?

We have posed some questions involving the different functions of the new jail by pointing out some of the different types of persons who will use the jail. We have not answered these questions but rather provided insights as to how the jail was functioning in 1971. Hopefully, this will provide additional insights for the structures to be formed, the policies to be molded and directions to take.

While the Committee is analyzing this data, they must remember that any changes in the workings of the criminal justice system will alter the data and also that the data changes daily, due to socio-cultural factors which constantly change.

PROBATION

As outlined in Section I under "The Washtenaw County Criminal Justice System," two Probation Departments exist. One services misdemeanants in the city of Ann Arbor (Fifteenth District Court Probation Department) and the other (Adult Probation Department) services misdemeanants throughout the rest of the county and felony cases county-wide.

Both Probation Departments are working under extremely difficult odds regarding workloads. In effect, supervision amounts to "reporting in" to the office, the meeting of "panic buzzers" when the probationers commit new crimes and assistance obtained from other community agencies which render some services upon referral. From the standpoint of adequate supervision, this does not exist. The woeful inadequacy of probation services in Washtenaw County must be considered the major problem in the criminal justice system.

Nearly all probation officers are college graduates and a number of them have advanced degrees. However, where probation supervision is given, it is the traditional one-to-one approach rather than utilizing group methods. Minutes of supervision per case monthly can be turned into hours through the reality group counseling approach, with the same number of staff involved. Reality-based group counseling has proven to be a successful concept, providing more service to offenders, and even with significant increases in staff this approach should be pursued vigorously.

Some relief to the workloads can and should be achieved by a reduction in the time spent under probation supervision. The average length of supervision for felons is over three years and this can be reduced by one year. For misdemeanants the problem is not as serious in that probation periods average slightly over one year (should average no more than one year).

Following are highlight summaries of the status of probation in the two Departments (details may be obtained from Appendix I):

Adult Probation Department

Workload: 137 work units per month average per officer or four times recognized standard of 35 units.

Pre-Sentence Investigation Processing Time: 38 days on the average. Much too long. Should be at least cut in half with reduced workloads.

Use of Probation: Approximately 68 percent of all dispositions. Can be increased to 85 percent as in some other jurisdictions.

Methods Used: Some volunteers used but not directly. Heavy use should be made.

Group counseling not used but should be heavily developed.

Little work done with families. Family centered approach should be developed.

Fifteenth District Court Probation Department

Workload: 125 units or 3.6 times recommended standards.

Pre-Sentence Investigation Processing Time: Average of 57 days. Exceedingly long. For those offenders in jail it means unnecessarily long jail time and higher population average.

Use of Probation: Only about 25 percent of offenders sentenced. Should be increased significantly. However, additional staff would be needed to handle the increase after the current workload is remedied.

Methods Used: Extensive use is made of resources of other agencies.

Group process used with alcoholics needs to be utilized for other cases.

Reality-based family counseling approach seemingly would resolve more problems than psychiatric evaluations presently used with greater frequency than usual.

INVENTORY OF CORRECTIONAL FACILITIES - SUMMARY

Washtenaw County offers a multitude of correctional facilities ranging from community-based treatment programs to isolated institutions. On the juvenile level more emphasis has been put on community-oriented programs. Boys and girls are first sent to places like Browndale and Family Group Homes. The last choice of placement has been the State Training Schools. Institutions have put more emphasis on the community in their programs. They are reaching out into the community.

Conversely, the adult correctional facilities are at the stage of allowing the community to come to the institution occasionally. There are no programs in Washtenaw County where the adult offender works in the community (like Family Group Homes, Haugen's, etc.).

The impact this has on the Washtenaw County Correctional Facility is manifold. First, more time should be spent studying the juvenile facilities with the intention of incorporating the community-based treatment method.

Second, each type of facility plays an important role in the make-up of a detainee's

life. Therefore, everything possible should be known about the various programs so as to make a placement that achieves the goal of reorienting the individual to society.

Third, each facility has a variety of contacts in the community where resources can be "tapped." The new Correctional System should force itself to be aware of the resources at hand and use them in an unlimited manner.

Not many comparisons can be drawn of the present County Jail, because the jail did not provide the information needed. Some programs are described in the Community Agencies Appendix (G) and the Jail Population Appendix (E) will give a general direction for programs to be delineated.

COMMUNITY AGENCIES - SUMMARY

We envision the link between the community and the correctional system in Washtenaw County as an important one. Community programs serve a valuable role as a resource for the inmate, aiding in creating a positive change within the individual and his circumstances.

The Corrections Committee has been discussing the utilization of community-based programs in the new correctional system. The advantages of these programs are numerous. First, as we mentioned previously, community programs have proven valuable in creating a positive atmosphere for detention and corrections. The inmate receiving services from a community-based resource feels that his community has a concern for him, that they feel he is worth the effort to rehabilitate and bring back into society. This attitude is a contrast to the feelings a resident may feel when he is thrown into a security jail where the community cannot see him and he cannot feel the presence of the community.

By creating a community awareness of the need for their assistance in corrections, we create a change of attitude in a user of that system which could result in his return to a productive role in society. We feel that the system actually is not conducive towards corrections if the community is not involved. In many cases, community-based correctional systems have been cited as the cause in a reduction in recidivism.

The Community Corrections Resource Programs, Inc. initiated contact with 400 agencies and services in Washtenaw County. We received information from approximately 300 agencies. A complete listing of the agencies we have information on can be found split into categories at the end of each section of this report. We did not contact every agency in the county that could have an application to the Correctional System. This would have been physically impossible. We initiated contact with every agency that we thought could be of value to the new Correctional System and other agencies which were referred to us.

The purpose of our contacts was threefold. First, we wanted to discover any current involvement with the correctional system at the county, state or federal level. Secondly, we wanted to look for any potential resources that had not yet been tapped in the form of programs, interested individuals, or services. And third, we provided the individual (representing the program, agency or service) with an understanding of the Correctional System and the potential for his involvement.

There are several possibilities concerning what the Committee can do with information on the agencies we will be describing:

1. After further investigation into the agencies that interest the Committee, it could choose to use any number of the agencies as they exist. An example of this type of service would be the classroom situation inside Milan Federal Prison provided by Washtenaw Community College.
2. There are a number of agencies that could be used as referral agencies. In these cases, an advisor or counselor at the jail should be able to tell an inmate during his residence or upon his release where he could find a service that would be of value to him. Our files can be used as an excellent starting point for providing this type of information. An example would be a counselor directing an individual concerning how to obtain welfare payments or where to find a job upon release.
3. A third possibility would be for the Committee to create new programs or services within the new correctional system that utilize ideas and services that presently exist in the community. A health care unit in the Correctional System would be an autonomous unit, but also could utilize the experience and ideas of existing programs.

In summary, this report gives no answers to the Corrections Committee by pointing out who should do this or what should be done where. Appendix G provides directions necessary for the Corrections Committee to investigate.

BASIC INFORMATION SYSTEM

Great difficulties were encountered in getting basic information generally needed for planning and administrative purposes.

A basic system of information gathering, computerized, starting with the time of arrest, with information being added as dispositions are made, should be effected. Only in this way can planning and fiscal bodies make sound decisions.

III. SURVEY OF PHYSICAL, SOCIAL AND CULTURAL CHARACTERISTICS

The Survey of Physical, Social and Cultural Characteristics reviews the geographic characteristics of the county, the patterns of urbanization, transportation network, and topography. It further outlines and maps the jurisdiction for law enforcement agencies and the various levels of courts. Correctional facilities are mapped.

A detailed demographic report outlines educational, occupational, and income characteristics. A final section of the report presents detailed population growth factors and projects population for the county. The strongest single factor influencing population growth is the immigration of new residents.

The Appendix and source materials are recommended for careful review to provide a complete conceptualization of the setting for the criminal justice system.

GEOGRAPHIC CHARACTERISTICS

The geographic characteristics of the area should pose no problem to the development of a correctional program within the county. The good highway and freeway network provides good access to the southeast Michigan region which could be a definite asset for any regional aspect of the correctional program. A good thoroughfare system makes for easy access for all parts of the county.

The organization pattern indicates that most of the development has occurred in the eastern part of the county, and the center of population is located on the eastside of Ann Arbor in Washtenaw-U. S. 23 area.

At present, Washtenaw County is heavily dependent upon the automobile, with only limited bus transportation available. This poses a problem in serving the offender clientele and their families who may not have the finances necessary to travel to and from a central corrections facility from an area as large as Washtenaw County.

POPULATION OF WASHTENAW COUNTY

Of the 234,103 people in the county in 1970, approximately 49.6 percent were male and 50.4 percent female. Both the male and female non-white population are approximately 3.8 percent.

The median age of the county population is approximately 23.6 years with the male component slightly younger at 23.4 years and the female median age slightly greater at 23.9 years. Median age of black males is 21.9 years while the black female median age is 23 years.

The largest age group in the county is the 20-24 year age group which makes up 16.5 percent of the total population. The next largest group is the 15-19 year age group which accounts for 12.6 percent of the 1970 population.

The under 18 year age group makes up approximately 30 percent of the population of the county while the 65 and over group accounts for approximately 5.8 percent of the total.

IV. GOALS AND OBJECTIVES

DIVERSION FROM CRIMINAL JUSTICE SYSTEM

Diversion of selected offenders from the criminal justice system should be a major goal. "Diversion to what?" must be evaluated. Simply dismissing cases, except in selected situations, does little good. Service must be rendered in most instances.

The President's Crime Commission, as one of its major findings, pointed out that the earlier and deeper a youth goes into the general administration of justice system, the more difficult it is for him to get out successfully. The same holds true for adults. Further, experience has shown that institutionalization for many offenders constitutes a "school for crime" experience. Frequently, offenders confined in jails and prisons come out worse than when they entered. Institutionalization of any kind, therefore, should basically be used only when absolutely necessary. Helping offenders adjust in the community where they live must be the major goal.

With 50 percent of the County Jail admissions not having an arrest record it is obvious that there are a number of candidates for diversionary handling. Washtenaw County should give serious consideration to initiating or further developing the following alternatives in order that diversion from the criminal justice system can be more effectively implemented.

Summons Release or Appearance Ticket - During approximately the past decade extensive experience in many places has shown that poor people can be trusted to at least as good an extent as persons charged with crime who are released on bail. A number of cities have released from 38-90 percent of "arrested" persons (basically misdemeanants) on summons release, notice to appear or appearance ticket.

Under summons release, the person is requested by the arresting officer to appear at a certain time before the court to be charged with the crime rather than having him jailed. The failure to show rate in the various cities using this concept is lower than for those who are released on money bail.

Various stability factors are checked out. Most people carry a wallet or purse which reflects factors such as residence, place of employment, credit rating and other things which show that the person has some roots in the community (credit, union, telephone, health insurance and membership cards). A phone call or two might be made at the police station in questionable cases, after a check of police records regarding prior arrest/criminal record.

Michigan Compiled Laws, Chapter 764.9(b-g) authorizes the "appearance ticket" system (see Section VI, LAWS, for details), which could go a long way toward reducing the large number of early jail releases, many of which obviously were not necessary in the first place.

Release On Own Recognizance (ROR) - After some persons are released at the time of arrest on a summons basis, more can be safely released on their own recognizance by the judge the next morning following more adequate investigation when they are arraigned in court.

Again, as in the case of summons release, poor persons charged with crime who are unable to make even minimum bail bond (10 percent law in some states) can be trusted to appear in court to as good a degree, and in some cases better, than persons charged with crime who are released on money bond. Experience in various jurisdictions bears this out.

Defendants with money aren't always the best risks, as has been demonstrated. Professional criminals/syndicate offenders frequently "go right back to their trade" upon release. In the meantime the poor defendant sits in jail, some losing their jobs, the family going on welfare and frequently he comes out worse than when admitted.

Releasing offenders at arraignment formally started in New York City in 1961 with the Manhattan Bail Project. In the three years in which the Vera Institute of Justice conducted the experimental project, 3,505 defendants were freed without bail (money or security). Only 56 defendants failed to appear for trial, creating a "jump rate" of 1.6 percent, much lower than the rate among defendants throughout the country released on money bail.

ROR subsequently spread to well over 100 localities, and in 1966 Congress enacted the Federal Bail Reform Act, authorizing use of non-financial conditions of pre-trial release in the federal court system.

During a two-year demonstration project Milwaukee County, Wisconsin, released 780 offenders on their own recognizance. One died and seven became involved in further criminal activities prior to trial. Of the remaining 772 persons all showed up for court.

In New York City (where a person charged with crime can certainly get lost if he wants to) every case except murder, cases with private attorneys, bail fugitives and offenses involving critical assault of police officers are eligible for handling through ROR. With approximately 60 percent use of ROR, bench warrants are needed in only 3.4 percent of the cases in which persons fail to appear in court. Excessive court continuances are considered to be the main cause of "failure to show."

ROR saves some families from going on the welfare rolls because the breadwinner is working, not sitting idly in jail. Earnings also mean tax paying - not tax dollar consuming.

In Washtenaw County personal recognizance (PR) bonds are used infrequently according to the sampling survey of the courts. In District Court PR bonds constitute 15 percent of all bond releases. Based on recognizance bond releases from the jail, only 30 percent were under PR (the balance on surety/cash bond).

Greater use of PR (ROR) release pending disposition should be a major goal in Washtenaw County.

Detoxification (Alcohol) - About 40-60 percent of the prisoners in most jails are there because of drunkenness or alcohol-related offenses. Handling the public intoxicant on a hospital-vocational-social basis has resulted in a reduction by 50 percent of the beds needed by offenders in some jails.

While six percent of the offenses and 24 percent of the arrests in Washtenaw County for 1971 were directly for alcohol related offenses (driving under the influence of liquor and drunkenness), 36 percent of the offenses for which inmates were confined in the Washtenaw County Jail (based on 1972 figures) pertained to alcohol related offenses.

A larger number of alcohol related offenses normally will be found under other charges (e.g., "disorderly") so the above figures are conservative.

While some driving under the influence of liquor cases would be handled through the detoxification process, a number would not. Based on data provided, 24 percent of time spent in jail pertained to alcohol related offenses. However, for beds used, Washtenaw County should conservatively count on 20 percent (includes peak periods). Hopefully, with detoxification being developed (no new jail should include beds for alcohol-related offenders), the new facility would reduce its proposed size by 20 percent for these "offenders."

In Minnesota, Oregon, Kansas and Florida public intoxication has been abolished by law. Even in states which have not abolished this "victimless offense" by law statewide, local communities generally can do this on local option.

During an experimental program, covering two years, St. Louis, Missouri cut drunkenness arrests in half and the workload of prosecutors and judges almost the same amount. This is a major factor in some overburdened justice systems.

Rockford, Illinois, following the completion of an extensive John Howard Association survey, moved ahead to develop a detoxification program at one of the local general hospitals, a program which has been operating successfully for three years.

The same process is being followed in many other places. Public intoxicants who are "dried out," "vitamized," and given help on job placement upon release are less likely to "return to the bottle."

In Washtenaw County public intoxicants should not be jailed; instead a detoxification program should be developed. It will be more economical in the long run, as evidenced by a 75 percent overall reduction in total police time devoted to a drunkenness case which can be redeployed on real criminal matters.

Confining drunks in maximum security jails is not only extremely costly from the standpoint of operations and capital outlay but it does not work.

The summary of the St. Louis Police Department Project said, "In the past, the chronic police case inebriate has been neglected and/or punished for displaying his drunkenness in public. Many spent most of their lives in jail even though every indication was that the 'revolving door' process - intoxication, arrest, conviction, sentence, imprisonment, release, intoxication and re-arrest - had a deteriorating rather than a rehabilitating effect upon the individual. Unfortunately, with a few exceptions, this situation has changed very little. In most communities - large or small - the jail cell or drunk tank is the basic 'treatment facility' and, if the offender is fortunate, he may be given coffee as his 'medication'."

Presently, no residential alcohol treatment units are used by the courts as a sentencing alternative. The review of community agencies showed that there are a number of resources which could be converted for this use. This should be a major goal of Washtenaw County.

Drug Detoxification/Treatment - The County currently does not have either an emergency drug detoxification center or a licensed residential drug treatment center which is utilized as an alternative for sentencing. Such cases are referred elsewhere, out of county and out of state.

Under changing practices, based on experience nationally to the effect that institutions generally only put drug users in "suspended treatment" or "cold storage," the goal should be to divert such offenders for detoxification and treatment to non-criminal justice resources, located in the community where the problem has to be resolved with help rendered (support, medical evaluation and treatment, reality-based counseling and other assistance).

The County Mental Health Department has plans and potential funding for a residential drug center and it should be a key part of the general administration of justice system. Other residential and non-residential alternatives should also be incorporated into the master plan for criminal justice.

Pre-Trial Intervention - Some jurisdictions have moved ahead to route young offenders away from formal criminal justice processing and to substitute pre-trial manpower services as an alternative. A majority of inmates in jails nationally who are awaiting processing are below the age of 26 and about one-third are between the ages of 17 and 19 inclusive. (In Washtenaw County more than 50 percent are 17-25 years old.) Of this large number of youthful inmates, one-third to one-half are unemployed at the time of arrest and 75 percent or more have failed to complete high school. A lack of economic and social stability, characterized by unemployment and a lack of educational and vocational training constitute a high correlation with criminal activity.

Pre-trial intervention programs provide selected accused offenders with assistance in achieving social and economic stability through intensive counseling and manpower services. Project Crossroads which has operated in Washington, D. C. since 1968 showed that a study of defendants conducted one year after participation in the project revealed unemployment among former participants to be less than half that prior to participation. Upon entry into the Project only eight percent earned more than \$2.25 per hour whereas the year following Project participation 28 percent earned more than this amount. The recidivism rate of successful participants was less than half that of a carefully selected control group.

Plea bargaining between prosecution and defense attorneys is a fact of life. The pre-trial intervention project formalizes this process and it is felt that it eliminates the pressure of time and permits the development of an expertise that leads to uniform results. Unfortunately, the traditional plea bargaining process now in existence throughout the country is unformalized at best and chaotic at worst, frequently taking place on the day a case is calendared for trial.

While the major objective of pre-trial intervention is to positively change more attitudes of selected youthful offenders, arrested but not yet tried, another important objective is to significantly reduce the flow of cases that

must be prepared for trial (since the plea is entered at the beginning rather than at the end of the post arrest process). An overburdened criminal justice system has been considered by congressionally created commissions and key jurists as one of if not the greatest drawbacks to more effective crime control.

If prosecuting and defense attorneys deem a case eligible for a pre-arraignment recommendation to the court so that the defendant be considered for entry into the pre-trial intervention project, his consent along with a waiver of demand for speedy trial must be sought and thereafter approval must be obtained from the arresting officer and victim.

Such a program as described above has been developed in Dade County, Florida, known as the Pre-Trial Intervention Project. Participants consist of youthful offenders who have been arrested for misdemeanors or lesser felonies. The intervention strategy includes: (1) employment and vocational training through placement in existing job training program, referral through placement agencies or direct placement in jobs already developed through an agreement; (2) educational services through various agencies; (3) intensive counseling and personal assistance brought about through a staff consisting of trained counselors and para-professionals who will maintain close personal contact with project participants; and (4) entry into a drug abuse rehabilitation program where indicated coupled with one or more of the foregoing services.

If the recommendation is approved by the courts, the defendant's arraignment is not calendared for a 90 day period. In the interim, reports are submitted to all interested parties and at the conclusion of the 90 day period the project may take one of three recommendations to the court, assuming the concurrence of the state's attorney's office: (1) Dismissal of pending charges based upon satisfactory participation in the project and demonstrated self-improvement; (2) Reversion of the defendant to normal court processing because of unsatisfactory performance; or (3) Extension of the continuance to allow the project staff more time to work with the individual. At any time during the project, a participant may be unfavorably terminated and reverted to normal court processing and trial either because of chronic uncooperativeness or the commission of a new offense.

The Manhattan Court Employment Project was equally successful, where 366 persons were not prosecuted after successful completion of the court sponsored project.

While the primary objectives are to reduce recidivism (return to crime) and improve the court process, the program is expected to have other good effects. An overcrowded jail is relieved by many young misdemeanants who are disposed of through the project or by an early guilty plea. Police officers find that the cases that go to trial receive better preparation as a result of more thorough screening early in the process. The rehabilitative program offers the police officer a new option in handling youthful first offenders.

Probation officers benefit through lessened caseloads and are able to devote maximum effort to felony violators due to the reduction in caseloads offered by the Intervention Project. Social service agencies in the community have clients over whom more adequate rehabilitative techniques and controls may be utilized because of the voluntary nature of the process. This enhances the prospect of rehabilitation. The successful participant is afforded an opportunity to lead a constructive life unencumbered by the stigma of conviction.

The Fifteenth District Court utilizes a Deferred Sentencing Program for first offenders, involving referrals to 28 agencies, which results in a dropping of the charges if adjustment is successful. Reportedly, the project is successful.

Washtenaw County should pursue this type of program in all of its courts. However, it should be effected following arrest and the filing of charges but before prosecution and a finding of guilt (so as to save these steps, involving time of officials/others and money).

Work Release - Work release or work furlough from jails first began in Wisconsin in 1913 and subsequently spread to about two dozen states. In recent years work release programs for felons released from prisons in such states as Florida, North Carolina, Wisconsin, Illinois, Hawaii, South Carolina, Maryland, Oregon, and Washington reportedly have been about as successful as for minor offenders released from jails.

If offenders can pay for their own support in jail or prison, keep their families partially or totally off the welfare rolls and succeed in rehabilitating themselves from 70 to 90 percent of the time, what more can the public expect? This is the record of several decades of work release experience.

In some jurisdictions over half (up to 90 percent) of the sentenced prisoners are handled by work release. These are offenders who need more controls than are provided by probation or parole supervision. It is important that work release not be used for offenders who can better benefit from probation or parole supervision.

Work release is sometimes used for weekend confinement wherein the offender works and lives in the community during the week and spends weekends in jail when past experience showed he got into trouble. Washtenaw County uses weekend sentences to a good extent and possibly does not need to pursue this approach as much as traditional work release.

At other times confinement and work release are used during the week because the offender has had difficulty working a full week and is released on weekends to return home to his family.

In most instances, however, work release is used over a several month period during which time he goes out into the community to work and spends his free time in custody. Exceptions are made for attendance at AA meetings, church and for academic-vocational training.

In various jurisdictions, including Washtenaw County, releases are approved for educational and vocational purposes instead of for work and have proven to be equally as successful.

Traditional work release for offenders who have not benefited from probation and need controls except when working in the community should be developed to the fullest.

Work programs, wherein offenders get jail time credit for participating in work activities for the community or a non-profit group within it, have been used very successfully by the Washtenaw County Courts, which should be commended for this innovative approach utilized over the past several years.

Probation - Whereas in the past probation has been defined as a "substitute for imprisonment or jailing" the National Commission on Criminal Justice Standards and Goals and various standard setting agencies now describe probation as being the first choice of disposition and that it should be granted on the basis of being preferred rather than as a substitute for imprisonment, formerly the first choice for disposition.

Wisconsin, California and Hawaii are using probation in over 85 percent of their adult dispositions. The goal of Washtenaw County officials should be at least 85 percent use of probation. Estimates are that it was used in 68 percent of the criminal case dispositions for the years 1969-71. Unfortunately, probation usage has been dropping from 73 percent in 1969, 69 percent in 1970, to 62 percent in 1971.

Workloads in Washtenaw County are very heavy (about four times greater than standards recommend) and prohibit the possibility of ever being able to do a more successful job. As was demonstrated in Saginaw, Michigan, prison commitments can be reduced by up to two-thirds for even repeat offenders who have been in prison twice or more and that probation failures can be reduced by one-half.

Under recognized standards, pre-sentence investigations should be made in all felony charges. Michigan law provides for such. Waiver by the court may be made only where defense counsel and subject agree to it.

In the case of misdemeanors, short form pre-sentence investigations should be made on a selective basis. Included should be those defendants not previously known to the court. About 800-900 such investigations are made annually.

Traditionally, probation supervision in most places has amounted to little more than "reporting in" to the office, sometimes the office secretary. Little work has been done with families and along with this approach, few interviews are held in the community. So it is in Washtenaw County and needs changing.

The goal of probation should be a majority of interviews in the community, primarily with families of offenders. It is felt that when one member of the family is on probation, "so are the others," psychologically. The family-centered approach must entail working hours which go into the evening and weekends. Officially, probation officers should be asked to work during these times, with compensatory time off granted during the day, when most feasible. After the voluntary approach is used and at least two days per week do not pertain to evening and weekend work involving the family-centered approach, the courts should require this.

Probation has traditionally been "accomplished" through the one-to-one approach. Time studies have shown that with caseloads under 35 per officer less than one hour per month can be given to the subject and meaningful persons in his life. This can be increased 20-fold by the use of the reality-based group counseling approach which has demonstrated its effectiveness for both adults and juveniles over the past several years. None of this is done in the two Washtenaw County Probation Departments.

Experience has shown that even with repeat, hard core offenders previously imprisoned, intensive reality-based group counseling can help most of them adjust successfully in the community. While sessions two or more times per

week are necessary with hard core offenders, at least weekly counseling sessions with others on probation should be the objective. The group approach can be effected with minimal orientation of probation officers with no such prior formal training.

In addition to group counseling for hard core offenders on probation, pre-vocational, vocational and family education efforts should be carried out. Probationers would live at home but go to a storefront center during the daytime or evening (when not working or going to school). Family counseling sessions involving family members or groups of husbands and wives should be the objective in selected cases. Frequently, the probationers have younger children at home for which they need help regarding rearing.

Properly screened, trained and supervised volunteers can play an invaluable role in probation. They can do assigned parts of the pre-sentence investigation and provide one-to-one service with probationers. Generally, a volunteer works with one probationer but with good experience several may be "under his wing." From the standpoint of investigative work experienced volunteers can complete pre-sentence investigations, particularly the short form ones used for misdemeanants. A rule of thumb to go by is that there should be at least as many volunteers as probationers on the caseload. Some departments have more volunteers since attrition takes place and caseloads increase unexpectedly.

Some probation departments have computerized their operations for both investigative and supervisory work. This cuts down on a lot of unnecessary paper work and time of staff. It provides for greater administrative control and more effective supervision of staff because they can "keep on top of things" currently. With each printout they can review what staff are doing. For economical, operational and planning purposes Washtenaw County should pursue this objective.

Two probation departments exist in Washtenaw County. For efficiency reasons there should not be two operations. A unified probation system should be developed, combining the two probation departments, one serving non-prisonable offenders (Probation Department, 15th District Court) and the other, prisonable offenders county-wide and misdemeanants outside of Ann Arbor (Adult Probation Department).

Washtenaw County should pursue the goal of 35 workload units per officer in the unified department. This would consist of 35 probationers under supervision at any one time or 10 felony pre-sentence investigations monthly (or 40 short-form investigations on misdemeanants) or a combination thereof, with proper weighting.

Sentencing Prisonable Offenders to County-Community Programs - Washtenaw County recently began utilizing local facilities for felons with sentences of one year or less who otherwise would have been committed to prison. A total of 15 cases have been involved in the Washtenaw County Inmate Services Program at the jail.

The trend nationally, supported by national reports and recognized practices, is to keep the offender closer to the community from which he came. This means using community-based programs and local facilities rather than "shipping him off to the prison" which is frequently located "out of sight and out of mind."

Any local correctional facility planned for the future should be developed for the express purpose of handling felons and serious misdemeanor cases which otherwise would go to prisons.

SPEEDY JUSTICE WITH ALL THE SAFEGUARDS

A speedy trial by a jury of one's peers, while guaranteed by the Constitution, no longer exists in many communities. While the use of diversionary practices has cut down on overburdened prosecution, defense and court systems, under any circumstances a person charged with crime should be handled in a "reasonably speedy fashion."

A speedy disposition used to mean that from the time of arrest to court disposition two months would pass by for felons. Today many jurisdictions take six months or longer. In the meantime the man frequently sits in jail, if he has been too poor to make bail and the family has gone on welfare. A random sampling of 228 felony cases showed that the total time for processing cases in Circuit Court to be 76 days, thus needing to be reduced, but proportionately it is a less serious problem than reducing the time for processing of misdemeanants in District Courts.

Greater emphasis on the rights of offenders has brought about a situation which has in part paralyzed the criminal justice system with an imbalanced approach to the problem.

Experience has shown that some judges do not want to get overruled. Some of them are, therefore, super-cautious about pre-trial and other motions. They "bend over backwards" to requests from attorneys (primarily defense counsel) for continuances. Studies have shown that most continuances are requested by defense counsel. Some of these, from the standpoint of motivation, are felt to occur because with a greater time lapsing, the memories of witnesses get hazy, thereby helping defendants from the standpoint of acquittals.

In some communities, few though they may be, both prosecution and defense strongly support and help effect speedy processing of defendants which results in approximately a two month period between arrest and disposition. This should be the goal of Washtenaw County officials.

In the case of misdemeanants a period of time for processing should be less than 14 calendar days. Many can be disposed of earlier but this should be the limit. A random sampling of 1,456 cases in Washtenaw County showed the time in District Courts to be 51 days, four times longer than recommended.

Individual Versus Master Calendar Approaches to Case Assignments

The courts in Washtenaw County follow the individual case assignment wherein each judge randomly picks up his fraction of the cases for follow through to their completion. In some jurisdictions, including Michigan, the exception would be that the preliminary hearing must be heard by a different judge.

A different approach is to have a master calendar wherein each judge picks up the next case to be handled which means that from beginning to end several judges may have handled different aspects of the case.

As in anything in the criminal justice field, there are no perfect approaches; instead it is a combination of systems and people in them which determine efficiency.

Both of these approaches have pros and cons and during Phase Two of this project - the Planning Phase - thorough study should be made of the merits and disadvantages of both of these approaches as far as Washtenaw County is concerned. Neither the American Bar Association nor the American Judicature Society have a position on which approach is best.

HUMANE CARE AND TREATMENT - NOT "COLD STORAGE"

Persons charged with crime or committed to jails should be released back to the streets in a condition better than when they entered. Unfortunately, most persons released from facilities are in worse condition. This is due in part to negative associations developed within the facility and a lack of programs.

When one sits down to think over what approach we follow in handling persons charged with crime or sentenced, the rationale doesn't hold up too well. While the initial motivation in developing systems for handling offenders was probably positive the end results have been a colossal failure.

In even the best institutions with programs that are recognized, serious damage is done to some persons charged with crime or sentenced. Even where rehabilitation rather than punishment or cold storage is the objective and services have been provided to seemingly meet that objective, the worst in human nature, in the form of offenders (or persons charged with crime) bunched together in an unnatural setting - an institution - has predominated.

The Sheriff in Washtenaw County seemingly recognizes that programs need to be developed to help change the thinking and attitudes of persons charged with crime or sentenced. Efforts have been made to develop rehabilitation programs. However, idleness is still a major complaint of prisoners interviewed.

While a good start has been made, the goal of Washtenaw County officials should be to develop a greater range of services for inmates which will help them to stand on their own two feet when returned to the community. These services need to be developed and geared to meet the various physical, mental, emotional, social and spiritual needs of inmates (and their families). Among these in-house and "borrowed" programs planned during Phase II of this project should be the following:

1. Diagnosis, Assessment and Evaluation Upon Admission - The newly admitted inmate should be evaluated from a physical, mental, emotional, social and spiritual standpoint.
2. Treatment Programs - A variety of recognized treatment programs to meet all of the various needs outlined earlier should be developed. Various standard setting agencies can assist in providing guidelines for the development of these.

Volunteers and para-professionals should be heavily involved as they can help provide these services more economically and efficiently.

Aftercare/parole services for releasees, just as with felons released from state prisons, need to be provided to slow down the "revolving door" of the Washtenaw County Jail.

ADMINISTRATIVE RE-STRUCTURING OF CRIMINAL JUSTICE SYSTEM

Unification of Criminal Justice Services and Facilities - Under recognized standards and practices, the development of a continuum of services under one administration is recommended.

From another standpoint, the President's Crime Commission recommended that jails not be administered under law enforcement but under departments of corrections.

From an even different perspective, various authorities in the field recommend against having probation under the courts administratively. They point out that with the probation officer working for the court questions of "undue influence" can arise when the probation officer slants his recommendations to suit the judge rather than "calling them as he sees them" objectively. There is strong support throughout the country for probation staff which are independent of the courts.

Little research exists in the criminal justice system regarding "what happens to offenders." With a continuum of services under one department it is a lot easier to "plug the offender in upon admission" and to keep adding to that base of information with changes as they occur, regardless of which facet of the system.

The goal in Washtenaw County should, therefore, be to develop a Washtenaw County Department of Corrections which would include the two probation departments, the Washtenaw County Jail, release on own recognizance programs, publicly sponsored detoxification programs and any correctional facilities/programs developed in the future. The latter would pertain particularly to the development of aftercare services following release from local facilities.

Unification of Detention Facilities - The International Association of Chiefs of Police and other standard setting agencies in the criminal justice field recommend that at least in the county seat there should not be two jails operating for detention pending disposition.

The goal of Washtenaw County officials should be, therefore, to develop a jail complex which will take care of all jail needs, at least in Ann Arbor, with a possibility that other city jails/lockups can be closed and the intended Washtenaw County facility utilized.

V. DETERMINATION OF GENERAL LOCATION AND SITE
CRITERIA FOR A CORRECTIONAL FACILITY(IES)

It becomes a very difficult task to determine in-depth location and site criteria for a new or modified correctional facility or facilities for Washtenaw County when the total system and priority programs of that system are not yet identified.

However, if one assumes that a single major facility or complex of buildings in a campus-like setting will be recommended as the facility for the future correctional system, some criteria as to location and site are possible. This, however, does not provide criteria for the more local community or neighborhood facilities that could very well be recommended also. Rehabilitation treatment and diagnostic centers will likely be an integral part of the comprehensive correctional system.

It is assumed that criteria necessary for site planning can be provided at a later stage of the program in the Detailed Planning Phase.

In March of 1971 the County Planning Commission, at the request of the Property Committee of the Board of Commissioners, prepared a report entitled "Location Study for a New County Jail Facility." This report, although identifying the new facility as a "jail" described the need for an extensive rehabilitation program within that facility. Both general location and site criteria for the facility were described. This basic criteria has been reviewed and is still found to be a valid approach to locating and siting a new facility. After the criteria were defined, the report evaluated 10 locations for a possible new facility or complex. The highest priority location was in turn evaluated as to site suitability.

Some four months after this report had been submitted to the Property Committee and then to the full Board, a public hearing was held to discuss the report and possible locations of a new correctional facility. It was held at the County Service Center, the first priority site described in the report. About 40 people were in attendance and many expressed their thoughts as to the report and priority locations. This report, the comments made by citizens, and conclusions by the Planning Staff as to the citizens' reactions are a part of Appendix H-2.

VI. LAWS

As is usually the case, a great amount more can be done from the standpoint of revised practices without changes in the law. This also applies to Washtenaw County. Basically the legal structure is sound from the standpoint of permitting the fullest development of successful practices. The "only thing holding them up" is people.

However, some changes in the law will be needed to effect different administrative structures in the criminal justice system and to remove some prohibitions regarding the developing of certain practices.

"APPEARANCE TICKET" OR SUMMONS RELEASE

Chapter 764.9(b-g), Michigan Compiled Laws, authorizes the use of an appearance ticket or summons release by the police officer at the time of arrest, in lieu of jailing.

The arresting officer can release any offender "for less than a felony" in offenses in which the maximum fine does not exceed \$500 and jail does not exceed 90 days.

After issuing the summons, the officer must thereafter file a complaint. If the man pleads guilty the magistrate may not process the sworn complaint.

As outlined under Section IV, Goals and Objectives, summons release can be used for the majority of misdemeanants, thereby reducing the large number of early releases from jail which were unnecessary in the first place. These would pertain particularly to the 50 percent of the jail population which has no prior arrest record.

RELEASE ON OWN (PERSONAL) RECOGNIZANCE

Chapter 764.5 authorizes the court to effect recognizance releases with sufficient sureties in any offense except that calling for five years or more in prison or a life sentence. Personal recognizance (PR) bonds are done on waiver of cash/surety bonds with the offender's character being considered the surety.

Michigan has the 10 percent bail bond law in which offenders can be released with payment of 10 percent of the bond. However, many offenders cannot even meet this requirement.

The Washtenaw County Bar Association had a PR system approved by the courts in April and the Washtenaw County Board of Commissioners approved of the County's share for the project which is now awaiting consideration for Safe Streets monies.

Greater use of PR can be effected now if the courts so desire, and with over 50 percent of the inmates in jail not having had a prior arrest record, there obviously are a number of good subjects for PR release.

DAY PAROLE/WORK/EDUCATIONAL RELEASE

Chapter 801.25 authorizes release from jail for employment on regular jobs in the community, education and medical treatment.

Monies earned from employment go toward taking care of maintenance costs of the offender in jail, with the balance of monies going to support dependents and meet other financial obligations.

Washtenaw County does utilize release for public and non-profit agency work projects and for educational purposes but from the standpoint of releases for regular, paid employment, this is basically effected through weekend sentences. Traditional work release (day parole) was just recently started.

When separate facilities for work release are provided in any intended county correctional facilities in the future, it would be hoped that greater use of regular day parole would be made. As far as any changes in the law are concerned, such are seemingly not needed.

PROBATION

Michigan law authorizes use of probation in all offenses except murder, treason and armed robbery. There are cases in which various courts throughout the country have used probation in armed robbery where the participant was "an inactive one."

Basically, under recognized standards and practices, there should be no exclusions to probation and the court should have full discretion regarding its use. It is so recommended that the Washtenaw County delegation to the Michigan Legislature pursue this approach.

Chapter 771.3(2) requires that prior to leaving the state the probationer must get court approval. Under recognized standards and practices permission should be obtained from the probation department which operates under policies established by the court. Having to get approval from the court for a probationer to leave the state is an unnecessary burden which can be handled on a lower level. It is therefore recommended that this change in the law be made.

Under Chapter 771.3(3) the court may give up to six months in jail as a condition of probation. Jail as a condition of probation is not in line with recognized standards and practices. With the use of work release and with the great amount of time on the average which offenders spend in jail awaiting disposition, jail as a condition of probation following sentencing is not realistic. This should be changed in the law.

MERGING PROBATION DEPARTMENTS

Changes in the law will need to be effected in order to merge the two probation departments which exist in Washtenaw County.

This merger should be effected to bring about greater efficiency and economy in utilizing one system for recruitment and training of staff, operational practices and avoiding duplication wherever possible (e.g., record systems, relationships

with other agencies and confusion which might be caused to clients and the public over the existence of two departments which carry on similar functions).

CREATION OF WASHTENAW COUNTY DEPARTMENT OF CORRECTIONS

Changes in the law will be needed to bring about a merger of facilities and services in the criminal justice system in Washtenaw County as recommended under Section IV, Goals and Objectives.

As outlined, continuity in the criminal justice field is supported by the various standard setting agencies. The President's Crime Commission recommended that jails should not be under law enforcement jurisdiction but instead under correctional auspices.

The State of Michigan does put state tax dollars into the probation system by paying the salaries of some officers in the Washtenaw County Adult Probation Department. From the standpoint of probation, most adult courts throughout the United States (in 37 states) are served by probation officers from state agencies. Perhaps the State of Michigan may move totally in this direction sometime.

The creation of a Department of Corrections on a county basis would need further legal changes from the standpoint of the state's participation in financing probation. However, it would remain basically the same because probation officers financed by the state would carry the same relationship with the County Department of Corrections as they presently do with the two probation departments.

VII. COST ANALYSIS

JAILS

In January 1973 the U. S. Department of Justice released its publication, Local Jails. Based upon 91 jails in Michigan, the annual cost of maintaining a jail bed was \$2,237 per year. The cost cited for Washtenaw County was approximately \$1,000.

The average per capita cost in Minnesota was \$2,505. For Wisconsin it was \$2,550.

From these comparisons for calendar year 1969, it would appear that Washtenaw County was providing less than half of the program which existed on the average in not only Michigan but Wisconsin and Minnesota. Staff constitute the major cost of operations and the adequacy of staff determines the degree of protection which will be given to inmates from the standpoint of homosexual attacks and other abuses.

For 1973 the estimated per bed operational cost for Washtenaw County Jail is about \$3,600 per prisoner annually. From this it is obvious that additional tax dollars and programs have been put into the jail compared to previous years.

PROBATION

Various probation departments which have better reputations for their programs, report costs per probationer yearly from \$300-\$550. These costs are overall and inclusive from the standpoint of all operating expenses and central administrative pro-rata costs. The estimated yearly cost to supervise a probationer in the Adult Probation Department (county) is \$144, about one-fourth that of a number of other probation departments throughout the country which provide much more adequate services (and protection). The \$144 figure is nothing to be proud of because from years of experience it is known that little if any supervision is given for that investment.

Depending upon the jurisdiction and philosophy pursued, some probation departments pay for "their existence" in the amount of restitution and court costs paid by probationers. Payment on restitution and court costs, if not considered the major objective and if the family centered approach is utilized, should be considered a healthy part of the probation service. If the probation officer is working with the family in helping them handle their finances, it makes sense for the probation officer to be involved in the process, although some correctional administrators feel that probation officers should not be "collectors" but instead this should be handled by the Clerk of Court.

An effective probation program, of caseloads no more than 35, with qualified staff, including heavy use of para-professionals and volunteers, can result in more effective crime prevention and control. These accomplishments mean fewer offenders going back through the "revolving door," fewer families on welfare rolls, lower costs for prosecution and imprisonment and fewer (sometimes dead) victims of crime.

PRISONS

The cost of keeping a man in prison will be about \$4,000 per year if the prison has any kind of program at all. Otherwise, the cost may drop as low as \$1,500 as some states report.

If the offender is young and goes to a youthful offender institution, the cost could be as much as \$8,000 per year. (Some juvenile facilities have an average per capita cost as high as \$20,000 per year, in which facilities extensive, varied programs exist.)

WORK RELEASE

Offenders placed on work release pay for their own care and treatment in the jail or correctional facility with the remainder of monies going to support their families. In some instances, jurisdictions meet garnishments.

In essence, therefore, the work releasee pays for his own way and does not constitute a drain on the tax dollar.

SUMMONS RELEASE OR "APPEARANCE TICKET"/RELEASE ON OWN RECOGNIZANCE

Both of these processes save many-fold tax dollars compared with traditional handling. In the case of the person "arrested" but released on the streets on summons release or "appearance ticket," jail costs are spared and frequently jobs are protected and families kept off the welfare rolls.

Actually, summons release saves time on the part of the officer which can be better devoted to more serious criminal activities. Based on experience in various cities, an average of 10 hours per arrest is saved (transportation and processing, including the court) by the police officer, which can be devoted to patrol and other work.

Summons release was effected in the five burroughs of New York City without hiring one additional uniformed policeman. One civilian staff person was hired to keep records.

At the most, a release on own recognizance investigation after arraignment would take a qualified probation officer no more than one day to complete. With the help of volunteers, who can play an important role in doing all or most of the work, the cost would be considerably less. If done solely by the probation officer the cost would be \$60 or less compared with over \$400 for a two month stay in jail while his case is processed.

DETOXIFICATION

Programs developed for public intoxicants cost more per capita than regular jail care but less in the long run when the "revolving door" is reduced significantly.

During the three year demonstration period in St. Louis, Missouri, it was found that 50 percent of the patients demonstrated significant overall improvement from

the standpoint of drinking, employment, income, health and housing. Arrests before and after the detoxification program were reduced by two-thirds.

With a 75 percent overall reduction in total police time devoted to a drunkenness case, which can be redeployed on criminal matters, significant savings are brought about here when it is recognized that half or more of the persons arrested in most communities pertain to public intoxication.

The two-thirds reduction in arrests would constitute the major financial savings. Where detoxification instead of jailing is the route followed, about 40-50 percent of the workload of prosecutors and courts will result.

In building a new jail with recognized programs the per unit cost per offender will run about \$20,000-\$22,000. Providing facilities for detoxification costs considerably less, generally not more than about one-fourth to one-third that for jails.

Operating costs for detoxification care may run as high as regular patient care if the detoxification unit is part of a general hospital. However, less expensive means for effecting detoxification have generally been developed, including a wing of a general hospital wherein not as expensive care for regular patients is needed. Quarters for detoxification are non-secure and can be effected in facilities similar to that used by halfway houses.

PRE-TRIAL INTERVENTION

Pre-trial intervention programs will cost more than regular probation but less than jail handling. Whereas probation would cost \$1.50 per day at the most and jailing - \$7.00-12.00, pre-trial intervention services would cost about \$3.50 at the most, half that for jailing.

In pre-trial intervention programs advantage is taken of the existence of services already operating in the community pertaining to testing, educational and vocational services.

Further, jobs are saved, defendants learn new skills/trades, become productive if they haven't been, and save the skyrocketing costs of prosecution and possible confinement.

SUMMARY

In summary, the costs of alternatives are considerably less and yet more effective, protection-wise, than the use of the traditional approaches - jails and prisons. The major recommendation of the President's Crime Commission in 1967 and the National Commission on Criminal Justice Standards and Goals in 1973 was the development of community-based alternatives to incarceration.

END