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## **Jail overcrowding spills inmates into the streets**

To make room, the state's county prisons have to let nonviolent offenders out early.

**By Mike Martindale / The Detroit News / September 15, 2005**

**LANSING** -- Michigan's county jail system is increasingly at or exceeding its capacity, straining county resources and regularly freeing criminals before their sentences are complete.

Three Metro Detroit county jails have released prisoners early in the past two months. Oakland County released 179 in August and is facing another emergency, and Macomb released 200 in July and more than 100 last month. Wayne County typically releases hundreds each month.



That means nonviolent criminals, including traffic offenders and shoplifters, are returned to the streets before judges planned. The overcrowding crisis threatens to get worse, as no jail expansions are planned in Metro Detroit in the foreseeable future. The problem is a national one; 94 percent of the nation's local jail beds were occupied in mid-2004, the latest figures available from the U.S. Department of Justice.

Concern goes beyond criminal justice officials to people such as David Easterbrook, a Troy resident whose 18-year-old daughter, Ashley, was killed by a drunken driver in 1997.

"I have a lot of trust in our judges, but I hear about early releases because of jail overcrowding and always fear the next person to be let out is the drunk driver, and that would be wrong," he said. "Jail overcrowding is serious, but so is letting criminals out on the street."

Easterbrook has spent eight years working with judges, courts and prosecutors to enforce drunken driving laws. "I'll be watching to make sure drunk drivers aren't some of them."

It's a growing problem with no immediate solutions, officials say.

"We all want criminals off the street, and we would like them to serve maximum sentences," Macomb County Sheriff Mark Hackel said. "Cops want to make arrests, so they're doing their best to get them off the streets and prosecutors and judges are putting them behind bars."

The vast majority of the 17,878 beds in Michigan's 83-county jail system are occupied by prisoners awaiting trial or sentencing, or convicted of lesser crimes that come with a year or less of jail time. While the state's prison system is near capacity, 80 percent of county jails are at or above capacity, and 40 percent are near or have declared a jail overcrowding emergency, according to estimates by Terrence L. Jungel, the executive director of the Michigan Sheriffs' Association.

"There's no room at the inn," he said.

Sheriffs say they could use some help solving the problem. Many county jail prisoners are substance abusers or mentally ill and would be better served by programs other than jail, they say. Some have asked judges to start considering alternative sentences for nonviolent misdemeanors, which would leave more room for those who commit offenses that call for mandatory jail time: drunken drivers, spouse abusers and those who don't pay their child support.

But Oakland County Sheriff Michael Bouchard says too many crimes, including drunken driving and domestic violence, now come with mandatory sentences that give judges little latitude. But he says a bigger problem is caused by judges sentencing offenders to jail and bypassing alternative sentences.

"It comes down to judicial philosophy, and I understand judges wanting people to do jail time, especially repeaters," he said. "But in some cases, boot camps, work release and even tethers may be appropriate rather than taking up a bed inside the jail."

On Friday, Bouchard sent letters to district judges across Oakland County asking them to review the sentences applied to some lawbreakers and consider alternatives.

Hackel estimates that half of his inmates would benefit from some form of mental health or substance abuse programs. Closure of many state mental facilities in the last two decades has left those people with no place to go but jail.

"Addicts commit more crimes to get the money for drugs," he said. "If we had appropriate programs in place, or treatment for people once they come through the first time, maybe we wouldn't have the recidivism rates we see."

## **Problem is statewide**

The problem isn't limited to Metro Detroit. In Michigan's northeastern Lower Peninsula, the Iosco County Jail was also close to an overcrowding emergency recently, according to Iosco County Sheriff Michael Fischer.

"I had to house out 10 prisoners this week to other jails," said Fischer of his 63-bed facility. "We've been packed for quite a while. There's talk of adding 60 beds, and we could use them."

Jungel notes how the Clinton County Jail recently expanded because of overflowing cells, and St. Clair County is to open a 350-bed addition to handle increases. Lenawee County also opened a new jail.

Others faced with growing jail populations haven't been as lucky. Kalamazoo County recently had a millage defeated that would have increased jail capacity, and Allegan County decided to take its jail expansion plan off the ballot this November.

"Voters are telling us to work with what we have," Jungel said. "And that would indicate we don't have room to accommodate overflow."

Some counties suffer from inadequate planning. Genesee County Sheriff Bob Pickell says his jail was too small before it was ever built. Last week it held 700 inmates; it has room for 580.

"It was built in 1988 to hold 388 prisoners, and three weeks after we opened they were double bunking," Pickell said.

But increased capacity doesn't end overcrowding. Two weeks ago, the Oakland County Jail was at its 1,828-prisoner limit, not including about 100 more in temporary holding cells. Oakland County budgeted \$1.7 million last year to house prisoners to other county facilities and about 130 are locked up elsewhere at a rate of \$35 a day.

Under a contract between the two counties, about 100 of them go to Ingham County's 665-bed facility each day, which amounts to about a \$3,500-a-day income for that county. Another 90 Ingham beds are used by the state.

But at the same jail where those beds have been leased, 1,200 inmates were given early release this year to avoid overcrowding. Ingham Undersheriff Matthew Myers said capacity for the jail is 472 prisoners for Ingham, 103 for Oakland County and 90 for the state.

"Overcrowding is constant, so we have a standing order from court that once we are maxed out seven days in a row we release people in the following order: ordinance violators, nonassault types and those who are a few days from being released," Myers said.

### **Wayne Co. seeks alternatives**

Wayne County Sheriff Warren Evans has been successful in staving off such early releases of felons since October 2003. Jerial Heard, chief of jails, said early releases at the Hamtramck jail facility, where violators charged with less serious crimes are held, occur almost daily. There were 4,173 such early releases in 2004, Heard said, often of traffic offenders and shoplifters.

Heard said two jails -- an 836-capacity jail in Hamtramck for misdemeanors and ordinance violators and a 1,889-inmate downtown jail for pretrial defendants and more serious offenders -- now comprise the Wayne County Jail system. One proposal would have a new criminal justice complex that would replace both jails and build a new one capable of housing 2,667 inmates.

Heard says Wayne County is looking into jail options, including Global Positioning System tethers for inmates. The program could include convicted nonviolent felons who qualify for the program. Currently about 50 such devices, which monitor an inmate's location, are in use. Heard said the hope is to have the program expanded to about 300 inmates.

### **New facilities are far off**

Macomb County Jail inmates like John Banks, 28, of Detroit said chronic overcrowding has resulted in three men kept in a one-man cell, dozens sleeping on mats or a gymnasium floor inside a spider-infested jail that often runs out of blankets, clothes and food for inmates.

"It's overcrowded there like you wouldn't believe," said Banks, arrested for driving on a suspended license. "There's not enough food so they cut servings in half or water them down so you get half of what you should. They run out of drinks, so prisoners use the water fountain."

Hackel acknowledged overcrowding had left some items in short supply.

"The solution would always seem to be more jails," said Hackel. "But even if we had approval and the funds to do it in Macomb, the solution would still be years away.

It will take three or four years to design and construct any new facility here."

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