

PROS for approval of UPEA plan for Jail addition

Prepared Feb 13, 2018

- 1) This plan meets the basic minimum State of Michigan requirements
With an increase to 58 new beds, it will eliminate overcrowding which violates state law. This reduces the county's liability for lawsuits from inmates for civil rights violations.

Having more beds than the current average daily population allows for projected increasing numbers. It is advisable to have empty beds to facilitate the separation and segregation of different populations and individuals.

It has space for private consultations between inmates and their attorneys, medical space, multipurpose space, and dayrooms for the inmates.
- 2) This structure would be able to be built in a minimum amount of time (ca. two years).
- 3) It likely has the lowest cost
It is located on land that the county currently owns
It will have no transportation costs for inmates to attend arraignments, hearings, trials, etc.
- 4) Female inmates can be part of the Work Camp, which they are not able to do now.
- 5) Access will be through secure space via sallyports.
- 6) Current staff is adequate when Work Camp becomes part of the jail facility.

Cons - Houghton County Jail Addition Proposal -

1. Failure to get any public input prior to proposing a design.

At the Houghton County Board of Commissioner's July 26, 2017, meeting, a member of the public asked (on the record) whether the public would be allowed to have any input into the jail proposal. Commissioner Palosaari's response (also on the record) was that "we don't want any public input." Those of us in attendance were aghast at his response. But this is, in fact, exactly what has happened – no public input was sought and none will be sought. A plan for a jail facility is being prepared with no public input, and Houghton County voters will likely be asked, once again, to approve a millage for this plan on the November 2018 ballot. However we look at the rest of the issues, the failure to get and use public input is the number one problem with this jail proposal and is the one that is most likely to doom its approval by the voters.

Public input is a process that provides opportunities to members of the public to share information and express their opinions and perspectives for consideration in decision making. It is done *before* decisions are made and the information is used to help make those decisions.

It isn't as if we haven't been here before. After the 2010 millage proposal was rejected by Houghton County voters, a group of Civil Engineering students at Michigan Tech undertook a study of the issue and attempted to design a justice facility. These undergraduate students understood something that no one else seems to get – that public input matters in terms of securing buy-in for a jail facility. In their project report (Investigation of Houghton County Criminal Justice Facilities, 2011), they **twice** cite the failure to seek public input as the top reason for rejection of the 2010 millage proposal (pages 31 and 71). They write (page 71): "When the 2010 proposal for the Justice Center was voted down, a general sentiment circulated that there was not enough public input taken into consideration. It was widely accepted that the

proposal was being “sold” to the citizens, not discussed with opportunities for public input. The committee informed the community of their project once the final design was selected as a ballot proposal. They attempted to reach out to the community by attending public meetings and utilizing the local newspaper; however their approach was to convince the community that their design selection was the correct choice.”

These civil engineering students, unlike our County leaders, paid attention to the need for public input and made that a priority throughout the team’s entire design and analysis process. They did this in at least three ways (project blog, survey, public input meeting). No one else has ever done this. And, if we pay some attention to that input, we can learn some rather startling things. Over half of the sample of voters represented by the respondents did support a \$10 to \$20+ million cost and sited the westward expansion as the best option.

Is it possible that, with real public input that would be used in decision-making - where the public believed that the County commissioners truly cared about and would take into account what the public thought – that the 2010 millage would have passed? We will never know. But we do underestimate to our detriment the value of getting public buy-in through prior public input.

2. Failure to consider the broader and long-term picture.

Getting to the merits of the proposed structure itself. There are two ways for the League to examine this issue – one way is from the narrow perspective of whether the proposed structure satisfies Michigan’s legal requirements for a jail facility. We in the LWVCC are not experts on this so we must defer to the opinions of others. Rod Miller and Sheriff McLean are both satisfied that the design does this. If that is the limit of our inquiry, then the League’s job is probably done.

But the League could also elect to look at the big picture. We can ask whether, from a community perspective, the proposed jail solves all relevant problems or whether it either fails to solve some problems and/or it creates new problems. Some of us on the committee advocate for a bigger picture analysis. When we do that, we see multiple problems that are either not solved or are created by this proposal.

3. Public and Staff Safety, Liability, and Failure to include a District Courtroom in the jail facility

The 2011 student survey asked respondents to rank their priorities for a jail. Not surprisingly, safety was the highest priority. Certainly the proposed jail is a safer place for inmates and the sheriff’s staff to work. But public and Courthouse staff safety remain an unresolved problem. In particular is the concern about existing courthouse design and the need to bring prisoners from the jail through the public courthouse to the elevator and then through narrow, winding corridors to deliver inmates to the courtrooms. This very issue was a top concern in the 2010 Justice Center proposal, and it was resolved by creating a district court courtroom in the new facility so that inmates would never leave the jail to make court appearances. The current proposal does nothing to fix this public safety issue¹. Once prisoners leave the jail, they still use a public elevator and go through the same narrow winding public spaces to the courtroom. Not only does this proposal do nothing to remedy this potential danger to the public safety, the design effectively forecloses the possibility of a cost-effective solution in the future.

Importantly, while the proposed facility will reduce the risk of liability by the county to possible civil rights challenges by jail inmates, the proposal does nothing to eliminate or reduce the risk of the county’s potential liability for injury to a member of the public or courthouse staff.

¹ Some of the safety issues are alleviated when inmates have their arraignments by video conferencing – the inmate remains in the jail. But there are times when prisoners must appear in person in court such as preliminary hearing and trials.

4. Failure to address understaffing in the Sheriff's Department

The proposal fails to consider the issue of understaffing in the sheriff's office. The public has been told repeatedly by the county commissioners and by Sheriff McLean that there will be no additional staffing requirements with the jail addition because staff from the work release facility will be relocated to the new facility. However, Sheriff McLean told this committee that he was advised by Rod Miller during the charrette that, under current jail staffing standards, the jail is presently understaffed by 4 personnel and, with a larger facility, this number can increase to 8. Each of these positions would cost the County about \$100,000 a year (see study), for a total additional cost of \$400,000 to \$800,000 per year. This has been ignored (indeed, the problem has been denied) and, though the proposed millage cannot be used to pay for additional staff, there are no budget plans to address staffing standards. Additionally, there is no plan for expansion of the sheriff's offices to accommodate its personnel needs.

5. Difficulty providing access to outdoor exercise.

The shortage of department personnel already limits the opportunity to escort inmates to the very limited outdoor space for fresh air and sunshine, a physical and mental health concern for long term inmates.

6. Failure to consider programs that keep people from returning to jail.

This proposal focuses 100% on creating new jail cells and gives little or no attention to programs that might keep people out of jail in the first place or help ensure that they don't return. Increasingly, persons are in jail because of underlying drug or mental health issues, but the county jail system is unprepared to address these problems and the current proposal does not address them. The Marquette County Sheriff's Office, for example, was recently awarded \$345,000 by the Michigan Department of Health and Human Services to establish a mental health diversion project in partnership with Pathways Community Mental Health. The intent is to identify, separate, and secure treatment for inmates with mental health issues, with an ultimate goal of keeping them out of the criminal justice system if possible. Two separate cells are being set up in the jail for this purpose. Houghton County, by contrast, is creating a facility that will hold more than double the number of inmates that the existing jail and work release facilities can house. Sheriff McLean says that increased jail populations are forecast and so we need these cells. We ought to be adopting programs that keep people out of jail and looking for sources of funding to support these programs.

7. Failure to provide for parking for sheriff department vehicles.

Currently, sheriff department vehicles park under the parking deck to keep them out of weather conditions so they are prepared to go. Under the current proposal, the parking deck will be demolished and it will be replaced by an open parking lot to the west of the courthouse, one block from the sheriff's department. Vehicles will be parked in the open and exposed to all weather conditions. This is a factor to consider in the winter when vehicles need to leave for emergency calls.

8. Failure to consider the facility and safety needs of County Courthouse personnel.

This proposed facility forecloses any options for expanding the courthouse which, completely separate from the jail issue, is overcrowded, obsolete, unsafe, and not adequate to serve public needs. The courthouse will be surrounded by the sheriff's office and the jail on two sides and by streets on the other two sides. No options for expansion remain. For example, the County has already needed to build a separate storage facility for county records under the existing parking deck because there was no room for storage in the courthouse. That facility will be demolished for the jail addition but there is no provision for where these records will be transferred or stored when that happens. Under one proposal offered by one county commissioner, if the sheriff's office and jail were to be built on another site, this would open up the current sheriff's office and jail for eventual use by courthouse staff for other functions. That option is completely foreclosed with this proposal. The County Commissioners have been advised of the problems with the courthouse facility and the need for additional space, but they have so far ignored it. Courthouse staff also report security issues for its own personnel.

9. Impact on Houghton County Courthouse – a Michigan State Historic Site and National Register of Historic Places

Perhaps the least important problem - though not irrelevant - is the fact that a building of historic significance will be significantly desecrated once it is surrounded by a jail. The Houghton County

Courthouse was dedicated in 1887, it was designated a Michigan State Historic Site in 1974, and it was placed on the National Register of Historic Places in 1975. The jail will not be designed to complement in any way the architecture of the existing courthouse – it may well have a metal exterior. From the back and from the east, the courthouse will be effectively unseen. From the west, it is already encumbered by the existing addition. We will see the historic courthouse only from the front. Is this important? It depends who you ask. Is it irrelevant? No. Once the jail is built, the damage is permanent.

10. Failure to Use Taxpayer money wisely

Houghton County taxpayers will be footing a cost of something in the neighborhood of \$10 million to pay for the proposed jail facility. We must consider whether we are spending that money in the best way to solve problems. Should we spend \$10 million of taxpayer money for a narrow, short-sighted solution that fails to solve and indeed creates multiple other serious problems? Not only does the proposal fail to solve these problems, it effectively forecloses the possibility that county voters will want to do anything to solve them that requires additional spending. This is the short-sighted part. The County could have built a new Sheriff's department facility, jail, and courtroom for \$15 million had the 2010 proposal been approved. That would have eliminated several problems (2, 3, 4, 5, 6, 9, 10), which now have no solution and no realistic prospect of being resolved any time soon. This is simply unwise planning on the part of the county leaders.

11. No harm done by waiting for public input and possible alternative design options

The argument is made that jail overcrowding is an urgent issue that must be addressed immediately. While none of us on the committee would argue that overcrowding isn't a problem, the solution is not to rush into an ill-advised, short-sighted jail addition. There are advantages to getting public input and coming up with a design proposal that uses that public input, such as:

- By securing public input and using that input in decision-making for a new facility design, the chances of the voters approving a millage may actually increase. Voters must have some sense of buy-in in a project and, time and again, they have said that the failure to consult them in advance was enough of a reason to vote against the proposed millage.
- Better options are likely to be discovered that will address and resolve multiple problems for the longer term.
- If the county leaders were to act promptly to secure public input (indeed, if they'd done this in the summer of 2017), they would not delay a redesign proposal and millage proposal by more than 6 months. The issue can be on a May 2019 ballot. The current proposed facility will not be ready for occupancy and use for at least another 2 years, so the problem of overcrowding does not go away for at least that time. Another 6 months is tolerable.
- The public is in no greater danger during this time. When asked if people who pose a danger to the public are being released, Sheriff McLean was adamant in his response: the Sheriff's department will never knowingly release anyone who poses a public risk and they would utilize other jail facilities in other counties if necessary. The public has often been told by members of the board of commissioners that dangerous people are being released; according to Sheriff McLean, this is not true.