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WAYNE COUNTY JAIL AND DETROIT PUBLIC LIBRARY MILLAGE PROPOSALS

Millage questions will be on the Wayne County and City of Detroit August 2, 1988, primary ballot. Wayne County voters will be asked to approve a new tax to finance county jail facilities and Detroit voters will be asked to renew a property tax for the operations of the Detroit Public Library.

PROPOSED WAYNE COUNTY MILLAGES INCREASE FOR JAILS

THE PROPOSAL IN A NUTSHELL

The voters in Wayne County will be asked on the August 2, 1988, ballot to increase the taxing authority of the County by one mill (1 per \$1,000 of state equalized value) for a period of 10 years. The 1-mill increase would raise approximately \$20.4 million annually and would be earmarked for the construction and operation of a new county jail facility and a new juvenile offender work/training institution. County revenues would also be increased by an additional \$1.5 million because the higher millage rate would trigger an increase in the state reimbursement for the 1976 inventory exemption. If approved by the voters, the County would levy the additional millage beginning in December 1988 and the authority would expire after the December 1997 tax levy. The County is currently authorized to levy a total of 7.07 mills, 6.07 mills permanently authorized in the county charter and a 1-mill general purpose authorization expiring after the December 1989 tax levy.

Background. State statute requires counties in Michigan to provide jail facilities to house pre-trial felons denied or unable to post bail and convicted felons and misdemeanants sentenced to one year or less of incarceration. Wayne County built a jail facility in downtown Detroit ("old jail") in 1926 and added an annex in 1963. Based upon the standards in effect at that time the combined "rated design capacity" of the old jail and annex was 813 beds. The County generally used the downtown facility to house pre-trial felons and contracted with the City of Detroit to house convicted felons and misdemeanants at the Detroit House of Corrections (DeHoCo). In 1971, the County was housing a total of about 3,100 prisoners -- including approximately 2,000 inmates at the downtown jail facility. Prisoners at the downtown jail filed a class action suit against the County alleging that the overcrowded conditions at the jail violated the inmates' constitutional rights. The Court ordered the County to reduce the jail population to the rated design capacity (813 beds) by March 1972 and ordered a further reduction to 631 beds (the jail's "lawful capacity") by September 1974. The net effect of the court order was to reduce the County's jail capacity by 1,400 beds over a

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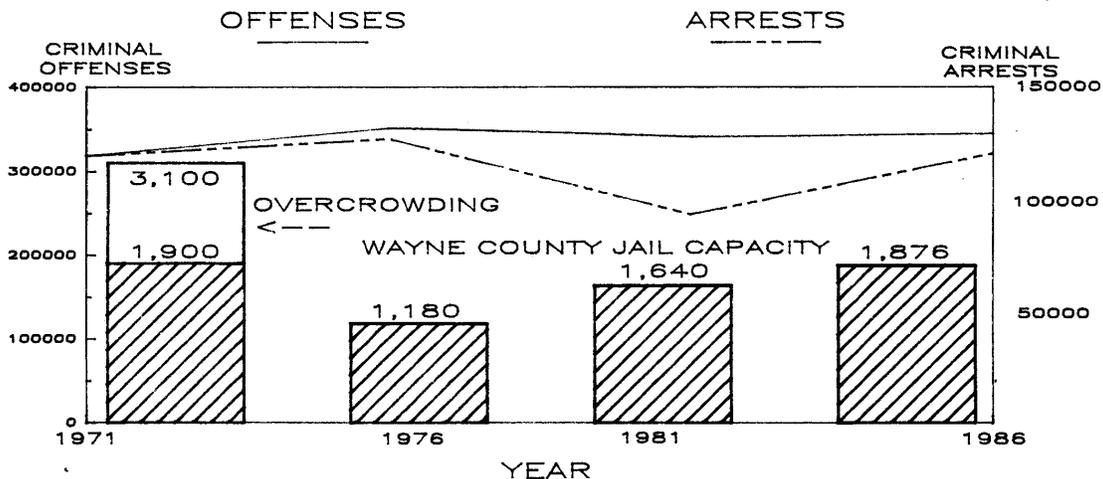
ROBERT L. QUELLER, Vice President-Executive Director

three-year period. (The jail situation still remains under Court supervision as a result of this 1971 court case. In fact, the proposal facing the voters this August is a direct result of a study completed by court-appointed monitors earlier this year.)

The 1971 court order generated a county ballot proposal in 1972. The voters were asked, but did not approve, a 0.6 mill five-year levy for a new 750-bed jail facility. A second ballot proposal, calling for a 0.5 mill five-year levy, was adopted by the voters in 1976. As construction progressed on the new jail, the County continued to contract for space at DeHoCo and converted a hospital facility in western Wayne County into a temporary minimum security facility. When the construction of the new jail was completed in early 1984 (eight years after the ballot proposal was approved and three years after the millage had expired), the 575-bed facility didn't add any "new" beds to the County jail stock because both DeHoCo and the temporary facility were shut down. Modifications to the County jail facilities since 1984 have increased the total capacity to the current level of 1,876 beds, slightly below the 1971 level after the court-ordered 1,200-bed reduction.

Jail Space and The Incidence of Crime in Wayne County. As the graph below illustrates, the reported number of criminal incidents (Part I & Part II Offenses in the uniform crime reporting jargon) occurring in Wayne County in 1986 was 8.5% higher than in 1971 (approximately 345,000 crimes compared to 318,000 in 1971). The 1986 reported offenses are down slightly from the 1976 level of approximately 351,000 reported crimes. Of more importance to the discussion of the county jail bed "supply" is the number of persons arrested and charged with committing criminal acts because it serves as a proxy for the jail bed "demand." In 1986, police agencies in Wayne County arrested approximately 121,000 persons, about 1% higher than the 120,000-level in 1971 (see graph). (The steep decline in 1981 arrests coincides with a significant drop in the number of uniformed Detroit police officers at that time.) The data indicate that the potential demand for jail beds remains at about the same level it was in 1971 (when the County housed 3,100 jail inmates) despite the 40% reduction in jail supply.

COMPARISON OF REPORTED CRIMINAL OFFENSES AND ARRESTS IN WAYNE COUNTY WITH THE JAIL CAPACITY FOR SELECTED YEARS: -- 1971 -1986



“Excess” Demand and The County Jail Overcrowding Emergency Powers Act. Further evidence on the relationship between jail space supply and demand in Wayne County can be found in the number of persons released from the County jail without posting bond (pre-trial felons) or before any or all of a court-imposed sentence is served (convicted felons and misdemeanants). For the past several years, misdemeanants sentenced by a judge in Wayne County to serve jail time actually spent no time in jail because space hasn’t been available for these offenders. Procedures for early release of inmates if a jail exceeds 100% of rated design capacity for seven consecutive days are spelled out in the County Jail Overcrowding Emergency Powers Act (P. A. 325 of 1982). The County reports that approximately 4,000 persons have been subject to the early release program in the past two years.

The Court, through its ongoing supervisory role under the 1971 case, directed a team of court-appointed monitors to study the County’s use of PA 325 of 1982 to relieve jail overcrowding. Specifically, the monitors were to determine the number of beds required to have avoided early release of pre-trial and sentenced felons and to have accommodated all misdemeanants sentenced to jail in 1987. The monitors found that approximately 1,450 misdemeanants, 1,300 pre-trial felons, and 50 sentenced felons were released from jail in 1987 due to the lack of adequate bed space (a total of approximately 2,800 persons). Based upon this information, it was concluded that the County needed a total of 2,946 jail beds in 1987 (an additional 1,070 beds) so that all misdemeanants could have served a jail sentence and that no pre-trial and convicted felons would have been subject to the early-release provisions of PA 325.

The August 1988 Ballot Proposal. Based upon the recommendations of the court monitors, the County is proposing to construct a new 840-bed jail facility (site to be determined) and expand existing jail facilities to accommodate an additional 230 beds (a total increase of 1,070 beds). The capital costs of the proposal are estimated to be about \$34 million, including \$26 million for the new jail, \$7 million for the jail expansion, and \$1 million for a 40-bed expansion of the County youth home. The County anticipates completion of the 230-bed expansion in the fall of 1989 and completion of the new jail in the spring of 1991. (As noted earlier, the County’s last effort at jail construction took eight years to complete.)

As the jail supply increases, part of the 1-mill tax increase would be used to finance the operating expenses associated with the new beds. The County estimates that the annual cost of operating the new jail will be \$15.6 million and operation of the 230-bed expansion will cost \$3.0 million. The cost of operating the new jail facility is estimated to be somewhat less than the cost of operating the existing facilities, in part because the County Executive has recommended the establishment of a county department of corrections to operate the new jail. Although this is not specifically a part of the August ballot proposal, removing the jail responsibilities from the Sheriff would require charter amendment (voter approval) and possibly state legislation.

The Wayne County Jail Supply and Demand in the National Context. In 1983, the U. S. Department of Justice began conducting an annual survey of local jails throughout the nation. Survey results from 1983 and 1986 (latest available) along with comparable information on Wayne County will indicate how the County’s jail bed supply and demand compares to the U. S. average. As the table below shows, Wayne County had

fewer beds in relation to resident population and significantly fewer beds in relation to reported serious criminal offenses and arrests. The County had one jail bed for every 1,150-1,350 residents compared to the U. S. average of one bed for every 850-900 persons. There was one bed for every 113-139 criminal offenses reported in Wayne County compared to the nation's average of one bed per 46 criminal offenses. Finally, Wayne County had one jail bed per 16-20 arrests compared to the national average of one bed per 6-7 arrests.

The table also shows that if the proposed 1,070-bed increase had been a part of the County jail supply in 1986, the County would have had more jail beds in relation to population than the U. S. average, but fewer beds in relation to criminal offenses and arrests than the average. In order for the County to equal the U. S. average for offenses and/or arrests per jail bed, the County would need to increase the jail supply to about 4,250-4,600 beds.

**COMPARISON OF WAYNE COUNTY JAIL SUPPLY AND DEMAND
WITH THE U. S. AVERAGE 1983 & 1986**

	WAYNE COUNTY <u>1983</u>	U. S. TOTAL <u>1983</u>	WAYNE COUNTY <u>1986</u>	U. S. TOTAL <u>1986</u>	RECOMMENDED BY COURT <u>MONITORS</u>
Jail Beds	1,640	261,556	1,876	285,726	2,946
Population	2,207,800	233,981,000	2,164,300	241,077,000	
Pop. per Bed	1,346	895	1,154	844	735
Part I Offenses	228,332	12,070,200	212,079	13,210,800	
Offenses per Bed	139	46	113	46	72
Part I Arrests	32,321	1,498,820	29,745	1,991,240	
Arrests per Bed	20	6	16	7	10

Juvenile Facilities. As noted earlier, the ballot proposal includes additional funding for juvenile detention facilities. The plan calls for expanding the 200-bed youth home by 40 beds. (The County reports that the average daily population of the youth home has been 250-260 juveniles over the past year.) The ballot language specifically requires that 0.1 mills be earmarked "to acquire, build and operate a juvenile offender work/training institution" (youth camp). The County Executive is proposing that privately raised funds in addition to the \$2 million generated by the earmarked millage be used to operate a work and learn camp to rehabilitate youthful offenders.

DETROIT BALLOT ISSUE: RENEW ONE MILL LIBRARY TAX

On August 2, 1988, Detroiters will be asked to approve the renewal of a one-mill property tax to support the Detroit Public Library. That tax produces a levy of \$5.38 million, of which 24% is required for Main Library operations, and 76% supports branch operations. Property taxes--the one mill plus the .64 mill allocated from the Detroit School District's share of the constitutional 15 mills levied without voter approval--provide 40% of the library's total \$21.2 million 1988-89 budget.

Fifteen years ago, the Detroit Public Library system had a budget of \$10.8 million, \$5.8 million of which came from the City of Detroit general fund. Since that time, the library's dependence on voluntary appropriations from Detroit has been supplanted by dependence on annual voluntary appropriations by the state to the Detroit equity package, on the one mill property tax which became effective December 1, 1984, and on other revenues including a proportion of state inventory reimbursement payments.

Effective in the 1976-77 budget, Detroit obtained state equity funding for cultural institutions, public health, and other uses. The \$5.5 million of equity funding allotted for Main Library allowed the city to reduce its appropriation to the library from \$5.8 million in 1975-76 to nothing in 1976-77, and to \$2 million or less thereafter. By 1983, however, the library was again experiencing financial trouble: 22 of the branches were open only half the time; Main Library was closed Sundays, Mondays, and Wednesday mornings, and open only one evening a week; and several Main Library departments were closed altogether. The Board of Education-appointed Library Commission recommended closing 14 of the 24 branch libraries; a public campaign was organized to raise \$1.1 million. That effort resulted in a recommendation to submit to the voters on August 7, 1984, a one mill property tax to support the library, effective December 1, 1984 through November 30, 1989. The approval of that millage resulted in increases in the library budget from \$15.2 million in 1984-85 to \$19.9 million in 1985-86.

There was some controversy as to whether the library possessed the authority to impose a direct tax; the .64 mill levy is a school tax and generates matching state school aid of \$6.0 million which the school district keeps. The city, required by a 1909 state law to levy a not-less-than-one-fifth mill to finance library operations, includes the one mill for the library with other general city taxes in its budget.

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DETROIT LIBRARY REVENUE
(in Millions)

Fiscal Year	Property Taxes	City of Detroit		State Equity		All Other		Total Revenue	
		Pct	Contribution	Pct	Contribution	Pct	Revenue		
1975	\$3.7	34.3%	\$5.8	53.7%	\$0.0	0.0%	\$1.3	12.0%	\$10.8
1976	3.7	33.0	5.8	51.8	0.0	0.0	1.7	15.2	11.2
1977	3.2	27.6	0.0	0.0	5.5	47.4	2.9	25.0	11.6
1978	3.1	22.1	1.9	13.6	6.5	46.4	2.5	17.9	14.0
1979	3.1	21.2	1.7	11.6	6.5	44.5	3.3	22.6	14.6
1980	3.3	22.0	0.9	6.0	7.5	50.0	3.3	22.0	15.0
1981	3.3	22.3	1.1	7.4	7.0	47.3	3.4	23.0	14.8
1982	3.4	22.1	1.5	9.7	7.9	51.3	2.6	16.9	15.4
1983	3.3	24.1	1.2	8.8	6.8	49.6	2.4	17.5	13.7
1984	3.3	23.2	1.3	9.2	6.8	47.9	2.8	19.7	14.2
1985	3.3	21.7	2.0	13.2	7.2	47.4	2.7	17.7	15.2
1986	8.0	40.2	1.6	8.0	7.2	36.2	3.1	15.6	19.9
1987	8.1	37.9	0.9	4.2	7.2	33.6	5.2	24.3	21.4
1988	8.1	39.7	0.9	4.4	7.2	35.3	4.2	20.6	20.4
1989	8.4	39.6	0.9	4.3	7.2	34.0	4.7	22.1	21.2