

## Judge George Mertz – Comments on State of MI Task Force on Jail Reform Findings and Recommendations

-I am very familiar with the task force purpose, process, findings, and recommendations. I was one of 15 circuit judges from around the state that was asked for input and included in the process.

-I agree with the findings of the task force and the recommendations. There is no question that reforms are needed and I support those reforms.

-The purpose of the task force was **not** to reduce jail populations per se. In other words, the task force was not created with the goal of reducing jail populations. The anticipated *effect* of the implementation of the recommendations would be that in some circumstances jail populations would be reduced.

-The purpose of the task force was to find better alternatives to incarceration for certain segments of inmate populations in which incarceration does not increase public safety or is counter-productive (in the case of mental illness for example).

-My view on the task force recommendations as it relates to the court and building a new jail are the following, but in sum the recommendations are completely irrelevant to whether the County should move forward, and have no effect on my view that a larger jail is needed. This is because the County is already utilizing many of the recommendations in order to manage our current situation.

-It should be emphasized that the jail overcrowding problem is not a recent one, but has existed for decades. The task force recommendations are meant to address trends over only the past 10 years. While increases in jail populations state-wide are a relatively recent phenomenon, overcrowding in Otsego County has been occurring almost since the jail was built.

-**Arrest on warrants:** Law enforcement is already only arresting on high priority warrants, and the jail is still overcrowded.

### **-Behavioral health diversion:**

-Building a new jail would actually help implement this recommendation by creating room to separate those with mental health problems from the general population. This would provide greater safety in the jail to CO's and inmates, and make treatment for mental health issues easier. Right now it is difficult or impossible to provide for any kind of mental health treatment in the jail.

-The recommendations for pre-arrest mental health diversion would have no effect on jail population as those individuals would never come to jail in the first place

**-First 24 hours after arrest:** The Courts already have a priority on arraignments and setting reasonable bonds, and the jail is still overcrowded.

**-Pretrial release and detention:** This Court and those around the state are ahead of the game on pretrial release on PR. High bonds are currently only set on those defendants who are a public safety concern or a flight risk. The jail is still overcrowded.

**-Speedy trial:** Data from our Courts will show that there are likely no defendants who are incarcerated for 18 months following arrest. The jail is still overcrowded.

**-Alternatives to jail sentences:** The County and Courts have worked together to find every available alternative to jail where appropriate (work camp, probation, delayed sentences, 7411 probation, drug court). The jail is still overcrowded.

**-Probation and parole:** The Court often allows early discharge where appropriate, probation officers do not charge technical violations and often allow numerous substantive violations before charging a violation. The jail is still overcrowded.

**-Financial barriers:** In 7 years on the bench I have never sentenced anyone to jail for failure to pay fines, costs or restitution. The jail is still overcrowded.

-Right now it is just about getting the jail on the ballot. There is no reason not to put this to a county-wide vote and let the citizens decide.

-The county and courts have pushed jail-alternative programs to the limit. We are now at the point of being unable to house individuals who do present a danger to the public. We are unable to carry out the basic function of a jail that is listed in the State's Jail Reform report: **"Incarceration in a jail can prevent an immediately dangerous situation from escalating, enable a court to evaluate conditions of release or responses to probation violations, and allow a person who has been victimized to plan for their safety."**

-Nothing in the State's Jail Reform report is advocating eliminating jails. In some cases there can be no alternative to incarceration. We are already utilizing probation, drug court, work camp, etc. and that will continue even with the new jail. Even utilizing all these programs the jail is still overcrowded.

-The courts have already reduced to almost none of individuals who are jailed on misdemeanors. The jail is still overcrowded.