

Electronic Monitoring Pilot Program

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One would have to be living on a deserted island not to know that jail overcrowding has been a hot topic in Oakland County – and really, through much of the state – for the past couple of years. It is a problem with no easy solution and I know of no single solution to fix it. In my view, jail overcrowding is not a problem so much as it is an issue to be managed.

So how do you manage this issue when jail populations keep swelling, the average length of stay – both on the pretrial and sentenced ends of the spectrum – keeps increasing, and the number of jail cells remains the same (or decreases, as is the recent case in Oakland County)? The authorities in Oakland County who have been dealing with the jail population management issue have done so by tackling the underlying question, “Who do we want in the jail?” The various initiatives that go to controlling the jail population arise almost by default if the focus is on who we want in the jail.

So who do we want in the jail? Most folks would probably agree that they want bad guys in jail ... people who pose a threat to the welfare, safety and security of family, friends and neighbors. Take a close look at the inmates in the jail on any given day and you will see that the “bad guy” label doesn’t fit for a sizeable number of them.

The Criminal Justice Coordinating Council (CJCC) was founded a few years ago to recommend creative initiatives to control the jail population. Public safety is of paramount concern to this group, but instead of bowing to the old adages such as “Do the crime and you do the time,” or “Lock ‘em up and throw away the key,” the CJCC is interested in reserving jail space for people who have earned their way in.

Opinions vary about what kind of behavior merits jail time, or the length of one’s sentence, but when the focus is on reserving jail space for truly bad guys and consensus is achieved regarding what constitutes “bad,” then those in jail who don’t fit the bill stick out like sore thumbs. And so it is that the CJCC has labored, in part, to recommend a better approach to deal with the sore thumbs.

Several CJCC recommendations have been written about in my past columns. On the Circuit Court’s Web site

you can read about the projects that were added to Oakland County’s jail population management arsenal. I want to devote the remaining space in this column to one such project that started slowly a few months ago but has picked up steam and is slated to be extended and expanded.

This past May the Circuit judges and Oakland County Sheriff embarked upon a pilot electronic monitoring program in which eligible offenders are placed under home confinement after they have served at least 50 percent of their sentences. These offenders are monitored 24/7. A specific confinement plan is developed for each offender. One violation of a provision in the offender’s plan will lead to his/her pickup and confinement in the jail. The offender must then complete the remainder of his/her sentence without credit for the time spent on tether.

Oakland County contracted with Judicial Services Group, who provides the tether devices that employ a combination of GPS and cell phone tower-locating technology so that the offender’s whereabouts can be monitored even when inside a house or building.

Judicial Services Group will notify the Sheriff’s Office of non-compliance whereupon the Fugitive Apprehension Team will respond and apprehend the offender.

Tether costs are borne entirely by Oakland County through the provision of funds earmarked by the Board of Commissioners exclusively for jail population management initiatives. The daily rate to place an offender on this high-tech tether is \$9. There is a mandatory one-time \$100 enrollment fee per offender.

Offenders may not participate if convicted of violent or assaultive crimes, sex offenses, escape or attempted escape from jail, controlled substance offenses (excluding possession of a controlled substance pursuant to MCL 333.7403), and weapons offenses (excluding carrying a concealed weapon pursuant to MCL 750.227).

In addition to the exclusionary offenses listed above, offenders must complete at least 50 percent of their sentences, not have any outstanding warrants or holds (in

Oakland County or any other jurisdiction), and not have serious jail misconducts and/or a pattern of institutional behavior. Offenders who were sentenced to Work Release or who have not completed any court-ordered treatment program are not eligible.

Authorities had hoped that the program would include 30 offenders per day. As mentioned earlier, things started slowly but then gained momentum. The target number of offenders was reached within a few months. As of August 1, the date this column was written, 1,100 jail days have been saved. During this same timeframe, only four offenders violated their confinement plans. They were picked up within hours to serve their jail sentences in full.

County officials agree that the program is working well. The good news is that the Board of Commissioners will consider, and is expected to approve, a resolution to extend the program for another year (it was originally approved for a six-month trial period). The even better news is that the program is expected to be expanded to

include the district courts and misdemeanants, and a special target group of DWLS and "No Ops" (operating a vehicle without a license).

The DWLS and No Ops population represents a significant number – on any given day there are approximately 40 inmates in the jail for whom this charge is their sole offense or the most serious offense (if two or more). In addition to placement in tether (upon approval of the assigned judge), we hope to provide sentenced offenders with counseling on license reinstatement procedures.

As can be said with any of the recent initiatives to control jail overcrowding, no single program is the cure-all, but the programs in aggregate have clearly helped to reduce the population and allow those in the criminal justice system to better manage the issue of jail overcrowding. Hats off to the authorities in Oakland County for their willingness to talk about who they want in the jail, and then to develop an approach aimed at diverting low-risk (perhaps more appropriately "no-risk") offenders who haven't earned their stay.

Until next time...

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