



**House
Legislative
Analysis
Section**

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JAIL ADVISORY COUNCIL

**House Bill 4720 as passed by the House
Second Analysis (8-19-87)**

**Sponsor: Rep. Roland G. Niederstadt
Committee: Corrections**

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THE APPARENT PROBLEM:

The Department of Corrections is responsible for establishing and enforcing standards for county jails and lockups. Sheriffs have criticized corrections department regulations for being expensive, unreasonable and inflexible, particularly with regard to existing facilities. For example, a jail may be cited for corridors that were only an inch or two short of the required width, or for failing to have an outside exercise yard even though an inside space was available. Many of the requirements, though appropriate for prisons, are considered unrealistic for county jails, where the average stay may be only a couple of weeks, inmate populations are community-based, and funding for improvements is generally unobtainable. To provide for more reasonable standards for county jails, sheriffs have proposed that a jail advisory council be created that has a membership that has practical experience in administering jails and an understanding of local concerns.

THE CONTENT OF THE BILL:

The bill would amend the Corrections Code to create a nine-member jail advisory council within the Department of Corrections. The council would consist of four sheriffs from counties of various population sizes, a circuit court or recorder's court judge, a county commissioner, a prosecuting attorney, a deputy sheriff, and one member of the general public. Council members would be appointed to three-year terms by the governor with the advice and consent of the Senate. They would receive per-diem compensation and reimbursement for expenses as established annually by the legislature, but no other compensation.

The council would advise the corrections department in the development of jail standards, and upon the request of a county sheriff, serve as a liaison between that county and the department to ensure the maximum use of local correctional resources by the county.

The department would be charged with developing standards for the humane treatment of jail inmates, for jail facilities, and for inmate programs. It would monitor and enforce compliance by jails with the standards developed under the bill. It would promulgate rules to implement the standards.

In addition, the department's current rulemaking authority with regard to "rules and standards promoting the proper, efficient, and humane administration of jails and lockups" would be retained, but language would be added that said that these rules and standards would be promulgated subject to the advice of the jail advisory council.

MCL 791.262 and 791.262C

FISCAL IMPLICATIONS:

The House Fiscal Agency estimates that per diem compensation and reimbursement for expenses for the council would be about \$10,000 annually. (8-11-87)

ARGUMENTS:

For:

The bill would create a body that could improve communications between the Department of Corrections and county sheriffs, and promote reasonable, but humane standards for county jails and lockups. It would ensure that a panel of experts with various perspectives — prosecutorial, judicial, and jail administration — and practical experience had input into the development of jail standards.

Against:

Without full authority over jail standards, the council could do little to solve problems with unreasonable standards being implemented by the Department of Corrections.

Against:

Part of the bill is unclear. It proposes new provisions for the development of jail standards without repealing the old ones, and says that standards promulgated under existing language are to be promulgated "subject to the advice" of the jail advisory council, which suggests that the council would have veto authority over those jail standards.

POSITIONS:

The Department of Corrections supports the bill. (8-18-87)

The Michigan Sheriffs' Association is supportive of the bill, but believes that the council should have more authority over jail standards. (7-24-87)

H.B. 4720 (8-19-87)