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## **I. INTRODUCTION**

The enclosed facility assessment is a study of the Tuscola County, Michigan jail conducted in the middle of April, 2018. The study is a culmination of discussions between the Tuscola County Sheriff and the National Sheriff's Association (NSA) about the existing jail facility, its current needs and future prospects. The study was generated to aid the sheriff and county in defining what action, if any, is necessary to be taken with the existing jail.

Throughout the United States, jails are operated differently based upon culture, documented state standards/guidelines, national accreditation standards, and best practices. In locations that lack a guiding publication of jail standards, the NSA, the Federal Bureau of Prisons (BOP), the National Institute of Corrections (NIC), the Department of Justice (DOJ), the American Correctional Association (ACA), and the American Jail Association (AJA) are looked to for guidelines in how to best ensure the basic human rights of inmates are protected, and inmate services are implemented.

### **U.S. Supreme Court: Guiding Standards**

The detention facility assessment by the NSA was premised on the guiding standards as articulated by the United States Supreme Court, as well as state law and industry best practices. The Tuscola County jail policies and procedures, as well as its operating guidelines, were reviewed through this lens.

### **Duty to Protect**

Each sheriff has a duty to protect the inmates under his or her care, custody, and control by meeting the inmates' essential human needs. Substantial deference is given to each sheriff and the command leadership in their decision making regarding how best to protect all inmates, staff, and visitors, while maintaining institutional safety, security, order, discipline, and control.

Sheriff Glen Skrent understands and embraces his duty to protect, while remaining mindful that the inmates are an extension of the community as reflected in the Tuscola County Sheriff's Office Mission Statement:

*"The Tuscola County Sheriff's Office will serve the public by providing assistance, coordination, and delivery of law enforcement, corrections, and support services for the safety and protection of people and property with respect to the constitutional rights of all citizens."*

The site visit was conducted between April 12 and April 13, 2018, coupled with a review of documents from the Tuscola County Sheriff's Office and county commission. Upon inception, Sheriff Skrent and his command staff provided an in-depth interview which provided necessary information about the facility, along with its history, strengths and weaknesses. Sheriff Skrent provided a thorough background along with his desire to manage a constitutional and efficient operating jail. Understanding the challenges of a small correctional facility, limitations on operational resources, and the guiding standards for the state of Michigan, Sheriff Skrent was confident in Tuscola County's jail operations and that they met the basic guidelines. The on-site visit and assessment of the detention facility was measured against the Michigan Administrative Rules for Jails and Lockups; the nationally recognized ACA Core Standards which are designed

to identify practices and conditions that are necessary in the operation of a constitutional jail; best practices as disseminated through the National Institute of Corrections and recommended under the federal Prison Rape Elimination Act (PREA) were used as guiding principles in inmate management and safety; and finally the NIC and the Department of Justice (DOJ) guidelines were used in analyzing the staffing and inmate population.

Throughout this report, areas that could be improved upon are noted and, when appropriate, recommendations are provided to better meet the constitutional needs and provide inmate services consistent with modern jail operations.

For ease of reading, the facility assessment report is broken down into several sections:

- Scope of Facility Operational Assessment
- History and Overview
- Physical Plant and Operational Observations
- Inmate Classification System
- Conditions of Confinement
- Staffing Analysis
- Inmate Population Study
- Funding Options
- Conclusion and Recommendations

## **II. SCOPE OF FACILITY OPERATIONAL ASSESSMENT**

The facility assessment was designed to evaluate and identify efficiencies in the physical plant and operations of the existing jail to determine a baseline of the facility's readiness; to determine operational functionality; identify areas for improvement and recommend operational strategies to handle future growth; and to take advantage of opportunities. This study was structured to provide Sheriff Glen Skrent and the Tuscola County Commission with a benchmark from which they can make operational and budgetary decisions. The study strives to identify strengths and weaknesses of existing operations, define problems, and recommend solutions. It will aid in determining the jail's stability, constitutionality, and need for change, providing solutions to reduce areas of liability and exposure. The original NSA proposal provided the following responses to the request for assistance:

- **Request:**
  - The jail was originally built in 1965 with a remodel that occurred in the 1990's. There have been improvements to the physical plant to address the aging facility as well as the growing inmate population. The agency is experiencing significant space challenges for both confinement and operation. The agency is requesting that the physical plant be evaluated to identify inefficiencies as well as any other potential opportunities that have not been explored or implemented.
- **Recommendations.**
  - Conduct an onsite physical plant assessment. Evaluate workflow challenges relating to current design, completed and planned improvements, assess ability to adequately (safely and securely) house offenders by classification needs, review

applicable state standards/law relating to the jail physical plant, assess the adequacy of current confinement and support areas.

- Review current operations and staffing needs. Provide comments regarding any staff inefficiencies and the possibility for additional staff if future expansions are considered.
  - Provide conclusions and recommendations as appropriate.
- **Request: Facility Design**
  - **Recommendations.**
    - The initial part of this project would include the physical plant assessment. The results of this assessment would assist the county in validating the actual needs for operational and confinement space.
    - If a recommendation is made for additional operational and confinement space to address current as well as projected inmate populations the assessment will provide sufficient information for a decision to be made on the next phase of this process that would include:
    - Contracting with an architectural firm (through a selection process) to provide space and programming needs along with evaluating potential sites for a new facility or expansion on site at the current campus. This begins to provide the county with costs and options before entering into further contractual agreements for design.

In summary, the outcome of the facility assessment, staffing analysis, and population projection resulted in several findings and some recommendations to consider for improvement. These findings and recommendations are strewn throughout this report. In the final section, several of the significant recommendations are summarized along with suggestions on next steps.

### **III. HISTORY AND OVERVIEW OF THE TUSCOLA COUNTY JAIL**

The Tuscola County Jail was constructed and opened in 1966, replacing the original jail which had served the community for the previous 97 years. The new jail was constructed as part of the overall law enforcement complex for the Tuscola County Sheriff's Department. As designed, the facility maintained a personal residence of the sheriff in the two-story unit on the south side of the building. The entire 21,000 square foot building included the public lobby, restrooms, visiting areas, deputies' squad room, conference rooms, offices for the sheriff, undersheriff, and license bureau, identification bureau, storage areas, capias room, evidence room, communication center, garages, special prisoner facilities, jail kitchen and emergency power plant. The facility had two cell blocks, one capable of housing 30 men and the other 16, for a total of 46 beds. The original housing areas contained cell blocks with no interior meeting or group space for inmates to congregate and spend leisure time while incarcerated.

In the 52 years since its opening, the facility experienced change and expansion. By 1998, the original facility adapted to increasing populations and beds were added through the addition of the two C-Wing housing areas. Each housing unit contained 18 open bay (semi-podular design). An additional 10 beds were included in the original building between opening and the 1998 addition, bringing the facility total to the 92 beds it experiences today.

In its current design, the facility was observed to manage a total of 92 beds with an addition of 2 spaces for temporary specialty populations:

**A-Wing:** 26 + 3 temporary beds in the work release housing

A-1 = 4

A-2 = 4

A-3 = 4

A-4 = 4

A-5 = 7 (work release + 3 temporary beds = 10)

ADA Housing = 3 (specialty housing)

**B-Wing:** 30 beds + 2 temporary specialty housing cells (holding)

B-1 = 4

B-2 = 4

B-3 = 4

B-4 = 6

B-5 = 6

B-6 = 2 (close/max custody)

B-7 = 2 (close/max custody)

B-8 = 2 (close/max custody)

Holding 1 = 1 (temporary specialty housing)

Holding 2 = 1 (temporary specialty housing)

**C-Wing:** 36 beds

C-1 = 18

C-2 = 18

At the time of the study, the Tuscola County Sheriff's Office jail was not monitored under consent decree or required any oversight from the Department of Justice.

#### **IV. PHYSICAL PLANT AND OPERATIONAL OBSERVATIONS**

The more than 50 year old jail is comprised of "linear" design housing areas, consisting of 56 beds. This style of jail design is typically rectangular with corridors leading to either single or multi-occupancy cells arranged at right angles to the corridor. The management of this design requires the jail staff to conduct intermittent supervision of the cells and activities of the inmates. When the jail officer is not patrolling, the inmates are essentially, unsupervised. This is problematic with close custody inmates that require close supervision and management to avoid barbaric behavior and other security breaches. In reviewing the responsibilities and actions of the jail staff during the site visit, the officers patrol the housing areas hourly and observe the physical appearance of the inmates for a matter of a few minutes. Unless distracted by a question from an inmate or other observation, the officer continues his/her patrol to complete the tour; leaving the inmate population unsupervised for a better part of the hour, less the few minutes it took to conduct the patrol. Some of the observations are supplemented by surveillance cameras, but these too only provide an

indirect supervision method which is stationary, and at times distorted by the angle/lens of the camera.

Similarly challenging, two newer (20 years old) “open-bay podular” design dormitories are patrolled in like fashion. Although observation into these housing units are easier from the main corridor, the observation windows are obstructed by blinds. Cameras also supplement the observation into these housing areas.

The facility overall appears to be challenged with adequate space for normal daily operations. Efficiencies of space which streamline operations, minimize staff resources, and reduce equipment needs were evidently lacking. The original facility contained a two story residential space for the sheriff in 1966. Current day, the sheriff does not reside at the facility and the space is repurposed as the administrative offices, storage, and passageways between the first floor, second floor and the basement. Much of the patrol operations, jail records storage, staff changing areas and staff break room consume the basement, along with a newly modeled, conference room. The main floor contains offices for the Sheriff and Undersheriff and their support staff. The second floor contains offices for the command staff and additional support staff.

### **Jail Entrance – Staff/Visitor Lobby**

The jail entrance for staff and visitors is monitored and controlled by personnel assigned to the jail’s main control center. The interior and exterior of the entrance was clean, neat and appeared well maintained. Staff assigned were observed consistent in processes for entry and were extremely professional and efficient. Observations of the area appear to be in compliance with the ACA standards, both the Core standards (1-CORE-7E-01) and Adult Local Detention Facility (4-ALDF-7E-05), which cite that reasonable accommodations are made to ensure that all parts of the facility are accessible to the public and usable by staff and visitors with disabilities.

Observation of the public lobby revealed an entrance to a non-contact visiting station. The visitation station was observed outside the secure confines of the facility. The visitation room provided space for 4 visitors to meet with the incarcerated. While the space within the visitation room appeared capable of accommodating a wheelchair, other ADA accommodations did not appear to be in place. The use of telephone communications appeared to be standard handsets and not accommodating to hearing impaired individuals.

Also observed in this area was a housing area for the work release inmates (10 beds – 7 permanent and 3 temporary). The entrance to this area is outside the secure confines of the main jail facility and accessible through the public lobby. The housing area is secured by a secure door and the intent is for the inmates to remain confined when not out on work assignment; however its placement and access defies secure jail practices. The staff of the facility do a great job of controlling the inmates and managing the facility security. On a positive note, the location of the housing unit, separated from the main population, aids in preventing contraband from being smuggled back from a work assignment.

**Finding:** The location outside the secure confines of the facility goes against basic sound correctional practice. Counting inmates, conducting security checks, movement of inmates to

services, feeding, and other basic correctional services requires breaching the ingress/egress point of the facility creating unnecessary, unsecured situations. Responding to emergencies in this area requires the main facility entrance door to be breached, which might typically remain breached while first responders continue to respond. If visitors are present or other inmates are in the vicinity, the facility's integrity is temporarily compromised.

In addition, the public lobby is used for more than just public access to the jail. The lobby functions as the public access point to the sheriff's office where deer/car reports are filed and other non-jail related activity occurs. The unnecessary exposure between an unsuspecting public and the inmate population should be avoided.

**Recommendation:** Due to the facility design and lack of adequate housing, there is no reasonable recommendation other than having a renovation added to the building to accommodate a work release housing area that is part of the secure facility, but enables ingress and egress from a non-public point of the facility.

### **Main Control Officer Workstation**

Typical of jail facilities around the country, a "master" or "central control" center is an integral part of the jail facility. These control centers are fully secured areas that prevent unauthorized access as they control all security movement into and out of the facility, monitor all security surveillance systems, monitor telephone and radio communications of security staff, and manage other alarm systems such as fire, intrusion, and duress alarm systems. Although considered a small jail, the Tuscola County Jail does contain a central control area as described above. The design meets the guidelines of the American Correctional Association, *1-CORE-2A-01: The facility's security, life safety, and communications systems are monitored continuously from a secure location.*

The central control room appeared to be the main hub of staff activity as staff congregated in this area between security rounds of the jail, during shift exchanges, to share information, and to monitor activities of the jail via video monitoring systems. The control room post is staffed continuously around the clock as is typically required of a central control system. Added responsibilities of this position is the special observation of inmates placed in the adjacent holding cells.



The equipment of the main control room is antiquated. The control panel is a refurbished countertop from an old dispatch center. The door controls only open a small portion of the doors within the facility. The remaining controls activate two way speaker systems



to communicate with the inmates. Some of the surrounding cabinetry is missing doors and drawer covers. Data lines are bound together, but left exposed and hanging on runs behind equipment. Chemicals were observed unlabeled and uncontrolled on top of electronic equipment. The overall appearance of the control room is cluttered and disheveled.



The facility camera monitoring system is managed from the main control room via several small flat screen monitors. One system is used to monitor the events and activities within the courtroom across the street from the jail. The facility was observed to have many cameras throughout the facility and inmate living areas; however

they are older analog cameras that need to be upgraded to digital quality resolution for improving investigative efforts and making the living areas safer for the residents.



As staffing levels become challenged by increasing specialty populations, the need for more separations of inmates, better observation of inmate housing under federal PREA guidelines, and to provide better visual monitoring, camera improvements and additions will become more vital.

**Recommendation:** It is suggested that the central control center be renovated and upgraded if the facility is left in its current design. The existing control center is outdated and lacks upgrades to technological equipment and modern door control mechanics. The video surveillance system is good and functional; however, equipment storage and wiring is in need of attention. Current storage areas double as chemical storage shelves on top of vital electronic equipment. The control center doubles as a congregation space for staff coming and going from duty assignments. It functions as a mail center for staff and inmates. It functions as a file area for inmate records and staff schedules. It is undersized for the amount of activity and should truly function as a security hub of the facility and not a congregation location. Given the challenges of the facility space and design, renovating the equipment and workspace could prove beneficial.

### **Inmate Classification System**

The primary request from Sheriff Skrent was to review the facility to determine if the Sheriff's Office needed additional space and to review efficiencies of operations and facility flow to determine if the current facility met the needs of the inmates and the department. In determining the space needs of the facility, a physical assessment, coupled with a review of inmate management housing policies was essential. Detailed consideration was given to how a professional correctional facility manages its inmate population. No matter how large or small, rural or urban the correctional facility may be, proper custody level, inclusive protection, medical care, or ADA considerations will apply equally. Nationally, inmate populations are sicker, older, and more in need of mental health services. Universally, correctional institutions of all sizes are acting as catchment facilities for people in need of human services. The Tuscola County jail statistics for 2008-2017 shows a linear decline in admissions and average inmates in population (ADP); however, a steady increase in the average length of stay (ALOS) over the same period of time. The increase in ALOS is indicative of more challenging criminal cases, taking longer to move through the judicial system; cases that are less likely to meet diversion criteria; cases involving individuals with a higher need of special attention (medical or mental ailments, addiction and substance abuse

difficulties, or other needs that tax a jail); longer court sentences to individuals serving county jail time or a combination of any of these elements.

To review the classification system of a small to medium sized jail, the assessment team pulled the ACA Core standard: 2A-16, *an objective classification system is used to separate inmates into groups to reduce the probability of assault and disruptive behavior. All inmates are classified using an objective classification process that at a minimum:*

- *Identifies the appropriate level of custody for each inmate*
- *Identifies appropriate housing assignment*
- *Identifies the inmate's interest and eligibility to participate in available programs*
- *Ensures a process for review and appeal of classification decisions*

The Tuscola County Sheriff's Office Jail Policies and Procedures were reviewed as part of this assessment. It should be noted that the jail administrator advised that the policies were outdated, but actively being revised to meet current practice and need. Policy TCJ D-120 Inmate Classification/Assessment Procedure (Dated 3/1/88) was provided as the current Classification policy. It was reviewed to compare and contrast them with the ACA standards dealing with inmate classification.

The policy contains the necessary processes to meet the requirements found in the ACA standard above. The policy itself dictates the amount of separations necessary for the inmate population based upon mandates under the Michigan Department of Corrections rules and regulations which require separation of males and females, misdemeanants and felons, and sentenced and un-sentenced individuals. Further, the Classification policy dictates further separation of individuals based upon special needs (detoxification, holding, program assignment, and maximum security). After assessing the facility and interviewing staff, additional separations are made in order to reduce contraband, increase inmate safety, and to provide special watch. Based upon this, the inmate population is further separated by those in work release (7 beds + 3 temporary cots), inmate workers (trusties inside), and special watch housing for mental illness or other immediate need. When considering each of these identified separations, the Tuscola County Jail could be faced with the need for a minimum of 22 separations (probably more).

<b>Inmate Classifications</b>	<b>Male</b>	<b>Female</b>
Misdemeanor	X	X
Felony	X	X
Sentence	X	X
Un-sentenced	X	X
Detox	X	X
Maximum	X	X
Work Release	X	X
Trusty	X	X
Special Watch	X	X
Booking Holding	X	X
Special Needs	X	X

A review of the facility's physical housing separations, the facility is limited to 16 housing units and two holding cells. The Sheriff's policy regarding Intake and Admissions, specifically, Initial Inmate Housing Assignments (Policy TCJ C-123) requires all newly admitted inmates to be housed under close supervision for the first forty-eight (48) hours of detention "in order to ensure close observation of new inmates at the most crucial period of detention." This policy creates further space constraints in order to fulfill this obligation regardless if an inmate has a special need.

Typically, a jail is considered at capacity when it reaches a bed capacity of 85% due to the need for separation housing and special needs. In Tuscola County, the jail would be considered full when the population reached 78 inmates. This number will fluctuate due to the large variety of separation (22) required by the state and county policies regarding inmate classification.

To complicate the housing challenges further, the facility does accept individuals under the age of 18 (only 17 years of age), but cannot house them separate from the adult population due to space limitations. This deters from good correctional practice, but is limited because of the lack of housing options. Further, the only way to provide equal opportunities to all populations to qualifying amenities is to compromise some form of security within the facility. For example, due to the lack of adequate female housing options, female work release inmates will either be housed alone or mixed with general population; whereby security could be compromised. Similarly, separate female trusty housing would be met with similar security concerns. The requirement of using the holding cells outside of the main control area for observation will be challenged when confronted with a high volume of new admissions, separated by males and females and further complicated by a special watch due to a high suicide risk.

**Finding:** The facility is extremely challenged by the lack of adequate housing options to adequately separate populations based upon state regulations, internal policy, and national best practices. The staff do an exceptional job at keeping the populations well managed; however, additional space is vital with the continued growth of specialty populations. The need for expansion or new construction are evident to meet these populations and their specific needs while incarcerated.

### **Intake and Release (Booking)**

The measures used to evaluate the Tuscola County Jail's intake and receiving processes were based on national accreditation standards published by the ACA (Standard 1-CORE-2A-13 through 2A-18 – Admission and Orientation standards), and 1-CORE-4C-14 (Ref. 4-ALDF-4C-36) – which require *detoxification from alcohol, opiates, hypnotics, and other stimulants is conducted under medical supervision in accordance with local, state, and federal laws. When performed at the facility, detoxification is prescribed in accordance with clinical protocols approved by the health authority. Specific criteria are established for referring symptomatic inmates suffering from withdrawal or intoxication for more specialized care at a hospital or detoxification center.* Additionally, standards by the National Commission on Correctional Health Care (NCCHC) (Standard J-E-02 Receiving Screening; J-E-04 Initial Health Assessment; J-E-05 Mental Health Screening and Evaluation) were used as reference in this review as well as best correctional practices throughout the country.

The booking area is inside a small workroom/office off a corridor adjacent to the main control area. Upon entering the jail from the facility sallyport, the new admission is directed to a receiving area that was established in the hallways. The new admit is pat searched in this area and personal belongings removed. The individual is then brought into the small booking office for processing.

**Finding:** Significant to note is the receiving area is immediately inside the jail entrance from the lobby. As observed in many modern jails, the main entrance to the facility has a double layer entrance creating a secure vestibule to control traffic in and out. The Tuscola County jail lacks this feature creating a potential security hazard.

**Recommendation:** In lieu of a facility renovation or new construction, consider adding an enclosure that adds a layer of security to this entrance. The doorway is utilized for releasing, movement to and from the work release housing area, and other movement; whereby, creating a frequent breach in the secure confinement of the building.

A walk through of the booking process was conducted during the facility assessment. The process appears to contain common elements of intake processes observed throughout the country. The data collected meets national standards and meets those required by the state. Although the facility has a contractual medical provider, the services are limited to 40 nursing hours per week and limited doctor hours per week. The booking process relies upon jail staff (instead of its medical contract services) to conduct risk and medical/mental health assessments of all new admissions. The jail staff reportedly do not receive any formal clinical training to make determinations on the medical or mental health needs other than common or obvious needs. Unless the individual expressly conveys or demonstrates signs of suicidality or other mental disturbance, he or she might not be referred for further clinical assessment. Staff reported that individuals who are openly suicidal are placed on a special watch not to exceed 15 minutes (however, proof documentation was not observed).

**Finding:** Individuals who do not disclose suicidal or self-harming ideations might be overlooked, whereby creating a dangerous life safety issue in preventing in-custody death. Additionally, individuals who have chronic illnesses as identified through symptomatic observation, medical histories, or disclosure might be missed without a formal medical assessment. While the medical assessments are completed during the 40 hours the contractual nurse is in the facility, some inmates might wait up to 72 hours or longer before this assessment is completed.

**Recommendation:** This is a vital area to be addressed. Consider extending contractual coverage to have medical assessments completed. Another avenue would be to contract with an emergency medical technician (EMT) to conduct these initial risk and medical assessments.

Once the booking process is completed, the individual is required to be placed into one of the two observation cells until after first appearance and placement into general population, unless other risk factors require longer observation.

Observance of the two holding cells revealed that both cells meet minimum specifications of a holding cell according to Michigan state guidelines.

Standard R791.735 *Holding Cells:*

1. *A jail or lockup shall have 1 group holding cell that has not less than 150 square feet of floor area. The capacities of a group holding cell is determined at 15 square feet of floor space per inmate, excluding benches.*
2. *A holding cell shall provide for unobstructed supervision and observation of the entire holding cell area, which shall be accomplished by complying with either of the following provisions:*
  - a. *Locating the holding cell near an officer duty station that is staffed 24 hours a day.*
  - b. *Installing an electronic camera or cameras that are continuously monitored in the officer's duty station.*

The 2 holding cells are equipped with full window observation from the front and cameras located inside. Inmates can be observed unobstructed except for when utilizing the lavatories. One holding cell is smaller than the other and the second extends to into a rear area, doubling its size to temporarily house additional inmates.

New arrests and persons recently admitted to a jail facility are higher risk individuals for several reasons. These individuals are at a higher risk for suicide ideations and tendencies, especially within the first 24 hours of incarceration; new arrest have a higher potential for being under the influence of unknown narcotics or alcohol, and need detoxification; these individuals have a propensity to overdose due to ingestion of unknown or combined substances prior to or subsequent to arrest; and finally, these individuals have a higher incidence of diagnosis of various medical ailments and/or chronic disease. Based on these higher risk factors, and situations that are exacerbated by placing persons who are under the influence of unknown substances, and in need of medical detoxification into these holding cells, a dangerous and vulnerable situation is created for the inmate and staff.

**Finding:** When considering these factors and the use of the holding cells for observation and separation issues from general housing throughout the facility, the two holding cells simply are not ample. The facility infrequently assumes protective custody of public inebriates, but it is a factor that could add to an overtaxed holding system of 2 cells. With the variety of separations and observation needs that the facility is faced with at regular intervals, the facility needs additional space to compensate for these special needs. When both spaces are occupied and another inmate needs to be separated, decisions are forced to be made to accommodate space.

### **Inmate Housing**

As guidelines for evaluating the inmate housing areas of the jail, the Michigan Administrative Rules for Jails and Lockups, the National Institute of Corrections, and the American Correctional Association standards were utilized.

The Michigan Administrative Rules only addressed Detoxification Cells and Holding Cells as part of its standards. They are mute on specifics regarding general housing areas. The ACA Core standards for cell space, dayroom guidelines, and lighting state:

- *1-CORE-1A-07, Multiple-occupancy cells house between two and sixty-four occupants and provide 25 square feet of unencumbered space per occupant. When confinement exceeds*

*ten hours per day, at least 35 square feet of unencumbered space is provided for each occupant.*

- *1-CORE-1A-08, Dayrooms with space for varied inmate activities are situated immediately adjacent to inmate sleeping areas. Dayrooms provide a minimum of 35 square feet of space per inmate (exclusive of lavatories, showers, and toilets) for the maximum number of inmates who use the dayroom at one time. No dayroom encompasses less than 100 square feet of space, exclusive of lavatories, showers, and toilets.*
- *1-CORE-1A-09, All inmate cells provide the occupants with access to natural light. Lighting throughout the facility is sufficient for the tasks performed.*

Observation of the facility corridors and common areas revealed a clean and well maintained environment, void of clutter, debris, and excessive dirt on walls, ceilings, and vents. The living



areas for general population males and females, special needs (ADA cell), internal inmate workers (trusties) and work release revealed areas that are generally clean. The common areas between bunks and toileting facilities were observed clutter free. Based upon the age and continuous use of the facility, the cells were observed to need paint on the walls and floors. The showers were worn due to age, constant use, and humidity typically found in jail settings. In several areas, shower leaks showed from rust stains. Most showers were observed with excessive soap build-up on walls and floors.



The use of housing for female inmates was found adequate for the amount of females in custody at the time of the facility assessment. Based upon the amount of inmates housed in the facility, the corridor where the female housing is located is shared with male inmates (the trusty population). In all of these housing areas, the cells are limited to 4 bunks per cell. The one male trusty housing unit had 5 inmates. Four were housed within the cell and the fifth was housed in the catwalk outside the cell in order to meet state inspector direction for cell space ratios (it was explained that the cells were designed by space ratios for 4 bunks).



**Finding:** With the 1 male inmate housed in the catwalk, the security door to the catwalk remained unsecured along with the security cell door. This was explained as the need to allow the inmate in the catwalk to freely leave the hallway and enter the cell to use the toilet. With the 2 security doors left propped open, this creates a security breach for the overall facility. Considering this occurs in the corridor that shares space with the female inmates, this creates a concern for potential behavioral problems with the inmates. The staffing is limited in the building, and although there is good camera coverage in the facility, the potential problem behavior is created by the lack of space.

**Recommendation:** Consider adding a temporary bunk to the male inmate worker cell. A similar configuration was observed with the female cell in which 5 females were housed in one cell. It was explained that this was acceptable to the state as the fifth bunk was a temporary cot. The same temporary cot in the male cell would alleviate the security breach.

Most of the cells in the facility are configured similarly. In A-Wing, the 4 primary cells all have 4 bunks with 1 table, 1 shower, and 1 toilet. Each has a catwalk for the officers to patrol to observe into the cells throughout the day. The catwalk contains a television that the inmates, as a group in the cell, can purchase weekly use of for \$5 each week. The ADA cell on the A-Wing is configured with 3 bunks, a handicap access shower, and a handicap access toilet. One of the bunks is doubled with an upper bunk which will be challenging if three inmates with mobility difficulties are housed together.



The cells in the B-Wing are configured similar to those on the A-Wing in size and structure. Three cells are group cells of 4 inmates (identical in design to A-Wing); two are group cells of 6 inmates (similar in design to A-Wing but with 6 bunks); and three housing areas with 2 individual cells each for maximum security housing.

All of the cells between A-Wing and B-Wing have access to natural light with the exception of the ADA cell. All of these cells open to a small catwalk corridor where the jail staff patrol to observe inmate activities at periodic intervals. This observation is supplemented by video surveillance from the main control center. Predominantly, the facility houses male populations in the configuration described; however, when the female population expands, movement of the populations between the larger housing areas needs to be done to accommodate.

Each of these housing areas (A-Wing and B-Wing) lack adequate dayroom space. Each area has a shared common space inside the housing area which contains a table and visual of the television in the catwalk. The size of these common areas and the congestion caused from the open bay cell design and temporary cots make these areas undesirable as dayrooms. There is little personal space for each occupant.

The C-Wing cells are open bay housing areas (2 separate) that contain 18 bunks each. Each housing area was found with adequate showers and lavatories for the populations housed. Each of these housing units had adequate space that functioned as dayroom activity areas. Observation into these housing units is conducted from the main corridor through glass and supplemented by video surveillance from the main control center.

Overall, the cells lack privacy and enable officers of both genders to observe inmates in the cell changing their clothing and toileting. The cell lighting was adequate making visibility into all areas easy. When discussing length of housing time, it was explained that length of stay varies by particular inmate and severity of charges. Some individuals stay for a very short period of time and others stay for more than a year awaiting conclusion of their criminal case. Annually, the average length of stay is estimated at 52 days over the past 10 years.

The facility only maintains 1 available multipurpose room that is identified as a dayroom for every population. The multipurpose room is not immediately adjacent to the inmate sleeping areas and access to it is not freely made from the cells. The room is shared between populations and access is controlled by security staff. The capacity of the room is controlled by security staff and therefore space allotment is sufficient. This space is used for daily activity space for each population (internal recreation), the law library, the leisure library, and a variety of Public Act 511 programming.

Out of cell time was discussed and found to be minimal. Other than individuals who attend programs, have work assignments (trusties), or are on work release outside the facility, the general population only is permitted 1 hour outside of the cell area per day. Many times, inmates refuse to attend during their respective times. The facility does have an outside recreation area between the A-Wing and B-Wing. It was explained that this outdoor recreation space is limited in use due to constricted staffing schedules and not having available staff to provide direct observation during recreation periods.

**Finding:** The facility lacks sufficient general population housing space in each cell to adequately house the amount of separations required. This strain was demonstrated with the male inmate worker living in the catwalk and the security doors left propped open. Other observations were the limits on female inmates and housing options. Females were limited in being able to be separated into work release and trusty housing due to such low population numbers. The mixing of these populations with general population females compromises the security of the facility.

**Recommendation:** Two recommendations can be made for this finding. The first is obvious that the facility lacks larger housing options for a growing and challenging population. Therefore, expansion or new build construction would sufficiently address this inadequacy. Secondly, in the interim, utilization of temporary cots to increase bunk counts in each cell would alleviate the potential hazards created by leaving cells unsecured.

**Finding:** The facility lacks adequate dayroom activity space for inmates to remove themselves from their sleeping quarters and have some social interaction or recreation space. Out of cell time is limited to 1 hour per day staff permitting.

**Recommendation:** A facility expansion is suggested to provide different living environments that offer better out of cell opportunities. A change in staffing utilization and a possible increase could alleviate some of this concern temporarily. As the population continues to grow and diversify, this problem will ultimately require additional facility space.

**Finding:** The facility lacks adequate staff to provide sufficient and ample outdoor recreation time. Reportedly, inmates might receive less than 20 minutes per week when the weather permitted. The length of stay is estimated at 52 days over the past 10 years. Nearly two months with limited outdoor recreation (if at all) and limited indoor recreation in the shared multipurpose room is not conducive to good correctional management. The facility is challenged by an old facility design and inadequate staffing to accomplish the care it is required to provide.

**Recommendation:** Aside from the facility recommendations, the section on staffing will provide recommendations to aid in increasing recreation and out of cell time.

**Finding:** The open faced cells and lack of privacy into many of the cells and lavatory spaces creates cross gender supervision challenges. Under federal and national jail standards, when inmates of each sex are housed within the facility, a staff member of each sex is required to be on duty. At the time of the assessment, the staffing patterns did not reflect this.

**Recommendation:** Staff of both genders are recommended to be on duty when each gender is housed within the facility. Due to staffing limitations, this is not possible in Tuscola County. Reportedly, there could be several days before a female staff member will be on duty. Announcing the presence of the opposite gender as he/she enters the living area does provide some notice and protection against voyeuristic complaints. Happenstance observation of an inmate in a state of undress is not a violation; however, continued patrol and observation of an opposite gender unclothed might become a liability issue for the facility.

**Finding:** The Michigan Administrative Rules for Jails and Lockups standard for emergency exits (R791.704 Exits) states that “*A Facility shall have exits that are properly positioned, clear, and distinctly and permanently marked to ensure the timely evacuation of inmates and staff in the event of fire or other emergency. All housing areas and places of assembly shall have 2 exits.*” In reviewing the housing units throughout the jail, each area that houses inmates did not meet this standard in having 2 means of egress in the event of an emergency. The immediate hallways did have emergency exits located in two different locations; however the housing units themselves did not have 2 immediate exits.

### **Ancillary Space Observations**

Obvious during the facility assessment tour was the service limitations based upon facility design and lack of space for activities other than inmate housing. While a jail’s primary mission is to protect public safety by maintaining custody of those remanded to the Sheriff’s custody, a jail’s housing is only a fraction of the space needs within the confines of the building. Out of cell time to engage in activities to meet programming obligations, civil rights guarantees of religious observance and access to courts, reducing idleness and destructive/violent behavior, providing opportunities for exercise, and retaining mental stability for the inmate population are all activities that require ancillary space outside of the common living environment.

Additionally, through cost reduction efforts and criminal justice advancements, individuals who need to appear for their initial court appearance do so by attending a video conference with the judiciary as is practiced throughout the country. Tuscola’s jail facilitates this process in a small room on the A-Wing. The space is barely enough to fit 2-3 individuals at one time due to the shared space with court video equipment, furniture, and the breathalyzer used for alcohol related arrests. In discussing this process, the inmate appears with an officer before the video and the judicial participants attend from off-site. Recent legislation requires the Sheriff to provide additional space within the jail in order for inmates to meet and conference with their attorneys prior to the video magistrate appearance.

**Finding:** Sheriff Skrent responded to this and provided a conference space that is in another small space (about half the size of the video room) and measuring approximately 6' X 6'. This space is in the B-Wing hall, making preparation for a court appearance manpower intensive to move inmates to and from the conference room to the video courtroom. To compound the problem, when more than one inmate appears for court, the staff need to move additional inmates, one at a time, between their holding cell, the conference room and to the video courtroom. An already challenged staffing pattern is further complicated by a facility designed 50(+) years earlier and not for these activities.

**Finding:** Space for professional interviews or conferences is minimal and prioritized for court conferences. Due to the space limitation, only 1 professional interview can be conducted at a time. Space for law enforcement interviews, attorney visits to view discovery and interview clients, external doctor interviews (psych evaluations) and other professional visits does not exist.

**Finding:** As discussed earlier, the receiving, booking, and releasing activities occur just outside the main control center and partially in the main corridor due to lack of a formal booking desk with holding cells and space for all the activity necessary to complete required processing tasks.

**Finding:** The use of the 1 multipurpose room limits the amount of PA511 programs that can run at one time. With the room in use for programs, it limits the time inmates can spend accessing the law library, attending religious services, or participating in exercise activities or other out-of-cell activities.

Observation of the facility kitchen revealed a space adequate to prepare the necessary meals for the size population maintained. The use of inmate labor is a significant measure used to keep food contract prices at a minimum. Although the kitchen is part of the facility, it is completely located outside of the secure confines. Inmate workers are utilized under supervision of the Tiggs (Canteen) Food Service staff. The kitchen is under video surveillance, however security supervision is intermittent at best. The facility freezer is on the outside of the building and unsecured by any retaining fence or other barrier. This unsecure area leaves opportunity for contraband introduction, escapes/walk-aways, or other nefarious activity by the inmate workers.

The kitchen storage space was observed spread throughout the old residential portion of the Sheriff's headquarters. Dry storage food products were stowed in the food service supervisor's office along with sharps and tool control boards. Spices and condiments were stored in a closet inside the kitchen. Warmers were observed located in a hallway and cleaning supplies were found in storage closets outside of the kitchen area.

**Finding:** The workflow and efficiencies of the kitchen are in desperate need of change. The parsed out process of food production could be better managed with a different design of the kitchen. An increased area and better facility for storage would prove beneficial with cost savings due to bulk purchasing power and other opportunities that food service providers often encounter. Without the proper facility to take advantage of these purchasing opportunities, Tiggs cannot offer additional cost savings to the county.

**Finding:** The laundry process for the facility was observed and again, this labor service was provided by the inmate workforce. The laundry machines were also observed outside the secure confines of the facility in the garage area. The inmate laundry worker worked unsupervised most of the time. The garage bays were observed open most of the time during the facility assessment leaving the area unsecured and open for the introduction of contraband, opportunities for walk-aways, or opportunities for other nefarious activities.

The facility has medical contract services through Correct Care Solutions (CCS) which provide predominantly 40 hours of on-site nursing care each week. The nursing station is located on the B-Wing and is a sizable workspace for the nurse to conduct history and physicals, prepare medications, conduct sick call, and other ancillary duties. CCS provides an on-site doctor service weekly shared in the same space as the nurse.

**Finding:** The facility lacked any type of housing for medical needs. Individuals who need a level of medical care would need to be transported to a local hospital for stabilization and housing until he/she could return to jail. This comes at a large expense to the county (staffing costs and medical costs) due to lack of infirmary housing that could be provided with a better designed facility.

**Finding:** Facility storage and records is located in the basement of the facility below the inmate housing. Aside from being subject to flooding from plumbing issues (which had recently occurred and since repaired), the space is overwhelmed by the amount of paper records. All of the records in this room were reportedly jail population records (custodial and housing) and all are paper records.

**Recommendation:** The agency should consider digitizing these records through an archival system and maintain them as required by public policy. If the agency continues to maintain and manage the vast amounts of paper, consider a dry, off-site space for aging records, and maintaining a smaller amount on-site for relevant retrieval purposes.

## **Conditions of Confinement**

Over the course of 50+ years of the Tuscola County Jail's existence, the corrections industry has markedly changed, requiring more attention to an individual's personal needs and rights. Until the late 1960's, jails remained "out of sight, and out of mind" from the federal court system. There was little to no external oversight, and legal requirements were minimal. Following the 1971 Attica Prison Riot, the rights of inmates in jails and prisons came to the forefront in many eyes. Title 42, Section 1983 – "Federal Civil Rights Act of 1871" became the vehicle to involve the federal courts into civil rights litigation in correctional facilities regarding deplorable conditions and treatments of inmates. The typical lawsuits generated involved:

- The First Amendment and freedom of religion, access to the press, mail and liberties;
- The Sixth Amendment and the guarantee of due process in disciplinary hearings;
- The Eighth Amendment and the ban on cruel and unusual punishment, encompassing overcrowding, conditions of confinement and medical services;
- The Fourteenth Amendment and the guarantee of equal protection under the law.

As part of the facility assessment, the team reviewed operational practices to ensure basic services were being attended to and constitutional guarantees were afforded. Additionally, the team reviewed overall safety challenges to the inmate population and the staff. Observations made by the assessment team found good practices overall and this report will not go into each aspect in any great detail where areas of concern were not found. For example, we found that:

- The facility has procedures that provide inmates access to mail services
- The facility has procedures that provide inmates access to the courts and communication with their attorneys
- The facility has procedures that provide inmates access to clergy services, allowing inmates to observe a faith of their choosing
- The facility has procedures that provide inmates access to medical services as needed
- The facility has procedures that provide inmates access to three meals per day and supplemental foods via a canteen package

The importance of meeting the basic human needs of the inmates is essential in managing the behavior of the inmate population. Upon admission, inmates routinely receive an intake screening via a questionnaire designed to identify medical or mental health needs. In many jails, other information such as vulnerabilities, substance abuse, past institutional adjustments, and overall protective needs are vetted during the intake process to know how to most effectively house an individual. With such assessments, the jail staff can begin to understand how to protect the individual inmate through housing separation and observation status. When an inmate realizes his/her basic human needs (shelter, safety, feeding, and medical services) are being met, the easier it is for the individual to transition to the new environment. The Tuscola County jail has many provisions in place to screen individuals for the basic human needs. Although the facility has good practices in place, the facility is strained due to its limitation in size and by design. It fails to provide adequate space for individuals to assimilate to their new situation for long periods of time. The remainder of this section will cite areas of concern and areas where we recommend change to increase security, safety, and improve conditions of confinement.

In reviewing the facility for conditions of confinement, the assessment team found the internal facility temperatures to be within comfortable range. Considering the outdoor temperatures ranged in the mid thirties to upper forties during the assessment, the internal living conditions were well within comfortable range.

The facility design was observed to be compartmentalized in three separate living areas outside of direct view of the officers' workstation. Without a direct line of sight into each housing unit, the facility design detracts from the overall safety.

The facility population at the time of the assessment exceeded the bed count of 94 (78 in-house and 16 housed outside the facility). Based upon the facility design, separating populations by security classification, risk and needs classification, gender, custody level, etc. is nearly impossible with the limitations of 18 different housing spaces (16 housing units and 2 holding cells). At any time the facility is at 75 inmates or more, it has the potential to be overcrowded due to the variety of classifications needed and lack of division space. In addition to the criminal population that taxes the facility, the Tuscola County Jail has the responsibility to house individuals for protective

custody (public inebriates) until sober. These individuals require special housing separate from individuals charged with a crime and in a cell conditioned for safety.

Overcrowded conditions create many strains upon a small facility such as Tuscola County. As observed during the on-site assessment and as stated earlier:

- the facility lacks adequate dayroom and out of cell space to accommodate the multiple classifications;
- the facility lacks staffing to accommodate outdoor recreation;
- the facility is limited on indoor recreation space;
- the facility lacks adequate visitation space;
- the facility lacks program space;
- the facility lacks individual space for professional and clergy visits for the size population

In addition to the crowded conditions, the supervision of inmates becomes extremely vital in controlling behaviors and preventing frustrations from overcoming the lack of space and comfort. Providing leisure time activities is important to occupy inmates' idle time. With only one dayroom that is shared between the male and female populations, and occasionally with a special needs inmates housed separately, productive activities are necessary. The dayroom time is limited to 1 hour per day for each housing area. The time in the cell is left to reading, socializing, and limited games (board games and cards). Any person left with so much unoccupied time might find counterproductive ways in which to fill that time.

## **V. STAFFING ANALYSIS**

In evaluating the staffing of the Tuscola County Jail, the Michigan Administrative Rules was used as a guide for how Michigan jails identify essential staffing needs. Rule R791.736 "Staffing" states:

1. When housing inmates, a facility shall be staffed to provide proper security and correctional control.
2. The administrator shall supervise, schedule, and control all personnel working in the facility.
3. At least 1 corrections officer shall be provided for each floor or security area that is occupied.
4. The duty station for a detoxification or holding cell shall be staffed continually when the detoxification cell or holding cell is occupied.
5. A sufficient number of personnel shall be provided to perform ancillary functions, whether scheduled or unscheduled, such as moving inmates to medical, visitation, recreation, or other inmate programs.

Additionally, the American Correctional Association Core Jail Standards was used as a guide for essential staffing needs. Standard 1-CORE-2A-09 states that sufficient staff, including a designated supervisor, are provided at all times to perform functions relating to the security, custody, and supervision of inmates and, as needed, to operate the facility in conformance with the

standards. In addition, Standard 1-CORE-2A-05 requires when a female inmate is housed in a facility, at least one female staff member is on duty at all times.

### **Staffing Analysis Methodology**

Both the operational characteristics of the jail and the associated staffing requirements pose substantial challenges in appropriately staffing any detention facility. A sound understanding of these challenges provides an important foundation when considering current and future staffing needs.

Staffing a jail is an expensive proposition. In many detention facilities, staff costs make up 70% to 80% of the annual budget, and such a costly resource must be carefully managed. This staffing analysis will attempt to reveal if staffing is adequate or deficient in any of several ways:

- Too few staff provided
- Staff are assigned to the wrong duties/posts
- Staff are not properly trained
- Staff are not scheduled properly

The first step in the study of staffing is to collect historical and current jail inmate population data, the operational philosophy, floor plans of the facility or classification/housing data, state and professional standards, and relevant case law. These materials and information are required to properly analyze the physical, operational, and human context of the detention facility. A profile of the jail setting is an essential component for the completion of a credible staffing analysis.

The profile and key statistics of the jail setting includes:

- The facility's rated capacity
- The facility's average daily population (ADP)
- The number of admissions and releases
- The number and types of classification and housing separations
- Facility design
- Current staffing plan
- The number and types of critical incidents
- The average length of stay (ALOS)

In addition, the responsibilities and functions of the jail staff need to be considered. As is typically observed in smaller jails, non-jail related tasks get combined and assigned to staff available to complete them. In reviewing the facility staff, Tuscola County employs 15 full time officers (4 sergeants and 11 deputies) and 10 part time officers (total of 25). The staffing pattern provides a schedule of 3 to 4 staff members (1 sergeant and 3 deputies – 1 of which comes in several hours into the shift) on duty inside the jail between 0700 hours and 2300 hours on Saturdays and Sundays; and 3 to 8 staff members (1 sergeant on duty and the remaining deputies' hours are staggered throughout the day) on duty Monday through Friday. The hours of the deputies during the week are adjusted to the workload throughout the daytime activities. The night shifts reflect 3 staff members (1 sergeant and 2 deputies) seven days per week. The staff schedules are rotated on

opposite days (2 on, 2 off, 3 on, 2 off, 2 on, 3 off) for a total of 4 separate shifts that rarely overlap. This staffing pattern saves on the use of manpower; however, creates challenges for communication and establishing consistency in operations.

In conducting a staffing analysis based upon the National Institute of Corrections model, the jail is estimated to need 27 full time staff members (23 deputies and 4 sergeants). To get to this figure, the Michigan Rules were referenced and assumptions were made as follows:

- *“At least 1 corrections officer shall be provided for each floor or security area that is occupied.”* Assumptions were made and 1 officer was assigned to the A-Wing, 1 to the B-Wing, and 1 to the C-Wing for each twelve hour shift.
- *“The duty station for a detoxification or holding cell shall be staffed continually when the detoxification cell or holding cell is occupied.”* Assumptions were made and 1 officer was assigned in the Control Center for each twelve hour shift.
- *“A sufficient number of personnel shall be provided to perform ancillary functions, whether scheduled or unscheduled, such as moving inmates to medical, visitation, recreation, or other inmate programs.”* Assumptions were made and 2 officers were assigned during the busy work hours (M-F) – 8 hours per day - 5 days per week.

These assumptions are charted below using the NIC staffing model.

Tuscola County	Job Class	Meal Relief	Hours Per Day	12-hr. Day	12-hr. Night	No. of Days per week	No. of hours per week	No. of Hours of Coverage per Year	Is Relief needed for this post	Net Annual Work Hours	Total No. of FTEs needed	Rounded No. of FTEs
<b>A Wing</b>	Deputy	Yes	24	1	1	7	168	8759.52	Yes	1684	5.2016152	5
<b>B Wing</b>	Deputy	Yes	24	1	1	7	168	8759.52	Yes	1684	5.2016152	5
<b>C Wing</b>	Deputy	Yes	24	1	1	7	168	8759.52	Yes	1684	5.2016152	5
<b>Control</b>	Deputy	Yes	24	1	1	7	168	8759.52	Yes	1684	5.2016152	5
<b>Escort/Mvt</b>	Deputy	Yes	16	0	0	5	80	4171.2	Yes	1684	2.4769596	2
<b>Shift Supervisor</b>	Sergeant	No	24	1	1	7	168	8759.52	No	1684	4	4

Total FTE	27
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It is obvious that the jail is not staffed to this extent and the management makes extremely efficient use of the part time employees. This staffing pattern only demonstrates the necessities of staffing positions to manage the care, custody, and control of the inmates. It does not consider the staffing necessary to transport, conduct doctor and hospital visits, and to conduct other ancillary duties.

In Tuscola County, the jail is typically staffed with five members on-duty during prime activity times for the inmates, but also at a time when ancillary responsibilities are conducted. For example, in addition to the care and supervision of the inmates housed within the facility, the prime

hours are also consumed with monitoring inmate food delivery, recreation, programs (when possible), escorting to court, movement to and from medical services, booking new admissions in, releasing inmates, conducting breathalyzer exams, conducting special watch, and visitation services. Additionally staff may be required to supplant court security staff when needed. With limited security staff on-duty, these daily interruptions or when staff member(s) are out (on annual leave, sick, in training, etc.), can interfere with the orderly operations of a detention facility. In most professions, a disruption in the schedule just prolongs the project, but in the corrections arena, these actions could create a life-safety, and/or security breach issue.

A pitfall with the 12-hour shift is that most agencies never fully compute any relief factor that takes into account the various reasons, some mandated by law, why persons can be away from their duty assignment. Below are the varied reasons for staff to be absent:

- Holiday leave
- Annual leave
- Sick leave
- Family Medical Leave Act (FMLA)
- Military leave
- Workers compensation
- Light duty

Lastly, the biggest challenge in staffing a small jail facility with limited resources are the additional responsibilities assumed by the staff aside from the basic human care needs. For example, the sergeant duties include basic first line supervisor responsibilities such as observing, guiding, coaching, and correcting the deputies in their daily duties. In addition however, the supervisors at Tuscola are factored in to the daily post responsibilities and normally staff the control center. These responsibilities inhibit their ability to supervise adequately. Additional responsibilities required of this level of employee and necessary to meet the basic needs of the jail operation, sergeants are required to:

- Coordinate filling schedule needs
- Review all daily reports by subordinate staff
- Conduct weekly sanitation inspections
- Conduct fire inspections
- Coordinate fire drills
- Review all use of force incidents
- Monitor visitation
- Monitor cameras throughout the facility
- Conduct evaluations of subordinates
- Complete maintenance requests
- Review all new admission bookings
- Review all release information prior to an individual's release
- Manage all court order/confinement status related activities (court filings and releases)
- Investigate grievances
- Respond to emergencies

Similarly, deputies absorb a plethora of responsibilities in addition to the basic observation, interaction and custodial care of the inmate population. As an example of these additional responsibilities (not all inclusive) that take time away from observing inmates and maintaining custody, deputies:

- Conduct jail supply inventories
- Perform as training officers
- Conduct booking processing of new admissions
- Write car-deer reports
- Conduct classification assessments and reassessments to assign housing
- Prepare monthly inmate billing
- Respond to emergencies
- Deliver canteen
- Review incoming and outgoing mail
- Conduct bleach out disinfecting
- Observe recreation
- Review and process professional visitors entering and exiting the facility
- Review and process volunteers entering and exiting the facility
- Complete DNA orders
- Conduct urinalysis
- Conduct breath analysis
- Clean jails with the trusty staff
- Pass medications as prepared by medical staff

**Recommendation:** In conducting the staffing review, it is evident that based upon the responsibilities assigned and using the NIC analysis methodology, that the Tuscola facility is not staffed as it could be. Ancillary responsibilities are assigned to everyone in the jail to “get the job done”. The supervisors are not mobile enough to adequately provide the necessary observation and guidance to the deputies throughout the building. The management gets the most use out of the part time staff to fill the duties of transporting, filling court positions, etc. that otherwise would impede the operations of the jail. While fully staffing the jail to the NIC model with a relief factor as indicated at a rate of 1.2 per post is not feasible given the financial climate, it is the opinion of this assessment team that the agency should consider adding 1 full time deputy position to each of the twelve hour shifts (4 total) in order to better meet the requirements of the Michigan state guidelines; to enable the supervisors the time and flexibility to supervise; to adequately meet the service obligations (ancillary duties) that get metered out to all levels; and additional female deputies.

If the agency determines that a facility expansion is the direction to address the facility needs, additional staffing will be required to adequately provide security coverage and meet the needs of the extended population. Based upon the design and intended purpose (e.g. all special needs or individual cells for special observations), the staffing numbers could increase exponentially.

If the agency determines that a new facility construction is the direction, a complete staffing analysis would need to be conducted based upon the design of the facility and its intended use. Podular, indirect designed facilities typically use less staffing when compared to direct supervision facilities in which an officer is required in each housing unit.

## VI. INMATE POPULATION STUDY

The primary purpose of this report is to study and analyze whether the Tuscola County Jail is capable of sustaining the incarcerated population and growing diversity of the jail. Data for this study was provided by Sheriff Skrent, the Tuscola County Commission system, and drawn from entities in Tuscola County’s annual reports. The jail population data was manually provided by the Tuscola County Sheriff’s Office from a previously published annual report, their jail management computer software and from the Michigan State Police Annual Publications of Crime center. Historic arrest and offense data was available back to 2000 and the jail information was retrieved back to 2008. The two main determinants of jail populations are admissions to the jail (ADM) and the average length in which an inmate stays in the jail (ALOS) for each incarceration. Both of these elements are based upon decisions made within the criminal justice system at the local and state level.

According to the Bureau of Justice Statistics, a jail’s percentage of occupied capacity is the average daily population (ADP) divided by the rated capacity of the facility. Tuscola County tracks its population with a total number of inmates committed to the custody of the sheriff and then it breaks

out those individuals that get housed in other facilities due to high populations, criminal commitments to other jurisdictions, or housed outside the facility due to medical/mental health reasons. For this study, the jail’s total inmate capacity (all inmates) ranged from 99% to 141% capacity between 2008 and 2017 (as seen in this chart). In evaluating the facility’s ability to sustain the current population given its occupied capacity, the jail’s classification system needs to be considered. A review of the Tuscola’s Classification policy indicates the facility is inadequately designed to handle the agency directed separation practices of the potential populations. With only 16 separate areas (plus 2 holding cells) to house individuals and over 22 different potential classifications, it is impossible to appropriately separate them all. During the 2008 to 2017 time frame, the jail’s occupied capacity reached 141%. At this capacity, and considering the necessary mandatory separations

Year	% Capacity
2008	134%
2009	130%
2010	133%
2011	112%
2012	141%
2013	130%
2014	101%
2015	99%
2016	107%
2017	115%

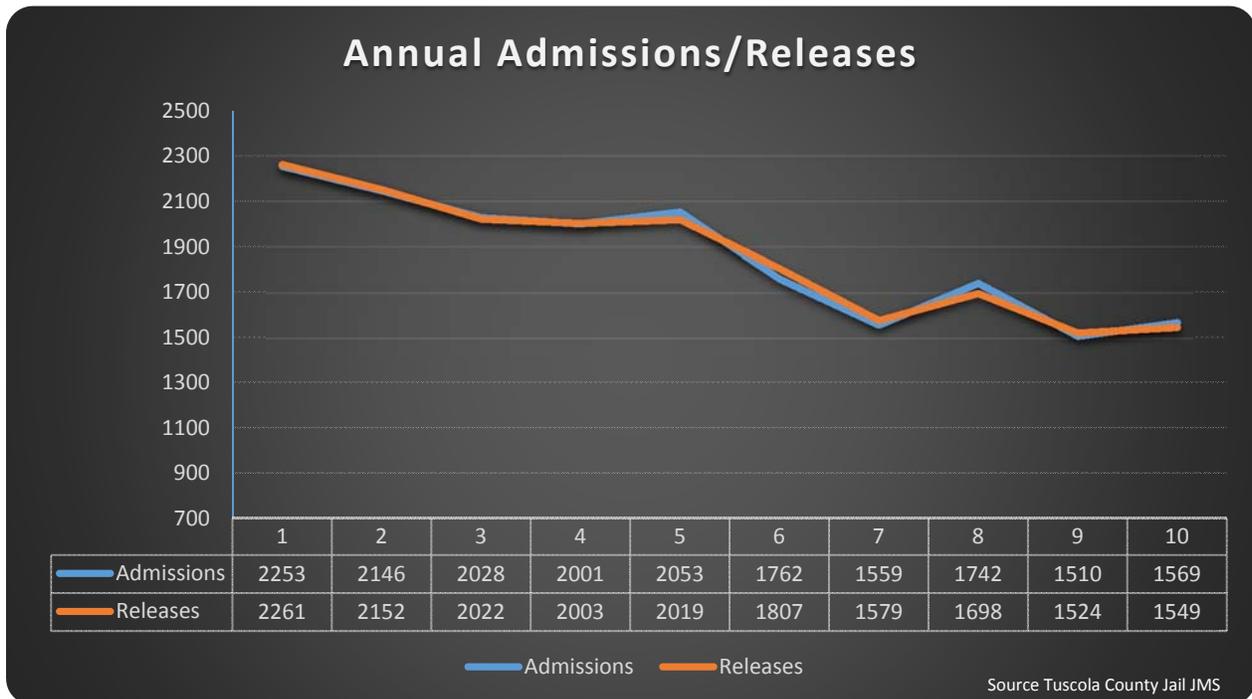
required by its own policy, the Tuscola County Jail was overcrowded and was forced to house inmates outside of the county at an additional cost to taxpayers. Additional costs not only for housing, but for the additional staffing required for transportation between agencies. In a manual evaluation of one year’s data (4/2017 through 4/2018) the out of facility housing averaged 22 inmates. Even with this consideration, the above chart would still reflect the jail capacity in excess of 100% on average.

## Criminal Justice Statistical Indicators

The number of people in jail is a direct consequence of the level of criminal activity that is occurring in the local community; however, that does not explain the issue in some jurisdictions where measures of the level of crime have been declining, yet the jail population continues to increase. In these jurisdictions, the increased number of persons incarcerated is a direct consequence of policy and procedural changes of officials who work in the local criminal justice system: local law enforcement, prosecutors, probation and parole officers, and the judiciary.

These officials all work independently, but the collective decisions they make at specific decision points within the local criminal justice system can and does regulate the size of the jail population. It should be noted that the policies and practices of these officials lie mostly outside of jail operations or the purview of the sheriff. In fact, the sheriff and the jail administrator have little or no control over who goes to jail, how long they stay there, or how and when they will be released.

On the date of the facility assessment, the “in-house” population was under the facility capacity with a small selection of inmates tracked in other jurisdictions. The Tuscola County Jail was not overcrowded on the date of the assessment and it was apparent the various criminal justice entities and partnerships work in concert to maintain a population at the jail that is manageable. Nonetheless, monitoring the jail population and sharing that information with the criminal justice partners will consistently reinforce a healthy level of the prisoner population. When reviewing the



admissions and releases based upon historic trends, there appears to be a consistent input and output controlling the level of the population.

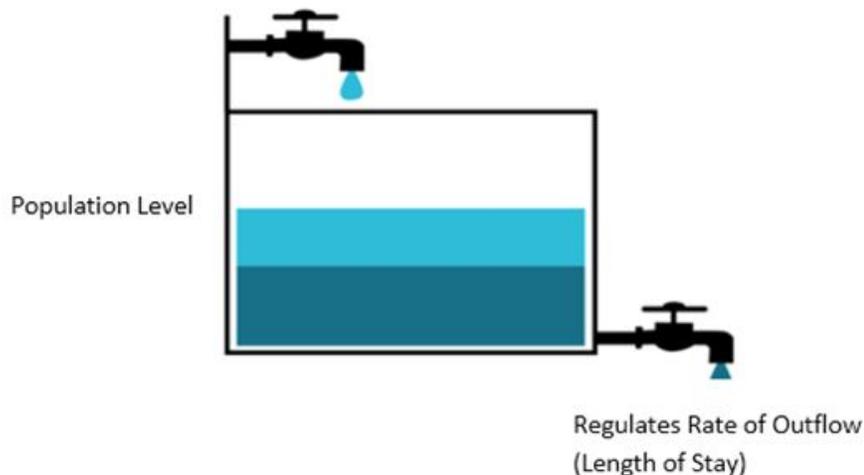
The key to preventing future crowding is achieved by continuously collecting, monitoring, and analyzing admission and length-of-stay information, and then share the results of that information with the criminal justice partners and officials in leadership positions in the county government.

There are numerous trends and factors that, to some degree, have an impact on the Tuscola County justice system and the jail's population fluctuations. These trends can be tangible and quantifiable, such as the county's population and economic vitality, or they can be intangible and difficult to quantify, such as the public opinion toward crime and criminals. Generally speaking, as a county's population increases, the demands on its criminal justice system will also increase. More crime typically results in more arrests. An increase in arrests impacts the amount of criminal case filings. A generated assumption attributes an increasing jail population, at least in part, to a county's growing population. While there might not necessarily be a direct statistical correlation between these measures, it is still important in a planning effort to examine the trends in those areas that are both quantifiable and generally believed to have some impact on the future needs of the county jail.

A simple analogy that depicts the population dynamics of a jail is best summarized in a Department of Justice technical assistance report (TA07-J1032) from 2007. The analogy referenced is that of a water barrel, as shown in the picture below. Using this analogy, "the barrel represents the jail and the water inside represents the average daily inmate population (ADP). This water barrel has two spigots, one regulating the inflow of water and one regulating the outflow of water. These two

Average Daily Population of Admission Rate  
And Length of Stay

Regulates the Rate of Admissions



spigots represent bookings and average length of stay (ALOS), respectively. Like the water level in the barrel, the population in a jail will be affected by the changes in the flow from these two spigots.”

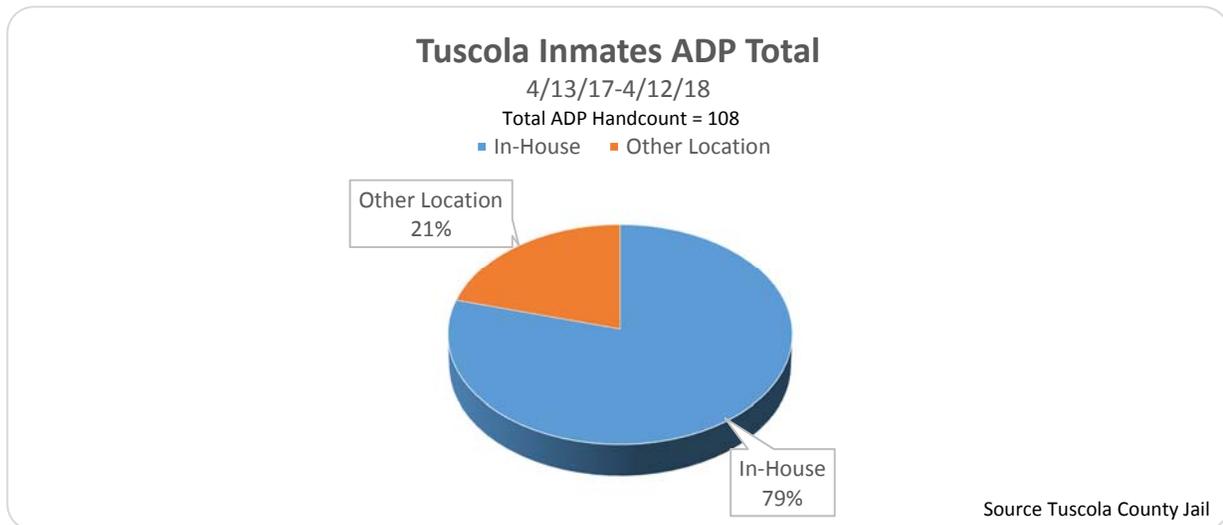
## The Water Barrel Analogy

“At a stable state, the bookings spigot and ALOS spigot act together to create a constant jail population. For example, if ten people are booked into the hypothetical jail housing 100 persons on January 1, and ten people are released on that same day, the overall population will remain at 100. If bookings increase (opening up the in-spigot) and the length of stay stays the same, then the increase in bookings alone will increase the ADP. Likewise, if the length of stay increases (tightening the out-spigot) and bookings stay the same, then the increase in ALOS alone will increase the ADP. If both the spigots increase, the jail can see dramatic increases in its ADP over time.”

Managing jail system occupancy levels can only be accomplished in three ways:

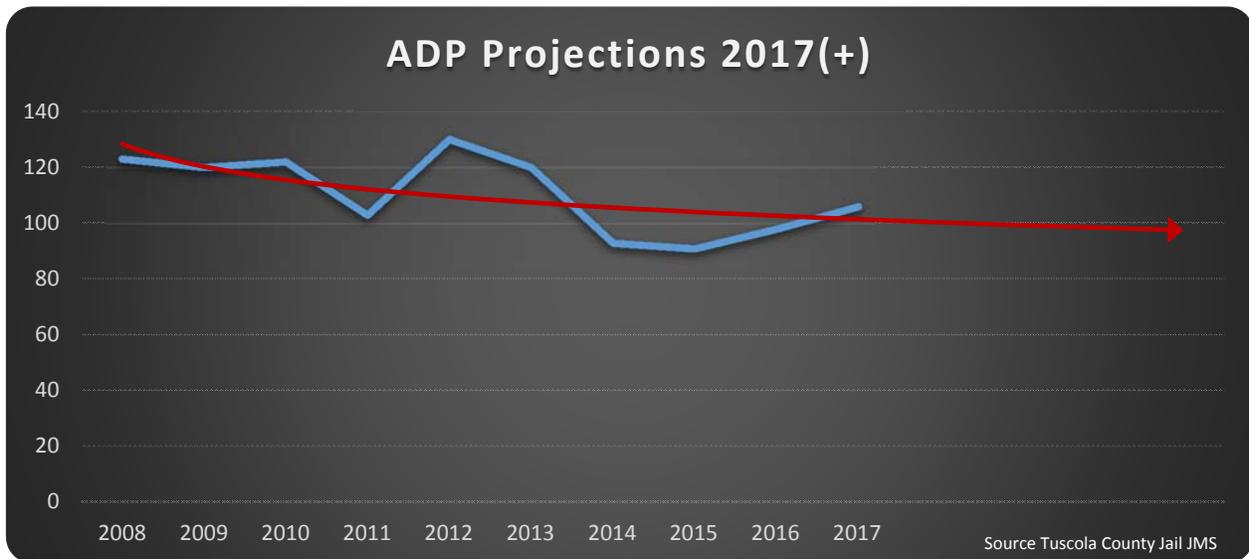
- Increase bed space capacity
- Decrease bookings
- Decrease average lengths of stay

In studying jail populations, the projected average daily population (ADP) is the foundation of every needs assessment. For this report, a straight line forecasting projection of the ADP is provided due in part to uncertainty on the information retrieved from the jail’s JMS system. A hand analysis of one year’s worth of data was conducted and compared to the JMS output resulting

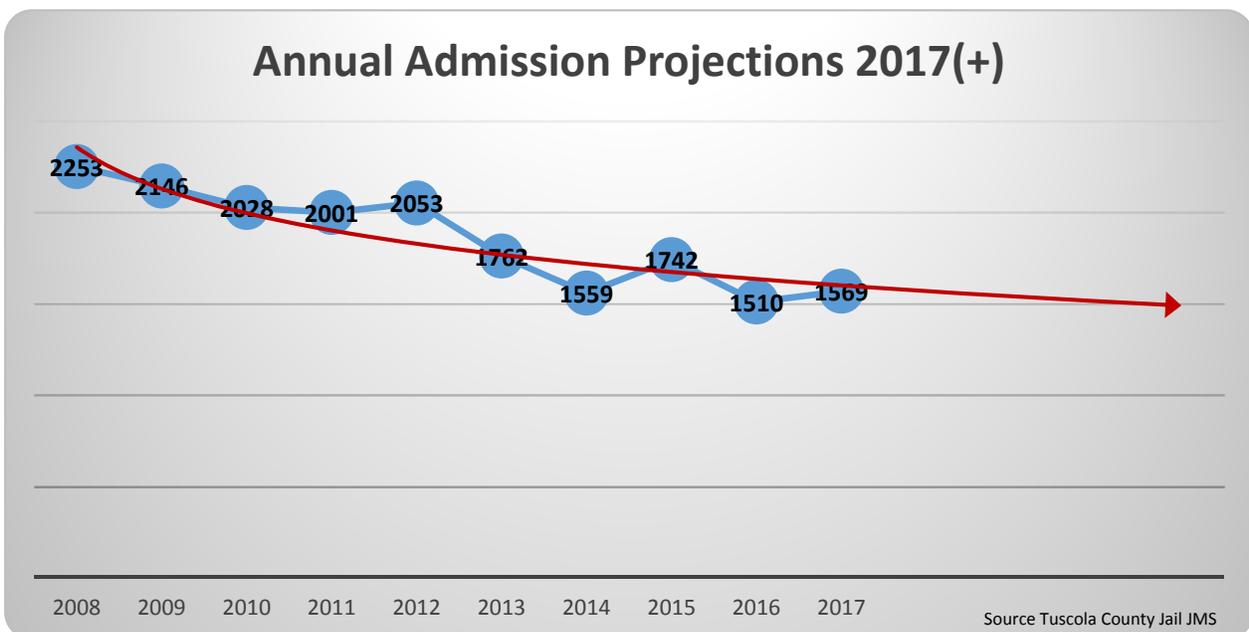


with consistency in reporting average daily populations of the total inmate population (in-house and those housed in other facilities). The hand analysis of data for April 2017 through April 2018 revealed an average daily population of 108 inmates (85 in-house and 22 in other facilities). With this data, a historic trend line of the total inmate population was generated to demonstrate the projection of future populations. The historic trend line methodology uses a mathematical trajectory of historical ADP into the future using the annual percentage change to generate the trend line. As a cautionary note, the methodology is not a scientific algorithm due to the inevitability of change within the industry. Change in the way of a change in local or state policies in prosecutorial or sentencing strategies; changes in alternatives or diversion to incarceration;

increases in crime and arrests; and changes in law enforcement efforts all have the propensity to alter the trajectory of future jail population projections.



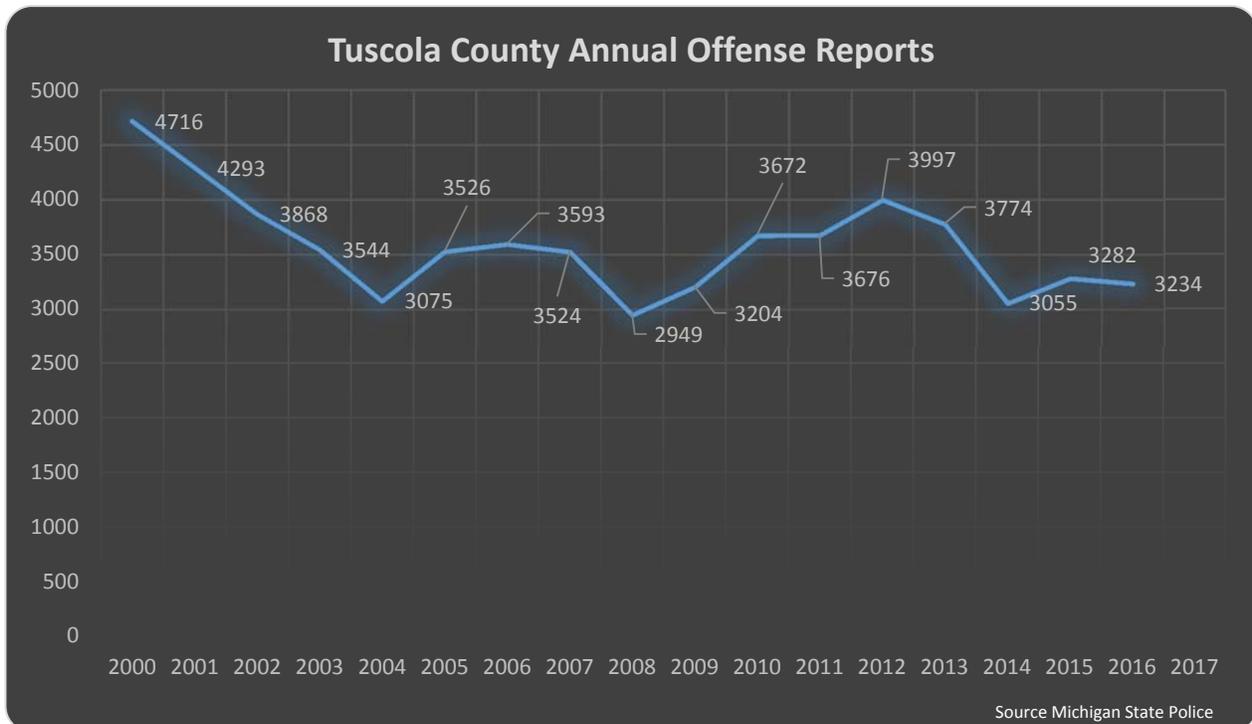
Tuscola County's ADP has seen an overall decrease since 2008. While the ADP showed a spike in 2012, the overall decrease continued its downward trend until 2015. Over the last two years, daily populations have increased slightly and will require continued monitoring. At its current estimation, the Tuscola County jail averages a daily population over its rated capacity that will continue to challenge facility space options and require housing outside of the county in order to maintain a manageable population in the mid to upper 80s.



In evaluating the daily population and causes of changes in overall numbers, the analysis has to review the effects of other indicators such as annual admissions and the average length of stay.

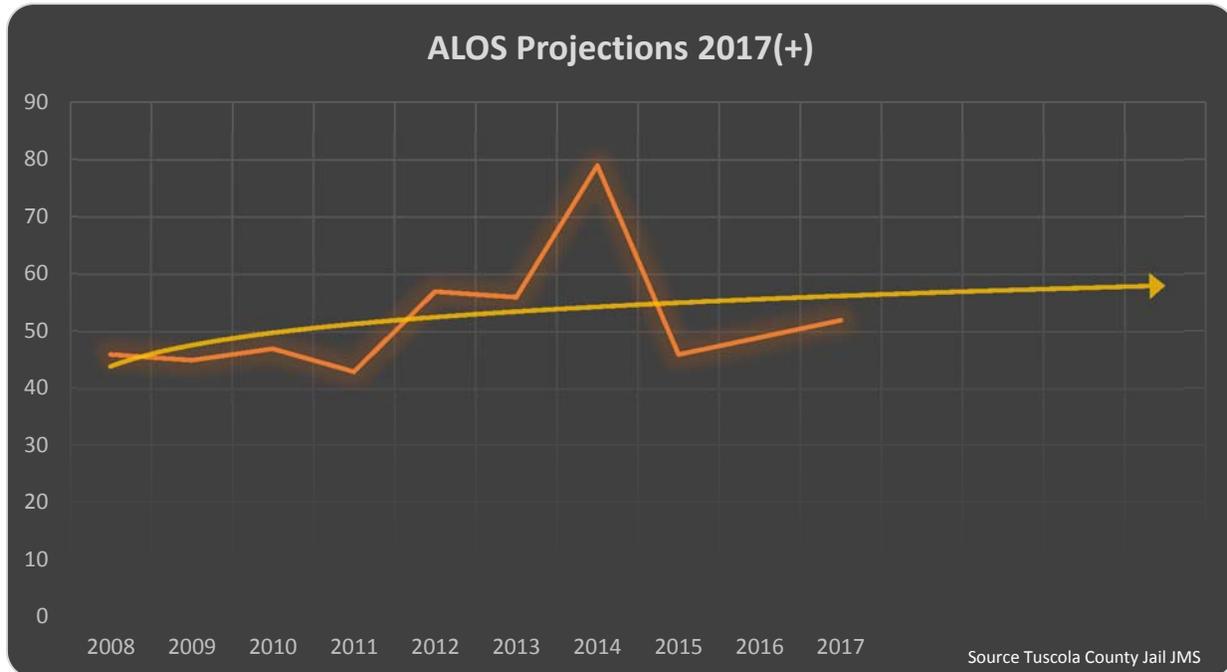
The annual admissions have consistently trended downward since 2008 (source Tuscola jail JMS). Based upon the annual percentage change, the downward trend is expected to continue for the next five years unless altered with changes in legislature or law enforcement philosophy/activity. When law enforcement agencies increase patrol staffing numbers, jails typically see increases in admissions. When laws change and focus on crime deterrent, jails will experience an increase in admissions. Depending upon state and local policy decisions, increases do not appear imminent in the near future.

A review of the annual offense reports submitted to and tracked by the Michigan State Police reveals a similar declining trend in offense reports since 2000. Similar to the annual ADP, an increase peak was observed in 2012, but dropped off again over the past 5(+) years.



The elements of analyzing a population also include the length in which inmates remain in custody. The information provided by the Tuscola jail management system was used to track the average length of stay. Significant to note is that these figures represent all individuals who enter and leave the jail. In many systems, the ALOS is estimated from figures that remove those individuals (outliers) who enter and leave the jail within the first 24-48 hours and those that remain in custody over a specified time; e.g. over 500 or 750 days for larger facilities. The information provided might reveal slightly different numbers if the outliers were removed. However, confidence is high that the projected trend observed above would be consistent.

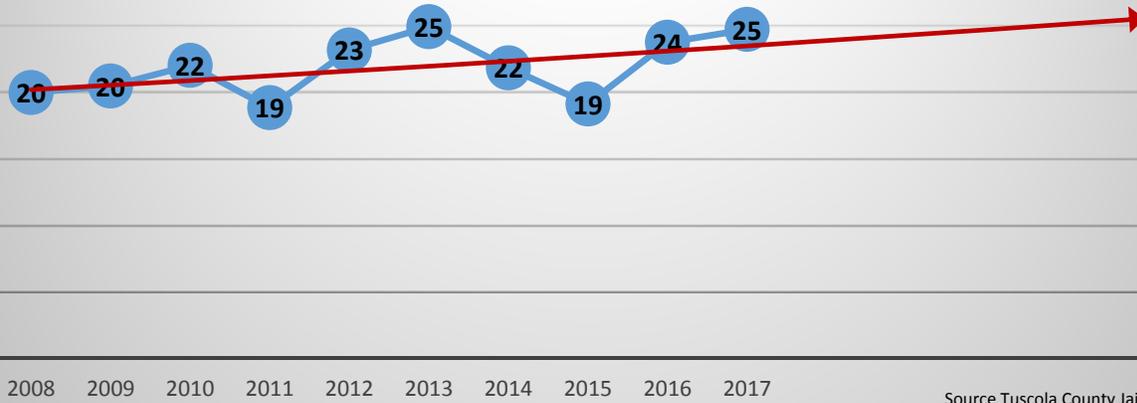
Based upon the information provided, the average length of stay is increasing. The increases observed in admissions and ADP in 2012 was also observed in the ALOS. Moreover, the ALOS appears to continue through 2014. In 2015, the ALOS dropped back to the 2008 ALOS but continues its upward trend. Effecting the average length of stay is most observed with the length of time an individual awaits court appearances and those sentenced to the county jail. Individuals who spend lengthy periods of time awaiting trial are typically observed as serious that require



extensive investigation, involve mental health evaluations, or other circumstances that stall the judicial process. At the time of the study, the Tuscola County Jail did not track the amount of county sentenced individuals or the lengths of those sentences. Lengthy sentences inside the county jail will contribute to the length of stay observed in the statistical analysis.

In considering the length of time individuals remain in custody, the Department of Justice via the Bureau of Justice Statistics calculates an “Expected Length of Stay” formula which calculates the average daily population multiplied by the number of days in a year, divided by the number of annual admissions. With this calculation, the average expected length of stay as seen across the country is estimated. For Tuscola County, the lengths are slightly higher than actual length of stay (again, the outliers could skew these calculations). However, the DOJ calculation does project a steady increase in length of stay based upon current and historic trends.

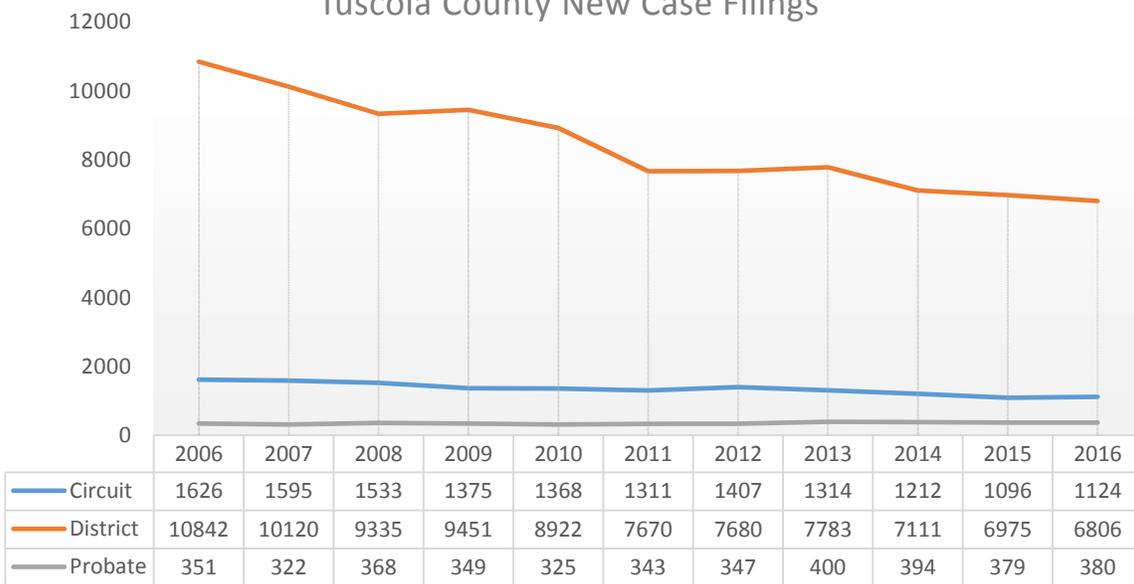
## Expected Length of Stay (DOJ Model)



## Case Filings and Crime Rates

Within Tuscola County the law enforcement consortium is an effective system between the Tuscola County Sheriff, Michigan State Police, Akron Police, Caro Police, Cass City Police, Mayville Police, Millington Police, Reese Police, and Vassar Police. Reportedly, while overall reported offense rates have fluctuated slightly up and down since 2000, the overall totals have seen an overall decrease of approximately 31% (source Michigan State Police Incident Crime Report). A review of the annual new case filings from the circuit, district, and probate courts also revealed a consistent downward trend between 2006 and 2016 (source Tuscola County Administrator). The data reveals consistent decreasing trends within the criminal justice system. To further delve into

### Tuscola County New Case Filings

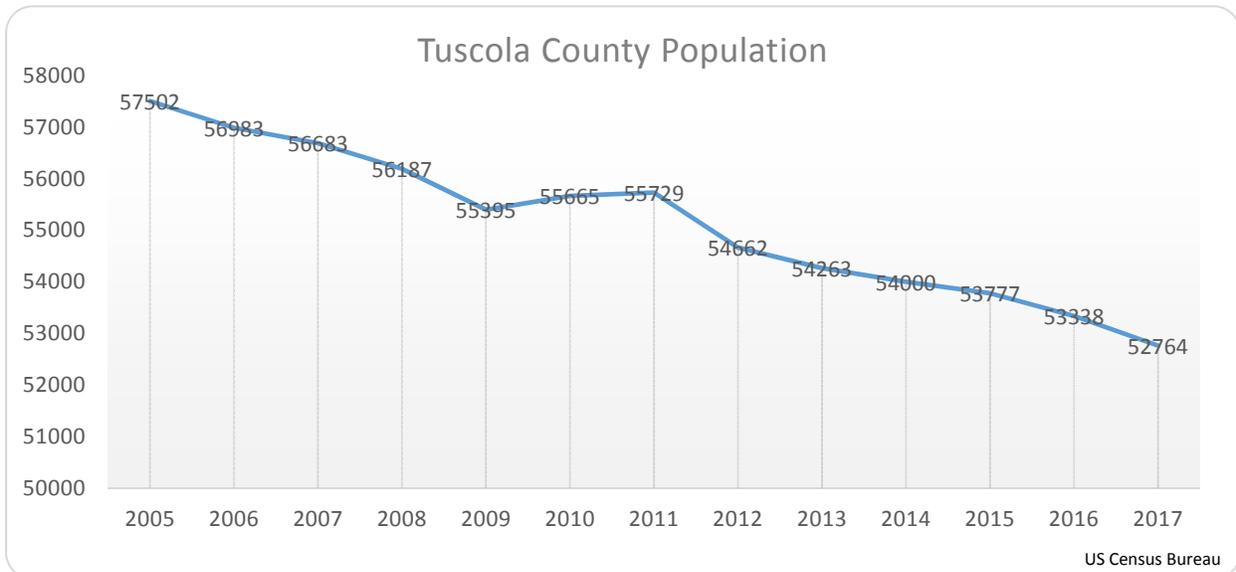


Source Tuscola County Administrator

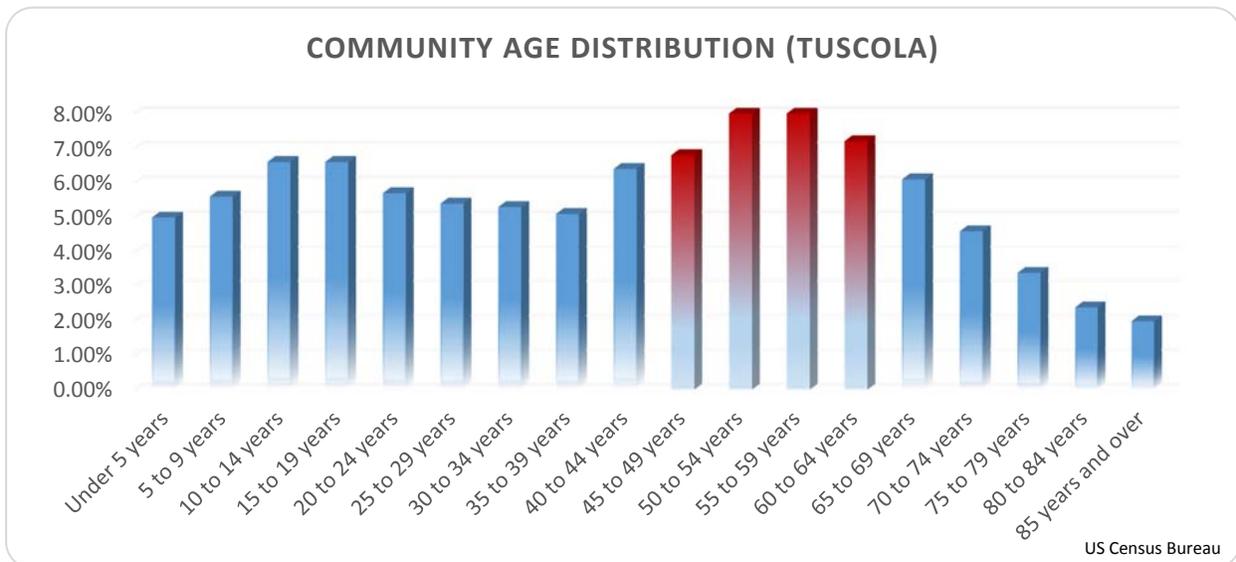
the trends and types of crimes within the Tuscola system, a more in-depth study would be warranted to review detailed information from the State Police and Tuscola Clerk of Courts.

### Community Population Information

Most county jails are reflective of the community in which they serve in composition of populace and the trends between the two are relational. As part of this study, a brief overview of the Tuscola community was analyzed in an attempt to identify any indicator of impact upon the jail facility.



In reviewing the county population since 2005, the population has steadily reduced over 8%. Without a detailed evaluation of the economic vitality of the community and those arrested, the relation of the reducing population and its effect on the jail may only be coincidental. A review of



the population’s age statistics revealed that a majority of the community age is not consistent with that of the jail. The majority age group of the community is comprised of the 45 to 64 year olds.

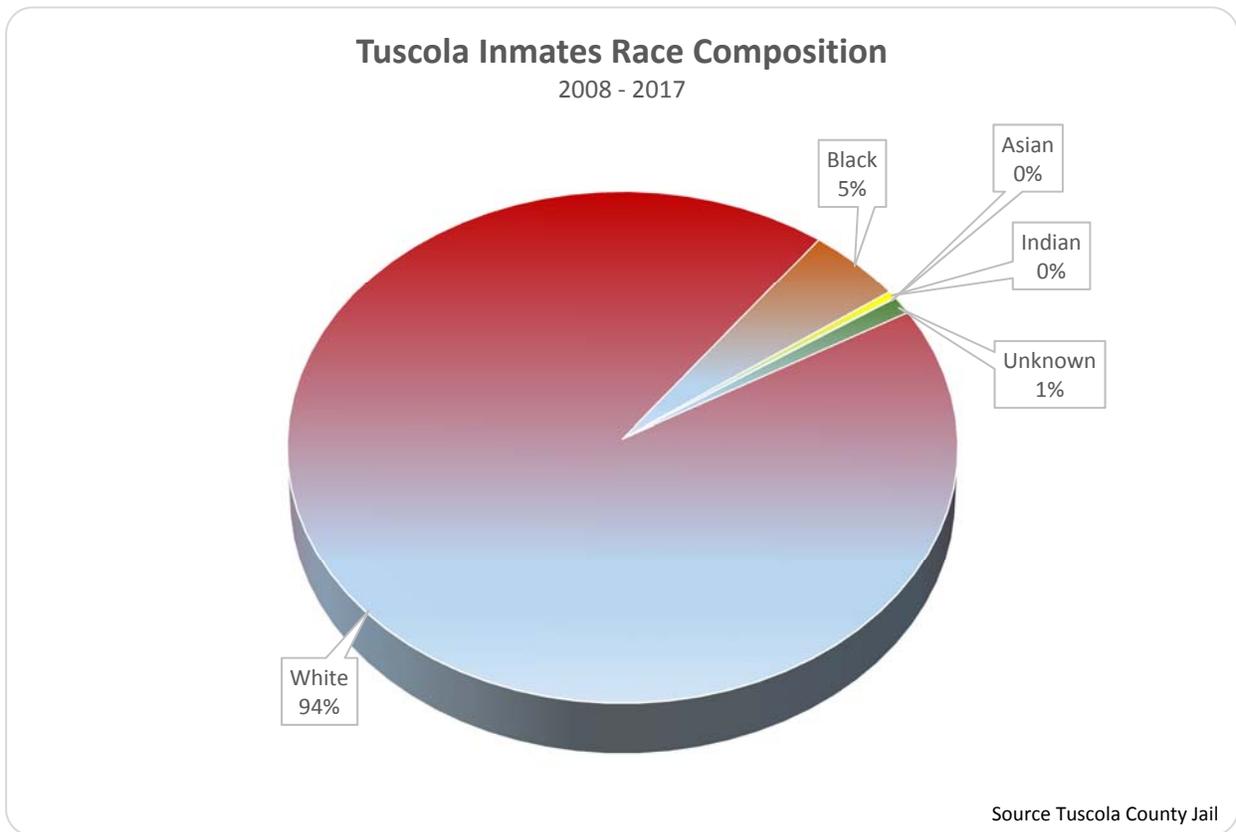
The jail's highest population ranges amongst the 21 to 35 year olds. Notably, across the country, jails are experiencing an aging population taking up jail space and causing strains not seen before. The aging inmate population in many jurisdictions and not currently impacting Tuscola is causing higher medical costs due to chronic illness and significant mental health needs.

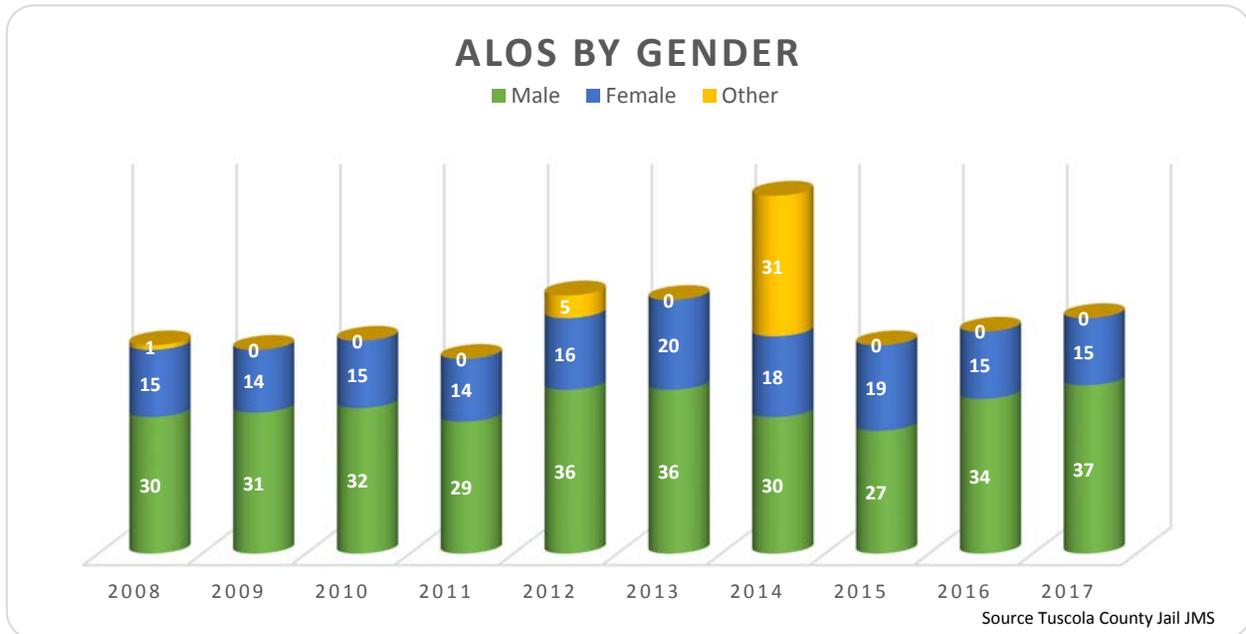
### Tuscola County Jail Population Statistics

Of all the statistical indicators, past jail population trends provide the best information with regard to the county's utilization of jail beds. While crime trends, arrest trends, criminal case filing trends, and the county population trends all have an impact on the county's jail population, it is clear that the number of admissions (ADM) and the jail's average daily population (ADP) provide the most direct information regarding trends in the actual utilization of bed space. However, composition of the jail population is necessary in regards to how the jail gets managed based upon space needs, special medical or substance abuse needs, separation space, etc.

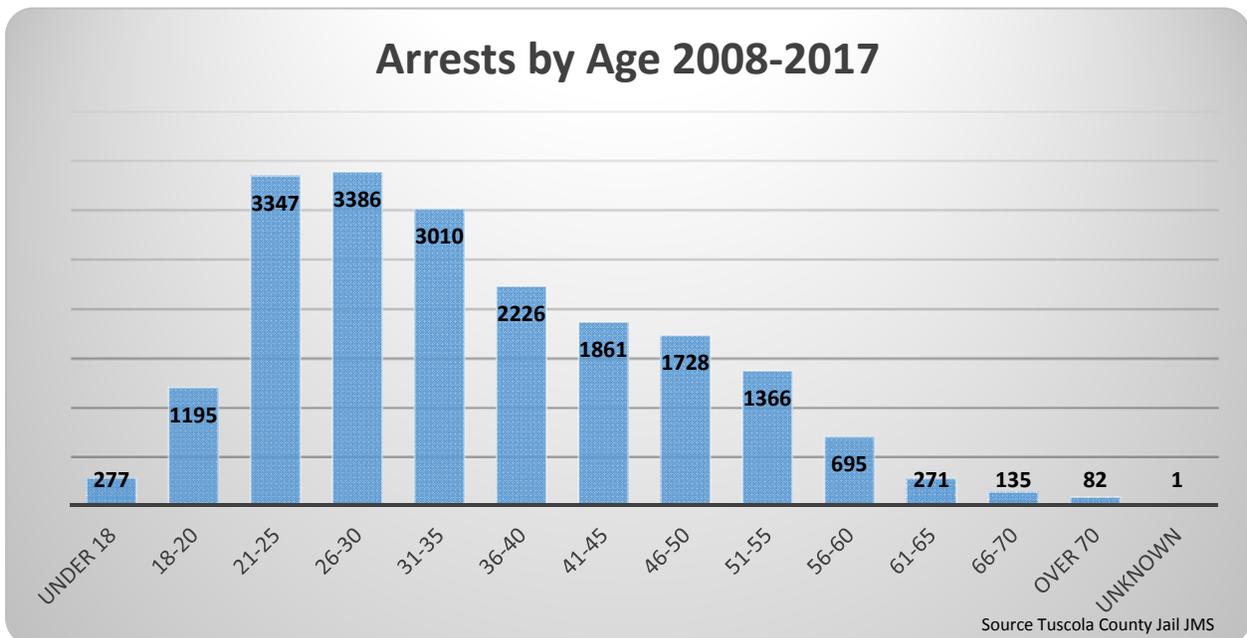
On March 12, 2018, the population of Tuscola County Jail 78 with 16 housed in other locations made a total of 94 inmates. The next chart series reviews data that was collected for race and age demographics from 2008 through 2017 to better understand the diversity of the populations Tuscola experiences. The data collected revealed the following racial composition between 2008 and 2017:

White (16,942) American Indian (81) Black (873) Asian (9) Unknown (197)





The age range for Tuscola County Jail of 21 to 35 is the highest statistical age group. Nationally, the age group 18 to 24 is documented as the age group with the highest crime rate, accounting for nearly 40% of all arrests (Shoemaker, D.J. 2010 *Theories of Delinquency*). Tuscola’s highest age group is the next group outside this demographic. In comparison to the community, the highest crime rate age class in Tuscola does not match the highest percentage of age group within the community. In fact, the highest age group (21-35) in the jail represents one of the lowest age groups in the Tuscola community. The following graph reflects the age groups in the last ten years:



Female inmates, in the last 20 years, have been considered as the fastest growing segment of all jail populations throughout the U.S. This is not indicative of the Tuscola County Jail as the next

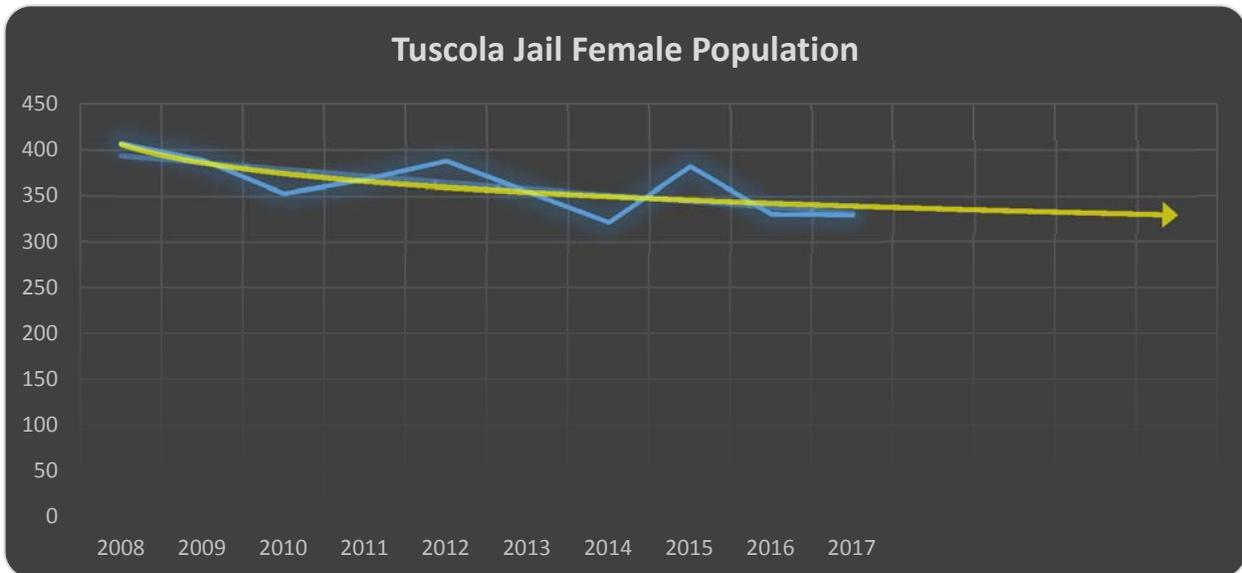


chart will show from 2008 to 2017, the percentage of female inmates has been decreasing at a rate of approximately 2%.

### Population Study Findings:

The findings from the population study revealed many trends with which the Tuscola County Sheriff and County officials should consider when making decisions on the future of the jail. In summary:

- The overall community population is on the decline
- Overall offense reports within the county are declining
- Arrests within the county from all law enforcement jurisdictions are declining
- The average daily population of the jail is decreasing, yet is still at capacity
- The average length of stay is increasing as is the expected length of stay projection
- The jails largest age group (21-35) is one of the community's smallest age groups
- The nations stats on females is increasing while Tuscola's is decreasing

Recommendations will be made within the conclusion of this report. The population issues within the Tuscola County Jail appears to be held up within the movement of inmates out of the jail. The average length of stay is increasing, causing the capacity to continue to be challenged. Further studies into the criminal justice processing through the system is recommended to determine additional measure to reduce the population.

## VII. FUNDING OPTIONS

Over the past decade, jail and government officials have been challenged to identify, develop and implement creative approaches to funding jail projects, primarily to avoid the need to levy an

increase in a local community's taxes. The fact is, avoiding a tax referendum and/or mil levy is difficult and often represents the funding of "last resort" when all else fails. Below are several recommendations of how to fund a jail project whether a decision is made for an expansion or new construction altogether.

### **Method #1 – Tax Approach**

It is always crucial to remember that in our experience 51% of any detention project dollar goes to staffing and operations, while only 49% goes to brick and mortar – building the project. As a consequence calculating the proposed tax revenue is crucial, so both parties of this funding are covered. In addition the portion of the tax hike which is intended to pay off construction costs, can be "sunset" while the remaining portion, earmarked for operations, which goes on forever.

In some states, sales tax has become the tax type of choice except for school projects; while in other states everything is done with property tax i.e. mil levies. Yet, still in other states hybrid taxes are customarily used for jail projects such as SPLOST tax (Georgia) or COIT/CEDIT (Indiana).

### **Method #2 – Revenue Approach**

Under specific circumstances, smaller jail projects can be financed from revenues; such as reversing outgoing revenues appropriated for boarding inmates elsewhere and redirecting them so that the jurisdiction can turn from being a tenant jurisdiction into a landlord, provided the new jail project is planned to accommodate additional inmates from outside the county.

While there are a number of risks associated with this approach, for jurisdictions which have already exhausted other, more traditional means of funding (i.e. tax increases); revenue-based funding can offer a valid alternative if the jurisdiction is located within an area where surrounding jurisdictions are in need of housing assistance and/or prospective opportunities for housing federal inmates under the USMS program or ICE detainees.

### **Method #3 – Operating Savings**

In certain areas, operating and staffing costs associated with local detention centers have gotten quite high considering salaries with benefits that exceed \$80,000. Adding to this, older, linear designed facilities have outgrown their capacity, spread into basements and courthouse wings, and into adjacent buildings. These expansions impact the efficiencies of operations, sometimes requiring additional staff positions, creating astronomical and non-sustainable costs.

Compact, radial or podular designed facilities, fully equipped with electronic controls and cameras have the tendency to reduce the number of correctional officers required; in turn freeing up much-needed revenues to contribute to annual bond payments used for building/expanding. In Tuscola, this will likely not save much on staffing due to the understaffed facility as it exists. However, it will likely balance out the staffing needs with a different, more efficient design.

### **Method #4 – Rainy Day Fund**

As challenging as it seems, in this era of tight governmental accountability, there are jurisdictions which have managed to save sufficient funds to offset a substantial portion of a new project. While the funds set aside will only contribute to a small portion of the overall cost, they can assist greatly

when combined with other funding options. This is an option to explore within the county to determine if such a fund exists and if any savings have other encumbrances.

In essence, a complete analysis of these funding opportunities (and others that might not be mentioned herein) should be conducted to determine if one or any combination might provide substantial savings or cost deferrals to benefit the expense of expanding the Tuscola county jail or building a new jail. An analysis of the savings in manpower due to operational efficiencies gained with a newly designed facility; savings opportunities with efficiencies gained in contractual services (food and medical); and ultimately opportunities of renting bed space to surrounding jurisdictions and the federal government will assist in developing a roadmap in how to fund and continue to fund the cost of a new direction for the jail.

Some of the Sheriff's Office generated revenues from fees collected for daily housing, work release, booking, television, commissary and telephone commissions, and drug testing are all returned to the county general fund. As a savings plan for future expansion, some of these fees can be planned for use in the jail project.

## **VIII. CONCLUSION AND NEXT STEP RECOMMENDATIONS**

In order to better position the agency in terms of making significant financial decisions, we recommend some additional measures to ensure time and money are used as efficiently as possible. From this study, several conclusions were made regarding the facility conditions, its inefficiencies, its vulnerabilities, space challenges, population projections, and staffing needs. With these conclusions, the NSA recommends the following actions be taken to better position the agency and county to make these vital decisions:

In conclusion, Tuscola County is facing some critical decisions regarding its facility. The facility assessment concludes that the facility is:

- Understaffed
- Outdated / Outmoded
- Poorly designed to meet current needs of the population
- Inadequate in size to meet the diversity potential of the inmate population
- Lacking dayroom and activity space required for residential housing long-term
- Experiences limited outdoor recreation and has only limited space for indoor recreation
- Lacks adequate storage space for supplies, inmate property, housing supplies (mattresses) and other operational equipment.
- Lacks adequate space for operational services such as stores for inmate records, food service operations within the secure confines of the facility, and laundry services within the secure confines of the facility.
- The facility lacks adequate space for professional visits and conference rooms for attorney/client privileged meetings prior to court appearances and to conference and review discovery or other material for court.
- The facility contains inmate housing outside the secure envelope of the facility (inmate work release housing).
- The facility design lends to inadequate direct observation into living units requiring the need to rely upon surveillance video in lieu of additional staff.

**Recommendation:** Consider hiring an architectural firm to begin designing a facility that meets the needs of the inmate population, the jail storage and equipment needs, and the needs of all the support staff and their functions for the jail. A space needs assessment of the entire agency would be beneficial to determine what is reusable given the existing building and what needs to be replaced. Whether the decision is a new build or expansion, many changes could be made to provide efficient use of manpower (which in effect would incur savings in manpower and overtime use). The incorporation of necessary services (food service and laundry) inside the secure confines will greatly increase the facility security and reduce the vulnerabilities created in the current design.

An architectural firm can provide a design and cost estimate for whichever direction the agency chooses. From there, funding sources can be identified and better planning options for the future can be made.

### **Population Study Findings:**

The findings from the population study revealed many trends with which the Tuscola County Sheriff and County officials should consider when making decisions on the future of the jail. In summary:

- The overall community population is on the decline
- Overall offense reports within the county are declining
- Arrests within the county from all law enforcement jurisdictions are declining
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- The average length of stay is increasing as is the expected length of stay projection
- The jails largest age group (21-35) is one of the community's smallest age groups
- The nations stats on females is increasing while Tuscola's is decreasing

Each of these indicators reflect that the facility population appears to be held up within the movement of inmates out of the jail. The average length of stay is increasing, causing the capacity to continue to be challenged. Increases in the average length of stay are caused by:

- Increasing county sentence levied by the court system – Tuscola does not track the number of county sentences nor the length of the sentences to determine if these sentences are increasing. **It is recommended that research be conducted to determine the length of such sentences and to begin tracking these into the future.**
- Individual charges being stalled in the court system either by court continuances due to complications of the case, mental evaluations of the inmate or other factors that stall forward movement. **It is recommended that further studies be conducted on the movement of individuals through the court system. Although the case filings are declining, the length of time until sentencing needs to be analyzed.**
- The length of time individuals are held in custody until moved out of custody to state prison or other jurisdictions may also contribute to the rising length of stay.
- Changes in state law effecting the length of time individuals remain within the county jails. **It is recommended that further studies be conducted to determine any legislative changes that are impacting the average length of stay.**

**Staffing Analysis:**

In conducting the staffing review, it is evident that based upon the responsibilities assigned and the NIC analysis, that the Tuscola facility is not staff as it could be. Ancillary responsibilities are assigned to everyone in the jail to “get the job done”. The supervisors are not mobile enough to adequately provide the necessary observation and guidance to the deputies throughout the building. The management gets the most use out of the part time staff to fill the duties of transporting, filling court positions, etc. that otherwise would impede the operations of the jail. While fully staffing the jail to the NIC model with a relief factor as indicated at a rate of 1.2 per post is not feasible given the financial climate, it is the opinion of this assessment team that the agency should consider adding 1 full time deputy position to each of the twelve hour shifts (4 total) in order to better meet the requirements of the Michigan state guidelines; to enable the supervisors the time and flexibility to supervise; and to adequately meet the service obligations (ancillary duties) that get metered out to all levels.