

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MONROE

JOINT ADMINISTRATIVE ORDER
38th CIRCUIT COURT 2008-02
1st DISTRICT COURT 2008- 01J

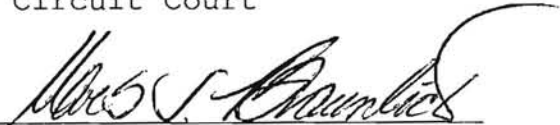
This joint Administrative Order is issued for the purpose of reducing the general prisoner population of the Monroe County Jail, Monroe County, Michigan, in the event of jail overcrowding. The attached local plan, entitled: "Monroe County Jail Population Reduction Measures to Avert Imminent Jail Overcrowding Emergencies", is hereby incorporated by reference and shall remain in effect until February 8, 2012.

Dated: 2-8-08



Hon. Joseph A. Costello, Jr.
Chief Judge
38th Circuit Court

Dated: 2-8-08



Hon. Mark Braunlich
Chief Judge
1st District Court

**MONROE COUNTY JAIL POPULATION REDUCTION MEASURES
TO AVERT IMMINENT JAIL OVERCROWDING EMERGENCIES**

AUTHORITY

This Plan to avert an imminent jail overcrowding emergency of the Monroe County Jail, Monroe, Michigan, is issued in accordance with Michigan Public Act 139 of 2007, regarding County Jail Overcrowding and State of Emergency, and in recognition of the limited resources of the citizens of Monroe County, Michigan, and the local government. Upon approval by the Monroe County Sheriff, the Monroe County Prosecutor, the Chief Judge of the 1st District Court, and the Chief Judge of the 38th Circuit Court, the Plan shall be incorporated into a separate or joint Local Administrative Order of the 1st District Court and the 38th Circuit Court.

PURPOSE

This Administrative Order is issued for the purpose of alleviating the general prisoner (inmate) population of the Monroe County Jail in the event of jail overcrowding and/or state of emergency. The actions described below shall commence upon notification by the Monroe County Sheriff, or his designee, that the general prisoner (inmate) population threatens to exceed, or exceeds, the statutory capacity (as determined by the Michigan Department of Corrections) for a period not to exceed 7 consecutive days pursuant to MCL 801.51, et seq. The authority to release inmates under this administrative order is conferred upon the Sheriff, or his designee, by the Chief Circuit Judge and the Chief District Judge of Monroe County, Michigan.

IT IS HEREBY AGREED:

SECTION ONE

If the Monroe County Sheriff certifies that the general prisoner (inmate) population threatens to exceed, or exceeds capacity (in accordance with Public Act 325 of 1982, as amended by 1988 Public Act 399, and as amended by 2007 Public Act 140), the Monroe County Sheriff shall be authorized to undertake the actions as indicated in **SECTION THREE** in sequential order.

SECTION TWO

The following prisoners (inmates) shall not be eligible for release without express and written approval of the assigned judge, or their corresponding Chief Judge of the judicial district or circuit in which the sentencing judge serves, or his or her designee:

1. Prisoners (inmates) who have been determined by the assigned judge to present a high risk to the public safety. The assigned judge shall communicate this fact to the Sheriff within 2 business days of the Sheriff's notice of the jail being overcrowded.

2. Prisoners (inmates) for offenses or convictions for which jail deferral is not an option pursuant to law.
3. Prisoners (inmates) held on pretrial status whose bonds have been revoked.
4. Prisoners (inmates) serving jail time for violation of a Personal Protection Order.
5. Prisoners (inmates) for whom the victim(s) has/have requested in writing to be notified of the prisoner's (inmate's release), in accordance with MCL 780.828a and MCL 780.829.

SECTION THREE

The Sheriff may take the following actions, in sequential order, on the fourth consecutive business day that the general prisoner (inmate) population exceeds, or threatens to exceed, the rated design capacity of the Monroe County Jail (or proceed immediately to the procedure outlined in **SECTION FOUR**):


1. The Sheriff shall immediately release prisoners (inmates) serving jail sentences for general citations of contempt and immediately notify the assigned judge of said action. The Sheriff shall release said prisoners (inmates) who have completed 2/3 of their jail sentence first before considering additional releases. The number of prisoners (inmates) to be released shall equal the number of prisoners (inmates) needed to comply with the rated design capacity of the Monroe County Jail.
2. The Sheriff shall immediately release prisoners (inmates) serving jail sentences for contempt of court for non-payment of child support provided there are no other pending charges, and immediately notify the assigned judge of said action. The Sheriff shall release said prisoners (inmates) who have completed 2/3 of their jail sentence first before considering additional releases. The number of prisoners (inmates) to be released shall equal the number of prisoners (inmates) needed to comply with the rated design capacity of the Monroe County Jail. Prisoners (inmates) serving jail sentences for felony child support cases are exempt but may be released upon express and written approval or order of the assigned judge.

SECTION FOUR

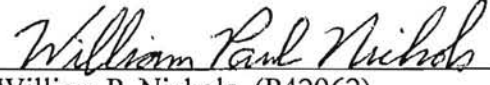
If the above-described actions do not sufficiently reduce the general prisoner (inmate) population to a number equal to or less than the rated design capacity of the Monroe County Jail, the following steps shall be implemented within 4 business days:

1. The Sheriff shall notify the Chief Judge of the Circuit Court and the Chief Judge of the District Court within one business day of the need to consider the release of other prisoners (inmates).
2. The Chief Judge of the Circuit Court and the Chief Judge of the District Court shall forthwith advise the judges of their respective benches of their need to immediately review the list of eligible prisoners (inmates) that they may choose to release by a modified bond, suspended sentence, or otherwise. The assigned judge may enlist the assistance of their respective Probation Department and the Community Corrections Advisory Committee personnel to determine whether to modify the bond, modify the sentence, or suspend the sentence of the respective prisoner (inmate). The assigned judge is directed to conduct this inquiry within one business day of being notified of the jail being overcrowded.
3. The assigned judge shall notify the Monroe County Prosecutor in writing (i.e., e-mail or otherwise) of their proposed modification of bond, modification of sentence, or suspended sentence so said prosecutor may advise the Court of other issues involving the respective prisoner (inmate) within one business day of said notification.
4. The number of prisoners (inmates) to be released shall equal the number of prisoners (inmates) needed to comply with the rated design capacity of the Monroe County Jail or less.

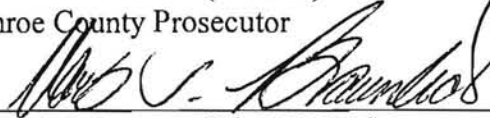
DATE: February 8, 2008.



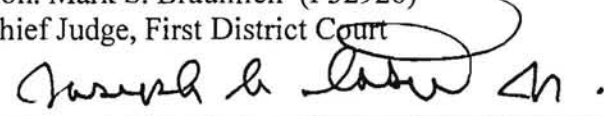
Tilman L. Crutchfield
Monroe County Sheriff



William P. Nichols (P42962)
Monroe County Prosecutor



Hon. Mark S. Braunlich (P32926)
Chief Judge, First District Court



Hon. Joseph A. Costello, Jr. (P33769)
Chief Judge, 38th Circuit Court



"Region1 Info"
<region1-info@courts.mi.gov>
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03/19/2008 03:31 PM

To <mark_braunlich@monroemi.org>,
<michelle_marcelo@monroemi.org>
cc "Region1 Info" <Region1-Info@courts.mi.gov>

bcc

Subject D01 2008-01J Approved

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Monroe County Jail Population Reduction Measures to Avert Imminent Jail
Overcrowding Emergencies

This is to advise that we have reviewed the above referenced administrative order and find that it conforms to the requirements of MCR 8.112(B). This order is being accepted and filed until advised by your court of any change.

Deborah Green
Region I Administrator
Michigan State Court Administrative Office
P.O. Box 02984
Detroit, MI 48202
313-972-3300

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