

ADMINISTRATION MEMORANDUM
12-01

DATE: January 12, 2012

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: William A. Simmons, City Manager *WAS*

SUBJECT: CR-7 - Use of the Adams County Detention facility for Municipal Inmates

RECOMMENDATION:

This resolution urges the Adams County Board of County Commissioners ("BOCC") to suspend the provisions of their October 31, 2011 resolution which establishes a municipal prisoner cap of 30 effective January 1, 2012 and a charge of \$45 per day for each municipal prisoner exceeding that municipality's cap and to take the following actions:

- 1) Convene a working group with the municipalities tasked with developing recommendations to manage the jail population in a manner that meets both the County's and the Cities' public safety goals and the County's budget constraints
- 2) Establish the Criminal Justice Coordinating Committee as recommended by the National Institute of Corrections whose first task shall be to conduct an in-depth analysis of the County criminal justice system and develop recommendations on how to address these Issues
- 3) Pursue evaluation of the alternatives presented and discussed at a meeting on October 25, 2011 between the County and Adams County Municipalities

STAFF REFERENCE:

If Council members have any comments or questions, they may contact Bill Simmons at 303.450.8709 or wsimmons@northglenn.org

STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 31st day of October, 2011 there were present:

W.R. "Skip" Fischer	Chairman
Alice J. Nichol	Commissioner
Erik Hansen	Commissioner
Hal B. Warren	County Attorney
Kristen Hood, Deputy	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

RESOLUTION SUPERSEDING AND REPLACING FEBRUARY 4, 1991 RESOLUTION REGARDING MUNICIPAL INMATES, CREATING INTERIM POLICY FOR HOUSING OF MUNICIPAL INMATES AT ADAMS COUNTY JAIL, ESTABLISHING A WORKING GROUP TO EVALUATE ALTERNATIVE FUNDING SOLUTIONS FOR THE JAIL, AND COMMITTING TO ESTABLISH AND FUND AN ADAMS COUNTY CRIMINAL JUSTICE COORDINATING COMMITTEE

WHEREAS, pursuant to § 31-15-401(k), C.R.S., municipalities may only house their inmates at the Adams County jail with permission of the Board of County Commissioners ("BOCC"); and,

WHEREAS, on February 4, 1991 the BOCC adopted a resolution that allows municipalities in Adams County to house their inmates at the jail; and,

WHEREAS, the Adams County Board of County Commissioners due to constrained economic times continues to evaluate County services to find opportunities for reduced spending across all operations; and,

WHEREAS, the operation of the Adams County jail is budgeted for the current fiscal year at nearly \$29 million dollars; and,

WHEREAS, the Board of County Commissioners is dedicated to finding means of reducing jail population while maintaining public safety; and,

WHEREAS, the Sheriff advises that over fifty percent of the inmate population at the Adams County jail is comprised of low risk offenders; and,

WHEREAS, municipal prisoners are generally considered to be low risk offenders; and,

WHEREAS, an overall reduction in the jail's population of low risk offenders could significantly lower the overall costs of operating the jail; and,

WHEREAS, the Board of County Commissioners advised the municipalities by letter of December 15, 2010 that the Board would be revisiting the 1991 resolution regarding the housing of municipal inmates; and

WHEREAS, since December 2010, the Board of County Commissioners has engaged in discussions and meetings regarding the needs and desires of the municipalities with regard to housing municipal inmates at the jail; and,

WHEREAS, in 2011 the Sheriff engaged the services of the National Institute of Corrections (“NIC”) to perform a Justice Systems Analysis of the Adams County jail; and,

WHEREAS, the final report of the NIC was released on October 8, 2011; and,

WHEREAS, the NIC report identified that current approaches to jail population management in Adams County are insufficient and recommended that a Criminal Justice Coordinating Committee be formed; and,

WHEREAS, it is the intent of the Board of County Commissioners to institute comprehensive discussions regarding the management of the population at the jail, including alternative sentencing and other means of reducing the number of low risk inmates housed at the jail.

NOW, THEREFORE, in order to address the immediate needs for housing municipal inmates, and to institute a comprehensive management plan for the population at the Adams County jail, the Board of County Commissioners shall take the following actions:

First: The Board of County Commissioners establishes an interim policy for the housing of municipal inmates at the Adams County jail as follows:

- From November 1, 2011 through December 31, 2011, a soft cap of 30 municipal inmates will remain in effect. The jail will not turn away any municipal inmates and no municipality will be charged for the housing of its inmates during this time period.
- Beginning January 1, 2012, the Board of County Commissioners imposes a soft cap of 30 municipal inmates. When the overall municipal inmate population at the Adams County jail exceeds 30, municipalities will be charged \$45.00 per day for each inmate that exceeds the cap established for that municipality. Caps for each municipality are based upon the calculations performed by the Sheriff and shall be enforced as follows:

Arvada – population of 3,200 – cap of 1 inmate
Aurora – population of 45,878 – cap of 4 inmates
Bennett – population of 2,308 – cap of 1 inmate
Brighton – population of 33,352 – cap of 3 inmates
Commerce City – population of 45,913 – cap of 4 inmates
Federal Heights – population of 11,467 – cap of 1 inmate
Northglenn – population of 35,789 – cap of 3 inmates
Thornton – population of 118,772 – cap of 8 inmates
Westminster – population 65,000 – cap of 5 inmates

- Municipal inmates charged with domestic violence offenses will not be counted toward the population cap for municipal inmates at the jail.
- The jail commander has discretion not to count a municipal inmate towards the cap should circumstances warrant such an exception.

- The Sheriff is authorized to adopt administrative procedures to more fully describe the operation of the soft cap.
- Municipalities will not be charged for medical expenses incurred on behalf of their inmates.
- All of these policies regarding municipal inmates will be reviewed by the Board of County Commissioners no later than July 2012.

Second: The Board of County Commissioners will establish a working group with the municipalities to address alternative funding solutions at the Adams County jail.

Third: The Board of County Commissioners will establish and provide the necessary funds for a Criminal Justice Coordinating Committee as recommended by NIC. The committee should include representatives from municipalities and all aspects of the criminal justice system in Adams County.

BE IT FURTHER RESOLVED that the February 4, 1991 resolution regarding municipal inmates is superseded and replaced and the policies set forth above shall continue until further action of the Board of County Commissioners.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Fischer	_____	Aye
Nichol	_____	RECUSED
Hansen	_____	Aye
	Commissioners	

STATE OF COLORADO)
County of Adams)

I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 31st day of October, A.D. 2011.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Karen Long:



By:



Deputy

Adams County hires consultant to help with jail overcrowding

By Monte Whaley

The Denver Post

BRIGHTON — The hiring this week of a consultant with a background in criminal-justice management is the first step toward solving conditions at the Adams County Jail, according to officials.

Michael R. Jones and the nonprofit Institute for Justice Planning will work with local police chiefs and mayors as well as state and county executives to help develop a committee to oversee criminal-justice activity in Adams County, officials said.

The first task of the as-yet- unformed Criminal Justice Coordinating Committee is to tackle jail overcrowding, which led to a cap on the number of municipal inmates to be housed at the facility.

"It's a pretty tall order we are taking on," said Adams County Commissioner Erik Hansen. "We want to control the jail population and keep those who should be in jail in jail, while managing our finances and the public safety."

The cap — which began Jan. 1 — is set at 30 and is spread among nine municipalities in Adams County based on each city's population. Thornton, the largest city, gets eight beds; Westminster, five; Aurora and Commerce City, four apiece; Northglenn and Brighton, three each; while Federal Heights, Arvada and Bennett get one each.

The county will charge each city \$45 a day for each inmate over the cap.

Sheriff Doug Darr said the caps are needed to head off a \$7 million-to-\$9 million budget shortfall. Because of hiring freezes, the jail is operating with fewer staffers, which is leading to potentially dangerous situations, Darr has said.

The cities, however, are saying the county is forcing municipal judges to let low-risk offenders walk without jail time. The cities also complain that residents' property taxes have paid for jail operations that should be available to them.

Jones will be paid \$158 per hour, but his pay is not to exceed \$21,962. Jones is the criminal-justice planning manager for Jefferson County and provides information and data about jail use, criminal-case processing, new legislation and local policies, officials said.

Monte Whaley: 720-929-0907 or mwhaley@denverpost.com

DATE	120511	121211	10312
MUNIS			
ARV-Sentenced	0	0	0
ARV-Pretrial	0	1	0
AUR-Sentenced	8	8	3
AUR-Pretrial	6	2	2
BENNETT- Sentenced	0	0	0
BENNETT- Pretrial	0	0	1
BRI-Sentenced	1	0	1
BRI-Pretrial	1	1	1
COM-Sentenced	5	4	2
COM-Pretrial	2	1	2
FH-Sentenced	0	0	0
FH-Pretrial	1	1	1
NG-Sentenced	0	0	0
NG-Pretrial	2	1	1
TH-Sentenced	12.5	9	0
TH-Pretrial	1	2	6
WES-Sentenced	5.5	9	2
WES-Pretrial	1	0	2
TOTAL MUNIS	46	39	24
AUR- DV ONLY	11	13	24
WES- DV Only	15	12	14

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-7
Series of 2012

Series of 2012

A RESOLUTION REGARDING THE USE OF THE ADAMS COUNTY DETENTION FACILITY
FOR MUNICIPAL INMATES

WHEREAS, Adams County (the "County") and the cities of Arvada, Aurora, Bennett, Brighton, Commerce City, Federal Heights, Northglenn, Thornton, and Westminster (the "Cities"), have had a longstanding relationship of cooperation; and

WHEREAS, that cooperation is evidenced in the many intergovernmental agreements among the County and the Cities pertaining to planning, revenue sharing for infrastructure, parks and open space and other amenities; and

WHEREAS, that cooperation was evidenced in 1992 when the Cities supported a proposed Adams County sales tax, the proceeds of which were earmarked to pay for the construction of a much-needed Adams County Justice Center, which ballot measure was subsequently approved by the voters in 1993; and

WHEREAS, that cooperation was evidenced again in 1996 when the Cities supported extension of the Adams County sales tax, the proceeds of which were earmarked to pay for expansion of the Adams County Detention Facility (hereinafter referred to as the "Jail"), which ballot measure was subsequently approved by the voters in 1997; and

WHEREAS, the on-going operation and maintenance of the Jail is paid for from County General Fund revenues of which nearly seventy percent comes from property taxes imposed on all properties in the County; and

WHEREAS, the value of the properties located solely within Cities constitutes nearly eighty percent of the total value of all County properties, which means that the Cities contribute over one-half of the revenues in the County General Fund; and

WHEREAS, the housing within the Jail of municipal-sentenced inmates and others lawfully detained by municipal police agencies is a matter of public concern to all citizens of the County; and

WHEREAS, the County and the Cities recognize that criminal activity knows no jurisdictional boundaries that therefore the protection of the public from such activity requires the fullest possible extent of cooperation among all levels of government; and

WHEREAS, the provision of Jail services is a basic public safety service that all County residents pay for through the property taxes that the County receives; and

WHEREAS, the Board of County Commissioners revised the 1991 Resolution on October 31,

2011 (“Resolution”) to set forth the County’s intent to impose a soft cap of 30 municipal inmates at the Jail and when the overall municipal inmate population exceeds 30 to charge \$45 per day for each municipal inmate that exceeds the cap established for that municipality; and

WHEREAS, historically, of the approximately 1,200 to 1,500 inmates in the Jail on a daily basis, the Cities had, on average, 130 municipal inmates, or approximately 10% of the total inmate population; and

WHEREAS, the Cities believe that the cap is arbitrary and doesn’t adequately reflect the needs of the Cities to adequately protect the public; and

WHEREAS, the Cities also believe that charging municipalities a per day fee for each municipal inmate when the count exceeds the cap established for that municipality is contrary to previous agreements; and

WHEREAS, State law authorizes the formation of Municipal Courts with concurrent jurisdiction in County as well as Municipal Courts in order to, in part, alleviate the financial burden of the County to prosecute similar state violations in County Court; and

WHEREAS, in the Resolution the Board of County Commissioners also committed to establishing a working group with the municipalities to address alternative funding solutions at the Adams County Jail and to establish and provide the necessary funds for a Criminal Justice Coordinating Committee as recommended by the National Institute of Corrections (the “NIC”); and

WHEREAS, the Cities have worked diligently over the past six months to reduce the number of municipal inmates and are committed to working with the County and the Adams County Sheriff to continue with these efforts; and

WHEREAS, the Cities have expressed their disagreement with the restrictions and conditions contained in the Resolution, and to encourage the County to join with the Cities in a cooperative process to address the issue of housing municipal inmates in the Jail in a manner that is acceptable to both the County and the Cities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, AS FOLLOWS:

1. The Cities urge the Board of County Commissioners to immediately suspend the Resolution as it relates to establishing a soft cap and charging the Cities a per day fee for municipal inmates exceeding the cap.
2. The Cities urge the Board of County Commissioners to pursue evaluation of the alternatives presented at a meeting on October 25, 2011 between the County and Adams County Municipalities.
3. The Cities urge the Board of County Commissioners to convene a working group with the Cities (the “Working Group”) who shall be tasked with developing

recommendations/strategies to manage the Jail population in a manner that meets both the County's and the Cities' public safety goals and the County's budget constraints.

4. The Cities urge the Board of County Commissioners to establish the Criminal Justice Coordinating Committee as recommended by the NIC (the "CJCC") whose first task shall be to conduct an in-depth analysis of the County criminal justice system and develop recommendations/strategies that can be undertaken to reduce the overall Jail population.

DATED, at Northglenn, Colorado, this _____ day of _____, 2012.

CITY OF NORTHGLENN, COLORADO

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney