

Community Justice Collaborative Report on the Champaign County Jail

Presented to the Champaign County Board March 10, 2020



Let's say we build a jail for \$47 million, and trends continue to show that pretrial reform under the Presumption of Innocence framework results in fewer and fewer people spending time in jail.

We would have spent \$47 million on a jail that we can't fill, or pay for.

Now let's flip the tables. We choose not to build a jail, and instead, we implement a Presumption of Innocence law that allows us to manage our criminal justice system humanely.

*We save \$47 million for the county in building and we save individuals their money by banning cash bail.
We build homeless shelters and soup kitchens instead.
We return dignity to our citizens and our community.*

~ State Representative Carol Ammons



Table of Contents

1. Introduction

- a. Facilities Challenges
- b. Time & Review of Relevant Resources

2. Overview and Concerns with the Current Jail Building Proposal

- a. Injustice & Exacerbation of Inequities
- b. Financial Infeasibility
- c. Opportunity Costs
- d. Facilities, Maintenance, & Operational Cost Burdens
- e. Proposal is Outdated & Overestimates Needs

3. Proposals

- a. Immediately Contract With Area Jails
- b. Establish a Collaborative Taskforce for Pretrial Services & Bond Reform
- c. Use Existing Facilities & Resources to Close the Downtown Jail Now
 - i. Move Sheriff's Office to ILEAS (County proposal 2016)
 - ii. Maintain Sheriff's Office but Close Down Jail
 - iii. Add Program Space Through Portables (NIC proposal)
 - iv. Consider Minimal Modifications to the Satellite Jail

4. Appendix 1: Community Progress in Process

5. Appendix 2: Champaign County Community Justice Taskforce Recommendations of 2013

6. Appendix 3: Racial Justice Task Force Recommendations of 201

Introduction

The Community Justice Collaborative (CJC) Report on the Jail is intended to serve as a summary of available information and research relevant to the future of Champaign County's jails. It is intended as an accessible resource for policymakers and constituents to understand the history of the conversation, the challenges the county faces, and community recommended strategies for moving forward.

The CJC proposals outline an approach that closes the downtown jail without resorting to a multi-million dollar jail building project that is out of step with current trends. The current stasis has resulted in the inability to move forward on this and other agenda items desired by the county board and their constituents.

The recommendations here are data-driven, strategic, sustainable, and aligned with core values of civil rights and fiscal responsibility. The recommendations are aimed at producing a significant win for the county by improving the conditions at the jail and saving taxpayers money. It positions Champaign County as a model for how to adapt to a changing regulatory framework.

This report was compiled by a collaborative of concerned residents including current and future county board members, elected leaders, community organizers, researchers, social service providers, civil rights advocates, formerly incarcerated individuals, and others. Together we articulate a way forward on the jail that addresses root causes, meets the needs of those incarcerated as well as the jail staff, addresses challenges of racial justice, anticipates policy changes such as bail bond reform and decarceration efforts, all within a context that is financially realistic. We are united in these concerns.

Short Term Goal

The county needs an affordable, interim solution for the jail that anticipates policy changes, and is financially feasible with current revenues.

Long Term Goal

The county needs a strategic, collaborative, actionable plan to shrink the overall facilities footprint, address deferred maintenance, and boost investment in human service needs while reducing the financial drain of the jail.

Facilities Challenges

1. Champaign County is currently incarcerating a significant population that could be diverted from the criminal justice system through collaboration and reform, thereby reducing harm to them and their families as well as expenses to the county.
2. The downtown jail is not ADA compliant, has significant deferred maintenance, and is currently unsafe.
3. The satellite jail lacks appropriate space for group programs, meetings with attorneys or counselors, gender separation, medical and mental health issues, and the separation of people with conflicts. Whether it includes sufficient capacity if and when the downtown jail is closed depends on what other steps are taken.
4. Building more jail space is exceedingly expensive, with proposals ranging from \$8M to \$53M, including transition costs.¹ These proposals would require a referendum for a tax increase, which is very unlikely to garner majority support from voters.
5. Champaign County is already facing serious difficulties in funding the ongoing maintenance of its facilities, with over \$25M in deferred maintenance as of 2015. In 2016, the county recommended shrinking its facilities footprint by 27%. The current jail building proposal grows this footprint and its associated operations and maintenance expenses.²

6. The need to close the downtown jail is urgent. Yet any building project will require at least four years -- to seek voter approval, and to design and build. Given the condition of the downtown jail, any proposal (minimal renovations or expansion) requires a viable, 4-year interim solution.

What makes designing a solution difficult is the moving target of the jail census. With pretrial reform imminent and with shifts expected in the judiciary, any expensive addition to the satellite jail may meet today's needs, but, by the time it is built, appear excessive.

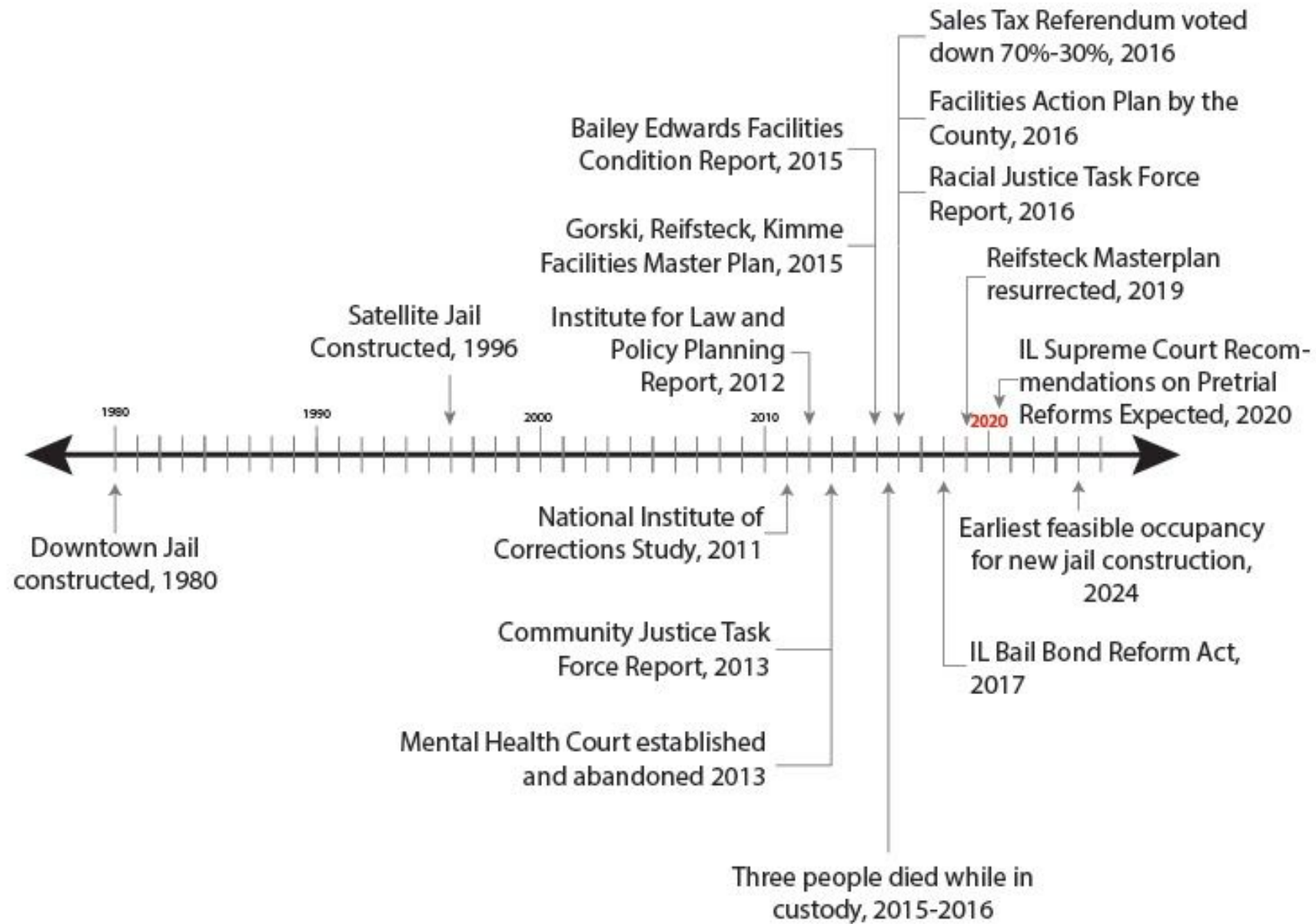
Whatever the county's plan, modifications within our means are needed now.

The County has new leadership. With careful study of a decade of research, and sincere community engagement and collaboration, we can solve these challenges.

With limited dollars we can invest in the well being of all Champaign County residents.

¹ Staff Report to Facilities Committee, February 2020.

² Champaign County Facilities Assessment Report (2015), p. 10.



Timeline and Review of Relevant Resources

- **1980: Downtown jail was built** with a capacity of 75; increased to 131 beds in 1984.
- **1996: Satellite jail was built** with a capacity of 170; the current capacity is 182.³
- **2011: [National Institute of Corrections Assessment for Champaign](#)** recommends closing downtown jail, increasing satellite jail capacity, prioritizing community-based sanctions and reduction of the jail population, and creating a community-led study of social justice issues.

National Institute of Corrections Report says closing the downtown jail “can be done this year” and offers innovative short term solutions such as the use of portable trailers for storage and dormitories and auto glass materials for addressing visibility concerns.⁴

- **2012: Institute for Law and Policy Planning (ILPP)** hired by the county for \$145,000 to assess the state of the law enforcement policies, practices, and facilities. [The ILPP Report](#) recommends transitioning out of the downtown jail, making changes at the satellite jail, implementing a “classification system” to identify housing needs for populations with security, medical, and mental health issues. It also notes:

³ Reifsteck Reid, p. 78.

⁴ NIC Report, pp. 7, 11, 14.

A key ILLP finding: Champaign County’s pretrial procedures are “woefully underdeveloped, leading to a system of inefficiencies, unnecessary taxpayer costs, and possible inherent inequities in the initial handling of criminal cases. This results in unintended discrimination along racial lines and against minorities of all kinds. Change in this area . . . will save a significant amount of resources, lightening the demand for jail beds, and reduce workloads throughout the system. Furthermore, it will free up resources and help Champaign focus more clearly on public safety priorities.”

- **2013: [Community Justice Task Force Report](#)** recommends reduction of population, integration of restorative justice, and prioritization of addressing social justice throughout the county. In kind value: \$11,190.⁵
- **2013: Mental Health Court opens then promptly closes** over a disagreement between the State’s attorney and the judiciary over whether courts should compel clients to use mental health-related prescription medication. Of the 24 people referred to the specialty court, 10 successfully completed before it was discontinued.⁶
- **2014-2015: [Gorski, Reifsteck and Kimme Plan](#)** (cost: \$150,000) created to consolidate downtown jail and sheriff’s office with the satellite jail and to develop a facility master plan that accommodates current and future operations, jail, and program needs. It focuses on (a) accommodating needs according to the classification

⁵ 273 person hours times a modest \$30/hr.

⁶ [Mental Health Court No Longer in Session](#), News-Gazette, May 8, 2013.

system (partly by using cells with two beds for one incarcerated person), (b) improving professional contact and programming space, and (c) creating a medical wing. The cost to implement these recommendations range from \$29M to \$37.6M.⁷

- **2015: [Bailey Edward Facilities Assessment Report](#)** (cost: \$222,571) details the crisis of overbuilding and under-maintaining facilities. The county is urged to invest \$5.6M annually in order to maintain facilities at their current level.

- 2015-2016: Over a period of 7 months, three people die while in custody in the Champaign County jail. Questions are raised about whether they needed to be in jail at all.

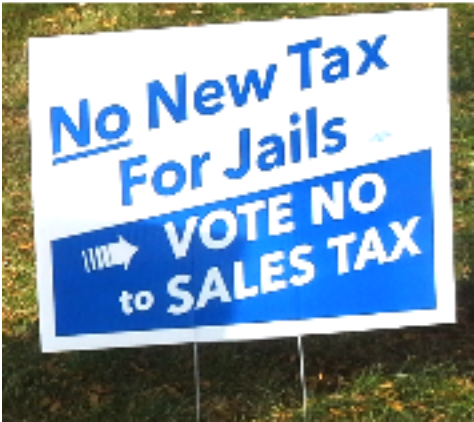
- **2016: [Racial Justice Task Force Report](#)** recommends a restorative and criminal justice coordinating council to reduce racial disparity in the criminal justice system and establish a community engagement oversight commission. Further:

Pretrial Jail Confinement Recommendations: Court order to allow jail to expand issuance of Notices to Appear at court (instead of incarceration) when arrestees are booked; use validated risk-assessment tools and trained staff to limit use of money bail; ensure that risk assessment tool has least possible adverse impact on African Americans; ensure that arrestees receive automated reminders before court dates.

- **2016: [Facilities Action Plan](#)** notes \$25 Million in deferred maintenance and urges the county to reduce its footprint by 27%.

2016 Facilities Action Plan by the County Administrator unveils “a new proposal [to consolidate jails] that reduces the cost of the entire project by 40% over the master plan proposed in 2015 . . . [Because of] significant reductions in the corrections population . . . we have been able to reduce the footprint of the expansion with a smaller capacity than the combined 313 beds in the downtown and satellite facilities. The revised floor plan of the jail would add about 40,000 SF with 252 beds and the 30-bed medical unit. Using a construction cost factor of \$250-325/square foot implies a construction cost range of about \$10-13 million.”

- **2016: A Sales Tax Referendum** to raise taxes for county facilities, including jail consolidation (\$18M) and nursing home maintenance, is defeated 29.75% to 70.25%, with over 83,000 votes cast. There was a strong, organized community opposition to the sales tax as a “jails tax,” as well as opposition from anti-tax groups.



⁷ Gorski, Reifsteck & Kimme Report (2015), p..209.

- **2017: [Behavioral Health Jail Diversion Initiative Report](#)** is released. In 2015 the sheriff's office received a DOJ Justice and Mental Health Collaboration Program Planning grant. This results in routine screening of detainees for mental health and substance use disorders during booking, providing full assessments by mental health professionals for those who screen positive, and linking them to community services on release, all with the objectives of reducing recidivism and meeting individual needs.
- **2017: The [Illinois Bail Bond Reform Act](#)** requires judges to set reasonable amounts for bail that accounts for the socioeconomic status of defendants and requires a reconsideration of bail sums if a person accused of a lower-level offense does not bail out. Other changes in law enforcement and the court system (installation of behavioral health providers in the jail, implementing book-and-release practices, increasing Crisis Intervention Team training), along with this modest bail reform, has contributed to a 30% decrease in the jail population from 2012 to 2019.
- 2019: The 2015 Gorski Reifsteck Master Plan proposal is resurrected as the county reconsiders plans to consolidate the jails. Reifsteck-Reid was contracted to present the proposal to the county board and update cost estimates. They presented their Master Plan Update September 9, 2019. It proposes 283 beds total including two new 54-bed pods and one 34-bed pod for special populations. The projected cost was \$42-\$53M, including transition costs.
- **2020: The Illinois Supreme Court Commission on Pretrial Services** is scheduled to release a report in Spring of 2020 that is expected to assert a Presumption of Innocence model, mandating and recommending a series of reforms to pretrial and the bail system to ensure compliance with the constitution.⁸ The Illinois legislature has 15+ bills in motion for 2020 aimed at impacting the criminal justice system, courts, and jail system. Based on similar reforms in other states, these changes are likely to reduce the jail population by 25-44%.



⁸ The Presumption of Innocence follows from the 5th, 6th and 14th Amendments to the Constitution of the United States.

Overview & Concerns with the Current Jail Building Proposal

The current jail building proposal has raised a number of concerns that must be addressed prior to moving forward. They include: racial disparities, financial infeasibility, opportunity costs, increased maintenance burden and the failure of the plan to accurately reflect or anticipate jail population decline. In addition, the current proposal does not provide a rapid response to critical conditions in the downtown jail.

Injustice & Exacerbation of Inequities

The county must consider its obligation to residents to make Champaign County a safe place to live free and prosperous lives and to ensure that this standard exists for all people, including historically marginalized people. The Champaign County criminal justice system has a long, documented history of unequal application of the law for black residents. This discrimination has played out both here and nationally through racial profiling, discretionary policing, overcharging, underfunding public defenders, forcing plea bargains, and sentencing disproportionately.⁹ *This has resulted in black people making up 56.55% of jail intakes in Champaign County when the general population is 13.6% black.*¹⁰ Yet studies show that black and white people commit crimes (e.g., drug use) at similar rates. The current jail building proposal does not address this disparity and therefore is likely to continue to disproportionately impact black residents and their families.

⁹ <https://www.vera.org/publications/for-the-record-unjust-burden>

¹⁰ [Champaign County Sheriff Annual Report](#) p. 24 and U.S. Census 2019 estimate

Champaign County holds many people in jail simply because they cannot afford bail. This is unjust, leads to coerced confessions, and directly contradicts the Constitution, which county officials swore to uphold. The United States Human Rights Watch Commission recently wrote to the Illinois Supreme Court Commission on Pretrial Services:

Unnecessary use of pretrial incarceration betrays the presumption of innocence, the fundamental guiding principle of the US legal system, by keeping people in jail who have not been convicted of a crime . . . Poor people jailed pretrial, with bail set, face the miserable options of taking on heavy debt to pay bail, remaining in custody until their cases resolve, or pleading guilty to gain freedom sooner, regardless of actual guilt. Human Rights Watch documented families losing homes, selling cars, and foregoing basic living necessities to afford bail. People who stay in jail lose jobs, cannot care for their children or disabled relatives, miss needed healthcare, [all] while suffering boredom, violence, disease, and physical and mental anguish.

They go on to say:

Practitioners throughout the country, including Illinois, have told us that this pressure to plead guilty exists in their jurisdiction that use money bail. Given the coercion inherent in this choice, the convictions of innocent people are inevitable.
The large-scale use of pretrial detention, resulting in pressured guilty pleas, damages the credibility of our criminal legal system. These harms are more profound because they apply only to those too poor to pay bail, while the wealthy have the benefit of a system that honors the presumption of innocence.

The jail building proposal ignores the recommendation of the three that preceded it to prioritize reduction of the jail population through community-based programming and sanctions. As has been made clear by the NIC, CJTF, and ILPP reports, our priority should be decarceration and social justice rather than the expansion of a system that has shown itself to be racially, economically, and socially discriminatory.

Financial Infeasibility

Building more jail space is exceedingly expensive, with current proposals costing up to \$52.9M, including transition costs.¹¹ Estimates for jail building have varied greatly with the first estimate at \$20 Million in 2012 to \$37.6M Reifsteck & Klmmie estimate in 2015, down to \$18M leading up to the referendum in 2016, and now \$47M (\$52.9M with transition funds). During this same 8-year span, the jail population has shrunk precipitously by 30%.

There are three routes for paying for this size of project: bonds, property taxes, and sales tax. The last two require a referendum, and bonds sometimes do as well. In this context, bonds are essentially bank loans with interest -- paying for them may require tax increases.

The county has limited authority to obtain new loans, or “bonding capacity,” and if it reaches capacity, then voters must approve any increase. With the January 2018 pay-off of one of the Public Safety Sales Tax bonds, more revenue was available to be pledged to servicing debt (pay interest charges). But borrowing for the jail makes little sense, as it prevents the county from using its current bonding capacity to deal with other deferred maintenance issues. It also costs far more than moving the overflow to other area jails.

¹¹ Staff Report to Facilities Committee, February 2020.

If the county bonds, the annual debt service alone could cost \$3.8M (for a 20-year bond).¹² What if the county were to move the overflow to another area jail? The cost to transport and house the 40 estimated in the downtown jail to other jails for a full 365 days was close to \$1.5M.¹³ The county’s own data indicate that the overall cost to furlough would be, on average, lower.

In 2016 the plan was \$18 Million

In 2016, the plan for jail consolidation and Sheriff’s office relocation was sold to voters at \$18 Million. This plan included 282 beds including a 30 bed medical unit, gender and safety separation, a new open booking area, and family contact visitation area.¹⁴

In 2019 the plan jumped to \$47 Million

In this plan, there is only one more bed (283), the medical facility and more amenities. The Sheriff’s office would be added to the jail. The cost is projected for 2022.

This jump represents a 21.5% annual increase in costs.¹⁵

¹² If the county had to cover \$52M at 5.5%, debt service would be about \$3.8M/year for a 20-year bond, or \$2.8M/year for a 40-year bond. Calculated from <https://municapital.com/payment-calculator.html>

¹³ Sheriff Facility Master Plan Decision Points and Costs Document to Facilities Committee January 2020 meeting.

¹⁴<https://www.cu-citizenaccess.org/2016/10/21/county-says-plan-to-repair-replace-buildings-will-cost-median-household-20-per-year/>

¹⁵ \$18M in 2017 with annual 21.5% increases equals \$47M in 2022, the same year used for cost estimates by the Reifsteck plan.

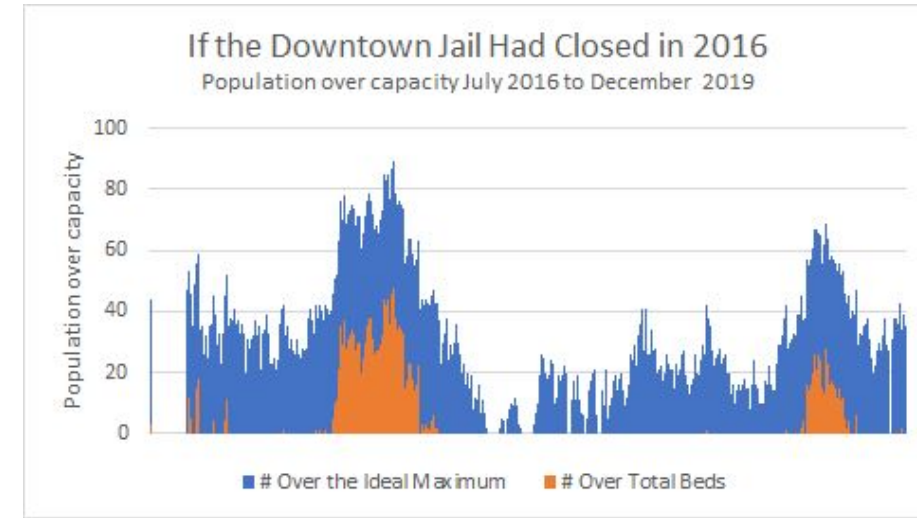
If the downtown jail had been closed in 2016, what would the cost have been to house people in area jails?

2017 15,936 nights needed = \$1.59M
 2018 3,954 nights needed = \$395,400
 2019 10,060 nights needed = \$1M
 Average annual cost over the period = \$1M¹⁶
 Cost to reduce to total bed capacity = \$129,000/yr

The numbers above represent the number of relocations needed to bring the population down to *functional capacity* of the satellite jail would have cost an average of \$1M per year based on the sheriff's estimate of \$100 per day per person.¹⁷ Compared to the debt service, described above, this would have saved the county \$2.8M per year compared with the debt service associated with building the proposed jail expansion.

¹⁶ Similar to the Sheriff Facility Master Plan Decision Points and Costs Document, this estimate is for keeping the satellite jail below maximum capacity.

¹⁷ Dustin Heureman memo to the Facilities Committee January 17, 2020.



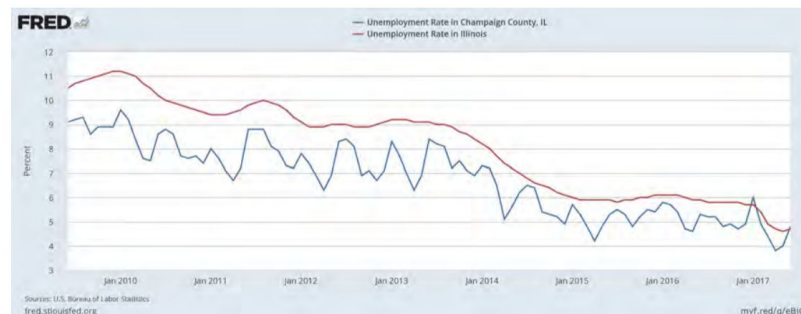
A referendum to raise property or sales tax for jail construction is very likely to fail. A more favorable referendum to support a more modest jail construction and support the nursing home was voted down 70.25% to 29.75% in November 2016. The referendum met with significant community resistance. **Mobilizing support for building a jail during a Presidential year when criminal justice reform and savings are a top priority for both parties is bad political optics and strategy.**

Opportunity Costs

Not only is large scale spending on the jail likely to be politically and fiscally infeasible, it also represents disinvestment in other areas. Budgets reflect values. The decision to invest in punishment and confinement over other areas of governance sends a signal to the public about the priorities of the county board -- the opportunity cost of the jail should be carefully considered.

By spending millions building onto the satellite jail - which is likely only possible through bond authority - the county will go further into debt and deferred maintenance. The 2016 Facilities Action Plan says “existing county debt service is projected to decline beginning in 2025, and all extant bonds should be retired by the end of 2028. **At that time, the county would be debt-free and revenues previously dedicated to satisfying debt service would become available for possible reallocation to programs.”**

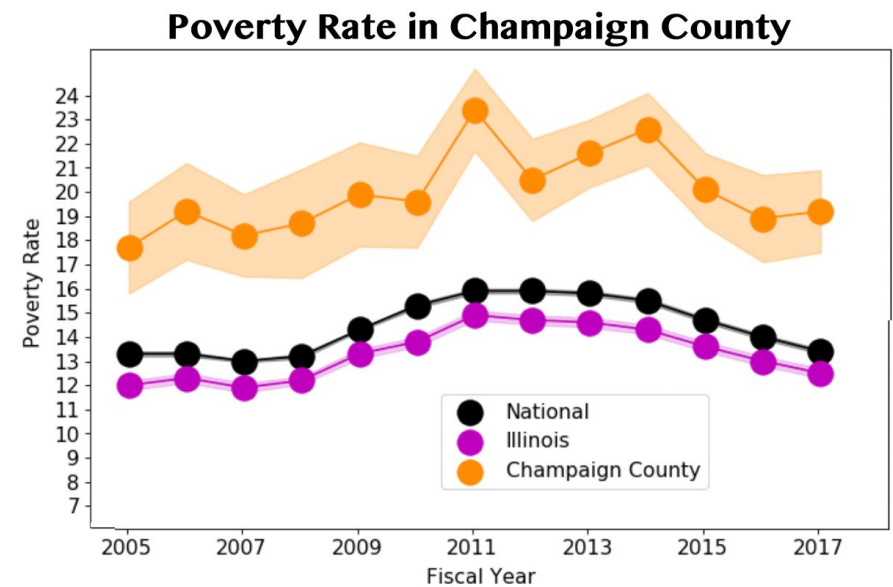
The graph below shows unemployment rates for Champaign County and the state of Illinois overall from January 2010 to January 2017. Over the past 7 years, Champaign County has consistently had a slightly lower unemployment rate than the state average with the exception of a spike in early 2017.



Although unemployment is on the decline, Champaign County has twice annual layoffs and reductions in hours, which leads to housing and food insecurity. It may also account for the increase in crime over summers.

Note, for instance, that the 2017 summer spike in unemployment correlates to 2017 summer spike in both crime and the jail population.

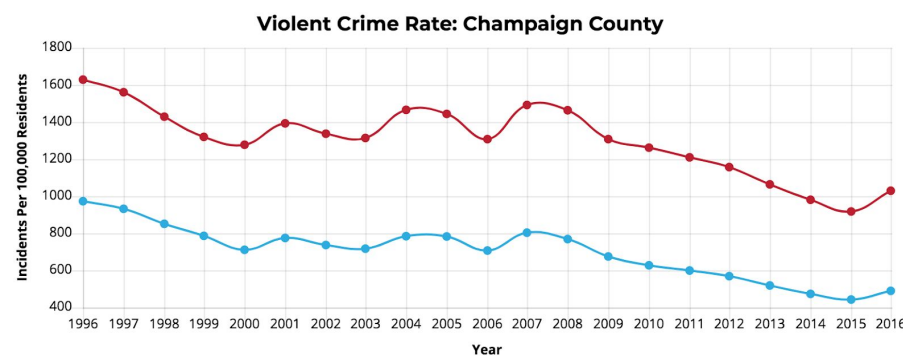
Poverty, housing instability, and mental health concerns have been on the rise in Champaign County. Meanwhile violent crime has been steadily dropping.



Of Champaign County renters, 59% are rent burdened, meaning they pay more than one third of their income in rent. Compare this to the national rent-burden figure of 50%. In Urbana and Champaign, rent burden is 66% and 62% respectively.¹⁸

¹⁸ American Community Survey 2018.

Violent crime in Champaign County, on the other hand, is on a steep decline, from a high in 1996.¹⁹



As these data points show, poverty, more so than crime should be a primary concern and investment of county officials. The county can be a powerful agent for positive action in the community when it has the vision, plan, and funds to do so. The last time the county board went to referendum, it tied general facilities needs to jail building. This proposal was defeated because the community overwhelmingly opposed jail expansion and/or increased taxes. This left the county with insufficient funds to address other critical facility and community needs. Once again using the jail as a reason for raising funds is unlikely to succeed, and failure would hamper the ability of the board to accomplish its other goals.

Further, the proposal lacks foresight. Much smaller sums of money could be spent to more appropriately address community needs and solve the pressing problems at the same time. Examples include a homeless shelter, a dedicated mental health facility, a detox center, pretrial services, drug court, and mental health court. The example of the homeless shelter provided below shows the relatively low costs of prosocial spending.

¹⁹ [Champaign County Regional Planning Commission report](#). Red is # incidents, and blue is # incidents per 100,000.

Street homeless residents make up at least 4.4% of all jail bookings in Champaign County each year.²⁰ Compare this to the fact that less than one tenth of one percent of Champaign County residents were street homeless in the 2018 point-in-time count.

- \$3-5M to build an expanded Emergency Family Shelter to meet the need. We currently have 8 units for the entire county and wait times can be as long as 150 days for a family in crisis.
- \$1M to purchase and renovate the former TIMES Center as a year-around emergency shelter.
- \$300,000 annually to operate TIMES as a year-around shelter for single men/women/trans residents.²¹
- \$300,000 annually to operate all three Courage Connection properties on Church Street to house 30 homeless women with their children (slated for closure and sale).
- \$1-5M to Fund a Community Assessment Center

Facilities, Maintenance, & Operational Cost Burdens

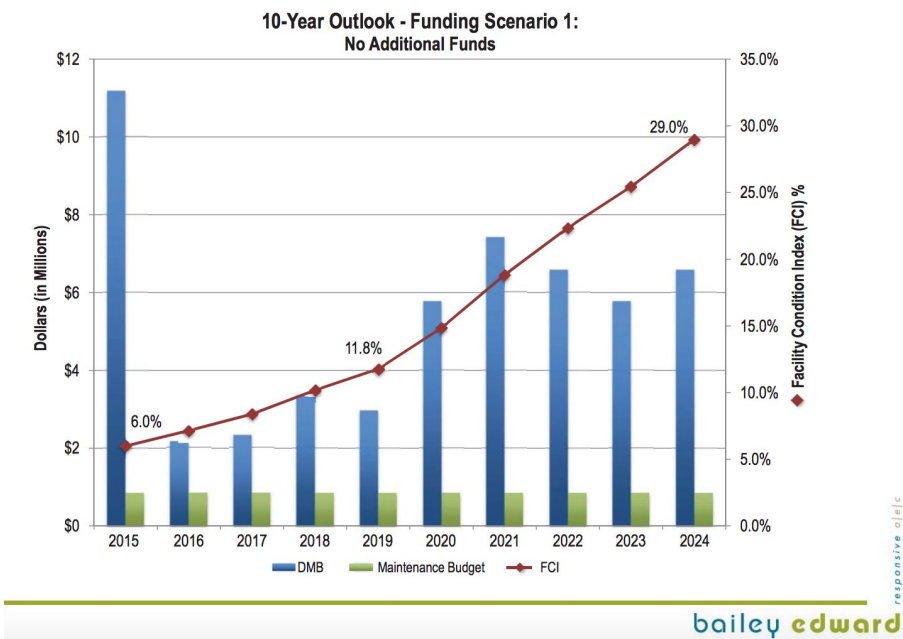
Champaign County is already facing serious difficulties in funding the ongoing maintenance of its facilities. The facilities assessment commissioned with Bailey Edwards in 2015 observed that the condition of many county properties was “poor” and the deferred maintenance was substantial, with over \$25M in deferred maintenance.²² The report indicates that \$5.6M in annual investment is needed just to avoid accumulating a deeper backlog of repairs. The county needs to reduce its footprint by 27% as part

²⁰ Cunningham Township gathered 3.5 years of data from 2015 to mid-2018 and found that 4.4% of the jail population from Champaign Urbana declared their address as either “homeless” or gave a local shelter or soup kitchen as their address.

²¹ Source: Board President of CU at Home.

²² [Champaign County Facilities Assessment Report](#) (2015), p. 10. If we remove the Champaign County Nursing Home from the calculation, this amount is about \$20M.

of resolving this backlog. The following graph depicts a bleak forecast for escalating costs. The Blue bars represent deferred maintenance (DMB) costs, green is the current budget, and the red line represents deteriorating facilities as the DMB increases.



The county has overbuilt or underutilized spaces with vacancies in the original nursing home (ILEAS building and annex) on Main Street, a juvenile detention facility well under capacity, a downtown jail that is typically under two-thirds capacity, and vacancies at the Brookens Administrative Center. The 2016 Facilities Action Plan says

[Maintaining Brookens] as a 93,000 SF building to house [72 County employees] and lease the remaining space to other organizations does not make financial sense. The building itself is not well suited to its function as a county facility due to its inefficient use of space ... This employee group should be able to fit within about 20,000 square feet including space for county board/group meetings and breakout rooms...[If the county were to sell Brookens] “the county would avoid deferred maintenance expenditures of nearly \$5 million ... over the next ten years.

The County Facilities Action Plan of 2016 suggests the **county reuse or eliminate underused spaces and “construct, renovate, or remodel facilities only to the extent that is absolutely necessary to serve current requirements.”**

Under the \$47M building project, the sheriff’s office would remain approximately the same size but the jail footprint would expand by 74% from 32,029 to 55,600 square feet. An associated increase in utilities and maintenance costs would exacerbate existing maintenance deficits.

A responsible jail consolidation proposal must look to a future criminal justice system for Champaign County that is just, sustainable, and focused on best outcomes for citizens and visitors to the county.

From the Champaign County Facilities Action Plan of 2016:

We should pursue a medium-term plan for facilities provisioning that establishes a bridge to the future and avoids excessively large investments that may not provide value in the future.

*Changing demographics suggest that capital expenditures in facilities should be made with a **conservative philosophy**. Where possible, flexibility should be sought to accommodate evolving needs that may not be readily apparent at the present time.* ²³

²³ [Champaign County Facilities Action Plan \(2016\)](#), pp. 4-6.

Proposal Is Outdated & Overestimates Needs

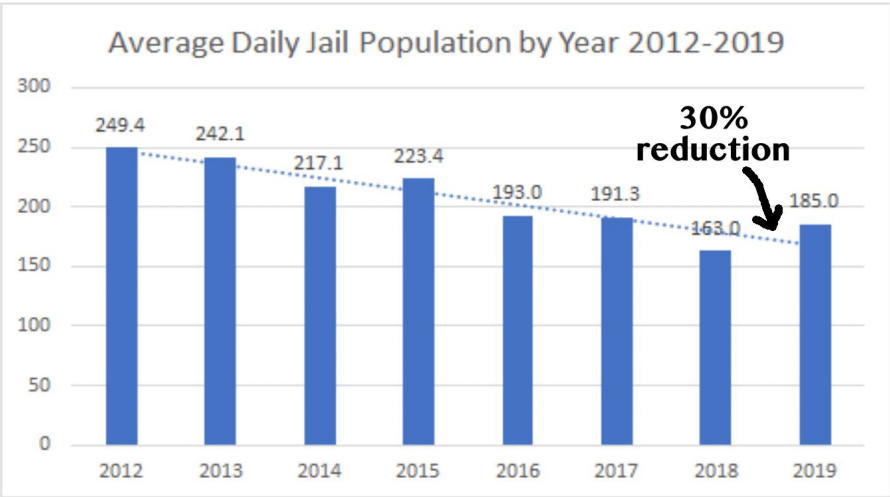
The Reifsteck-Reid proposal assumes a steady or increasing jail population for the purposes of determining the number of beds in the construction project.²⁴

However, legislation and policy changes have already produced a decline of 30% and are expected to provide additional reductions of 25-44%.

The county should not project future jail capacity based on an assumption of an ever-increasing incarcerated population. Facilities planning should aim to avoid new construction and unnecessary increases in overall maintenance load.

It is important to note that while the current situation is urgent, construction of this magnitude would likely not be finished until the jail population has already decreased. Rural jails, built to accommodate growing incarcerated populations, now sit largely unfilled.

Although they provided construction jobs for that single construction season, imagine what else could have been done with those funds? Policy changes in the county have steadily and dramatically reduced the jail population over the past 8 years. As we can see from this chart, the trendline of the average daily populations for each year shows a 30% reduction over the 8 years represented.

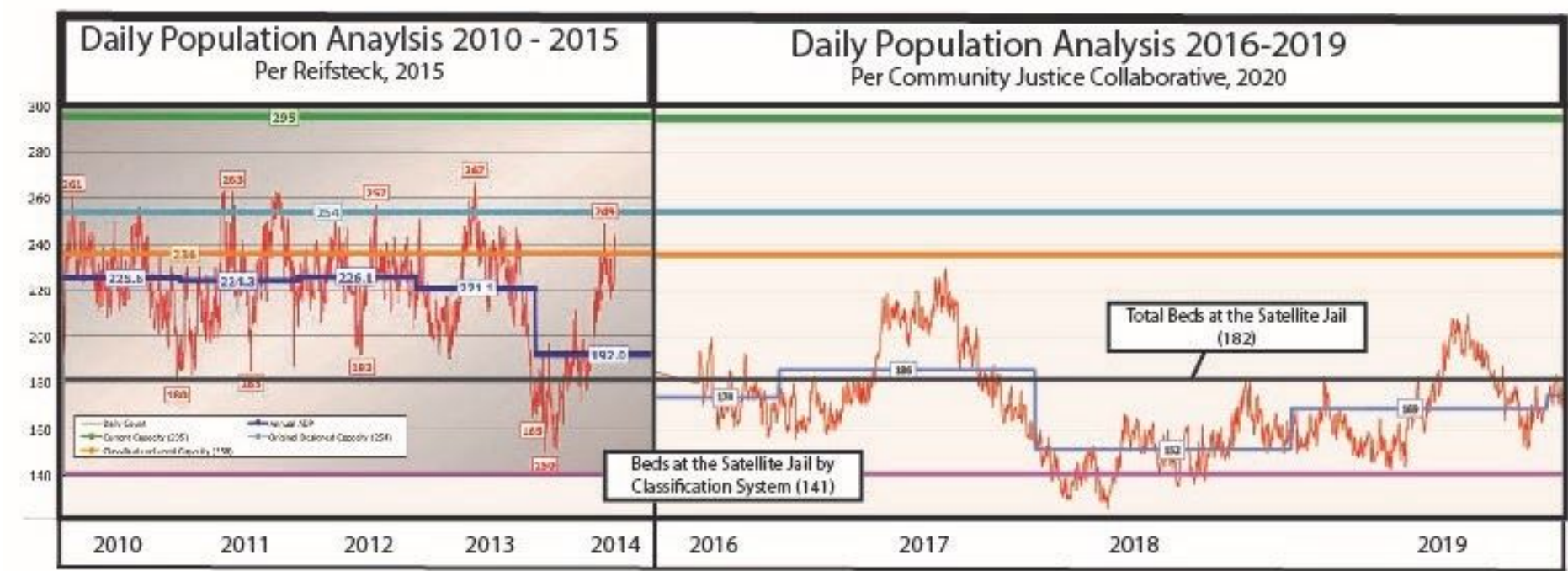


²⁴ Gorski Reifsteck, 2015, p. 87.

Updated Daily Population Analysis

We can also see this reduction starkly by recreating the analysis done by Mr. Reifsteck’s firm in 2015. This chart reproduces the Reifsteck analysis of daily population from 2010-2015²⁵ and adds data from July 2016 to December 2019. Daily point-in-time counts dropped significantly, and the peaks of the last 4 years match the averages indicated in the 2015 Reifsteck report.

While the population was frequently over the functional capacity of both jails (shown in orange) according to the Reifsteck analysis, recent populations never exceeded the functional capacity of both jails. The total population exceeded satellite jail capacity around 17% of the time.



²⁵ Reifsteck Reid, p. 18.

Population Reduction & Policy Reform

We can expect recent population declines to continue as criminal justice reform is implemented in Illinois and throughout the country. Two are the largest impact reforms are:

The License to Work Act

The recently passed License to Work Act ends the practice of driver's license suspension for failure to pay fines and fees and will restore revoked licenses. According to the [Sheriff's 2019 Annual Report](#), driving with a suspended or revoked license was the top charge in 2019, accounting for 11.77% of all jail bookings.²⁶

Bail Bond Reform

Bail bond reform in the State of Illinois is imminent. As State Representative Carol Ammons shared with the County Board November 21, 2019:

It is important that Champaign County considers putting in place a separate pretrial services organization as it was recommended in the ILPP report. It is certainly more cost-effective than expanding the county jail. The new report will be available when the supreme court releases it in April 2020. It will contain several provisions that will impact the entire state of Illinois, not just Champaign County. In our report, we intend to include the language of the Presumption of Innocence model. This will include the restricting of cash bail as a condition or release. That does not mean it will be prohibited by the supreme court, but it may be prohibited by legislative measures.

²⁶ Sheriff's 2019 Annual Report, p22.

Given three recent examples, we can see that bail bond reform can have a substantial impact. These examples use a bond amount of \$25,000 as a proxy for likelihood of being released if bail reform were enacted and implemented.

- On February 4, 2020, of the 182 people in the jails, 146 (84%) had bail amounts. Releasing those with bail amounts of \$25K or less would result in a total population of 136 people in both facilities, a **25% decrease**.
- On January 7, 2020, of the 174 people in the jails, 137 (79%) had bail amounts. Releasing those with bail amounts of \$25K or less would result in a total population of 122 people in the two facilities, a **30% decrease**.
- On December 3, 2019, of the 160 people in the jails, 125 (78%) had bail amounts. Taking out those with bail amounts of \$25K or less would result in a total population of 117 people in the two facilities, a **28% decrease**.

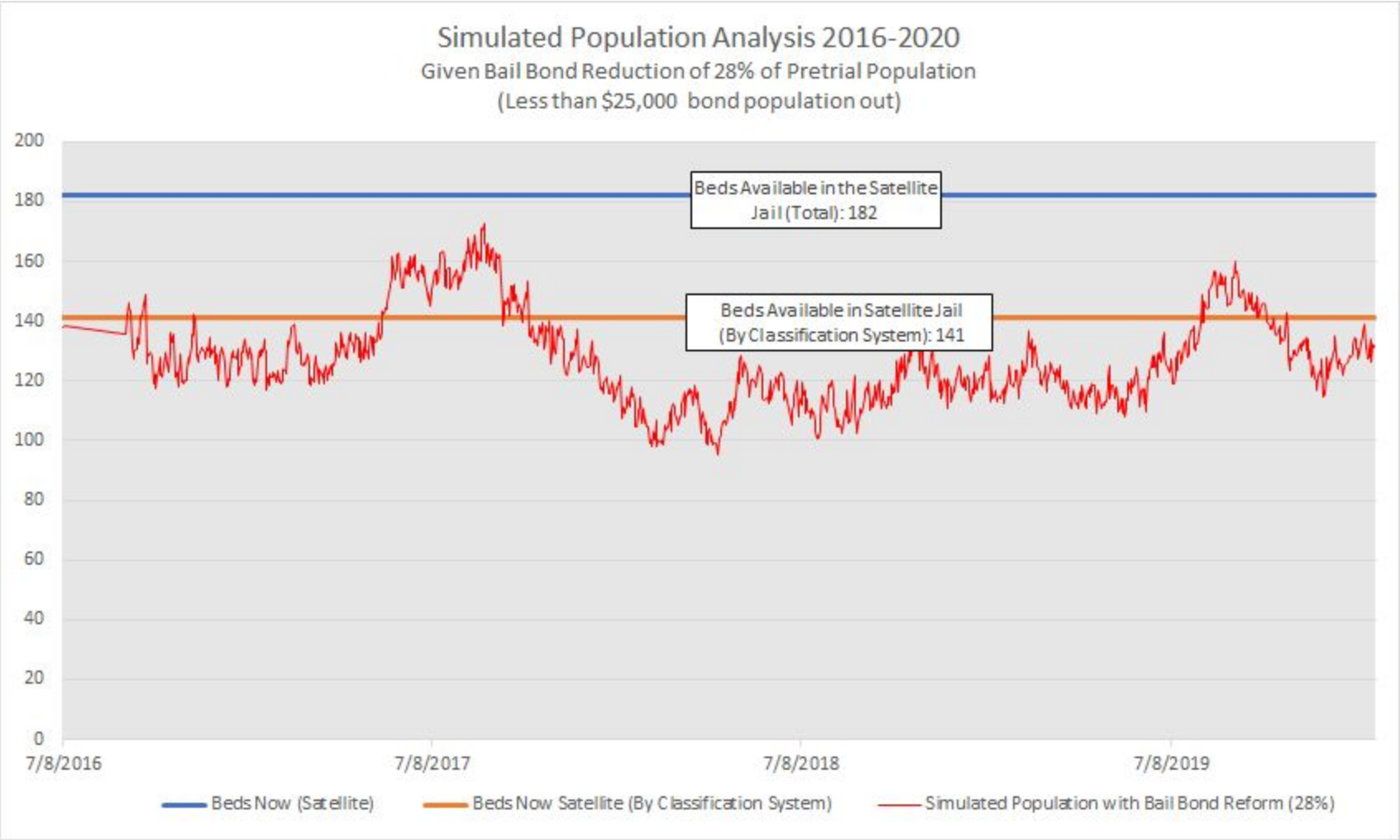
These examples coincide with the last few meetings of the Facilities Committee of the County Board. However, it would be beneficial to analyze these figures on a daily basis. Low cash bail figures are not necessarily a full indication of risk and a further investigation of risk assessment by the judiciary, bail bond reform methods, and the composition of the unsentenced population is warranted.²⁷

Given that the judiciary is not required to offer bail in cases where a clear and present danger is evidenced, we infer that low bail amounts indicate a willingness by the court to allow individuals to be free pre-trial. Using a \$2,500 cash outlay (for a bail set at \$25,000) as a cutoff point anticipates the overall population reduction after state-level bail bond reform.

²⁷ See Proposal #1 in this report.

Simulation of Population Reduction by 28% (release those with low level bonds)

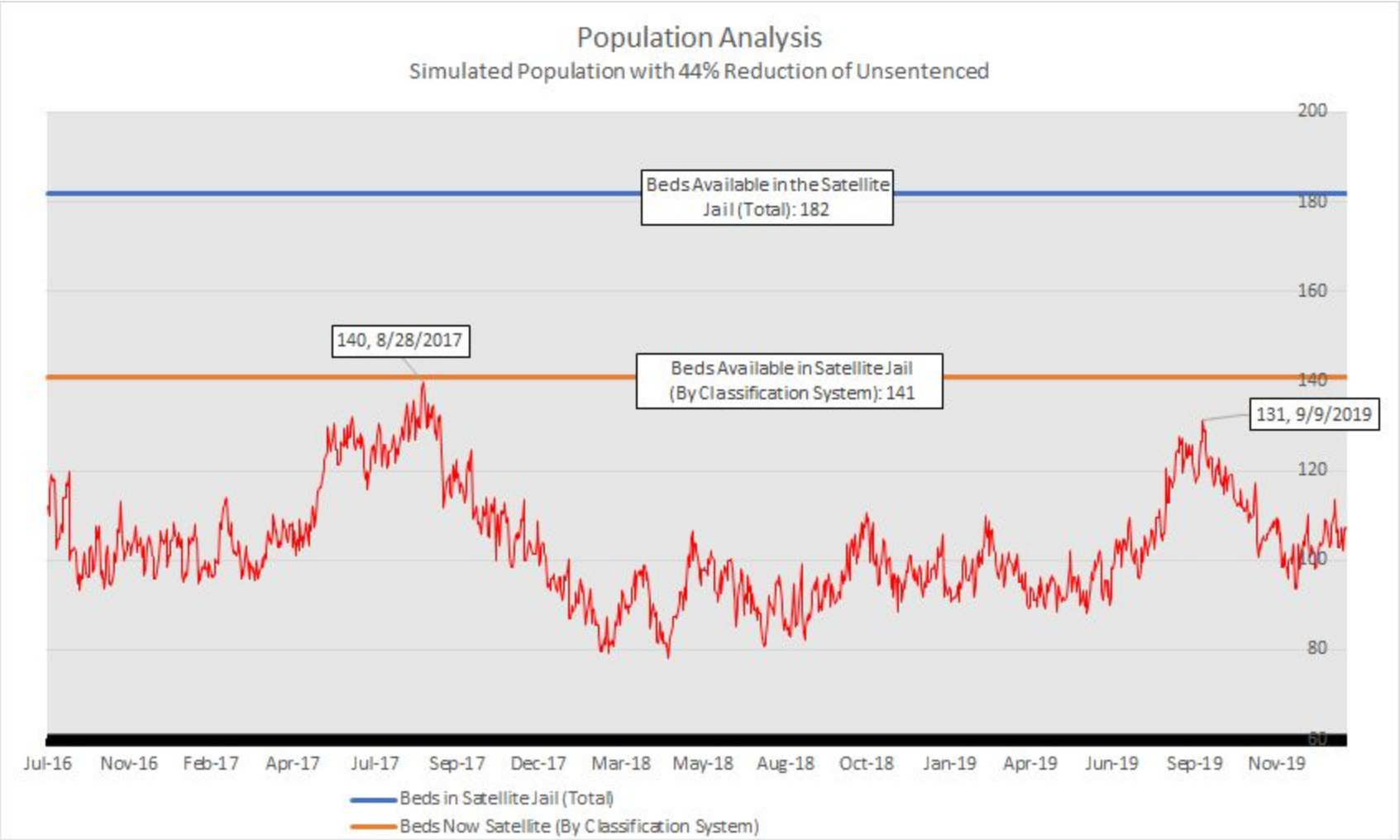
This chart illustrates how a reduction of 28% in the pretrial (unsentenced) population would have affected the daily total (sentenced and unsentenced) count from July 2016 to December 2019 in comparison to the ideal maximum population in the satellite jail for classification efficiency (141).²⁸ The population was over the ideal number in the satellite jail on 213 days (18%) and was never over the total beds in the satellite jail.



²⁸ See Reifsteck, p. 84.

Simulation of Population Reduction by 44% (New Jersey model)

Another way to estimate the likely jail population reduction by bail bond reform is to compare it with similar state-level reform elsewhere. After bail bond reform was implemented in New Jersey, the jail population dropped by 44% in 4 years.²⁹ As indicated in the chart below, a 44% reduction would also allow for a comfortable margin between even the occasional peaks in the jail population and the recommended maximum of 141. We expect Champaign county’s reduction to be somewhat less than 44% in the years following modest reforms implemented January 1, 2018. We note that the census after January 1, 2018 has been significantly lower than the peak in August, 2017.



²⁹ <https://whyy.org/articles/n-j-officials-have-finally-released-data-on-bail-reform-their-conclusion-its-working/>

Plan Risks Obsolescence

In sum, past changes to the jail population and imminent bail bond reforms are likely to reduce the incarcerated population to a level that is below the ideal maximum at the satellite jail alone.

A jail building project that replicates the current population capacity in both jails is unnecessary. The resulting vacancy would waste resources, produce staffing inefficiencies, and demonstrate a lack of county leadership.

Champaign needs a forward-thinking solution to close the crumbling and unsafe downtown jail sooner rather than later. An expansion of the satellite jail is 4 years away at the least.³⁰

Implementing a plan 4 years from now addressing needs based on data that is 5 years old is tremendously ill advised, particularly in an environment undergoing such sweeping policy change.

We are aiming at a moving target and need to act immediately but, luckily, we can act. The proposals presented in the next section indicate a third way between continued inaction on the downtown jail and outdated and unnecessary expansion of jail facilities.

³⁰ Reifsteck to County Board Facilities Committee, March 3, 2020.

Proposals

As Champaign County assesses the impact of state-wide reform and continues to make progress on diversion, we need an affordable interim solution that is safe, anticipates policy changes, and is financially feasible.

Immediately Contract with Area Jails

Champaign County must formally contract with facilities in surrounding counties to resolve occasional overcrowding in the jail. This is necessary now, in case of an immediate need to close the downtown jail or a public health crisis. Any modifications or expansions to the satellite jail will require the relocation of those incarcerated.

Piatt County has a jail capacity of 76, with often a far smaller actual population. From 2012 to 2018, Piatt County housed overflow from Cook County jail at \$50 per day and now houses takes people from DeWitt. A number of those in Champaign County jails are from or have family outside of Champaign County, so it may be the case that area jails are closer and more amenable to contact visits, which are not allowed in Champaign County.

Establish Collaborative Task Force for Pretrial Services & Bond Reform

County board members should establish a task force with the county executive, mayors, township supervisors, sheriff, state's attorney, public defender, judiciary, local police departments, state representatives, and community members, including those with lived experience with the criminal justice system, to plan for and initiate changes to pretrial services and bail bond reform.

This group would review previous reports (CJTF, RJTF, ILPP) and make those recommendations actionable. Such actions might include:

- **End cash bail**, detain only those at significant risk to public safety and at high risk of not appearing for court dates.
- **Ensure bail amount is set at an amount that the person who has been arrested can afford** and review 2-3 days later as required by the 2017 Bail Bond Reform Act.
- **Establish a pretrial services program** based on the principle that people are innocent until proven guilty, that jail detention should be the exception, and that the least restrictive means of assuring court appearance and public safety should be followed (Supreme court ruling in U.S. v Salerno, 1987).
- **Consider the establishment of a granting program to pay bails for low-level offenses** if elimination of cash bail or reforms are not possible.

The task force could also consider related reforms:

- **Increase use of citation and notice to appear in court instead of arrest.**
- **Increase use of community service in place of jail sentences.**
- **Develop diversion support for those committing offenses due to mental health issues.**
- **Reinstitute mental health court.**³¹
- **Pursue Recommendations of the Community Justice Taskforce and Racial Justice Taskforce (See Appendices 2 &3).**

³¹ Judge Rosenbaum will be taking over mental health court, drug court, and veteran court. In the past these have been run by judges who were former prosecutors, so we expect a different approach and opportunities for fruitful collaboration in the coming years.

Though questions about jurisdictional authority are valid, a host of successful collaborations between the county, local municipalities, social service providers and community members make the case that such reform is possible and effective. Recent examples include the Jury Selection Task Force, the Community Justice Taskforce, and the Justice and Mental Health Collaboration Program.

In 2006, Judge Difanis took action when both jails exceeded capacity. Through a continuous jury system and goal to bring cases to trial within 60 days, the criminal justice system reduced the jail census from 309 to as low as 175.³² In 2010, Difanis again took action to reduce the jail population by eliminating bail for city ordinance violations.³³ Then in 2018 he quashed thousands of warrants for city violations.³⁴

³²

https://www.news-gazette.com/news/champaign-county-jail-population-shrinks/article_616aa693-30bd-5731-b3c9-456c840caaae.html

³³

https://www.news-gazette.com/news/judge-gives-sheriff-authority-to-release-some-inmates-from-county/article_28cffdd6-3bf4-5365-9fa7-18899b5c0fbc.html

³⁴

https://www.news-gazette.com/news/judge-quashed-thousands-of-warrants/article_0b848340-fbd8-56bd-8f87-23b26c9014ec.html

What are Pretrial Services?

The role of a Pretrial Services Program staff member is:

1. To gather information from the defendant, organize and provide it to the attorneys and judge before the arraignment or bond hearing, and
2. When a decision is made regarding the next step (detention, release without conditions, or release with conditions or supervision) to maintain appropriate contact with the defendant.

This may involve regular scheduled phone or in-person check-in or participation in further assessment or activities. In general it will include several phone reminders of upcoming court dates. In addition, pretrial services staff will assist with voluntary referrals to a variety of social services.

The goal of pretrial services is to maintain maximal freedom, maximal community safety, and maximal appearance at court dates.

The ILPP report contained a more detailed description which included an estimate of 2.5 FTEs of staff to provide coverage 7 days per week.

Use Existing Facilities and Resources to Immediately Close the Downtown Jail

Move Sheriff's Office into ILEAS Building

Follow the suggestion of the 2016 Facilities Action Plan:

We can establish a new location for the Sheriff's Office by repurposing existing building space at ILEAS. Though it is an older facility, the ILEAS Building is well constructed and has sufficient unused floor space that could be remodeled for a relocation of the Sheriff's Office. Required changes include the construction of a new public entrance and a secure entrance for law enforcement personnel; office and conference space, records and evidence storage; and changing areas for law enforcement personnel. A new parking lot would be constructed to accommodate visitors and staff. The estimated cost of \$3 million is significantly less than prior proposals for construction of a new facility in the \$7-8 million range.³⁵

Maintain Sheriff's Office but Close Downtown Jail

Cut off utilities and access to the jail as possible and investigate demolition of the jail portion of the building and renovation of the office area only.

Add Program Space with Portables

This follows from the recommendation in the NIC report:

Recommend that the county and the sheriff explore acquiring one or more small manufactured buildings to provide for . . . program spaces directly adjacent to the jail.³⁶

³⁵ [Champaign County Facilities Action Plan](#) (2016), p. 15.

³⁶ NIC, p. 11.

Consider Minimal Modifications to the Satellite Jail

Current architectural plans seem inappropriate to the county's needs because they all presume new building needs. By contrast, an appropriate architectural plan should start with the question: what minimal modifications to existing jail facilities will be safe and meet the county's needs?³⁷ Such an approach would address the county's deferred maintenance backlog, its historic overrepresentation of black people in the jail, and would recognize the dramatic reductions in jail population since 2015.

Small modifications could be made to the satellite jail to accommodate the necessary additions to the jail. These modifications could be paid for out of operational savings and the existing public safety sales tax funds. We offer an example as a thought experiment to encourage further reflection and investigation.

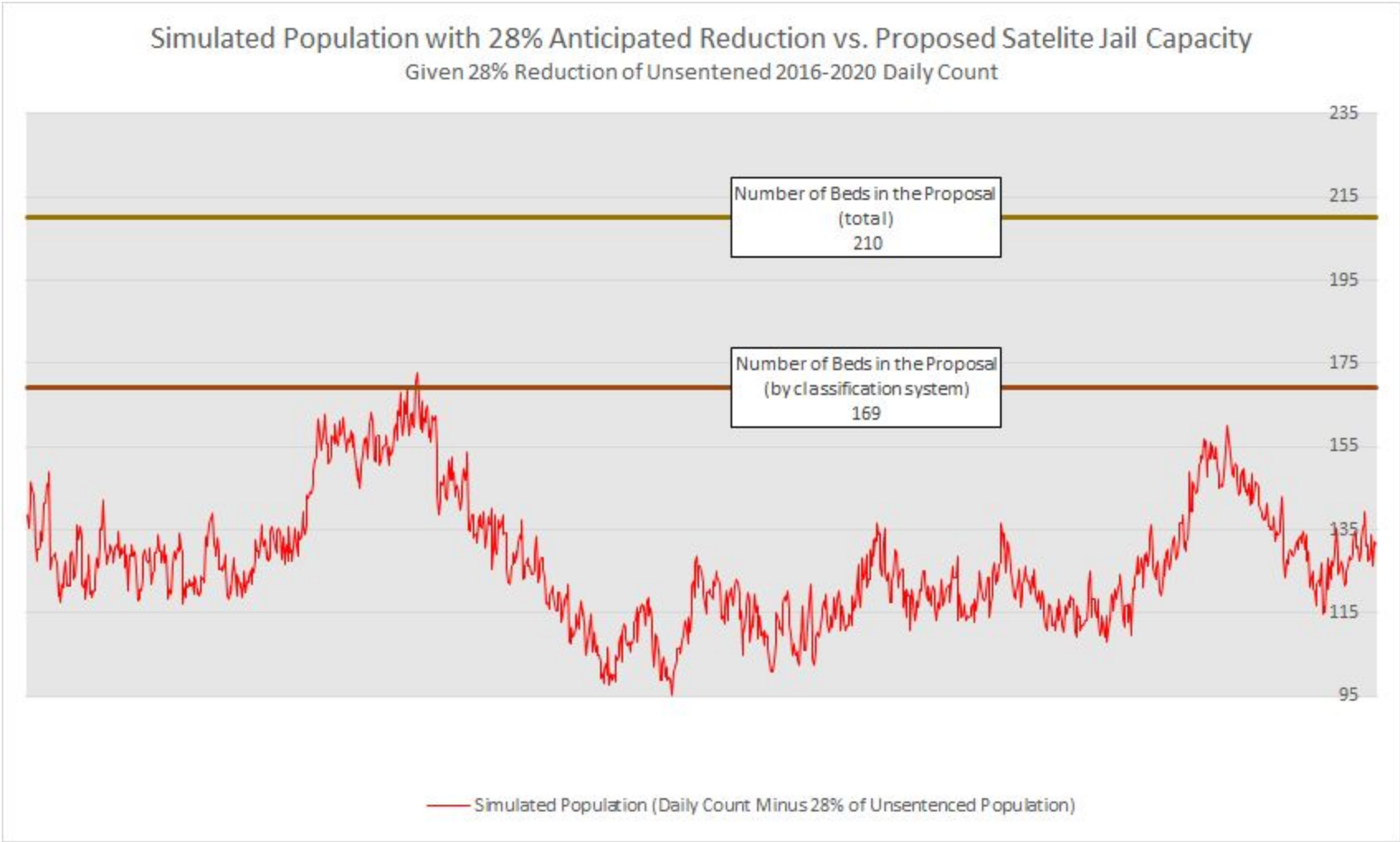
In the diagram below, the recreation areas³⁸ could be converted into additional pods, each with a small number of cells. Conveniently, the south pod is directly adjacent to the medical section of the jail, which makes it well-suited to add medical beds. New outdoor recreation areas could be added to the east of the building. To accommodate the need for additional programming space, the personal belongings storage (currently more square footage than the existing multipurpose room) could be moved to storage containers or trailers outside the building, and the space could be repurposed for programming or professional meeting rooms (as is suggested and well designed in the 2019 Reifsteck-Reid proposal). Estimates for modifications, using the renovation costs per square foot provided by the County Facilities Plan of 2016 and the Reifsteck estimates, equal less than \$300,000.

³⁷ Champaign County 2016 Facilities Action Report.

³⁸ Images of the current outdoor recreation space on page 64 of the 2015 Gorski, Reifsteck, Kimme report

Simulation of Population Reduction by 28% while making minimal modifications to existing satellite jail

By adding 4 ground floor single bed cells and 5 second story double occupancy cells, the functional capacity of the jail could be increased to 169 and the total beds available in the jail can be increased to 210. The chart, below, shows the actual daily counts for 2016-2020 modified to reflect the minimal reduction of 28% in relation to a functional classification of 169 and a total bed count of 210. This example intends to indicate how careful use of existing resources in combination with judicious reforms could make jail building unnecessary.



Conclusion

The condition of the downtown jail is deplorable. And safety of all county residents is the highest priority. We cannot delay action by hanging our hats on a jail-building proposal that is unrealistic and lacks foresight. The only option is reform.

Fortunately, for the last 8 years, the county has invested in a roadmap for change through expert research and community collaboration.

First and foremost, the county must end its practice of overbuilding facilities, burdening future county boards with gross levels of deferred maintenance and underutilized spaces. According to its own facilities goals in 2016, Champaign County must:

- *Address critical infrastructure problems*
- *Restore buildings to maintainable condition*
- *Fulfill unmet human service needs*
- *Reduce maintained space by 27% (about 250,000 sq ft)*
- *Make the county debt-free by 2028*

A major jail building project not only distracts from the county's core concerns; it is out of step with ongoing state-level reform as well as local policy changes for reducing the overall jail population and promoting racial justice.

The same Facilities Action Plan goes on to say:

In order to maximize available funding, the following principles should guide selection and prioritization of facilities projects:

- *Reduce space utilization by consolidation or elimination of inefficient or underutilized offices;*
- *Construct, renovate, or remodel facilities only to the extent that is absolutely necessary to serve current requirements; and*
- *Address deferred maintenance issues in existing facilities to prevent further deterioration of the physical plant.*

A costly addition to the satellite jail runs counter to these principles and the county's own priorities.

In 2012, the ILPP report made the establishment of pretrial services the highest priority for action. It still is.

Now in 2020, the county is likely to be forced to take action by the state, which is under new leadership and raising the constitutional issues. With that single change, as we have shown, a major jail addition could become irrelevant. **The county must establish pretrial services through a collaborative conversation and in anticipation of state reforms.**

APPENDIX 1: Community Progress in Process

Many community organizations are implementing programming that reduces the jail population. The actions taken by the county should be done collaboratively to meet shared goals.

Programs for “our friends without an address”

including both year-round emergency shelters and long-term housing with supportive services. CU At Home is working on year-around (instead of winter-only) shelters with Austin’s Place (women’s shelter) with a planned open date of fall 2020. Rental assistance dollars have tripled in the county with a coordinated program between the Regional Planning Commission (RPC) and the townships, helping keep people in their homes.

Adequate mental health and substance use disorder services

accessible to everyone, including students in schools and higher education settings, has become available. After years without one, Champaign County now has an inpatient and outpatient substance abuse treatment facility center that takes Medicaid. Promise Healthcare is working with Rosecrance to increase access and decrease wait times; more services are still needed.

Crisis and triage center for those with urgent mental health or substance disorder needs

with referrals to outpatient, inpatient and residential treatment programs as needed. “One Door” program for people in crisis under development, led by Lt. Joel Sanders at Urbana P.D., with CU At Home, Carle, and Rosecrance. Accessible to public and law enforcement, potentially opening later this year.

Reentry and recovery services

including supportive, educational and referral services, and residential programs, for people returning to the community after incarceration. RPC received a \$450,000 grant over three years for reentry support, and the county and mental health board have been funding reentry programs. Housing Authority has dedicated 34 vouchers for those reentering from IDOC. FirstFollowers offers drop-in support services to men and women and has just opened the First Steps Community House for men returning to the community from prison and is expanding workforce development for reentering residents. Women In Need Recovery (WIN Recovery) opened a reentry/recovery house last summer for women with substance use disorders who have also been involved with the legal system and will soon be opening a second house.

Assistance for people who can’t afford bail.

The Champaign County Bailout Coalition posts bail for some people who can’t afford the amount set and phones individuals to remind them of their court date. They post up to \$500 (for a \$5000 bail amount). It is funded by individual donations, and they’ve assisted 22 people since April 2019.

APPENDIX 2: Champaign County Community Justice Task Force Recommendations in 2013

1. **Integrate Restorative Justice Principles** throughout the justice system.
2. **Expand Pretrial Services** into a comprehensive pretrial services program to avoid unnecessarily incarcerating people not convicted of a crime.
3. **Develop a Comprehensive Behavioral Health System of Care** that avoids incarceration, reduces recidivism and promotes rehabilitation for persons with mental health and substance use disorders.
4. **Expand Community Sanctions** to include a full range of community-based diversion, deferred adjudication, and sentencing options.
5. **Establish a Reentry Program** for people returning to the community after completing a sentence in an Illinois Department of Corrections prison.
6. **Identify and Acquire Adequate Funding for recommended strategies**, including an increase in the percentage of the public safety sales tax funds for preventive measures from 5% to 30%.
7. **Create a Coordinating Council** to Plan and Coordinate steps to reduce recidivism in the county, further restorative justice, and ensure the criminal justice system operates both effectively and cost-effectively.
8. **Form a Racial Justice Task Force** to identify measures needed to address the disproportionate number of African-Americans in the county jail.
9. **Collect Data, Set Performance Standards and Measure Outcomes** that will enable programs to meet goals, be more cost effective and be more successful in reducing recidivism.
10. **Provide Training and Public Engagement Opportunities** to further systemic improvements in the criminal justice system.

APPENDIX 3: Racial Justice Task Force Recommendations in 2017

Overarching Recommendations:

- **Establish a Restorative and Criminal Justice Coordinating Council to reduce racial disparity in the criminal justice system**
- **Establish a Community Engagement Oversight Commission.**

Community Engagement Recommendations

Includes specific methods; developing a county-wide Racial Justice Task Force Community Justice Data Portal; and develop annual assessments.

Police Practices Recommendations

Includes community collaboration; officer and staff multicultural awareness; hiring practices of the Sheriff's Office; encouragement to local law enforcement to take similar measures.

Pretrial Jail Confinement Recommendations

Court order to allow jail to expand issuance of Notices to Appear at court (instead of incarceration) when arrestees are booked; use validated risk-assessment tools and trained staff to limit use of money bail; ensure that risk assessment tool has least possible adverse impact on African Americans; ensure that arrestees receive automated reminders before court dates.

Fees and Costs Recommendations

County board should allocate funds to enable the Circuit Clerk's office to waive court fees for those below federal poverty (FPL) level and to reduce fees for those at 101-400% of FPL. Until the state enacts such legislation, advocate to pass related laws at state

level and work for other measures to decrease negative impacts of fees and fines on low income individuals, including loss of drivers' licenses (see report).

Restorative Justice Recommendations

Integrate restorative practices in adult and juvenile criminal justice systems and in the community, and ensure that it is planned and implemented equitably. The Restorative and Criminal Justice Coordinating Council should oversee the planning and implementation.

Juvenile Justice Recommendations

Reduce black youths' contact and involvement in the juvenile justice system by beginning with prevention and diversion. Increase use of the Youth Assessment Center and decrease use of the JDC. Increase training for law enforcement, probation, and court personnel (as well as on multiple community groups with contact with youth) on trauma, the Adverse Childhood Experiences Study (ACES), and restorative justice.

Housing Recommendations

The Housing Authority of Champaign County should change eligibility policies so individuals with criminal conviction records can access their housing and vouchers except when the US Dept. of HUD prohibit that; the county board should urge HACC to change this, and should urge the Champaign City Council members to repeal section 17.4-5 of the city code that allows landlords to reject tenants with conviction records.