

Jail Tax Defeat Forces Shift in Strategy

by Sandy Perlic

The elections in early November have left county officials with few solutions to the county's criminal justice woes as opponents of a measure to raise nearly \$75 million weighed in with 63% of the vote. The measure asked for an increase in the mill levy to pay for an additional 296 beds in the detention center (\$24 million) and increased staffing and operation costs for the previous and requested new expansions (\$40.9 million). The remainder was slated for pre-trial, mental health, and substance abuse facilities and programs, seed money for a detox facility, reserves, and alternative sentencing programs.

Sheriff Jim Alderden was not surprised by the measure's defeat. "Historically these issues haven't passed in the county in the first go-round," he said. He believes it's more difficult to convince voters to support additional taxes for public safety because "the majority of the public doesn't really understand the issues and they're not really affected by the jail overcrowding." In his experience, people usually agree with the need for additional funding for the jail and its programs once they're fully informed. "When we've actually been able to sit down and explain the problems associated with the jail and the clientele that we're now serving, the majority of the people I think bought into the need and changed their opinion." Getting that opportunity to change people's minds has been the difficulty for county officials. The county is prohibited from contributing funds for marketing on such issues, and county employees aren't permitted to campaign for an issue that may affect their job. That left the sheriff and other elected county officials scrambling to convince the public to fund jail needs after the measure was added to the ballot in September.

With the number of inmates consistently over 500 in a jail that was built to house 486, the jail has been forced to release over 900 inmates early due to insufficient space. However, a greater concern for county officials is the improper housing of high-security inmates. Major Gary Darling, the jail commander, stated, "We have inmates with low-level crimes that are with people on high-level crimes, and that should not occur. We have 16 beds for high security open right now in the jail, and we have 73 high-security inmates." High-security inmates may be assaultive towards staff or other inmates or have severe mental health problems, and so require tighter security and cannot be "double-bunked," or share a room with another inmate. With an insufficient number of beds in the high-security area of the jail, most of the jail's high-security inmates mingle with the general population at the jail. "Every day we're worried about those people doing something to some other inmate or staff," Darling said. Alderden agrees, and believes the potential liability to the county and its taxpayers could run to millions of dollars. "It would be cheaper to build a jail than pay some of the litigations that could result," he said.

Larimer County has gone to considerable lengths to keep its jail population down, boasting an average incarceration rate of 1.75 people per thousand compared to the 2.92 people per thousand population throughout Colorado, according to Darling. He attributes the low rate to all of the work that has been done to channel offenders into alternative programs such as work release and workender wherever possible. Yet despite the county's best efforts, the jail's population continues to increase. "Crime grows exponentially with the population," Alderden said. "The very fact that our community is growing means we're going to arrest more people." Another factor in jail

overcrowding is that the average length of stay for the inmates is increasing. Inmates charged with lesser offenses move out to alternative programs, and the jail is left with the more violent offenders, or those who have committed more serious crimes. These inmates have lengthier stays in jail due to the additional time necessary for attorneys to prepare their cases, and the longer sentences imposed for their crimes.

With the failure of the measure to raise additional funds to relieve jail overcrowding and provide for better mental health and substance abuse treatment, the county is looking at how best to provide services with the resources it has available. "The major impacts will be in the criminal justice system itself," said Larimer County Manager Frank Lancaster. Knowing that additional funds would be required to alleviate jail overcrowding in the short-term whether or not the voters supported a new jail, the county had previously reserved \$1 million to address the issue. Those funds may be used to address one of two solutions offered by the sheriff. "We could rent beds in other communities," said Sheriff Alderden, "or we could double-bunk the rest of the facility, but to do that we need additional staff."

When the reserved money is spent, however, few solutions remain. "Beyond that, probably what will happen is that we'll see more tightening in the system, and we'll basically put a cap on the jail," Lancaster said. That will likely mean that all or some misdemeanors offenders may not be jailed and possibly won't even be charged or go to court. "There's not much prosecutors can do" if misdemeanor offenders won't be jailed, Lancaster said, "because what's the point of prosecuting if there's no punishment at the end of the prosecution? The whole system will have to adjust to the capacity of the jail."

Having more criminals out on the street is not a prospect that sits well with Alderden, but he hopes to target the resources of his department to have the greatest impact on public safety. He plans to reorganize the agency, cutting some services while putting emphasis on a criminal impact unit to target certain classes of criminals.

Although county officials are making plans for short-term solutions to jail overcrowding, no one doubts this issue will be presented to voters again, probably within the year. District Attorney Larry Abrahamson thinks the county will have to do a better job at getting its message out. "I think what we're really looking at is what sort of information do we need to get to the public to make sure they understand the seriousness and gravity of the situation," he said. Because the law prohibits an identical measure from being presented again, a new proposal will be developed. Lancaster believes more emphasis may be placed on alternative programs, which voters seem to favor. "Addressing recidivism is a huge thing. A lot of the problem is a very small proportion of the population. The same people over and over again," he said. Breaking that cycle with alternatives that address the needs of that small part of the population may have a large impact with lower long-term costs.

County officials recognize their responsibility to safeguard the public regardless of whether voters can be convinced to support requests for additional criminal justice funds. Although Lancaster feels the criminal justice system will have to operate in "triage" mode due to current funding restraints, he stated: "We'll protect the people the best we can with the resources and funds we have available."

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