



JI-MI-002-001

**Case:** IN RE COUNTY OF WAYNE

**Court:** Circuit Court for the County of Wayne, State of Michigan

**Date Filed:** June 16, 1995

**Site:** Wayne County Juvenile Detention Facility

**Current Status:** Parties agreed to cap the detention facility's population at 175 and signed a preliminary agreement on June 21, 1995.

**Summary of Case:** This civil action was filed by Wayne County, which operates and funds the Wayne County Juvenile Detention Facility ("JDF"), for a Writ of Superintending Control over the Probate Court. The plaintiffs alleged that the manner in which the Probate Court was using the JDF for the detention of delinquent youth was creating severe crowding at the JDF, specifically the Probate Court who has the responsibility for processing the paperwork that moves a child from being committed to the State to being accepted by the State was not processing these orders within the previous agreed upon three days and was remanding children to the facility who were probation violators from truancy charges or status offenses. This was the second complaint filed by the plaintiffs. The first was filed on November 8, 1993. Plaintiffs had requested a writ to permit them to have discretion to control the population of the JDF. In April of 1994, the U.S. Department of Justice ("DOJ") had a team of experts review the conditions at the JDF. On April 26, 1994, the County, Wayne County Prosecutor and the Probate Court signed an Agreement to Control Population. In December of 1994, the DOJ issued a report of their investigation, citing numerous constitutional violations with crowding listed as the main problem. In the most recent complaint, the plaintiffs alleged that they could not operate the JDF according to its statutory mandate and to the federal requirements of CRIPA without the Probate Judges' cooperation in reducing the population.

**Harms Alleged:** COMPLAINT, pp. 7 - 8.

32. When overcrowded, the children must sleep on mattresses on the floors of the common areas and the hallways; there are no other sleeping accommodations for them.

33. The excessive population of the JDF continues to plague all aspects of its operation and programming.

34. When overcrowded, to maintain an adequate staff-to-child ratio, county employees must work excessive overtime, thereby increasing the cost of operation, further compromising security and proper care.

35. When overcrowded, teachers, counselors and supervisors must act primarily as guards to maintain order. The result is that academic training, recreational programs, health care, security, classification of the juveniles,

maintenance of the facility and other essential aspects of the operation of the JDF can be severely compromised. All of these problems were cited by the DOJ in their report.

36. In sum, the overcrowding of the JDF restricts the County's efforts to provide the level of care necessary to address the broad range of needs of those children and youth assigned to it by the Probate Court.

**Type of Remedy:** Population cap and mechanism for making release decisions

**Remedy:** PRELIMINARY AGREEMENT

The parties agree that:

1. The maximum capacity of the Juvenile Detention Facility ("JDF") is 175 boys, absent the need to close a unit or rooms for renovation. The County has contracted for 21 beds for girls at Boysville, and for 50 electronic monitors. The total number of placements for delinquent juveniles is 246.
2. Beginning Thursday, June 22, 1995, daily "step-down" hearings will occur where the Juvenile Detention Facility brings to the Juvenile Court the files of detained juveniles that score the lowest numbers on the Risk Assessment Tool and a hearing will occur to reduce the bonds of those juveniles suitable for a less secure setting. As an option, those juveniles eligible for step downs hearings may be ordered by the Court to be electronically monitored.
3. Preliminary Hearings will take place on Saturdays and Sundays to ensure that juveniles are processed more quickly and that bonds are set in a timely fashion. Step down hearings may occur on Saturdays and Sundays if necessary.
4. In the case where the daily step-down hearings do not result in a number of residents below 175, a panel consisting of a representative from the Juvenile Court, from the Prosecutor's office and from the Juvenile detention Facility will immediately convene to review the files of the lowest-risk residents, and to select the juveniles to release to a less restrictive setting in order to arrive at a number of residents below 175. In all cases, the Probate Court representative will make the final decisions about releases, with input from the other members of the panel. If a representative from the Prosecutor's office or the Juvenile Detention Facility is not available to convene the panel, the Court alone will use its discretion to make the release decisions.
5. In all instances, the Juvenile Detention Facility will process automatic admissions, orders to take into custody, and orders of commitment to the state Department of Social Services and in no instance will these admissions be refused. The Court agrees to ensure that the maximum capacity of the facility is maintained at the 175 level within the next 24 hours of admission.

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**Pleadings Available from YLC:**

Complaint for Writ of Superintending Control/Prohibition and Other Relief,  
6/16/95

Preliminary Agreement to Cap JDF Population at 175, 6/21/95