



**Public Affairs  
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# Jefferson County Municipal Jail Cooperation Survey and Findings

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## Executive Summary

The Public Affairs Research Council of Alabama is a nonpartisan, nonprofit research center working to inform and improve state and local government through independent, objective, and nonpartisan research. Recent PARCA research has focused on opportunities for improved regional cooperation. In early 2020, the Jefferson County Mayors Association identified the operation of municipal jails as an area of potential cooperation.

The Mayors Association and the Community Foundation of Greater Birmingham engaged PARCA to gather facts around this issue in Jefferson County, including information about opportunities for cooperation.

In keeping with PARCA's mission, this report provides information and options but does not endorse any particular solution. Where possible, the report identifies advantages and obstacles that would improve or diminish the chances of successful jail consolidation.

## Highlights

1. The number of municipal jails operated in Jefferson County is highly unusual. Arguably, Jefferson County has more jails per capita than any county in the country.
2. Jails are expensive to maintain and operate, and they create significant liability for cities.
3. Technology such as remote computerized booking and video arraignment has made jail sharing more seamless.
4. Most municipal jails hold far fewer prisoners than their designed capacity, as courts have moved away from cash bail requirements and jail sentences as punishment.
5. Several cities have aging and inadequate facilities that need repair.
6. Most cities expressed at least theoretical interest in getting out of the jail business.
7. In the short-term, municipalities interested in closing their jails can contract with a nearby city that has excess capacity. This is already going on in Jefferson County. Police leaders in Hueytown, Adamsville, and Birmingham have excess capacity and could host prisoners from neighboring jurisdictions. Cities typically pay between \$30 and \$45 per night per bed for lodging a prisoner in another jurisdiction. Calculations by cities differed on how much it costs to operate a jail, but, for most, a per night charge in that range would represent a savings.

8. In the long-term, there are two options, either of which would need active support from mayors to achieve.
  - a. **A replacement Jefferson County Jail operated by the Sheriff.** The most common route is for a county Sheriff to operate a metro jail. The current Sheriff is supportive and is actively advocating for a metro jail. However, an expanded replacement jail facility would require support and investment from the Jefferson County Commission. The County would not be in a position to make such an investment until 2023 at the earliest.
  - b. **Formation of one of more regional jail authorities:** Two or more cities can form a regional jail authority, which could then build and operate a jail. There is an existing local law that allows for this, though if Birmingham wished to participate, the law would have to be amended.
9. In both the short- and the long-term, mayors should take a lead role in supporting alternatives to jail that could decrease the load on all jails and steer people in crisis to a more appropriate destination. An example of this would be a mental health crisis diversion center. A recent effort to secure one for Jefferson County failed, but that effort should be renewed.

Mayors should be aware that most police officials said they'd rather not operate jails. However, this conversation is not new, and there is skepticism in the law enforcement community about whether this renewed conversation will lead anywhere. Trust and operational issues will have to be overcome. Clear operating agreements will have to be forged and faithfully executed.

Movement toward a cooperative approach will require leadership from mayors and law enforcement leaders. A desire for innovation will need to overcome inertia. This initiative would be much more likely to succeed with the support of a broad alliance of city and county law enforcement and elected officials, circuit and municipal judges, prosecutors and the defense bar, mental health and drug treatment professionals, and others.

The body of this report provides background and context. A fuller discussion of alternative solutions begins on page 18. The appendix of this report includes examples of legislation, copies of agreements, and templates for agreements for cooperation around jails.

## Introduction

While it may seem reasonable that most cities in Jefferson County operate a municipal jail, this is uncommon in the United States.

The Bureau of Justice Statistics, an arm of the U.S. Department of Justice, surveys approximately 2,748 jail facilities in the U.S. Alabama has 117 listed in the survey, more jails per capita than any other state.

In most states, counties operate the jail facility, and, in a handful, a state agency operates both the jails and the prisons in a unified system.

In contrast, Alabama has more municipally operated jails listed in the survey than any state in the U.S., even without adjusting for population.

The Bureau of Justice Statistics survey of jails lists 57 jail facilities in Alabama operated by municipalities. That's more than double the number in the next highest state. Louisiana and Ohio each have 25 municipally operated jails.

Not surprisingly, Jefferson County, Alabama, with 18 jails, plus two jails operated by Jefferson County, has far more jails than any other county in Alabama. In a PARCA analysis of the BJS survey, among counties, only Cuyahoga County, Ohio, home to Cleveland, has more municipally operated jails with 22. Cuyahoga County's population is approximately double that of Jefferson County.

The next in line is New York City, which has 14 jail facilities.

In some regards, the jail counts may be skewed by definition. The Bureau of Justice Statistics says the survey excludes "temporary holding facilities that typically hold offenders for up to 72 hours only."

Many of the Jefferson County facilities rarely keep any number of prisoners, and most of their arrestees are in and out in less than 72 hours. Those who are arrested and held on felony charges are transferred to the Jefferson County Jail. Municipal jails in Jefferson County currently operate more like lockups, or temporary holding facilities. Because the Bureau of Justice Statistics survey excludes temporary holding facilities, the survey may undercount facilities that are operationally similar in other states.

However, several of the municipal facilities in Jefferson County meet the definition of jail and do keep at least some subset of prisoners—those serving municipal sentences—for weeks or months.

## Alabama is different than other states

Most of the jails across the country, about 80%, are county jails operated by Sheriffs.

The norm is one central county-run facility. There may be satellite locations where prisoners are kept for their first court appearance. Often there is a transport system

that shuttles overnight inmates to the central lockup. The shuttle system allows arresting officers to return to patrol more quickly.

Six states have unified state-operated jail and prison systems: Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont.<sup>1</sup> West Virginia has a similar approach.

There is a national trend away from municipalities operating jails. Increasingly, even counties are getting out of the business of running jails. Counties in Virginia and Kentucky, for instance, have cooperated to build and operate regional jails. Kentucky has 120 counties, but 41 of them no longer have jails and instead participate in cooperative regional jails or contract with neighboring counties to hold prisoners.<sup>2</sup>

### **Jefferson County is different from other major Alabama counties**

Even in Alabama, Jefferson County is different.

- Mobile County's Sheriff Office operates a metro jail, housing both municipal and felony offenders. The county operates it, but the City of Mobile pays a third of its operating expenses. A couple of other small cities also use the metro jail, while others maintain small municipal jails.
- With the City of Montgomery being the only significant city in Montgomery County, Montgomery County has only two jails: the city and the county jail.
- Madison County's jail also accommodates municipal prisoners for the cities of Huntsville and Madison under a cooperative agreement.
- Tuscaloosa County's jail houses municipal prisoners under contract for the cities of Tuscaloosa and Northport, and the towns of Vance, Lake View, and Brookwood.
- Decatur and Morgan County is the most recent example of a city-county collaboration in the construction and operation of a jail.
- Talladega County, Marshall, and Lauderdale counties house all the municipal inmates.

### **Arguments in favor of getting out of the jail business**

It is a generally accepted proposition that if a city can avoid operating a jail, it should.

Operating a jail is expensive. The jail creates liability for the city and risk for incarcerated individuals and city employees. The Alabama Municipal Insurance Corporation recommends that cities, if at all possible, get out of the jail business.<sup>3</sup> A

<sup>1</sup> "A Review of the Jail Function Within State Unified Corrections Systems."

<sup>2</sup> "Only in Kentucky, Jailers Without Jails." Kentucky Center for Investigative Reporting. 2015. <https://kycir.org/2015/01/02/only-in-kentucky-jailers-without-jails/>

<sup>3</sup> PARCA interviews of AMIC officials

suicide in a cell or a health crisis for an inmate can lead to a lawsuit and/or costly medical bills. To counter claims in a lawsuit, the employees supervising the jail must have the proper training and keep records documenting frequent checks on the inmate in the cell.

While some cities use a dispatcher to monitor a video feed, the risk of a judgment against the city is increased if that employee is found to have failed to adequately monitor the inmate. Abuse or exploitation of inmates by a city employee is also a risk. And there is a risk of injury to city employees who have to interact with inmates, potentially affecting workers' compensation insurance costs.

Jails also tend to generate a lot of maintenance cost, as they are housing people 24 hours a day—people who don't want to be where they are. And without economies of scale, those scattered small municipal facilities cannot offer the medical, mental health, or drug treatment services often needed.

Jails are high-risk environments. "The likelihood of a crisis occurring in the jail setting is higher than in any other government function, and the consequences of such an event can be catastrophic for both individuals and the jurisdiction."<sup>4</sup>

The Institute on Corrections' publication on *Jail Standards and Inspections* lists the forms of risks and potential liabilities involved in the operation of a jail.

- Inmate risks—violence, medical conditions, self-harming behaviors, vulnerability.
- Confinement risks—classification mistakes, crowding, inadequate levels of basic services or supervision.
- Security risks—escapes, the introduction of contraband, security equipment breakdowns, inadequate emergency response.
- Personnel risks—improper or inadequate staff selection, retention, training, or supervision.
- Environmental risks—safety hazards, poor sanitation, inadequate physical plant, contagious diseases.

### Arguments in favor of maintaining a local facility

There are also arguments in support of small-scale municipal jails. The primary argument made in their favor is the convenience and efficiency of being able to house an arrestee in the immediate locality, saving a trip to a centralized county lockup. Some departments are so small that they don't feel they can spare an officer to make a transport trip.

Several municipal departments with small jail populations say that existing personnel can serve as jailers while also performing other duties, like police dispatch. The

<sup>4</sup> "Jail Standards and Inspection Programs, Resource and Implementation Guide." National Institute of Corrections. 2007.

relationship between the arresting department and the municipal court is closer, so there is less risk of an individual being lost in the system.

On the relatively rare occasion an individual is sentenced to serve a term in the municipal jail, that individual can be dealt with more flexibly and effectively in the local environment rather than in a large consolidated, centralized jail. For example, some municipal courts allow the serving of sentences on the weekends, allowing an individual to maintain employment and to check in and out of jail more informally. That stands in contrast to the more complicated procedures of a large central facility.

A common reservation about participating in a consolidated jail system was the concern that officers would have to spend excessive time transporting prisoners to a remote location.

Concerns were also raised about tensions in the working relationship between potential partners, the loss of local control, including the direct ability to see to the welfare of prisoners. Also, concerns were raised about the potential loss of employees or positions in a transition to a regional jail system.

Universal participation is not required for a cooperative jail project. Situations in some cities make participation less likely.

Homewood, Mountain Brook, and Vestavia have recently constructed jail facilities. Each city expressed a willingness to cooperate, but because of their recent investments, there was some doubt as to whether a shared facility would offer advantages.

Hoover, due to the size of their jail, that city's contract to hold federal prisoners, and its geographic position straddling two counties, is unlikely to see advantage either.

Hueytown also has a newly constructed jail, one that exceeds current needs. The city is exploring the possibility of hosting inmates from nearby municipalities as a way to open and operate the city jail cost-effectively.

Adamsville currently operates a jail with excess capacity and would be willing to host inmates from other municipalities. The administration in Adamsville is also considering plans to construct a new municipal complex that would include a jail, which could also be designed to host inmates from other municipalities under a cooperative arrangement.

## **Reemergence of Cooperative Jail Project for Jefferson County Municipalities**

Recent discussions of the issue by the Jefferson County Mayor's Association have prompted another look at the prospect of a shared jail facility. Several facilities are aging and face costly repair and upgrade projects. Changes in the criminal justice system have led to declines in the jail population, affecting the equation of need and expense. The legal and liability climate continues to be unfavorable to the risk of



operating a jail. The prevalence of mental health issues and the risk of expensive health issues arising further motivates the consolidation of jailing functions to facilities where trained staff is available around the clock.

There are already functioning examples of cooperation in municipal jail operations in Jefferson County:

1. The Jefferson County Sheriff's Department provides patrol services in Center Point and by contract to Pinson, Clay, and Fairfield. The Sheriff's deputies can arrest individuals on municipal as well as state charges. Those that are to be held in jail are taken to the Jefferson County Jail. Graysville delivers its arrestees to the Jefferson County Jail.
2. Trafford, Kimberly, and Morris house municipal prisoners in the Warrior jail under contract with that city. Warrior also provides dispatch services for the three smaller cities.
3. Irondale contracts with Tarrant to house its prisoners.
4. Leeds sends its prisoners to either Trussville or Pell City, under contract.

## Current Conditions

Currently, jails in Jefferson County are operating far below their typical head count and/or designed capacity for two primary reasons.

First, because of the threat posed by the coronavirus, the criminal justice system has taken extraordinary measures to avoid jailing any individual who is not a threat to public safety. This is temporary.

Second, and more important for the long-term, jail head counts were already down due to policies adopted by most municipal courts in the area. In response to an effort launched in 2016 by the Southern Poverty Law Center, most municipalities in Jefferson County agreed to change bail procedures to ensure that indigent defendants charged with minor offenses don't remain in jail while awaiting the disposition of their cases.<sup>5</sup>

Municipal jails are also part of a correctional eco-system in which incarceration is increasingly reserved for violent offenders. According to police officials interviewed, most of those arrested on non-violent misdemeanor charges are released on signature bonds and spend little time in jail before release. They sometimes return to serve time in the municipal jail if the municipal court includes jail time as part of the sentence.

<sup>5</sup> "SPLC Prompts Alabama Cities to Reform Discriminatory Bail Practices."

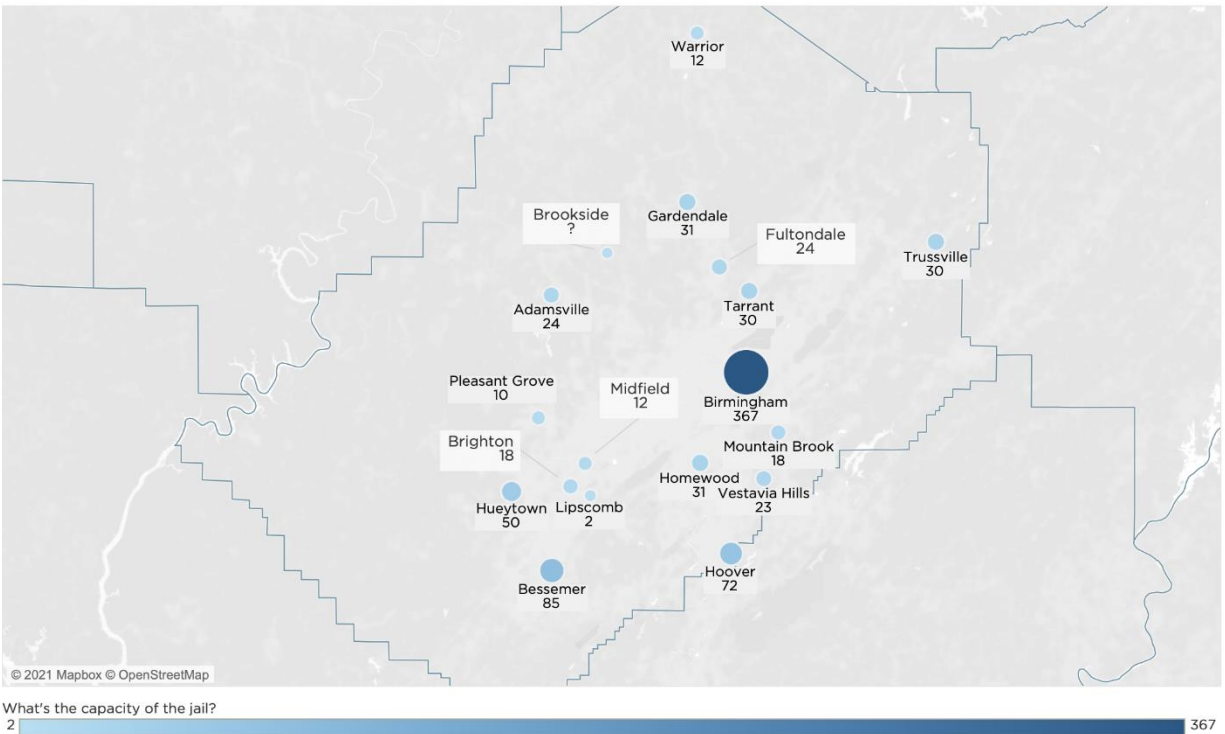
<https://www.splcenter.org/news/2016/12/06/splc-prompts-alabama-cities-reform-discriminatory-bail-practices>

## Capacity

Figure 1 presents the capacity of each jail in Jefferson County, as reported in the survey of Jefferson County municipalities. It should be noted that Birmingham's listed capacity is the jail's potential capacity if significant renovations are made to currently shuttered parts of the jail.

Figure 1. Capacity of Municipal Jails in Jefferson County

Municipal Jails in Jefferson County and Capacity



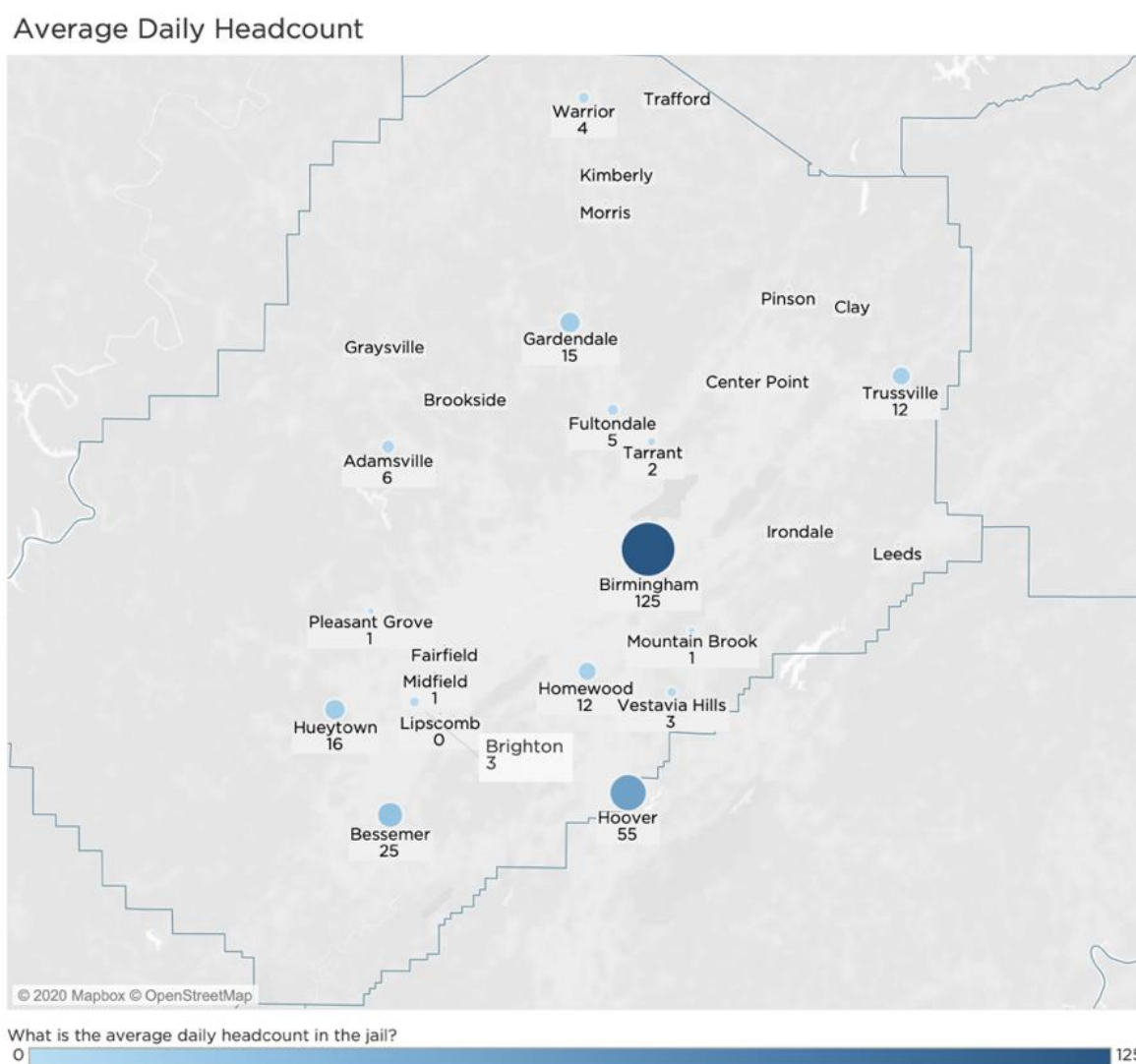
Capacity figures provided by city officials. Birmingham's listed capacity reflects its maximum design capacity not its current operational capacity.

## Head Count

Municipalities and the county were asked to provide an average daily head count of prisoners in their jails. They were asked to make the estimate based on pre-pandemic conditions.

Figure 2 presents the average daily head count, as reported from PARCA's survey of municipal facilities. This does not include municipal prisoners held in the county jail on behalf of cities where the Sheriff patrols.

*Figure 2. Average Daily Head Count of Municipal Prisoners<sup>6</sup>*



<sup>6</sup> Hoover's average daily head count includes federal prisoners held in the Hoover Jail for the U.S. Marshals Service. Hoover averages between 5 to 10 municipal prisoners a day.

## Capacity vs. Head Count

Table 1 first lists the capacity and average daily head count in all jail facilities. The second line looks at only municipally operated jails. The third line excludes Hoover, since most of the prisoners housed at the Hoover Jail are federal inmates.

*Table 1. Capacity vs. Average Head Count*

	Total Capacity	Total Average Daily Head count
All Jails in Jefferson County	2,133	1,336
Municipal Jails	839	286
Municipal Jails minus Hoover	767	231

These figures are only a rough estimate. Each city estimated its average daily head count, and different methods may have been used.

The average does not capture the fact that the populations surge on the weekend and may empty a few days later. In looking at the difference between the capacity and the average head count across the region, one should also take into account that the mismatch in capacity and head count is widely dispersed across a broad geography.

The capacity number is inflated because it uses Birmingham's potential capacity of 367. Only about half its capacity is currently usable. Some portions of the jail are currently not being maintained in an operational condition. It also includes Bessemer at a capacity of 85. Bessemer is interested in closing its facility. Birmingham's average nightly head count is 125. Bessemer's average head count is 25. The two of them together account for more than half the average daily head count among the municipalities.

The ultimate size of a cooperative jail to house municipal inmates will depend on the number of cities participating and the anticipated need for each city.

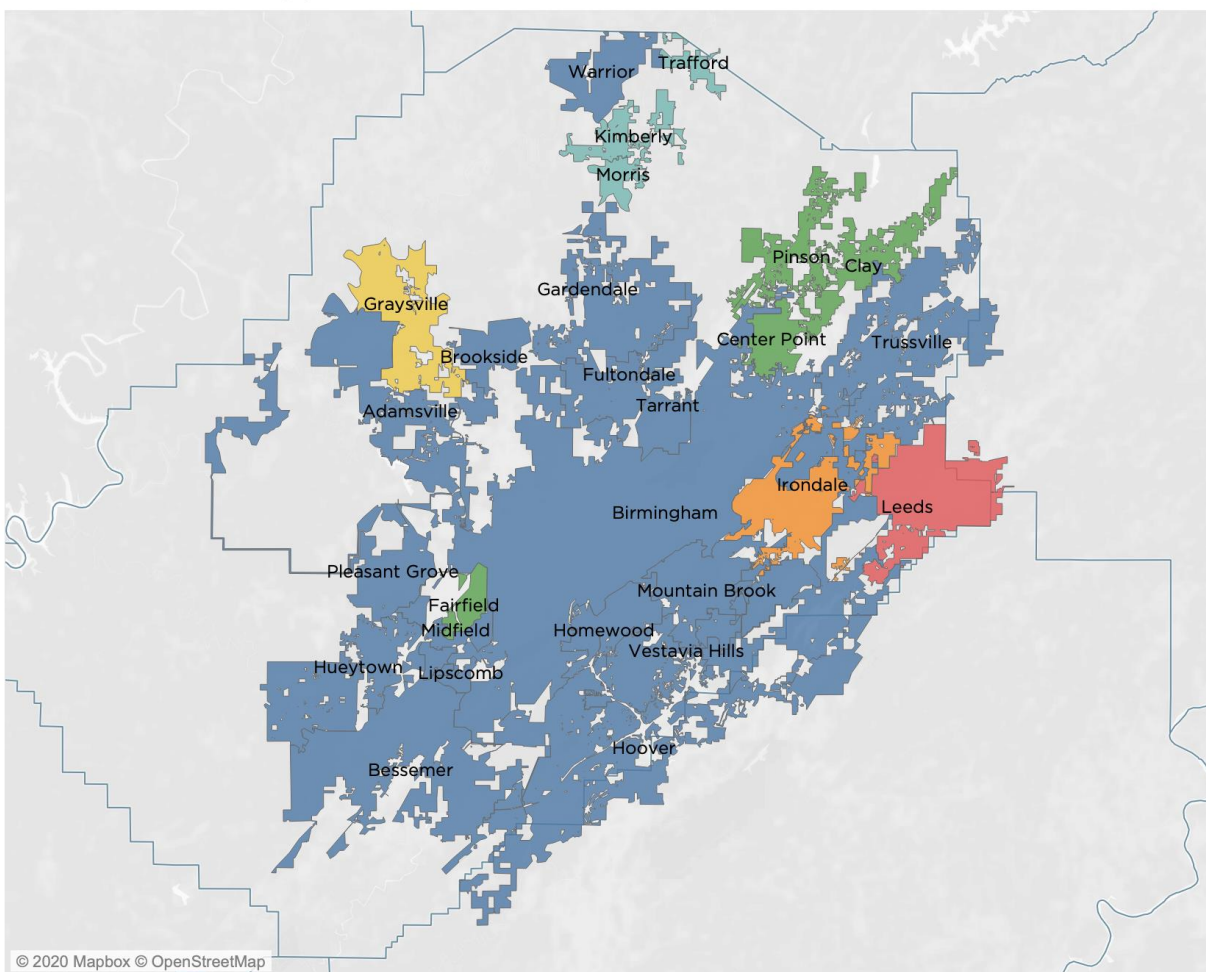
In cooperative agreements in other parts of the state, cities sometimes reserve and agree to pay for a certain number of beds for their use and contribute to the cost of construction. In addition, cities pay based on their level of usage. That might include a negotiated number of bed nights at a contracted price or a per-night assessment for each inmate housed. Because of the downward trend in incarceration, cities that have agreed up front to pay for a certain number of beds feel like they are overpaying. On the other hand, counties that charge per night have seen less than expected revenue from cities.

## Current Arrangements for Housing Municipal Inmates

Figure 3 displays how Jefferson County municipalities (at least among those contacted for this survey) house their municipal prisoners: whether they house them in a local municipal jail, contract with another city, or depend on Jefferson County to house their inmates.

*Figure 3. Housing Your Own or Contracting with Another Entity*

### Method for housing prisoners



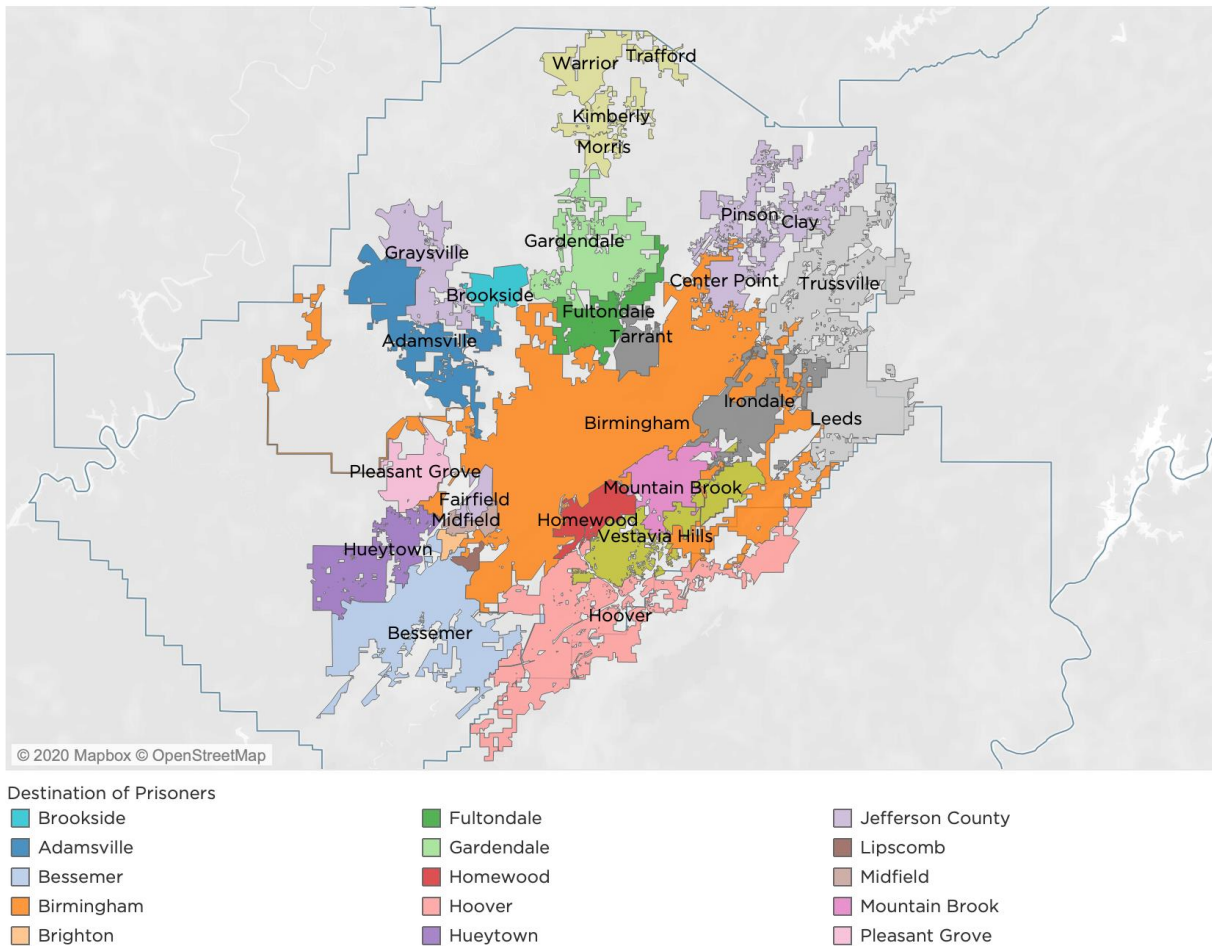
Jail operator  
■ City operates  
■ Contracts w/ Tarrant  
■ Contracts w/ Trussville

■ Contracts w/ Warrior  
■ Contracts with the County  
■ Delivers to County

Figure 4 presents similar information but color-codes the facility that is used by the jurisdiction, creating a picture of where inmates are housed.

*Figure 4. Identifying the facility that hosts municipal inmates, by jurisdiction*

### Where prisoners are housed

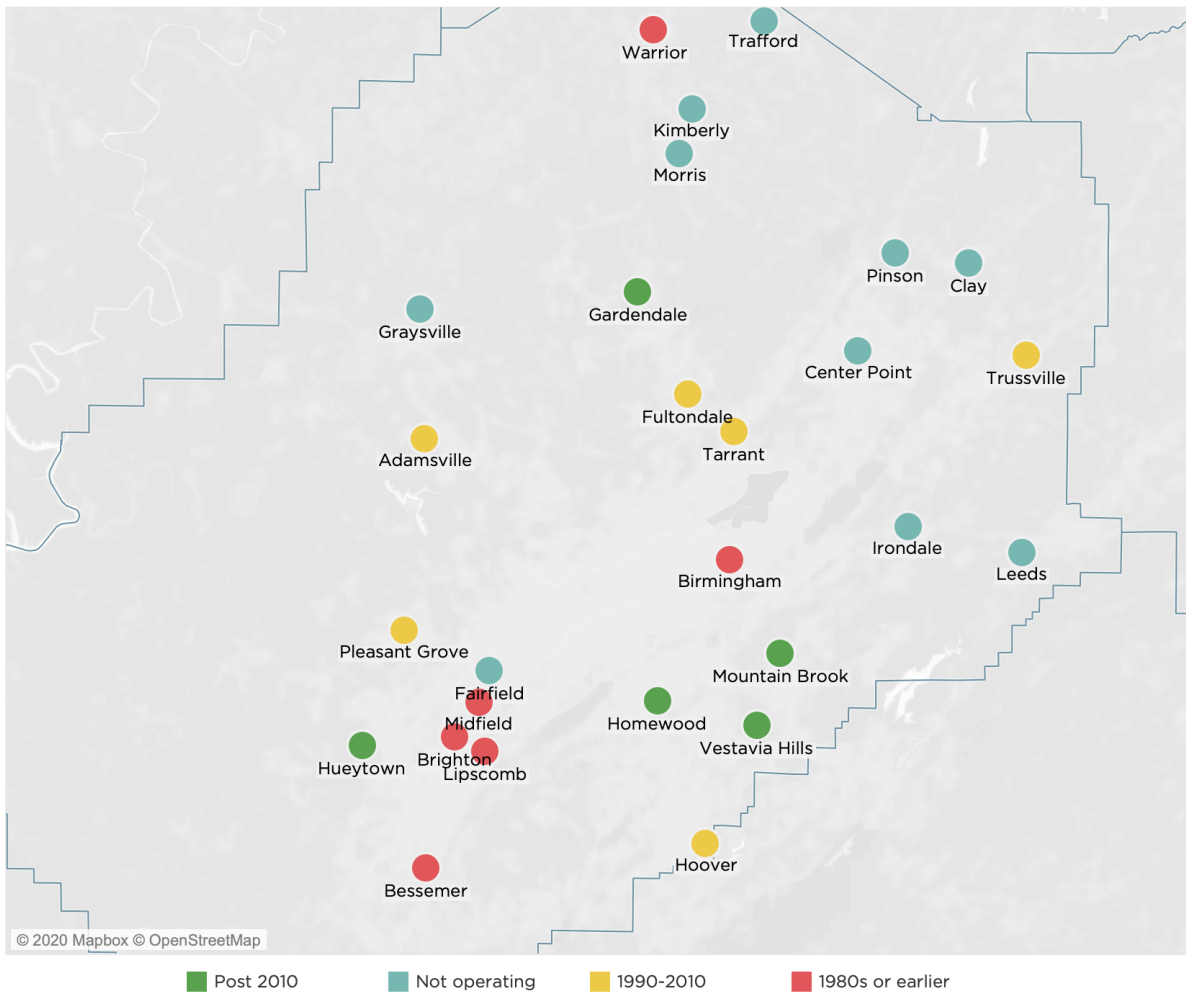




## Age of Facility

Figure 5 displays municipal jail facilities by a range of ages. While having an aging facility does not necessarily mean it is in poor condition and in need of closure or replacement, it does indicate an increased likelihood of the need for costly repairs.

Figure 5. Age Range of Facility

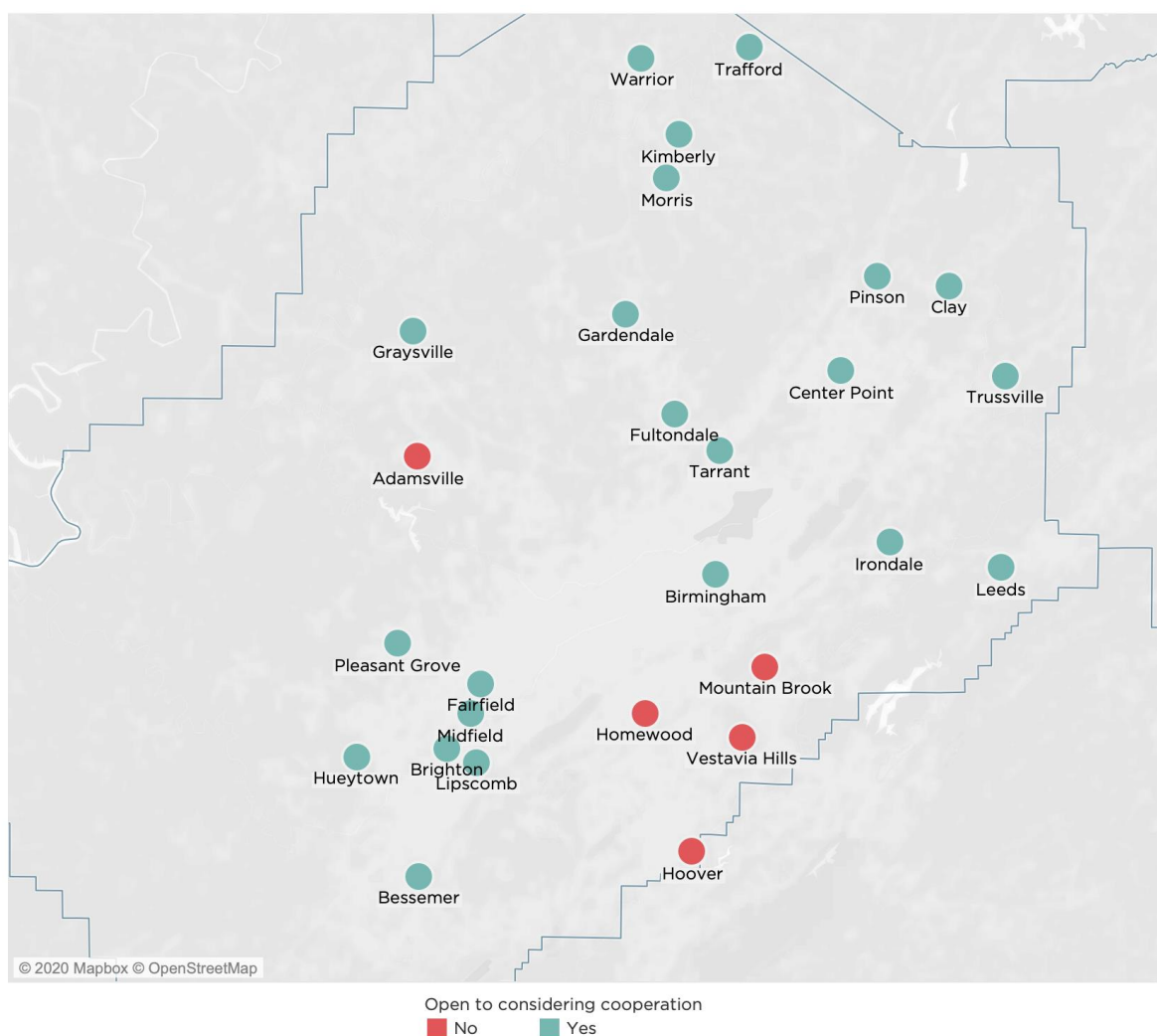


The oldest facilities are concentrated in the western part of the county. Warrior's facility is also among the oldest and is depended on by surrounding municipalities. The eastern part of the county has jails in the medium age range but also some municipalities that have ceased to operate jails.

## Potential for Participation

Figure 6 presents the municipalities who might, under the right circumstances, participate in a shared jail. To some extent, this is an interpretation of survey answers and interviews with various municipal officials. It should in no way be considered definitive. Many parties are at play when it comes to these decisions: mayors, councils, the police department, and the citizenry among them.

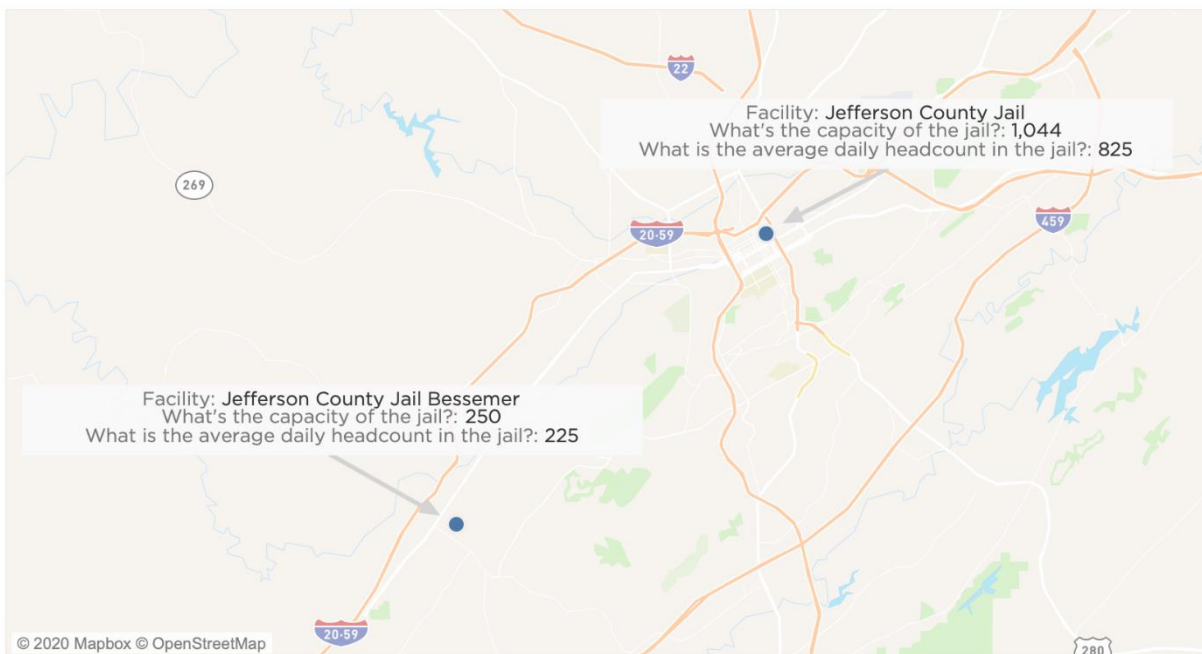
*Figure 1. Cities Open to Considering Cooperation in Jailing*



Having been interested in a regional solution previously, the Mountain Brook, Homewood, and Vestavia Hills communities have recently built new jails. Each city was cooperative and potentially interested in cooperation. However, because of the “sunk cost,” it would be difficult to devise a scenario in which a joint jail would be cost-effective for these cities. Though Hoover’s facility is somewhat older, its contract to house federal prisoners and its location argues against participation in a metro jail.



## Jefferson County Jails



The current downtown jail, which is attached to the Criminal Justice Center, was originally built in 1984 with 620 beds; it was later double-bunked, expanding its capacity to 1,034. During periods of overcrowding, the jail has housed as many as 1,400 prisoners. The downtown facility's average population is around 825. Because it holds felony prisoners awaiting trial and felony convicts awaiting transfer to state prison, some outside forces have a bearing on its population size.

The Jefferson County Jail in Bessemer was originally built with 125 beds but was double-bunked to accommodate 200. A second floor was added to increase capacity. The facility has been plagued with problems since it endured a prolonged shutdown during and after the county's bankruptcy. During four years of vacancy, pipes rusted and sprang leaks. In 2019, a \$2 million project replaced the plumbing, and the jail has resumed regular operation with room for 250, with about 205 in house as of October 2020.

The county has recently increased its commitment to health and mental health care, contracting with prison health care provider, Naphcare.

The county jail has a dentist available three days a week, a doctor two days a week, and a nurse practitioner or physician's assistant on duty eight hours a day, seven days a week. With Naphcare's assistance, the county has recently upgraded to electronic medical records.

## **Factors to consider when pursuing a jail consolidation project**

When asked to consider the factors that would motivate or discourage a municipality's participation in a joint facility, the top two considerations were cost and convenience for officers.

### **The difficulty of arriving at a comparative operational cost**

Every city expressed interest in saving money, so a shared jail facility would have to present at least a reasonable price for participation.

However, a difficulty presents itself in calculating what jail operation actually costs a municipality. Information submitted for the survey varied widely. Obviously, calculations varied with the facility's size, the frequency of use, and, in particular, whether there was staff dedicated directly and solely to the operation of the jail.

Many smaller cities use dispatch/jailers, one or more employees whose duty is divided between answering calls, dispatching the police and or fire calls, and monitoring prisoners. While this is cost-effective, it can raise the level of risk to the inmate and the city. Those employees need specialized training for inmate supervision and need to go beyond video monitoring and check on prisoners frequently. Without adequate provisions in place, a city risks liability.

### **How to measure efficiency costs and gains**

Another key factor that would either strengthen or detract from interest in a shared facility is the system for transporting prisoners. Small municipalities find it nearly impossible to spare an officer for a trip out of the city to a centralized lockup. If a local officer is traveling a great distance to deliver a prisoner to a central jail, or if there are delays in booking at a central facility, the cost savings can be quickly undercut by a loss of efficiency and service.

On the other hand, municipalities might see significant savings if a transport system were offered under a metro jail proposal. This could work in a variety of ways. Cities might maintain holding cells, but inmates would stay with the arresting jurisdiction a short time, with the metro jail staff operating a secure bus that would pick up prisoners. In Decatur, the police force has its own correctional specialists who are called to the scene if an arrestee is going into custody. That allows patrol officers, who file their reports remotely by computer, to stay in the field.

In some cases, the central jailing authority, usually the county Sheriff, operates the local holding cells within municipalities. A centralized and computerized processing system allows much of the laborious booking and processing paperwork to be done remotely.

Regardless of how it is handled, the real "savings" netted from the innovations would be difficult to quantify. The gains would be in returning officers to patrol duties more quickly and preventing them from spending time in transport and paperwork.

## Consideration of location

Mountain Brook, Homewood, and Vestavia Hills explored cooperating on a municipal jail facility. Finding a location was a primary stumbling block. It was difficult to find a convenient central location in three cities with expensive real estate. And when potential sites were identified, local community opposition tended to arise: the Not in My Back Yard or NIMBY phenomenon.

Additionally, the more central a facility is, the more expensive the real estate is, thus driving up project costs.

Jefferson County is a large county with dispersed population centers. While downtown Birmingham is central, the drive time between the eastern, western, and northern population centers is considerable.

## The tendency of projects to snowball

Also, jail projects tend to take on a life of their own with talk of economies of scale and potential revenue driving up the project's size. Overbuilding creates the risk of an inflated project and operational cost and a dependence on an uncertain revenue stream to justify the economics. An overly complicated proposal can also create more reasons to object.

In the early 1990s, the Birmingham Chamber of Commerce launched a wide-ranging effort to encourage intergovernmental cooperation in Jefferson County. Out of that initiative came a proposal to merge the multiple city-based E-911 call centers into a consolidated center. Out of that proposal grew further exploration of a consolidated metro jail.

However, this linking of E-911, dispatch, and jailing functions ended up over-complicating and scuttling the effort. Some cities use revenue derived from consumer E-911 fees to operate their own E-911 system. Those fees also help pay for an operator/dispatcher position, who, in turn, monitors the jail.

Under the consolidation proposal, local jurisdictions would have their E-911 fees reallocated to the central operation resulting in the loss of revenue and needed personnel.

## Clues for estimating potential capital for a replacement facility

The cost of a replacement facility for an existing jail would be high, though arguments can be made about cost savings in the long run. The bigger the facility, the less it would cost to construct per square foot. Presumably, having more prisoners concentrated in a centralized facility would create economies of scale, meaning it would cost less to operate per prisoner.

Billy Morace, former director of the General Services Department for Jefferson County, now works for C.M.H. Architects. He has been both the client and the customer on jail construction projects for municipalities and counties in Alabama.

According to Morace, a rule of thumb is that a 100-bed jail will cost \$400 a square foot. If the jail is smaller, it might cost as much as \$500 a square foot.

According to Morace, to maintain a jail, you need to spend about 5% of current construction costs each year on upkeep.

Then, you have to staff it. The American Correctional Association recommends a ratio of one staff per five or six inmates. If staffing becomes an issue in a court case, the courts will look to the ACA guidelines. Some local jails operate at double that ratio: one staff person to 10 inmates. That lower level of staffing presents risks.

Morace said that considering the cost of training, insurance, benefits, equipment, and uniforms over the course of a career, a single correctional officer is estimated to be a \$3 million investment, which works out to \$100,000 a year.

Homewood was one of the most recent cities to build a new jail. The jail, set to open in May 2020, is part of a \$21 million public safety center, which includes police headquarters, a municipal court, E-911 operations center, a police training center, and a gym.

The 7,500-square-foot jail portion of the project cost about \$400 a square foot to construct, which accounts for about \$3 million of the overall cost of the public safety building. According to Morace, that's about the average size of a jail for a midsized city.

In the survey of municipalities, other cities provided estimates for their spending on jail facilities. Comparisons are difficult, considering the varying scope and size of the facilities.

- Vestavia Hills, \$4 to 4.5 million
- Mountain Brook, \$1.3 million
- Gardendale, \$3.8 million
- Hoover, \$9.4 million

## Options

With leadership from mayors, Jefferson County can reduce the number of jails in operation, creating the potential for a more cost-effective system, a decrease in liability risk, and increased professionalism and safety.

### Short-term

#### City-to-city contracting

Currently, the cities in the north portion of Jefferson County contract with the City of Warrior to house municipal inmates. In the east portion of Jefferson County, three different contracting arrangements exist: Irondale contracts with Tarrant; Leeds with Trussville; and inmates from Clay, Pinson, and Center Point are held by the Jefferson County Sheriff's Office.

Working with existing capacity, additional cities could contract with one another to decrease the number of jail facilities, reducing liability risk and increasing economies of scale.

**Western Communities:** Hueytown has a jail large enough to house prisoners from several small nearby cities. Lipscomb, Brighton, and Midfield have low enough average inmate populations that all four of the cities could be served by the Hueytown jail. Revenue from those municipalities would help Hueytown support its jail.

Nearby Adamsville has also expressed willingness to host inmates from other jurisdictions. Pleasant Grove and Graysville are nearby, as is Brookside.

That does not solve Bessemer's dilemma. Its jail population is considered too large to be accommodated by Hueytown. Bessemer's leadership is under pressure to close the current jail and either replace it or find another alternative. The Jefferson County Sheriff's Office operates a jail in Bessemer and likely could host Bessemer inmates temporarily if that becomes necessary. However, if the Sheriff's Office were to provide municipal jail space for Bessemer over the long-term, capacity downtown or in Bessemer would need to be expanded.

On a short-term basis, Birmingham could offer space for Bessemer prisoners. However, the trip between Birmingham and Bessemer is relatively long.

**Birmingham:** Birmingham's municipal jail could have space for as many as 367 inmates if additional space is rehabilitated. Currently, Birmingham holds about 125. Birmingham's police chief has expressed willingness to pursue those renovations if he can identify cities willing to contract for jail services.

Birmingham will have to overcome perceptions that the jail, constructed in 1986, is past the point of rehabilitation. The police chief will also have to convince Birmingham political leaders that it is a good idea to keep the jail open.

In its favor, Birmingham already has the personnel and equipment to transport prisoners and has expressed openness to offering a prisoner pick-up service. The facility is already undergoing renovations in hopes of meeting the standards required for housing federal prisoners. If Birmingham was able to house some number of federal prisoners, the revenue could offset some of the jail's operational cost.

Birmingham's jail is the largest and most full-service of the municipal jails in Jefferson County, with on-site medical care and food service. Because of the size and scale of its operation, Birmingham has no option but to continue to operate its municipal jail in the immediate term.

Though cost comparisons gathered for this report appear inconsistent from city to city, figures supplied by Birmingham indicate its spending is high on a per inmate basis, suggesting that hosting other cities prisoners and bringing in revenue would create greater efficiency and cost-effectiveness. However, the city's political leadership and police officials would have to agree that this is the desired course to follow. --Capacity economies—of scale--

It would also depend on finding interested client cities. The suburbs to the immediate south have recently built new facilities and would not likely be interested in participating. To the east, Irondale and Tarrant could be potential clients, as could Gardendale and Fultondale to the north. But with the exception of Irondale, which is not operating a jail, all those cities have newer facilities.

### **Additional alternative: Mental Health Crisis Diversion Center**

In addition to contracting between cities to consolidate the number of jails, mayors could improve all departments' conditions by supporting the creation of alternative destinations.

In October, Birmingham-based JBS Mental Health Services lost a bid to secure one of three crisis diversion centers being built in the state. Those state-sponsored centers were awarded instead to Montgomery, Mobile, and Huntsville.

Police are frequently called to intervene with an individual in the midst of a mental health crisis. Jails are not the appropriate place to put someone in a mental health crisis but psychiatric beds at hospitals are often full. More effectively than jails, crisis diversion centers serve police and patients by providing a setting in which mental health professionals can receive and stabilize non-violent individuals.

JBS has a proposal in hand and is a willing partner. Local legislators and public officials can rally round a new proposal and pursue state support. A supporting coalition might propose a larger center, since the JBS plan for a 28-bed facility was always conceived of as a first step, a facility that would fill up quickly.

### **Long-term**

The short-term solution of city-to-city contracting could well be part of a long-term solution. But a more extended time frame offers at least two additional possibilities.

1. **Cooperation and Investment in a new Jefferson County Jail.**
2. **Multi-City Partnerships for Shared Jail Facility.**

### **Cooperation in a County Jail**

The simplest solution is tasking the Jefferson County Sheriff's Office with providing jail services for the county's municipalities.

This is a common system throughout the state and throughout the country. The Jefferson County Jails, in downtown Birmingham and in Bessemer, already house some municipal and other misdemeanor prisoners arrested in the cities where the Sheriff provides patrol services or in the unincorporated parts of the county.

The Jefferson County Sheriff's Office has floated a proposal to build a new jail facility to replace the existing Jefferson County Jail in downtown Birmingham. That new jail facility could be constructed with enough capacity to accommodate municipal prisoners as well.

The Sheriff is already the default jailer for all the county. He takes in all those charged with a felony who aren't released on bond, regardless of which city makes the arrest. He also houses inmates who have been sentenced and are awaiting transfer to the state prison system. A consolidated facility would certainly have the volume of inmates necessary to generate economies of scale and the provision of health, treatment, mental health, and rehabilitation services.

The Sheriff's Office sees a replacement facility for the downtown jail as desirable. The jail is attached to the Jefferson County Criminal Courthouse, and the ability to move criminal defendant to the courtrooms quickly and securely argues for the two buildings to remain connected. Built in 1984 and 1986 respectively, both the jail and the courthouse are not especially old. However, both have serious shortcomings that can't easily be overcome, according to the Sheriff's Office.

Replacing either facility is an extremely expensive proposition; replacing them both even more so. Any move to do so would require strong support from the Jefferson County Commission, Jefferson County's judges, and a wide swath of public officials and the law enforcement community from throughout the county.

Jefferson County will not be in the financial condition to consider large projects until 2023, when debt associated with the sewer bankruptcy can be refinanced. While the Sheriff's proposal has been talked about with county officials, there is no consensus of support around it at this point.

Though that replacement project seems audacious, it might make sense if the City of Birmingham doesn't have to build and staff a replacement jail facility. If Bessemer avoided building and staffing a replacement jail, it would increase the payback on the investment. If the site of the current criminal courthouse and jail building could be repurposed for a more economically or culturally valuable use, it might increase the value proposition.

And if additional cities gave up their jail operations and used the county's services, that could increase the appeal. The Sheriff's Office estimated that cities could be asked to pay between \$35 to \$40 per inmate per night. The office also estimated that it could provide a prisoner pickup for an additional \$25 per inmate.

Gardendale estimated it costs the city \$527,385 to operate its jail annually and estimated that the jail averaged 15 inmates per night. If Gardendale paid the county \$40 for each of those 15 inmates for 365 days, the bill would total \$219,000 per year for contracting with Jefferson County. That doesn't account for the decrease in liability and risk. It would not account for productivity gains and losses on the Gardendale police force. But the potential saving suggests that the proposal may have merit.

Key to an agreement between cities and the county would be a carefully negotiated operating agreement so that expectations are clear. Such an agreement would include clear rights and responsibilities for both parties and a dispute resolution process.

## Multi-city Partnership

A regional jail authority, as authorized by State law (Alabama Code § 14-6A-30) and by Jefferson County local act 2006-185, could be formed by two or more municipalities. This authority could then borrow money to build and operate a new jail facility or could begin to operate an existing facility under a contract agreement. The advantage of the regional authority structure would be a formal system of shared governance and ownership and additional flexibility in management.

Using this approach, two or more cities could address the consolidated jail issue in a more targeted and smaller-scale fashion. For instance, Birmingham and Bessemer might collaborate on building a facility that would address their needs. Its location could be located for mutual convenience. Other interested parties could be brought into the authority. Because the regional jail authority legislation spells out a system of joint governance, participating cities could have a greater sense of control than they might as a client to a larger system operated by the Sheriff.

A regional municipal jail authority would presumably only deal with misdemeanor offenders, so the volume of arrestees serving time and the level of risk associated with the inmates would be lower.

The authority would hire its own employees, who would be eligible to participate in the state retirement system. Or if the member governments wished, they could hire a private management company to operate the jail.

The legislation does not spell out how the authority would be funded. The participating governments would need to craft an operating agreement and contracts to describe the responsibilities and obligations of the member governments.

## Conclusion

In the wake of the COVID-19 pandemic and in light of the evolving thinking about the role of incarceration as a criminal justice sanction, the subject of municipal jails deserves attention. Considering the fact that many felony offenses no longer result in prison sentences, the role of jail time for the misdemeanor offenses prosecuted in municipal court deserve scrutiny.

Every city police force needs the ability to safely detain individuals who are a threat to themselves or others. But it is not essential that each city have a jail. Jail services can and are regularly contracted out. Because of the move away from requiring cash bond, jail populations are dropping. Looking at only municipal prisoners, and excluding Birmingham and Hoover from the count, there are only about 230 municipal prisoners in jail on average. Collectively, municipalities have the capacity to house 550 inmates. (This leaves out Hoover, where federal prisoners constitute the vast majority of the capacity and head count. Beyond that, the capacity figure is



conservative, leaving out more than 200 non-operating beds in the Birmingham jail. Beyond that, most jails could, for a short time, hold more than their design capacity).

Decreasing the number of operational jails would likely result in a more efficient allocation of public resources. But to achieve efficiency and pursue innovation, considerable inertia would have to be overcome. A broad coalition would need to be assembled if the more ambitious undertakings—building a new county jail or establishing a joint jail authority—are to be advanced.

Jefferson County mayors are in the position to lead a further exploration of this issue and rally the community around the best solution, but that will require champions to lead the charge. Additional information and expertise are out there. National, state, and local experts have insight to offer, but to make it worth their while and our time, mayors, working in cooperation with their law enforcement personnel, need to indicate interest and provide direction on next steps.

## **Additional Information about Jail Cooperatives in Alabama**

As a supplement, here are brief accounts of how jails operate in other Alabama counties.

**Shelby County** has about one-third the population that Jefferson County has, but it has three jails compared to Jefferson County's 20. These three Shelby County jails include Hoover, which is located in Jefferson County but serves Shelby County portions of Hoover as well.

That three also includes Pelham's holding cell, which never keeps anyone longer than 72 hours. For the rest of the county, anyone arrested and held is transported to the Shelby County Jail in Columbiana. And anyone sentenced to a term in jail is housed there.

**Mobile County** operates a metro jail, run by the Sheriff's Office. It was built in a cooperative agreement between the City and County of Mobile, with the City of Mobile paying one-third of the jail's operating costs.<sup>7</sup>

The jail costs \$25 million a year to operate.

There are 234 employees, including eight maintenance workers and 75 medical staff. According to Toliver, they are 50 employees short of full staffing. They earn \$50 a day from the feds to hold prisoners. They also take prisoners from Pritchard and Dauphin Island. However, in Mobile County, several municipalities also have jails.

Warden Noah Price Oliver could be a resource for planning. According to City Officials, they have sometimes complained that they are paying too much but are at the same time pleased not to be operating a jail.

### **Tuscaloosa County**

Tuscaloosa and Northport, plus several small towns, use the Tuscaloosa County Jail, which is operated by the Sheriff. According to Tuscaloosa County Officials, the jail costs \$9 million to run, but the county only receives \$400,00 to \$500,000 from the cities.

The contract price is \$55 per inmate per night. Each municipality chooses how many inmate days are included in the contract. Inmates stays in excess of the contract are billed at \$82.50.

### **Madison County**

<sup>7</sup> A copy of the Mobile City and County operating agreement can be found in the appendix

In Madison County, an individual arrested and charged through the City of Huntsville must contact the City Magistrate's office, located in the front lobby of the jail, to obtain bonding information.

Once booked into the jail, the inmate will go to City court the next business day if he/she does not bond out. If the inmate bonds out, the City Magistrate informs that arrestee of his or her court appearance date.

City of Madison inmates must contact the City of Madison municipal court on weekdays during business hours.

### **Morgan County**

One of the most recent city and county jail consolidations was between the City of Decatur and Morgan County. The agreement was forged in 2013, but construction of the jail wasn't launched until 2016.

The Decatur-Morgan County agreement includes technological integration that makes their working relationship much smoother. Decatur police have access to a computer booking system from the field that speeds the booking process. Decatur also has a transport specialist team that is dispatched to the scene when an arrest is made, allowing officers to return to patrol while the transport service transports the arrestee. The Decatur police and magistrate's office have a two-way video feed with the jail for arraignments and interviews.

Decatur contributed \$2 million to the jail's construction and pays \$100,000 a month for access to 100 beds. Decatur City officials are pleased with the arrangement except for one thing. Thanks to changes in the municipal court system, Decatur now uses far fewer beds than they used to average. Consequently, the city wishes it had negotiated an option to lower the number of beds they are paying for. They are also aware, though, that if they'd constructed their own facility, they would be paying for unused space as well.

## Online Appendix

### [Spreadsheet results of Survey of Jefferson County Mayors](#)

#### Links to Documents

1. [Local Act authorizing the establishment of a Regional Jail Authority](#)
2. Two templates of jail service agreements, courtesy of the Association of County Commissions of Alabama, drawn from the ACCA's [Jails and Law Enforcement Page](#)
  - a. [Agreement for Housing Municipal Inmates](#)
  - b. [Agreement for the consolidation of municipal and county jails](#)
3. An [Agreement](#) between the City and County of Mobile for the construction and operation of a metro jail
4. [Agreement](#) between Decatur and Morgan County for the operation of a shared jail



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