

MONROE COUNTY
COMMUNITY JUSTICE RESPONSE COMMITTEE

Meeting Notes
Monday, February 20, 2023, 4:30pm
Nat U. Hill Meeting Room, 3rd Floor Courthouse

These notes are not intended to be verbatim. For this purpose, a permanent recording of this meeting can be found [here](#).

Members Present (In Person):

Penny Githens

Lee Jones

Julie Thomas

Kate Wiltz

Jennifer Crossley

Catherine Stafford

Kara Krothe

Ruben Marté

April Wilson

Michael Hunt

Members Present (Virtual):

Peter Iversen

Karen Wrenbeck

Meeting called to order 4:30pm.

Statement of Guiding Principles

Recognizing our commitment to public safety, we will work collaboratively and transparently to:

- 1. Prioritize treatment over incarceration, when appropriate.*
- 2. Build a justice facility that meets constitutional standards and treats inmates with dignity.*
- 3. Address inequities in race, economic status, disability, national origin, sexual orientation, and gender.*
- 4. Reduce the number of people entering the criminal justice system and reduce recidivism for those who are/ were in the system.*

Tentative plan for upcoming meetings

- March 6- Create plan for subcommittees.
Commissioners' discussion on their vision
- March 20- Discussion of previous facility visits
- April 3- Presentation by RFQ committee
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Statement by Commissioner Githens

Commissioner Githens gave a brief explanation of the county budget process.

Each year elected officials and department heads go before the County Council with their budget requests for the following year. If this budget proves to be insufficient, departments can request additional funds from the County Council. Commissioners have no authority over the county budget.

Commissioners were not aware of, and did not stand in the way of, Sheriff Marté acquiring any new furniture for the jail.

A breakdown was given of who is assigned different responsibilities under Indiana statute as it pertains to the jail.

Sheriff's Office: responsible for maintaining the cleanliness of the jail, programming, medical care, mental health care, assigning inmates to cells, maintaining a clean space, paint, food service, jail staffing and officer training

County Council: responsible for funding materials, equipment, and supplies to maintain cleanliness; adopting the annual budget, approving job descriptions, and establishing salaries

Commissioners: responsible for maintaining the physical structure of the building, including electrical, mechanical, HVAC, and plumbing

Addressed problems that were brought up on the Sheriff's presentation on 01/23/23 and shared what has already been handled, as well as what problems have ongoing solutions. Commissioners are addressing problems that they have been told about and that they are responsible for.

Stated she is glad the Sheriff is working to improve the facility.

Committee discussion

Sheriff Marté claimed many of the statements made by Commissioner Githens were not correct. He asked for the support of the Commissioners as he cleans and repairs the jail.

Councilor Crossley quoted Michelle Obama, "When they go low, we go high" and urged the committee to continue moving forward.

Public Comment

Ashley Pirani, Monroe County resident

- Presented two questions and a request to the Commissioners.
 - When will the Commissioners be providing a report on their trip Maricopa County, AZ?
 - When will the Commissioners be providing their road map?
 - Suggested time be set aside on the agenda for the Commissioners to give an update on how they are providing support to help improve the living conditions in the jail.
- Asked for the prioritization of finding solutions to ensure incarcerated individuals are being cared for humanely, rather than continuing to point fingers and deflect.

Sam Holden, Virtual attendee

- Amplified the voices that responded to the Health Department survey.
 - Encouraged the committee to give more consideration to those that know most about mental health and substance use in this county.
 - Read several responses from the survey:
 - opposition of a new jail
 - abolish drug screening fees
 - treatment, physical care, and mental health care should be provided in the community not in jails
 - the criminal legal system should not be combined with healthcare and recovery systems
 - this responsibility requires those with specialized skills
 - Invest less in facilities and more in prevention.
- Immediate action steps:
 - Do not embed mental health services with the criminal legal system.
 - Eliminate drug screening.
 - Reinststate the health department to this committee or add perspectives of mental health service providers.
 - Why are there multiple judges/ lawyers on this committee and no therapists?

Audrey Williams, Monroe County resident

- Astonished at the Commissioners' visit to Maricopa County, AZ.
 - Maricopa County is notorious for mistreatment of jailed individuals.
 - It is one of the largest counties in the country – their sheriff's office has an operating budget of \$433.8 billion.
 - The trip costed taxpayers \$5,286.53.
 - This money could have been spent improving our existing jail.
- Jail should be within city limits and close to established resources.
- Basic information should be communicated with committee members.
 - How much space is needed for offices?
 - Why do agenda requests need to be mentioned a week in advance when the agenda was not available a week ago?
- Stated that the Commissioners are disregarding everything the committee stands for and should be ashamed.

Natalia Galvan, Monroe County resident, Virtual attendee

- Serving on the CJRC is a privilege and any members not using their voice are doing a disservice to the community.
- County Council members are a check on the Commissioners and should be acting like it.

Nathan Rosenbloom

From his seat- stated he did not want to make public comment anymore.

T. Randall, Care not Cages member and Monroe County resident

- Current jail will be in use for at least 5 more years.
- The county still has not produced a report with a cost estimation to repair the jail.
 - Ken Ray study estimated the cost from \$22,122,000- \$56,484,000 (34-million-dollar range).

Marty Hawk, Monroe County Councilmember, Virtual attendee

- Shared that the Personnel Administration Committee (PAC) met with the sheriff's office to get their new position in place.
 - There has been disagreement on what "maintenance" means.
- This job description should be pushed through as soon as possible.

Pamela Davidson, Monroe County resident

- Appreciative of Sheriff Marté's honesty.
- Revisited the jail study done in 2021.
 - People staying in jail are staying longer periods of time.
 - Court criminal case processes are significantly slower than the national average and inefficient.
 - Number of criminal case continuances is extensive.
 - What has the Board of Judges done about this?
- This committee was formed 2 years and 8 months ago.
- Most people in the jail have not been convicted of a crime
- Monroe County is arresting too many people and keeping them too long.

Public comment is extended at the end of the meeting.

Sidney Foreman, member of Care not Cages

- Care not Cages has distributed a petition (with just under 70 signatures and counting) that asks the CJRC, county officials, and city officials to take all available steps to decrease the existing jail population, and further asks the county to produce a full study of the cost of renovating the existing jail before proceeding with any new land purchase and construction plans.
- Not in support of building a new jail.
- If a new jail is built, it must be downtown.
 - There would be a possible stigma with taking public transportation to a justice campus.

Kaisa Goodman, Public Engagement Director for City of Bloomington and Monroe County resident

- The Bloomington city administration believes a new jail and its corresponding services should be located close to downtown for a variety of reasons including:
 - Access to services
 - Transportation
 - Economic impact
 - The need to not hide away the jail and the people incarcerated in it.
- Shared part of an email exchange between County Attorney Jeff Cockerill and the mayor's office regarding the Hopewell site.
 - Attorney Cockerill reached out on behalf of the Commissioners to see if the Hopewell site would be available for a new jail, and if not, if the city would have any other land for use.
 - The mayor indicated he would be happy to discuss the jail project and potential sites. He stated that the Hopewell site specifically would not be a good option.
- Addressed a mischaracterization of a conversation that was mentioned earlier in the meeting by Commissioner Githens about land near Catalent.
 - The mayor did not state that there was not an opportunity for a road there, but rather that they could work together to address any issues including infrastructure.

Commissioner Githens commented that Kaisa Goodman was not present during this conversation.

- Encouraged the focus to be on public health and services rather than transactional exchanges about the location of a new jail.

Renee Miller, Monroe County resident and Virtual attendee

- The carceral system is harmful
- Thanked the judges and Councilmembers Crossley and Wiltz for asking for evidence-based ideas.
- We should be listening to inmates.

Left the following comment in the chat on zoom:

“That was the most unprofessional statement to begin a meeting in Monroe County I have heard— and I have been here 55 years. It was shameful and an embarrassment to our county. What deflecting does is hurt the people you are trying to gain help from. Shameful. It is time to work on programs to keep people from going to jail. Why are we not hearing about these programs? That is true justice. None of this is true justice. No Justice, no Peace. You call yourselves progressives— you are nothing more than Democrats in name only. Where are the mental health professionals at the table? Where are any of the people that will be helping people, truly help people? I and most of the county does not have any confidence in you— all but 2 actually, and they are on the council. The carceral system causes hard, not justice. Any campus that holds the power within law enforcement will not work. The word force — means it is by force and as someone who has been sober and not using for 29 years, I would know as do the many people who also do not have a seat at the table.”

Presentation by Ken Falk, Legal Director, ACLU of Indiana

Filed the class action lawsuit in 2008 on the Monroe County Jail.

Monroe County needs a new jail:

- The jail has exceeded its structural and functional life cycle.
- Although the jail population is down, it still exceeds the capacity it was built for (123).

Jails are now being built with pods:

- everything is on one floor
- central control area
- living quarters that radiate out (like slices of pie) allowing staff to have vision of all prisoners
 - in linear designs there are spots that you cannot see
 - there are blind spots even with cameras
- If you have land, this gives the opportunity to leave some land empty and build more pods if/ when needed.

Private settlement agreement was filed in 2009.

- Required a population cap.
- Was originally set to expire in 2011 and has been reupped every year since then.

Thoughts on the need for jail to be within city limits:

- Do not sacrifice other things for the sake of being within city limits.
 - Jails should be on one level whenever possible
 - Gives inmates more freedom while also allowing constant supervision

Encouraged the committee not to be paralyzed by the need for the jail to be perfect- it won't be perfect.

Questions/Comments from Committee

Why was the agreement extended? What happens if it expires, and we have not progressed?

Prison Litigation Reform Act (PLRA) (1996): A judge cannot sign off on an order unless they make a finding of ongoing constitutional violations. The PLRA allows for a private settlement agreement.

Private settlement agreements are often used to 'keep the lid' on the situation while you move to the next step (ex. while a new jail is being built). The private settlement agreement can go away, but that will not prevent another lawsuit being filed.

What's the worst that can happen if a new lawsuit is filed?

You are found having an unconstitutional jail:

- Attorney fees (capped under PLRA)
- Anyone who has been in jail in the past 2 years (statute of limitations) can sue for damages (with a private settlement there is no admission of unconstitutionality).

Clarification on Vigo County situation: Did an agency come in and tell them what to build, how to build it, etc.?

No, there was no agency that told them what to do.

PLRA imposes a more hands-off approach. All a court can do is make you build what is minimally necessary to be constitutional.

Is it wise/ is there a large enough investment to revitalize the current jail?

From his perspective, the jail does not have a sensible construction, and has degraded over time.

The building would need to continue being maintained in the future.

A treatment component is not ideal with this structure, it would be more possible with a campus.

Is the lawsuit mostly focused on crowding rather than the physical condition of the jail?

A component of the study was conditions, and conditions get infinitely worse when a jail is overcrowded.

Should some basic repairs be done to keep inmates and staff safe? Are there liability concerns?

Money should be spent on basic maintenance, there are things that need to be fixed.

Remodeling/ rebuilding the current jail would be a waste of money. A large expenditure would be best spent on a new facility.

*Note from Commissioner Githens: The roof of the current jail is set to be repaired this spring.

Input on acreage/ property size

Ken Falk offered to send numbers on Vigo County.

Are campus approaches more typical than single buildings?

Marion County is criminal justice campus, including courts.

Vigo County is a self-contained building with a large medical ward.

Having a separate building for individuals experiencing a mental health episode, or on drugs/ alcohol would be beneficial so you do not have to process them immediately.

Can the federal government dictate our new jail if we don't address it now?

If the private settlement expires, anyone can bring a lawsuit against the jail/ county claiming the conditions are unconstitutional.

The federal government could move in any time if there are constitutional violations, but that has never happened in any of his cases.

Monroe County is currently susceptible to being sued by prisoners for damages.

The County has recognized that a new jail is needed. It is fine to do things out of fear, but it is better to do things because it is the right thing to do.

Questions/Comments from the public

Donald Griffin Jr., former Deputy Mayor of Bloomington

Do we need to make short term investments in the current jail to ensure it is maintained properly until it is time to move into a new structure?

Yes. Inmate's constitutional rights need to be protected today even if a new jail is being built tomorrow.

Would this include things like mental health services?

Anything that can be done to minimize the number of people in the current facility will protect it from further stress.

Diversion efforts incorporated now could easily be transferred to a new facility, so there is no reason to wait.

Charlotte Zietlow, former Monroe City Council President and former Monroe County Commissioner

Shared her history with the existing jail.

Encouraged the committee to do their best and deal humanely with people. Things cannot be done well unless everyone works together.

Stated that she appreciates Sheriff Marté bringing the jail conditions to people's attention.

Thoughts on a new jail:

- In support of pods
 - would help with staffing and visibility
- Be cognizant of the difficulty transportation will pose if the jail is not in the city.

Statement by Commissioner Githens

In 2021 hired consultants told us the current facility needs to be replaced (not renovated or expanded).

While in Arizona, Commissioners also looked at a release center and a crisis diversion center.

Commissioner Githens shared her own vision for a new facility:

- Larger footprint
- More programming spaces
- Single story jail
- Natural light
- More medical space
- Larger intake area

2 Requests for Qualifications (RFQ) responses have recommended 25 acres.

Addressed requests that have been made for a new jail to be within city limits:

- The Fullerton Pike property was denied the necessary rezoning by the city.
- Commissioners were told by the city that the Hopewell area (24 acres) would not be a possible jail location.
- The city was unwilling to upgrade Adams Street to provide better access to county property near Catalent.

Commissioners have asked the city to help identify land within the city, and any options presented will be explored. However, this is not something we can wait on indefinitely.

Addressed the suggestions to renovate or add another floor to the current jail:

- This would go against the suggestions of consultants and Ken Falk, as well as the wishes of Sheriff Marté.
- A structural engineer and architect would need to be hired.
 - It would take months to receive a report- this could waste valuable time if the report shows the current jail should not be renovated.
- Adding an additional floor would not prevent problems that are impacting the courts below them and will not allow for additional recreation area and natural lighting.
- Other issues with renovation:
 - Cost of housing inmates in another jail
 - Transportation costs between this facility and our courts
 - Jail staff would be laid off
 - A location would need to be found for courtrooms and offices.
 - Several transportation issues would arise:
 - Local inmates being released from a facility in another county
 - Public defenders and private attorneys traveling to meet with clients in other counties
 - Inmates needing to go to the hospital
 - Inmates may need to be placed in jails in more than one county.

Commissioners are not looking to build a new jail with hundreds of additional beds, but rather a humane jail that could be expanded if needed. More of their vision will be shared at an upcoming meeting (March 6).

Committee discussion

- Concerns were raised about the 25- acre estimate for a new jail location.
 - Can the committee see/ review this estimate?
 - Is there evidence for why this amount is needed?
- If people need to be removed from the current facility due to safety reasons, that should be done regardless of transportation costs.

Committee Comments

- Modern qualities in new jails help prevent damages we often see in the existing jail:
 - Toilets can prevent flooding
 - High ceilings
 - Steel cells with shut offs at the back of the cell
- Sheriff Marté stated that he wants to move fast on these issues.

Agenda Requests

- Discussions on re- entry support (first 72 hours after release)
 - What is the current process? What are the needs?
- Land size
 - What facilities/ buildings need to be co- located?

Meeting is adjourned 6:20 pm.