

"We have ways to make you talk."



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THE RYDER

CARE—NOT CAGES

*By Micol Seigel
and Leigh Grundhoefer*

BAMBOOZLED TO AMERICAN FICTION

By Brian Stout

TIPS FOR THE ECLIPSE

By John Linnemeier

MY LIFE AS A FURNITURE MAKER

By Robert Harman

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HELP – NOT HANDCUFFS CARE NOT CAGES SPURS DISCOURSE ON INCARCERATION

By Micol Seigel and Leigh Grundhoefer

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NEW JAIL REDUX

In 2007, Monroe County proposed building a new jail. The old one was decrepit and overcrowded, claimed proponents. In the end no new jail was built, thanks to public opposition and sky-high cost projections. Now, fifteen years later, the county has proposed a new jail again. The old one is decrepit and overcrowded, claim proponents. Whether or not a new jail is built this time, today as before elected officials continue to avoid the pipeline issues that crowd the jail with neighbors, friends, and family members. To galvanize a more robust public conversation about county policy, the local anti-jail group Care Not Cages has organized a series of twelve events between February 11th and April 2nd featuring films about incarceration and public conversations with filmmakers, activists, and scholars.

THE JAIL, PAST AND PRESENT

The history of the Monroe County Correctional Center resoundingly confirms the classic prison-reform insight, “if they build it, they will fill it.” Built in 1986, it transferred in forty people who had been contained in the previous jail. That number morphed to 150 within months; by 2008, the average jail population was 286.¹ A study in 2009 projected a need for only 53 more beds by 2030.² Yet also in 2009, the county proposed a 400-person new “justice campus” with co-located social services such as drug treatment and probation.³ When that didn’t happen, the jail population remained around 280, the capacity of the existing facility. In the last five years it has hovered around and under that point, between 211 and 298 people average per day.⁴

Is it simply that there are always around 280 people who need to be locked up in Bloomington? Or does that number stay constant because that’s how many people we have the capacity to cage? Consider: our jail numbers have remained roughly at that maximum except during Covid, when they dropped to an annual average of 180. There they stayed, thanks to the expanded use of citation and summons instead of arrest, with zero corresponding rise in crime rates.

WHY THE JAIL IS SO BAD

The existing facility is a travesty. It is unsanitary and overcrowded. It is uncomfortable to the point of Constitutional violation. It poses public health challenges for staff and residents. Programming space is inadequate, so people aren’t getting the help they need and deserve. It’s nothing the County should be proud of.

The County’s claim about the jail is that the needed renovations are too expensive or impossible. Yet the rush to replace the jail has bypassed the question of renovation entirely. Monroe County commissioned a substantial study of its jail in 2020 by Dr. Kenneth A. Ray of RJS Justice Services. That report charged the County to “take immediate steps” to estimate the costs of renovating our existing facility.⁵ We’re still waiting for that estimate as of this writing. We don’t know what it would cost to renovate the jail.

Some of what the County cites as reasons a new facility is needed are just specious. One is that the current facility is multi-story. City jails across the country are multi-story. It’s a fact of urban space. Here the argument is that elevators are somehow inadequate for people with mobility challenges, and that staff



would prefer fewer stairs. The first complaint sometimes gets articulated as a disability rights issue, as in the claim that people with differential abilities cannot be “served” by the current jail. While obviously the best option for such people would be not to put them in jail at all, it is hard to agree that this small group warrants a hundred-million-dollar outlay. Can the elevators really not be fixed? It’s also hard to sympathize with workers’ desire to avoid exertion when those workers must be ready for the physical challenges of disciplinary measures—if you can’t walk up a staircase, can you stop a fight?

The truth is that the existing facility is a travesty not because it’s inherently flawed or even because it is old. After all, the jail

Like many other states, Indiana was trying to combat overcrowding in state prisons, but the measure ended up moving people into county jails. The resulting overcrowding across Indiana’s ninety-one county jails caused a burst of jail-building statewide.

occupies the top floors of the court building, the Charlotte Zietlow Justice Center, and nobody is complaining about the bottom floors. The jail is terrible for a few reasons, first among them because administration after administration has allowed it to fall into disrepair and become filthy to the point of literally sickening. If this is how our jail is treated, a new one won’t stay pretty for long. No matter how gorgeous the new site, a few years of negligent administration and we will be right back in the situation we find ourselves in today.

For a brief, shining moment right now, Monroe County has a responsible jail administration. Sheriff Ruben Marté is a straight shooter, a brave public official who seems genuinely to care about the people in the jail he runs as well as about principles such as government transparency and truth. Marté was appalled with the jail when he assumed his position in January 2023. The conditions he encountered were beyond the pale, and the lack of support for fixing them enraged him. Anybody who enjoys a devastating tirade against civic incompetence should read Marté’s email of February 20, 2023, excoriating County Commissioners’ “resistance, dismissiveness, and indifference.”⁶ Marté doesn’t like the current jail, but he isn’t campaigning for a new one. His position seems to be that he will fulfill his mandate in a new building or the old one. Marté has been working hard to clean up the jail, and with actual support, he could succeed.

Ironically, then, Marté’s (deserved) popularity seems to be fueling the drive for a new jail. To add tragedy to irony, when his administration transitions out, it may be back to business as usual.

Beyond negligent management, the jail suffers from the desire to put too many people in it. When every cell is double-bunked and full it’s harder to keep people clean and safe, while programming—educational, medical, religious—doesn’t have space. Jail overcrowding is a complex phenomenon, certainly springing from all the large-scale factors behind mass incarceration nationally, but also a few local ones. In 2014, Indiana’s House Enrolled Act (HEA) 1006 took effect, changing the definitions of felonies and their sentencing. Like many other states, Indiana was trying to combat overcrowding in state prisons, but the measure ended up moving people into county jails.⁷ The resulting overcrowding across Indiana’s ninety-one county jails caused a burst of jail-building statewide.⁸

HEA 1006 was supposed to incentivize an increase in local support for people suffering the crises that lead to

incarceration, first among them homelessness and mental illness. Quite simply, people go to jail because of these challenges. Homelessness doesn’t just lead to crime; it is itself criminalized, plus it leaves people vulnerable to all the other factors contributing to arrest. The second report commissioned to study the jail, prepared by Eve Hill of Inclusivity Strategic Consulting, explained, “[h]omelessness and incarceration increase the risk of each other exponentially and in a vicious cycle, particularly for those with mental illness or SUD.”⁹ Mental illness is equally important. Experts have found that most people “with mental illness in the criminal justice system were arrested for minor crimes that were directly related to their illness and rarely for violence.”¹⁰

In this, Bloomington is not better than the national mean. The way we deal with mental illness is another fundamental reason for the current jail’s problems. Our jail, stunningly, is “the largest mental health facility in the county and surrounding counties.”¹¹ This observation by jail staff in their 2022 report should galvanize herculean efforts to help people outside of carceral settings. The jail should not be the County’s solution to mental illness, not only because it is inhumane but

because mental healthcare in coercive settings is less effective than outside them, and jail exacerbates mental illness.¹² The state attempted to fund local mental healthcare provision through its “Recovery Works” voucher program.¹³ The only recipients of Recovery Works funds in Monroe County are Amethyst House and Centerstone.¹⁴ They have sharp restrictions on whom they serve (Amethyst House is abstinence-based), reach limited numbers of people, and have long waiting lists.

Racism is another problem feeding the local jail. In striking counterposition to widespread views of Bloomington as a progressive oasis, data from the Sheriff’s Department and the U. S. Census Bureau show huge racial disparities in jail population. Black people are overrepresented by a staggering 681%.¹⁵



There are administrative reasons so many people are in the local jail. The top three reasons people were booked in 2022 were “hold for other jurisdiction,” “failure to appear,” and “violation of probation.”¹⁶ The holds are money-makers for MCCC, which receives a fee per night for each body it keeps. Holding people for other counties is a terrible reason to tax residents here \$100 million for a new jail. Failure to appear is often the

The population could be shrunk by funding the services people need to stay out of jail, and the existing facility could be renovated.

result of insufficient notification, lack of address (homelessness), or data systems that aren't updated so that courts aren't using people's most recent contact information. Probation and other forms of supervision are particular tripwires to (re)incarceration. It is incredibly easy to violate probation terms because so many regular activities become illegal and because the standard of evidence required is the lowest in the criminal legal system, "a preponderance of the evidence."

As this suggests, crime is not among the reasons people are in our local jail. This is a profoundly important point. Monroe County's jail population has actually *decreased* over the last ten years: What has increased is repeat bookings (recidivist returns).¹⁷ People are in jail not because they are committing (new) crimes, but because they are violating probation.

In 2019, a New York-based philanthropic initiative set out to tackle the knot that is probation. It funded ten research sites across the country, including Bloomington, thanks to IU Criminal Justice professor Miriam Northcutt Bohmert. Dr. Bohmert produced a cost-time-benefit analysis of a range of recommendations that would reduce probation revocations in Monroe County.¹⁸ The

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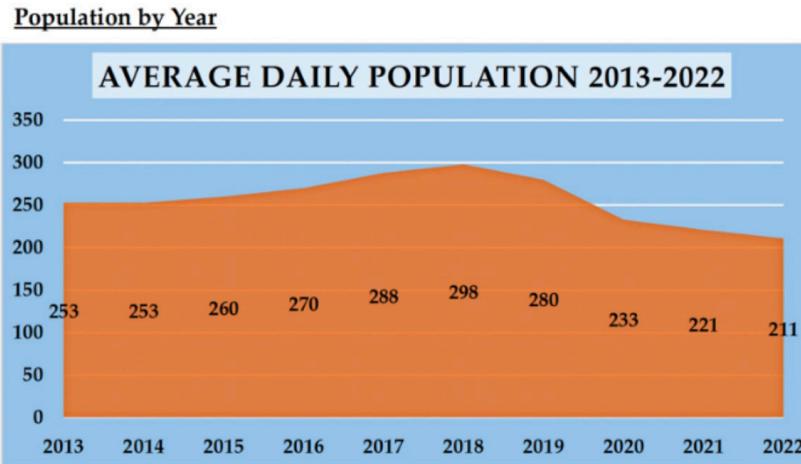
County has yet to follow the bulk of those recommendations.

Community-oriented social services are really the key to this dilemma. Recidivism is intimately connected to substance abuse. Devastatingly, Eve Hill relates: "The evidence indicates the prevalence of mental illness and SUD in MCCC is far greater in Monroe County than nationally. ... 75–80% of the individuals in MCCC at any given time have mental illness and/or SUD. ... by all accounts, this is a crisis that the County has simply failed to count. ... MCCC is not currently equipped to guide people into treatment upon reentry. As a result, MCCC sees individuals with mental illness and SUD return and return and return."¹⁹

Finally, the jail is full because the jail is full. A vicious cycle is at play in the jail's population, in that caging someone aggravates all the issues leading back to incarceration. As Eve Hill warned: "Even relatively short pretrial detention has been shown to have significant negative effects on people's ability to leave the criminal justice system, resulting in more convictions and guilty pleas, longer sentences, higher fees, and even more likely future criminal justice involvement."²⁰ Clearly, something must be done.

WHAT COULD BE DONE

The jail's sharp population drop during Covid—without consequence in crime—illustrates the truth of the County's criminal legal system: it doesn't have to be the way it is. The population could be shrunk by funding the services people need



to stay out of jail, and the existing facility could be renovated.

The very first recommendation of the County-commissioned "Ken Ray report" is to consider the extension of the Covid-era reliance on summons and citations instead of arrest into post-Covid times. This the County has not done. This is only one of the many instances of the county flouting the recommendations offered by its own consultants.

What could the County accomplish if

it redirected the monies it will collect to build a new jail? With a new local income tax, that amount was a cool \$10 million annually, justified by categorizing the funds as "economic development." How much more economic development would we produce by allowing people to become productive members of the community rather than leaving them in toxic cycles of vulnerability to precarity, frayed social relations, homelessness, mental illness, substance abuse, and incarceration?

Addiction and mental health services could be greatly expanded. Support for community-led, low-barrier or all-options organizations such as Courage to Change, New Leaf New Life, the Indiana Recovery Alliance, Made-Up-Mind, etc. would do much more to keep people with SUD and mental health challenges out of the local jail.

Local healthcare workers have stressed the need for a non-carceral, community-integrated voluntary mental health treatment center that could host residents long-term—*i.e.* beyond the 30-day maximum period most other treatment centers use—and that would admit people in serious crisis regardless of such conditions as date of prior substance use.

The County could work with SUD service providers, medical detox providers, Indiana Medicaid, DMHA, and insurance providers to establish Medicaid, insurance, and other funding for a detox service to manage and minimize the physical harm of detoxification, acute intoxication, and withdrawal symptoms, including evaluation, stabilization, and facilitating readiness for, and entry into, treatment, as recommended by Eve Hill's report.

Also enormously helpful would be 24/7 walk-in crisis centers in locations beyond Centerstone's main office that do not require law enforcement or hospital referral. As Eve Hill again stressed, Monroe County needs places where people in crisis or their families can seek services outside of normal business hours without fear of incarceration or hospitalization. Along the same lines, much better use could be made of the existing diversion facility, the Stride Center. As Eve Hill explained, in Monroe County, "disorderly conduct, public intoxication/drunkenness, underage liquor possession, and minor drug possession offenses account for large numbers of arrests, many of which should be directed to the STRIDE Center. Even referring just 20% of such arrests to the STRIDE Center has the potential to cut some 4,000 jail bed days from MCCC."²¹

Housing assistance would alleviate conditions for a significant number of people. A housing assistance program initiated by the jail in 2022 with support from the Community Foundation of Bloomington & Monroe County reduced the recidivism rate for

participants to 2.85%, far below the overall rate of 23.13%.²² Key to the success of this program is its emphasis on autonomy for people “choosing where they would feel most comfortable living and receiving treatment based on their various needs,” the Sheriff recognized in his 2022 report. “This community-based approach is paramount to client success.”²³

Prosecutors and judges could also play a role. HEA 1006 added to the already considerable discretion prosecutors are able to exert and gave judges even wider berth in sentencing. Both groups could do more locally, as Ken Ray’s report agreed.²⁴

Measures to combat racism would have an attenuated but real effect on the jail, not only by decreasing the number of people of color incarcerated but for much broader reasons involving the ideological function of racism to divide populations into those whose lives matter and Others. This would entail not shallow workplace trainings but a redistribution of resources that could actually alter the bases on which

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racial categories are reproduced.

Despite the clear guidance the County’s own consultants have offered regarding the best ways to spend public funds to increase the safety and well-being of our community, the primary focus of every County Council and County Commission meeting on criminal justice is building a new jail. They’ve even allocated over \$300,000 to hire a jail transition coordinator for three years, ahead of formal approval, site selection, and the study of the possible renovation of the existing jail.²⁵

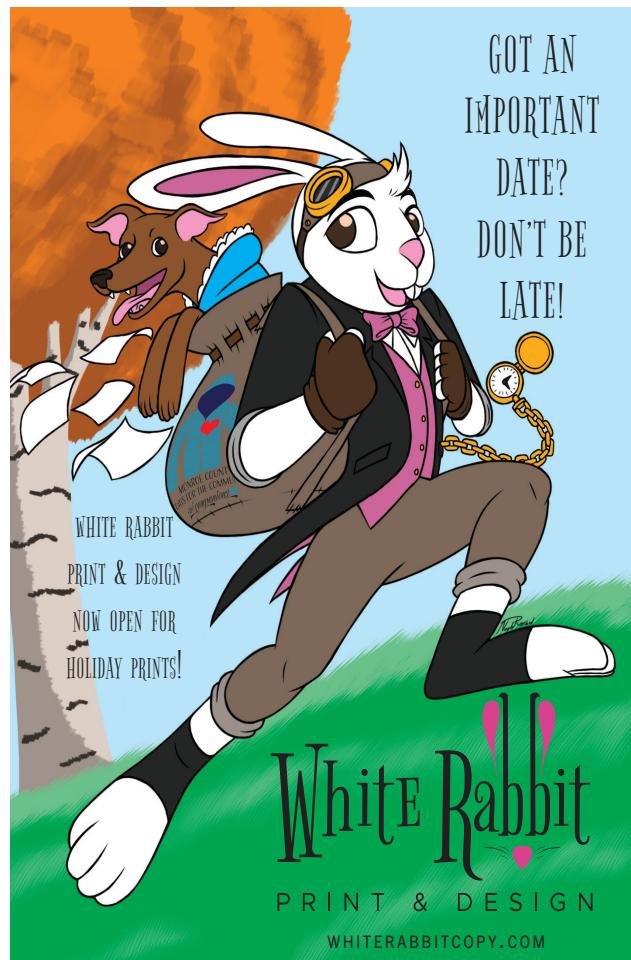
As the Vera Institute observes in detailing the data for Monroe County, “Local incarceration rates reflect the decisions of local law enforcement, prosecutors, judges, probation and parole officers, and the implementation of local, state, and federal laws. Locally elected officials have the power to reduce the footprint of jails—for example, by changing enforcement priorities, reducing pretrial detention, pursuing alternatives to incarceration, and ending contracts to hold people for other agencies.”²⁶ MCCC’s dilemma is a product of local decision-making. We’ve made it the way it is. We could decide to make it different.

PUBLIC OPINION DISREGARDED

While many local residents might agree that public money is better spent on social services than jail expansion, the County today is bypassing public opinion. In this it echoes yet again the earlier jail-expansion bid. Prior to the opening of the current jail in 1986, a community organization called Citizens for Jail Improvement sued the County Council for failure to notify the public of the meeting in which it approved the lease.²⁷ In 2023, Care Not Cages discovered that the County Commissioners had selected the jail design company for the new jail in secret, in violation of Indiana’s Open Door Policy. In response to a request from Care Not Cages to investigate, the state ombudsman for the Open Door law confirmed that a violation had occurred.²⁸

Sheriff Ruben Marté was nonplussed at the County’s selection process as well. He wrote an open letter protesting the process. “I certainly never agreed to closed door interviews,” he complained. In great detail, he set out the violations, including the scramble set off by accusations from Care Not Cages.²⁹

In the absence of a lawsuit by a party that could claim standing—harm—there are no consequences for the ombudsman’s finding. The Commissioners enjoy gross impunity for their unethical selection. DLZ has a record of lobbying for prison construction while profiting from it. It built the jail in Vigo County, for example, which is now paying \$6.28



million annually over a twenty-year period to service the debt on its \$66.5 million jail. That means Vigo County will end up spending \$125.6 million on what was initially proposed to be a \$28 million jail.³⁰

If we proceed with local elected officials' plans, Monroe County residents will be taxed to fill DLZ's pockets with further profits

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extracted from the misery of the most vulnerable members of our community.³¹ Its selection represents the worst kind of prison-profiteering.

The County has failed to consult the will of the community on the question of a new jail not only by holding the meetings to choose the contractor in secret. It also bypassed a public referendum by choosing a funding mechanism that would not trigger voter review (the lease bond).³² It disbanded the group that was attempting to host a public conversation about jail construction and alternatives (the CJRC), dismissing its facilitator. It regularly holds hours-long meetings in which the public is allowed comment only at the very end, and then extensively discusses whether each patient witness should be permitted three or five minutes to talk. It then ignores those views as much as possible.

Thus the need and utility of the Care Not Cages film series. Throughout the programmed events, the community will come together to consider and discuss all aspects of the US carceral system, its historical roots, local branches, origins and reasons for continuing to exist.

THE FILM SERIES

The series begins with a program of short films encouraging viewers to consider a world without prisons ("Beyond Walls," February 20th, 7pm at IU Cinema). From an introduction to the idea of abolition, to maintaining relationships with loved ones inside, to practical alternatives to incarceration, each film demonstrates an abolitionist imagination.

The anchor of the series is filmmaker Brett Story, whose haunting 2016 film *The Prison in Twelve Landscapes* commands attention to the ways prisons shape worlds far beyond their walls. In addition to *The Prison in Twelve Landscapes* screening March 23rd, 4pm at IU Cinema, Story's other films feature in the series: *CamperForce* (2017), screening alongside Chloé Zhao's *Nomadland* (2020) on March 7th, 7pm at IU Cinema; and *The Hottest August* (2019), March 22nd, 7pm at IU Cinema. Story will appear in conversation with IU Cinema Director Dr. Alicia Kozma on March 23rd, 7pm at IU Cinema as part of the Jorgensen Guest Filmmaker Series. Delving into Story's experience as a filmmaker, scholar, and activist, the conversation will explore how art and storytelling can bring about social change.

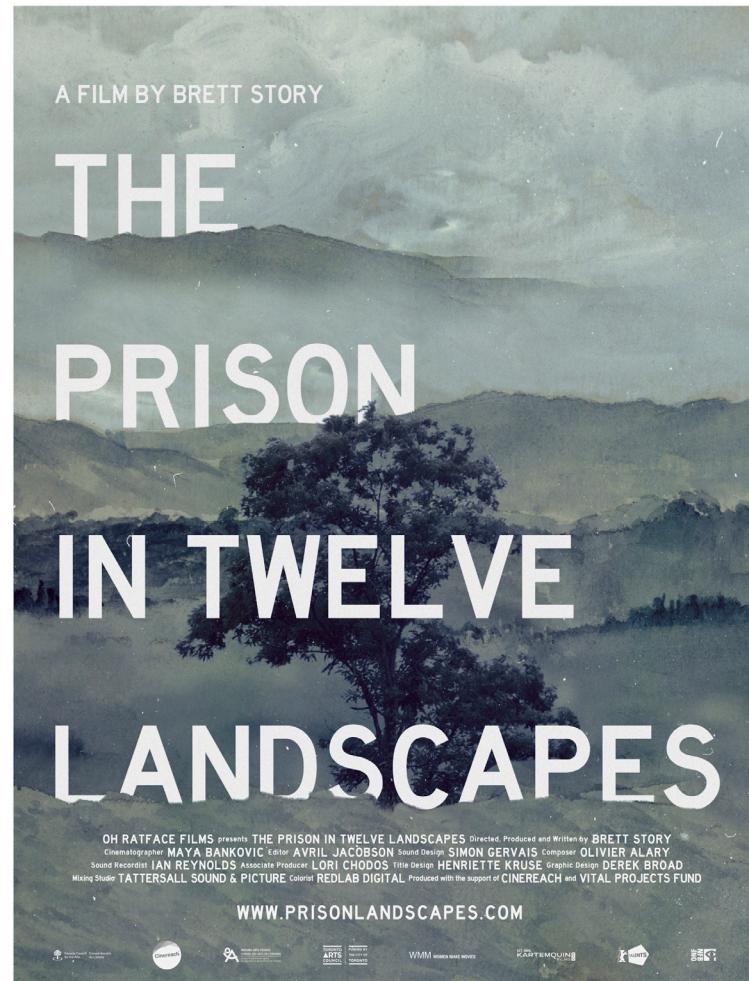
Story will also appear on a panel at Redbud Books, Bloomington's newest independent bookstore (March 22nd, 3pm at 408 W. Kirkwood). The panel will feature Story alongside critical criminologist Judah Schept, author of the just-published *The Jail Is Everywhere*; a member of Care Not Cages; and a representative of Fort Wayne-based Help Not Handcuffs, a group fighting a new jail proposal

in Allen County. In another local collaboration, Care Not Cages is partnering with Bloomington Anarchist Black Cross for a Prisoner Letter Writing Night (March 18th at the Monroe County Public Library, room 2A, 6:30pm).

Other films in the series include *Time* (April 2nd, 7pm at IU Cinema), an intimate portrayal of activist Fox Rich and her two-decade journey to free her incarcerated husband, and *Riotsville, USA* (March 5th, 7pm at Redbud Books) a denunciation of the fictional town built by the US military to practice its riot control techniques.

Many of the programs include discussion following the films, with filmmakers, community organizers, and audience members. Conversations help viewers locate themselves in the issues and clarify their convictions. Care Not Cages member and series curator Seth Mutchler explains, "A central component of this series are our community conversations following each film. By discussing the films with each other, we take abolition out of the theoretical and into the practical. We look forward to working together on a more just, equitable, and compassionate society."

All events are free and open to all; the events at the IU Cinema are free but ticketed. This series is organized by Care Not Cages and IU Cinema in partnership with Redbud Books, Cicada Films and the Jorgensen Guest Filmmaker Series.



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