

“With or  
without your  
assistance”

An open letter from Monroe County Sherriff Ruben Marté to  
Monroe County Board of Commissioners President Penny Githens

February 20, 2023

*[Editor's Note: Care Not Cages decided to print this email from Ruben Marté to Penny Githens to further shine a light on the injustices being committed in our community. Care Not Cages is a community group with diverse viewpoints; many of us are against the building of any new jail and many of us believe jails and prisons should not exist at all – topics we are happy to discuss. Sherriff Marté is not a member of Care Not Cages, and we are not members of the Sherriff's Department. However, we feel it is important for this information to be spread as widely as possible to motivate much-needed change in Monroe County's 'criminal justice' system.]*

*This email has been reprinted unedited with the sole exception of removing the photo of a person's wounded foot to protect their privacy. This removal is highlighted in-text with an editor's note.*

*For further background on this issue – please see the continued reporting from BSquareBulletin.com. We have no association with their site but have found their reporting to be the most comprehensive on this issue. As with all public issues, best practice is to do your own research and go to the primary source whenever possible.]*

**From:** Ruben Marte <rmarte@co.monroe.in.us>

**Sent:** Monday, February 20, 2023 8:59 PM

**To:** Community Justice Response Committee <CJRC@co.monroe.in.us>; Marty Hawk <mhawk@co.monroe.in.us>; Cheryl Munson <cmunson@co.monroe.in.us>; 'dave@bsquarebeacon.com' <dave@bsquarebeacon.com>

**Cc:** Phil Parker <pparker@co.monroe.in.us>; Kyle Gibbons <kgibbons@co.monroe.in.us>; Matthew Demmings <mdemmings@co.monroe.in.us>

**Subject:** Facts

Penny,

This email will cover several topics that, on face value, may not seem germane to the Jail Technician position; however, they have led to the current state of affairs in which I find myself. When Chief Deputy Parker and I first viewed the facility, we were aghast at what we saw. We immediately began formulating strategies to bring the facility into a sanitary condition with humane conditions for staff and residents. As a new, incoming elected official, some of the solutions we considered were admittedly naive to the processes of Monroe County. Some of these became evident to us in a phone call with the Commissioner's Administrator in early January; however, the first glimpse of the uphill battle we are embroiled in to clean up this mess also became evident. This came during a conversation in which the Administrator and Chief Parker engaged in regarding the conditions in the fresh intake holding cell. As he was describing the unacceptable conditions in this area, he informed her the inmates were lying on the concrete floor, without mats or blankets. He told her that due to the lack of sanitation, he was very concerned that the floor could possibly harbor contagious diseases such as MRSA or staph and that we must immediately take steps to sanitize the floors of the facility. She stated to Chief Parker she was unaware of the facility having any issues with MRSA and that we would appropriately address it should this occur. Chief Parker reiterated to the Administrator the seriousness of the extremely unsanitary and unhealthy conditions in the jail and

that immediate action was needed. I was incredulous that the Administrator, who has no experience in managing a jail, would be so dismissive of the potential of a health crisis and also our experience as law enforcement officers. She indicated to Chief Parker and I that we needed to engage in a serious conversation about “needs versus wants” and that we were “not going to be allowed to put lipstick on the pig” (the current jail). She stated that monies going into the current facility would detract from monies that could go to a new facility. Chief Deputy Parker and I moved on from this conversation with the belief that all parties involved simply did not communicate effectively and misunderstandings had developed as a result. We also believed that we could have communicated our concerns to the Administrator less sharply than we in fact did.

As Chief Deputy Parker and I delved deeper into the condition of the facility, we began to believe that nobody could fully grasp the breadth and depth of how deplorable it truly was. We also knew our time was limited to bring the facility to at least a minimal level of sanitation; however, our repeated conversations with the Administrator were met with resistance, dismissiveness, and indifference. With this in mind, we participated in a walk-through of every block, cell and area of the facility during which these areas were documented by photographs. We determined our obligation was to be transparent regarding our findings with the Commissioners, other county officials and the public. Our sincere purpose and belief was, that by doing so, the entirety

of county government and the public would embrace our statutory and human obligation to improve the conditions for the staff and residents and support us in doing so. This is when and why we developed the PowerPoint presentation we provided to the Community Justice Reform Committee (CJRC) on January 23, 2023. Our goals as stated in the opening of the presentation were to: Be transparent, increase accountability, acknowledge the challenges our community is facing and discuss them with residents, work hand-in-hand with social service programs and to work to gain public trust. Our intent described here becomes very relevant later in this communication. What we found after this presentation was that nearly everyone who viewed it experienced the same shock and awe of the conditions as we did when we entered the jail for the first time.

As we moved forward, we began to suspect the Commissioners had not received our presentation to the CJRC as we had intended. On February 1, during a Commissioners Work Session, Richard Crider quite accurately presented to the Commissioners some of the floors had been ground and the “gunk” had been removed. Following his comment, Commissioner Thomas stated the issue of the floors was ‘aesthetic’ and not an issue of health and ‘safety.’ That “gunk” is certainly not sanitary and must be removed and the concrete sealed. The grinding process to remove these deposits causes the concrete to become porous and rough so that it cannot be properly cleaned and thereby sanitized. Porous/unsealed concrete absorbs moisture rather

than repelling it. It disallows wet mopping and harbors germs and tracked deposits from outside and inside the facility which leads to unsanitary conditions. Currently, when the floors in the blocks are mopped, the water instantly turns black. If the same area is mopped the next day, the water turns instantly black. When the inmates walk barefoot in the blocks, their feet quickly turn black. Anyone who works in this facility and sees this could never say this is not an issue of health and safety. We have indicated numerous times why these floors need to be sanitized and the methods required to do so. Our experience and firsthand knowledge of how to correct this health and safety issue was contradicted by Commissioner Thomas, who has never worked a day in a jail, has never walked the floors in the blocks and never personally viewed the condition of these floors. A Commissioner in a policy making position issuing an uninformed public statement for which they have no standing, experience or basis of fact inhibits our ability to correct the conditions of this facility to constitutional conditions.

Each time we met with you, one or more county attorneys accompanied you. The conversations rarely, if ever, centered around the urgency of getting started on sanitizing the jail. On January 27<sup>th</sup>, I had a telephone conversation with you. We engaged in discussion about “heavy” versus “light” versus “restorative” maintenance. Much of the discussion centered around the separation of responsibilities as it relates to the maintenance of the jail, to include a written document to outline those responsibilities. Again, no urgency of the

conditions in which the inmates continue to live in and the staff continue to work in, just about who was going to do what.

As we were closing the meeting, you admonished me regarding the January 23rd CJRC presentation. You stated to me that ‘(I) could have handled it better by presenting to the Commissioners first and that I “blindsided” them.’ At that time, it became very clear the message of transparency to the public and unity of government to correct the conditions of the jail was not taken in the spirit in which it was intended. It had become an obvious source of irritation and instead of championing our transparency, it was upsetting to them. It would certainly appear to me if the Commissioners value transparency, there should be no feeling of being “blindsided” by a simple presentation of facts. The photographs don’t lie. It was certainly never our intent to blindside anyone, and certainly not our Commissioners, from whom we need support. We simply felt compelled to tell the full and undiluted truth to the public we serve.

The background of this communication now aside, I elected to proceed with requesting a new position originally proposed in 2019, but never acted upon, to provide continual sanitation and maintenance efforts in the facility: a Jail Technician. This position will play an integral role in bringing the facility from its state of long-term neglect, disrepair and unsanitary condition. Then, once proper conditions are achieved, this position will serve to ensure the facility remains a safe and sanitary place to house inmates.

In response to Molly Turner-King's email on February 16, she very succinctly quoted Indiana code of which I am also aware. As stated, it is the statutorily imposed duty on the executive to establish and maintain a county jail. She also asserted that case law further defines the duty to maintain the jail as a duty to keep the jail open for use and in good repair. If case law requires the Commissioners to keep the jail in good repair, it is an absolute fact this jail is not in good repair. In the fall of 2022, the Commissioners and I toured the Hamilton County Jail. Upon return, all were invited to tour the Monroe County jail. The only person to show up for the tour at our own jail was myself. Not one of the Commissioners were interested enough to take the tour and make themselves aware of the conditions of the very facility for which they have a duty to keep open for use and in good repair. How can a person fulfill their positional duties if they make no effort to know what requires their attention? Sadly, what was required and still requires their attention involves human suffering. This jail has spiraled into the current condition of disrepair due to long-term neglect and it is the Commissioners who have been present for this period. I assumed office on January 1, 2023 and did not contribute to the prior to January 1 conditions of the jail.

Molly indicates that currently as written, the job duties of this position encroach on what is the Commissioner's responsibility and for areas that the Commissioner's would still be liable. If this is correct, and these duties encroach on the Commissioners responsibilities, this would imply the



Commissioners had a responsibility to ensure such duties were performed. Heretofore, the duties delineated the Jail Technician job description have been performed by Corrections Officers and civilian employees, which is obviously not their primary duties. No employee or contractor of the Commissioners have been engaged in these activities. It is precisely this which has led to the untenable condition of the jail. Nobody ever made the assertion when these employees were mopping floors, supervising inmate work crews and scrubbing walls they encroached on the Commissioner's responsibilities, so I fail to see how the connection is made that the Jail Technician would be doing so.

During the PAC meeting, you made a distinct discussion point of what the consequences and remedies would be if the Jail Technician became too aggressive during a repair effort and caused additional damage to the point ASI would need to intervene for repairs. Councilperson Hawk indicated the reverse could also happen. Ironically, within just a few hours of the PAC meeting, a scenario pondered by Councilperson Hawk became a reality. As ASI was working on a plumbing issue, a water line in the jail ruptured which caused a large amount of water to begin flooding the 4<sup>th</sup> floor. Immediately, Jail Commander Gibbons locked down the facility and deployed his entire staff to engage in controlling the flooding. As a result, the flooding was controlled and caused no damage to the floors below. Was this encroachment upon the Commissioner's responsibilities? We never said a word

to anyone about our staff hopping to and assisting ASI although it detracted from our primary responsibilities. Why? Because we understand we are all working for the common cause of running the jail as best our combined efforts allow. There is no “fault” to be assigned to ASI for this incident. Those of us with experience in a jail and working on aging facilities know there can be unintended consequences when a repair is initiated. It happens all the time. There is a lesson to be taken from this for those who sit from afar and pontificate scenarios. It is that on any given day the jail staff may look to ASI for some type of assistance and that may reverse instantly in a big way. In other words, we are all in this together with a common goal and we should all accept that with comfort... Because it works.

Try as I may, I cannot come to grips why this low-level position, a Sheriff’s Office employee, is of any interest at all for the Commissioners, other than to fully support it. I am only looking to bring this facility to a standard where we can look our citizens in the eye and know we are doing the right thing, and this position is a means to that end. From the PAC meeting on February 7, the PAC instructed an expedited review and approval of the edited job description by both the Sheriff’s office and County legal. Chief Parker has made one small change to the job description after Molly’s email of February 16th that eliminates any possible assertion of encroachment. There is now not one duty in this job description currently being performed by ASI. It appears to me it is your intent to not agree with the job description unless

you unilaterally decide what changes are to be made and what the final document looks like. Frankly, that doesn't sound like much an "agreement" to me. If so, it appears the Commissioners will effectively block this position from proceeding to WIS. I suppose that is their prerogative and will end the opportunity for us to engage in a fast-paced restoration of this facility to constitutional standards. That will not cost me, but instead cost the staff and the souls we house. Before they do that, let me give you a dose of reality of what they are about to do by telling you about three (3) occurrences in our jail just last week.

We had a mentally ill inmate in single cell defecate in his cell and refuse to come out. He then began to smear his feces on the walls and floors of his cell. After that, he began eating his own feces. Our corrections staff had to deal with this inmate, covered in feces, to stop him from harming himself by ingesting feces. Put yourself there. After he was finally contained, our corrections staff had to clean him and sanitized that cell. They had to glove up and wipe the feces from the walls and floors while enduring the smell of that. This is certainly not a duty of ASI and we have no Jail Technician, so who does this? The answer is the corrections staff because there is nobody else to do it. This is something the Jail Technician would be called to action for. So I ask you, is this an encroachment upon the Commissioners responsibilities?

I have attached a photograph of the foot of an inmate who developed a very serious wound [*Editor's note: We have removed the photograph out of respect for this person's privacy. The photo is of a very serious-looking wound approximately half the size of their foot*]. This wound initially manifested itself as a red, slightly swollen area, not hot to the touch. The inmate was placed on antibiotics; however, within just few hours, this wound morphed into what you see in this photograph. The hospital staff where this inmate was treated has diagnosed this wound as MRSA. The block housing this inmate was immediately treated with a disinfectant solution formulated to kill MRSA. As I have consistently stated, these floors and walls have become porous and cannot be properly sanitized. Yet, the Commissioners insist cleaning and painting the walls and conditioning the floors to a state where they can be properly sealed and hence sanitized routinely is an “aesthetic” issue.

A few days later, in the same block as the inmate with MRSA described above, an inmate developed a boil on his arm. It grew rapidly and quickly became a medical issue. This came after the disinfectant process described above, lending credence to my assertion that the blocks, in their current condition, cannot be properly sanitized. This boil is possibly MRSA, although that has not yet been confirmed. Coincidence? Maybe. This individual was due to be transported to IDOC the next day and thanks to our quick-thinking staff, we were able to transport him a day early and avoided further complications.

I cannot say affirmatively what caused the boil to present on this inmate, but I will tell you that unsanitary conditions certainly do not lend to the prevention of such maladies.

This is possibly the second case of MRSA in the jail in one week. I return to our conversation with the Administrator who summarily dismissed our concerns that a dirty jail might lead to MRSA. Well, it is a reality now. I reassert my words of caution, those with no experience who are slowing the progress of sanitizing this jail, should immediately rethink their position and understand that their actions may lead to dire consequences.

Penny, I tell you these things because there is real human suffering here. It is not made up, it is real. It is easy for us to distance ourselves from the plight of people less fortunate than ourselves because we can simply choose not to see or hear it. While that may serve selfish purposes, it does not make these realities cease to exist. Our presentation to the CJRC; however, has eliminated the ability for any public official in Monroe County to say 'I didn't know.' Yet even after the presentation to the CJRC, I have been prevailed upon time and time again to sign a \$83,000.00 contract to survey inmates in our facility. How is it possible that funding for a survey is given precedence over sanitizing the facility? It simply defies logic. Let us look at that photograph and imagine this is someone you care about. Let us not choose to unsee it or unhear their difficulties.

Do we really want to place human suffering in the rumble seat while we bicker back and forth about a job description? The reality of it is, no matter how hard we try, we will never prevent all of such suffering in our jail...but try we must.

On February 16, 2023, Cook Group President Pete Yonkman addressed the attendees of the Greater Bloomington Chamber of Commerce. He made reference to a process in which he was involved regarding the need for housing in Bloomington. He recounted that he was shocked when he learned there was a lack of consensus on the idea there was a need for additional housing. He wrapped up the point on housing by saying “How are we expected to deal with the real needs of our community, if we as leadership, can’t even agree on what the definition of housing is?” Here we are in the same position. The Jail Technician position has stalled because the Commissioners are trapped in the minutia of how to define “maintenance.” It would seem to me their dilemma is solved as easily as reviewing the contract with ASI. Whatever is contained therein in terms of maintenance, is the responsibility of the Commissioners. Whatever isn’t, the Sheriff must handle. Mr. Yonkman also held nothing back about what he saw when he recently toured the Monroe County Jail, saying he was appalled by what he saw. He put into very succinct words what I have struggled to articulate properly for several weeks when he said, “I don’t understand, how, as a community, that is caring and is supposed to be for people, who are struggling—how did we let it get that way?”

Perfectly summarized, and like it or not, the Commissioners share responsibility for it. My staff and I are on a mission to improve the conditions of the jail. The question I now ask is very simple: Why aren't the Commissioners behind me pushing, or in front of me knocking down any barrier impeding this path? We must remove ourselves from paralysis by analysis, and allow this jail technician position to proceed to PAC to clean up this jail. I will not encroach upon the Commissioner's responsibilities as it relates to the maintenance of the jail!

This is a lot of information in this communication, some of it hard to say and even harder to hear. No matter what happens with this position, I will clean and sanitize this jail and bring it to a place where people are housed safely and humanely. If the Commissioners refuse to move in a timely manner and don't wish to partner with us, to ensure the safety of staff and residents, then so be it. The Community expects a clean, safe, and humane jail facility, with or without your assistance.

*Ruben Marte', Sheriff  
Monroe County Sheriff's Office  
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Get involved! Care Not Cages meets every Thursday at 6pm at The Overlook (611 W 12<sup>th</sup> St)