

# PRISON POLICY INITIATIVE

**Written Testimony in Opposition  
to Levying County Sales and Use Tax for the Purpose of Supporting Criminal and  
Administrative Justice Services in Greene County**  
Emile DeWeaver, Senior Strategist, Prison Policy Initiative

**Greene County Board of Commissioners**  
July 28, 2021

Thank you, members of Greene County Board of Commissioners, for providing the opportunity for me to submit written testimony. My name is Emile DeWeaver, and I am a Senior Strategist at the Prison Policy Initiative, a national non-partisan, non-profit organization that produces cutting edge research about incarceration. Over the past twenty-one years, the Prison Policy Initiative has become one of the leading organizations providing data to the public about incarceration. Based on our experience, the Prison Policy Initiative submits this testimony in opposition to the proposal to place an additional .25 percent sales tax on the November ballot for the purpose of building a new jail. We submit that the Henningson, Durham and Richardson P.C. (HDR) growth model is flawed, that a new jail would cause avoidable harm to the residents of Greene County, and that the county should consider reforms to reduce its jail population prior to considering a proposal to expand jail capacity.

## **I. Flaws in HDR's Growth Model**

HDR's assessment uses two flawed growth models. The first model uses the Average Daily Population (ADP) from the past 10 years, and the second model uses the county's incarceration rate and projected future population to forecast the future jail population. The error in both these models is that they assume the incarceration rate will remain at its current level (or rise) for the next several decades.

There are several reasons to believe that Greene County's incarceration rate may decrease in the coming years, based on the information in the HDR assessment and the changes included in the current proposal. As recognized in HDR's assessment, property crimes are decreasing at a rate of 144 per year in Greene County.<sup>1</sup> Further, the proposed addition of a community-based mental health facility in Greene County, discussed in the assessment, would likely reduce the jail incarceration rate by *at least* 14 percent, or 50-60 beds.<sup>2</sup>

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<sup>1</sup> David E. Bostwick, Mark Martin, Mary Zold, Greg Cook, and Rebecca Ohnoutka, *Greene County Jail and Justice System Needs Assessment and Option Study*, Henningson, Durham and Richardson P.C. (May 2019), at 22, <https://www.greenecountyohio.gov/DocumentCenter/View/22708/Jail-Needs-Assessment-Report-Final-PDF>.

<sup>2</sup> Due to inaccurate data sources, HDR could not determine the percentage of incarcerated people with mental health needs, the size of clinicians' caseloads, or what mental health conditions are prevalent. See David E. Bostwick, Mark Martin, Mary Zold, Greg Cook, and Rebecca Ohnoutka, *Greene County Jail and Justice System needs Assessment and Option Study*, Henningson,

## II. Greene County Should Consider Reforms to Further Reduce Incarceration Rates

Not only did HDR's assessment fail to effectively assess the likely decrease in incarceration rates within Greene County or include such projections in its estimates of needed capacity, but there are numerous reforms that could be adopted to further reduce incarceration rates in Greene County.<sup>3</sup> Our report, *Does our county really need a bigger jail?* (attached hereto) provides considerations and policy recommendations on how counties can reduce their jail populations, which we urge this Board to review.<sup>4</sup> Reforms that Greene County could adopt to relieve its jail capacity pressures include, but are not limited to:

- Creating alternatives to incarceration for people convicted of misdemeanors and low-level offenses;<sup>5</sup>
- Ensuring people with mental health and substance use disorders are treated, not incarcerated;<sup>6</sup> and
- Reforming pretrial detention practices.<sup>7</sup>

## III. Adopting the Current Jail Proposal, and Failing to Consider Criminal Justice Reforms to Reduce Incarceration Rates, Would Harm the Residents of Greene County

Experience shows that building new jails to resolve overcrowding often leads to higher incarceration rates and ultimately, more overcrowding. For example, data from the Bureau of Justice Statistics shows that jail construction over eighteen years on Native American reservations in response to overcrowding resulted in more pretrial detention, longer jail stays, and just as many overcrowded facilities.<sup>8</sup> Further, in 2000, Salt Lake County built a 2,000-bed

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Durham and Richardson P.C. (May 2019), at 65-68, <https://www.greenecountyohio.gov/DocumentCenter/View/22708/Jail-Needs-Assessment-Report-Final-PDF>. The estimate here (14%, or 50-60 beds) is based on the amount of jail space already devoted to residential treatment through the Greene Leaf program, which is currently housed in the Jail and Adult Detention Center but which presumably would be located in the proposed, non-carceral residential treatment facility to be operated by a third party in what is now the Adult Detention Center. If the County proceeds with a plan to create a community-based treatment facility, it will have far more available Community Residential Treatment "beds" than the Greene Leaf program now has, so courts will have ample opportunity to divert far more people to treatment.

<sup>3</sup> While the reforms discussed are focused on ones that Greene County could, itself, implement, it is possible additional reforms could be passed at the state level. To illustrate, legislation to adopt bail reform has been introduced in the Ohio legislature (H.B. 315 and S.B. 182) and a bill to address the opioid crisis, including by establishing treatment facilities has been introduced in the Ohio House (H.B. 356).

<sup>4</sup> Alexi Jones, *Does our country really need a bigger jail? A guide for avoiding unnecessary jail expansion*, PRISON POLICY INITIATIVE (May 2019), <https://www.prisonpolicy.org/reports/jailexpansion.html>.

<sup>5</sup> For a discussion on many of the different forms diversion programs can take, see Leah Wang and Katie Rose Quandt, *Building exits off the highways to mass incarceration: Diversion programs explained*, PRISON POLICY INITIATIVE (Jul. 2021), <https://www.prisonpolicy.org/reports/diversion.html>.

<sup>6</sup> Alexi Jones and Wendy Sawyer, *Arrest, Release, Repeat: How police and jails are misused to respond to social problems*, PRISON POLICY INITIATIVE (Aug. 2019), <https://www.prisonpolicy.org/reports/repeatarrests.html> (finding that 52% of people arrested multiple times report substance use disorder and are three times as likely to have a serious mental illness than people with no arrests in the past year).

<sup>7</sup> Bernadette Rabuy and Daniel Kopf, *Detaining the Poor: How money bail perpetuates an endless cycle of poverty and jail time*, PRISON POLICY INITIATIVE (May 2016), <https://www.prisonpolicy.org/reports/incomejails.html>.

<sup>8</sup> Emily Widra, Wanda Bertram, and Wendy Sawyer, *New BJS data reveals a jail-building boom in Indian country*, PRISON POLICY INITIATIVE (Oct. 2020), <https://www.prisonpolicy.org/blog/2020/10/30/bjs-indian-country/>.

jail to replace an 870-bed jail. The new jail filled to capacity within 21 days of opening.<sup>9</sup> As these examples show, “the choice to invest in the infrastructure of confinement can virtually guarantee increased levels of confinement.”<sup>10</sup>

A proposal that increases the level of confinement in Greene County will have the effect of increasing the number of people who experience the serious and well-documented harms of incarceration. For example, incarceration is associated with homelessness,<sup>11</sup> loss of wealth,<sup>12</sup> lower levels of educational attainment,<sup>13</sup> and unemployment.<sup>14</sup> Incarceration can also have severe and lasting consequences for mental<sup>15</sup> and physical health; it is associated with a shorter life expectancy for those who experience incarceration,<sup>16</sup> their families,<sup>17</sup> and their communities.<sup>18</sup>

The Prison Policy Initiative urges the Greene County Board of Commissioners to consider and implement reforms to reduce its jail capacity before even considering building a new jail. We believe these steps would focus on outcomes, not just incarceration.

Please do not hesitate to contact me if the Prison Policy Initiative can answer any questions or provide the Board of Commissioners with additional resources. Thank you for your time and work.



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<sup>9</sup> Pat Reavy, KSL.com, and Katie McKellar, *The jail crisis: How did we get here?*, DESERT NEWS (May 2017), <https://www.deseret.com/2017/5/12/20612335/the-jail-crisis-how-did-we-get-here#the-oxbow-jail-pictured-on-nov-11-2008-has-sat-mostly-mothballed-ever-since-the-2000-plus-more-secure-salt-lake-county-jail-opened-in-2000-but-now-county-officials-are-looking-at-reopening-the-facility-to-deal-with-overcrowding-but-it-comes-with-a-9-million-price-tag-currently-the-partially-empty-jail-houses-184-inmates-it-has-room-for-552>.

<sup>10</sup> Chris Mai, Mikelina Belaineh, Ram Subramanian, and Jacob Kang-Brown, *Broken Ground: Why America Keeps Building More Jails and What It Can Do Instead*, VERA INSTITUTE OF JUSTICE (Nov. 2019), <https://www.vera.org/downloads/publications/broken-ground-jail-construction.pdf>.

<sup>11</sup> Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, PRISON POLICY INITIATIVE (Aug. 2018), <https://www.prisonpolicy.org/reports/housing.html>; Alexi Jones, *New data: The revolving door between homeless shelters and prisons in Connecticut*, PRISON POLICY INITIATIVE (Feb. 10, 2021), <https://www.prisonpolicy.org/blog/2021/02/10/homelessness/>.

<sup>12</sup> Meredith Booker, *The Crippling Effect of Incarceration on Wealth*, PRISON POLICY INITIATIVE (Apr. 26, 2016), <https://www.prisonpolicy.org/blog/2016/04/26/wealth/>.

<sup>13</sup> Lucius Couloute, *Getting Back on Course: Educational exclusion and attainment among formerly incarcerated people*, PRISON POLICY INITIATIVE (Oct. 2018), <https://www.prisonpolicy.org/reports/education.html>.

<sup>14</sup> Alexi Jones and Wendy Sawyer, *Arrest, Release, Repeat: How police and jails are misused to respond to social problems*, PRISON POLICY INITIATIVE (August 2019), <https://www.prisonpolicy.org/reports/repeatarrests.html>; Lucius Couloute and Daniel Kopf, *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*, PRISON POLICY INITIATIVE (Jul. 2018), <https://www.prisonpolicy.org/reports/outofwork.html>.

<sup>15</sup> Some researchers suggest that the trauma the people experience behind bars can lead to Post-Incarceration Syndrome. Katie Rose Quandt and Alexi Jones, *Research Roundup: Incarceration can cause lasting damage to mental health*, PRISON POLICY INITIATIVE (May 13, 2021), <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>.

<sup>16</sup> Emily Widra, *Incarceration shortens life expectancy*, PRISON POLICY INITIATIVE (Jun. 26, 2017), [https://www.prisonpolicy.org/blog/2017/06/26/life\\_expectancy/](https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/).

<sup>17</sup> Emily Widra, *New Data: People with incarcerated loved ones have shorter life expectancies and poorer health*, PRISON POLICY INITIATIVE (Jul. 12, 2021), <https://www.prisonpolicy.org/blog/2021/07/12/family-incarceration/>.

<sup>18</sup> Gregory Hooks and Wendy Sawyer, *Mass Incarceration, COVID-19, and Community Spread*, PRISON POLICY INITIATIVE (Dec. 2020), <https://www.prisonpolicy.org/reports/covidspread.html>; see also Elizabeth J. Gifford, *How Incarceration Affects the Health of Communities and Families*, 80 N.C. MED. J. 372 (2019), <https://www.ncmedicaljournal.com/content/ncm/80/6/372.full.pdf>.

Emile DeWeaver  
Senior Strategist  
Prison Policy Initiative  
69 Garfield Ave., Floor 1  
Easthampton, MA 01027  
413-527-0845, ext. 314  
edeweaver@prisonpolicy.org