

How to De-Bunk Your Sheriff's Justifications for Jail Expansion

These sample talking points are to help guide your local jail fight. Remember: different counties use different justifications. We hope you'll find the ones you need here, if not call us. For more information on some of the arguments below and more resources on "How to Fight a Jail In Your Town" download our tool-kit and 2013 realignment report card, under "Resources and Tools" on our website www.curbprisonspending.org or contact us at 510-435-1176.

Stated Need for a New Jail: Overcrowding or Poor Conditions

"Our current jail is currently or will be overcrowded. We have a shortage of jail beds"

- The only way to reduce crowding sustainably is to stop sending so many people to jail and reduce the amount of time they spend there. This can be done safely and cheaply by implementing or expanding common sense reforms like pre-trial release programs, pre-trial diversion into community-based programs, refusing to honor voluntary Immigration (ICE) holds, and expanding access to re-entry services and support, mental health, and drug treatment programs.
- Adding beds to the jail system will strongly discourage the Sheriff and the Board of Supervisors from making common sense changes to reduce the population, while draining resources from life-affirming programs and services that keep people from becoming involved in the criminal justice system to begin with.
- Prison and jail overcrowding is a choice. The Sheriff could safely reduce the jail population at any time. Under current law, sheriffs have the authority to release defendants up to 30 days early in the event of overcrowding.

"Our old jail is falling apart and the conditions are inhumane"

- California tried to build its way out of its prison crowding crisis for 30 years. Building didn't solve overcrowding, it just spread torture over more buildings and more lives. Once the population was significantly reduced, conditions improved.
- Conditions in the communities where prisoners come from are also inhumane. What does it say about us as a county when we are willing to spend money to lock poor people up but not to make sure they have good housing, education and healthcare? Most prisoners come from poor and working class communities of color that face food deserts, foreclosures, closed and underfunded schools, little access to healthcare, high unemployment rates, and lower than average life expectancies. Black people and Latinos make up X% of the jail population in this County even though they/we are only Y% of the general population.

Stated Need for a New Jail : to Add Program, Medical, Social Services, Transitional or Exercise Space:

"Our current jail doesn't have necessary capacity for medical or mental health treatment"

- Locking people up causes more problems than it solves. When people go to jail, they can lose their jobs, housing, and children. Their families lose desperately needed economic and emotional support. Imprisonment also exacerbates mental and

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medical health problems that follow people back into the community. There are clear alternatives like drug and alcohol treatment, adult education and job training, community service and affordable housing that the County could invest a fraction of the money in and produce much better results.

- “The research evidence is strong that despite the best treatment that can be provided while people are in custody, people with mental illness do not get better in institutions, particularly in jails, which tend to be difficult even for people without mental illness.” (According to San Mateo County’s Health System)
- Mental health and substance use treatment provided in jails is much more expensive for counties, since people automatically lose health insurance coverage when they enter a jail, including Medicare and Medi-Cal. Thus, 100% of the cost of all medical, mental health, and substance use treatment in a jail is borne by the County. By contrast, with recent changes in federal law, Counties can now get a substantial portion of the cost of community mental health and substance treatment covered by the federal and state governments.

“The current jail doesn’t have any programs, and better programming that will help us reduce recidivism”

- We don’t need to build a new jail to give people access to programming. If we reduced the jail population, we would have sufficient room to run programs.
- The criminal justice system should not be a person's entry point into receiving the services they need .By investing our resources in imprisonment while community-based programs like affordable housing, healthcare, re-entry support, child-care, job training, and food access go chronically underfunded, we are creating a situation in which many people need to get locked up to get access to social services. Expanding access to programs through pre-trial diversion, alternative sentencing, and split- sentencing would save the county huge construction costs as well as operating costs and give people the resources and support they need to stay out of jail.

“County jails were not equipped to hold long-term prisoners.”

- The population of realigned prisoners that are now in county jails were locked up for “non-serious, non-violent and non-sex crimes.” Counties could safely reduce their jail populations by instituting bail reform, pre-trial release, pre-trial diversion, alternative sentencing, and split-sentencing to avoid long jail sentences.

Stated Need for a Women’s Jail :Gender-responsive and Family-friendly

“We need jail space that can meet the specific needs of women and their children”

- Often when parents of children are imprisoned they lose their rights to custody. Additionally, research shows that all imprisonment interrupts, damages and often severs family bonds. Experts recommend alternatives to imprisonment for primary caregivers of children and services to families from social service agencies, not law enforcement..

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- In 2006 and again in 2011, the Gov. and the CDCR announced that 4,500 people in women's prisons didn't need to be there. Based on the Alternative Custody Program, they were eligible to serve the rest of their sentences in community-based programs that are not controlled by law enforcement. Since the program has gone into effect, fewer than 200 people have been allowed to qualify because counties don't have sufficient program space or resources. Since realignment, new prisoners who fall into this category are now in county jails and ineligible for the program at all. In other words, we are talking about building new women's jails for the very population that the state says they are locking up only because there isn't adequate community-based programming in the counties. Building new jails will only exacerbate this problem by sucking more resources from potential alternatives.
- Any incarceration is bad for families. Incarcerated individuals often lose their housing, their employment, and connections with family and friends while they are in jail, even if they are found innocent or charges are dropped. A criminal conviction makes it much harder or impossible for people to find housing, employment, or to gain access to safety net services such as food stamps.

Stated Need For a New Jail: "State of the Art"

"We need this new jail, so we can stop warehousing prisoners"

- Whether jail cells have wrought iron bars or curtained windows and soft lighting, they still break up families, are harmful to people's mental and medical health, and cause devastating disruptions, including the loss of freedom, housing, employment, and often children. People who are locked up are treated in a way that is meant to take away their dignity and any sense of control. That's not a problem that can be solved by a new jail design.
- Unemployment has (doubled) in the county in the past two years. Foreclosures/Homelessness have risen X %. More than a (third) of the county's residents can't sustain themselves financially. There have been dramatic increases in people seeking emergency hospital care, job training, food stamps, and housing. Building a jail will rob resources from the types of programs that keep people afloat during crisis. Instead of building those programs, you are building a jail to house the people who don't have access to them.

Stated Need for a Jail :Control "Hardened, Violent Criminals"

"If we don't build a new jail we'll have to let violent criminals out in the streets"

- Californians are sick and tired of being bullied by "tough on crime" politicians and sheriffs. The images of violent boogeymen roaming our streets use the same racist and offensive stereotypes that have justified decades of prison and jail construction. The same communities that are disproportionately impacted by imprisonment are disproportionately impacted by racism, gentrification, homelessness, unemployment, and a lack of access to vital social services and programs. Prioritizing locking people up robs us of the opportunities to develop sustainable ways make our communities safe and strong. Prioritizing stable jobs, healthcare, housing, and education—along

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with investing in violence prevention and restorative justice programs—are what actually address the concerns of California communities.

- Imprisonment does not reduce violence in our communities. Mountains of research have proven that imprisonment is bad for mental, physical, family, and community health. As one study says, "The incarceration experience often contributes to a downward cycle of economic dependence, social isolation, substance abuse, and other physical and mental health problems." This is why New York City's successful crime reduction plan was built around reducing the number of people in jail and prison. In contrast, alternatives that reduce the jail population such as violence prevention, drug treatment, mental health support, restorative justice, affordable housing, education and job placement interrupt these pernicious cycles and build healthier individuals and communities.

"After realignment, our jails have different populations of prisoners and we need to be able to segregate them from each other to prevent violence"

- Practices like race-based segregation and solitary confinement in California prisons and jails have been internationally condemned. Countless studies show us that these methods used to divide and segregate prisons cause instability, and mental and physical health problems for imprisoned people and their communities.

Stated Need for a Jail: County Can't Afford to Build a New Jail Alone

"Our County can't afford to upgrade our jail on our own, we need to seize the opportunity to apply for these funds that are available from Sacramento"

- Our County can't afford a new jail. The County cut X jobs and \$ X million in services over the last few years. Vital services in the county have gone been cronicly underfunded. So why is it that when health and human services comes to you for more money, you can't afford it, but when the sheriff's office asks for you to commit \$ X million to build a jail, and \$ X million a year after that you enthusiastically support it? We would like to hear what Health and Human Services could accomplish with an extra \$ X million a year. This jail is fiscally toxic. You are signing California and most counties on to 30 years of debt, and an indefinite commitment to bleeding our budget every year after that. Do you believe that this is a good investment for our County taxpayers?
- Our County has faced or is facing a series of cuts to county services, all of our County residents will be hurt by building this new jail, we'd rather this money be used for fixing potholes in the roads, keeping the local library open on weekends, buying a new ambulance for the fire department, maintaining services in the county hospital, maintaining or expanding county parks, instead of on a new jail, these proposals will benefit everyone.