

It's About More Than Just the Jail Tax

by Michael Earl Patton

If the vote on November 6 were just about a sales tax that would be wasted on another Taj Mahal project that isn't needed, that would be reason enough to oppose it. But it's about much more than that.

First, the backers of the jail tax have been trying to scare us by crying about how the jail is overflowing with dangerous criminals. Dangerous criminals, once convicted, are supposed to be spending their time in a state prison once they are convicted. There the state will pay for their housing, not Hamilton County. Just making the claim that the jail is overflowing with dangerous criminals, even if it were true, is an admission that the jail is not being managed properly.

Move the cases along, if they are guilty send them to a state prison, and if they are innocent release them.

Don't warehouse them.

The Vera Institute, when they examined the jail situation last year, found that 81% of the inmates could not afford bail and were just waiting for their court date. In 1999 the number was only 37%. This shows that there is a breakdown in the process.

First, a reasonable bail is a constitutional requirement (8th Amendment). Bail is not the punishment. Its purpose is to make certain that the person shows up on the court date. Any punishment comes after a finding of guilty. Too often in Hamilton County some judges are setting bail so high that the inmate is serving the time before the actual finding of guilty.

There are so many things wrong with such a system it is hard to know where to begin. The Vera Institute also found that inmates who were found innocent or who had all charges dropped actually spent more time in jail, on average, than those who were found guilty. In the limited time and budget they were given they were not able to find out why, but surely we should find out before we commit hundreds of millions of dollars more to a broken system.

Additionally, one cannot sentence someone to treatment until they have actually been convicted. This problem was recognized during the jail task force meetings last Summer and there was talk then of having the inmates "volunteer" for treatment before they are convicted. Then, when they go before the judge, they can claim they have done the time and the treatment, and now, if they plead guilty, can they please go home? Of course, if the inmate actually claims to be innocent there is a problem, and maybe they won't be able to go home right away. Which is right in line with the Vera Institute's findings.

Most of us would probably say there should be a continuum of punishment, from home incarceration and work release, to community-based treatment, to a stay in a county jail, to long-term incarceration in a state prison for those who are truly dangerous. But that is not the direction the "Comprehensive Safety Plan" takes. It plans to shut down the Turing Point and Reading Road alcohol and substance abuse facilities and treat almost everyone as a maximum security inmate. The Justice Center is already a maximum security jail, and the new one will also be almost all maximum security. The jail backers claim that that is the kind of person they arrest. The Enquirer last year (July 30) said that petty criminals -- drunks, panhandlers, jaywalkers, and trespassers -- were responsible for the most trips to jail. And that was before Cincinnati made possession of small amounts of marijuana a reason to be sent to jail, and thousands have been sent to jail for that reason since then.

Another thing lacking is good data. The studies made give arrest charges but do not show the resulting convictions. Michael Jacobson, the Commissioner of Corrections under Mayor Giuliani, found that only 1/4 of the those arrested for felonies in New York City were actually ever indicted, let alone convicted of that felony. What's Cincinnati's number? No one is saying.

There is also much talk about the recidivism rate, which is claimed to be 70%. But in truth, it is defined so broadly so that ANY subsequent arrest, even

for jaywalking, is considered to be a failure. I don't really care if a bank robber is arrested for jaywalking two years after he gets out. What's the real number, the percentage of those convicted who are convicted a subsequent time (not just arrested) for a crime of a similar magnitude? No one knows.

One does not even know what treatment programs that we currently offer are working. The proponents of the jail tax say to give them hundreds of millions of dollars and then they will tell us how well they have been spending our tax money. I say baloney. Tell us now.

I want to know exactly what the "Comprehensive Safety Plan" is. Right now it is nothing more than an outline of a plan to plan. There are very few details. There is the mention of "enhanced" treatment programs, but what is that? I know what "enhanced" marijuana penalties means -- that means more jail time. And are existing programs going to be cut? How much is being spent now on programs and how much, TOTAL, will be spent in the future? That is yet to be determined.

One of the few details given is also one of the most troubling. There will be only video visitation of all those inmates locked up. Family and friends will be able to "visit," if one can call it that, only by video monitor. And if the Butler County experience is to be a guide, even clergy will not be able to make contact visits as they are now able to. Scripture cannot be shared in person, hands cannot be laid on for a blessing, priests cannot give Communion to their flock.

Given the fact that the population of both Cincinnati and Hamilton County are declining, then why are we planning for such an increase in jail beds? It is as if we are planning for failure and only failure. In fact, the county will have a vested interest in failure. Once the jail is built there will be pressure to fill it rather than let it be mostly empty like the Bengal's Stadium is most of the year. If one plans only for failure, then one will get only failure.

All of the above are sufficient reasons to vote against the jail tax, even without the tax increase it brings. If all the oxygen is sucked up for wasteful programs, then there will not be any left for the true needs of the county. The Kosmont-Rose Cost of Doing Business Survey found that Cincinnati is the fourth most expensive place in the country due to its high taxes, permits, and fees. Let's not make number one on the list next year.

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