

# HIGHLIGHTS

## Greene County Pretrial System Assessment Report, 2021

Greene County has struggled with jail crowding and poor conditions, which leads to questions about who is being incarcerated, and whether changes to the county's pretrial process could improve safety for the community and those facing time in jail. In conducting an analysis of the state of pretrial justice in Greene County, including community conversations with citizens, the Pretrial Justice Institute found that there is limited publicly-available information on how the jail is currently used to facilitate informed discussions. Moreover, citizens are concerned about the lack of mental health and substance use treatment services for its most vulnerable people and racial inequity in the criminal legal system.

### Is Greene County "right-sizing" its jail?

Greene County is currently considering a new jail proposal. After voters rejected a 500-bed plan, a 384-bed jail, funded by a twelve-year tax levy, is currently under consideration. There are many indications that this jail may exceed the needs of Greene County. In spite of multiple data requests, officials have declined to share information on who is being locked up and why, how long they are in jail, and how they are released. For example, an earlier assessment showed that people released on non-cash bonds had an average stay of 12 days, an excessive amount of time for people who the court indicated should be released. Additional information would help identify how to safely reduce jail stays, which are linked to loss of employment, housing, medication and other stabilizing forces.

*County officials and citizens need to ask:*

**Citizens pointed out that during the early days of the pandemic, Greene County was able to cut its jail population in half, and asked why these reductions could not be maintained.**

- For people who are booked into jail and ultimately released when they go to court, do they need to be jailed in the first place? Is there an opportunity to expand the use of citations, where people are given an order to appear in court rather than being arrested?
- Are people staying in jail because they can't afford to pay a money bond?
- Are people returning to jail because of warrants for failing to appear in court? If so, is there any understanding of what is driving those missed court appearances, and any potential solutions to increase appearance rates?
- For people who are being jailed because they violate conditions of release, either pretrial or probation, is there a continuum of options available for responding to violations without incarceration? Are these violations being driven by needs, such as mental health or substance use issues, that require support rather than surveillance?

Citizens also pointed out that during the early days of the pandemic, Greene County was able to cut its jail population in half, and asked why these reductions could not be maintained. What was working then?

### How is Greene County taking care of its citizens with mental health needs?

Many citizens discussed their concerns over the lack of services to take care of people with mental health needs and how many of those people end up in jail, an experience that often exacerbates mental health symptoms. An assessment of the current jail noted that mental health services in Greene County are woefully inadequate. Specific questions that should be addressed include:

- How often are law enforcement officers responding to people in crisis due to mental or behavioral health issues? Are people being taken to the jail because officers have no other options?
- What options are available to address mental and behavioral health issues? What services are available in the community, instead of the jail?

At a national level, one in five people in jails has a serious mental illness<sup>1</sup>; among women, the rate is one in three.<sup>2</sup> Additionally, people with mental illnesses tend to stay in jail longer, because they have difficulty following the rules of the jail and acquiring the necessary resources, if financial conditions are applied.

**In Greene County, Black people make up 7% of the general population, but 19% of the jail population.**

#### **What are the causes of inequity in Greene County's criminal legal system?**

The George Floyd protests have prompted many communities to begin the work of hard conversations around racism and other forms of inequity. In Greene County, Black people make up 7% of the general population, but 19% of the jail population. Put differently, the incarceration rate for white people in Greene County is 275 per 100,000 people, while the rate for Black people is more than twice that - 575 per 100,000. Women comprise 30% of the jail population in Greene County; this is nearly twice the national average and largely attributed to substance use disorders. The citizens who attended community conversations expressed a desire to address the complex and historical causes of criminal legal system involvement beyond jails.

- Why is the county's incarceration rate for Black people so much higher than for white people? Are there differences by race in the decisions to arrest, detain, assign bail, set release conditions and offer plea deals? Multiple studies have shown that Black people are disadvantaged at each one of these stages.<sup>3</sup>
- What historical forces and different experiences have created wealth and resource gaps between Black and white families? How do these legacies impact current experiences with the criminal legal system?

The answers to all of these questions will require both data on the current system as well as deep reflection on local goals and values—ultimately, what is the local justice system trying to achieve? What assumptions are being made about what creates safety for all people?

Because this report raises more questions than it provides answers, the key recommendation is that the county needs to commission a group of county officials and community members to more formally explore these issues and develop a range of solutions that are data- and values-driven.

#### **For more information, please contact:**

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1 Treatment Advocacy Center (2016). [Serious Mental Illness Prevalence in Jails and Prisons](#).

2 S.M. Lynch et al. (2013). [Women's Pathways to Jail: Examining Mental Health, Trauma, and Substance Use](#). Bureau of Justice Assistance. Washington, DC.

3 E. Hinton et al. (2018). [An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System](#). Vera Institute of Justice. Brooklyn, New York.