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Get involved in Monroe County's fight against carceral expansion!
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The Fox Designing the Henhouse

The cycle of jail expansion and construction in Terre Haute, Indiana

By Jessica Zhang and Bea Halbach-Singh
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with 2023 foreword on Monroe County jail expansion

2023 Foreword

"Those who cannot remember the past are condemned to repeat it."
-George Santayana

In this case, the past to be remembered isn't even that long ago. Reading about Vigo County's struggle with jail expansion rings eerily similar to the current situation in Monroe County. There are of course some differences, but the key themes remain the same. Monroe County has also entered into a settlement with the ACLU. Monroe County also is attempting to build a newer and bigger jail. And you guessed it, Monroe County also has hired DLZ to design their new "justice campus."

The good news is, we don't have to repeat the past. We don't have to build a bigger jail, and we don't need to let DLZ, a private company with clear and unambiguous bias towards jail expansion, dictate our public policy. We can instead focus our attentions on what we know works: non-coercive mental health and substance use treatment, housing that is *actually* affordable, food security, and more. These things aren't pipe dreams, they aren't unattainable - they are within our reach. All we must do is stand up and demand a county that cares for its community instead of locking them in cages.

There are many ways we can all do our part. It can be as simple as talking to your neighbors or co-workers about these issues. You can send an email to the County government and speak your mind. You are also invited to attend Care Not Cages meetings at The Overlook (611 W 12th Street) - email us at carenotcages.monroecounty@gmail.com to learn when. Or anything else that feels right to you.

Together we can stop jail expansion in our community. We can learn from Vigo County and rather than repeat the past, we can build a better future.

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Vigo County Jail nearing completion.

Today, on an old golf course just south of Terre Haute, lies the concrete and steel bulk of the new Vigo County Jail—one of many new or expanded jails in Indiana. Although many of the local officials who pushed for the facility's original approval have since left office, their decision will have lasting effects. Having only just paid off the debt from its last jail expansion a month into the construction of the new facility, Vigo County will now be saddled with the financial burden of this jail for decades to come. Last December, a year after the county broke ground on the construction site, local news outlet WTHI-TV interviewed Vigo County Sheriff John Plasse on the status of the project. Plasse expressed his excitement for the jail to be finished so "the community can benefit." According to reporters, he also described how, "when the building is finished and they do start to move [people] in, they'll already be at 80 percent capacity."

Endnotes

1 See Ind. Code § 6-3.6-6-2.7 for more information about the correctional/rehabilitation facilities tax and §§ 6-3.6-7-7 through 6-3.6-7-23 for counties that have adopted special purpose taxes to fund jails.
2 This excludes the portion of local income tax revenues that have been allocated for public safety and can also be used toward jails.
3 See Ind. Code §§ 6-3.6-7-7 through 6-3.6-7-23.

These groups often advocate for jail expansion in the name of public safety while disregarding public input on other community priorities and placing the long-term financial burden on people who pay income taxes in the county.

DLZ and two other architecture firms—Elevatus and RQAW—account for 90 percent of Indiana's jail infrastructure projects. Closer examination of these major players reveals a network of political influence that extends across all levels of government in Indiana. Within the last two decades, DLZ has contributed at least $185,200—and RQAW at least $131,487—to Indiana officials—including county commissioners, state representatives, and governors. The founder of Elevatus, Michael Gouloff, has alone contributed at least $116,898 to political campaigns across Indiana. These figures likely under represent the full scale of financial influence of these three companies, as they do not include individual contributions from the entirety of their staff and leadership.

These scenarios illustrate how ties between private interests and public officials—such as members of law enforcement and county government—are part of a political infrastructure that underlies Indiana's jail construction boom. Coordination between jail architects, consultants, and government officials allows them to push proposals for bigger jails forward with little democratic input—determining, to a large extent, local governments' reactions to the jail incarceration crisis in Indiana. In 2019, nearly two-thirds of Indiana's jails were overcrowded, and almost 40 percent were at more than 100 percent of their capacity. The number of jail sentences in the state has increased by 368 percent since 2015. As of 2020, the ACLU of Indiana had filed civil rights lawsuits targeting over a dozen county jails.

Vera's analysis of local news coverage showed that in 2020, approximately 40 percent of Indiana's counties were planning or building jails. As Lisa Spence put it, "It seemed like attorney[s] [were] going around basically initiating lawsuits with various and sundry counties about the conditions and the size of their jails and then immediately afterward, DLZ would rush in, offer to do a jail study, and then build a bigger jail. And it seemed like that was happening over and over again."

The Fox Designing the Henhouse

Vigo County is a deindustrialized, mostly white county on the western edge of Indiana. For more than 20 years, the county has been the subject of a spate of federal civil rights lawsuits regarding overcrowding at the local jail, located in the county seat in Terre Haute.

In August of 2002, the Vigo County Sheriff and Commissioners entered into an agreement with the American Civil Liberties Union (ACLU) of Indiana capping the jail population at 268 except in the case of "short-term emergency situations." But in 2013, with jail populations nearing 300 people on a daily basis, the ACLU sued again to enforce the terms of the agreement. In response, the Vigo County Board of Commissioners convened in Terre Haute to discuss a long-term solution for the jail.

Although the litigation presented Vigo County with an opportunity to reduce jail incarceration, a subset of political actors stepped in to influence local government to build a new and expanded jail instead. While many in the community favored decreasing the jail population to address overcrowding, county officials were ultimately swayed by law enforcement officers such as Greg Ewing, the then-county sheriff who insisted that additional jail beds were "inevitable."

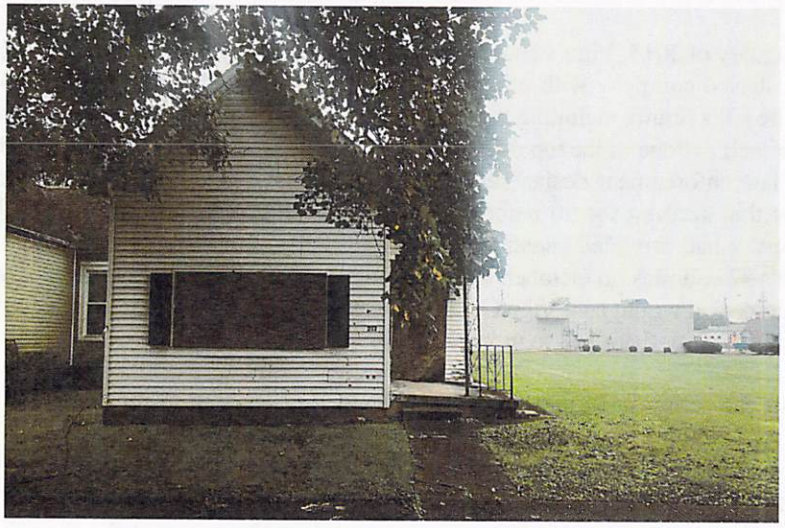
In January of 2015, Vigo's county commission paid jail architecture firm DLZ—an Ohio-based company with offices throughout Indiana—$14,500 to study options for the jail's future, including the possibility of constructing a new jail. DLZ, which bills itself as "one of the top design firms in the Midwest" for correctional, judicial, and law enforcement design services, is the largest of the three jail architectural firms that account for 90 percent of Indiana's jail construction. As of 2019, the company had provided consultations for jail and courthouse projects in 59 of the state's 92 counties. In October, DLZ presented a recommendation for a new security center that would cost Vigo County at least $28 million—while almost doubling its jail capacity from 268 to more than 500.

While the commission debated its options, the jail population continued to climb. In 2017, facing yet another lawsuit in federal court, Vigo County awarded an additional $2.25 million contract to DLZ—for the design of the multi-million dollar facility the firm had recommended two years prior.

County residents came out in opposition to the new jail. They were also concerned about the conflict of interest inherent in hiring DLZ again, which allowed the same firm that dictated the size and cost of the jail to profit from its construction. As one man told reporters from Indiana Public Media, "That seems a little like the fox designing the henhouse, and then telling you how many hens to stock it with."

Lisa Spence—a member of the watchdog group Citizens for Better Government in Vigo County, who would later go on to serve on the Vigo County Council—described for Vera how residents' concerns about the jail plan were met with hostility. She characterized the county commission's decision to hire DLZ as "made behind the scenes," with few opportunities for public input. "It was easy to think that something was going on because of the way that things were handled," Spence said.

Debate over the new jail occupied the community for the latter half of 2017, but the Board of Commissioners had already moved forward in July with a funding proposal: an income tax increase. At public hearings, opponents of the new tax argued for better uses of public resources and distributed pamphlets adorned with the slogan: "Fund Schools NOT a Mega Jail."



In August 2018, the County Council convened to finally vote on the tax proposal it had previously tabled—for a jail that would end up costing more than twice as much as the original estimate. Christ told the Vera team about testifying against the measure: "It was a four-hour long meeting. About 40 people spoke against the jail project and two people, including the sheriff, spoke for it."

According to Christ, supporters of the jail presented the facility as beneficial to the county's economic development. Law enforcement officers announced that it would lead to the creation of jobs such as sheriff's deputies and jail administrators. "The chair of the County Council [. . .] at the time," Christ recalled, "was a policeman . . . and at the end of all of that, the [Council] decided to pass a new tax to build a big jail . . . . It was very frustrating to watch." The final vote was 5-2 in favor of the tax.

This was not the first time that political actors and law enforcement in the county had linked carceral expansion to job opportunities and economic growth. Vigo first approved the construction of the Terre Haute federal penitentiary—now part of the FCI Terre Haute complex—in 1940 with promises of high-paying jobs for county residents. Since then, community members have continued to advocate for expansions of the federal complex as a response to economic decline. Yet federal corrections employees only account for 1.7 percent of total employment in Vigo County.

It is well-documented that carceral expansion does not lead to long-term job growth despite the political narratives that surround it. For example, a 2010 study of all existing and new U.S. prisons from 1960 to 2004 showed that prisons bring few, if any, employment gains to rural counties. Many towns with new prisons actually experienced lower growth in employment, household wages, and home values than comparable towns without prisons. In Vigo County, local economists have pointed out in economic forecasts developed for statewide business media that "the likelihood of significant new employment opportunities at the prison seems limited."

If carceral expansion does not benefit the general community, the planning process behind the new Vigo County jail showcases how it does benefit a subset of actors—local law enforcement, jail consultants, and correctional companies—by positioning incarceration as the only funded response for people struggling with a range of social problems including substance use, mental illness, and poverty.

Lockard took it upon himself to conduct his own one-day "study" of Vigo's jail population to make projections of future needs and concluded that the county needed at least as many jail beds as had been recommended by DLZ two years prior.

Lockard also publicly questioned the effectiveness of the county's alternatives to detention program, implying that the program's participants—including people held on drug charges—should be incarcerated in the jail instead, because some of them continued to struggle with substance use disorders while in alternative detention, resulting in new charges. "What is the point?" he told the council. "Why are we funding a catch and release program. It does us no good. We are wasting law enforcement resources getting the same people over and over again."

After hearing from Lockard, the County Council asked Ray to confer again with local law enforcement and to reevaluate his recommendation. In late 2018, Ray amended his original findings and issued a final recommendation for a 527-bed jail—even larger than DLZ's original design.

Although opponents of the expanded jail had hoped that Ray would check the county commission's power in the jail approval process, the final recommendation ultimately validated local law enforcement's calls to build a bigger jail, rather than decreasing the size of the jail while incarcerating fewer people for low-level offenses, expanding alternatives to detention, and treating people with substance use and mental health issues outside of the jail.

When Vera asked Lisa Spence about Dr. Ray's role in the decision-making process, she seemed to view him as being caught between a rock and a hard place. Ray's final report called for a larger jail while also emphasizing the potential for a significant reduction in the jail population—contradictory recommendations that Spence felt were a product of Ray's desire to appease both the officials who were set on jail expansion and the residents who were fighting for alternatives. Spence felt that county officials were more than happy to use Ray's report as justification to move forward with the new larger jail, while ignoring his proposals for decarceration.

Vigo County residents and council members who opposed jail expansion suddenly found themselves in the exact same position they had been in a year earlier—with more limited recourse.

Vigo County's public schools, which were last renovated in the 1970s, are in a state of disrepair. Kevin Christ, an economics professor at the Rose-Hulman Institute of Technology in Terre Haute, told Vera that the 2017 tax proposal presented "a classic choice under constraints problem"—was the community going to spend its limited resources on a new jail or new schools?

Vigo is not the only county in Indiana to have adopted local income taxes to fund jail maintenance and construction in recent years. As of November 20, 2020, 26 counties had adopted a "county jail tax"—a portion of local income tax revenue that must go toward correctional or rehabilitation facilities, and 22 counties had adopted a separate "special purpose tax," primarily to fund jail construction or, to a lesser extent, juvenile detention centers.[1] Statewide, revenues from these two taxes represented more than $190 million spent on jails in 2020.[2] Indiana justifies the use of income taxes—rather than property taxes—to fund jails in terms of a specific sort of development strategy that aims to keep taxes low for businesses and homeowners and to shift the tax burden onto working people. The language in Indiana law for establishing a special purpose tax reads "Maintaining low property tax rates is essential to economic development, and the use of a tax under this section . . . rather than the use of property taxes, promotes these purposes."[3]

Christ has studied the local economic situation for nearly a decade. He explained that for low-income areas like Vigo County, a higher tax burden on residents can affect the county's growth rates and opportunities for development—depending on where the tax is spent. "Nobody considers relocating to an area because it has a great jail," he told Vera. "People want good schools."

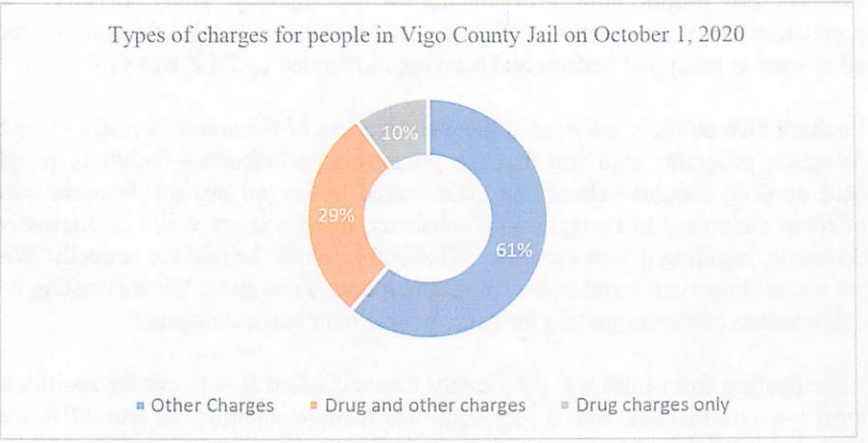
Throughout the jail proposal process in Vigo County, county commissioners maintained the position that adding jail beds was the only option to reduce overcrowding and resolve the ongoing lawsuits. Judge Michael Rader of the Vigo County Superior Court disagreed. Rader told reporters in 2017 that "60 percent of the county's jail population [were] non-violent offenders," with many held on charges relating to substance use disorders or mental health issues. Rader advocated for a less costly community corrections model that would prioritize treatment for these issues. "[W]e have to face the fact that we are housing the mentally ill in very expensive housing," he said. According to Judge Rader, a larger jail would be a band-aid solution—the county would quickly fill it if the underlying problems remained.

But Rader's calls for reform went unanswered, and by 2019 the number of people incarcerated at the jail would be even higher, ranging from 323 to 359 occupied beds in a facility still "capped" at 268 people—with another 30 people on any given day incarcerated in rented jail beds in neighboring Knox County.

An analysis of the population data that Vera obtained from the Vigo County Jail roster on October 1, 2020, confirmed that the criminalization of substance use was a significant driver of the jail population. Of the 304 people in jail on that day—well above the 2002 settlement cap of 268—39 percent (119 people) had at least one drug-related charge, making drug-related charges the most prevalent charge for people in jail. Of these 119 people, 36 had one or more possession of drug paraphernalia charges stacked on top of other drug-related charges—and for nine of these people, possession of drug paraphernalia was their only charge. The most common felony charge was for possession of methamphetamine. The most common misdemeanor charge was for possession of marijuana, hash oil, hashish, or salvia. The median bail amount for people held pretrial on only drug-related charges was $30,000—several thousand dollars more than the annual income of an average Vigo County resident. In Vigo County, as in many communities across the country, a significant number of people are likely in jail because they cannot afford bail.

Also, as in many communities across the country, Black people in Vigo County are disproportionately criminalized. The data obtained by Vera shows that in October 2020, nearly one in four of the people incarcerated in the Vigo County jail were Black—almost four times their share of the general resident population. And on average, Black people had been jailed for a month longer than white people.

In late 2017, the County Council—the body in charge of local funding—decided to address public concerns about the jail's size and cost. The council hired Dr. Kenneth Ray of RJS Justice Services—a small, independent consulting agency based in Ashland, Kentucky—to conduct a separate, independent study on the county's need for a new jail. Residents expressed appreciation at finally feeling heard. As the Tribune-Star reported, one woman said, addressing commissioners at a public meeting, "I wanted to thank you for approving this study. I think it is the best thing for Vigo County."



Dr. Ray started RJS Justice Services after a 30-year career in law enforcement and corrections, during which he worked as a police officer, deputy sheriff, and jail administrator. When Vera spoke with him, he described himself as a reformer fighting against "overuse [of] incarceration under the illusion that it is administering justice" in the United States.

Ray explained that firms such as DLZ use flawed research methods when determining whether a jurisdiction needs jail expansion, including the assumption that the current rate of carceral growth will remain unchanged. These methods inflate projections for capacity needs and unfailingly lead to calls for bigger jails. According to Ray's observations, most counties facing jail overcrowding lawsuits hire a correctional design firm like DLZ before considering an independent consultant "because their goal is to build big." In contrast, Ray aims to incorporate reforms in his projections that would decrease the rate of incarceration and lower jail capacity needs in the long term. Ray submitted an evaluation in mid-2018 that recommended a new jail with fewer beds than the original DLZ proposal, a recommendation that faced immediate public opposition from local law enforcement.

Steve Lockard, a detective sergeant at the Terre Haute Police Department, described Ray's preliminary recommendation that the jail have a maximum of 462 beds to local media as "concerning."