

MacArthur Foundation Bails Out Jurisdictions That Jail Too Many

Eleven places will each get at least \$1 million to reduce their jail population.

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WASHINGTON — The MacArthur Foundation named the jurisdictions this week to which it will distribute millions of dollars in an effort aimed at [reducing jail populations](#).

The number of people held in American jails has tripled over the past few decades. Many people stay locked up ahead of their court date simply because they can't afford to pay bail. The Chicago-based foundation sees jails as the starting point in the country's cycle of over-incarceration and therefore the place to begin decreasing the numbers.

Eleven different jurisdictions will receive [between \\$1.5 million and \\$3.5 million](#) each over a period of two years as part of MacArthur's [Safety and Justice Challenge](#). The [initiative](#) launched last year when a larger group received smaller sums to develop reform plans.

The recipients of the latest grants range from major cities like New York to more rural locations like Pima County, Arizona. Several of the recipients — such as Charleston County in South Carolina, which includes North Charleston, and St. Louis County in Missouri, which includes Ferguson — have come under heavy scrutiny in recent years following high-profile police killings.

Also on the list for million-plus grants are New Orleans; Philadelphia; Harris County, Texas; Lucas County, Ohio; Milwaukee County, Wisconsin; Spokane County, Washington; and the state of Connecticut. Nine other jurisdictions will receive \$150,000 grants and access to experts to help them keep up their reform efforts.



BRENDAN MCDERMID/REUTERS

The Rikers Island jail complex in New York houses some 10,000 inmates on any given day.

In Charleston County, where an average 70 percent of the daily jail population are sitting behind bars awaiting their court dates, many of them simply because they can't afford bail, authorities will [receive \\$2.25 million](#) to reduce that population over three years. Officials will work to cut the numbers by such tactics as issuing citations for some low-level offenses and screening for poor individuals whose bond would be set at only a nominal amount in any case.

"The basic premise is we're going to provide the right services to the appropriate folks we run into on the street, and for the folks that do come to jail, we're going to make sure that money is not the only reason that you're staying in jail," said Assistant Sheriff Mitch Lucas. The 32-year law enforcement veteran said the grants will give his office the opportunity to implement changes he would've liked to make years ago.

Lucas said he's been in regular communication with community interests, including representatives of the Black Lives Matter movement and the NAACP, since the death of Walter Scott last spring. Scott was shot and killed by a police officer in North Charleston when he ran from a traffic stop. Former officer Michael Slager has been charged in his death. Scott likely fled because there was a [warrant out for his arrest](#) over missed child support payments.

"I would like to think that we would've found a way for Walter Scott to take care of his responsibilities with the criminal justice system without him seeing the need to flee," Lucas said.

Some ask whether it makes sense to distribute money to jurisdictions that routinely violate the civil rights of those they have in custody. Thomas Harvey of [ArchCity Defenders](#) said the plan to address problems in his area amounted to a "Band-Aid." ArchCity Defenders represents indigent individuals locked up for long stretches of time

because they couldn't afford the stiff fines and fees levied by [St. Louis County's network of municipal courts](#).

St. Louis County will [receive \\$2.25 million](#) from MacArthur. The county's plan [reportedly involves](#) training court employees in "responsiveness and sensitivity" to the community's needs and creating an app that will give individuals access to information about court dates. Many of the poorest people in the region, Harvey pointed out, don't have smartphones.

"Everyone knows the problem is the continued existence of the 81 individual courts that make up the municipal court system. Instead of tinkering around and making surface-level changes to address problems that arose as a result of this system, get rid of the system," Harvey said. "Consolidate the courts and create a regional, professional, full-time court system that follows the Constitution instead of pretending like poor people are criminals who need to be taught a lesson or otherwise punished for their poverty."

Laurie Garduque, director of justice reform at the MacArthur Foundation, said that her organization purposefully chose jurisdictions that have deep problems but where politicians, law enforcement leaders and the judiciary have bought in to the push for reform.

"We made a conscious decision to pick tough places, because those are the places that needed reform," Garduque said. The foundation will be able to keep up the pressure on the jurisdictions and hold them accountable, she said.

"We'll continue to support them as long as they have demonstrable effect. In turn, we're going to press them and encourage them to tackle some of the underlying structural issues that advocates are concerned about," said Garduque.

Moreover, she said, MacArthur's involvement means "there's not going to be a way to cover up or not talk about their failures if they bump into those along the way." While many of the plans developed by the various cities and counties share characteristics, they are also specific to each community.

Philadelphia is home to an [overcrowded](#) jail facility, [visited by Pope Francis last year](#), where many inmates remain incarcerated only because they [cannot afford bail](#). The city will [receive \\$3.5 million](#) in part to screen out those individuals who pose little risk to the community as they await trial.

In Pima County, the justice system has been strained by the Great Recession, and authorities say the money to implement reforms simply wasn't available. There have been times in recent years when the jail exceeded capacity and individuals had to sleep on mattresses on the floor in communal areas.

“Budgets are extremely tight here,” said Ellen Wheeler, assistant county administrator for Pima County. “This grant is really making a difference and allowing us to be creative and try some new approaches.”

Wheeler noted that a “very sizable percentage” of the jail population is behind bars awaiting a court date on a charge that likely wouldn’t result in incarceration. “Most of them are for misdemeanor offenses they wouldn’t be jailed for, they wouldn’t be held, because they were such low-level offenses,” she said.

New York City isn’t facing the same kind of budget issues, and it has already undertaken an effort to lower its jail population. So the MacArthur money will be dedicated toward very specific purposes. One project is to create a public website that breaks down how many people are in jail for what purposes, with the hopes of identifying ways to streamline the system.

“It comes down to kind of deconstructing everyone in our jail system to sort of understand why they’re there,” said Elizabeth Glazer, director of the Mayor’s Office of Criminal Justice. She said gathering all the data in a website could “demystify why people are there and how long it takes to go through the system, and what effect certain reforms have.”

The city will also create a means by which jailhouse officials can efficiently alert court officers as to which defendants will actually be coming to court that day. “It’s so simple, and yet that by itself is a huge driver of the delay,” Glazer said.

Getting an overall picture of New York’s vast system should help officials identify other solutions. For instance, does a courthouse need private spaces where defendants can meet with their lawyers before a court appearance, which could avoid the need to ask for continuances, which in turn could lead to less time spent in jail?

“There are all kinds of things that contribute to delay that really require getting under the sink with a wrench to understand it. It’s not sexy, it’s not sound-biteable, but it’s absolutely critical to add all of those things up,” Glazer said.

Reducing the length of jail stays is the main goal.

“We think that’s where we’re getting our biggest bang for the buck... shortening the amount of time people stay,” Glazer said. “Everything after that we should do because it reduces the jail population and because it’s a matter of fairness.”

Editor’s note: Authorities in one of the jurisdictions that received a grant, [St. Louis County](#), are currently [prosecuting](#) the author of this story and a [Washington Post](#) reporter for [alleged ordinance violations](#) stemming from their arrests in Ferguson in August 2014.