



City of Lawrence

MUNICIPAL COURT

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Matthew Faulk
Supportive Housing Supervisor
Bert Nash Community Mental Health Center
200 Maine Street
Lawrence, KS 66044

RE: Pilot Program to Alternatively House Individuals Who View Jail as Their
Only Alternative for Housing

Dear Mr. Faulk:

You have contacted me regarding my view on Municipal Court's participation in a pilot program aimed at finding sustainable housing solutions for individuals who view jail as their only viable housing option. You identified Robert Gilmore as the individual most likely to benefit from such a program. Although I have not been provided the specifics of your proposed program, I am writing this letter to express my opinion that, in principle, your idea has great merit.

One of the unfortunate realities that I have faced as a judge is that some individuals reach the point where they view staying in jail as their only viable way to live. They turn to jail to meet their basic needs because of a lack of other opportunities to meet those needs within the community and when released will often find themselves back in jail in as little as a few hours. In these circumstances, jail is not viewed as a punishment or deterrent, and in fact seems to be the desired goal or destination. In many circumstances, the people involved do not pose a significant threat to the community.

This is clearly problematic both philosophically and pragmatically. Punishment in the legal system has many purposes, but none of them involve punishing people for a lack of a better alternative way to live. Holding someone in this situation is expensive, currently costing City taxpayers almost \$100 per day, and jail beds are occupied that would be better dedicated to individuals sentenced to jail to meet the criminal justice system's carceral interests. Simple release, though, is not the answer, because if someone wants to find their way back into jail it is not difficult to engage in repeated conduct that forces incarceration as a result. This can include new law violations, refusing to sign own recognizance bonds, and

declining offers of parole or probation. That is why developing a better alternative seems to me to be an excellent use of resources.

Your identified pilot participant, Mr. Gilmore, is a primary example. He is currently in jail awaiting trial. In the last three years, he has been out of jail a total of 45 days. During that time, his incarceration has cost the City approximately \$90,000 in daily jail fees alone. In his last two incarcerations, he has been released for less than one day prior to being rearrested. He will not sign own recognizance bonds that would cause him to be released, and requests that he have the bond modified to a cash bond that he will not be able to post to avoid being harassed for not signing the own recognizance bonds.

While Mr. Gilmore's case is the most prominent example, I have encountered several other defendants who request jail because they have nowhere else to turn. For these reasons I believe that working to find better alternatives is the right thing to do.

Sincerely,



Scott J. Miller
Municipal Court Judge