



DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS

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We feel compelled to respond to an article that appeared in today's Lawrence Journal World.

We think it is important that everyone understand the County's legal obligations when it comes to the County jail.

Kansas statutes require the County—not the City, not the State, not the Federal Government—but the *County*, operate and maintain the county jail. The statutes also require that:

Prisoners shall be treated with humanity, and in a manner which promotes their reform.

Added to this is a large body of case law that defines the legal standards for what the courts call “the conditions of confinement,” or in other words, what is legally required to provide appropriate care and housing of prisoners.

This legal obligation is derived in part from the requirements of the 8th Amendment to the United States Constitution, which prohibits cruel and unusual punishment.

The courts have established minimum legal standards in the areas of:

- Medical care, including mental health and dental care
- Personal safety
- Shelter
- Sanitation
- Food
- Clothing, and
- Exercise

We do not have a choice about whether or not to meet these standards. It is required by the Constitution. And, as I mentioned a minute ago, it is also required by Kansas law.

If we fail to meet our obligations in these areas, we will create conditions where the inmates will be at a substantial risk of serious harm. This would not only be wrong for the inmates, and violate their Constitutional rights--it could also subject the County to liability for any injuries or other harm that they might suffer.

As we have shared with you, current conditions at the County Jail are presenting serious challenges. These include:

- Lack of space for all inmates sentenced by the Courts to the County Jail
- Lack of space to separate minimum, medium and maximum security inmates
- Lack of space for female inmates
- Lack of space to provide everyone access to reentry programming
- Challenges to meet inmates' mental health and substance abuse issues
- And many other challenges and pressures that we have shared with you in our informational materials and on the County's website.

Our correctional officials have told us that their forecasts for future Jail utilization will only exacerbate these challenges.

Fortunately, there has been no judicial finding or court order that we must expand the jail—yet. For that to occur, we would have to be sued and a court find that the jail is currently unsafe.

We cannot allow that to happen. And this is why we have identified the need for a jail expansion. In other words, expanding the jail to address current and future projected conditions is legally necessary, not because the statute says so in so many words, but because we have a statutory and constitutional obligation to provide safe and humane housing at the jail.

We hope this helps to clear up any misperceptions about why an expansion of the jail is required, even before a court orders us to do so.