

Jail situation also shows county's violation of 6th, 8th amendment rights

Written by Chet Wolgamot
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In their June 30 Op-Ed entitled "Explore all options before building a county jail expansion," local attorneys N. Alan Miller III and Douglas A. Garner laid out a powerful argument for reconsidering the necessity of the proposed expansion to our county jail.

According to the proposed jail plan and Miller and Garner's report of current conditions, we in Dearborn County feel the need to incarcerate almost twice the number of citizens before trial 70 percent to 100 percent longer than similar neighboring counties.

This indicates we taxpayers are already paying a higher premium to unnecessarily incarcerate citizens not yet convicted of any crime.

But the implications of the plan and statistics raise more than monetary questions. Innocence until proven guilty is one of our sacred rights.

Our Sixth and Eighth Amendments to the U.S. Constitution guarantee us additional rights including the right to a speedy trial, assistance of counsel, confrontation of our accusers as well as no excessive bail or cruel or unusual punishment.

If we imprison more of our citizens for longer periods of time than the norm, it would seem we may be infringing on these sacred constitutional rights.

That half of those affected haven't yet been convicted of anything is doubly troubling. What are abnormally high bonds guaranteeing needless incarceration for times twice as long as the norm if not ad-hoc punishment before conviction, i.e. "cruel and unusual punishment"?

Shouldn't the situation described by Miller and Garner cause us to investigate the reasons for this anomaly rather than just whether we need more jail space?

Dan Brewington, a current resident of the Dearborn County jail, has been incarcerated for over three months with what has been described as an exorbitant \$500,000 surety bond and \$100,000 cash bond. According to his own statements he has been denied the medication prescribed by his physician and the authorities actively pursue avenues to prolong his incarceration without a trial or adequate representation among other implications easily checked.

I do not know whether Brewington is innocent or guilty. His claimed plight seems consistent with the arguments of Miller and Garner. Those who value their rights can read of his experiences at <http://danbrewington.blogspot.com> and make up their own mind.

I applaud the Dearborn County law enforcement community for the safety and security they so adequately provide us. I have the utmost respect for each professional member of that community who puts their safety on the line each day for all of us. I admire our county law enforcement's zealous dedication to tough law enforcement.

That said, our civil rights are the hallmark of our free society. The arguments raised by attorneys Miller and Garner as well as the purported experiences of Brewington would seem to merit further scrutiny by an independent authority.

We owe it to ourselves to ensure that we're not only a safe and secure community but one with total respect for all our citizens' civil rights.

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