New jail, old problem

BY REED WILLIAMS Richmond Times-Dispatch | Posted: Sunday, November 18, 2012

As the opening approaches for Richmond’s new jail, officials in law enforcement and at City Hall admit they have acted too slowly to alleviate overcrowding, and that more must be done to ensure the new facility is not overpopulated.

Cranes tower over the construction site of the new city jail on Oliver Hill Way. The cranes set precast concrete sections into place. The entrance to the current facility is the red brick building in the lower left of the photo.

The city’s chronically overcrowded existing facility hovers around a population of 1,350 inmates on average, and exceeds 1,400 on some days. It is designed to house 882 inmates.

Officials say their goal is to keep the population at no more than 1,150, and that they are working hard to find ways to whittle down the number in time for the planned opening of the jail in January 2014. But that will require expanding programs that offer certain offenders alternatives to jail, such as mental health or substance abuse treatment, and possibly adding new programs.

City officials approved the size of the new jail knowing they would need to develop programs to divert more offenders away from the facility.
“There is a pervasive anxiety that our pace for implementing viable alternatives has been too slow,” said Richmond Commonwealth’s Attorney Michael N. Herring. “We have done a great job of talking about the need.

“I think we’ve dropped the ball collectively on following up to actually do the alternatives.”

David Hicks, senior adviser to Mayor Dwight C. Jones, has been tasked with overseeing efforts to find alternatives to incarceration since April, when he was named interim director of the city’s Department of Justice Services. He moved into that position after the city’s juvenile detention center was shut down amid allegations of forged training records and a host of other concerns.

When Hicks took over the new responsibilities, he said that the effort to reduce jail overcrowding “was not nearly as far down the track as one would have thought, given the amount of time that it was being worked on.”

Now, he said, the city is “doubling down to get us caught up” and recently hired two criminal justice planners who are exploring options for expanded diversion programs.

“We have to have something planned and up and running by 2013,” Hicks said.

In addition to ensuring the new jail isn’t overcrowded when it opens, he said the other goal is to make sure that “six months after it opens up, it still will not be overcrowded.”

The Richmond Times-Dispatch reported this summer that the death rate at the Richmond jail has been above the national average for facilities of its size over the past dozen years, based on an analysis by an expert on medical care at the nation’s jails and prisons.

The expert, Dr. Marc Stern, a former medical director for prisons in Washington state, said the data suggest either that the people being jailed in Richmond are sicker than their counterparts in other American cities or that Richmond’s prisoners are getting inferior medical care.

Several wrongful-death lawsuits have been brought against Richmond Sheriff C.T. Woody Jr. and employees of the jail alleging negligent medical care at the facility or inhumane conditions. Officials who oversee the jail point out that many of its prisoners enter the facility with pre-existing medical problems.

Compared with the existing jail, the new jail will have a state-approved “rated capacity” of 1,032 beds, but that does not include an additional 114 special-purpose beds that are not counted in the rated capacity, officials said. These extra beds exist for special cases, such as for inmates in isolation or those with medical problems.

Rhonda Gilmer, adult services manager for the city’s Department of Justice Services, said the city has budgeted about $1.3 million this fiscal year for several programs, including for electronic monitoring, substance abuse treatment and evaluation of mentally ill offenders and treatment.

For the previous fiscal year, the city budgeted about the same amount toward such efforts. Gilmer said not all of that money was spent last year; she couldn’t immediately detail how much was spent.

In May 2011, the city established a special court docket for mentally ill offenders in Richmond General District Court. Generally, prosecutors and defense attorneys — when appropriate — agree to plea deals that allow nonviolent offenders to get mental-health treatment instead of going to jail. Putting them in jail, officials say, does the offenders no good, adds to overcrowding and is a waste of money.

Woody has said it costs an average of $20,294 per year to house an inmate at the city jail, and that on an average day, 16 percent to 19 percent of inmates at the facility have some form of mental illness.

“Some people can’t make a $50 or $100 bond,” Woody said last week.

Gilmer said 80 offenders have received either a deferred judgment or a suspended sentence with special conditions through the mental health program, and that most of them avoided jail time as a result.

Of the $1.3 million budgeted this fiscal year, $600,000 was allotted for electronic monitoring with a target of putting 100 inmates on some form of monitoring. As of Thursday, Gilmer said that nine people are on electronic monitoring under the supervision of the city’s Department of Justice Services. About 40 have participated since April 2011, she said.

Eight more are on electronic monitoring under another program handled by the Richmond Sheriff’s Office, which is in charge of running the jail. The jail could handle as many as 100 people on electronic monitoring, said sheriff’s Lt. Col. Carol Dabney.

Dabney said the city jail also has 100 Richmond inmates being held at the Peumansend Creek Regional Jail in Caroline County.

In addition to the mental health docket and electronic monitoring, Richmond law-enforcement officials also have worked together to give some nonviolent, low-level drug dealers the opportunity to avoid jail time if they stay out of trouble and agree to certain conditions, such as job training, substance abuse treatment or drug court.

Those offenders are closely monitored in a process similar to probation. If they fail to meet any of the conditions, automatic jail time is triggered.

Twenty-six defendants either are in such a program or have completed one successfully over roughly the past three years, said Richmond Chief Deputy Commonwealth’s Attorney Chris Bullard. Ten others were unsuccessful or rejected the offer to participate. Bullard noted that the effort began on a small scale as a pilot program.

Also, the Richmond Adult Drug Treatment Court now has 80 offenders participating, the highest number in a dozen years, said Gloria Jones, drug court coordinator. The program offers treatment instead of incarceration for drug users, including a handful of first-time drug dealers.

Herring said his prosecutors’ efforts to divert some offenders from jail have put a “minimum dent” in the overcrowding problem, but he said, “I’m glad we are doing them because they are the right thing to do.”

Herring said the city needs to create the infrastructure for a more successful diversion program, and he suggested placing an experienced person who is a credible authority on such programs in charge of the city’s efforts.

“It’s one thing to say we are going to identify and implement alternatives,” Herring said. “It’s another thing to allocate money to actually do it.”

**Despite the challenges** facing the city, Herring said he does believe the jail will be big enough.

If the new jail only serves to “detain and warehouse” people who are not dangerous, Herring said, all the city will have done is build another version of an imperfect model.

“By and large, users don’t belong in jail,” Herring said, unless they are violent or have committed serious theft or property damage. “There’s no data that incarceration cures chronic substance abuse.”

Maj. Jerry Baldwin of the Richmond Sheriff’s Office said Woody supports the existing programs and has worked hard to help the community understand the need for them, but he cannot create and implement them.

“The plans to relieve jail overcrowding through the creation of additional diversionary programs and provide alternatives to incarceration is a project which starts with the arresting officer helping identify candidates that fit into specific categories,” Baldwin said in an email. “It involves pretrial services, the Commonwealth’s Attorney’s Office, and judges and magistrates.”

Hicks said it will be “extremely challenging” to reduce the jail population enough so that it won’t be overcrowded on opening day.

“I don’t believe it’s going to be easy, but I believe it can be done,” he said. “I believe it can be done, and I believe it can be maintained.”

rwilliams@timesdispatch.com

(804) 649-6332