

MAYOR'S COMMISSION ON CITY JAIL ISSUES

INTERIM REPORT

December 30, 2005

BRIEF OVERVIEW

The Commission on City Jail Issues (‘the Commission’) was created in July, 2005 by Mayor L. Douglas Wilder to review various aspects of the Richmond City Jail. On August 3, 2005, Mayor Wilder convened the first meeting of the Commission and charged it with assessing the functionality, policies and procedures, physical plant issues and overall general effectiveness and efficiency of the jail and its operations. The Commission was tasked with making recommendations to the Mayor through interviews, assessments and then ‘deliberations on an aggressive schedule’ to inform the Mayor’s budget priorities for the next fiscal year. Additionally, the Commission could include in its review the possibility and/or necessity for building a new jail. The Mayor requested a report from the Commission on or before December 31, 2005.

Mayor Wilder appointed the following persons as members of the Commission: **Rodney D. Monroe**, chief of police (Chair); **Leonard Cooke**, director, Department of Criminal Justice Services; **Marla Graff Decker**, deputy attorney general, Office of the Attorney General; **Walter McFarlane**, Esq., Department of Correctional Education; **Walter Ridley**, consultant and former director of the Department of Corrections-Washington, DC; **Faye Taxman**, professor, Virginia Commonwealth University; and **Izeta Wade**, program manager, Division of Motor Vehicles and former parole examiner, Virginia Parole Board. The Commission was staffed by **Pamela O’Berry Evans**, Richmond police general counsel; **Rhonda Gilmer**, criminal justice planner, Department of Justice Services; **Patrick Roberts**, senior assistant to the chief administrative officer and **Banci Tewolde**, assistant attorney general, Office of the Attorney General.

METHODOLOGY

To carry out its objectives, Commission members and staff were assigned to specific working groups based upon his or her expertise. Meetings were held at least once each month to share progress and status reports. Each working group established its own schedule to visit the jail, review records, conduct interviews, and obtain information from comparable facilities.

From late August, 2005 through November 10, 2005 the Commission working groups conducted its work by reviewing the documents, conducting interviews and assessing the physical facility (including locking mechanisms) with varying degrees of cooperation from Sheriff Michelle Mitchell and her staff. On November 10, 2005, two days after Sheriff Mitchell was defeated by C.T. Woody in the Richmond City General Election, Sheriff Mitchell had her staff notify the Commission that the Sheriff’s Office would no longer cooperate with the Commission, nor provide it any information, tours or access to the jail.

Due to this development, this report does not represent final or comprehensive findings and recommendations of the jail and its operations. The Commission presents this interim report as a summary of emergent issues and recommendations. The

Commission requests that its work continue into the new year so that it may present complete findings which can be verified by more reliable data, unfiltered and uncensored interviews of staff and inmates, and direct access to all jail documents. From August through November, to the extent the members of the Commission were permitted to interview staff, most interviews were attended and/or censored or interrupted by jail command staff. Additionally many of the requested documents were not provided, unavailable, incomplete, or unable to be verified through independent review.

THE PHYSICAL FACILITY

The Richmond City Jail consists of two physically separate buildings: the main City Jail located at Fairfield Way and 17th Streets, and the city lock-up approximately two miles away at 501 N. 9th Street. The City of Richmond also houses a relatively small number of prisoners in Peumansend Creek Regional Jail, located in Caroline County, which is a minimum/medium security regional jail.

The City lock-up was erected as part of the Public Safety Complex and was completed in 1962. The management of the lock-up was transferred to the Sheriff's Department in 1974. Inmates are booked at the City lock-up and are moved into the lock-up from an enclosed salleyport. Inmates are moved to and from the main jail and other locations via a second salleyport.

The main City Jail houses pre-trial and sentenced inmates (local and state responsible inmates awaiting transfer to the state system). The main City Jail was constructed between 1963 and 1965. In 1991, an additional 100 bed dormitory unit was completed to accommodate inmate population growth. Over the years, alternative changes to cell/dorm use as well as converting some spaces to accommodate overcrowding conditions have been made by jail staff. There has been no subsequent comprehensive jail renovation. With the exception of the HVAC system modification in 1980, the lock-up has not been expanded or renovated.

The rated capacity for the Richmond City Jail is 882 and it houses male, female and juvenile inmates. The average daily population of the City Jail is approximately 1,400 inmates.

The Peumansend Creek Regional Jail was constructed between 1997 and 1999. It is operated by the Peumansend Creek Regional Jail Authority. Richmond City is one of six member¹ jurisdictions of the Authority, and pursuant to a service agreement, has a right to occupy up to 100 beds of the total 336 beds. The agreement, however, provides that the Authority will not accept prisoners requiring a high level of security. Additionally, inmates with any medical conditions are not accepted into the Regional Jail. Essentially, only low level custody inmates without medical problems are permitted

1. The other six members include City of Alexandria, County of Arlington, County of Caroline, County of Loudon and County of Prince William.

to transfer to the Regional Jail. This contractual prohibition severely inhibits the Sheriff's ability to completely utilize the regional jail to meet its overcrowding needs.

During numerous visits to the facility, Commission members observed that the current design does not facilitate continuous personal contact between the staff and inmates of the housing units as is needed in a secured facility. In fact, inmates constantly fill the halls and the overcrowded general population tiers make it impossible for the staff to observe more than a few inmates at a time, even though a deputy may be responsible for supervision of more than 200 inmates at a time. The only area in the facility that lends itself to the above is the women's facility, which is a relatively new construction equipped with cameras.

Recommendations

- The City of Richmond should immediately conduct a cost-benefit analysis of its participation in the Regional Jail. After review, the City should explore the legality of amending its role and responsibility for participating in the Regional Jail under its current restrictions. The City pays to participate in the Regional Jail, while it is clear that the Jail fails to accept the type of inmates which would assist with the City Jail's overcrowding issues.
- Jail administration should receive cost bids for installation of a camera system in critical areas of the existing jail. The lack of electronic devices to monitor and surveil the male population is critical.
- Jail administration should immediately review the functionality of the camera system in the women's facility. During several visits to the jail, Commission members found this system to be inoperable.
- Jail administration should have all of the plumbing fixtures assessed to determine prioritization of repairs needed. Commission members observed toilets and sinks to be in disrepair during several visits.
- Jail administration should have the plumbing infrastructure assessed to determine prioritization of repairs needed. A Commission member observed that the plumbing chases are antiquated and in a state of disrepair, leading to a lack of adequate water flow in the housing units, sinks and shower stalls, which were tested.
- Jail administration should immediately acquire emergency back-up generators.
- Jail administration should be aware of the critical lack of space throughout the facility. Of particular concern is day room (visiting room) space, for the general and maximum security populations. In addition, the facility lacks the requisite space for out of cell time, education and training activities. There is a serious lack of storage space for Facilities Management staff, inmate clothing, technology, training and staff break areas. This critical lack of space prevents the current jail facility from being able to meet the American Correctional Association (ACA) standards.

- Jail administration should immediately familiarize itself with the facilities study and proposals conducted by Dewberry and Davis. This study recommends extensive repairs and retrofits to the existing jail facility. If all recommended repairs were made this would cost approximately 15 to 20 million dollars. Details of the expenditures include the following:
 - replacement of boilers;
 - plumbing renovations for three dormitories at cost of approximately \$53,000 per dormitory;
 - renovations for plumbing for all cell units;
 - replacement of electrical service and distribution equipment;
 - adding an emergency generator system;
 - installation of improved lighting;
 - installation of wall-mounted fans;
 - total window replacement;
 - HVAC upgrades for the entire facility (heat only);
 - replacement of the kitchen grease hood system replacement;
 - shower wall reconditioning;
 - new cell door locking devices;
 - construction of a new medical triage unit;
 - construction of a new laundry facility for inmate clothing;
 - control tower upgrade/replacement;
 - renovation of the key control facility); and
 - renovation of Quartermaster section.

- Considering all of the above, it is recommended that jail administration conduct a review of the study done by Dewberry and Davis and make a determination as to which of the recommendations are most cost effective for the short term, and which are necessary to maintain minimal constitutional standards for the inmates housed there.

- The Commission strongly recommends and advocates for the construction of a new state of the art facility. A new facility will allow for greater efficiency and effective use of tax dollars. A new facility will meet constitutional standards, providing for a better quality of life for inmates and a healthy, wholesome work environment for employees.

ADMINISTRATION

While it is clear that many of the City Jail deficiencies can be attributed to the physical plant limitations, a substantial amount of the issues identified by the Commission are due to deficient supervision, policies, procedures, equipment, training and prioritization. In light of many of the Commission's findings in this regard, the Commission makes the following recommendations:

Recommendations

- Jail administration should obtain training opportunities for its staff. Commission members were advised that other than top jail officials, most staff were not trained outside of their initial academy training, meeting minimal recertification requirements, and peer-to-peer training when they were transferred to new assignments. The Department of Criminal Justice Services and the Department of Corrections offer extensive training that the City Jail staff could participate in at minimal, or no cost. Additionally, the Richmond Police Department continues to offer its training facility for use by jail staff since the jail training room is inadequate for most training needs. The Sheriff's Office and the Police Department staff should collaborate to develop joint training opportunities, which would reduce the cost to both, and build a better working relationship between the two agencies.
- Jail administration should pursue accreditation via the American Correctional Association (ACA) and the Commission on Accreditation for Corrections (CAC). All ACA accredited correctional programs and facilities operate under minimum standards that are designed to ensure the health, safety, and welfare of staff and offenders within a correctional setting. The regulations governing certification and inspection serve as a necessary enforcement mechanism in monitoring the minimum standards so that local jails, state correctional facilities, residential centers, probation and parole offices and other correctional programs and facilities may be evaluated through a uniform process and be certified as efficient and safe. ACA accreditation requires written policy and procedures to establish a training and staff development program for all categories of personnel and address all pre-service, in-service, and specialized training, taking into consideration the institution's mission, physical characteristics, and inmate populations. This accreditation process ensures the professional growth of employees through training plans that annually identify current job-related training needs in relation to position requirements, current correctional issues, techniques, and technologies. Additionally, this process assesses administration, management, the physical plant, institutional operations and services, and inmate programs; including adequacy of medical services, segregation and detention, crowding, programs, and provisions of basic services that may impact the life, safety, and health of inmates, as well as staff. Accredited agencies have a stronger defense against litigation through documentation and good faith efforts to improve conditions of confinement. Adherence to nationally recognized standards for fire, safety, health, and training reduce insurance claim expenses, resulting in up to 10 percent credit on liability insurance. Performance based standards provide data that can be used in the day-to-day management of the facility reducing the occurrence of significant events. Even in the current facility, achievement of ACA standards should be pursued.

- The Richmond Sheriffs Office and the Richmond Police Department should collaborate to develop a compatible record management system to facilitate information sharing by the Sheriffs Office and the Police Department. Currently, the Richmond City Jail and the Richmond Police Department both have a record management system; however, the systems are not compatible.
- Jail administration should train all staff in the proper and complete use of their record management system. The jail uses the Inmate Management Tracking System (IMATS), an off-the shelf data system, to track inmate movement. Staff training on this system appears to be limited. Currently jail staff enter information into IMATS, but staff are not able to use IMATS to extract the data to create management reports. When the Commission requested that data be extracted for a report, it was advised that an outside consultant had to be called in and paid to generate a report from IMATS. Even then, the report provided was deficient and inaccurate.
- Jail administration should seek to automate all jail logs and routine paperwork. Norfolk City Jail and Virginia Beach City Jail have automated their logs and paperwork and have achieved greater efficiency and documentation of routine functions.
- Jail administration should conduct a random audit of all current jail log books. Commission members inspected several log books during visits and found that much of the routine information that should be detailed in log books was missing. For instance, in the juvenile tier, members found that logs failed to detail when inmates received recreation, meals, medical visits and inmate counts. Despite the deficiencies in the logs, the logs were routinely signed-off by supervisors. Re-instruction for staff in what information should be contained in the logs is needed. Supervisor training should also be conducted to instruct on the roles and responsibilities of supervisors.
- Jail administration should immediately review and revise the jail's search practices. We were advised that searches of jail staff had not taken place in more than one year. Commission members observed and were advised that professional visitors (attorneys, probation and parole officers, clergy, etc.) are not searched prior to having one-on-one contact visits with inmates inside the secured facility. Additionally inmates are not searched after these visits before going back into general population. Commission members were never searched prior to entering the secured part of the facility on numerous occasions. Commission members inquired with jail staff why they did not have a metal detector or wand to search us or professional visitors and were advised that "DOC standards do not require it."
- Jail administration should restructure the Internal Affairs section of the jail and relieve it of all functions that do not relate to investigation of administrative or criminal violations occurring within the jail or by jail staff. Currently Internal Affairs is staffed by three deputies who are also responsible for capiases, civil car seizures, asset forfeitures, serving summons, acting as

the gang unit, fugitive investigation, bomb threat investigation in the jail and court facilities, and inmate phone monitoring. They devote a very minimal amount of their time to investigation of actual incidents in the jail and by staff.

- Jail administration should receive regular reports from key jail units. When asked, personnel in Classification and Internal Affairs reported that they do not make reports to, nor are regular reports requested of them by jail administrators. It is critical that jail administrators seek out and analyze important jail data on a regular basis in order to make informed management decisions.

CLASSIFICATION

The classification section of this and any jail facility is the brain center of jail operations. Only by proper classification of inmates can preventable assaultive incidents be reduced (as to inmates and staff), non-violent inmates be kept safe from more predatory inmates, higher security be placed upon those who require it, and proper programs be made available to appropriate inmates. Over the past several years, the numbers of local, state, and federal inmates have continued to increase, significantly impacting the Richmond City Jail's population. Although the number of inmates coming into the jail is a crucial issue impacting the jail's overcrowded state, inmate management is just as crucial.

This analysis is the result of information obtained from a review of classification policies provided, information obtained through interviews with jail classification section staff, an observation of the actual classification process, and review of a sampling of inmate classification files.

The City Jail currently utilizes Objective Jail Classification ("OJC"), a national standardized process of conducting classification of inmates in jails and prisons. Proper use of OJC requires careful review and scoring of the following criteria of an inmate's background to appropriately classify him:

- assaultive/predatory behavior
- escape risk
- criminal history
- mental or emotional problems
- suicide risk
- gang affiliation
- sexual identity issues
- medical condition
- treatment/special management needs
- communicable disease
- court status and sentences
- current behavior
- violation of institutional rules
- threats to order and the safety of others
- age
- sex
- education and other program needs

- separation from enemies of record

OJC policies and procedures were designed to provide fair and consistent guidelines to determine inmate security level assignments, and to ensure that proper documentation is maintained of such decisions. In the City Jail, inmates are classified at intake and placed in one of five (5) housing levels, with level one being the most restrictive and level five being the least restrictive. With each level of custody assignment, an inmate receives additional privileges.

The City Jail's current OJC policies, procedures and classification process have many deficiencies. Therefore, the Commission makes the following recommendations to address the identified deficiencies.

Recommendations

- Jail administration should review and assess the current custody level and actual application of OJC policies and procedures. The current process is primarily based upon *bed space* and does not adequately evaluate an inmate's risk to safety, health, and/or security of others and/or inmates at risk from other inmates. Additionally, current policies, procedures, and practices do not address the jail's current overcrowded conditions and lack of space.
- Jail administration should implement a computerized tracking system for reclassification requests submitted by inmates. The current system relies exclusively upon inmate submissions on either a form or any available piece of paper. Once the reclassification request is submitted (placed into the drop box outside of the mess hall) there is no way of determining/verifying whether each request is reviewed, received and/or acted upon by classification staff. Additionally, even when the requests are received and acted upon by staff, the request is simply placed in the inmate folder and not centrally accounted for anywhere. A review of the inmate files found very few requests being stored there, despite evidence that some reclassification of the inmate may have taken place.
- Jail administration should implement an initial classification/screening process for temporary cell housing within 8 hours of entry to the jail to allow classification officers to evaluate risk to safety, health, and/or security of others and/or inmates at risk from other inmates. Currently the initial classification/screening process is done within 72 hours and does not efficiently and effectively evaluate and categorize inmates to facilitate a safe, secure, and efficient jail operation.
- Jail administration should assign medical staff to assess health risks in the initial classification/screening process. The current intake medical screening process, conducted via a Triage Questionnaire, is insufficient to properly

- evaluate inmates for medical/mental conditions. Additionally, without medical personnel to evaluate the answers given, and to visually observe the inmate, a proper medical risk assessment cannot be done.
- Jail administration should audit classification processes to determine to what extent, written OJC procedures are followed. Based upon our observations and information received from classification staff practices were routinely inconsistent with written classification policies. (E.g. Commission staff observed classification staff conducting new inmate orientation. Classification staff required the inmates to sign a checklist of rules that were supposed to be explained during orientation, while it was observed that less than 50% of the rules were actually explained to the inmates).
 - Jail administration should conduct a job study of the classification duties, appropriately staff the classification office with civilian personnel, and re-assign sworn deputies to jail security and enforcement functions. As of September 2005, there were seven staff members (all sworn) assigned to the classification office. There were five vacancies, three of which had been vacant for over a year and two positions vacant for over six months. This resulted in the section using routine overtime each week, and the critical classification process being inappropriately shortened.
 - Jail administration should review classification operations of comparable jail facilities. The Commission recommends re-organization of the classification section similar to Norfolk City Jails which has the following personnel: Intake and Triage Counselor (medically trained), Reclassification Specialists, Case Manager, and Classification Manager.

MEDICAL ASSESSMENT

The Richmond City Jail uses a medical contractor, who is also the medical director of the Jail. Based upon the Commission's observations of the medical department, the following immediate actions are recommended:

Recommendations:

- Jail administration should conduct a complete review of all medical treatment/services and conduct a cost-benefit analysis, with the assistance of the City and a medical costs consultant, to determine if medical services should be fully contracted out to a private vendor, with the sheriff auditing the contractor for compliance.
- Jail administration should consider entering into a contract with a local hospital for provision of hospitalization and emergency care for inmates who cannot be treated in the jail.

- Jail administration should audit current emergency services provided to determine whether some of the emergency services can or should be handled in-house.
- Jail administration should review pharmaceutical costs to determine if the process currently in place is cost efficient and managed properly. The Commission was advised that pharmaceuticals are currently purchased from CVS or other pharmacies on a case-by-case basis, and no volume purchase discounts are achieved.
- Jail administration should pursue the option of purchasing generic drugs or low cost alternatives, such as a formulary which would restrict physicians to list of official approved drugs.
- Jail administration should work closely with local courts for early release of critically ill and terminally ill inmates who are of limited risk to public safety. The Commission was advised that this currently takes place on an as-needed basis. The Commission recommends this be assessed on a routine basis.
- Jail administration should develop male and female cell blocks or tiers exclusively designated to the treatment of inmates in need of medical observation and treatment. Currently inmates in need of medical services are placed in segregation cells with inmates who are there for administrative, disciplinary, safety or other reasons. Based upon competing needs, we were advised that medical inmates are sometimes bumped to accommodate other demands. Cells in the medical units should be designed for single occupancy.
- Jail administration should promulgate Universal Precautions procedures and train staff in the handling and storage of infectious materials. Commission members observed the medical refrigerator, which held bodily fluid samples of inmates, also populated with staff lunches. Commission members also observed the used hypodermic needle storage unsecured and accessible to passing inmates and staff.
- Jail administration should overhaul and reorganize the systematic procedures used in the medical section. Jail administration should focus its review upon the following existing processes: regular sick calls, availability of doctors or other medical personnel; intake screening; putting medical protocol and procedures in writing; infectious disease procedures and testing for inmates; coordination between security staff, medical staff and classification; procedure for obtaining prescriptions; provisions for hospitalization and emergency services.
- Jail administration should review the specific policies and procedures in place for mental health services.
- Jail administration should make it a priority to computerize medical services records to permit immediate access to medical records, and medical services provided. The current manual system prevented medical staff from being able to reliably respond to Commission requests for verification that inmates had been provided requested services.

- Jail administration should implement a system that ensures inmates' requests for medical visits or medication will be handled confidentially. Inmates should not be required to provide such requests to staff. The Commission recommends the placement of a locked box in high security and isolation cells for medical drops. This process eliminates any complaints against the officer for failure to provide such requests to medical. Medical staff should be required to track and log all such requests and be fully accountable for them on a daily basis.
- Jail administration should promulgate specific procedures and guidelines for medical treatment and reviews of injury reports by supervisors and team leaders during their shift for accountability and completeness. Commission members reviewed at least one log book which detailed a complaint of illness or injury by an inmate, who requested medical attention. This log book was later initialed by several supervisors. It was apparent from the logs that no supervisor took any steps to ensure that the inmate received the requested medical attention.
- Jail administration should benchmark with other jails in Virginia as it considers medical services for inmates in the jail.

EDUCATION

Commission members observed extreme idleness of inmates at the City Jail. Such idleness greatly contributes to criminality, disciplinary issues and general disorder in the jail. It was clear that the space limitations significantly limit the ability to have extensive programs in the jail, but some attempt should be made to develop more programs in the existing facility. Currently the City Jail has two main programs, the GED/education program in the education tier and the BELIEVE program (a substance abuse program).

Implementation of more education programs would enhance the City Jail environment. Generally education programs in correctional facilities serve two purposes: (1) They help to control the jail environment by reducing the inherent risks of inmate idleness; and (2) They reduce recidivism. A 1996 study by Virginia Commonwealth University (VCU) and the Department of Correctional Education (DCE) showed that those who completed a DCE course, either academic or vocational, only recidivated at a rate of 20 percent, while those who took no courses recidivated at a rate of 49 percent. Reducing recidivism saves tax payer dollars by eliminating future criminal activity and making the ex-inmate a tax paying citizen.

Inmate populations also have a high illiteracy level. Federal studies showed that in the federal system between 60 percent and 80 percent of inmates were functionally illiterate. Additionally, studies suggest that up to 60 percent of inmate populations have some level of learning disability.

For these reasons, the Commission makes the following recommendations on educational issues in the City Jail:

Recommendations

- Jail Administration should increase its GED program. The GED program is the most feasible because of the higher cost of a high school diploma program.
- Jail administration should pursue development and implementation of the “Work Keys” program. This is a learning program utilized after students have reached a certain literacy level to aid them to more rapid advancement.
- Jail Administration should explore implementation of the Productive Citizenship program. This is a life skills program that was created by DCE and the Virginia Department of Corrections (DOC) and is used in DCE’s Community Corrections schools (which are similar to jails inasmuch as inmates are in the schools from six months to a year before release).
- Jail administration should consider the following as it relates to implementation of new programs, and/or reorganization of existing programs:
 - Suggested Class Size: Smaller classes are preferable because of the different learning levels of the students and the constant change in student populations as students leave incarceration and others are incarcerated. The jail should strive to teach 200 inmates a year with 15 to 20 students in a class at a time.
 - Necessary Resources: Teaching 200 inmates a year will require at least one full time teacher and one part time, five days a week. Inmate tutors should be utilized to aid in the teaching.
 - Suggested Teaching Environment: The ideal teaching environment separates the students from the other inmate population. Where separate classrooms are unavailable, students should be segregated into an education pod where half the students attend class in the morning and half in the afternoon.

Jail administration should seek the free assistance of the Virginia Department of Correctional Education to obtain information and resources related to these programs.

CONCLUSION

The Commission submits this document as its Interim Report. We request that the Commission be retained to complete its more comprehensive review in light of the lock-out by the out-going sheriff.

Additionally, the Commission strongly urges that a new jail facility is imperative to the achievement of a jail environment that is healthy and safe for the inmates and staff which occupy it. To this end, the Commission recommends a further study be conducted to fully identify the most feasible means and location for development of a new jail.