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MEDIA RELEASE

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Objective Third Party Assessment

Unveils Unexpected Answers

by

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A 5-by-7 foot jail cell holds four men. Two get the double bunk bed. The other two, mattresses on the floor. One of those mattresses only fits when slid under the lower bunk. Movement must be carefully choreographed just to go to the bathroom.

Chad Shepherd considered himself lucky. The 26-year old from Myrtle Beach, SC got along relatively well with his cellmates. Raymond Hockaday, 48, of Newport News, housed a few cells down the corridor, was more uneasy. "When you step on the floor to use the bathroom, you're stepping on a man's head. He's liable to jump up and pop you in the face." "Jail is jail. It's not supposed to be luxurious. Still, we are human beings," said Shepherd.

These conditions in lockup have become more the norm than the exception at the Newport News City Jail, Newport News, Virginia.

"We are suffering from what I term 'severe overcrowding,'" warned Sheriff Gabe Morgan. "The easiest thing would be to make an argument to build a new jail."

However, Morgan doesn't want to take the easy road until he explores the entire journey. That is why he invited the U.S. Department of Justice to assess the situation. Morgan believes it is better to explore all the options before spending millions of dollars on a new facility.

The National Institute of Corrections (NIC) conducted a thorough exam of the entire criminal justice system. Robert Aguirre and Tom Weber released their findings at a public forum on January 19th. Aguirre told members of the media who attended the forum that conditions were dangerous for the guards. "It's a ticking time bomb," he exclaimed.

Tensions flare when it is crowded. As a direct result of the jail overcrowding, an average of four deputies a month are injured in a tussle. An even greater strain is placed on the correctional facility if they have to go out on workman's comp. In addition to potential violence, crowding compromises security.

The problems faced by inmates don't move voters to spending money. Sheriff Morgan hopes that deputy safety will.

The size of the jail and demand for beds is not controlled by the Sheriff. The NIC said that the demand for jail beds is a system problem and must be solved by the system. The assessment pointed to policy driving incarceration rates, not crime. Incarceration at the Newport News City Jail quadrupled over a ten year period between 1996 and 2006, while criminal case filings increased normally (by approximately 20%) over the same period.

Individuals and groups that have an impact on the criminal justice system were interviewed over a three day period. From judges to citizen activists; pre-trial services to probation; educators, police officers, magistrates, etc. – they all took part in the evaluation.

Who is in jail? Why are they there? What's keeping them from being released?

NIC assessors looked at a snapshot of the Newport News City Jail. On 12/06/06, there were 712 inmates, mostly men, approximately 10% female. Of that number, 396 were pre-trial status being held on 'no bond'. Bond had been issued to 124, but they were unable to pay. The remaining 192 were sentenced. That means more than half the people behind bars that day were not issued a bond. Three-quarters were pre-trial, and by law are presumed innocent.

The use of 'no bond' should be reserved for those who are considered a flight risk or who are a danger to the community. "It begs the question, why are half the folks in here on 'no bond'?" posed Sheriff Morgan.

The assessment concurred with some things the Sheriff's Office already knew. The bond issue is contributing to the crowding issue. Magistrates are not setting bonds for misdemeanors and light felonies. Less obvious was that, to some degree, their hands are tied by Virginia law. Rather than permitting case-by-case decisions, the General Assembly has prescribed specific requirements for bond, which magistrates use for 'no bond' assessment. A literal interpretation of that bond statute releases a magistrate from any liability, but burdens the jail.

The physical plant is suffering space shortages. Every square foot is being used to house inmates. The Newport News City Jail, built to hold 187, was first opened in 1976. Renovations were completed in 1993 and the Virginia Department of Corrections increased the rated bed capacity to where it stands today: 248. Demand continued. Every cell was double bunked. Office space was converted into housing areas. The need for bed space has become so critical that the Newport News Sheriff's Office is housing inmates in a secured hallway leading to a tunnel system connecting the jail to the courts.

The City of Newport News has three separate facilities for incarceration. Two are within city limits. The third is located in another city. The Hampton Roads Regional Jail was constructed in 1998. The Newport News Sheriff's Office was contracted to use 200 beds. The City Farm, an adult correctional facility operated under the authority of the City of Newport News, can hold 137 inmates. Inmates at the work farm are sentenced for non-violent crimes and provide labor for civic projects in the community. They are supervised by the city's own correctional officers.

Even with these other options, Sheriff Morgan is forced to find creative ways to add bed space. The contract with the regional jail was amended to accept more than 200 inmates. Morgan convinced the City Farm Superintendent to agree to accepting pre-trial inmates to be supervised by deputy sheriff's. Both of those arrangements gave the Sheriff's Office a total of 126 additional beds.

The recognized capacity, using all three facilities, is 585. The actual population is closer to 1100.

Once a bed opens-up, it is quickly filled said Tom Weber. "Without changes to their operation, it's safe to say you can never build a jail big enough. The jail is part of the solution; but it is not *the* solution," he explained.

Sheriff Morgan is looking to gain in efficiencies as his first course of action. The responsible approach to alleviating problems is to solve operational flaws. Only then does he want to ask for a new jail or annex. He said, however, he will turn in that direction when he exhausts all other solutions.

Other contributing factors to jail crowding include political interests and conflicts. City management and the police department have a "tough on crime" position. Sheriff Morgan believes there must be a moment of pause just prior to making an arrest. When a police officer has choice between arresting or writing a summons for an infraction, Morgan thinks that option could be exercised. "I'm tough on crime. But I'm 'common sense' on non-violent crimes. Meaning, not everyone needs to be locked-up in a maximum security facility."

Alternate incarceration was one of the recommendations in the NIC report. Electronic Monitoring, using state of the art GPS technology, went on-line early in 2007 at the Newport News Sheriff's Office. The goal is to grow the program to 100 eligible pre-trial detainees. In time, the NNSO plans to place some post-conviction inmates on EM.

An antiquated jail management computer system has limited capabilities, making it another contributing factor. There have been missed opportunities to capture trends and make policy adjustments accordingly. Data collection and information exchange has an impact on the courts, as well as the jail.

Aguirre cited an episode that he witnessed during his tour of the jail. There was a time delay in the release of an inmate, who at 10:00 a.m. was released by the judge, yet at 5:30 p.m. was still being held. Why? "It was discovered that the paperwork necessary for the release had not been relayed to the city jail," discovered Aguirre. That scenario repeats itself because paperwork cannot be electronically sent. Instead it must be physically carried from the courts to the jail.

What the NIC Jail Assessment uncovered were a number of obvious and not so obvious inefficiencies throughout the entire Criminal Justice System. The overall solution is beyond the control of the Newport News Sheriff's Office. A cooperative effort on the part of all the policy stakeholders is essential.

"Incarceration capacity is finite in size. To date there simply has been no recognition by the wider system that the jail has a capacity limit and that it was exceeded a long time ago," cautioned Aguirre. He and Weber recommended the Sheriff and the City Manager establish a Newport News Criminal Justice Coordinating Council. Membership would be made up largely of the same people who participated in the jail assessment. They should set goals for future planning.

As for a new jail, the report concluded it has to remain "on the table" as a last resort. The age of the current facility and the extent of overcrowding "demands" that the city administration begin immediate planning efforts to determine a size and location for a new facility.

Morgan is aware that that "demand" is being placed on those holding the purse strings. They have known for years that the problem exists but have been unable to conclude what to do about it. Thus far, they have opted for doing nothing. Agreeing to cooperate with a third party jail assessment was at least a step in the right direction. Morgan, however, cannot afford to idly wait for decisions.

He means to act on those jail assessment recommendations that require a modest cost investment, but are rich in benefit. "If it saves one deputy from being injured... If it saves one inmate from being hurt, it will be worth it."

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