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Jail crowding difficult to fix

by [Justin Anderson](#)

Daily Mail staff

Critics say lawmakers need to lighten up on some of the state's tough sentencing guidelines if they ever want to cut costs associated with a serious backup of inmates in the state's regional jails and prisons.

There would be more than 100 open beds in the jails -- built for inmates serving shorter sentences for minor crimes -- if it weren't for those inmates waiting for an open bed in one of the state's packed-to-the-gills correctional facilities.

And projections show the state's prison population is only expected to rise.

"The only way really to deal with the overcrowding in both systems is to have a more rational approach to alternative sentencing for nonviolent offenders," said Jason Huber, a Charleston lawyer who's been involved in a number of cases regarding jail and prison conditions.

Jail and corrections officials agree.

"It's not wrong to have a get-tough stance on crime," said Joe Thornton, deputy secretary of the state Department of Military Affairs and Public Safety. "But there comes with that an offshoot. More and more people are being locked up. The

sentences are longer and that presents a problem."

Tuesday April 10, 2007

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Crowded jails
Public safety officials are struggling with overcrowding in the state's 10 regional jails. These are the inmate headcounts in the jails as of April 3.

Regional jail	Current inmate count	Division of Corrections inmates	Original design capacity	Excess of original design	Excess of original design
Central	261	103	192	69	30
Eastern	434	52	288	146	146
North Central	542	176	384	146	30
Northern	353	160	192	161	25
Ritomas	218	126	192	26	136
Highlands					
South Central	460	113	288	172	84
Southern	527	100	288	227	0
Southwestern	375	143	288	87	87
Tygart Valley	366	203	288	78	0
Western	490	172	384	118	78
Total	4,026	1,348	2,784	1,242	203

Source: W.Va. Regional Jail Authority

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Huber pointed to skittish lawmakers. He said taxpayers are bearing the brunt of strict sentencing guidelines that lawmakers seem unwilling to alter.

"Until the Legislature musters that political courage, nothing's going to change," he said.

The state's 10 regional jails are more than 1,200 inmates over what the facilities were designed to hold, recent numbers show.

Half of the jails, including South Central Regional Jail in Kanawha County, each house at least 100 more inmates than capacity dictates.

The Southern Regional Jail in Raleigh County is 239 inmates over its capacity.

About 800 of those inmates are sleeping on cell floors on three-and-a-half-inch mattresses.

In some cases, cells that were designed for one person instead hold two inmates, and two-person cells often house three.

The state's regional jail population right now is a little more than 4,000. More than 1,300 of those inmates have been convicted of more serious offences and are destined for a state prison.

Jail officials say the situation is not as bad as it sounds and is nothing new. Inmates are housed together based on the severity of their crimes and the recent numbers aren't record-breaking, the state contends.

"They're not living in rat-infested, run-down facilities," Thornton said.

Jail overcrowding in the late 1990s prompted the state Supreme Court to order the state to take action.

Since then, a woman's correctional facility was built in Mason County and four more regional jails were built. Additional bed space has been added at state correctional facilities and more is on the way.

But the problem persists. Corrections officials estimate the inmate population will skyrocket to more than 7,300 over the next eight years. The count was 5,312 in 2005.

Thornton said the state has made an effort to address the problems, but there's only so much money available to expand the system's capacity.

Corrections Commissioner Jim Rubenstein said an expansion of bed space



underway at the Huttonsville Correctional Facility in Randolph County and three 50-bed work camps will be located at Mount Olive Correctional Complex in Fayette, Huttonsville and St. Mary's Correctional Center in Pleasants.

But more space isn't the answer, he said. And a new 1,400-bed prison seems out of the equation with its \$200 million price tag.

"Again, the solution is not to try and build our way out of this as I would not support that approach and it isn't the right way to proceed," Rubenstein said in an e-mail to the Daily Mail.

Rubenstein said the state needs to expand its community corrections programs, including establishing more day report centers, and revisit sentencing guidelines.

Day report centers are growing in popularity. Instead of going to jail, a convicted criminal checks in with a center on a daily basis.

Even if there were plenty of room in the prisons, there would still be 300 to 400 Division of Corrections inmates in the jails at any given time waiting to go to a state prison, said John King, operations chief for the state Regional Jail Authority.

A corrections inmate would ideally spend between 60 and 90 days in a regional jail before being shipped to a correctional facility, King said. Because of overcrowding, it instead might take up to a year and a half, King said.

But "the Division of Corrections has been getting very efficient," King said. "It seems like every year that time period is reduced."

Rubenstein said his agency sends teams out to the jails to classify inmates and try to hasten the inmates' transition to a correctional facility. Or the agency works with jail officials to try to prepare its inmates for the parole board, he said.

"I can firmly say that my desire is to be able to bring those inmates sentenced to us into our facilities in a timely manner so we can do what correctional facilities are set up to do," Rubenstein said.

Having an abundance of state-sentenced felons in the jails is not causing too much of a management problem and actually has something of a financial silver lining, King said.

The state Department of Corrections has to pay the same \$48.50 daily fee counties do for the jails to house an inmate for one day. Considering the 1,348 inmates waiting for a prison spot, that works out to \$65,378 a day.

Corrections Commissioner Jim Rubenstein estimated that the agency pays the jail system about \$20 million a year for housing its inmates. That's \$2.5 million more than it costs to run Mt. Olive.

That corrections money coming into the jail system keeps the daily fees steady for counties, King said.

"This additional money would offset any increase in the cost of operations over the last few years," King said.

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