

# Clark County Jail releases nearly 200 inmates due to COVID-19

Reduction in population amid pandemic meant to ensure space for all who pose safety risk

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*Judge Gregory Gonzales presides over a nearly empty courtroom while joined by attorney Jeff Sowder during first appearances in Clark County Superior Court on Tuesday morning. Gonzales was able to see and talk to the defendants through live video from the jail, a precaution being employed due to the COVID-19 pandemic. (Amanda Cowan/The Columbian) Photo Gallery*

Criminal justice officials met last week to discuss ways to reduce the Clark County Jail population in the wake of the COVID-19 pandemic. By Friday, there were nearly 200 fewer inmates in the facility.

The jail population went from 601 on March 17 to 417 three days later, according to numbers provided by Chief Corrections Deputy Ric Bishop.

Officials said they are working to reduce the jail population while balancing public safety concerns.

“The current unprecedented public health crisis has required us to take proactive measures to ensure that the county jail is able to safely hold people who pose a public safety risk to our community,” Clark County Prosecutor Tony Golik said.

The group that met “set a general criteria for the types of crimes and cases that should be assessed for potential release into pretrial supervision,” he said.

The criteria — established by Golik, Clark County Sheriff Chuck Atkins, and the presiding District and Superior Court judges — includes nonviolent cases such as drug and property crimes. No cases involving sex offenses are reviewed, and generally, no domestic violence cases meet the criteria, Golik said.

Prosecutors cooperate with deputies and look at the facts of an inmate’s current case, as well as the person’s criminal history, to determine if they pose a risk were they to be released.

There are two groups of inmates being released: people who are awaiting trial or pre-trial, and others who have already been sentenced. Inmates serving a sentence of less than a year at the jail are being furloughed, Golik said, if they meet the criteria for release. Basically, they’re being released temporarily in the middle of their sentences.

“They have a return date where they have to come back and continue serving their sentence, and we’ve set the initial date as May 1. Inmates will start returning on a staggered timeline,” Golik said.

Clark County District Court has deferred inmates reporting to serve sentences for 45 days. All inmates who were sentenced under work release have been furloughed for 90 days.

The work release inmates “work out of our minimum-security facility. They’re low risk and out in the public everyday, so the court went ahead and furloughed them for social distancing,” Bishop said.

The jail chief said that social distancing is the primary reason for the changes. It’s an attempt to spread out the inmate population to distance them in compliance with Centers for Disease Control and Prevention recommendations.

Daily jail bookings dropped from an average of 36 to 11 on the day the releases began. The intake was down to four bookings by March 19, Bishop said. New inmates are being screened for symptoms of the novel coronavirus before being brought into the main jail.

Sociologist Clay Mosher, who analyzes crime trends and teaches criminology at Washington State University Vancouver, said the current scenario prompts an important question: If the jail can release this number of inmates, there is no threat to public safety and people still show up for their trials once things get back to normal, did they need to be in the jail in the first place?

“Of course, at this point in time, it remains an empirical question. We need to pay attention to short-term trends in local crime,” Mosher said.

### **Actions being taken across Washington**

County jails statewide are reacting similarly to the pandemic.

It’s a shift from the norm happening across the nation, amid fears that the virus will ravage inmates in prisons and jails. New Jersey began freeing hundreds of people earlier this week, and the federal prison system is being pressured to take similar measures, The Washington Post reported.

The King County Department of Adult and Juvenile Detention has reported that it is prioritizing jail beds for people who pose the greatest risk to public safety. Last week, the county’s correctional facilities stopped accepting intakes for people who were arrested for violating their conditions of release. The county said it was also working to send inmates jailed on Department of Corrections violations back to state facilities.

There were 1,766 people in custody at King County adult correctional facilities March 19, down from 1,940 on March 1. The county said in a blog that it “is exploring all options to further reduce the number of people in custody as quickly and safely as possible for the health of the entire community.”

Dozens of inmates were released from the Spokane County Jail and Geiger Corrections Center on March 16 following an emergency order from Spokane Municipal Court that aims to alleviate crowding and prevent the spread of COVID-19, according to The Spokesman-Review.

County spokesman Jared Webley told The Spokesman-Review that 48 people jailed for low-level offenses were released as a result of the order. The directive also suspended many municipal court operations and resulted in the release of some inmates who were awaiting trial and others who were serving sentences for misdemeanor crimes.

Washington State Department of Corrections spokeswoman Janelle Guthrie said officials are taking steps daily to protect the inmate population and staff members.

The department opened an emergency operations center in early March and has since instituted numerous procedures, such as an active screening process (taking temperatures and asking questions about feeling ill) for employees coming into work.

As of Wednesday, the department has zero confirmed cases in its incarcerated population or among those on work release, Guthrie said.

“We’ve tested 71 incarcerated, received 44 negative results and have tests for 27 pending,” she said.

The Department of Corrections is also issuing a daily situation report with updated numbers and information about the steps it’s taking to fight the virus.

“Despite this, we know friends, family and advocates remain concerned and we want to reassure them, we are doing everything in our power to protect our population — especially the most vulnerable in our care, while at the same time recognizing the importance of a global public health response,” Guthrie said.

### **‘Death sentence’**

During the March 17 first appearance docket, Clark County Superior Court Judge David Gregerson, who was presiding, granted many of the prosecutors’ requests for release, some of them against his better judgment, he said, because of the public health crisis.

Defense attorneys also asked for their clients, particularly the elderly or sick, to be released from the jail. Bishop said among the cases assessed, they were the first considered.

Gregerson denied the defense’s motion to release Michael Ross-Morales, who’s accused in a fatal hit-and-run crash. His attorney, Josephine Townsend, argued that her client has congestive heart failure and COPD, and is at higher risk for severe illness from COVID-19.

Townsend said in a phone interview that failing to grant her client release was a “death sentence.”

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“The main concern, of course, that we have is that the inmates at the Clark County Jail don’t have the same access to services as the public, and they are a very vulnerable population,” Townsend said.

Defense attorney Shon Bogar filed a motion for release or bail review for his client David Croswell, a Washougal man accused of running over two German tourists in June at Sandy Swimming Hole.

The motion says Croswell, 72, is in frail health due, in part, to advanced emphysema. Bogar also noted that Croswell has no history of violent behavior or felony convictions.

“Put simply, the coronavirus is here and spreading. The defense submits that it’s not a question of if it will hit the jail but when. When it does, pre-trial detention may well become a death sentence,” Bogar wrote.

He declined to discuss Croswell’s case because it’s ongoing, but Bogar said he believes the jail has not prepared for a worst-case scenario.

Even with inmates being released, “the jail is still over capacity for what it’s built for from my understanding. ... There is no way that inmates can be held in a manner that’s consistent with the recommendations by the CDC,” Bogar said.

Townsend agreed. When asked if the jail could achieve those recommendations, she simply said, “No.”

Bishop, the jail chief, said overcrowding at the facility has less to do with the number of available beds and more with meeting conditions mandated by constitutional law. Citing case law, he said as long as he can ensure sound infrastructure, serve food, provide medical services and keep the place safe and clean, he can bring in more inmates.

“Our population is routinely between 600 and 640, and we’re able to meet our conditions of confinement and provide services,” Bishop said.

The jail has a plan in place for inmates displaying COVID-19 symptoms, he said. It includes identifying and testing consistent with community standards. Unique to the jail, the plan includes isolating inmates in negative airflow cells and non-recycled air housing units, “depending on the direction of medical authorities,” Bishop said.

The jail started increasing routine cleaning protocols. It has also given instructions to inmates and staff about distancing and hygiene.

Advocates are not entirely convinced prisons and jails can address the current pandemic. A taskforce of organizations, including Disability Rights Washington, sent letters last week to the Department of Corrections, Gov. Jay Inslee and local jails urging bolder actions from officials.

The letter says prisons and jails are ill-suited to prevent an imminent spread of the virus, because hygiene services and essential medical equipment are in short supply, among other concerns.