

County officials aim to lower jail population amid COVID-19 concerns

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Cowlitz County Jail

Many lower-risk Cowlitz County jail inmates have been released over the last two weeks as part of the county's efforts to reduce the spread of the coronavirus, a move mirrored at other jails across the state and nation.

Also on Monday, Jail Director Marin Fox refuted rumors that inmates have tested positive for COVID-19.

"Absolutely not," Fox said in an email Monday afternoon. "(We have) no positive cases and no inmates with tests pending."

A precise number of inmates released due to coronavirus concerns wasn't available Monday. But the jail's population has dropped from roughly 250 about a week ago to less than 150 on Monday, Cowlitz County legal officials said.

Part of that drop is from suggestions by the Cowlitz County Office of Public Defense of specific inmates who are awaiting trial or arraignments. Public defenders have drafted lists of lower-risk offenders, discussed those recommendations with prosecutors and brought them to judges for consideration, Office of Public Defense Director Thad Scudder said Monday.

“There has been a concerted effort by both parties to try to alleviate, reduce the population in the jail given the public health concerns that are associated with custodial settings during the context of this COVID-19 crisis,” Scudder said. “The jail is not equipped, through no fault of their own, to deal with social distancing, to be able to segregate people the way they need to be segregated.”

Prosecutors mostly didn’t object to low-level drug possession cases or cases without a specific victim, Cowlitz County Prosecutor Ryan Jurvakainen said. They did generally object to releasing offenders charged with serious violent or sex crimes, or crimes with an identifiable victim, but there were very few cases of that kind suggested, he said.

Out of a list of 50 inmates presented to the prosecutor’s office, Jurvakainen said about 10 were released or bailed out on their own, and another 15 were released by the court.

Cowlitz County Superior Court Judge Stephen Warning said the efforts to lower the jail population is a matter of community safety. But it’s also a careful balancing act, he acknowledged.

“Obviously the jail is a bad place for communicable disease, so we want to try to keep population as low as possible,” Warning said.

The situation is affecting bail setting, which is based on suspects’ likelihood to re-offend or flee. It’s still a case-by-case basis, but in this moment, risk of re-offending — especially violent re-offending — is the more pressing factor, Warning said.

A case involving potential violence arose this weekend. During a Castle Rock man’s first appearance on allegations of second-degree assault, Warning ordered the man released with no bail. The man, Barry Justus, is accused of shooting another resident of his apartment complex with a pellet gun. The victim sustained only minor injuries and the pellet was lodged in his jacket, according to a probable cause statement. Justus was arrested, but then released in part due to the coronavirus threat, officials said.

“That’s the kind of case where (coronavirus concerns are) obviously a big factor in the decision-making process,” Warning said. “It’s the same decision all judges make every day. We’re just making it with a little different equation ... (in our) current situation.”

“Everybody in the jail, jailers, jail staff or people being held there are kind of in a tough spot,” Scudder said. “I think everybody in the process is aware of that.”

Meanwhile, some local law enforcement agencies said they are taking a more conservative approach to whom they book. Kelso police are still booking people with outstanding warrants or on crimes where mandatory court appearances are required, Captain Rich Fletcher said.

There are some offenses they will not book people for, but for safety reasons he declined to say exactly which ones.

“We are considering alternatives to booking for property crimes and limiting proactive contacts,” Cowlitz County Sheriff’s Chief Criminal Deputy Troy Brightbill said. “But if someone needs to go to jail, they’re going to jail. The jail has implemented measures to minimize exposure risks.”

In addition to releasing some inmates, jail staff have implemented new cleaning and sanitizing protocols, Jail Director Fox said. All newly-booked inmates are now screened by medical staff prior to entry, and they will be sent to the hospital if they need further screening. All inmate programming, such as church and work crew, has been suspended. Only essential staff are reporting to the jail, and they are required to self-screen before entering, Fox said.

While “not everybody is complying” with the social distancing rules, Scudder said he’s optimistic about the local response to the coronavirus.

“We’re all sort of in this together. I’ve been impressed with the way everybody’s stepping up, whether that’s people in the system or outside of it.”