

Sick people in jail could cost money, community health

By [ASHLEY NERBOVIG](#) *Chinook Observer*

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SOUTH BEND — James P. Duggan will likely still be in jail when he turns 61 years old this week.

Duggan is being held in place of a \$50,000 bond, despite a request for his release. Duggan's age puts him at risk for serious complications from covid-19. But Duggan is a public safety risk, prosecutors say.

With covid-19 spreading, criminal justice institutions across Washington must start downsizing the number of incarcerated people, said Marc Stern, who is the former assistant secretary for health services at the Washington State Department of Corrections.

Duggan's case is the "poster child" for the hard choices judges and prosecutors will be faced with during the coronavirus pandemic, Stern said.

The hearing

Duggan was charged with felony assault of an officer and misdemeanor assault. He appeared for arraignment on March 20 in front of Pacific County Superior Court Judge Donald Richter.

Duggan's attorney, Harold Karlsvik, asked Richter to reduce Duggan's \$50,000 bond. Duggan is frail, and could have serious complications if he contracts covid-19, Karlsvik argued in court.

Pacific County Prosecutor Mark McClain opposed Duggan's release. Duggan's record showed he'd had six warrants issued for his arrest in the past.

Richter sided with McClain and ordered the bond remain the same.

"This is wrong, your honor," Duggan said at the hearing.

Richter also ordered a hearing for March 27 to review whether Duggan needed a mental health evaluation.

The arrest

Duggan was arrested at about 10 a.m. on March 14 by Long Beach Police, according to court documents. Duggan was dressed in hospital scrub pants and wearing a hospital style face mask. An officer saw Duggan allegedly punch another man near the Ilwaco Community Center, 120 First Ave. N., Ilwaco.

When the police officer intervened, Duggan allegedly pushed the officer and threatened to hurt him. He swore at the officer. He resisted arrest.

Duggan told the officer he was worried about coronavirus.

Earlier that day, a mental health professional at Ocean Beach Hospital had evaluated Duggan, according to court documents. Duggan's medical paperwork showed he did not have symptoms of covid-19.

The case to reduce cases

After leaving the Washington State Department of Corrections, Sterns became a faculty member at the University of Washington School for Public Health. He has consulted with jails, prisons and federal agencies on issues related to public safety and public health.

"The citizen who says 'Let's worry about ourselves first and not worry about the people in jails because they committed crimes,' are short sighted," Stern said.

Disease that travels through the air and by touch can spread quicker through jails because people eat, sleep and shower near one another, Stern said. It endangers not just the jail's residents, but the jail's staff; such as corrections officers, cooks and health care providers.

Corrections officers may need to stay home, either because they or a family member contract the illness, Stern said. If the jail population stays the same, but there are fewer staff, it could present a danger to maintaining order and safety in the jail.

"We need to be prepared for that day," Stern said. "We've reduced the number, we need to reduce it further to match the staffing level."

Preventing people in jail from getting sick is also a matter of conserving resources, Stern said.

People in jail are more likely than the general population to have conditions, such as heart and lung disease, hypertension and diabetes, Stern said. People with these chronic diseases can have more severe reactions to covid-19, according to the Centers for Disease Control.

"The people in jail who are going to get sick, are going to get sicker than the average citizen," Stern said.

The sicker a person is, the greater the chance that person requires hospitalization, Stern said.

The jail foots the majority of the medical bill for uninsured people in custody, said Patrick Matlock, chief criminal deputy for the Pacific County Sheriff's Office. The jail charges a medical fee but it isn't enough to cover most costs.

"Running a jail is not a lucrative business," Matlock said.

In the meantime

Already, Pacific County is taking some steps to make the jail safer and shrink its population.

Duggan's case was one of a limited number heard by Richter during his criminal motions docket last week. Three days earlier, on March 17, Richter ordered many Superior Court cases suspended until after April 30. This was due to the public health emergency caused by covid-19.

For the same reason, Pacific County district courts suspended hearings until at least March 31.

Richter also expedited the process to request people be released from jail prior to trial.

The sheriff's office is doing what it can to socially distance in the jail and make it as sanitary as possible, Matlock said. Fewer people are being booked into the jail, after the state put a hold on sending people with active warrants back to the counties seeking them, Matlock said.

The jail is also not allowing visitors at this time and Sheriff Robin Souvenir paused a program allowing people to serve out jail time on the weekends. He is encouraging officers to handle as many calls by phone as possible.

Long Beach Police Chief Flint Wright said his officers are under similar instructions and are avoiding pulling people over for minor traffic infractions, unless the person is posing a danger to the public.

Groups push governor for action

In a March 16 letter to Inslee and the Washington Department of Corrections the ACLU of Washington, Columbia Legal Services and 12 other allied organizations advocated reducing jail populations in light of covid-19.

The groups recommended Inslee release aging and medically compromised people, and those who are within six months of their release date. The letter also called for

increased access to medical care and sanitation supplies, and free remote visitation options.

In a state of emergency the governor is given broad authority to take action. The organizations asked Inslee to use his power to protect people held in Washington's prisons and jails.