

The Washington County Detention Center is used by every police department and court in the county to house detainees, both pre-trial and convicted, and since at least February of 2014, almost 6 years now, I have been reporting to our Quorum Court that the Washington County Detention Center was in crisis mode because of overcrowding.

My requirements as Sheriff of Washington County fall under state and federal law, and while operating the detention center, I am bound by these federal and state laws and by Arkansas Jail Standards. Because of these federal and state laws, and for the safety and security of both detainees and our employees, it has now come to a point that we have no choice but to change how we accept and process detainees in the Sheriff's Office Detention Center Booking/Intake Area.

According to Mike Rainwater, Litigation Counsel for the Arkansas Association of Counties Risk Management Fund, "Every jail has a constitutional max population." There are different rules regarding square footage detainees are required to have (where they're located, how long they're in the facility, how many detainees are in a cell, etc.), but a case out of Sebastian County, Arkansas set the national standard for maximum jail population. It is 43.3 square feet per detainee. This is the constitutional standard, and violating the constitutional standard is an actionable wrong.

According to Arkansas Jail Standards rules, the Sheriff's Office Detention Center Booking/Intake Area must have 35 square feet per detainee.

- The Booking/Intake Area has (4) 2 man cells and (3) 3 ½ man cells (male and female)
- Per Arkansas Jail Standards, the Booking/Intake cell capacity is 18.5 detainees (male and female)
- In addition to the cells, the Booking Area has 14 chairs on the male side and 8 chairs on the female side, which makes the total Booking/Intake Capacity at 41.5 detainees

Having 30 detainees waiting to be booked is usually manageable. This is at full capacity with 18 detainees in cells and another 12 detainees sitting in chairs outside the cells in the open Booking Area. But if Booking is operating with 30 detainees waiting to be booked, you also have to consider other factors:

- The detainees being brought down to booking to see attorneys and bondsmen, and awaiting transport to courts, increases that number past the full capacity
- Combative detainees
- Juvenile detainees (must be separated by sight/sound to the extent possible from other detainees)
- Medical detainees housed in Booking
- All detainees in the Booking/Intake Area must be fed, medication given, and jail checks made
- The Booking/Intake Area must be cleaned 3 times a day after each feeding

Many of these things could (and do) cause Booking to shut down and all detainees to be placed in cells, which puts us over capacity according to Arkansas Jail Standards.

Because of these federal and state laws, and for the safety and security of both detainees and our employees, I have no choice but to implement the following rules for capacity in our Detention Center Booking/Intake Area, effective immediately:

- Once the Detention Center Booking/Intake Area reaches 30 detainees waiting to be booked, the on-duty supervisor will notify the division captain
- The division captain (or someone of higher rank) will make the determination to place the Booking/Intake Area on “Deferral Status”
- When the Booking/Intake Area is on Deferral Status, bookings will be prioritized based on many factors, to include seriousness of charge, combativeness of detainee, etc.
- When the Booking/Intake Area is placed on Deferral Status, Sheriff’s Office personnel will notify the area law enforcement agencies
- Once the Booking/Intake Area drops below 30 detainees waiting to be booked, the same process will be utilized to be taken off of Deferral Status