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Mental illness challenges on rise in Lynchburg-area jails

By Rachel Mahoney rmahoney@newsadvance.com

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Blue Ridge Regional Jail Authority.

Richard Chumney/The News & Advance

Nearly one in three inmates at Blue Ridge Regional Jail Authority facilities have some kind of mental illness, and it's largely up to the jail what kind of attention they receive.

Out of those, 169 inmates, or 15.7% of the average daily population, are considered to have a “serious mental illness,” which includes schizophrenia, bipolar disorder and PTSD. Those figures are from a 2018 report from the Virginia Compensation Board, which publishes data and funding information on the state’s jails.

Among those inmates with serious mental illness diagnoses was a Lynchburg man named Carl, whose incarceration this past summer ended with a series of complications. The last three months of his sentence included several hospital trips, mental health evaluations, constant monitoring by jail officers and consistent concerns from his wife about his condition and treatment.

In light of his conditions, The News & Advance isn’t publishing his full name. His experience highlights the complexities in handling a population in jails that has unique needs, presents challenges to corrections officials — and is growing.

The intersection of mental illness and incarceration is one under scrutiny by state agencies as they record an ever-climbing prevalence of those illnesses in jails. But because Virginia has no minimum standard of mental health care in jails, the approach and attention paid to inmates with diagnosed and undiagnosed mental illnesses varies from jail to jail.

In the Blue Ridge Regional Jail Authority (BRRJA) facilities — which span the core localities of Lynchburg and Amherst, Appomattox, Bedford, Campbell and Halifax counties — the prevalence of mental illness among inmates is higher than the statewide average.

The Virginia Compensation Board reported 19.8% of inmates across the state had some sort of mental illness in 2018, while BRRJA reported about 31% of its inmates had mental illnesses. The number of those with serious mental illness also is greater: 15.7% compared with 9.6% statewide, according to the Department of Behavioral Health and Human Services (DBHDS).

Both DBHDS and the Virginia Compensation Board have recognized a steady incline of inmates with diagnosed mental illnesses, though DBHDS notes that increase also could come from increased awareness of those illnesses. DBHDS stated in a 2018 report that

most jails aren't equipped to handle the needs of those inmates — and there's "no legally mandated minimum standard of mental health care required" in jails.

Carl started serving his six-month jail sentence in March for driving as a habitual offender.

He's considered a habitual offender because he committed a series of traffic offenses in the past, including DUIs. Virginia stopped legally classifying people as habitual offenders in 1999, but the status stays with those who previously were classified and they can be charged for driving a vehicle illegally.

Carl told The News & Advance his trouble in jail began in late June with a chemical reaction he believed was caused by two cleaning chemicals mixed in a toilet, causing what he described as an "explosion" that left him with injuries to his lower body.

When checked in at Lynchburg General Hospital, he told physicians his burns came from him cleaning up an overflowing toilet, but "staff state they do not know of any chemicals that would have been put in toilet," according to medical records obtained by The News & Advance.

According to Blue Ridge Regional Jail Authority (BRRJA) Administrator Tim Trent, the issues Carl experienced started with him acting out.

Trent said Carl was soaking clothing and towels in the toilet and then wearing them, which caused the burns and necessitated treatment at Virginia Commonwealth University Health in Richmond.

Observation notes from jail workers indicate Carl was brought to the intake portion of the jail away from general population around June 11 — four months after he was sent to jail — because of a "change in mental status." The notes describe his continued unsanitary behavior, incessant and sometimes incoherent babbling and refusal to take antibiotics and other medication.

He was taken to VCU for the burns to his feet June 28. Having been informed about his condition, Carl's wife was confused and concerned.

“I don’t believe that he did something like that,” she told The News & Advance at the time about his unsanitary behaviors. “Something is going on that is not right.”

Trent said Carl was evaluated by clinicians from Horizon Behavioral Health a number of times and was found to be malingering, or faking health issues. Because his issues were behavioral and he refused to comply with treatment, Trent said he was kept in the intake unit for his own safety and benefit so jail workers could monitor him.

When asked about refusing medication, Carl told The News & Advance he only recalls being given aspirin and “I took any kind of medicine they gave me.”

Carl said he stayed in intake for a total of between one and a half to two months, which is reflected in jail records. Trent said there’s no set limit to the amount of time an inmate can stay in intake, but officers will continue to observe them and could let them back into the jail’s general population when it’s appropriate.

Inmates held in intake get all the same services and have the same privileges as those in general population, Trent said, but do lose access to television.

Carl’s wife said she first got the chance to visit him again in mid-July, a couple of weeks after he returned from the hospital. When she did see him, she said he was in a wheelchair, cursing at her and dragging a plastic utensil in front of his throat as a threat, which jail security took from him.

Increasingly worried about his condition, she got in touch with the public defender who previously represented him and sought out a temporary detention order (TDO). Those allow for transportation of a person with a mental illness who might be a danger to themselves or others — potentially against their will — to a medical facility for treatment.

A judge ordered a mental health evaluation Aug. 1, finding Carl could put himself or others in danger upon his release within a month. He was transferred to Lynchburg General Hospital, evaluated by a Horizon worker and sent back to jail “in stable condition,” according to medical records.

In the Blue Ridge Regional Jail Authority facilities, temporary detention orders are carried out by a qualified mental health professional in the jail and “once they’re evaluated they’re out of our hands,” Trent said.

From the end of 2018 through mid-September, he said the jail authority saw 43 temporary detention orders carried out between its five different facilities. Between all five facilities, BRRJA has an average daily inmate population of 1,076, according to 2017 records from the state.

Lynchburg Public Defender Sharon Eimer said her office’s only course of action when someone serving a jail sentence shows symptoms of mental health issues is to contact the jail’s mental health professional.

Between its five facilities, BRRJA employs three mental health professionals, also referred to as counselors, who work with inmates. One is stationed in the Lynchburg jail, one in the Amherst County jail in Madison Heights and another spans the three other jails. The jail authority employs 24 full-time nurses, five part-time nurses and contracts a physician and psychiatrist. Horizon sends five workers into the jails to offer group and individual counseling.

From there, the counselor can contact Horizon Behavioral Health for emergency services, where on-call personnel come to the jail and evaluate the inmate. If they find the inmate needs emergency treatment, they’ll sign off on a TDO that will send them to a secured mental health facility — for BRRJA inmates, Western State Hospital in Staunton.

Some jails across the state have set up designated mental health units in response to the growing share of inmates with mental illnesses, though plenty of others — BRRJA included — don’t see a need for such beds in their facilities.

Trent said his officers receive suicide prevention training and mental health first aid training, but a mental health unit would take more staff with specialized training he can’t afford to add to the BRRJA facilities. In recent months, Trent said the jails had 25 security positions left unfilled — they’re now down by 18 security personnel.

Secured medical facilities like Western State Hospital are where the buck stops for inmates experiencing true behavioral health emergencies, Trent said.

“I feel like there’s not enough beds and so the criteria that the state hospitals [have] weed out more people ... for the most serious cases,” he said. “... I don’t want a mental health unit ... because I’m not a hospital. I’m a jail.”

Eimer said a mental health unit at the jail is on her office’s wish list.

Melissa Lucy, director of emergency and psychiatric services with Horizon, said inmates can always request to be seen by a counselor. But Eimer, whose office represents those people, said the waitlist is “incredibly long.”

People who know they have an existing mental health condition can visit Horizon’s Langhorne Road office before they’re sentenced for an assessment, Lucy said.

“We do get people who come in knowing they’ll go to jail. ... Being incarcerated is an anxiety producing event and it can be depressive as well,” she said. “Obviously it’s better to be proactive and address the symptoms immediately as they start rather than waiting until they get to jail.”

Eimer said the jails’ restrictions in allowed medications can be a hurdle for people with mental health conditions.

“We have a number of people who take their prescriptions with them, and they are restricted and if it’s not approved they can’t have it,” she said.

While Carl’s behavior in jail didn’t tip the scale for a trip to Western State, his behavior upon release did.

Shortly after he returned home from jail, Carl’s wife said he was visibly in bad shape and threatening her. She took out an Emergency Custody Order (ECO) on him, which meant a police officer took him to Lynchburg General Hospital for another evaluation. An ECO brings a person into custody for an evaluation, after which they might become subject to a TDO that would send them to a treatment facility.

This time, emergency department workers noted he was manic, aggressive and had barricaded himself in a room before ordering his transfer to Western State Hospital.

Carl stayed at Western State from Aug. 26 to his release Sept. 17, and was prescribed a monthly injection of an antipsychotic drug. His wife said he only receives Medicare and won't be able to pay for the injections out of pocket, but added she's been informed how to look into Medicaid enrollment for him.

She's seen this kind of behavior from him before — she said Carl has been taken to Western State from jail in the past, and he's had protective orders taken out against him by family members several times — but his jail sentence this summer has been the worst episode. She said he still complains of leg pain.

He's sworn not to drive again, which is what sent him to jail in the first place.

The past few months have been a trial for Carl's wife, but she said things have quieted down a bit.

“He doesn't have anybody else and I feel like God wanted me to see him get the help he needed,” she said. “I want him to be put on medication; I want him to get the mental help that he needed.”

From its 2018 report on mental health in jails, DBHDS made a series of recommendations for treatment standards, which aren't currently mandatory.

“Until that time, DBHDS will continue to support voluntary compliance with the standards and provide resources, to the degree they are available, to aid jails in addressing the needs of justice involved individuals with mental health challenges,” the report reads.

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https://www.newsadvance.com/news/local/lynchburg-drug-court---the-gps-on-the-journey/article_56e3778f-62ff-5dd5-9454-8c0c75c3196d.html

Lynchburg Drug Court - 'the GPS' on the journey of addiction recovery - to grow out of two-year pilot model, seek sustainable funding

By Rachel Mahoney rmahoney@newsadvance.com
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Joyce Weekley, mother of Zackery Sprouse, claps as tears stream down her face while her son is recognized for completing the two-year pilot program during the Lynchburg Adult Drug Court Graduation Ceremony on Wednesday, August 7, 2019 at Lynchburg City Hall.

Emily Elconin/The News & Advance

Having graduated several participants after a two-year pilot, the Lynchburg Adult Drug Court docket will be growing, changing and seeking additional funding from the state.

Over the past two years, people have started the program by pleading guilty to a probation violation — typically the result of using drugs — in Lynchburg Circuit Court. Instead of serving additional jail time, they agree to a closely monitored, long-term

regimen of check-ins and therapy facilitated by the court and other partners in the community.

In 2018, there were 37 adult drug treatment court dockets in Virginia. They seek to fight addiction by using the courts to encourage and facilitate recovery, rather than simply punish continued drug use. The Lynchburg docket started in March 2017, with attorneys, service providers, court officials and other criminal justice officials agreeing to make it work without funding for two years to see if the program would be worthwhile to continue.

It was the first drug court docket to set up in the 24th Judicial District — which consists of Lynchburg and the counties of Amherst, Appomattox, Bedford, Campbell and Nelson. Since then, Bedford County has started a family drug court docket and Nelson County officials have discussed a drug court docket.

Now, after 24 people have been accepted into the program, five have graduated. Four of those participants, their families and the drug court facilitators celebrated at a graduation ceremony Wednesday at Lynchburg City Hall. As of July, 14 people have been removed from the program because of noncompliance and two have withdrawn themselves.

On Wednesday, Lynchburg Circuit Court Judge Ed Burnette congratulated them, dismissed their probation violations, removed them from probation and embraced them in a hug. It might be unusual for a typical courtroom hearing, but the applause and closeness are a bit more familiar two Wednesdays per month, when the drug court docket is held in Lynchburg Circuit Court.

State analysis has found it typically takes drug court participants about 19 months to graduate — but only about 44% of participants graduate at all.

Donnie Ward graduated in Lynchburg after eight months without a single sanction. Sanctions can be imposed when participants repeatedly test positive for drugs or miss too many appointments. But Ward said he was at an advantage, committing to stop using for more than five months before he started the drug court program.

“I actually didn’t know what I was getting into,” he said. “I made a decision that I was tired of the lifestyle ... and that I knew if I wanted something different, I was going to have to do something different.”

Though he said sticking with the program was a challenge, the outcome is worth it — for his family and for himself.

Tru Allah said when he started the program last spring, he didn’t think of himself as an addict because he was using marijuana.

“Once I tried to quit and I saw how hard it was to quit, that’s when I realized I’m an addict,” he said.

While in the program, Allah said listening to other participants’ stories was a motivator for him to succeed. One of the four graduates Wednesday, he agreed with Burnette’s analogy of the drug court team being a “GPS” in giving participants turn-by-turn directions in their recovery journey. Having professionals lending their expertise, Allah said, changed his perspective and helped hone his focus on priorities in life.

“This [feels] better than getting my GED,” he said. “... Not only for myself, but for my family, too.”

Getting sober has paved the way for him to open his Madison Heights business, Tru-Sun and Dreamers Cuts and Clothing, he said.

Having seen these success stories, the Lynchburg drug court advisory committee met in March and unanimously agreed to continue the program and seek state funding to expand it, according to Burnette. Up to \$65,000 is available for the program on the state level, and he said the Lynchburg team has applied for the full amount, which would be paid on a quarterly reimbursement basis over fiscal year 2020.

The city of Lynchburg allocated a total of \$50,000 over the previous two fiscal years in its budget toward the program, but Burnette said that money wasn’t spent for the two-year pilot and instead will be used as seed money as the program expands.

Besides people facing a probation violation, the docket also will include people facing charges of felony drug possession or felony larceny charges, if law enforcement has determined the larceny traced back to an underlying drug issue. Burnette said they'll also expand the self-imposed limit of 12 participants up to 20 — a “manageable” number on top of the court's already busy docket.

“By opening this up to all felony drug possession charges, that is going to significantly increase the pool of potential participants,” he said.

Accompanying growth will be a larger workload, and that's where the extra funding will come in. A large chunk of the program's money will be dedicated to a drug court coordinator position — a full-time city position that will be stationed in the courthouse. Burnette said the drug court team hopes to hire the facilitator by the end of the year.

That person will evaluate candidates, handle scheduling, supervise participants who aren't on probation and serve as an advocate in the community, he said.

They'll take a sizable chunk of work currently done by Lydia Baber, senior probation and parole officer, who has monitored all the drug court participants during the past two years from District 13 Probation and Parole alongside her regular supervisory duties at that office.

She said her role has to be limited to supervising 10 people at a time because of her workload. During the course of the program, she said she's seen people's mindset shift to one of accepting responsibility and determination to finish it out.

Besides money going toward the new coordinator position, additional funding would pay for drug testing (currently paid for by District 13 Probation and Parole in Lynchburg), could pay for bus passes, small gift certificates to use as incentives and possibly a small amount toward services participants might need like counseling.

“The expansion of Medicaid has helped a lot in this area — so that we have a lot of people that wouldn't qualify for the substance abuse counseling services that they're getting now through Horizon Behavioral Health,” Burnette said. “... That's been a great help to a number of our participants.”

Rhonda Turner, who keeps track of participants' compliance from a treatment standpoint through Horizon Behavioral Health, said Horizon had offered a year of treatment on a sliding scale for anyone without insurance. Medicaid expansion kicked in when that year ended, and she said a number of participants enrolled.

Whatever type of treatment someone might need, Turner said it's a facet of the program where she sees them adapt to change and find solace in their meetings and group sessions.

The past two years have been a learning experience for the drug court team, working in a growing subsection within the judicial system that is, by necessity, a model of community collaboration.

Burnette said they've learned to be more effective with sanctions and rewards and are better at knowing what to do when people relapse to get them back on track, "but not totally discourage them."

"It has not been without its frustration," he said. "... But you're changing lives and it's very rewarding and gratifying when it's successful."

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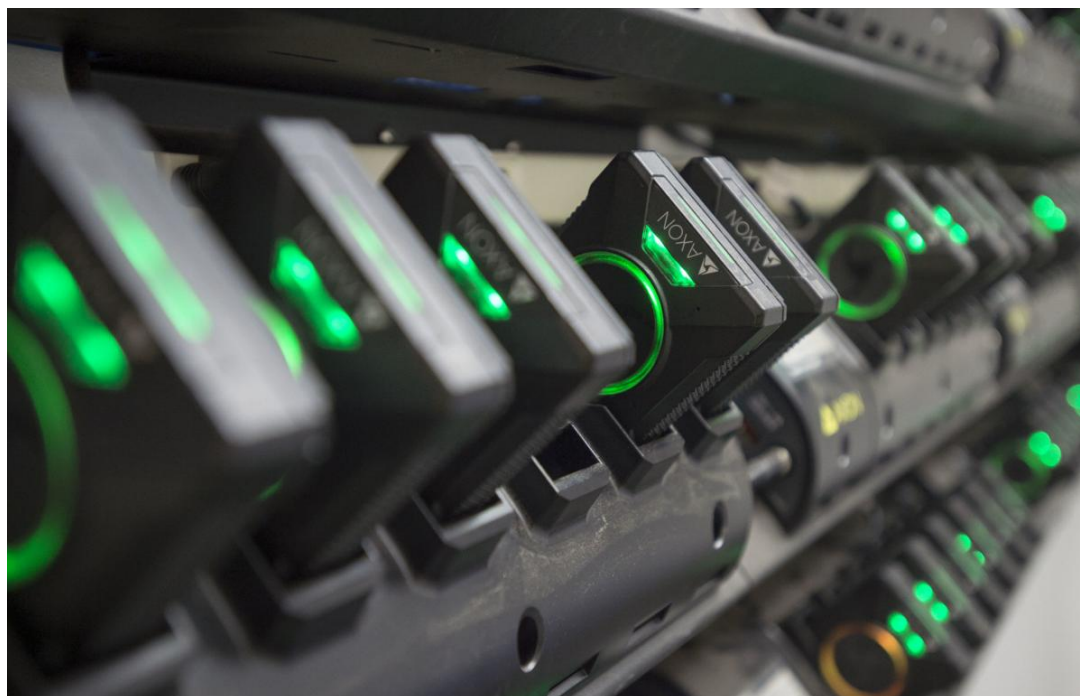
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https://www.newsadvance.com/news/local/state-mandate-prompts-some-lynchburg-area-localities-to-pay-for/article_db1229dd-b523-56f8-98fd-5e15b9e9e644.html

State mandate prompts some Lynchburg-area localities to pay for new positions to handle police camera footage

By Rachel Mahoney rmahoney@newsadvance.com

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Body cams charge at the Lynchburg Police Department on June 21, 2019. An amendment in the state budget includes a mandate that localities hire personnel in their respective Office of the Commonwealth's Attorney to help handle evidence from body-worn cameras that law enforcement officers use on duty.

Taylor Irby/The News & AdvanCE

Criminal evidence from police body-worn cameras and a state mandate have added new positions to area prosecutors' offices.

An amendment in the state budget includes a mandate that localities hire personnel in their respective Office of the Commonwealth's Attorney to help handle evidence from body-worn cameras law enforcement officers use on duty.

The state Compensation Board, which handles budget allocation for constitutional offices, conducted a study last year of the workload created by those cameras for prosecutors. The Compensation Board recommended Commonwealth's Attorneys work on agreements with their localities that address staffing and funding to handle the workload.

Language in the state budget requires one assistant commonwealth's attorney position per 75 cameras deployed in a locality and another position for every 75 cameras after that. But it also provides for any agreed-upon formula between a locality and the local Commonwealth's Attorney.

With the mandate in place, Lynchburg and surrounding counties are in different positions when it comes to budgeting for such positions into fiscal year 2020, which starts July 1.

Bedford County, where 72 body-worn cameras are in use between town and county law enforcement, will contribute the most money from its general fund for a new assistant commonwealth's attorney position.

The board of supervisors approved allocating \$81,891 to Bedford County Commonwealth's Attorney Wes Nance's office when it approved the county budget on June 10. Of that amount, Nance said about \$55,000 will be the person's salary and the remainder will cover benefits.

Nance said his office fields evidence requests from defense attorneys and forwards them to whatever law enforcement agency was involved in the case. The Bedford County Sheriff's Office and Bedford Police Department use different systems for their cameras and provide the footage in different ways, leading to a lack of request documentation, he said.

"The new hire will be tasked with developing a uniform policy for requesting such footage along with a way to document the forwarding of that request to the different agencies and our compliance with such requests," he wrote in an email, adding that it'll

free up attorneys and prevent cases from dragging on. "...Once this procedure is implemented, the new attorney will supervise it and hopefully have time to also handle district court dockets regularly."

Police have employed more and more body-worn cameras over the years to settle disputes over law enforcement interactions, Nance said, and requests from defense attorneys to provide that footage in cases has "skyrocketed" over the years, whereas they used to come through only in very serious cases or where a police interaction was disputed.

"It has become an ordinary part of the discovery process for common felonies and a growing number of misdemeanors and traffic infractions," he said. "This has been a huge investment of time for our attorneys and staff for the requests, obtaining the footage, organizing, copying, documenting and reviewing the hours and hours of footage that might be available on a single case."

Bedford County Administrator Robert Hiss said the county anticipates continuing to pay for the position from its general fund "as long as it is mandated."

"It is an unfunded mandate, which the board of supervisors is not excited about, but Mr. Nance explained the rationale for the new requirement to the board of supervisors and hence we will comply and be supportive of the Commonwealth Attorney's Office," he wrote in an email.

In Amherst County, the mandate was met with more rancor. Supervisors weren't shy about expressing their displeasure in providing \$60,520 toward a new attorney position at a meeting late last month, though they did approve the appropriation in a 4-1 vote. On Tuesday, the board approved a letter to state officials stating the state is "punishing" them with a "last-minute addition" to the budget that left their hands tied.

Campbell County Commonwealth's Attorney Paul McAndrews said his office has been able to handle the increase in workload from the cameras without asking for additional staff.

The Campbell County Sheriff's Office doesn't use body-worn cameras, but the Altavista Police Department uses 11. If more cameras are deployed, McAndrews said, "we would have to take a closer look."

In Appomattox County, where the report shows 12 cameras deployed, interim Commonwealth's Attorney Les Fleet said he's reached an agreement with county officials to add a 20-hour part-time attorney position to handle the workload.

The city of Lynchburg agreed to fund an assistant commonwealth's attorney position and a non-attorney assistant position specifically for body-worn camera footage in 2016.

Bethany Harrison said those two additions to her office are "instrumental in keeping the workload manageable" — a workload involving evidence that's useful for her and other attorneys in her office as well.

Harrison pointed out that even in a misdemeanor DUI case, combined footage from multiple responding officers and dash cams on police vehicles can quickly add up to many hours of evidence to review.

Lynchburg Public Defender Sharon Eimer said body-worn camera footage factors into about 80% of the cases attorneys in her office handle, and rules of professionalism dictate they must review it. Such evidence can be a "fantastic thing" for their clients, she said.

Eimer said requests fielded by the attorney in Harrison's office have been turned around in a timely manner. She pointed out that the mandate only involves prosecutors and her office has no additional positions to review the footage.

The Compensation Board is requiring all Commonwealth's Attorneys to send details of any agreement they've made with local government by July 1, when any new positions become available.

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Body-worn cameras in the area

Amherst County

- Population 31,982
- 23 deployed body-worn cameras
- 4 prosecuting attorneys

Appomattox County

- Population 15,536
- 12 deployed body-worn cameras
- 1,560 footage hours sent to prosecutors
- 3.5 prosecuting attorneys

Bedford County

- Population 77,807
- 84 deployed body-worn cameras, 72 in use
- 6 prosecuting attorneys

Campbell County

- Population 55,503
- 11 deployed body-worn cameras
- 6 prosecuting attorneys

Lynchburg

- Population 80,380
- 175 deployed body-worn cameras
- 5,090 footage hours sent to prosecutors
- 12 prosecuting attorneys

Nelson County

- Population 14,858
- 9 deployed body-worn cameras
- 2 prosecuting attorneys

(Data from the Virginia Compensation Board's December 2018 workgroup study)

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