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Irvo Otieno's death points to failings of the mental health care system

https://richmond.com/news/state-and-regional/govt-and-politics/irvo-otieno-glenn-youngkin/article_3be667d0-ca4b-11ed-b0a2-5be11fd1841f.html

[The death of Irvo Otieno](#) comes after years of discussions by state officials about how to deal with mental illness when it intersects with criminal justice in moments that can mean the difference between life and death.

The issue is pending in the General Assembly, where Senate Democrats want to significantly boost new funding for mental health programs above the \$135 million proposed by Gov. Glenn Youngkin.

Advocates for appropriate responses to people in mental health crises say Virginia has made progress, but it has been far too slow.

Otieno, 28, was placed in the custody of Henrico County sheriff's deputies on March 3 and died after they pinned him to the ground at Central State Hospital in Dinwiddie County on March 6, according to a prosecutor and lawyers for his family. Advocates for reform said his death illustrates how Virginia continues punting such cases into the hands of local law enforcement.

"Virginia's criminal justice system is not equipped to respond to mental health medical emergencies," said Kathy Harkey, executive director of the Virginia branch of the [National Alliance on Mental Illness](#), in a statement. "Mental illness is a medical issue, not a criminal issue."

Otieno's death generated national attention, but is not the first high-profile situation to shine light on the failings of Virginia's mental health care system.

Sen. Creigh Deeds, D-Bath, [pushed for mental health reform](#) after his son, Gus, 24, attacked him and died by suicide in 2013 after a bed was not available for Gus in a psychiatric facility. Deeds was able to help the state create a subcommittee on mental health reform, which is now a [state commission](#).

Jamycheal Mitchell, 24, [died in 2015](#) in the Hampton Roads Regional Jail, where he had been taken for stealing snacks from a convenience store. His death prompted the state legislature to put focus on reviews of deaths in jails, but a board that oversees investigations has had a backlog of cases and has [faced interference](#) from the Virginia Department of Corrections.

A Richmond police officer [fatally shot high school teacher Marcus-David Peters](#) in 2018 while Peters was in mental health crisis, running unarmed and naked at the officer and

threatening to kill him. That led the legislature to create the Marcus Alert system, but Peters' sister, Princess Blanding, [slammed the action after lawmakers watered down the original proposal](#).

Continued systemic failures

A state watchdog agency [found in](#) December that dozens of Virginians each day who need a bed in a state mental health facility instead end up on a waiting list.

"I think there's been really good progress in getting people's attention. We now have a behavioral health legislation commission with full-time staff and investigative capacity," said Bruce Cruser, executive director of the advocacy organization [Mental Health America of Virginia](#).

"It's not happening fast enough. It's taken so long to get to this point that the system has been in crisis itself for a long time, and it's going to take some time to build up the resources and the improved network of care so we don't have this many people falling into crisis, so they can get help sooner in their own community rather than be shipped off to a state hospital or jail."

Otieno was taken to Parham Doctors' Hospital for mental health treatment on March 3 after an incident with a neighbor, according to his mother, Caroline Ouko. She said she was not allowed to see him at the hospital and, after an incident there with Henrico police officers, the officers opted to take Otieno to jail to be booked on three felony charges of assaulting an officer as well as misdemeanor charges of disorderly conduct on hospital grounds and intentionally destroying or damaging a police uniform. Details on what happened at the hospital between police and Otieno have not been made clear.

Transfers of someone in mental health crisis to a local jail are a huge problem, Cruser said.

"Once that happens, you're automatically moving the person from the mental health system to the criminal justice system," he said. "They treat someone as a criminal and not as a person with an illness."

A piece of legislation that did not get a hearing this year could help, Cruser said. Del. Jeff Bourne, D-Richmond, sponsored a [bill](#) to discourage police from arresting someone on assault charges if police know the person is experiencing a mental health emergency.

Otieno's mother has said her son could not immediately receive his proper medications in jail because he [could not be seen by a doctor for over two days](#).

Cruser questioned why Otieno's mother was not allowed to see him at Parham Doctors' Hospital and why a doctor was not available at the Henrico Jail to see Otieno.

A jail video shows a deputy appearing to punch Otieno several times in a cell before deputies carry him out.

Surveillance video shows deputies carrying Otieno by his limbs at the jail as they try to place him in a van to transport him to Central State Hospital. They then end up placing him in the back of an SUV. Video at Central State Hospital showed a large group of deputies pinning him to the ground until he was motionless and limp. Dinwiddie County's prosecutor charged seven deputies and three employees of the hospital with second-degree murder in a case that remains under investigation by Virginia State Police as well as the Henrico commonwealth's attorney.

Former Henrico Sheriff Mike Wade, who has long argued that local law enforcement agencies are not the appropriate caretakers for people in mental health crisis, said Friday that the state's failure to provide appropriate care goes back to at least 2008.

"The state should take responsibility and create some more beds and places to put people."

Meanwhile, The Associated Press reported that Dinwiddie Circuit Court Judge Joseph Teefey Jr. on Wednesday denied a request from attorneys for one of the seven sheriff's deputies charged to prevent Otieno's body from being released until they decide whether they will seek an independent autopsy. The judge ruled that defense attorneys could instead ask for an independent examiner to be present during the autopsy being performed by the state medical examiner's office.

State funding debate

Deeds said Otieno's death now adds to the urgency of the legislature's attempts to finish an amended budget. He and other Democrats are at odds with the governor's desire for an additional \$1 billion tax cut, and want a lot of that money spent on mental health treatment programs instead.

"We underfunded our system of mental health care for such a long period of time," Deeds said.

Youngkin proposes about \$135 million in new spending on community-based behavioral health programs as part of a \$230 million overhaul of the Department of Behavioral Health and Developmental Services. Republicans who control the House of Delegates want to add more than \$70 million to that, while Democrats who control the Senate want to add more than \$173 million to the governor's proposal.

Youngkin spokeswoman Macaulay Porter said the problem requires more than just dollars and that the governor wants to change the system. "Transformative steps must be taken across the entire continuum of care," she said.

Slow progress on Marcus Alert

The General Assembly passed the "[Marcus Alert](#)" system in 2020. It is designed to provide a more appropriate response to behavioral health emergencies.

Blanding, the sister of Marcus-David Peters, [said at the time](#) that she was concerned about the timeline and disjointed application of the program across the state.

Three years after passage, the system is in place in about nine Virginia localities, including Richmond. But it is not running yet in Henrico, where the state schedule will bring the Marcus Alert in 2024.

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Remembering Irvo: His mom and brother recall a gentle soul and big heart

https://richmond.com/news/local/crime-and-courts/irvo-otieno-ann-cabell-baskervill-henrico-county-central-state-hospital/article_2acc14fc-e47e-11ed-a9da-a7d5c0551601.html

A thousand free throws a week. That was the assignment, and [Irvo Otieno would fulfill it](#).

The homework had come from his longtime basketball coach. Otieno and nine other Henrico boys were a dream team of sorts, competing around the state almost every other weekend. That was just one of a hundred memories that his mother, Caroline Ouko, and his brother, Leon Ochieng, shared with The Richmond Times-Dispatch on Wednesday during an interview that lasted just over an hour.

[They spoke 52 days after Otieno died of asphyxia on March 6](#) at Central State Hospital. Seven Henrico County sheriff's deputies and three workers at the state psychiatric hospital have been charged with second-degree murder. Video obtained by the Times-Dispatch shows the handcuffed and shackled 28-year-old pinned to the ground for 12 minutes. His death has brought international attention and calls for mental justice reform.

On Wednesday, his [mother and brother remembered a young man filled with passion, fueled by his dreams, and selfless in spite of his own struggles, and spoke of how he lived in contrast to how he died](#).

Otieno was destined to be a team player, they recalled. Not so long after moving halfway across the world from Nairobi, Otieno had become a part of something. They called themselves "The Fantastic 10," with the trophies to prove it.

Otieno was a key part of the team. Tall for a 13-year-old, he would drive in with the ball and draw fouls like his role model, LeBron James, and then slowly redeem his fouls for

points at the free throw line. So Otieno practiced his free throws, tallying the ones that did not go in, sometimes shooting past the sunset on their sleepy Henrico residential block.

That was 2007. Eight years earlier, Otieno had arrived in Richmond from Kenya: a waddling 5-year-old accompanied by his mother, Caroline, and his older brother Leon.

The family came to Virginia in 1999. Otieno's mother had found work as a caregiver while her husband remained in Kenya, where he served two tours working for the United Nations. Leon and Irvo (pronounced eye-vo) enrolled in separate public schools.

'Original as apple pie'

In the predominantly white student body at Tuckahoe Elementary School, Otieno was unique. At lunch, he would open a lunchbox filled with ugali — a Kenyan dish made from corn flour, and sometimes chapati, an Indian flatbread. He spoke English with no accent, his brother said.

"He was as original as apple pie," said Leon Ochieng.

After school, he was at practice with the Fantastic Ten. Ochieng recalls them "spewing out of the car" on their way to and from games and practices. "All those guys stayed with him throughout high school," Ochieng said. "They're the same guys that spoke at his funeral."

After basketball, Otieno joined the football team. He tried out for Henrico's Western Wildcats, eager to follow his friends into a new challenge. The trip to the tryouts was clandestine — Caroline did not know. At 6 feet tall, Otieno was an exciting prospect for high school coaches. He was a terrifying presence to square up against on the line of scrimmage. He could make big, game-changing tackles, and one time required officials to call an ambulance for an opposing player. Despite that, Ochieng said, his brother was quick to stretch a hand to his opponents or kneel while they recovered.

In the developing trial ensuing from his death, defense attorneys who did not know Otieno have portrayed him as a violent individual. Some of the lawyers for the defendants have said their clients were trying to restrain Otieno and there was no intent to kill him. They say they plan to vigorously fight the charges.

Police also have said that Otieno assaulted officers at Parham Doctors' Hospital, where he was sedated and chained to a hospital bed, according to nurses who spoke with Ouko on that day. Otieno was charged with three felony counts of assault on a police officer and other offenses while he was at Parham.

Those who knew Otieno dispute that he was violent.

“He was just a normal kid. I never saw anything unusual,” said Paige McNamara, who lives in the house directly across the street from Otieno’s home. “He’d be over there on his chair, listening to his music, and I’d be over here. It was a neighborly thing. And the whole neighborhood is affected by it.”

Despite his struggles with mental health, many who knew him did not realize that the gentle giant struggled with severe anxiety and bipolar disorder.

Ouko said that her son would go months without a crisis. “On a regular day, he was just a fine guy,” Ouko said. “You would never even know anything was going on.”

It has been almost two months since his death, but Ouko’s pain has not yet dulled. Ouko said she lights a candle each day in Otieno’s memory. Her kitchen has become a shrine, filled with his photos. She wears a pin emblazoned: “Justice for Irvo.”

The family want to see change — such as the creation of an “Irvo Alert” that would inform police when a person is in crisis. And they want accountability for everyone involved in his death, from the police who arrived with stun guns to the deputy who had a knee to Otieno’s neck, a scene reminiscent of George Floyd’s death.

“Systemic racism. It swallowed my son,” said Ouko. “These Jim Crow systems have to change, so that our children can get back home.”

‘They escalated the situation’

Ouko, through her tears, described a 40-minute standoff with police on March 3, the day of the arrest. Initially, two police officers were called to the house of her neighbor. Ouko thinks the neighbor called 911 after her son, in crisis, picked up several solar lights from their yard. Shortly after, Ouko says at least 10 officers arrived on their front lawn, stun guns at the ready. By then, Otieno was back in his room. Caroline called him down so that the two could face the police detachment together. Henrico has said this included officers trained in crisis intervention.

“The way they came, they came like they were coming for a criminal,” said Ouko. “They escalated the situation.”

Ouko begged for an ambulance, she said. He died at Central State a few days later.

Since then, Ouko said she has heard nothing — not from the neighbors who called the cops, not from the Henrico Police Department, not from the Henrico County Sheriff and not from Parham Doctors’ Hospital or Central State Hospital. Only the Dinwiddie County prosecutor, Ann Cabell Baskervill, has called the family.

[Otieno](#)'s dog, Puppy, still lives with Caroline. She goes with him to visit her son's grave. The visits "bring her peace," Ouko said. When she is there, sometimes Puppy whines over the ground where Otieno lies buried, said his brother Ochieng.

"My son was murdered," said Ouko. "If I don't call it what it is, I'd be wrong."

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More deaths, more secrecy, under Youngkin's jail board

https://richmond.com/news/state-and-regional/crime-and-courts/irvo-otieno-henrico-jail-deaths-youngkin/article_72c693b2-e5ec-11ed-a268-0bf23d23d647.html

The task came from the top.

Gov. Glenn Youngkin wanted "deliverables" from his appointees on a state oversight board that investigates deaths in Virginia's 71 jails.

The board's executive director, Ryan McCord, last month presented the governor's request to the appointees in a meeting at Department of Corrections headquarters.

"Youngkin makes jails safer for staff and inmates by optimizing the Board's review process," McCord told the board, describing a "headline" that Youngkin wants to become a reality.

But at the moment, Youngkin's wishful headline is far from coming true.

[Before the controversial death of Irvo Otieno in March in the custody of Henrico County sheriff's deputies](#), jail deaths in Virginia were soaring — nearly doubling in 2021 and 2022 compared to the previous two years, according to data from the state.

The numbers come at a time of increasing secrecy by the [Virginia Board of Local and Regional Jails](#).

Virginia saw 41 jail deaths in 2019 and 40 jail deaths in 2020. That number jumped to 77 deaths in 2021. And there were 68 in 2022.

If members of the board have any idea what might have led to the spike, they are not sharing it.

McCord referred press questions to the board, who are unpaid civilians. Youngkin has appointed a majority of the board — five of its nine members.

The board has a policy that the only public comment can come from its chair, currently Vernie Francis Jr., a former sheriff of Southampton County. Francis declined to be interviewed or answer specific questions sent to him by email.

The Youngkin administration also declined a request for an interview with [Bob Mosier](#), a former sheriff of Fauquier County who is the state's secretary of public safety and homeland security.

In 2017, the Virginia General Assembly and then-governor Terry McAuliffe [granted new powers to the board](#) after the death of Jamycheal Mitchell in the Hampton Roads Regional Jail in 2015. The 24-year-old Black man was being held after taking snacks from a convenience store, and systemic failures prevented him from getting mental health treatment.

Those powers now include two full-time jail death investigators. Their task is to sort out whether a jail did or did not contribute to an inmate's death, and whether the jail was in compliance with regulations. The board has also hired an additional part-time investigator. Investigators report their findings to the board, who review each case and make recommendations to sheriffs and jail supervisors.

[The Richmond Times-Dispatch reported last year](#) on increased secrecy at the board after officials would not release the action plans of jails found in violation.

It is difficult for the public to know the outcome of the board's reviews, a reality that provides cover for elected sheriffs and regional jail boards who often prefer to keep details on lockdown.

At its April 19 meeting in Richmond, the board announced it had found no policy violations in 13 unspecified death cases since 2021. But in two other cases, one from 2020 and one from 2021, the board found a jail was out of compliance with regulations and had taken action to address the problems.

Which jails were out of compliance and how is anyone's guess, frustrating the public and relatives of people who die in jails.

Joshua Mumpower died by suicide in a Henrico jail facility four years ago. The jail board found no violation in the case.

Mumpower was a good son, his father said, but became addicted to heroin. His family members were all in court for one of his appearances and they planned to go out to eat afterward. But Mumpower tested positive for drugs and had to go directly to jail, said Craig Mumpower of Hinton, W.Va.

The next day, he received a call from Henrico authorities who said that his son had been found dead.

Craig Mumpower learned details of his son's death through a friend of a former inmate. Mumpower had been going through cold-turkey withdrawal in the jail. The Department

of Justice has said it is illegal to withhold medically assisted treatment from inmates but, aside from Chesterfield County, many jails in Virginia have yet to implement such programs.

Joshua told another inmate he was planning to stage a suicide attempt in order to get medical care, his family heard from the friend.

“I want to know why he wasn’t on watch and I want to know why he wasn’t down in medical,” Craig Mumpower said. “They knew he was in recovery.”

Joshua had a baby girl on the way when he died; she is now 3 and is being adopted.

“That’s why I couldn’t understand why he would go to such lengths,” Craig Mumpower said. “He was so looking forward to his child being born.”

Some sheriffs announce deaths in jails to the public through news releases; others do not.

Chesterfield County Sheriff Karl Leonard said he does news releases after jail deaths once next of kin is notified.

“We get a very sick population to begin with. Jail deaths unfortunately are part of the correctional business. They are going to happen,” Leonard said. “It’s important to make the public aware of what’s going on.”

Of six deaths in Henrico jail facilities since Sheriff Alisa Gregory took office in 2020, none produced a public announcement. Of the available causes of death in those cases, two were drug overdoses and two were natural causes.

Those six do not include the death in March of Otieno, a 28-year-old Black man suffering a mental health crisis who died of asphyxiation under a pile of Henrico deputy sheriffs at Central State Hospital. Seven of Gregory’s deputies are facing charges of second-degree murder.

Gregory issued a [news release about Otieno’s death](#) five days after the Times-Dispatch on March 9 [first reported on it](#).

Gregory declined to comment for this story, and the county’s elected officials and county administrator have been nearly silent about Otieno’s death. They have not reached out to Otieno’s family.

“No, we’ve never heard from them,” said Caroline Ouko, Otieno’s mother.

And, she said, she does not expect to.