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## Overcrowding leads to more jail violence, lawmakers told

By Phil Kabler

CHARLESTON, W.Va. -- Overcrowding in the state's 10 regional jails has resulted in dozens more assaults in the jails over the past year, the state Regional Jail Authority's executive director told legislators Monday.

From July 1, 2010 to June 30, 2011, the jails reported 303 inmate assaults on jail staff, an 87 percent increase over the previous year, Larry Parsons said. A total of 58 correctional officers were injured by inmate assaults.

Inmate-on-inmate altercations increased 40 percent over the same period, from 496 assaults to 695.

"Certainly, when you've got more inmates in the facilities, you're going to have these results," Parsons said. "You have no way to know at any moment who will flare up."

Besides housing 4,530 inmates -- 1,746 more than the jails were designed to hold -- the jails are understaffed, with 92 vacancies for correctional officers, Parsons said.

Jail workers received \$6.6 million in overtime pay in the past budget year, he said. "Most of the overtime is incurred to offset staff shortages," he said.

Almost all of the overcrowding in the regional jails is because of a backlog of Division of Corrections inmates, who are housed in the jails because the state's prisons are full.

Corrections Commissioner Jim Rubenstein noted that, unlike the regional jails, the prisons have not had a notable increase in inmate violence.

Comparing the past two years, incidents of inmate-on-inmate violence resulting in serious injury decreased from 14 to 13, while assaults on staff resulting in serious injury dropped from three to one.

Inmate-on-inmate assaults without serious injury dropped from 135 to 127, while staff assaults without serious injury increased from 66 to 83.

However, Rubenstein noted that, for reporting purposes, assaults on staff include verbal abuse and incidents such as inmates throwing objects at staffers.

"We didn't see anything much different from the previous year," he said of inmate violence reports.

Also during legislative interim meetings Monday:

\* Philip Morrison, executive director of the state Prosecuting Attorneys Institute, said he supports passage of a "Caylee's Law" in West Virginia, but said such legislation needs to be well-written to avoid unintended consequences.

Otherwise, he said, "we may expose people to prosecution we didn't intend to expose."

In light of the highly publicized Casey Anthony murder trial, a number of states are passing legislation to make it a crime to fail to report a missing child within 24 hours.

"It's not going to stop a killer from killing anybody, but it will give us an extra charge if we don't have any other evidence," Morrison said of the proposed legislation.

However, he said the legislation would need to be carefully drafted to avoid the possibility of prosecuting parents who inadvertently fail to report a missing child.

An example could be a parent who, through miscommunication, is not aware he or she is supposed to have custody of a child beginning on a particular day, and fails to make a missing child report