COUNTY JAILS, STATEWIDE PROBLEMS:
A Look at How Our Friends, Family, and Neighbors with Disabilities are Treated in Washington’s Jails
Letter from Disability Rights Washington’s Executive Director

Our society has criminalized disability for too long. As engaged members of the community, we can change that.

This spring, Disability Rights Washington set out to visit all 38 county jails in Washington State in order to see how people with disabilities are treated there. We could not have undertaken this huge project alone. Last December, students from Gonzaga University School of Law volunteered to spend their winter break reviewing jail policies, and then spent their spring break touring jails with our staff. This community engagement and commitment to justice is exactly what we as a society need to foster if we are to tackle problems as large as the ones described in the report below.

Over a single week in March, we found countless people with disabilities kept in solitary confinement, dozens more without access to fresh air or programming, and many people denied necessary medication and treatment. Jails are unduly burdened with serving those people all others have refused to serve. These jails are often understaffed and under-resourced, leaving jail staff with few options. This can lead to inconsistent and unlawful practices that vary wildly from jail to jail. More importantly, it risks or results in serious harm to people with disabilities.

Disability Rights Washington thanks the many jail inmates who shared their stories and the jail staff and administrators who candidly described their programs and the current service delivery system. It is this openness and recognition of the problems that gives me hope we can fix them.
Together we can identify what it will take to improve jails' treatment of people with disabilities. Hopefully, we can build a coalition that examines the treatment and conditions in jail, as well as the reasons why people with disabilities are dramatically overrepresented in the Washington State jail population. For everyone involved in the criminal justice system, delivering services in community settings and engaging people with disabilities in those services before a crisis arises is often preferable to arrest and incarceration. Currently, jails are the default service provider of last resort because they are open 24/7 and generally not in a position to turn people away.

This can change. This must change.

With this optimistic mindset, we encourage everyone reading this report to join the coalition working to improve conditions in Washington State jails while simultaneously working to avoid incarceration in the first place. This is the only truly holistic solution to these pervasive, persistent problems.

Email AVID@dr-wa.org to lend your support to this coalition effort.

Mark Stroh
Executive Director
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TABLE OF CONTENTS

INTRODUCTION..................................................................................................................1

STATEWIDE REVIEW OF COUNTY JAILS........................................................................3

Disability Rights Washington ..............................................................................................3

County Jails in Washington State .......................................................................................5

Purpose and Scope ............................................................................................................7

Methodology ......................................................................................................................8

CONCERNS ABOUT JAIL CONDITIONS AND PRACTICES..............................................10

1. Many jails fail to properly screen inmates for mental illness and cognitive disabilities ..................................................................................................................11

2. Many jails delay or deny inmates access to appropriate medication..............................13

3. Many jails inappropriately and unnecessarily hold inmates with disabilities in solitary confinement ...........................................................................................................14

4. Many jails deny inmates adequate programming ..........................................................16

5. Many jails operate facilities that are inaccessible to inmates with physical and sensory disabilities .............................................................................................................17

6. Many jails provide no means for securing or casting a ballot while incarcerated ...18

CONTINUING THE CONVERSATION.................................................................................18
INTRODUCTION

Each day in Washington, there are approximately 12,000 people in jail.¹ People with disabilities are incarcerated in jail at a far higher rate than people without disabilities. A recently published study by the U.S. Department of Justice’s Bureau of Justice Statistics found that jail inmates were more than four times more likely than the general population to report having at least one disability.² About four out of ten individuals in U.S. jails have a disability.³ Nearly half of women in jail have a disability.⁴ Of those with disabilities in jail, 16 percent have multiple disabilities.⁵

The high prevalence of disability in jails forces jail administrators and staff to focus a significant amount of their time and resources on meeting the needs of numerous people with varying disabilities and medical conditions. However, a jail’s core mission is to safely house people awaiting trial, awaiting sentencing, or serving relatively short sentences,⁶ not to act as the medical or social service provider of last resort. Given that jails serve more people with disabilities than many traditional disability-specific service providers, Disability

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³ Id.
⁴ Id.
⁵ Id. at 4.
⁶ OFM Analysis, supra note 1, at 5.
Rights Washington set out to investigate how well jails were doing in meeting the needs of people with disabilities.

During the week of March 7, 2016, Disability Rights Washington and students from Gonzaga University School of Law visited every county jail in Washington to monitor the conditions of people with disabilities. We found disturbing trends that indicate many jails in Washington need to improve the way they treat inmates with disabilities. Some of the most common and concerning problems for inmates with disabilities are: inadequate or nonexistent screening of inmates for mental illness, developmental disabilities, and brain injuries; limited access to medication; inappropriate and unnecessary use of solitary confinement; limited or nonexistent access to programming; inaccessibility of jails for inmates with physical and sensory disabilities; and lack of access to voting.

Law students Grant Reynolds and Alexandria Allen, members of the teams that reviewed the policies and monitored the conditions of all of Washington’s county jails.

After conducting a comprehensive review of jail policies and visiting every single county jail in the State, it is clear that Washington needs greater uniformity of standards and oversight for jail conditions. While each inmate’s disability is unique and their experience and needs are individualized, many of the barriers they face in jail are systemic. A facility’s lack of resources, inaccessible construction, and other large-scale policy issues cannot be adequately addressed by individual inmates using existing grievance procedures. Now is the time for a conversation about how our jails and other stakeholders can fix these problems, and what
action we can all take to ensure the health and safety needs of every individual with a
disability in a jail are met.

**STATEWIDE REVIEW OF COUNTY JAILS**

**Disability Rights Washington**

Each state and territory has an independent advocacy organization with a federal mandate to monitor any setting serving people with disabilities to ensure their rights are protected and they are not abused or neglected. In Washington that organization is Disability Rights Washington. As the private nonprofit agency designated as Washington’s Protection and Advocacy System by the governor, Disability Rights Washington has the authority to access jails, prisons, homeless shelters, psychiatric hospitals, community hospitals and other healthcare facilities, and even individuals’ own homes to monitor and record the conditions of care and treatment of people with disabilities.

Due to the vast number of people with disabilities incarcerated in the adult and juvenile justice systems, Disability Rights Washington created Amplifying Voices of Inmates

![Image](image_url)

DRW attorneys Kimberly Mosolf and Kayley Bebber monitoring the conditions of a jail
with Disabilities (AVID), a project focusing specifically on the rights of inmates with disabilities in Washington’s correctional systems. AVID is staffed by a team of attorneys, video advocates, and volunteer lawyers and law students.

When Disability Rights Washington finds rights violations or abuse and neglect, it may engage in any type of advocacy necessary to remedy those problems. Disability Rights Washington uses a multi-modal advocacy strategy that includes litigation, investigation, coalition building, video advocacy, and education of the public and policymakers. Each year AVID serves thousands of inmates by assisting them to understand their rights and improve their self-advocacy skills, providing them with short-term legal assistance, investigating individual instances of abusive or neglectful conditions, monitoring facility conditions, and providing systemic legal advocacy with state officials and local facility administrators. For more information about Disability Rights Washington and AVID, please visit our website at http://www.disabilityrightswa.org.

[Image: DRW attorney providing information to a jail inmate about inmate rights and how to access DRW services]
County Jails in Washington State

Jails are generally designed for short-term stays of adults who are awaiting trial or have been found guilty of a crime and sentenced to a year or less. In contrast, prisons are designed for long-term stays of adults convicted of felonies with sentences longer than a year. Nearly every county in Washington State operates a jail. Some cities also operate jails. There are 38 different county jails, ranging in size from three cells in the San Juan County holding facility to an average daily population of 1,800 across King County’s two adult jails. Across Washington, 12,000 people are housed in county jails at any given time. Due to relatively short lengths of stay, many multiples of this number are actually housed in jails each year. Comprehensive state-specific statistics are not available, but national data shows 40 percent of people in jails have a disability such as a brain injury, developmental disability, serious mental illness, or physical or sensory disability.

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7 See OFM Analysis, supra note 1, at 13.
8 Id.
9 Douglas and San Juan counties do not operate jails. Douglas County sends its inmates to Chelan County Jail and San Juan County operates a short-term holding facility with three cells that it does not consider a jail. This holding facility was monitored along with the other county jails.
10 See OFM Analysis, supra note 1, at 5.
11 Id.
12 See OFM Analysis, supra note 1, at 13. For instance, King County’s average length of stay is 21 days, but the median is two days and the mode is only one day. Id.
13 See DOJ Disabilities Report, supra note 2, at 4.
Unlike the Washington State prison system, which the Department of Corrections oversees and operates, local administrators – usually the County Sheriff’s department – run the jails. There are currently no mandatory Washington State jail conditions standards aside from general constitutional requirements.\textsuperscript{14} In the 1980s, Washington had a Corrections Standards Board that created and enforced standards for jails, but when this board was abolished, the jails were no longer held to its standards.\textsuperscript{15}

There are state and national organizations that provide standards and accreditation for jails that choose to secure accreditation, but Washington does not require jails to meet these standards, and there are no penalties for failure to seek or maintain accreditation.\textsuperscript{16}

\textit{Booking cell in a county jail}

\textsuperscript{14}OFM Analysis, supra note 1, at 8.
\textsuperscript{15}Id.
\textsuperscript{16}See id.
**Purpose and Scope**

The purpose of this report is to identify the most significant trends identified in Disability Rights Washington’s statewide monitoring of jails. This report is intended to support an informed dialogue about how Washingtonians with disabilities are treated in county jails. While each individual area of concern raised in this report is important, this report does not delve into the problems or possible remedies in great depth for each issue. Instead, it provides a high-level description of areas in need of improvement. Over the ensuing months, additional reports will tackle individual issues in greater depth and provide additional insight into the problems. These subsequent reports on discrete areas of concern will provide additional context as a conversation develops among jail inmates, their friends and families, jail administrators, local, state, and federal policy makers, disability and criminal justice advocates, and the community at large.
Methodology

In order to see how jails handle a number of different disability-related needs, Disability Rights Washington devised and implemented a plan to review each jail’s policies and then visit each jail facility to monitor conditions and meet with jail inmates, staff, and administrators. Disability Rights Washington requested that each county jail in Washington provide its policies affecting people with disabilities. Disability Rights Washington then partnered with students at Gonzaga University School of Law to review those policies. This document review was conducted with a tool designed by Disability Rights Washington.
After reviewing the policies, Disability Rights Washington staff and Gonzaga law students visited each county jail in Washington during the students’ spring break, the week of March 7, 2016. Each review team was led by a Disability Rights Washington attorney and also included non-attorney staff and volunteer lawyers or law students from Gonzaga. The monitoring teams used a survey tool designed to collect the same information from each jail and monitored the conditions of thousands of people in Washington jails. During the visits, the team members conducted in-person interviews with jail inmates and staff, made on-site observations to gather additional information not found in jail policies, and learned how the jails served inmates with disabilities. Additionally, the teams took pictures and recorded videos of the jail conditions. Many of those pictures and videos will be featured in this and future reports as well as in stand-alone videos about Washington’s jails.

DRW Creative Director Jordan Melograna setting up camera equipment in a jail
CONCERNS ABOUT JAIL CONDITIONS AND PRACTICES

Segregation cell in a county jail

The policy and in-person reviews revealed six significant problems in jails across the state: inadequate screening of inmates for mental illness, developmental disabilities, and brain injuries; limited access to medication; unnecessary and prolonged use of solitary confinement; insufficient access to programming; inaccessibility of jails for inmates with physical and sensory disabilities; and inability to exercise voting rights while incarcerated. A brief summary of each problem is provided below. Additional reports that address each of these issues in more depth will follow over the next several months.
1. Many jails fail to properly screen inmates for mental illness and cognitive disabilities

The most common disability reported by jail inmates is a cognitive disability, which includes intellectual disabilities, brain injuries, dementia, and other medical conditions that permanently “affect[] different types of mental tasks, such as problem solving, reading comprehension, attention, and remembering.”\(^{17}\) Thirty percent of all jail inmates have a cognitive disability.\(^{18}\) In addition, over sixty percent of jail inmates have symptoms of a mental health disorder, such as depression, anxiety, or schizophrenia.\(^{19}\) Since someone with a cognitive disability or mental health disorder can be vulnerable to harm from others as well as themselves, it is important that jails quickly identify the presence of such a disability.

\(^{17}\) See DOJ Disabilities Report, supra note 2, at 3.

\(^{18}\) Id. Using the definitions in the DOJ Disabilities Report, not all mental health disorders will cause such permanent functional support needs to be considered “cognitive disabilities.” Thus, the percentage of people in jail with a diagnosable mental health disorder, as opposed to a “cognitive disability,” would be even greater than 30 percent.

Unfortunately, our review of every county jail in the state uncovered that many Washington jails have significant problems with their screening of cognitive disabilities and mental health disorders. Many jails do not do any screening, the screening is done by people with little to no actual medical training, or they only screen for some disabilities.

Cell of an inmate with a disability in a county jail
2. Many jails delay or deny inmates access to appropriate medication

Another area in need of improvement in many jails across the state is the delivery of medication to inmates. We are concerned that if an individual is prescribed medications for physical or psychiatric needs and is arrested and booked into many of Washington’s jails, they will not get immediate access to appropriate medications. We are also concerned that getting a new prescription for a new or reoccurring health issue can be very difficult, if not impossible, for inmates. Many jails lack appropriate staff to assess and prescribe these medications in a timely fashion. Jail policies and practices related to receiving medications or a prescription upon an inmate’s release vary throughout the state.

DRW attorney Susan Kas and law student Meagan Hess in a county jail infirmary
3. Many jails inappropriately and unnecessarily hold inmates with disabilities in solitary confinement

An inmate in solitary confinement photographed through the cuff port in a cell door at a county jail

It is especially important to place inmates with serious mental illness and cognitive disabilities such as brain injury, dementia, or intellectual disability in housing conditions that do not harm them. We were dismayed to see that many jails have no therapeutic housing options for individuals with disabilities who could be harmed or may harm others if placed in the general population. Many jails resort to isolating individuals with cognitive disabilities and/or serious mental illness in solitary confinement (defined as at least 22 out of 24 hours spent locked alone in a cell) solely because of their disability. Other jails indefinitely confine them in small booking cells that are designed for short-term use. Researchers have long

Additionally, we found several jails that house people with physical disabilities in solitary confinement simply because they have no policies or space to accommodate the use of wheelchairs or other mobility devices in the general population areas of the jail. There are also several jails that do not have adequate space to properly house women inmates so they too are often in solitary. People with disabilities need access to appropriate environments and treatment. They should not be punished in solitary confinement simply because they have a disability.

DRW attorney talking with inmate in solitary confinement at a county jail
4. Many jails deny inmates adequate programming

Many jails provide limited to no inmate programming, such as anger management classes or addiction support. When jails do provide programming, it is often not accessible for inmates with disabilities. Sometimes this is because jails place inmates with mental illness or cognitive, physical, and sensory disabilities into segregated units where standard inmate privileges like programming are denied. People who are deaf, hard of hearing, blind, or with low vision often lack assistive technology or information in alternative formats that would allow them to understand the rules and participate in programs. Many jails that allow inmates to participate in work release programs or employment training within the jail like laundry or kitchen duties often explicitly exclude inmates with mobility impairments or other disabilities. Finally, inmates with serious mental illness often require therapeutic programming to at least stabilize their mental health, but most jails fail to offer regular group or individual therapy.

Programming room in a county jail
5. **Many jails operate facilities that are inaccessible to inmates with physical and sensory disabilities**

Jail administrators often face limited budgets, aging facilities, and space constraints. Whatever the reason, many jails fail to provide accessible facilities for inmates with physical and sensory disabilities. Inmates with wheelchairs or other mobility aids may not have safe and accessible bathrooms and showers, limiting their basic hygiene and risking their safety. Many jails have stairs and narrow spaces that simply do not allow a wheelchair to pass through. People with sensory disabilities often cannot communicate with correctional officers, other jail inmates, or family, friends, and attorneys because of a lack of assistive technology. If a jail has secure outdoor recreation space and actually offers this space to inmates, this space may be up a flight of stairs or denied to inmates with disabilities housed in segregation.
6. Many jails provide no means for securing or casting a ballot while incarcerated

Another common problem found in jails is a lack of consideration of how the jail can and should facilitate people exercising their right to vote. Unfortunately, most jails have no means for helping people access or cast their ballots while in custody. Moreover, voting with a disability may require accommodations and alternative means of voting that are readily available in the community, but not at all available in a jail. This leads to people with disabilities being disproportionately disenfranchised by our state jail system.

Accessible voting machines like this one found in a county courthouse help people with disabilities vote, and they are available in county offices across the state, but people in county-run jails do not have access to them.

CONTINUING THE CONVERSATION

The rate of disability is four times higher for Washington jail inmates than for the state’s community at large. There are 12,000 individuals in Washington’s jails on any given day. On average, 4,800 of them have a disability. This extreme concentration of people with disabilities requires jails to focus their attention on designing systems within their facilities that meet the unique needs of each individual with a disability. Until we make larger systemic changes to better understand and prevent the dramatic overrepresentation of people with
disabilities in our jails, serving inmates with disabilities is clearly the rule, not the exception. The public and counties that operate these jails must acknowledge this. Failing to meet the needs of even one person can cause significant harm to that person and lead to liability for the facility and county government. Honest reflection on current capacities and an openness to engage in frank conversations about these problems are the only ways to come up with creative, collaborative solutions that meet the needs of everyone involved.

Disability Rights Washington will release additional reports on each of the above-described issues to provide greater context and specific examples of what is and is not working in Washington’s county jails. Disability Rights Washington is interested in working with inmates, jail administrators and staff, community leaders, advocates, community service providers, and other stakeholders to find areas of agreement and build a coalition that supports meaningful reforms that protect our communities and people with disabilities at the same time. People with disabilities are part of our community so we are not safe until all of us are safe.

Women inmates in the general population female dorm of a county jail
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