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Time Is Up but They Stay in Jail

Incarceration: Errors at county facilities left more than 2,000 inmates in their cells past their release dates, reports from 1997-2000 show.

By EVELYN LARRUBIA
TIMES STAFF WRITER

After Kevin Jerome Pullum strolled out of the downtown Twin Towers jail two weeks ago by posing as an employee, embarrassed Los Angeles County Sheriff's Department officials insisted that the escape was an aberration.

Indeed, it is rare for county jailers to let inmates get away. The bigger problem is releasing them when their time is up.

More than 2,000 inmates were jailed past their release dates between 1997 and 2000, some wrongfully denied their freedom for months, according to county reports. Many filed claims or lawsuits against the county. Although the majority of cases were settled for a few hundred dollars, they add up to about \$500,000 a year.

In 2000, the county paid 250 former inmates about \$550,000 in judgments or settlements after they were kept in jail too long, according to the county counsel's office. That doesn't include lawyers' fees and costs, which in some cases surpass the amounts of the settlements.

By contrast, sheriff's officials say 13 inmates, including Pullum, have escaped in the last five years. Only Pullum, convicted of attempted murder, and one other escapee remain at large.

The release errors occur largely because the jails must rely on handwritten instructions from the courts on what to do with each inmate, according to county reports. As a result, there are misinterpretations and clerical errors.

The solution—linking the courts' computers to the jails' computers—was identified in the mid-1990s, yet the paper system continues as the county bureaucracy slowly pecks away at the electronic challenge. The new computer system probably will not be running at all courthouses until spring 2003, county officials say.

"We've kind of moved along at the pace of government," acknowledged Assistant Sheriff Dennis Dahlman. "Do I wish it would happen faster? Yes." Still, he said, the department has done the best it can.

Meanwhile, the county has spent nearly \$2 million in 4½ years on judgments and settlements with inmates kept in jail beyond their court-ordered release dates.

The financial risk of such mistakes goes beyond determining the price of freedom, said Merrick Bobb, a special counsel to the Board of Supervisors who oversees reform in the Sheriff's Department.

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"Being in a jail setting is not the safest setting in the world, so if someone gets killed or injured or beaten up or catches a transmittable disease, there's a risk that you will be held liable for that," Bobb said.

Inmates who recently won settlements, according to county records, included:

- A man who was sentenced to four months in jail for five criminal cases, but was held for 10 months. A judge ordered that the sentences be served concurrently, meaning that he would serve one term for the various offenses. But a jail clerk incorrectly entered the sentences into the jail's computers as consecutive. The man sued, claiming he was assaulted and injured during his unlawful detention. The case was settled for \$60,000. The county also spent \$28,792 in attorneys' fees and other costs defending the matter.

- A woman who was ordered held in jail overnight by a judge to assure her appearance as a witness in a criminal proceeding. The judge ordered her released the next day, but deputies returned her to jail and did not set her free for 36 hours. During that time, she complained, she was shackled, strip-searched and held in unsanitary conditions even though she was not suspected of a crime and had no criminal record. The case was settled for \$100,000. By then, the county had spent more than \$135,000 on attorneys' fees and costs fighting her lawsuit.

- A man who was held for more than a month with no charges ever being filed against him. He was arrested on suspicion of assault, but the district attorney's office declined to prosecute, records show. The Sheriff's Department incarcerated him for an additional 37 days because jailers mistakenly assigned him two booking numbers, so the computer system erroneously showed an outstanding case. During his time in jail, the man, who is HIV positive, said he was not given his medications. The case was settled for \$100,000 last year. The county paid its defense attorneys \$29,615 for fees and costs.

- A woman who was arrested on a petty theft charge and posted bail the next day was mistakenly held on another person's outstanding warrant for 10 more days. Even after the matter was cleared up and a judge ordered her released, four

days passed before deputies let her out. In the interim, she tried to hang herself with a sheet in her cell. She was paid \$30,000 in a settlement. The county had already spent more than twice that much defending the matter: \$39,750 in attorneys' fees and \$26,655 in costs.

None of the county supervisors directly returned repeated calls seeking comment.

Supervisor Mike Antonovich's staff said he thinks Sheriff Lee Baca is making progress on a difficult task. "They're doing a really good job trying to correct it," said Jean Houston, Antonovich's deputy in charge of issues related to the Sheriff's Department and the courts.

To be sure, shuffling inmates from place to place in the nation's largest jail system is a daunting task. The county's jails house about 20,000 inmates, a population that is constantly changing and moving.

Streams of buses pull away from Los Angeles County courts every weekday afternoon carrying roughly 900 shackled inmates. With them are hundreds of pieces of paper indicating what happens next: court orders indicating who should stay in jail and for how long, when they should be sent back to court, who goes to prison.

Those orders are then processed and entered into the jail's computer system at the Sheriff's Inmate Reception Center.

To cut down on the errors, sheriff's officials said most inmates who are ordered released immediately by a judge are now allowed to walk out of the courthouse if there are no outstanding warrants for their arrest, rather than sending them back to jail for processing.

Chronic errors in the processing of inmates came to light in the mid-1990s, not because of a public outcry over inmates being detained too long, but because of concern over inmates mistakenly set free, including five suspected and convicted murderers. In 1996 alone, 32 inmates were mistakenly freed.

Front page stories about the errors and critical reports by Bobb, the lawyer overseeing Sheriff's Department reforms, led the Board of Supervisors to angrily order the jail and courts to improve the system.

The department, then headed by the late Sheriff Sherman Block, immediately implemented safeguards to address mistaken releases. Extra staff members were hired to process the paperwork that flooded clerks every afternoon, and policies were

instituted to check and double-check that anyone who was ordered released by one court was not wanted by another, according to Bobb.

The reforms worked. By 1997, only 12 inmates were mistakenly freed, according to the department.

But reducing over-detention was more complicated, requiring a computer fix, Bobb and others said. During a 1996 meeting, county supervisors were told it would take about two years to put a computer link in place. Because the court and jail computer systems date to the 1980s and earlier, the link was a technical challenge, officials said.

A plan was created to connect the two systems in phases beginning in the spring and summer of 1998. Two courthouses, Alhambra and Hollywood, were connected to the jails that year.

"It worked really well there," said Earl Bradley, associate county information officer, who is overseeing the project. The only information that was not linked was data regarding inmate sentences after conviction, which Bradley said was much more complicated. That information was still being sent to the jail on paper.

"What the court realized, and what the sheriff realized, is it would only complicate things further if we put all courts on a dual system," Bradley said.

During that time, record numbers of inmates were held beyond their release dates. According to county reports, 712 inmates were detained too long in fiscal 1997-98, compared with 339 in the preceding year, 339. The figure was 495 for fiscal 1998-99.

Jailers gradually got better at using the paper system, according to semiannual reports by Bobb, and improper detentions began to drop. In 1999-2000, they were down to 267. The direct release of inmates from court this year has further reduced errors, officials said.

The county also tried to contain the cost of the mistakes by throwing small sums of money at inmates before they filed lawsuits.

Civil rights lawyer Stephen Yagman said deputies seek out inmates who are held too long and offer them a few hundred dollars for the trouble. In exchange, they must sign a release promising not to sue.

Yagman said he filed a federal class-action suit against the county in 1998 alleging that the sheriff's outdated system takes too long to let defendants go.