

Sullivan County's pretrial release program showing promise

Sarah Wade Aug 3, 2020 Updated Aug 3, 2020 0

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Officer Ashley Updike checks the files of someone on Sullivan County's pretrial release program.

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KINGSPORT, Tenn. — At close to noon Monday, July 6, Officer Brandon Ferrell turned his police car into the parking lot of the Church of Jesus Christ in Kingsport. He parked near the church's message board — which read, “BEHOLD I WILL DO A NEW THING” — and pulled a stack of notes from behind his sun visor. u “He’s in compliance,” Ferrell murmured, scanning the information on a 42-year-old defendant participating in the Sullivan County jail’s pretrial release program.

Ferrell drove up a steep road cratered with potholes until he reached a trailer on a grassy slope. Nobody answered his knocks on the front door, so he walked around back, where a curious mutt began to sniff around him. He returned to the car a few minutes later and said he spoke with the defendant.

“Everything’s good with him. He had his ankle monitor on and charged,” Ferrell said. “He was friendly and very nervous. I think he thought he was in trouble.”

The jail’s new pretrial program was launched last winter as an effort to help alleviate overcrowding at the lockup — ranked as the most overcrowded large jail in the state in 2019. The team that manages it is divided into two groups. Five officers work largely out of their small office at the jail, pulling the files of pretrial release candidates, preparing defendants to join the program and managing scheduled check-ins with those already in it.

The rest work out in the community, looking for defendants who have violated their rules of release and making random visits to others in compliance. Ferrell, a 32-year-old with a buzz cut and amber-colored eyes, previously worked for the Kingsport Police Department. He joined the pretrial team in January and finished his training sometime around late March or early April, he said.



A time-lapsed track of an ankle monitor shows where someone on Sullivan County's pretrial release program has been.

Andre Teague/Bristol Herald Courier

By then, the number of participants in the pretrial release program had shot up. Internal records from the Sheriff’s Office show that 16 jail inmates were released through the program in January, 58 were released in February, and 91 were released in March.

Chief Jail Administrator Lee Carswell said that while some county judges had already embraced the program before the COVID-19

pandemic began spreading across the U.S., others began to use it more heavily after the pandemic added a new layer of urgency to the jail overcrowding crisis.



A man in the Sullivan County pretrial release program goes over his failed drug screening Thursday morning with Cpl. M. Miller and Officer Josh Adams. He has to return in five days and pass a clean screening.

Andre Teague/Bristol Herald Courier

“The judges [were] wanting the [jail] population reduced ... but they felt a lot better about the situation because they weren’t just letting [defendants] out — they were letting them out in a situation where they could have them monitored through this pretrial program,” Carswell said.

General Sessions Judge Ray Conkin, who has released 37 defendants from jail through the pretrial release program, said he initially felt some

hesitation about it because it was new and unfamiliar. That changed when the pandemic hit, he said.

“With COVID-19, once the Supreme Court put their order down suspending in-person hearings and requiring all courts in all counties to look at ways to reduce their jail [populations], [the pretrial release program] gave us a tool that we would not have had if the County Commission had not approved that,” Conkin said.

“Honestly, I don’t know how we would have dealt with the overcrowding had we not had this program,” he added. “It’s really helped as far as trying to reduce the jail population.”

By the start of July, the team was monitoring about 140 defendants. During his patrol on July 6, Ferrell was making random visits to

several who were in compliance — including the 42-year-old at the trailer — plus any others his team called for help with.

“We’re just letting them know we’re keeping an eye on them,” Ferrell said of the people in compliance. “When [pretrial defendants are out of jail] on bond, nobody’s monitoring them, nobody’s checking up on them, and some people need that structure.”

Ferrell said he joined the pretrial release team because their work seemed like a way to help people, not just arrest them.

“Once you get in the [criminal justice] system, it’s so hard to get out,” he said. “We’ve got to do something to help people that can’t seem to get back on track.”

He cited the pretrial release program’s flexible approach to violations as one of the ways it tries to help people stay on track.

“One guy [in the program], he’s on an ankle monitor, level three,” Ferrell said. “He was living with his mom at the time that he was released, and they had a big falling out, so she kicked him out.”

The defendant relocated to his dad’s place, where he reported having issues with the charging cable for his ankle monitor. (“A cat chewed on it, or something like that,” Ferrell said.) The monitor went dead for several days, and Ferrell couldn’t reach the defendant — which could have earned him a violation, Ferrell said. But he said he knew the man’s situation and believed there really was an issue with the charger.

When Ferrell finally got the defendant on the phone, he arranged to bring the man a new charger.

“Today, I checked his monitor, and it’s a full 100% [charged]. He’s back in compliance and doing fine,” Ferrell said. “Sometimes, people need a little bit of grace.”

Ferrell said he’s much less likely to work with a defendant if they’re not making any visible effort to comply with the terms of their release — or if they’re actively breaking them.

Earlier that morning, he briefly teamed up with Mike Gross, another pretrial officer, to check a Kingsport apartment for a defendant in the program. She’d cut her ankle monitor off, which earned her an arrest warrant. As of July 2, she was one of 38 defendants in the program with active arrest warrants. Gross thought he’d seen her entering the apartment but wasn’t certain it was her, so he and Ferrell could only knock and wait. Nobody answered.



Some Sullivan County pretrial release candidates may be fitted with a GPS ankle monitoring system to keep track of their location.

Andre Teague/Bristol Herald Courier

“There’s a great opportunity to help [participants in the program] really get back on their feet and really break the cycle [of going in and out of jail],” Ferrell had said in the car before the apartment check. “But they’ve got to want it for themselves. It’s not easy.”

Status report

By July 28, half a year after the Sullivan County jail started the pretrial program, 234 inmates had been released from jail through the program, according to records from the Sheriff’s Office. About 40% had either been sent back to jail or faced active arrest warrants for

violating their release terms. Another roughly 40% were still out of jail in the program, while 32 participants — about 13% — had successfully completed it.

During a June 30 interview, Carswell said he was satisfied with the program's success rate, especially because of its impact on the jail's population. The number of inmates there, which had neared 1,100 in September 2019, had fallen dramatically in the spring, when county judges began to use the program more heavily during the pandemic. Carswell said the number of jail inmates dropped as low as 589 at one point.

The numbers have since crept back up: On June 30, Captain Andy Seabolt, a spokesman for the Sheriff's Office, estimated that the jail had around 720 inmates. As of Friday, July 31, there were 760.

But Carswell stressed that keeping the jail's population below 600 wasn't a realistic long-term goal, given the size of the county. He added that just holding it in the 700s was an achievement.



Officer Josh Adams checks the GPS location of someone wearing an ankle monitor while in the Sullivan County pretrial release program.

Andre Teague/Bristol Herald Courier

“Had we not had this program in place right now, our [jail] population would probably be once again, in my opinion, nearing those critical numbers of 900 people,” Carswell said. “That’s one of the large components that have [been a] benefit of this program.”

Carswell also said that he and other jail staff had seen a “dramatic reduction” in violence between jail

inmates. In April, for example, he said that there were 67% fewer inmate-on-inmate assaults than during the same month in 2019.

Outside of the jail, meanwhile, some of the program's participants have flourished, said Cpl. Marisa Miller.

"We have several people that are scheduled to come in for drug screens that are actually excited because they're saying they're going to pass this drug screen, and we've seen an increase in passed drug screens," Miller said.

"We also have several that have not had gainful employment in years ... that are now working regular jobs," she said. "They're getting caught up on their child support debt, they're being productive members of society, which gives them a much higher self-value."

Jesse Rutledge — the former inmate who became the program's first participant in December 2019 — echoed what Ferrell said about it not being easy, with extra emphasis on the ankle monitor.

"I've been on it seven months now, and I still haven't got used to it," Rutledge said during the July 7 interview. "You've got to charge it so many times a day, it hurts your ankle. ... Believe it or not, these things are kind of heavy on your ankle."

But Rutledge also echoed Miller's success stories with his own. Throughout his time in the program, he said, he'd stayed on track with all of the check-ins; during the few times he'd had an issue with his ankle monitor, he quickly resolved it with the help of Josh Adams, the pretrial officer who worked most closely with him. Rutledge also said he'd been chipping away at his court bills with his consistent paychecks.

“I can’t believe I’m saying this, but it’s the truth. I think [this program] has helped me a lot because where I’m having to call in and go see them and all this, it’s kept me busy ... to where I don’t have all this extra time on my hands to get in trouble,” Rutledge said. “It [kept] me from veering completely off track.”

“I wish they would have had this a long time ago,” he added. “Maybe I wouldn’t have spiraled down this hill that I went down. But I’m grateful I got the opportunity to be on it. I’ve learned a lot from it.”

Later that day, Rutledge went to court to ask Judge J. Klyne Lauderback, the General Sessions Court judge overseeing his case, to remove his ankle monitor. His fiancée’s father offered him a job installing central heating and air units in large facilities — but only once the monitor was removed.

“If everything goes good today and I get this monitor off today, I’m going to start this job, and then that’s going to open up more doors for me,” Rutledge said.

Later that evening, he sent a text message confirming that Lauderback had approved his request. On July 8, he went back to the jail one last time to have Adams remove his ankle monitor, and the pretrial team marked his status in the program as “complete.”