



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

JUN 1 1987

Honorable Brian Williams
County Judge
County Courthouse
Marion, Arkansas 72364

Re: Notice of Findings of Investigation,
Crittenden County Jail

Dear Judge Williams:

On November 7, 1986, we notified you of our intent to commence an investigation of the Crittenden County Jail pursuant to the provisions of the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, *et seq.* As the statute requires we are now writing to inform you of the findings of our investigation.

In the course of our investigation, we conducted a tour of the Crittenden County Jail with an expert consultant and Civil Rights Division personnel. In connection with these tours, our consultant examined policies and practices of the jail, and interviewed jail staff and prisoners.

Throughout our investigation, the jail staff provided us with substantial assistance. Our consultant expressed appreciation to Crittenden County officials for their cooperation, and we wish to join him in expressing our thanks.

In making these findings, we are cognizant that most persons confined to the Crittenden County Jail are pretrial detainees or persons not convicted of any crime. The Fourteenth Amendment prohibits punishment of these pretrial detainees. Bell v. Wolfish, 441 U.S. 520 (1979). Due process restrictions on liberty beyond initial incarceration must be reasonably related to some legitimate governmental objective. Id. For those individuals who have been convicted of a crime, the standard to be applied is the Eighth Amendment's proscription against cruel and unusual punishment. Rhodes v. Chapman, 452 U.S. 337 (1981).

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JC-AR-002-002

Based upon our extensive investigation, we believe that conditions exist at the Crittenden County Jail that deprive prisoners of their constitutional rights. Set forth below are our findings and the minimally necessary remedial actions. We will discuss only those areas which in our opinion are violative of the constitutional rights of prisoners committed to the Crittenden County Jail. These unconstitutional conditions include:

1. Medical Care

Our expert consultant concluded that prisoners' access to medical care is grossly inadequate. Newly admitted prisoners are not screened by medical personnel for existing medical conditions, including contagious diseases. Once accepted into the facility, there is no sick call procedure by which prisoners with medical complaints can obtain appropriate medical care. Our expert consultant noted numerous prisoners with serious unattended medical problems.

To the extent any medical care is provided at the jail, it is administered by unqualified corrections staff. Non-medical jail personnel are not properly trained to determine which prisoners should be seen by medical personnel, provide emergency medical care, distribute medication absent supervision by qualified medical personnel, or to treat prisoners withdrawing from alcohol or drugs. In addition, seriously mentally ill prisoners are not diagnosed or treated in any way. The facility has no room equipped to conduct medical examinations. There are no medical records at the facility.

Medication practices at Crittenden County Jail are dangerously deficient. Jail personnel permit family and friends to bring medication to persons confined in the facility. As jail personnel cannot identify medication brought into the facility, an illegal drug can be substituted for a legitimately prescribed medication. Absent any monitoring, drugs can easily be misused under these circumstances. Also, the practice of distributing a full day's supply of medication at one time prohibits effective monitoring of drug use. A prisoner may take all the medication at once, none of the medication, and/or sell the medication to other prisoners. These practices expose prisoners to serious and undue risks to their personal safety.

In sum, the lack of medical care at the Crittenden County Jail evidences deliberate indifference to the serious medical needs of prisoners. Estelle v. Gamble, 429 U.S. 97 (1976).

2. Fire Safety

Our expert consultant concluded that the lack of fire safety measures and the presence of numerous fire hazards at the jail pose an unreasonable risk to the life and health of prisoners.

Many hazardous conditions exist at the Crittenden County Jail that substantially increase the potential for a fire to ignite and quickly spread throughout the facility. Electrical outlets are overloaded and combustible material was found throughout the facility. While a smoke detection system exists, jail staff did not know how, or if, this system functions.

In the event of fire, safe evacuation of the jail facility is severely hampered. Keys and locks are not "touch-coded" to permit staff rapid and easy identification in heavy smoke. Breathing apparatus, allowing staff to move through heavy smoke, is absent. No emergency set of keys is kept at the facility. Foam mattresses, which emit deadly substances when ignited, are utilized in several parts of the facility. Numerous other fire hazards exist at the facility which pose direct threats to the lives of inmates. These deficiencies violate the constitutional rights of persons confined at the facility.

3. Staffing and Security

Crittenden County Jail lacks adequately trained and sufficient numbers of staff. During the two days our consultant was at the facility, jail staff performed no security checks or rounds. Rather, staff were found segregated in the office on the second floor. Even the staff responsible for prisoners on the first floor of the jail consistently remained stationed in the second floor office leaving many prisoners unattended. This serious breach of basic security practices poses unreasonable risks to the personal safety of inmates. The lack of adequate supervision and training has resulted in violence among inmates, especially in the felony section of the facility. Assaults have resulted from gambling, loan sharking, and power struggles among the prisoners, which the jail staff make no effort to control or prevent. The inadequate security practices are even more egregious when juveniles are detained in the jail. During our visit, a drunk and disorderly twelve year old was being held in isolation, contrary to established jail regulations. Jail staff was informed that he was at serious risk of injuring himself, yet no security checks were conducted for a period of twelve hours or more.

Finally, numerous other security breaches pose unreasonable risks to inmate safety. Drugs are inadequately controlled within the facility. Visitors are permitted to enter all areas of the jail absent any security screening. Such practices are responsible for the presence of contraband within the jail.

4. Sanitation and Hygiene

Our consultant concluded that sanitation at the jail poses an unreasonable risk to the health and safety of prisoners. Ventilation is grossly inadequate. Toilet and shower facilities are in a state of disrepair. Moreover, shower facilities are inadequate for the number of prisoners who must utilize the single shower in cellblocks B-1 and B-2. Personal hygiene materials are lacking. Cells are not kept clean nor are materials available to clean them. Finally, the absence of screens permits ready access by vermin to the jail.

Minimally Necessary Remedies

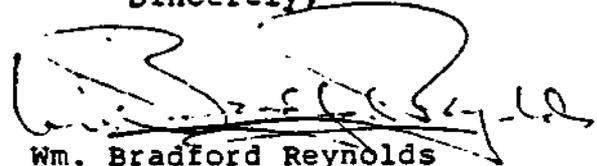
We find that the above conditions threaten the health and safety of prisoners confined in the Crittenden County Jail and constitute a pattern and practice that deprives the prisoners of their constitutional rights.

To rectify the deficiencies at the Crittenden County Jail and to ensure that constitutionally adequate conditions are achieved, we propose to enter into a legally binding and judicially enforceable agreement with Crittenden County which, at a minimum, would require the following remedies:

1. Adequate medical care must be afforded prisoners with serious medical needs.
2. Necessary fire prevention and protection measures must be implemented to alleviate threats to the lives and safety of prisoners.
3. Sufficient numbers of competent and trained staff must be employed to adequately supervise and protect prisoners from harm.
4. Adequate sanitation methods must be implemented in all areas of the jail.

We are prepared to provide you with our consultant's report or other technical assistance. Our attorneys will be contacting you shortly to arrange for a meeting to discuss this matter in greater detail. We seek to resolve this matter in a reasonable manner and in the spirit of cooperation intended by the Civil Rights of Institutionalized Persons Act, and look forward to working with County officials toward that end.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds", written over a horizontal line.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

cc: Mr. R. L. Simmons
Sheriff
Crittenden County

All members of County Quorum Court