



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

Mr. Wilbur T. Gamble, Jr.
Chairman
Terrell County Commission
Route 3
P.O. Box 285
Dawson, GA 31742

June 1, 1995

Re: Notice of Findings from Investigation of
Terrell County Jail

Dear Mr. Gamble:

On October 3, 1994, we notified you of our intent to investigate the Terrell County Jail ("TCJ") pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997 et seq. Consistent with the requirements of CRIPA, the purpose of this letter is to advise you of our findings from this investigation, the supporting facts, and to recommend necessary remedial measures.

Our investigation consisted of a tour of the facility with expert consultants, the examination of documents, and extensive interviews with prisoners and staff at the facility. We were accompanied on our tours by three consultants: a penologist, a medical expert, and a fire safety/environmental sanitarian, all with expertise in jail facilities. Throughout the course of this investigation, County officials and TCJ staff extended to us and our consultants their cooperation, for which we wish to convey to you our thanks.

In making our findings, we recognize that TCJ confines both pre-trial detainees and sentenced inmates. In general, inmates may not be subjected to conditions that are incompatible with evolving standards of decency or deprive them of their basic human needs while incarcerated. See Estelle v. Gamble, 429 U.S. 97 (1976). With respect to the pre-trial detainees, the Fourteenth Amendment prohibits punishment of these persons and restrictive conditions or practices that are not reasonably related to the legitimate governmental objectives of safety, order and security. Bell v. Wolfish, 441 U.S. 520 (1979). For

CRIPA Investigation



JC-GA-002-001

those convicted of a crime, the standard to be applied is the Eighth Amendment's proscription against cruel and unusual punishment. Wilson v. Seiter, 501 U.S. 294 (1991); Rhodes v. Chapman, 452 U.S. 337 (1981). When convicted prisoners are not, as here, separated from pre-trial detainees, the Fourteenth Amendment standard applies to all inmates.

TCJ was opened in 1940, and has a reported capacity of 44. On the day of our tour it housed 14 inmates. Based on our investigation, we believe that conditions at TCJ violate the constitutional rights of prisoners.

I. Deficient Correctional Practices.

A. Staffing and supervision are inadequate. TCJ failed to demonstrate that routine visual inspections are made. Numerous prisoners reported that they rely upon the inmate trustee for necessary attention. Additionally, TCJ fails to document incidents of violence.

B. Staff training is deficient. TCJ officers reportedly have received the required 80 hours of basic training. TCJ fails, however, to provide supplemental in-service training as generally accepted in the field. Supplemental training in small jail operations is needed to provide staff with the skills and knowledge necessary to effectively perform their duties and to hold staff accountable for their job performances. Without proper staff training in such matters as jail security, discipline of inmates, emergency response, medical screening, and use of CPR, unnecessary harm can occur.

C. Policies and procedures are inadequate. TCJ does not have any written policies or procedures. Indeed, TCJ even fails to have an inmate handbook to inform prisoners of rules and regulations of the Jail. Written policies and procedures are important as a training tool for staff and for providing guidance to staff in the performance of their duties. A lack of specific procedures to be followed by staff to govern, e.g., inmate classification, emergencies and evacuations, escapes, inmate disturbances, and mentally ill or suicidal inmates, is dangerous to inmates. For example, there should be procedures in place to separately house pre-trial felons from misdemeanants.

The Jail does not have a written grievance system. The failure to have a written grievance system leads to increased inmate tension which may translate to increased acts of violence.

D. Out-of-cell/exercise time is inadequate. TCJ inmates are allowed out of their cells for only one hour per week for exercise and visitation. Reportedly, this hour is cancelled in the event of staff shortages. No exercise equipment is provided. While TCJ has a multi-purpose room which could serve as a

visitation room, prisoners are required to stand in an enclosed fenced area while their visitors stand approximately three feet away on the sidewalk adjacent to a public street, separated by two chain link fences. This practice is not reasonably related to any legitimate penological interest. Moreover, it is degrading to prisoners. Opportunities for both exercise and visitation are inadequate.

E. Access to the courts and reading materials are insufficient. With exception of the Bible, TCJ inmates are not allowed any reading material. Reportedly, inmates are told that if "they wanted to read that they should not have come to jail." This blanket restriction encroaches upon the inmates' First Amendment rights and is not reasonably related to any legitimate penological interest. Further, such a restriction increases inmate idleness and inmate tension which may translate into heightened risks of violence.

F. Access to religious services is deficient. TCJ fails to afford prisoners reasonable opportunities for the exercise of religion. Absent outside visits initiated by religious officials, no religious services occur at TCJ. Significantly, the last religious official's visit was sometime in the distant past.

II. Medical and Mental Health Care and Suicide Prevention.

A. Policies and procedures are grossly inadequate. The Jail does not have any written policies or procedures regarding medical services.

B. Receiving screening and routine examinations are deficient. TCJ does not routinely screen or examine prisoners. TCJ does not conduct any screening for tuberculosis, nor does it have policies or procedures regarding TB. Furthermore, TCJ staff were unaware of universal precautions. This is unacceptable and poses a serious danger to inmates.

C. Sick call is deficient. Inmates access medical care by submitting a sick call slip to a jailer who then reportedly calls the medical doctor. Significantly, there is no way to ensure the timeliness of care provided as relevant dates are not recorded, e.g., dates the sick call slips are submitted and received. Furthermore, sick call slips are not readily available. Reportedly, TCJ does not call the medical doctor regarding requests for medical assistance referenced in sick call slips until a significant number of slips have been received. Furthermore, TCJ staff who determine when the medical doctor should be called have no medical training. This practice has resulted in significant delays in accessing medical care. Indeed, one prisoner who reports having a heart condition allegedly submitted a sick call request regarding chest pains

three weeks prior to our inspection and had yet to receive any medical attention. This is grossly unacceptable.

D. Physician care is deficient. There is no health care professional who assumes responsibility for ensuring medical attention is provided to inmates. TCJ has only an informal agreement with a local doctor who reportedly provides services for the prisoners on an as needed basis. Our consultant was unable to speak to the medical doctor during our investigation as he was out of town for two weeks. Significantly, there was no arrangement for another doctor to provide care in his absence.

Additionally, according to both the doctor's secretary and jail personnel, no medical record is maintained regarding any of the prisoners who receive care from the doctor unless the patient is seen at the doctor's office. This is a grossly insufficient policy and contrary to generally accepted medical practice.

E. Examination room and equipment are inadequate. TCJ does not provide an examination area for the sick call visits. Sick call visits are conducted in the front area of the Jail which provides little, if any, privacy, and has no provisions for an adequate examination. Reportedly, the medical doctor can refer a patient to be seen in his office, if necessary. Additionally, no medical equipment is maintained on site. The only medical equipment available is that which the medical doctor brings with him in his medical bag.

F. Medication practices are deficient. Prescription medication is administered by Jail staff, none of whom have appropriate training.

G. Special diets is nonexistent. Special diets are not available as medically needed.

H. Dental care is nonexistent. Reportedly, dental services are available on an as needed basis by submitting a sick call slip. At least one inmate told our consultant that it was not possible to get dental services.

I. Mental health care and suicide prevention are inadequate. TCJ appears to provide some mental health care. It fails, however, to have any written policies and procedures regarding the provision of mental health care. Such policies and procedures are essential to providing adequate, consistent care. Additionally, staff appear to need additional training in suicide prevention.

III. Environmental Health and Safety Deficiencies.

A. General sanitation is inadequate. The general sanitation of the Jail is grossly inadequate. The Jail's current

pest control system is totally inadequate as the entire housing area is infested with cockroaches and spiders. Throughout the facility, we observed numerous showers and lavatories with significant soil residue and mold growth. Reportedly, the Jail has a housekeeping plan, but was unable to produce supporting written documentation.

B. Fire safety is deficient. TCJ fails to have a fire plan. Indeed, with the exception of reports from the Fire Marshal, TCJ does not have any documentation relating to fire safety. TCJ fails to conduct routine fire drills. Additionally, TCJ improperly stores gasoline in a non-fire rated container and gasoline operated lawnmowers in a hallway adjacent to one of the housing units.

C. Plumbing is deficient. TCJ failed to have vacuum breakers on several hosebibs. This practice is inadequate as it can result in back siphonage and contamination of the water supply.

D. Ventilation is inadequate. The housing area is provided with an insufficient amount of fresh air. Our consultant found no circulation of air.

E. Overcrowding and personal hygiene. The Jail fails to provide an adequate amount of unencumbered space per prisoner to ensure adequate hygiene and protect against contagious diseases. Significantly, the Jail houses the majority of the inmates in one area, leaving a complete section of the Jail empty. In one area, inmates have only nine square feet per person. In another area, 24 inmates share one shower.

Additionally, numerous inmates complained of the unavailability of personal hygiene items, such as deodorant and shampoo. TCJ fails to provide such items, even to indigents.

F. Food services are deficient. The food is provided by the Terrell County Correctional Institution. Our consultant inspected the cooking area of this facility and discovered that two food freezers maintained improper temperatures. Our consultant also expressed concern regarding the large number of flies present in the cooking area as a result of remodeling done in the kitchen area.

The Jail only provides inmates two meals per day. The Jail was unable to produce documentation that these meals were nutritionally adequate. Significantly, nearly 16 hours expires between meals. This is unacceptable.

G. Lighting is inadequate. The Jail does not provide adequate lighting for inmates. Measurements revealed a level below 10 foot-candles. Lighting at this level is insufficient to

protect against possible eye strain and inhibits adequate cleaning and maintenance of cells as well as personal hygiene.

IV. Recommendations Regarding Correctional Practices.

A. Staffing and supervision. Conduct and properly document routine visual inspections of the housing areas. Inmate trustees should not be the sole aid available to inmates. Incidents involving violence must be properly documented, both in the individual offender's records and in a master log for the Jail. Master logs regarding violent incidents must be evaluated at appropriate intervals to enable jail administrators to properly deploy security personnel.

B. Staff training. Ensure all jailers have attended the state's jailer training school and receive periodic, additional training.

C. Policies and procedures. Create and implement comprehensive TCJ policies and procedures which must include, but not be limited to, a classification system, incident reports, disciplinary procedures, and suicide prevention. Ensure staff understanding and compliance with policies and procedures. Draft and distribute to every inmate a comprehensive inmate handbook which includes, but is not limited to, an explanation of the Jail rules and regulations, and grievance and disciplinary procedures.

Create and implement a written grievance system.

D. Out-of-cell/exercise time. Inmates must be provided with exercise, outdoors when weather permits, one hour per day, five days per week. Reasonable exercise equipment should be provided.

E. Visitation. Proper facilities for reasonable visitation must be provided.

F. Access to reading materials. Provide adequate access to law books, writing materials and other reading materials for inmates.

G. Access to religious services. Provide opportunities for the free exercise of religion. Facilitate access by inmates to local religious officials, as requested.

V. Recommendations Regarding Medical and Mental Health Care.

A. Medical services. Create and implement comprehensive policies and procedures regarding the provision of health care. Such policies must cover, but not be limited to, initial medical screenings, non-urgent sick call requests, communicable disease testing, physical examinations and staff training.

B. Receiving screening and routine examinations.

Thoroughly screen and assess the medical history of every inmate within 24 hours of an inmate's entry into the Jail. Ensure that medical conditions are referred to a health care professional. Ensure inmates are informed of the necessary procedures to access medical services. Complete physical exams must be performed by qualified medical staff within 14 days of an inmate's entry into the Jail.

Inmates housed in the Jail for more than seven days must be tested for tuberculosis and other communicable diseases, as appropriate.

C. Sick call. Ensure that sick call slips are dated and signed by the submitting inmate, receiving staff member, and attending health care professional. Ensure that inmates receive prompt medical and mental health care.

D. Physician care. Retain the services of a "responsible health authority" ("RHA"). The RHA may be a part-time registered nurse, but must be under a doctor's supervision. The registered nurse must have regular hours and should conduct daily triage and "walkthroughs" of the housing areas.

E. Examination room and equipment. Provide an adequate area for sick call triaging. This area must afford proper privacy and permit professional and thorough examinations.

F. Medication. Ensure administration of all prescription medication by qualified personnel.

G. Special diets. Provide special diets. Provide a printed menu detailing meals provided. Ensure that all meals are nutritionally adequate.

H. Dental care. Provide inmates with prompt dental care. Dental services may not be limited to extractions.

I. Mental health care and suicide prevention. Create and implement comprehensive policies and procedures for the provision of mental health care. Create and implement suicide precautions. Ensure all staff are trained in recognizing and promptly referring to a qualified professional, individuals exhibiting common symptoms of mental illness, mental retardation or suicidal behavior.

VI. Recommendations Regarding Environmental Health and Safety.

A. General sanitation. Thoroughly clean the entire Jail. Review and implement, with appropriate documentation of compliance, a Jail housekeeping plan. Ensure routine cleaning of

all housing areas. Implement an effective pest control system throughout the Jail.

B. Fire safety. Create fire exit plans and post them conspicuously throughout the Jail. Develop, based upon consultation with an appropriate professional, written plans for an emergency/disaster, e.g., flood or fire. Maintain an emergency generator. Conduct and document routine fire drills. Ensure proper storage of gasoline and gasoline powered equipment.

C. Plumbing. Provide and maintain vacuum breakers on all hosebibs.

D. Ventilation. Provide adequate ventilation throughout Jail housing areas.

E. Overcrowding, bedding supplies and personal hygiene. Ensure each prisoner is provided adequate unencumbered space to protect against communicable diseases.

Ensure that inmates, including indigents, have adequate personal hygiene items.

F. Food services. Ensure the proper storage of food. Repair and replace freezers as necessary. Ensure the cleanliness of cooking areas at all times.

Ensure that inmates receive nutritionally adequate meals. Meals must be served at proper intervals.

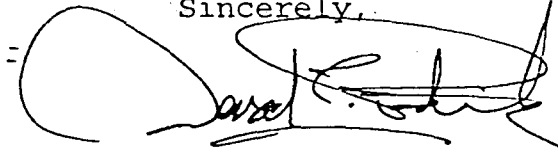
G. Lighting. Provide lighting adequate for reading and sanitation in the housing areas.

Pursuant to CRIPA, the Attorney General may initiate a lawsuit to correct deficiencies at an institution 49 days after appropriate local officials are notified of them. 42 U.S.C. § 1997b(a)(1). We expect to hear from you as soon as possible, but no later than 49 days after receipt of this letter, with any response you may have to our findings and a description of the specific steps you have taken, or intend to take, to implement each of the minimum remedies set forth above. If you do not respond within the stated time period, we will consider initiating an action against your jurisdiction to remedy the unlawful conditions.

We look forward to working with you and other County officials to resolve this matter in a reasonable and expeditious manner. If you or any member of your staff have any questions,

please feel free to contact the attorneys in the Special Litigation Section assigned to this matter, Shanetta Y. Brown, (202) 514-0195, David Deutsch, (202) 514-6270, and Christopher Cheng, (202) 514-8892.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval L. Patrick", written over a horizontal line. The signature is stylized and somewhat cursive.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: Edward Collier, Esquire
County Attorney

Mr. John Bowens
Sheriff
Terrell County Jail

James L. Wiggins, Esquire
United States Attorney
Middle District of Georgia