



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

Mr. Benjamin Hayward  
Chairman  
Mitchell County Commission  
County Courthouse  
P.O. Box 187  
Camilla, GA 31730

June 1, 1995

Re: Notice of Findings from Investigation of  
Mitchell County Jail

Dear Mr. Hayward:

On October 3, 1994, we notified you of our intent to investigate the Mitchell County Jail ("MCJ") 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 MCJ 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 MCJ confines both pre-trial detainees and post-conviction 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

CRIPA Investigation



JC-GA-004-001

related to the legitimate governmental objectives of safety, order and security. Bell v. Wolfish, 441 U.S. 520 (1979). For 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.

MCJ was opened in 1935 and has a reported capacity of 34 inmates. During our tour, the Jail housed 34 inmates. Based on our investigation, we believe that conditions at MCJ violate the constitutional rights of prisoners.

### **I. Deficient Correctional Practices.**

A. Staffing and supervision are inadequate. MCJ fails to provide adequate supervision of prisoners. Jailers reportedly conduct a visual inspection of the housing units once every hour. It is not clear from a review of the log books, however, that these inspections are being done. Jailers appear to rely primarily on MCJ's video surveillance system. This is inappropriate given "blind spots" in the surveillance system. Indeed, all of the cameras are fixed on hallways rather than the housing units. The result is that significant events can occur in the housing units absent observation. Indeed, numerous inmates told our consultant of the routine difficulty in obtaining staff assistance when it is seriously needed. Accordingly, inmates must rely upon inmate trustees to obtain necessary assistance. This is unacceptable.

MCJ's inadequate supervision is compounded by its failure to house prisoners based upon an objective classification system. Staff informed our consultant that young Black inmates are placed in the bottom bull pen because it was the "louder, more rowdier" unit. Indeed, prisoners revealed that this area was the most prone for inmate-on-inmate assaults. Significantly, MCJ does not record incidents involving violence.

Additionally, MCJ fails to maintain accounts for prisoners, requiring them to keep cash in the Jail in order to purchase items from the commissary. Reportedly, this practice has resulted in arguments and thefts. In short, the lack of adequate supervision presents a serious risk of harm to the inmates and jeopardizes the security of the Jail.

B. Policies and procedures are grossly inadequate. MCJ has no written policies and procedures for operation of the Jail, nor does it have an inmate handbook. This is unacceptable. 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, inmate grievances, and mentally ill or suicidal inmates, is dangerous to inmates. For example, there should be written procedures in place to provide for the discipline actions of inmates.

Additionally, MCJ has no provision for filing written grievances.

C. Out-of-cell/exercise time is deficient. MCJ fails to provide inmates adequate opportunities for exercise. Inmates are locked in their dimly lit, unsanitary, overcrowded cells for days at a time without any opportunity for exercise, sunlight or fresh air. Inmates are allowed out of their cells only two hours per week for concurrent visitation and exercise. During this time, inmates must stand in a small fenced area while visitors stand on the other side of two chain-linked fences. This visitation procedure is unacceptable. No exercise equipment is provided. In inclement weather, even those limited opportunities for exercise and visitation are cancelled.

D. Access to the courts and reading materials is inadequate. MCJ fails to allow inmates access to law books and other reading materials. This blanket restriction encroaches on the inmates' First Amendment rights and is not reasonably related to any legitimate penological interest. Further, such a restriction increases inmate idleness which can increase inmate tension, resulting in heightened risks of violence.

## **II. Inadequate Medical and Mental Health Care and Suicide Prevention.**

The current system for delivery of medical care to inmates is inadequate. Our medical consultant discovered the following deficiencies:

A. Policies and procedures are grossly inadequate. MCJ does not have any policies and procedures for the provision of health care.

B. Receiving screening and routine examinations are grossly deficient. MCJ does not routinely screen or examine prisoners. At booking, a jailer asks inmates a series of questions regarding medical conditions but this information is not properly utilized. Our consultant discovered that medical conditions reported at booking are routinely not brought to the attention of the doctor or otherwise monitored. Significantly, inmates reporting medical problems at booking are not informed that in addition to alerting

the booking officer, they must complete a sick call request form to receive necessary medical attention.

MCJ does not conduct any screening for tuberculosis. The facility does not have policies or procedures regarding TB. Furthermore, MCJ staff were unaware of universal precautions.

C. Sick call is deficient. Inmates must complete a sick call form to submit to officers in order to access medical attention. Both the inmate and the jailer sign and date the sick call slip. The doctor does not, however, date the slip or his notes, making it difficult to evaluate the timeliness of medical attention. This practice is unacceptable.

D. Physician care is deficient. There is no person with medical training (e.g., in medical screening or medication distribution) present at the Jail. Moreover, there is no health care professional who assumes responsibility for ensuring medical attention is provided to inmates. MCJ has only an informal agreement with a local doctor who reportedly provides services for the prisoners on an as needed basis. This practice threatens the continuity of care provided to inmates.

The only inmate medical records maintained are the notes the doctor makes on sick call slips. Additionally, according to our consultant, the doctor's notes are too brief to comply with generally accepted standards. The physician fails to even record vital signs. In one instance, the medical doctor noted that an inmate had a "slightly elevated blood pressure and headache," but the doctor failed to even note the level of the blood pressure. Moreover, MCJ does not afford inmate medical records proper privacy. Sick call slips are maintained in the custody record, which is available to nonhealth care personnel. This process is not acceptable.

E. Examination room and equipment are inadequate. MCJ does not provide an examination area for sick call visits. Sick call visits are conducted in the booking area, 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 medical doctor brings his medical bag with him for sick call visits and provides the only available equipment.

F. Medication practices are inadequate. Prescription drugs are maintained in a cardboard box, rather than in a locked container in a secure area. MCJ does provide over-the-counter medication to prisoners, as needed. It fails, however, to adequately record or monitor the type and amount of medication given.

G. Special diets are nonexistent. The Jail does not provide special diets. In fact, there are no printed menus and meals are not prepared or reviewed by a dietician to ensure adequate nutrition.

H. Dental care is deficient. Inmates reportedly access dental care by submitting a sick call slip. They are taken to a dentist on an as needed basis. Inmates reported significant delays in accessing dental care. The Jail fails to maintain adequate information to evaluate the timeliness of care.

I. Mental health care and suicide prevention are deficient. MCJ fails to provide adequate mental health care and suicide prevention. There are no policies and procedures for mental health care or suicide prevention. The Jail's suicide precautions are grossly inadequate. There is no staff trained in suicide prevention or in recognizing common symptoms of mental illness, mental retardation or suicidal behavior. Further, MCJ houses suicidal prisoners in a room without proper supervision. This room has a multitude of physical features that present risks of harm to inmates with suicidal tendencies.

### **III. The MCJ has Serious Environmental Health and Safety Deficiencies.**

A. General sanitation is inadequate. The general state of sanitation of the Jail is inadequate. While the Jail was recently painted, MCJ has no housekeeping program or routine cleaning schedule, as evidenced by the presence of mold and mildew and significant soil residue in showers, sinks and individual cells. The entire housing area is infested with cockroaches and flies.

B. Fire safety is deficient. Numerous deficiencies exist with respect to fire safety. No fire exit plans are posted in the facility. There are no written plans for an emergency/disaster, e.g., flood or fire. MCJ fails to conduct routine fire drills. Smoke detectors are not working and many others are missing. Several electrical outlets are broken or pulled away from the conduit box, exposing wires. Additionally, MCJ fails to have a proper emergency generator, thereby making it impossible to have power in the event of an emergency.

C. Plumbing is inadequate. The Jail's plumbing is deficient and in need of repair. There is no hot water in any of the lavatories. Numerous cells do not have running water for handwashing or drinking water other than via the shower. The water in the shower is dangerously hot, registering between 140 and 150 degrees fahrenheit. Additionally, MCJ lacks vacuum breakers on several hosebibs throughout the facility. Vacuum breakers are necessary to protect against back siphonage and water supply contamination.

D. Ventilation is inadequate. Our consultant noted that the air conditioner and air return grills in several cells were blocked by dirt and other debris. This condition impedes ventilation in the housing units.

E. Overcrowding, bedding supplies and personal hygiene. The Jail fails to provide adequate square footage per prisoner to protect against the spread of communicable diseases. In numerous housing areas, prisoners are afforded half the space minimally recommended.

Throughout the Jail, our consultant discovered numerous torn and worn mattresses. Such mattresses prevent adequate sanitation and serve as a harborage for bugs and other vermin. Moreover, as noted above, the failure to provide running water in the housing cells for handwashing impedes attempts to maintain proper hygiene.

Numerous inmates complained of the unavailability of underwear and personal hygiene items. The Jail does not provide underwear for indigent inmates.

F. Food services are deficient. Our consultant inspected the food facilities of the Mitchell County Correctional Facility, which provides all meals for the Jail. Our consultant discovered that pots and pans were improperly sanitized. Additionally, food was improperly stored in a freezer that was not working properly. The food is transported by car in styrofoam or polystyrene containers not designed to maintain proper food temperatures. During our tour, the hot food for the evening meal, which should be served at a minimum of 140 degrees fahrenheit, was served at 115 degrees fahrenheit.

G. Lighting is inadequate. The lighting at MCJ is grossly inadequate. Throughout the housing units the lighting consistently measured below ten foot-candles. Lighting at this level is insufficient for reading or working and inhibits adequate cleaning and maintenance of cells and ensuring personal hygiene.

#### **IV. Remedial Measures Recommended Regarding Security and Supervision.**

A. Staffing and supervision. Security and supervision of inmates must be significantly enhanced by increasing visual inspections and other security precautions as necessary. Logs of visual inspection must be accurately maintained and reviewed by a supervising officer. Inmate trustees should not be the sole aid available to inmates.

MCJ must ensure housing based upon an objective, written classification system. MCJ must not categorically house any prisoner on the sole basis of race, but must make an individual, objective determination of housing assignments based upon an objective classification system. Records regarding violent incidents must be kept and evaluated at appropriate intervals to enable jail administrators to properly deploy security personnel.

MCJ must maintain accounts for prisoners to make commissary purchases. Prisoners must not be allowed to keep cash in the housing units.

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

Create and implement a written grievance procedure.

C. Out-of-cell/exercise time and visitation. Inmates must be provided with daily exercise, outdoors when weather permits, one hour per day, five times each week. Reasonable exercise equipment should be provided. Ensure appropriate opportunities for visitation.

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

**V. Remedial Measures Regarding Medical and Mental Health Care and Suicide Prevention.**

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 adequate area for sick call triaging. This area must afford proper privacy and ensure professional and thorough examinations.

F. Medication. Store all medications in a secure location. Adequately record and monitor the type and amount of over-the-counter medication administered.

G. Special diets. Provide special diets. Provide a printed menu detailing meals provided. Ensure that 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. Ensure proper housing and supervision of suicidal prisoners.

## **VI. Remedial Measures Regarding Environmental Health and Safety.**

A. General sanitation. Thoroughly clean the entire Jail. Create and implement a housekeeping plan. Ensure routine cleaning of all housing areas. Implement an effective pest control system throughout the Jail.

B. Fire Safety. Create and post fire exit plans 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.



Repair and replace, as necessary, smoke detectors and electrical outlets throughout the housing areas. Ensure routine inspection and testing of smoke detectors and the fire alarm system.

C. Plumbing. Repair and maintain all plumbing fixtures throughout the housing areas. Ensure running hot and cold water in the lavatories. Ensure proper water temperatures in the shower. Provide and maintain vacuum breakers on hosebibs throughout the facility.

D. Ventilation. Ensure the proper operation of the air conditioner. Remove dirt and other debris from air return grills.

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

Ensure that all torn mattresses are replaced and that all mattresses and pillows are clean, made of fire resistant materials, and designed for institutional use.

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

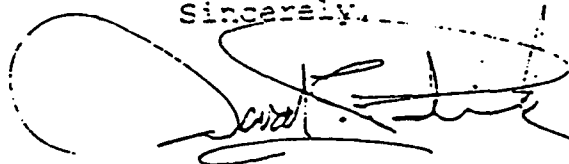
F. Food services. Food services must be provided by an institution that meets sanitary standards, including the proper sanitation of pots and pans and the proper storage of all food. Food must be transported promptly in clean, well-insulated containers. Ensure that food reaches inmates at proper temperatures to protect against food-borne illnesses.

G. Lighting. Provide lighting adequate for reading and sanitation in the housing areas. The lighting level should be at least 20 foot-candles.

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 dotted line. The signature is stylized and somewhat cursive.

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

cc: Frank S. Twitty Jr., Esquire  
County Attorney

Mr. W. E. Bozeman  
Sheriff  
Mitchell County Jail

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