



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

REGISTERED MAIL
RETURN RECEIPT REQUESTED

OCT 25 1993

The Honorable Kane Ditto
Mayor
City of Jackson
219 South President Street
Jackson, MS 39201

Re: Notice of Findings of Investigation,
Jackson City Jail, Jackson, Mississippi

Dear Mayor Ditto:

On May 3, 1993, we notified you of our intent to investigate the Jackson City Jail (hereinafter "Jail") pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. §1997 et seq. Consistent with statutory requirements, we are now writing to advise you of the findings of this investigation.

As part of our investigation, we conducted a tour of the Jail on June 30-July 2, 1993, with expert consultants in penology, correctional health care, suicide prevention and environmental health and safety. We also examined policies and procedures of the Jail and interviewed Jail staff and inmates. Throughout the investigation, City officials, including the Chief of Police, City Attorney, and Jail-personnel, provided us with substantial assistance. Our consultants expressed appreciation for their cooperation, and we wish to join them in expressing our thanks.

It is the policy of the Department of Justice to apprise jurisdictions of any conditions uncovered during an investigation we believe to be immediately life-threatening. Such conditions were discussed extensively with the Chief of Police, City and County representatives at the end of our investigative tour. These conditions are reiterated and detailed in the text of this letter.

In making our findings, we are aware that many of the individuals confined at the Jackson City Jail are pretrial detainees or persons not convicted of any crime. The Fourteenth Amendment prohibits punishment of these persons or subjecting

CRIPA Investigation



JC-MS-004-002

them to restrictions or conditions not reasonably related to a legitimate governmental objective such as safety, order or security. Bell v. Wolfish, 441 U.S. 520 (1979). For those convicted of a crime, the applicable standard is the Eighth Amendment's proscription against cruel and unusual punishment. Wilson v. Seiter, ___ U.S. ___, 111 S.Ct. 2321 (1991); Rhodes v. Chapman, 452 U.S. 337 (1981). When convicted prisoners are not, as here, separated from pretrial detainees, the Fourteenth Amendment standard applies to all inmates. Moreover, inmates may not be subjected to conditions that are incompatible with evolving standards of decency or deprived of their basic human needs while incarcerated. See Estelle v. Gamble, 429 U.S. 97 (1976).

Based on our extensive investigation, we believe that conditions at the Jail deprive prisoners confined there of their constitutional rights. We find the conditions at the Jail to be particularly egregious.

Set forth below are our findings and the minimal remedial actions necessary to remedy the unconstitutional conditions:

I. Medical, Dental, and Mental Health Care Are Inadequate

a. Medical Care. Medical care at the Jail is completely deficient. Our expert consultant concluded that prisoners' access to medical care is grossly inadequate. Newly admitted inmates are not screened by qualified personnel for existing medical conditions, including contagious diseases. Thus, potential life-threatening conditions go undetected. For example, our medical consultant identified suicidal, disoriented, and actively psychotic inmates whose conditions had gone undetected because the Jail's screening is inadequate. Due to inadequate screening, the pregnancies of two female inmates went undetected. As a result, they have not received appropriate prenatal care. One of these inmates, seven months pregnant at the time of our inspection, was extremely malnourished; according to our expert, in all likelihood the baby would be born deformed, possibly with some form of retardation.

There is no sick call procedure at the Jail by which inmates with medical complaints can obtain appropriate medical care. Our expert consultant identified numerous inmates with serious unattended medical problems. We observed one inmate with a rubber tube up his nose who had not received medical attention. Another inmate with a dental abscess had been waiting for a dental appointment for four months. Yet another inmate, who had been confined at the Jail for over a year, was incontinent, spoke incoherently and was totally disoriented. He had not been examined either by a physician or psychiatrist.

To the extent any medical care is provided at the Jail, it is administered by unqualified corrections staff. The medical/jail officer is a corrections officer who is not licensed in any capacity but was a nurse's aide in 1976. The officer lacks the skills and training to perform the job requested of her. Non-medical jail personnel are not properly trained to determine which inmates should be seen by medical personnel, to provide emergency medical care, to distribute medication absent supervision by qualified medical personnel, or to treat inmates withdrawing from alcohol or drugs. In addition, the facility has no room equipped to conduct medical examinations. There are no medical records at the Jail.

The Jail also lacks adequate written policies and procedures with respect to medical care. Particularly dangerous is the absence of written policies regarding disease control. The failure to test all inmates upon admission for tuberculosis leaves other inmates, as well as employees in the facility, at risk for TB. In addition, the community at large is exposed to the risk of TB upon inmates' release.

The Jail's system for procuring, storing and dispensing medication is inadequate. Medication is kept in an unlocked drawer. The Jail does not document medication distribution nor does it keep accurate records to monitor the inventory of drugs. We also found that life-saving drugs such as insulin, heart medication and anti-seizure medication are not always given as prescribed. The failure to administer medication at prescribed intervals can be fatal. These practices expose inmates to serious and undue risks to their personal safety.

Further, 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.

b. Inadequate Mental Health Care. The Jail makes no special provision for housing or treating mentally ill inmates. There are no written policies or procedures relating to their care. Access to mental health services and treatment within the Jail is nonexistent. Furthermore, there is no screening process for evaluating inmates for signs and symptoms of significant depression and suicidal tendencies upon their entry to the Jail. Mentally ill individuals are indiscriminately housed with the general jail population, jeopardizing their safety and that of other inmates and corrections staff.

We observed at least six inmates to be in need of immediate hospitalization for psychiatric care. One inmate, incarcerated for over a year, was observed crawling up the bars of the cell,

drinking water from his toilet, and throwing feces. Another inmate became so hostile and violent that he threatened to kill anyone who approached him. When staff was questioned concerning this individual, an officer said that he was "crazy." Neither inmate had been examined or treated by a psychiatrist.

II. The Jail Does Not Provide Adequate Suicide Prevention Policies and Procedures

The facility fails to provide adequate procedures for suicide prevention. Significantly, there is no written suicide prevention policy and staff receive no training on the subject. Further, inmates considered at risk for suicide are currently placed in inappropriate cells, i.e., Tanks 1 and 2 behind the booking desk on the Jail's second floor. These cells do not allow adequate observation and have physical features such as exposed pipes and electrical wiring that would facilitate rather than impede suicide. There are also features in the other cells used to house suicidal inmates, e.g., broken light fixtures, wide mesh gauge screens and clothing hooks, that present suicide risks.

Careful observation of inmates placed in the cells used to house suicidal inmates does not occur. On the first day of our inspection, a log maintained on the wall near Tanks 1 and 2 indicated the inmates had been checked by jail staff at 10-minute intervals. The log indicated that three inmates had been observed in one of the tanks 5 minutes before our team arrived at the cell. However, one of the inmates listed had, in fact, been released from the jail several hours earlier. Our penology expert had to ask jailers to remove the shoelaces of one of the inmates on suicide watch.

Inadequate training of Jail personnel in suicide prevention and screening have contributed to at least six suicides since 1982. The most recent suicide occurred May 24, 1993. Staff are simply unable to detect suicidal behavior or prevent suicides absent appropriate training. For example, an individual who had been talking about "devils and demons" and trying to provoke officers to kill him, was put in an isolation cell. No special precautions were taken to monitor him. Two days later, he hung himself with his pants. Another inmate who had frequently threatened suicide was found hanging by a bed sheet in his cell. Despite his suicide threats, the inmate was never provided any mental health services. Less than four months later, he hanged himself.

In reviewing 12 incident reports of inmates attempting suicide in the Jail over a two year period, only two inmates received any medical attention outside of the facility. None of the 12 inmates was assessed or treated by a mental health professional.

III. Staffing and Security At The Jail Are Inadequate

a. Staffing and Supervision. The lack of adequate staffing and inmate supervision at the Jail threatens the safety of the inmates. During our tour, Jail staff performed no security checks or rounds. In fact, Jail personnel told our expert they were so concerned about their safety that they would not walk the catwalk with Department of Justice personnel on certain blocks. We also found that street police officers had free access to the female cellblock. While this "access" was immediately stopped when brought to the Chief of Police's attention, it is indicative of the lack of security.

The lack of adequate supervision and the potential for violence has been exacerbated by the seven week lock-down of all inmates that was ongoing at the time of our tour. Our expert penology consultant categorized the situation as a powder keg that was "likely to explode." He described the extended lock-down as "inhumane and oppressive."

b. Staff training. The Jail does not provide any staff training directly related to jail operations. Training is necessary to ensure that staff have sufficient knowledge of their responsibilities and the requisite skills to effectively perform them so the facility can be operated safely. Without proper staff training in such matters as jail security, discipline of inmates, emergency response, medical screening and use of CPR, potential harm can occur.

c. Policies and Procedures. In essence, the Jail has no written policies and procedures for the operation of the Jail. The failure to have such policies and procedures regarding, e.g., inmate classification, emergencies and evacuations, escapes, inmate disturbances, use of mace, the care of mentally ill and suicidal inmates, is dangerous to inmates and staff.

d. Out-of-Cell/Exercise Time. The Jail provides no out-of-cell or exercise time to inmates. The inmates remain in their cells 24 hours a day except for showering. Out-of-cell and exercise time are necessary to reduce tension and prevent violence and to maintain inmates' health.

IV. Environmental Health and Safety Conditions Are Deficient

a. General Sanitation. The Jail is dirty, dangerous and unsanitary. The cell areas are filthy, caked with residue and mold growth throughout. In addition, there are clogged sewage pipes, sinks and toilets. Raw sewage was backed up in the hallway. We found roaches and vermin droppings throughout the facility. When officers are concerned about pediculosis (lice or

scabies), they spray mattresses and, as reported to Justice officials, occasionally spray the inmates themselves with a toxic chemical clearly labeled unfit for humans or animals. The facility has no housekeeping program or routine cleaning. Numerous mattresses are torn, cracked and dirty. The Jail does not provide inmates with supplies with which to clean their cells.

Many cells lack hot water. Inmates lack access to potable water and adequate toilet facilities. For example, in the two large holding/drunken tanks which house 25-30 inmates, the inmates have no access to any drinking water and must use a hole in the floor as a toilet.

b. Fire Safety. The Jail's fire safety and security systems are inadequate. The Jail has been cited repeatedly for fire safety violations by both City and State fire marshals. Fire safety equipment is neither tested nor inspected. Fire alarms are non-functioning; fire valves are inoperable; and fire hoses are too short to reach the rear cells. Litter and combustible material abound throughout the Jail. In addition, the facility does not conduct fire drills, nor are there written plans or evacuation procedures for fires or other emergencies. We discussed these dangerous conditions with City officials at the conclusion of our tour.

c. Overcrowding. The Jail is seriously overcrowded. Due to a longstanding class-action suit regarding general conditions and overcrowding, the Jail has been under a court-ordered capacity of 67 inmates since January 1990. When we toured, the facility held 128 inmates. A review of records revealed that the inmate population had been as high as 180 during the past year -- three times the legal capacity. Inmates are forced to sleep on dilapidated mats on concrete floors. Pillows are not provided, and the linens the inmates receive are ripped and torn and often used as toilet paper.

d. Plumbing. The Jail's plumbing is deficient and needs repair. We found numerous broken and defective toilets, faucets, shower heads and control valves.

e. Ventilation. There are no fresh air intake vents in the Jail bringing in outside air. Further, the registers in the cells are clogged. Inadequate ventilation increases the potential for the spread of infectious communicable diseases throughout the Jail.

f. Lighting. Lighting in virtually all inmate housing areas is inadequate. Current lighting levels in the cells are insufficient for the inmates to maintain personal hygiene.

Moreover, the inadequate lighting poses a significant security risk by inhibiting adequate observation of inmates by Jail staff.

Minimum Remedial Measures

To rectify these deficiencies at the Jail and to ensure that constitutional conditions are achieved, we recommend that the following minimum remedial measures be implemented:

I. Medical Care

Jackson City Jail must provide adequate medical care to all inmates. In order to provide adequate medical care, at a minimum, Jackson City Jail must take the following actions:

a. Immediately hire or contract for the services of qualified medical personnel to evaluate inmates' screening forms upon intake, oversee sick call and monitor and treat inmates' serious medical and mental health conditions and illnesses and develop and implement appropriate written policies and procedures regarding these services.

b. Develop and implement written policies and procedures governing access to and delivery of appropriate medical care, including essential prenatal care.

c. Screen inmates upon intake to identify their medical and mental health conditions and implement procedures for monitoring these conditions.

d. Designate an area of the Jail to use for medical treatment. The medical treatment area must include appropriate equipment.

e. Cease using untrained Jail personnel for any health care related responsibilities, including medication administration.

f. Require staff to document the dispersal and receipt of each dose of medication.

g. Develop and implement written emergency response procedures, including emergency medical response drills for all shifts, to test preparedness to respond to a medical emergency.

h. Develop and implement written procedures for identifying chronic illnesses and ensuring appropriate follow-up care.

II. Suicide Prevention

Jackson City Jail must provide an adequate suicide prevention program. In order to provide an adequate suicide

prevention program, at a minimum, the Jail must implement the following remedies:

a. Develop and implement written procedures regarding identification of inmates at risk of suicide and prevention of suicides and train staff in such procedures.

b. Inmates identified as potentially suicidal must be frequently and regularly monitored. Develop and implement written procedures for monitoring suicidal inmates. Provide cell(s) specifically designed to avoid or prevent suicides.

c. Provide appropriate mental health services to inmates identified as at risk of suicide. Mental health services should be available for crisis intervention.

III. Security and Staffing

Jackson City Jail must provide adequate staffing and security to ensure reasonable safety. In order to provide adequate staffing and security, at a minimum, the Jail must implement the following remedies:

a. Hire sufficient full-time jailers to ensure adequate security within the Jail on all shifts.

b. Maintain a backup set of keys in a place that is easily accessible in the event of an emergency. Either make a master key that fits all locks or color code and touch code the keys.

c. Provide appropriate housing for those inmates with mental illnesses and those who are at risk of suicide to protect them from harm.

d. Develop and implement an adequate inmate classification system.

e. Train staff in all jail policies and procedures, including those policies and procedures required under this letter.

IV. Health and Environmental Conditions

Jackson City Jail must provide a reasonably safe environment. In order to provide a safe environment, Jackson must implement the following remedies:

a. Thoroughly clean the Jail; thereafter, clean cells regularly. Inmates should be provided materials and supplies with which to clean their cells.

b. Purchase appropriate fire safety equipment and train staff in its use. Evacuation procedures must be developed and posted throughout the Jail. Staff and inmates must be educated regarding egress procedures in case of disaster or fire emergencies. In addition, fire drills and system checks should be conducted under the supervision of an appropriate professional.

c. Eliminate roaches and other vermin and regularly inspect the facility for such vermin.

d. Provide adequate lighting and ventilation in all cell areas.

e. Provide hot water in all the cells; repair the sewage system to prevent back-ups.

f. Provide all inmates with clean linens, fire safe mattresses, and pillows and a bed, cot or other appropriate sleeping area raised above the floor.

g. Ensure all inmates have access to potable water and functional toilets.

h. Inmates must be afforded out-of-cell/exercise time at least one hour per day, five days a week.

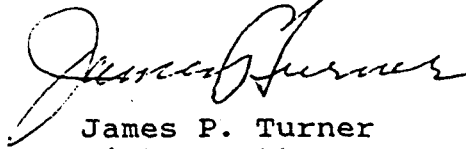
Finally, we note that the severity and magnitude of the unconstitutional conditions at the Jail may preclude full remediation of all of the deficiencies identified in this letter. In these circumstances, the City should build a new jail as a long-term remedy.

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). That period expires on December 14, 1993. Therefore, we anticipate hearing from you before that date with any response you may have to our findings and a description of the specific measures you will 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 unconstitutional conditions.

Thank you for your cooperation and assistance. The initial response we have received from City Attorney Scott indicates your willingness to take the necessary corrective measures to correct the serious deficiencies at the Jackson City Jail. We look forward to working with you and other City 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 David Deutsch, Senior Trial Attorney, Special Litigation Section, at (202) 514-6270.

Sincerely,

A handwritten signature in cursive script, appearing to read "James P. Turner".

James P. Turner
Acting Assistant Attorney General
Civil Rights Division

cc: Mr. Jimmy Wilson
Chief of Police
City of Jackson

Leslie Scott, Esquire
Jackson City Attorney

George L. Phillips, Esquire
United States Attorney
Southern District
State of Mississippi