



U.S. Department of Justice

Civil Rights Division

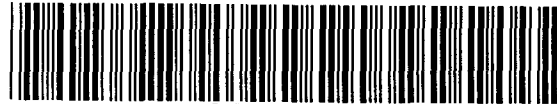
Office of the Assistant Attorney General

Washington, D.C. 20035

JUN 4 1993

Crosby & U.S. v. Jones Co.

Mr. Jerome Wyatt
President
Board of Supervisors
Jones County
415 North 5th Avenue
Laurel, Mississippi 39440



JC-MS-005-002

Re: Notice of Findings of Investigation,
Jones County Jail

Dear Mr. Wyatt:

On May 3, 1993, we notified you of our intent to investigate the Jones County 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. Throughout the course of this investigation, County officials, including the Sheriff, County Attorney, and jail personnel, provided us with substantial assistance and their full cooperation. Our consultants expressed appreciation for this assistance, and we wish to join them in thanking you for your cooperation.

In making our findings, we are aware that most individuals confined at the Jones County Jail are pretrial detainees or persons not convicted of any crime. The Fourteenth Amendment prohibits punishment of these persons or any act or practice which is not reasonably related to a legitimate governmental objective. 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, ___ 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.

Based on our investigation, we believe that conditions at the jail violate the constitutional rights of the prisoners confined in the jail. These conditions are:

1. Unsafe and unsanitary conditions so severe throughout the facility that the jail is unfit for human habitation;
2. Lack of adequate medical care, including mental health services;

3. Inadequate security and supervision of prisoners;
4. Unlawful crowding;
5. Lack of appropriate opportunities for exercise;
6. No functional law library.

A full description of the facts supporting these findings is set forth in the Attachment to this letter.

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

1. Immediate steps must be taken to eliminate building hazards and unsanitary conditions. Due to the severe nature of structural deficiencies at the facility, a new jail should be constructed. During the intervening period until a new, adequate jail can be constructed and opened, interim steps are required at the current facility, including the elimination of grossly unsanitary conditions and the most severe building hazards. At a minimum, inmates must be provided potable water and three meals a day; vermin should be eliminated from the jail and the building thoroughly cleaned;

2. Provide adequate medical and mental health services; and steel cage isolation cells for potentially suicidal inmates must be closed immediately;

3. Immediately hire and retain adequate security guard staff to ensure proper supervision of prisoners and to ensure that the jail is operated in a professional manner; the improper routine use of mace on inmates in the bullpen areas prior to the entry of a security guard must cease immediately;

4. Implement a training program to instruct staff in generally accepted, standard operating procedures of a correctional facility housing both convicted inmates and pretrial detainees;

5. Eliminate crowding and ameliorate the impact of any temporary, emergency crowding;

6. Provide appropriate opportunities for reasonable periods of out of door exercise for all inmates; provide proper opportunities for visitation in appropriate facilities; and

for, we were told, at least four years. These leaks have caused massive structural damage to floors, walls and ceilings throughout the facility, which is characterized by decay, rust, peeling paint, and a general state of disrepair. Ventilation is non-existent. The decaying structure and the lack of ventilation and other deficiencies make the environment at the jail a breeding ground for disease.

Inmates are not provided with materials to keep their cells clean and cells are not kept clean. Moreover, inmates are not provided with personal hygiene items, including soap. Many inmates go without such items for the duration of their confinement at the facility. Inmates are given used plastic Pine Sol or Clorox containers to drink water from since no other drinking water is available. A one gallon container provides four to seven inmates water for an entire day. Inmates sleep on old, dirty, one-half inch mattresses; they are not provided sheets or pillows and are given one worn blanket. Conditions for female inmates are likewise deficient or worse.

Our consultants agree with the finding of the November 1992 report of Charles N. Clark Associates that the current jail was constructed before the development of standards for the design of such facilities. Due to deficiencies in the design of the jail, it is impossible for security guards to observe the actions of inmates without entering the cell or bullpen areas. Cells have solid steel doors with only a slit for the entry of a food tray and a small wire mesh covered window, a window in name only. Both bullpens are long and narrow, and cannot be adequately observed from one end. Moreover, one bullpen has no natural light; the artificial light is inadequate to permit appropriate surveillance of inmates. Structural deficiencies limit possible renovations to open areas needed to permit enhanced supervision of inmates. Security guards rarely, if ever, enter the bullpen areas. At night, if emergency or other assistance is needed, an inmate must pound on the door of his cell until the one guard on duty during the night shift responds. Security guard staffing is insufficient to permit the making of rounds. The risks to both guards and inmates due to such inadequate staffing is obvious. The risks to safety are likewise reflected in the shanks, hacksaw blades, moonshine, cocaine and marijuana found in infrequent shakedowns.

In addition, the facility fails to approach compliance with even the most rudimentary requirements of life safety standards. Each cell must be unlocked individually by a security guard to permit egress. There is no remote control locking mechanism. This means that in the event of fire, a jail officer must unlock numerous locks, including padlocks. No emergency set of keys is kept at the jail. Breathing apparatus, permitting staff to move through smoke, is absent. Polyurethane mattresses which emit deadly, life threatening fumes when ignited are used in several

parts of the jail. Smoke detectors are both inadequate in number and inoperable. There is no sprinkler system and the current number of fire extinguishers is inadequate. There was no evidence of a fire hose at the jail. Finally, there is only one means of egress from the second floor of the jail.

There are also many hazardous conditions at the jail that substantially increase the potential for a fire to ignite and quickly spread throughout the facility. Electrical outlets are consistently overloaded; multiple items are plugged in at the same outlet and extension cords can be seen hanging from ceiling lights where plugs have been inserted. Combustible items were found throughout the facility, including various flammable items stored from floor to ceiling in the furnace room.

In sum, structural deficiencies both preclude adequate supervision of prisoners and expose them to unreasonable risks to their personal safety, including unreasonable risks due to fire. Such grossly inadequate, dangerous, and unsanitary conditions led our consultants to conclude that the jail is unfit for human habitation.

2. Inadequate medical care, including mental health services.

Medical services at the Jones County Jail fail to meet any known standard for the provision of medical care. There are no policies or procedures for the provision of medical services. There are no written protocols for the delivery of care. In sum, there is no basic health care delivery system.

While a physician is on site at the jail for one afternoon per week, he is the only health care professional who serves the facility. There is no nurse or medical technician on duty to conduct medical screening. The only screening conducted at the facility is done by security guards who have not been trained to conduct such screening. Moreover, no one reviews the information they obtain. As such, it is not used in any way and is not, for example, relevant to ensuring that a mentally ill inmate or an inmate with seizures receives his or her medication. All intake screening remains in the hands of unqualified personnel.

Likewise, decisions with respect to access to medical care remain in the hands of nonprofessionals. There are no trained deputies or nurses to evaluate medical complaints or assist in providing medical care, including the dispensing of medication. Moreover, there are no medical facilities; the jail has no equipment and lacks even a suitable examination table. Medication is brought to the jail from the county hospital and kept in a cardboard box. Deputies administer the medication by placing the medication in cups marked with the name of the inmate to receive it and the time for administration. Guards are not required to make sure that inmates actually take the medication

dispensed. No record is kept as to whether the medication is actually given or taken. When our physician consultant examined the medication delivery area, he found loose syringes and an unlabeled injectable vial. In addition, he found outdated drugs and controlled substances not properly secured. He was advised that prescription medications are kept after the release of an inmate and later used for other inmates. In brief, he found the medication delivery system to be disorganized and totally unacceptable.

There is no suicide prevention program at the jail and mental health services are not available. As well, there is no detoxification program. There have been one suicide and three suicide attempts at the jail during the past two years. Inmates with mental disturbance or who are at risk to commit suicide are placed in one of three two-bed steel cages in isolation in an area called sick-bay. The three "sanity" cells each measure five feet by six feet with approximately half that space occupied by bunks, a toilet and a sink. Inmates and non-criminal mentally ill persons being held pursuant to Mississippi's commitment law, and awaiting admittance to a state psychiatric facility, can and have been incarcerated in "sanity" cells for months. Our physician consultant found that such cage cells, with exposed, reachable overhead bars are "absolutely suitable" for committing suicide.

Finally, the facility is ill-equipped to handle medical emergencies. Staff is not trained in even basic first aid practices or CPR. Further, there is no TB program or program for the follow-up of treatment for prisoners with asthma, seizure disorders, or other chronic diseases. All inmates, irrespective of medical status, are fed only two meals per day. The medical record system is inadequate and requires substantial upgrading to reflect inmate examination, medication administration, plan of management or course of treatment, and other basic medical information.

In sum, medical care is grossly inadequate. Suicide precautions are virtually non-existent and the physical conditions of the cells where inmates who present a risk of suicide are placed are eminently dangerous.

3. Inadequate security and supervision.

The lack of adequate security guard staff is readily apparent. During the day shift only two officers are present to run the jail, including the supervision of an inmate population which ranges from 70 to 120. At night, only one officer is present. In these circumstances, guards do not make rounds or otherwise maintain routine surveillance of prisoners. There are no written procedures governing security at the facility. In addition to inadequate numbers of staff, the ability of guards to

maintain security is also compromised by the physical structures described above.

Due to the absence of adequate numbers of guards, the Sheriff relies on the extensive use of trustees, prisoners confined to the jail who are enlisted to assist in the operation of the facility. While inmates may be properly assigned a range of duties which do not involve them in maintaining security or having control over other inmates, the use of trustees at the Jones County Jail exceeds these bounds. For example, our penologist consultant observed trustees alone in the jail office area with ready access to keys and handcuffs. If inmates are to be used at all as trustees at the jail, policies and procedures are needed to define their proper roles. In addition, the lack of adequate staff has resulted in the routine use of mace as a control device. Officers are apparently afraid of entering various cells and the bullpen areas because in most circumstances they would be significantly outnumbered by prisoners.

Finally, staff have not been trained in various professional areas where basic knowledge is necessary for running a correctional facility in a safe and professional manner. One officer was observed entering a cell wearing his weapon -- a major breach of basic safety precautions.

4. Crowding

The jail is routinely overcrowded. The design capacity of the facility is 72 inmates, but it housed 112 prisoners as recently as March 1993. During the past, the facility has housed up to 129 individuals on a single day. Sometimes five inmates are housed in a nine by fifteen cell or smaller. The size of the population has meant that all areas are consistently crowded and that some inmates have to sleep on mattresses on the floor. Crowding has precluded any classification option which might permit the appropriate separation of prisoners, e.g., juvenile from adult, convicted from detainee, violent from non-violent, and proper housing for inmates with mental health problems. The impact of crowded conditions is especially severe given the general state of filth, dilapidation and disrepair throughout the facility.

5. Lack of appropriate opportunities for exercise.

Inmates are never permitted an opportunity to exercise out of doors; out-of-cell time is limited to three hours per week indoors. Prisoners confined to the "sick-bay" area and incarcerated in steel cages get no opportunities for exercise whatsoever. Exercise has been determined to be one of life's vital necessities. The limited indoor exercise at the jail is grossly inadequate and is insufficient to maintain good health. Indeed, it is so limited as to present a serious risk to

maintaining good health, especially given the continuing health risks presented by the jail's unsanitary environment. Additional space and facilities are required to provide adequate opportunities for both indoor and out of door exercise. Space considerations also limit visitation. Presently there is no visitation room; visitation is limited to one hour per week; and only a parent, spouse, or child is permitted even this limited opportunity for visitation. Absent a legitimate government objective, such arbitrary limitations on visitation are unjustified.

6. Inadequate law library.

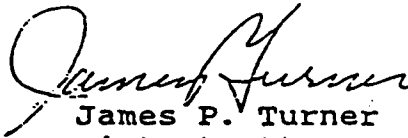
The law library at the jail is seriously dilapidated and deficient. Those books which are available are so old and mildewed as to be unusable. In effect, there is no law library at all at the facility.

7. Provide an adequate law library or provide adequate access to law books and other legal materials.

By this letter, we are also providing you with notice of our intent to intervene as a plaintiff pursuant to Section 1997c of the Civil Rights of Institutionalized Persons Act in the civil action, Crosby v. Jones County, et al., C.A. No H92-0235 (P) (N), currently pending in the United States District Court for the Southern District of Mississippi. This action seeks to remedy alleged unconstitutional conditions of confinement at the Jones County Jail.

We look forward to working with you and other County officials to resolve this matter in a reasonable and expeditious manner.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division

cc: Terry Caves, Esquire
Jones County Attorney

Anthony L. Thaxton, Esquire
Gilchrist, Sumrall, Thaxton and Yoder

Mr. Maurice Hooks
Jones County Sheriff

George L. Phillips, Esquire
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