



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

U.S. v. Grenada City



JC-MS-011-002

REGISTERED MAIL
RETURN RECEIPT REQUESTED

OCT 18 1993

The Honorable L. D. Boone
Mayor
152 South Main Street
Grenada, Mississippi 38901-5129

Re: Notice of Findings of Investigation,
Grenada City Jail

Dear Mayor Boone:

On July 19, 1993, we notified you of our intent to investigate the Grenada City Jail (hereinafter "the 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, City officials, including the Mayor, City 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 recognize that both pretrial detainees and sentenced inmates are confined at the Grenada City Jail. In general, inmates may not be subjected to conditions that are incompatible with evolving standards of decency or deprived of their basic human needs while incarcerated. Estelle v. Gamble, 429 U.S. 97 (1976). With respect to the pretrial detainees, the Fourteenth Amendment prohibits punishment of these persons or any restrictive act or practice which is not reasonably related to a legitimate governmental objective, such as ensuring the detainees' presence at trial or maintaining jail security. Bell v. Wolfish, 441 U.S. 520, 540 (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 therein. These conditions are:

I. Security and Supervision are Inadequate.

1. Staffing and supervision. The facility does not provide adequate staffing and supervision. Although there is staff to operate the dispatcher's office, located in the front of the building out of sight from the Jail, there is no staff dedicated to the Jail itself. The only officer supervision in the Jail is provided by a city police officer who is supposed to visit the Jail once an hour to check on inmates. It is not clear from a review of log forms that even this is being done. The result is that significant, untoward events can occur in these cells without timely intervention by staff or any intervention at all. Indeed, our inspection revealed that inmates often have difficulty obtaining staff assistance when it is seriously needed, and must continually pound on cell doors to get attention. We were informed that on the morning of our tour, an inmate who suffered a seizure resorted to lighting a ball of paper on fire and throwing it into the corridor to obtain staff response. Further evidence of the lack of staffing is the fact that this small Jail has had four escapes in the last two years. In short, the lack of staff presents a serious risk of harm to the inmates and jeopardizes the security of the Jail.

2. Staff training. None of the staff currently responsible for running the Jail or checking on inmates has had any jail-specific training. 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, use of CPR, unnecessary harm can occur.

3. Policies and Procedures. In essence, there are no written policies and procedures for 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, staff and the general public. For example, there should be procedures in place to separately house pre-trial felons from misdemeanants, at least as much as space limitations permit.

4. Out-of-cell/exercise time. The facility provides no out-of-cell or exercise time to inmates whatsoever. The inmates remain in their cells 24 hours a day except for showering and for

any appearances in court. Given that the facility houses some inmates for months at a time, e.g., sentenced misdemeanants, this practice is especially pernicious. The harm to inmates is exacerbated by the unsanitary and oppressively hot living conditions they are forced to live in and the pervasive idleness that inmates are subjected to throughout the Jail.

5. Access to reading materials. The Jail does not allow inmates access to reading materials, including the Bible. 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, which in turn increases inmate tension, which translates into heightened risk of violence.

II. Medical Care and Suicide Prevention are Deficient.

1. Medical services. The current system for delivery of medical care to inmates is inadequate. First, there is no person with medical training (e.g., in medical screening or medication distribution) present at the Jail, either on a part or full time basis. Second, no medical screening is conducted at intake to determine if new admissions are in need of medical attention. Third, there is no formal sick call request form or system for inmates who develop a need for medical attention during their incarceration to obtain medical care. Fourth, distribution of medication is inadequate. Staff receive no training in medication distribution, there are no written procedures, and proper records are not kept. For example, an inmate's receipt of medication is not logged; families are allowed to bring in prescription medicines with no check on what is actually contained in the vials. Finally, there is inadequate screening and testing of inmates for communicable diseases, such as tuberculosis.

2. Mental health care and suicide prevention. Deficiencies also exist with respect to mental health care and suicide prevention. There is no staff trained in suicide prevention or in recognizing common symptoms of mental illness, mental retardation, and suicidal behavior. Further, the building has a multitude of physical features that present a risk of suicide to inmates with suicidal tendencies. For instance, there are bar grates over the ceiling lights in the cells, and a bar grate, an overhanging bar, and three overhead pipes located in the main shower area, all of which could easily facilitate commission of a suicide.

III. The Jail has Serious Environmental Health and Safety Deficiencies.

1. General sanitation. The general state of sanitation of the Jail is grossly inadequate. The facility has no housekeeping

program or routine cleaning, as evidenced by the presence of significant soil residue and mold growth in individual cells, showers, sinks and toilet areas. The facility fails to even provide inmates with any supplies with which to clean their cells. Moreover, the entire housing area is infested with cockroaches. This infestation cannot be alleviated until the facility is thoroughly cleaned and maintained in a sanitary condition. The existing unsanitary conditions at the Jail increase the risk for disease transmission.

2. Fire Safety. Numerous deficiencies exist with respect to fire safety. There are no fire alarm, smoke detection, or sprinkling systems in the Jail. There are no written fire safety procedures, no written emergency evacuation procedures, nor even an evacuation plan posted on the walls. Staff is not trained in fire suppression or in emergency evacuation, nor are any fire drills conducted. Lastly, there are numerous torn mattresses, exposing flammable material in the Jail, which must be replaced.

3. Plumbing. The Jail's plumbing is deficient and in need of repair. Throughout the Jail's housing areas we observed numerous broken and defective plumbing fixtures such as toilets, handwashing facilities, shower heads and control valves. These deficiencies must be remedied to ensure all toilets and sinks are operational and to protect against the spreading of disease.

4. Ventilation. Mechanical ventilation in the cell housing is totally inadequate in providing a minimum supply of fresh air and exhaust of contaminants. Due to facility renovations involving the welding over of vents, a majority of the cells revealed no evidence of ventilation at all. Also, the existing mechanical system showed no evidence of recent cleaning, maintenance, and proper balancing so as to meet minimum requirements for the circulation of fresh air. The lack of ventilation was further exacerbated by internal air temperatures of 92 degrees fahrenheit and relative humidity of 60 per cent. These substandard conditions increase the potential for the occurrence and progression of infectious, communicable disease from inmate to inmate.

5. Bedding supplies and personal hygiene. Our inspection revealed that inmates are not provided an exchange of clean linen, such as sheets, blankets, pillows, and pillow cases, on a scheduled weekly basis. Our tour also indicated that at times, due to increases in population and the lack of available beds, inmates are forced to sleep on floors. This is unsanitary and entails blocking egress pathways to exit areas in the event of a fire. Further, evidence revealed that inmates, including females, are not provided routinely with personal hygiene supplies, e.g., soap, toothpaste, toothbrushes, razors, towels and feminine hygiene products. Provision of these materials on a

routine, scheduled basis is essential to maintain personal hygiene.

6. Food service. The food service system presents a health risk to the inmates. The food is provided by contract from a local food store. The food is transported by car in styrofoam containers not designed to maintain food temperatures, causing the food to be served at substandard temperatures. During our inspection, the hot food for the evening meal, which should be served at a minimum of 140 degrees fahrenheit, was served at 95 degrees. This substantial drop in temperature presents a serious threat for the occurrence and progression of food-borne disease. Also, the facility has failed to have a qualified individual, e.g., a dietician, document that the daily food provided inmates is nutritionally adequate. Inmates receive nothing to drink with their lunch and evening meals. Inmates essentially receive only two meals a day, as the breakfast "meal" consists of one honey bun and one cup of coffee.

7. Lighting. The facility does not provide adequate lighting for inmates. Measurements revealed a range of 2 to 7 footcandles, as measured in the daytime with the enhancement of natural light. Lighting at this level is insufficient to protect against possible eye strain and inhibits adequate cleaning and maintenance of cells and maintenance of personal hygiene.

MINIMAL 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. Security and Supervision.

1. Staffing and supervision. Ensure at least one employee is on duty per shift whose sole responsibility is supervision of the Jail. Also, if the City continues to house female inmates at the Jail, a female employee, e.g., a dispatcher, must be available who is authorized to check on the safety and well-being of female inmates on all shifts.

2. Staff training. Provide adequate training to all staff in adult detention facility operations.

3. Policies and procedures. Develop and fully implement policies and procedures for the Jail to encompass, inter alia, the various functions of the Jail, responsibilities of staff, inmate classification, use of force and restraint devices by staff, and emergency response and evacuation.

4. Out-of-cell/exercise time. Inmates must be afforded a

minimum of one hour of exercise outside the Jail at least five times per week.

5. Access to reading materials. Abolish the current blanket prohibition and provide for access by inmates to reading materials. Any restriction placed on access to reading materials must be grounded in an identifiable, legitimate penological interest.

II. Medical and Mental Health Care and Suicide Prevention

1. Medical services. To ensure provision of adequate medical care at the facility: have staff with appropriate health care training timely complete a medical screening form for each incoming inmate, making referrals to a qualified medical professional where warranted; develop and implement a sick call procedure whereby inmates fill out a request slip for medical attention which contains the date, inmate name, and a description of the medical complaint; maintain sick call slips for recordkeeping purposes; provide staff appropriate training on administering medications and potential side effects; provide staff training in first aid and the use of CPR; provide tuberculosis screening for all inmates incarcerated seven days or more, and provide screening for other communicable diseases.

2. Mental health and suicide prevention. To ensure provision of adequate mental health care and suicide prevention at the facility: include mental health screening in the medical screening process; provide training to staff in recognition of common symptoms of mental illness and in the identification, monitoring, and care of inmates at risk of suicide; establish a formal suicide watch procedure which includes inmates identified as suicidal and inmates who are intoxicated, including a requirement that the implementation of such procedure be fully documented; and eliminate all physical hazards which present a serious risk to suicidal or potentially suicidal inmates.

III. Environmental Health and Safety.

1. General sanitation. Thoroughly clean the Jail; thereafter, ensure routine daily cleaning of cells, as necessary, with routine inspections by staff. Routine cleaning can be achieved by providing inmates with cleaning materials and supplies, e.g., scouring powder, scrub brushes, mops and brooms, with which to clean and maintain cells in sanitary condition.

2. Fire safety. Ensure the facility is fire safe by providing: a fire alarm and smoke detection system; written disaster preparedness (including fire emergencies) and evacuation procedures; an evacuation plan which shall be posted; training of staff and inmates regarding fire suppression and emergency

evacuation; regularly scheduled fire drills; and color-coding of Jail keys to expedite evacuation of inmates from their cells.

3. Bedding and personal hygiene. Provide all inmates with clean linen and bedding supplies and ensure inmates are provided a clean exchange of such supplies on a scheduled weekly basis. Also, provide all inmates with personal hygiene supplies on a routine and scheduled basis. Further, ensure that all inmates are provided a bunk to sleep on, i.e., ensure that inmates do not sleep on floors.

4. Plumbing. Repair or replace all defective plumbing so as to ensure safe distribution of potable water and the proper removal of all waste and waste water within the cell housing areas.

5. Ventilation. The Jail must provide adequate ventilation in inmate living areas.

6. Lighting. The Jail must provide adequate lighting in inmate living areas.

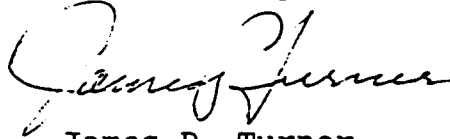
7. Food service. Ensure that food is served to inmates at appropriate temperatures, i.e., hot food at no less than 140 degrees fahrenheit, and cold food at no more than 45 degrees fahrenheit. Further, have a qualified professional, e.g., a dietician, evaluate Jail menus to determine and document that the amount of food served is nutritionally adequate.

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 6, 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 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 unconstitutional conditions.

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

If you or your staff have any questions, please feel free to contact Timothy R. Payne, Senior Trial Attorney, Special Litigation Section, at (202) 514-6441.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division

cc: Jim MacCrae Criss, Esquire
City Attorney

Mr. Larry Kegley
City Manager

Mr. Ben Simmons
Chief of Police
Grenada Police Department

Alfred E. Moreton III, Esquire
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State of Mississippi, Northern District