



U.S. DEPARTMENT OF JUSTICE

WASHINGTON, DC 20535

Mr. Harold K. Reynolds  
President  
Neshoba County Board of  
Supervisors  
401 Beacon Street  
Suite 201  
Philadelphia, Mississippi 39350

NOV 17 1993

Re: Notice of Findings of Investigation,  
Neshoba County Detention Center

Dear Mr. Reynolds:

On July 19, 1993, we notified you of our intent to investigate the Neshoba County Detention Center (hereinafter "Detention Center") 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.

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 Sheriff and County Attorney 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 Detention Center are pretrial detainees or persons not convicted of any crime. The Fourteenth Amendment prohibits punishment of these persons or subjecting 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

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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 Detention Center violate the constitutional rights of the prisoners confined therein. These conditions are:

I. Security and Supervision Are Inadequate.

A. Staffing and Supervision. Staffing at the Detention Center is seriously inadequate. There is only one officer per shift who functions as the dispatcher/booking officer and jailer. The dispatcher essentially does not enter the housing units of the Detention Center and relies instead on inmate trustees to operate the facility and supervise the inmates. The trustees have total access to all areas of the Detention Center, including access to keys to all of the inmates' cells. During our tour, we observed trustees locking and unlocking inmates' cells. Moreover, inmates must rely on these trustees for their basic needs, e.g., provision of personal hygiene items and the serving of meals. Weapons, including a deadly, loaded handgun and batons, were found in unlocked desks in areas readily accessible to inmate trustees.

This situation of unfettered trustee control is dangerous and violates one of the basic tenets of jail administration that inmates should not be placed in a position of authority over other inmates. The lack of inmate supervision places both inmates and staff at potential risk of serious harm.

B. Staff Training. The Detention Center staff receive no specific jail training. Training in small jail operations is necessary to provide staff with the requisite skills and knowledge to effectively perform their duties and to hold staff accountable for their job performances. Without proper staff training in such matters as jail security, emergency response (e.g., in case of fire or attempted suicide), medical screening, medication distribution or CPR, inmates are at risk of unnecessary harm.

C. Policies and Procedures. In essence, there are no written policies and procedures for the Detention Center. Written policies and procedures are important as a training tool and for providing guidance to staff in the performance of their duties. The lack of specific procedures to be followed by staff

to govern, e.g., inmate classification, use of force and weapons, emergencies and evacuations, escapes, inmate disturbances, and the care of mentally ill and suicidal inmates, is dangerous to inmates and staff.

## II. Medical Care and Suicide Prevention are Deficient.

A. Medical Care. The facility is not providing adequate medical care. The Detention Center fails to properly screen inmates upon intake or to document an inmate's medical history and possible problems. Sick call, the procedure by which inmates gain access to medical treatment, is deficient. Inmates simply express their medical complaints verbally to the dispatcher/jailer. No individual at the Detention Center responsible for determining whether an inmate needs to be examined by a physician has a medical background or training. The Detention Center's medication distribution system is inadequate. Prescription medication is distributed by the dispatchers who lack appropriate training. As well, procedures for keeping track of medications and their distribution are virtually non-existent.

Additionally, the Detention Center lacks written policies and procedures with respect to medical care. Particularly dangerous is the absence of written policies for handling inmates admitted while intoxicated. Lastly, the existing policy for disease control is inadequate. In general, the Detention Center fails to screen inmates for communicable diseases. Tuberculosis ("TB") screening is conducted only on inmates bound for the State Department of Corrections. The failure to test all other detainees for TB leaves other inmates and facility staff at risk for contracting TB.

B. Mental Health Care. The Detention Center 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 Detention Center 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 Detention Center. Mentally ill individuals are indiscriminately housed with the general jail population, jeopardizing their safety and that of other inmates and corrections staff.

C. Suicide Prevention Practices. 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 an inappropriate cell, i.e., the Detox cell. This cell is structurally unsafe for monitoring suicidal inmates. The cell does not allow adequate observation and has physical features

such as exposed pipes and electrical wiring that would facilitate rather than impede suicide.

III. Environmental Health and Safety Conditions Are Deficient.

A. General Sanitation. The Detention Center is dirty, dangerous and unsanitary. Dirt and flammable debris are excessive in all inmate living areas. Shower stalls and walls are caked with mold and scum. Further, the facility fails to consistently provide inmates with materials to maintain personal hygiene, such as toothbrushes, toothpaste, razors, towels, clean sheets, sufficient feminine hygiene products, clean clothes when needed, and materials with which to clean their cells. All that is provided to inmates with any consistency are toilet paper and soap.

B. Physical Problems. There is major structural damage throughout the facility. In the maximum security cell used to house major felons, we found damaged and exposed pipe chases that allow inmates to pass contraband, including shanks, from one cell to another. When confronted, inmates admitted to such a practice. Corrections staff were unaware of the physical problem and did not understand the security risk that it represented.

Interior walls intended as security barriers are rapidly disintegrating. Loose building blocks and chunks of cement are available to inmates as potential weapons. Broken toilets and other plumbing fixtures in need of repair are used by the inmates and constitute a health hazard.

C. Fire Safety. Despite assurances by the County Attorney that all necessary corrective measures had been taken to remedy the fire safety deficiencies, we found the situation to be otherwise. No fire drills are conducted. All smoke detectors were non-functional. Also, the facility's fire extinguishers are not routinely inspected and serviced. All but one extinguisher we inspected had not been re-charged in a timely manner. There are combustible materials throughout the Detention Center. Exposed wiring and broken pipe chase doors were readily apparent. In addition, staff have no training in emergency evacuation and there are no written plans or procedures for dealing with fires. The Detention Center has been cited repeatedly for fire safety violations by both fire marshals and local grand juries.

D. Emergency Preparedness. The Detention Center has no emergency evacuation plans. Further, there is only one jailer/dispatcher on duty at any given time. The result is that, in the event of an emergency, the Detention Center cannot be evacuated until outside help arrives, namely, street officers from the Sheriff's Department.

Minimum Remedial Measures

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

I. Security and Supervision.

A. Staffing and Supervision. The Detention Center must provide additional staff and monitoring of inmates to ensure their safety and security. At a minimum, this means that there must be no fewer than two officers per shift, three shifts per day, seven days per week.

B. Staff training. All dispatchers/jailers must receive adequate training in small jail operations to ensure the safe and secure operation of the Detention Center.

C. Policies and Procedures. A policies and procedures manual for operation of the Detention Center must be developed and implemented to encompass, inter alia, the various functions of the Detention Center, responsibilities of staff, use of force and restraint devices by staff, and adequate emergency response procedures.

II. Medical and Mental Health Care and Suicide Prevention.

A. Medical Care. To ensure provision of adequate medical care to inmates, the facility must: ensure appropriate management of intoxicated inmates; establish a sick call procedure that ensures requests for treatment are reviewed in a timely manner by a person trained to evaluate such requests and that the granting or denial of treatment is documented in writing; ensure that medical care is provided in a timely manner by qualified medical professionals; provide appropriate training to dispatchers on administering medications and identifying the potential side-effects of medications commonly used at the Jail; and provide TB screening for all inmates incarcerated seven days or more and screening for other communicable diseases. Finally, the Detention Center must develop and implement adequate, written policies and procedures governing access to and delivery of medical care.

B. Mental Health Care. The Detention Center must ensure provision of basic mental health screening, evaluation, and treatment, including development and implementation of appropriate written policies and procedures.

C. Suicide Prevention. The Detention Center must: develop and implement appropriate written policies and procedures regarding the identification, observation and care of suicidal inmates; provide safe observation cell[s] for inmates at risk of

suicide; eliminate risks posed by physical features in the Detention Center conducive to committing suicide; and ensure a local mental health professional is available for consultation services and on-site evaluations when necessary.

III. Environmental Health and Safety.

A. General Sanitation. The Detention Center must be cleaned and maintained in a sanitary manner. Inmates must be provided appropriate items to maintain personal hygiene and materials with which to clean their cells.

B. Physical Problems. The Detention Center must: repair the numerous existing plumbing deficiencies and ensure the plumbing is in good working order on a continuing basis; eliminate all electrical hazards relating to wiring and all physical hazards.

C. Fire Safety. The Detention Center must: post evacuation plans in the housing units and ensure staff and inmates are educated regarding egress procedures in the event of a fire; ensure smoke detectors and alarms are functional; regularly conduct documented internal fire safety inspections; remove combustible materials; ensure all fire extinguishers are regularly inspected and changed.

D. Emergency Preparedness. The Detention Center must develop and implement evacuation plans and ensure that staff and inmates are educated regarding egress procedures in each case of emergency.

Finally, we note that the severity and magnitude of the unconstitutional conditions at the Detention Center, especially the state of the physical plant, may preclude full remediation of all the deficiencies identified in this letter. Indeed, the local grand juries have repeatedly found Neshoba County to be in need of a new jail. In these circumstances, the County 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(2)(1). That period expires on January 5, 1994. 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 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.

The initial response we have received from County Attorney Kilpatrick indicates your willingness to take the necessary corrective measures to correct the serious deficiencies at the Detention Center. We wish to thank you for your cooperation and assistance.

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 David Deutsch, Senior Trial Attorney, Special Litigation Section, at (202) 514-6270.

Sincerely,



James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division

cc: Mr. Hubert G. Waddell  
Neshoba County Sheriff

J. Max Kilpatrick, Esquire  
Neshoba County Attorney

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