



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

CRIPA Investigation



Jl-MS-001-002

SEP 9 1993

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

Mr. Robert Eleuterius  
President  
Harrison County Board of Supervisors  
1801 23rd Ave.  
Gulfport, Mississippi 39502

Re: Notice of Findings of Investigation,  
Harrison County Juvenile Detention Center

Dear Mr. Eleuterius:

On May 3, 1993, we notified you of our intent to investigate the Harrison County Juvenile Detention Center ("HCJDC") 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 our investigation. Throughout the course of the 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 assessing the constitutionality of conditions at HCJDC, the appropriate legal standard is whether conditions of confinement are reasonably related to the legitimate government objectives of rehabilitation, safety, internal order and security. Conditions or restrictions which are unrelated to these objectives constitute punishment without due process of law and as such may not be inflicted upon juveniles. *Cf. Bell v. Wolfish*, 441 U.S. 520 (1979). *See also Santana v. Collazo*, 714 F.2d 1172, 1179-81 (1st Cir. 1983), *cert. denied*, 466 U.S. 974 (1984); *Santana v. Collazo*, 793 F.2d 41 (1st Cir. 1986). Juvenile detainees have a due process right to adequate food, clothing and shelter, as well as freedom from unnecessary bodily restraint. *Youngberg v. Romeo*, 457 U.S. 307 (1982); *Collazo*, 714 F.2d at 1179; *cf. Morgan v. Sproat*, 432 F. Supp. 1130, 1136 (S.D. Miss. 1977) (a state has the obligation to provide rehabilitative treatment to those juveniles within its institutions).

Based on our investigation, we believe that certain conditions at the juvenile detention center violate the

constitutional and federal statutory rights of the juveniles. These conditions are set forth below:

1. Inadequate Medical Care.

Medical and mental health services are not provided on-site at HCJDC. Juveniles are sent to and rely upon the main adult jail for medical and mental health services. To the extent that the medical and mental health services are inadequate at the adult jail, such services are also inadequate to serve the juvenile population at HCJDC. Consequently, the list of deficiencies for the adult jail as contained in the United States' Findings Letter to the Harrison County Board of Supervisors also applies to HCJDC.

2. Inadequate Mental Health Services and Suicide Prevention Measures.

Our medical, psychology, and suicide consultants found the mental health services and suicide prevention procedures at HCJDC to be wholly inadequate. HCJDC fails to provide substantive mental health care inside the detention center. The screening process at HCJDC is cursory and fails to identify incoming juveniles who may have suicidal tendencies. Officers do not have any training in spotting or diagnosing mental health problems.

Monitoring of suspected suicidal juveniles is also inadequate. Juveniles suspected of attempting suicide are placed in the large day room area on the floor. Staff do not monitor them at specific intervals, often leaving them completely alone for extended periods of time.

The physical environment of the facility is dangerous and conducive to suicide. Numerous protrusions exist in the housing units, including wide mesh screens over windows and vents and ceiling light fixtures that are not recessed. These protrusions provide mentally ill or depressed juveniles with opportunities for self-mutilation and/or suicide. Further, youths are often required to spend upwards of twenty (20) hours a day in their cells. One youth stated to our psychology expert that he attempted suicide because he could not stand being in the room all day and wanted to do something to get out.

3. Unhealthy and Unsafe Conditions of Confinement.

The physical environment of the facility is decrepit and dangerous to the juveniles. Many cells lack hot water. In addition, there is a recurring problem with clogged sewage pipes and backed up sinks and toilets. Our psychology expert noted raw sewage backed up in the hallway. Pest control throughout the facility is inadequate. Dead roaches and vermin droppings were noted. Another of our experts stated that the sleeping

conditions at the detention center are "barbaric." Youth are forced to sleep on dilapidated mats on a concrete floor. Pillows are not provided, and the linens the juveniles do receive are ripped and torn. The few mattresses available are also cracked and torn. Lighting levels in the cells and shower facilities are inadequate.

The fact that HCJDC is seriously overcrowded compounds the problem with bed space and supplies. Some youths were housed on the floor in the facility's day rooms. In addition, female residents are housed in the same wing as male residents. HCJDC is not designed for co-ed housing, and the present situation not only affords both sexes little privacy, but facilitates inappropriate sexual behavior.

Fire safety and security systems are inadequate. HCJDC does not train officers in the use of fire extinguishers. HCJDC also does not test or inspect its fire safety equipment on a regular basis. There are no provisions for emergency power for lights, exit lights, communication and alarm systems. In addition, the facility does not conduct fire drills, nor are there written plans or evacuation procedures for fires or other emergencies.

The facility's food sanitation practices are inadequate. The facility's dishwasher is unable to provide the proper sanitizing temperature for utensils and equipment. Food storage is also inadequate. Our expert noted live roaches, dead roaches, and roach droppings inside several food boxes. In addition, cardboard containers that were used to store soap were being re-used to store flour and sugar. Older or stronger youth are allowed to prey upon younger and weaker juveniles, coercing these youth into providing them with canteen items. Special dietary requirements of juveniles are not being met. The staff is not trained and no procedures exist governing how to prepare special diets.

Finally, HCJDC does not provide juveniles adequate out-of-cell time. Youths housed at the detention facility are currently allowed only two, two-hour blocks of time out of their cells per day, i.e., they are kept confined 20 hours per day. However, if staff decides that their out-of-cell time presents an operational inconvenience, the juveniles may be denied even this minimal amount of time without confinement to their cells.

#### 4. Inadequate Staff Training and Supervision.

Staff at the HCJDC have never been trained to work with adolescents. HCJDC is operated like an adult jail. Staff see their duties as simply maintaining order and security. Staff supervision of juveniles is also inadequate. There are too few staff to properly monitor juveniles to ensure their safety. Because of the limited number of staff, the detention center

relies upon juvenile trustees who are given power and authority over other juveniles. This increases the possibility that these trustees will exhibit predatory behavior toward those over whom they exercise authority. Furthermore, staff often do not make periodic checks of the juveniles, leaving them alone and unmonitored for extended periods of time.

#### Minimally Required Remedies

The minimum remedial measures that HCJDC must implement to ensure that constitutional standards are achieved are set forth below:

1. HCJDC must provide adequate medical care to all juveniles. Because HCJDC relies exclusively on the adult jail, the remedies outlined in the United States' Findings Letter to the Harrison County Board of Supervisors for the Harrison County Jail regarding inadequate medical services also apply to the youth detention center. In addition, the facility must have a qualified medical professional evaluate sick call requests.

2. HCJDC must provide adequate mental health services and suicide prevention measures to protect the health and safety of the juveniles. Again, since HCJDC relies exclusively on the adult jail, the remedies outlined in the United States' Findings Letter to the Harrison County Board of Supervisors for the Harrison County Jail regarding inadequate mental health services also apply to the youth detention center. With regard to suicide prevention, HCJDC must take the following remedial measures:

a. Train staff to identify signs of suicidal tendencies and require that suicide screening be included in the initial intake evaluation.

b. Provide procedures for monitoring juveniles identified as potential suicides and provide cell(s) specifically designed to avoid or prevent suicides.

c. Juveniles identified as being suicidal must be regularly monitored and such monitoring must be documented in writing.

d. Provide appropriate mental health services to those inmates who are identified as having mental health problems or suicidal tendencies, including, but not limited to, contracting for services of a qualified mental health professional to evaluate and monitor juveniles with mental health problems.

e. Repair and/or renovate the physical environment of the facility by removing potentially dangerous protrusions.

f. Purchase appropriate rescue equipment and ensure prompt staff intervention to prevent youth suicide attempts. See United States' Findings Letter to the Harrison County Board of Supervisors Regarding the Harrison County Jail.

3. HCJDC must provide the juveniles safe conditions of confinement. In order to provide such safe conditions of confinement, HCJDC must initiate the following remedies:

a. The facility must properly clean and sanitize plates and eating utensils. Food must be stored in containers that prevent infestation by roaches or other vermin. The practice of "recycling" soap boxes and other containers to be used for food storage must stop. Special diets must be provided for juveniles who need them.

b. All juveniles must be provided a bed with clean linens, fire safe mattresses, and pillows.

c. HCJDC must implement a system to regularly inspect the facility for insects and vermin and provide appropriate extermination services.

d. HCJDC must purchase and maintain adequate fire safety equipment and train staff in its use. In addition, and on a regular basis, there must be fire drills and system checks under the supervision of qualified professionals. An emergency power system with a portable generator must also be installed.

e. Hot water must be provided to all the cells, and the sewage systems must be repaired to prevent back-ups and clogs.

f. HCJDC must afford the juveniles adequate opportunities for exercise.

4. HCJDC must provide adequate staff, staff supervision, and staff training in order to adequately protect the health and safety of the juveniles. To provide for adequate staffing and training, the following remedial measures must be implemented:

a. Staffing must be increased to three officers per shift.

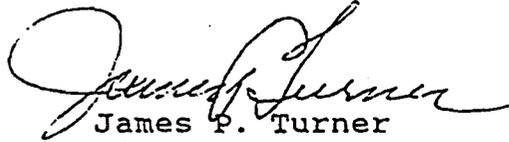
b. Staff must be properly trained in all detention facility policies and procedures in addition to specific training in how to deal with juveniles.

c. Establish clear guidelines and policies for use of juvenile trustees. Under no condition shall trustee youths have authority over or supervise other youths.

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 October 28, 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 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.

We appreciate the assistance and cooperation that the representatives of the State, County, and the facility have extended to us during this investigation and look forward to working with you 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 William G. Maddox, Senior Trial Attorney, Special Litigation Section, at (202) 514-6251.

Sincerely,



James P. Turner  
Acting Assistant Attorney General  
Civil Rights Division

Enclosure

cc: Joseph R. Meadows, Esquire  
Harrison County Board  
of Supervisors Attorney

Mr. Rick Gaston, Warden  
Harrison County Jail

Mr. Joe Price  
Harrison County Sheriff

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