

The Honorable Pedro P. Tenorio
Governor of Northern Mariana Islands
Saipan, MP 96950

Re: Correctional Facilities of the Commonwealth of the Northern Mariana Islands

Dear Governor Tenorio:

On April 10, 1998, we notified you of our intent to investigate conditions at the Correctional Facilities of the Commonwealth of the Northern Mariana Islands ("CNMI") pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997 *et seq.*, and 42 U.S.C. § 14141. On April 22 to 24, 1998, we conducted an on-site inspection of six CNMI facilities with expert consultants in environmental safety and corrections: the prison on Saipan, the detention facility on Saipan, the Kagman Youth Facility on Saipan, the immigration detention facility on Saipan, the detention facility on Tinian, and the detention facility on Rota. In addition to our on-site inspections, our investigation included interviews with facility staff, prisoners, and detainees. We also reviewed various documents, including policies and procedures, booking records, incident reports, and medical records. Consistent with the statutory requirements of CRIPA, we write to advise you of the findings of our investigation.

As an initial matter, we commend the staff of the Attorney General's office and the facilities we inspected for their professional conduct throughout the course of the investigation. These individuals have cooperated fully with our investigation and have provided us with substantial assistance.

Based on our investigation, and as described more fully below, we conclude that certain conditions at the facilities we investigated violate the constitutional rights of convicted inmates, pretrial detainees, and juveniles. More specifically, we find that persons confined in these facilities risk serious injury or death from deficient fire safety, unhealthy and insanitary conditions of confinement, and deficient security and protection from harm.

Notwithstanding these serious deficiencies, there are several positive and noteworthy aspects to the operations of these facilities. First, their staffs are committed and professional. They openly discussed operations of their facilities, frequently asked insightful questions, and expressed a willingness to correct any deficiencies. Second, at the Kagman juvenile facility, our review of records indicated that staff develop and act on basic and critical information collected through their contact with the juvenile detainees. This facility also had a good policies and procedures manual and well maintained and completed admissions forms, incident reports, log books, and other files. Finally, you and the CNMI officials with whom we met, many of whom are newly appointed to their positions, have pledged to support remedying deficient conditions at these facilities.

I. LEGAL FRAMEWORK

The constitutional law governing conditions of confinement for inmates and juveniles has two sources: the Eighth and Fourteenth Amendments. With respect to prisoners who have been convicted of criminal offenses, the Eighth Amendment's ban on cruel and unusual punishment governs all aspects of

conditions discussed here. The Eighth Amendment "imposes duties on [prison] officials, who must provide humane conditions of confinement; prison officials must ensure that inmates receive adequate food, clothing, shelter, and medical care." Farmer v. Brennan, 511 U.S. 825, 832 (1994). Pretrial detainees "retain at least those constitutional rights . . . enjoyed by convicted prisoners." Bell v. Wolfish, 441 U.S. 520, 545 (1979). With respect to pretrial detainees, the Fourteenth Amendment prohibits conditions or practices not reasonably related to the legitimate governmental objectives of safety, order, and security. Id. Pretrial detainees have not been convicted and, therefore, may not be punished.

Further, detained children have constitutional rights to adequate shelter, medical care, mental health treatment, and protection from harm. See Youngberg v. Romeo, 457 U.S. 307, 315, 324 (1982). In addition, rehabilitative treatment must be provided. Gary H. v. Hegstrom, 831 F.2d 1430 (9th Cir. 1987); Alexander S. v. Boyd, 876 F.Supp. 773, 796 (D.S.C. 1995).

II. SAIPAN PRISON AND DETENTION COMPLEX

The Saipan prison is a multi-building complex of single-level buildings with varying housing configurations. The primary housing unit consists of three cellblocks: Cellblock A has 16 two-person cells holding 29 prisoners and one pretrial detainee; Cellblock B contains five two-person cells holding five prisoners; Cellblock C contains three two-person cells holding five prisoners and one pretrial detainee. Each cellblock has adjoining day space with access to outdoor recreation areas. Cell doors are routinely left open during waking hours. The facility also has a segregation housing unit consisting of eight cells. On the day of our inspection, this facility housed six pretrial detainees. Women are housed in a Female Unit with a capacity for eight inmates, although only two were confined there on the day of our inspection. Finally, the prison has a halfway house housing 25 inmates in a spatially dense and crowded wood frame building outside of the main prison compound.

The Saipan detention facility consists of an antiquated building attached to the main prison complex. This facility has a single multi-bed holding cell and an L-shaped corridor of double-bunk cells without sinks or toilets.

A. Fire Safety: Lack of adequate fire safety protections and training is threatening the lives of the prisoners and detainees and violating their constitutional rights. The prison and detention facility lack fire alarms, smoke detectors, and sprinklers. Exits are not marked with signs. The mattresses are polyurethane foam, which gives off toxic gasses when burned, and not fire-resistant. The facilities lack an intercom system to alert staff, prisoners, or detainees of emergencies. The facilities also lack a generator to provide emergency power.

Cells are keyed with individual locks without common keys. This is particularly dangerous in the jail where detainees are confined to their cells. One jail cell was secured with a pair of handcuffs. Likewise, egress doors are also individually keyed. And, not all egress doors can be opened from the outside; some egress doors are double locked with bolts that can only be opened from the inside of the building. In the event of a fire, prisoners and detainees could suffer serious injury or death due to delays in opening cell and egress doors to evacuate the prisoners and detainees. This risk is increased by the fact that staff lack necessary evacuation equipment such as self-contained breathing apparatus that would permit staff to enter a smoke-filled room and rescue prisoners or detainees.

Once evacuated from the building, prisoners and detainees cannot get sufficiently far away from the buildings that they could escape injury from the burning or smoking structure. In some instances,

locking gates prevent prisoners and detainees from seeking safe refuge at least fifty feet from the building. In other instances, the perimeter fence is too close to the building to permit an appropriate refuge area.

Nor are staff properly trained for a fire emergency. Staff do not receive fire safety training nor do they conduct fire drills. The prison and detention facility lack an adequate emergency operations plan.

Of particular concern is the wood structure currently used as a halfway house. This structure lacks a fire alarm and smoke detector system, is unsprinkled, overcrowded, and has a high combustible load of sheets, towels, and personal items. Numerous fans and other electrical equipment have exposed live wires, and extension cords web the overhead spaces and floors. The emergency lights do not work. Prisoners are allowed to smoke in this building. This halfway house presents a very serious risk of injury or death from fire.

B. Electrical Safety: Electrical hazards are threatening the lives of prisoners and detainees and violating their constitutional rights. Our investigation revealed numerous exposed electrical contacts on light fixtures and ceiling fans. Such contacts could shock individuals or start a fire. Live electrical wires are wrapped around window bars. Many light fixtures have exposed bulbs. The facility is laced with worn electrical wires and extension cords that are unprotected and unsecured. The facilities' main electrical panel lacks a cover, thereby exposing the contacts therein to accidental contact and shock hazard. This panel had several "thrown" breakers, and has suffered water damage. Cellblock C has a surface mounted electrical wire within the shower area. There is an open ground in the outlet near the sink in the rear of the halfway house.

C. Health and Sanitation: Poor sanitation threatens the health of prisoners and detainees. Many toilets and sinks lack running water and prisoners and detainees must draw water from faucets into a bucket to flush toilets and wash their hands. On the date of our visit, few if any of the toilets would flush. Sinks and showers generally lack hot water. The showers throughout the facility are in poor repair and covered with mold and mildew. These unsanitary conditions are exacerbated in Cellblock A where twenty-nine prisoner share a single shower. Faucets had hoses attached to them without being fitted with vacuum breakers to prevent back-siphonage and contamination of the potable water supply. In addition, inmates were sleeping on insanitary mattresses with soiled cloth covers.

The facilities also present an unacceptable risk of transmitting contagious diseases. They lack proper forced fresh air ventilation to remove microbes and other possible contaminants from the air. Individuals are provided no medical screening if they are to be detained for less than fifteen days. Individuals are not given tuberculosis tests when they enter the facility, and may have to wait six months for such tests. The results of the tests that were performed indicate that the individuals in the facilities are at risk of contracting tuberculosis: seven inmates had positive reactions and were awaiting chest x-rays and 35 inmates were on tuberculosis treatment regimens. Staff were also unprepared to address and prevent the spread of blood-borne pathogens such as HIV.

In several parts of the facilities, lighting was missing or totally inadequate. Adequate lighting is necessary to maintain hygiene, allow individuals to safely move around the facilities, and to prevent eyestrain. Lighting in most cells and grooming areas registered only five foot-candles, well below the twenty foot-candles recommended by most experts. The detention facility housing area lacks any source of artificial lighting, and therefore is lit only by the sunlight that infiltrates through the windows and doors during daylight hours.

D. Other Environmental Safety Deficiencies: Our investigation found several miscellaneous environmental health deficiencies that could result in injury to individuals confined in these facilities. Kitchen and food service areas lack hot water for washing hands and utensils. The catering company's refrigerator and freezer lacked thermometers, and food in the freezer was not properly frozen. The utensils used to cook food in Cellblock C were not properly washed and sanitized. These food service deficiencies could result in serious injury from food poisoning.

Prescribed medications are dispensed by corrections officers who are not trained to dispense medications, identify potential side effects, and adequately respond should an individual suffer an adverse reaction. Medications should be dispensed by qualified medical professionals. The facilities also failed to provide special medical diets to individuals as ordered by a physician.

Blade guards have been removed from many fans. This presents a risk of injury to staff and prisoners. The facilities also lacked a pest control program and screens on doors and windows to minimize pests such as flies and other insects we observed in the buildings.

E. Security & Protection from Harm: The Saipan prison and detention facility are antiquated and dilapidated. In addition to the environmental safety concerns detailed above, the perimeter fencing is inadequate to keep individuals confined and secure in these facilities, as several recent escapes demonstrate. The facilities do not have video camera or intercom surveillance, and, due to poor design of the facility, guards lack proper sight and sound supervision of the prisoners and detainees. Prisoners and detainees roam freely about the complex, entering the unsecured outdoor visiting area with open access to the parking lot. These conditions promote the possession of contraband such as drugs or weapons. This situation is compounded by the fact that the facilities lack proper tool and utensil control procedures; particularly for the woodworking tools in the wood shop. The unsupervised prisoners and detainees could inflict injuries on others.

These deficiencies are exacerbated by the fact that pretrial detainees are not classified to assess their criminal history and predisposition to violence or other conflict. Nor are pretrial detainees adequately screened for suicide risk. This deficiency in classification and assessment affects both the prison and jail because the prison facility houses pretrial detainees with prisoners. Once convicted, however, the prison acceptably classifies prisoners.

The complex lacks an adequately secure maximum custody housing area. It also lacks dedicated housing for special management inmates, such as those requiring protective custody or mental health care. These housing units are necessary to protect prisoners and detainees by isolating predators and removing vulnerable inmates from the population.

Finally, the prison is operating at or near its safe capacity. A substantial increase in the sentenced or pretrial populations will have an adverse effect on the safety of staff and persons confined in the facilities.

III. TINIAN DETENTION FACILITY

The Tinian Detention Facility is comprised of three cells without sinks or toilets. One cell doubles as the television room. The single bathroom has one toilet and is located away from the cells such that access to it requires inmates to pass through civilian occupied office space. There is an adjoining but separate holding cell for juveniles, but no separate holding facility for females. Staff coverage is provided by available patrol officers; the facility lacks detention officers assigned exclusively to the facility. Although the facility is designated as a less than 24-hour temporary holding facility, pretrial detainees and even prisoners are confined there for weeks and months.

A. Fire Safety: Persons confined in the Tinian Detention Facility face a serious risk of injury or death from fire or smoke. The facility lacks a fire alarm or smoke detector. There is no sprinkler system. The cells are individually padlocked with individual keys. Furniture in the facility is torn and exposes foam filling that would emit toxic smoke in a fire. Likewise, the mattresses are filled with foam that would emit toxic gasses in a fire. Flammable chemicals were stored in the juvenile holding area. There is no intercom or video camera to permit observation of the cells and notify staff of smoke or a fire. Detention facility staff do not conduct fire drills, and do not have fire or other emergency procedures. The facility lacks self-contained breathing apparatus to permit staff to enter smoke-filled facility and unlock the padlocked doors. Moreover, in the event of a fire, the staffing of this facility by patrol officers who are not assigned exclusively to the detention facility, renders staff unable to respond properly to a fire and unable to properly evacuate inmates.

B. Electrical Safety: Persons confined in the Tinian Detention Facility face a serious risk of injury or death from electrical hazards. Electrical wires are strung loose throughout the facility. Wires passing through doorways, windows, and rooms are unsecured and exposed thus creating a risk of shock or fire. Detention officials have been aware of this problem for some time, and have requested the funds to remedy this problem.

C. Health and Sanitation: Poor sanitation threatens the health of detainees confined in this facility. At the time of our inspection the detainees' food was stored before serving in a manner that facilitated the growth of dangerous bacteria. Showers and sinks provided only cold water, which is inadequate for hygiene and other cleaning purposes. The facility showed signs of rodent activity. The windows lack screens to keep out insects and other pests. Hazardous chemicals were stored in accessible areas of the juvenile cell. The facility also lacked forced air ventilation which is necessary to minimize the spread of contagious diseases such as tuberculosis.

D. Security and Protection from Harm: Staff in the Tinian Detention Facility cannot properly supervise detainees due to irregular staffing, the facility's design, and the lack of two-way audible communication equipment, surveillance cameras, or other equipment that would permit the patrol officers to monitor activities in the housing area. Because of the remote location of the toilet, detainees either wander through unsecured offices without supervision or require the supervision of a staff-member, which then leaves the detention facility inadequately supervised. Classification forms do not contain sufficient information to properly classify detainees, especially considering that many detainees are confined in the facility for weeks and months. This lack of classification and supervision presents a real danger of detainee-on-staff or detainee-on-detainee injury. The facility also lacks cells where staff can directly supervise detainees in need of constant supervision, such as suicidal detainees. In fact, we were informed by facility staff that an inmate committed suicide in this facility in 1994. These problems will

only be exacerbated as the detention facility's population increases both in number and degree of dangerousness as the new casino opens on the island.

IV. ROTA DETENTION FACILITY

Like the facility in Tinian, the Rota Detention Facility has three cells with the sink and toilet located in a separate part of the building. The Rota facility, too, is designed as a short-term 24-hour holding facility, but the three individuals confined there during our inspection had been there for two months, six months, and nine months. One cell is designated for direct supervision, but cannot be properly monitored because of its solid door. The facility has held as many as 21 detainees in these three cells.

A. Fire Safety: Persons confined in the Rota Detention Facility face a serious risk of injury or death from fire or smoke. The facility lacks a fire alarm or smoke detector. There is no sprinkler system. The cells are individually locked with individual keys. Furniture in these facilities have foam filling that would emit toxic smoke in a fire. Likewise, the mattresses are filled with foam that would emit toxic gasses in a fire. There is no intercom or video camera to permit observation of the cells and provide notification to staff of smoke or fire. The facility lacks self-contained breathing apparatus to permit staff to enter a smoke-filled facility and unlock the individually keyed doors. Although the facility is staffed for eight hours during the day, irregular staffing of the facility by patrol officers at other hours provides inadequate supervision to detect a fire, renders staff unable to respond properly to a fire, and unable to properly evacuate inmates. Detention facility staff do not conduct fire drills, and do not have fire or other emergency procedures. Electrical wires run throughout the facility, thereby creating an electric shock and fire hazard. The facility does not have an emergency power generator maintenance program and log book.

B. Health and Sanitation: Poor sanitation threatens the health of detainees confined in this facility. Shower tiles are cracked and missing, and floors and walls need repair, thus making these surfaces impossible to clean adequately. The facility also lacks forced air ventilation which is necessary to minimize the spread of contagious diseases such as tuberculosis. This is particularly important as detainees are often held for several days without necessary medical evaluations.

C. Security and Protection from Harm: As in Tinian, staff in the Rota Detention Facility cannot properly supervise detainees due to irregular staffing, the facility's design, and the lack of two-way audible communication equipment, surveillance cameras, or other equipment that would permit the patrol officers to monitor activities in the housing area. Because of the remote location of the toilet, detainees either wander through unsecured offices without supervision or require the supervision of a staff-member, which then leaves the detention facility inadequately supervised. Classification forms do not contain sufficient information to properly classify detainees, especially considering that many detainees are confined in the facility for weeks and months. This lack of supervision presents a real danger of detainee on staff or detainee on detainee injury.

V. IMMIGRATION DETENTION FACILITY

The Immigration Detention Facility is a single-story facility with three housing units, two for males and

one for females, with 24 beds each. Each housing unit is divided into small rooms housing three to four detainees in bunk beds. The facility has no indoor common space but does have a small outdoor recreation yard. The facility is staffed by a guard at a fixed station at the entrance of each housing unit, and by staff in an office isolated from the housing units.

A. Fire Safety: Persons confined in the Immigration Detention Facility face a serious risk of injury or death from fire or smoke. The facility is equipped with several partially functioning single-unit battery-operated smoke detectors. It lacks a central fire alarm, and many of the smoke detectors were low on power, or had been removed. For example, in male unit two, there were originally five smoke detectors, but only one was still in place. There is no sprinkler system. The cells are locked with individual keys. The mattresses are filled with foam that would emit toxic gasses in a fire. All fire extinguishers in the facility indicated low pressure (5 units) and some had broken tamper seals. There is no intercom or video camera to permit observation of the cells and provide notification to staff of smoke or fire. The facility lacks self-contained breathing apparatus to permit staff to enter a smoke-filled facility and unlock the individually keyed doors. As with the other facilities, the staff does not have a fire or other emergency plan, and does not conduct fire drills. The facility lacks adequate fire exits; there is only one exit from the building, from a gate at one end of the facility. The facility also lacks a safe fire refuge area, located at least 50 feet from the building with 6 square feet per inmate bed. The facility does not have an emergency generator to operate emergency lights and other equipment. These deficiencies, and the layout of the facility, render staff unable to detect a fire, respond properly, and evacuate inmates. In particular, if the staff assigned to the fixed guard station at the entrance of each unit were not there, other staff could not detect a fire, even if the single-unit smoke detectors were to sound.

B. Health and Sanitation: Poor sanitation is threatening the health of detainees confined in this facility. The detainees' food was stored before serving in a manner that facilitated the growth of dangerous bacteria. Detainees are not provided with hot water which is necessary for proper hygiene. Detainees are provided inadequate health screening to detect whether they have communicable diseases, such as tuberculosis.

C. Security and Protection from Harm: The fixed guard station at the door of each housing unit does not permit direct observation of the detainees. The facility also lacks two-way audible communication and surveillance cameras. Guards at the fixed station cannot properly detect and intervene in acts of detainee on detainee or detainee on staff violence or other predation. This lack of adequate supervision could lead to staff being unaware of serious injury or other illegal activities.

VI. KAGMAN YOUTH FACILITY

The Kagman Youth Facility is a single story building with a holding cell, four rooms for male juveniles, and three rooms for female juveniles. A corridor separates the female cells from the male cells, and the sexes share a common activity room. The facility generally holds four to twelve juveniles.

A. Fire Safety: Persons confined in the Kagman Youth Facility face a serious risk of injury or death from fire or smoke. The facility lacks a fire alarm and adequate smoke detectors, and the single-unit battery-powered smoke detector in the dining area was not functioning. Nor does the facility have sprinklers. The cells are locked with individual keys, thus requiring significant time to unlock the cells

in the event of a fire. The exit doors are also locked with individual keys. The mattresses are filled with foam that would emit toxic gasses in a fire. The clothes dryers had a significant amount of lint buildup, which is highly flammable, and were missing their lint traps. The fire extinguisher in the kitchen indicated low pressure and had a broken tamper seal. There is no intercom or video camera to permit observation of the cells and provide notification to staff of a smoke or a fire. There are no emergency lights or exit signs. The facility lacks a self-contained breathing apparatus to permit staff to enter a smoke-filled facility and unlock the individually keyed doors. The facility also lacks an emergency generator, to power the emergency lights and alarms in the event of a power loss. As with the other facilities, the staff does not have a fire or other emergency plan, and does not conduct fire drills.

B. Health and Sanitation: Poor sanitation is threatening the health of juveniles confined in this facility. Utensils used to prepare food at this facility are not properly sanitized in the two compartment sink. In addition, the facility does not have hot water for cleaning food utensils, general cleaning of the facility, or for personal hygiene. The facility also lacks the proper lighting in the cells and hallways that is necessary for proper hygiene, physical safety, and to prevent eyestrain. The sink in one lavatory was dislodged from the wall and resting on the floor. The sewage system relies on a poorly functioning septic system; the toilets are slow to flush and back-up. The facility also lacks forced air ventilation to provide fresh air and to reduce the spread of communicable diseases. Some of the facility's windows lack screens, and ants and other insects were noted in the facility.

C. Security and Protection from Harm: The classification forms we reviewed indicate staff develop and properly act on information necessary to properly classify and manage the juveniles in this facility. However, our review of the incident logs indicates a recurring problem with maintaining the separation of male and female detainees. This problem is largely due to the design of the facility. The facility's holding cell is secured with a barred gate that creates a risk of suicide by providing a hanging point for suicidal juveniles. In addition, staff cannot maintain adequate sight and sound supervision of intoxicated or suicidal juveniles confined in this holding cell.

VII. RECOMMENDED REMEDIAL MEASURES

In order to remedy the cited deficiencies and to protect the constitutional rights of the persons confined in the CNMI's prison and detention facilities, and the constitutional and statutory rights of the juveniles confined in the Kagman Youth Facility, the CNMI should implement, at a minimum, the following measures:

A. Fire Safety:

1. Install an integrated smoke detection system with a fire alarm in each of these facilities. This system should directly alert the fire department and a central command post at each facility that is staffed 24 hours per day, seven days a week. This system should be tested monthly and repaired as necessary.
2. Use only approved fire-retardant or fire-resistant furniture, mattresses, and pillows. Remove all polyurethane filled mattresses, pillows, furniture, and other items.

3. Repair or remove all electrical hazards, including exposed contacts, wires wrapped around window bars, extension cords in shower areas, makeshift and improperly secured wiring, extension cords and other wiring running along the outside ground, water-damaged and uncovered electrical panels, open grounds, and other hazards.
4. Install an automatic fire sprinkler system.
5. Provide common-key unlocking cell and ingress/egress doors. These keys should be easily identifiable by sight and touch. Egress doors must unlock from both the inside and outside.
6. Install exit signs and functioning emergency lighting in all common areas and hallways.
7. Provide two self-contained breathing apparatus for each facility to enable staff to safely enter and evacuate smoke-filled areas. Staff should be trained in the use of this equipment. Also, this equipment should be regularly tested and serviced.
8. Develop a fire and other emergency plan to guide staff in promptly and safely responding to foreseeable emergencies.
9. Conduct and document regular fire drills that involve the participation of staff and persons confined in the institution.
10. Install and maintain an emergency generator to power the emergency lights, smoke detectors, fire alarm, and other systems in the event of a power outage.
11. Provide regular fire-safety training to all staff and inmates.
12. Provide a safe fire/smoke refuge area for each facility. This area should be at least 50 feet away from the facility and provide at least six square feet of space per inmate.
13. Stop housing persons in the wood-framed halfway house. Until a suitable alternative space is provided, immediately remove all combustibles, cease all cooking, and repair or remove all electrical hazards from this facility.
14. Ensure all facilities have adequate numbers of fire extinguishers. Ensure these fire extinguishers are properly charged and regularly inspected and maintained.
15. Provide at least one person at all times to staff each facility. This individual must be able to detect a fire or smoke and safely evacuate the facility.
16. Remove unnecessary combustible materials from all facilities, including excess sheets, towels, papers, and lint. Necessary combustibles should be stored in fire-retardant containers.

B. Health and Sanitation:

1. Provide food warmers and insulated containers for food transportation to ensure that hot food temperatures are maintained at a temperature sufficient to prevent the growth of dangerous bacteria.
2. Ensure refrigerators and freezers are properly functioning, tested, and serviced to keep refrigerated

and frozen foods at proper temperature to prevent the growth of dangerous bacteria.

3. Provide 20 foot-candles of lighting in all cells and common areas. All lighting fixtures should be enclosed in fixtures appropriate for use in a secure setting and free from electrical hazards and unsecured wiring.
4. Administer medication only by a nurse or other individual trained in dispensing medications and recognizing and responding to possible side effects of taking medications.
5. Administer a complete medical screening, including tuberculosis screening, to all prisoners and detainees immediately upon their admission.
6. Provide 15 cubic feet per minute per inmate of fresh air, temperature controlled or otherwise, in all cells and common areas.
7. Train all staff in preventing the spread of communicable diseases and blood-borne pathogens, including HIV.
8. Provide hot running water in all sinks and showers.
9. Provide fire and moisture resistant mattress covers.
10. Add vacuum breakers to all faucets to prevent back-siphonage and contamination of the water supply.
11. Provide adequate toileting facilities, including one shower for every twelve inmates, and regular access to toilets.
12. Clean and repair showers and lavatory fixtures such that all showers, sinks, septic systems, and toilets function properly and are free from grime, mold, and mildew.
13. Ensure through documented testing that all cooking and serving utensils, whether used in the facility or by a contractor, are sanitized after each use.
14. Provide special diets as recommended by a physician.
15. Develop a pest control program to eliminate rodents and insects. Provide screens for all windows to keep out insects and pests.
16. Remove all hazardous chemicals from cells and common areas.

C. Security and Protection from Harm:

1. Develop a long range plan for operating the CNMI facilities as a system. This plan should correct current deficiencies and address future population growth.
2. Staff these facilities with an adequate number of full-time dedicated corrections officers who are trained in professional corrections practices. Staff should be of sufficient number to supervise prisoners and inmates in the event of an emergency or routine absences, and, in Tinian and Rota, when detainees

are escorted to the lavatories.

3. Provide regular sight and sound direct supervision of prisoners and detainees. This will require significant modification of the facilities' structures and/or increased staffing, installation of video and intercom systems, and removing sight-line obstructions such as hanging sheets and towels.
4. Provide special needs (e.g., suicide-watch) and disciplinary/maximum security housing areas for inmates that must be separated from the general population and/or in need of frequent or constant supervision. Suicide-watch cells must be free from "hanging points."
5. Classify all persons confined in these facilities, prisoners and detainees, based on generally accepted classification factors such as criminal history, risk of being a predator/prey, and mental health status (e.g., suicide risk).
6. Install a secure perimeter fence around each facility with adequate lighting and monitoring. The fence that currently surrounds the prison is inadequate and the Tinian and Rota jails lack such a fence.
7. Adequately separate males and females at the juvenile facility by securing doorways and other connections between the male and female units.
8. Control and always account for the location of all tools, utensils, and personal effects that could be used as a weapon.

D. Education and Programming: For those juveniles confined for more than a brief period of time, the Kagman facility must provide adequate education and programming services.

VIII. RESOLUTION OF ISSUES

Pursuant to the Civil Rights of Institutionalized Persons Act, the Attorney General may initiate a lawsuit to correct deficiencies at an institution 49 days after notifying appropriate officials of such deficiencies. 42 U.S.C.

§ 1997(b)(a)(1). We will, however, seek to resolve this matter in the same cooperative spirit that has characterized the investigation to date. To this end, in the near future we will send you the reports from our experts, Mr. James Balsamo and Mr. Steve Martin. These reports contain information elaborating on our findings and recommendations, as well as other information regarding the facilities that you may find useful. We look forward to your response to these findings and recommendations and to detailed discussions leading to a final resolution of these issues.

Sincerely,

/s/

Bill Lann Lee
Acting Assistant
Attorney General

Civil Rights Division

cc: Frederick Black, Esquire
United States Attorney
District of Guam and
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