



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

U.S. v. Corinth City



JC-MS-008-002

REGISTERED MAIL
RETURN RECEIPT REQUESTED

SEP 9 1993

The Honorable Edward S. Bishop, Sr.
Mayor
Corinth City
300 Childs Street
Corinth, Mississippi 38834

Re: Notice of Findings of Investigation,
Corinth City Jail, Corinth, Mississippi

Dear Mayor Bishop:

On May 3, 1993, we notified you of our intent to investigate the Corinth City Jail (CCJ) 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 this investigation, City officials, including the Chief of Police, City Attorney and jail personnel, provided us with substantial assistance and 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 many of the individuals confined at the Corinth City Jail are pretrial detainees or persons not convicted of any crime. 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. See Estelle v. Gamble, 429 U.S. 97 (1976). The Fourteenth Amendment prohibits punishment of these persons or subjecting them to restrictions or conditions not reasonably related to a legitimate governmental objective. Bell v. Wolfish, 441 U.S. 520 (1979). For those convicted of a crime, the applicable standard 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 (1979). 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 certain conditions at the jail violate the constitutional rights of the inmates confined to CCJ. The conditions are set forth below:

1. Inadequate Medical, Dental, and Mental Health Care.

Access to medical care, including mental health services, is woefully inadequate and threatens the health and safety of inmates confined to the Corinth City Jail. First, there are no policies, proper procedures or staff training for intake screening. Without proper medical intake screening, illnesses or mental health problems may go undetected, threatening the health of inmates. Lack of staff training subjects inmates to potentially dangerous decisions by untrained jail staff. For example, staff indicated to us that inmates displaying acute effects of alcohol withdrawal are actually given "whiskey" to help ameliorate the symptoms. Second, there is no health service unit within the Corinth City Jail or designated space where inmates can be examined and treated. Third, medical supplies and emergency equipment are inadequate. The only medical supplies and equipment at the facility are two First Aid Boxes located in the Dispatcher's Office and the cell block area which contain supplies that are adequate to deal with only minor injuries and/or illnesses. Fourth, there are no current policies or procedures for providing routine health care to inmates with identified chronic illnesses or for referring inmates to sub-specialty consultants for evaluation. Inmates diagnosed with tuberculosis, AIDS or seizure disorders receive irregular and inappropriate care.

No formal sick call policy or procedure exists at CCJ. The Shift Commander, who makes the ultimate decision as to who will be transported for treatment, has no medical training to evaluate the sick call requests of the inmates. Nevertheless transport for treatment only occurs after a "wait and see period" during which time he "evaluates" the inmate. Furthermore, the Dispatcher dispenses medications without documenting or recording that the inmates receive their medications. An officer or an inmate trustee delivers the medication. No policies or procedures exist for properly monitoring and accounting for medications and staff is not trained to recognize the potentially serious side effects of the medications dispensed.

There are no medical personnel within the CCJ. Specifically, there is no physician, nurse (LPN or RN), or medical technician working at the facility nor does CCJ have contractual arrangements with appropriate medical personnel to screen, evaluate, monitor or treat inmates. There is also no dental screening or formal contract with any dentist to provide dental services.

2. Inadequate Mental Health Services

The Jail makes no special provision for housing or treating mentally ill inmates, and there are no written policies or procedures relating to their care. Access to mental health

services and/or treatment within CCJ is nonexistent. Furthermore, there is no formal screening process for evaluating signs and symptoms of significant depression and/or suicidal tendencies upon entry to the jail.

3. Inadequate Suicide Prevention

CCJ has no suicide prevention program and does not provide the staff with any suicide prevention training. Absent appropriate training to recognize suicide symptoms or prevent suicides, the staff simply cannot detect whether inmates are depressed or have suicidal tendencies, or prevent a suicide attempt or serious life threatening incident.

4. Inadequate Staff, Staff Training and Security

Staff is inadequate to ensure the safety of inmates at CCJ. CCJ does not have a full time jailer or staff dedicated to the facility. CCJ relies on policemen on the beat to return to the jail periodically to monitor the inmates. Hence, inmates are not observed on a regular basis. There is also a complete lack of female officers to monitor the female inmates. The only female officer serves as a dispatcher and cannot leave the dispatch office. Lack of sufficient staff to make rounds and observe inmates is extremely dangerous when the facility houses mentally ill and suicidal inmates.

Because the Jail lacks sufficient staff, it relies on inmate trustees to oversee inmates and run the facility. These inmate trustees are permitted to provide security backup when staff disciplines other inmates. Such use of inmate trustees is contrary to all state and nationally recognized jail standards. Furthermore, at present, no training is provided to jail staff in operating a jail or providing appropriate supervision of inmates. In order to administer even the basic components of a jail, staff need such training.

With regard to security and inmate safety, CCJ has only one set of keys with no backup set. Not having a proper backup set of keys with a master key or individual keys with proper coding puts the inmates in significant risk of danger due to fire or smoke because evacuation from cells may be seriously compromised. Furthermore, the storage closet adjacent to the inmate trustees' quarters is left open and unlocked and contains unsecured police files, aluminum baseball bats and old fans that can be disassembled and made into weapons. Finally, the Jail uses mace to control inmates but CCJ has no written policy or procedure that governs the use of mace.

5. Inadequate Classification System

Other than separating male from female inmates, CCJ has no classification system to separate inmates based on history of violence, type of offense, pre-trial detainees from convicted inmates and other criteria traditionally used to minimize violence and enhance security. For example, in one of the cells, one inmate was held for Driving Under the Influence while two others housed there were charged with First Degree Murder.

6. Unhealthy and Harmful Conditions of Confinement

CCJ serves only two meals a day - one at 7:00 a.m. and the other at 5:00 p.m. In our experts' opinion, two meals per day does not provide inmates adequate nutrition. Furthermore, providing only two meals a day is extremely dangerous to those inmates whose medications must be taken with food, as was the case with one inmate housed at the jail during our tour.

CCJ does not provide inmates an adequate supply of potable water. In most cells, there is no drinking water and the inmates must drink from the sink or the shower. Sufficient water is necessary to maintain health. Further, inmates at the Jail are not provided clean clothing or personal hygiene items, nor are they provided sheets, pillows, or pillow cases.

CCJ does not afford inmates any opportunities for exercise. Corinth often houses inmates for three to four months (especially inmates received from Alcorn County Jail). Exercise is necessary to maintain health, reduce tension and reduce the risk of violence.

Minimally Required Remedies

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

1. CCJ must provide adequate medical and mental health care to all inmates. In order to provide adequate medical care, at a minimum, CCJ must take the following measures:

a. CCJ must provide adequate screening upon intake to identify medical conditions of inmates and implement procedures for monitoring these conditions.

b. CCJ must cease using inmate trustees for any health care related responsibilities.

c. CCJ must develop and implement a proper sick call policy and procedure and provide qualified professionals to evaluate requests for sick call.

d. CCJ must develop and implement emergency response procedures, including emergency medical response drills.

e. CCJ must hire or contract for qualified medical personnel to evaluate inmates upon intake, oversee sick call and to monitor and treat inmates' medical conditions and illnesses.

2. CCJ must provide an adequate suicide prevention program. In order to provide an adequate suicide prevention program, at a minimum, CCJ must implement the following remedies:

a. Develop and implement procedures regarding identification of inmates at risk of suicide and prevention of suicides and train staff in such procedures.

b. Provide appropriate housing for inmates at risk of suicide and procedures for observing those inmates and documenting those observations.

3. CCJ must provide adequate staff, staff training and security to protect inmates from harm. In order to provide adequate staffing and security, at a minimum, CCJ must implement the following remedies:

a. Hire sufficient full-time jailers to provide continual coverage within the jail around-the-clock. Either the jailer or the dispatcher on each shift should be a woman in order to provide supervision of women inmates.

b. Remove trustees from positions of authority over other inmates.

c. Properly train CCJ staff in all jail policies and procedures, including those policies and procedures required under this letter. Specifically, train jail staff in recognizing and evaluating mental health problems.

d. Maintain a back-up set of keys in a place that is easily accessible in the event of an emergency.

4. CCJ must implement an adequate classification system to protect inmates from harm, including inmate-on-inmate violence. In order to provide an adequate classification system, at a minimum, CCJ must implement the following remedy:

a. Implement a basic classification plan that would separate inmates based on such factors as bond and charge (felon/misdemeanor), known behavioral problems, known history of escape attempts and/or violence.

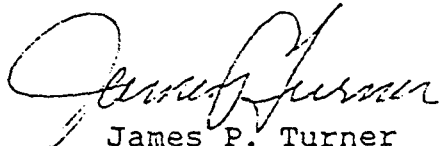
b. Develop and implement an incident reporting system and policies and procedures governing its implementation.

5. CCJ must provide safe and appropriate conditions of confinement for the inmates. Such appropriate conditions of confinement must include adequate amounts of food, potable water, clothing, bedding, articles of personal hygiene, and exercise.

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.

Thank you for your cooperation and assistance. We look forward to working with you and other City 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 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: Mr. Jimmy Webb
Chief of Police
City of Corinth

Rebecca Phipps, Esquire
Corinth City Attorney

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