



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

REGISTERED MAIL
RETURN RECEIPT REQUESTED

OCT 18 1993

Mr. Jimmy Beck
President
Grenada County Board of Supervisors
59 Green Street, Courthouse Square
Grenada, Mississippi 38901

Re: Notice of Findings of Investigation,
Grenada County Jail

Dear Mr. Beck:

On July 19, 1993, we notified you of our intent to investigate the Grenada County Jail (hereinafter "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, 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 making our findings, we recognize that both pretrial detainees and sentenced inmates are confined at the Grenada County 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. See 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 (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

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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 at the Jail are Inadequate.

1. Staffing and supervision. The staffing at the Jail is seriously inadequate. In addition to the Jail administrator, there are only four dispatchers/jailers who work eight hour shifts. These dispatchers essentially do not go into the Jail and cannot respond to problems or disturbances in the Jail (they must summon a police officer off road patrol). For all practical purposes, two inmate trustees run the Jail. Inmates must rely on these trustees for their basic needs, e.g., provision of toothpaste, toilet paper, materials to clean their cells, and serving of meals. This situation is dangerous and violates one of the basic tenets of jail administration by placing an inmate in a position of authority over other inmates. Any number of abuses can result, including strong-arming, theft, and payoffs via money or sex (it should be noted that the facility also confines female inmates) to obtain basic necessities. Indeed, our tour revealed that there currently exists a problem with violence in the Jail, especially with inmate-upon-inmate assaults. All of these dangers are exacerbated when facility overcrowding occurs.

2. Staff training. The facility staff receives no jail-specific training whatsoever. 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 use of CPR, unnecessary harm can occur.

3. Policies and procedures. The facility does not have an adequate set of policies and procedures that pertain specifically to the operation of the Grenada County Jail. The facility does have a comprehensive policies manual, but it is a "model" manual that the Jail has essentially adopted verbatim by simply inserting "Grenada County Jail" in various places. Contrary to the intended purpose of model manuals, no attempt has been made to make these policies and procedures specific to this facility's physical plant and operational realities. A specific concern regards the facility's policy on the use of mace, which fails to delineate appropriate health and safety precautions to be taken after mace is used.

4. Out-of-cell/exercise time. The facility does not provide inmates with adequate out-of-cell or exercise time. The Jail does have an outdoor exercise yard, but it is rarely used; as acknowledged by both inmates and staff. This appears to be due to the unavailability of any staff to supervise the yard and security problems presented by the yard -- e.g., the yard is next to a residence and a public street, contains a small storage building, doubles as an impound lot for cars, and the fence is only seven feet high.

5. Housing of juveniles. During our inspection there were four juveniles, confined in two 2-person cells separate from the adult housing area, awaiting trial as adults. Two of the four juveniles had been incarcerated pre-trial for approximately one year. The other two juveniles had been confined for roughly four months. Some serious concerns were noted. First, as with the adults, these juveniles are afforded no opportunities for any exercise or yard time. Second, one of the cells (the cell with a phone in it), had separate bar grates covering a light in the ceiling and what appeared to be a vent on the wall. Both grates present suicide risks to juvenile detainees who might be suicidal.

II. Medical and Mental Health Care and Suicide Prevention are Seriously Deficient.

1. Medical care. Due to numerous deficiencies with respect to delivery of medical care to inmates, overall medical care is inadequate. First, the medical screening form is not being filled out routinely or completely on inmate admissions. Second, there is no formal sick call procedure, and inmates must go through inmate trustees for requests for medical attention. Third, it is improper to have inmate trustees distributing medication to other inmates. Fourth, the facility keeps inmate medications after the inmate's release. Fifth, the facility is not conducting adequate communicable disease screening or testing, e.g., only inmates designated for transfer to the State Department of Corrections are tested for tuberculosis. Sixth, dangerous medical materials such as needles and syringes are not securely stored. Lastly, the facility lacks adequate first-aid supplies and does not train staff in first-aid or CPR techniques. Such supplies and training are essential because there are no medical personnel on-site.

2. Mentally ill inmates/suicide prevention. The facility inadequately provides for inmates with mental health needs. Staff is not trained in recognizing common symptoms of mental illness or in identification and observation of suicidal inmates. Also, there are numerous hazards presented by physical features at the Jail which are conducive to commission of suicide, e.g., shower bars, and open bar cell fronts with high cross bars.

III. Serious Environmental Health and Safety Deficiencies Exist at the Jail.

1. Food services. Food services are deficient. Food is prepared by a local hospital under contract, with the Jail responsible for pick-up and delivery of the food. The food is transported to the Jail by car, without use of thermo-insulated containers or other means by which to maintain food temperatures. During our inspection, food temperatures dropped substantially during transport between the hospital and the Jail, and hot food was served to inmates at substandard temperatures. Substantial reduction in food temperatures presents a serious threat to inmate health because it facilitates the occurrence and progression of food-borne disease.

Also, meals are distributed to the inmates not by staff but by inmate trustees. This creates security problems as food is a valuable commodity in a jail. Indeed, we discovered that assaults had taken place because inmates were trying to strong-arm other inmates out of their meals.

2. Defective plumbing. The plumbing in the facility is seriously deficient. The plumbing system in the pipe chases on both the longside and shortside cell blocks is defective and needs immediate repair. This defective system is causing leaking pipes and partial flooding of floors within the pipe chases, and water seepage on the floors in adjacent cells. Further, not all toilets are functional.

3. Environmental sanitation of showers. The showers in the Jail are unsanitary. There was no evidence during our inspection of routine cleaning and sanitizing of showers. Mold growth, soap scum and heavy residues of soil build up were found on shower floors and walls. Such filthy shower conditions substantially increase the opportunity for the occurrence and progression of infectious disease, e.g., ring worm of the foot and other related diseases.

4. Cell lighting. Cell lighting in the Jail is substandard throughout the housing areas. Measurements revealed a range of five to seven footcandles of artificial lighting. 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.

5. Fire safety. The facility has a number of fire safety deficiencies. We observed no posted fire evacuation plan conspicuous to both inmates and Jail staff to facilitate the expeditious and orderly removal of inmates and staff out of the facility in the event of fire. In the absence of an evacuation plan, no written or oral information was given to inmates or staff regarding emergency evacuation. Further, there is a total

absence of staff training and written procedures not only in fire evacuation but also in fire suppression. Moreover, the Jail has neither a sprinkling system nor a functional fire and smoke alarm system to provide adequate notification of a fire emergency to Jail staff, thus posing the potential for loss of life in the event of an undetected fire.

MINIMAL REMEDIAL MEASURES

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

I. Security and Supervision.

1. Staffing and supervision. Ensure the following staffing pattern for the Jail: day shift - three staff (plus one part-time person on weekends); evening shift - two staff; night shift - two staff. To attain this staffing pattern, 10 new positions are required. Since the facility confines women inmates, at least one female staff person should always be on duty.

2. Staff training. Provide adequate training to all staff in adult detention facility operations, specific to operations at the Grenada County Jail.

3. Policies and procedures. Develop and implement adequate policies and procedures that relate specifically to operations at the Grenada County Jail.

4. Out-of-cell/exercise time. Afford all incarcerated persons a minimum of one hour of exercise at least five times a week. Juveniles should receive their exercise or yard time separate from adults.

II. Medical and Mental Health Care and Suicide Prevention.

1. Medical care. Ensure provision of adequate medical care to inmates. To do so, the facility must, at least: provide appropriate training to all officers who conduct medical screening, and ensure all screening forms which indicate a medical condition are appropriately responded to; develop and implement a formal sick call procedure, utilizing a standard written request form that is submitted by inmates to staff and maintained as a record; ensure that appropriately trained staff distributes medication to inmates; ensure prompt and proper disposal of medications for inmates who have been released; conduct historical screening for communicable diseases at intake and, specifically, conduct TB testing for all inmates incarcerated seven days or more; maintain an up-to-date inventory of all needles and syringes, ensuring proper storage and disposal

of such materials; provide an adequate first-aid kit for the Jail and provide training to staff in first-aid and use of CPR.

2. Mentally ill inmates/suicide prevention. Ensure adequate policies for suicide prevention and ensure staff is adequately trained by a mental health professional in recognizing common symptoms of mental illness and in identification and observation of suicidal inmates. Also, eliminate all physical hazards which present a serious risk to suicidal or potentially suicidal inmates, including hazards in juvenile cells.

III. Environmental Health and Safety.

1. Food services. Ensure that food is served to inmates at appropriate temperatures. Further, ensure that distribution of meals is supervised by staff and appropriately monitored.

2. 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.

3. Environmental sanitation of showers. Clean and sanitize all showers in the Jail and provide for routine and ongoing cleaning and sanitizing of the showers and shower areas.

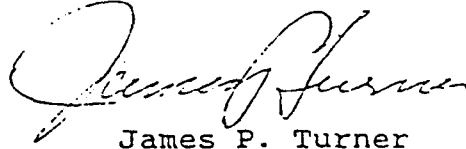
4. Cell lighting. The Jail must provide adequate lighting in inmate living areas.

5. 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; a posted evacuation plan; training of staff and inmates regarding fire suppression and emergency evacuation; routine (e.g. quarterly) fire drills; and color-coding of Jail keys to expedite evacuation.

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. sec. 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 County 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: Jay Gore, Jr., Esquire
Grenada County Board
of Supervisors Attorney

Mr. W. H. Birdsong,
Grenada County Sheriff

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