



Office of the Assistant Attorney General

Washington, D.C. 20035

OCT 8 1993

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas E. Wagner
President
Scott County Board of Supervisors
100 Main Street, Courthouse
Forest, Mississippi 39047-0630

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

Dear Mr. Wagner:

On May 3, 1993, we notified you of our intent to investigate the Scott County Detention Center (hereinafter "Jail") pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. §1997 et seq. Consistent with statutory requirements, we now are writing to advise you of the findings of our investigation. Throughout our investigation, county officials, including the Sheriff, Dispatcher, and Jailer 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 are aware that many of the individuals confined at the 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). With respect to the pretrial detainees, the Fourteenth Amendment prohibits punishment of these persons and restrictive conditions or practices that are not reasonably related to a legitimate governmental objective such as ensuring the detainees' presence at trial or maintaining jail security and order. Bell v. Wolfish, 441 U.S. 520, 540 (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,

U.S. v. Scott Co.



JC-MS-015-002

452 U.S. 337 (1981). When convicted prisoners are not, as here, separated from pretrial detainees, the Fourteenth Amendment standard applies to all inmates.

Department of Justice attorneys, accompanied by three consultants (a penologist, a medical doctor, and a health and safety expert), toured the Jail on June 29, 1993. During the course of this tour, we interviewed the inmates and the Sheriff Department's staff, examined records maintained at the Jail, and evaluated other records provided by the Sheriff Department's personnel. Based on our investigation, we believe that certain conditions at the Jail violate the constitutional rights of the inmates confined there. These constitutionally violative conditions and the required minimum remedial measures that the Jail must implement are set forth below:

I. THE JAIL DOES NOT HAVE ADEQUATE SECURITY AND SUPERVISION

A. **Staffing and Supervision.** Severe understaffing jeopardizes the safety of inmates and the security of the facility. The Jail's single full-time jailer cannot ensure the safety of inmates or the security of the Jail. Although the Sheriff Department's dispatcher can observe several of the cells from the control room, he does not enter the cell areas or respond to problems which occur in the Jail. The Jail has difficulty dealing with inmates who present behavior problems.

Inmate trustees essentially run the Jail. Inmates are responsible for booking new prisoners, including taking custody of their personal property. The trustees do everything from distributing medications, supervising inmates in the drunk tank, supervising other inmates on "smoke breaks;" to serving meals. They have access to the jail keys and have unfettered access to the women's cell. All inmates, including female inmates, depend on the trustees for their basic needs. We also observed an inmate trustee drive out of the Jail's grounds in a Sheriff's Department vehicle. The use of inmates in supervisory and jailer capacities and the lack of supervision of inmate trustees are extremely dangerous.

Significant security problems include: the improper use of the electrically controlled sally port doors which makes escape more likely; the failure to secure the control center/dispatch room; the lack of protective light fixture covers in the cells allowing inmates access to light bulbs which can be broken and used as weapons.

B. **Staff Training.** Neither the jailer nor any of the dispatchers have been trained in jail operations. Only two of

the dispatchers are currently certified in CPR. This lack of training jeopardizes the safety of the inmates and the overall security of the Jail.

C. **Classification.** Classification of inmates plays a major role in preventing escapes and in avoiding inmate-on-inmate violence. The Jail has no classification policy. Thus, weak and vulnerable individuals are mixed with aggressive, violent inmates, creating a situation which is dangerous.

D. **The Drunk Tank.** The window of the "drunk tank" has been covered, blocking observation of inmates confined there. Also, the 6 ft. high wall that surrounds the toilet presents a suicide hazard in that it affords an inmate the opportunity to jump from it as well as providing a "blind" area in the room.

II. MEDICAL SERVICES, MENTAL HEALTH SERVICES, AND SUICIDE PREVENTION PROVISIONS ARE DEFICIENT

A. **Medical Resources and Access to Medical Care.** The Jail fails to screen incoming inmates for medical problems, communicable diseases, mental illness, suicidal ideation, or substance abuse. Jail personnel are not trained in evaluating screening information. Sick call procedures by which inmates gain access to medical treatment are deficient. Requests to see a physician are reviewed by jail officers who do not have any medical background or health training. Inmate trustees are assigned the responsibility of distributing medications and are not supervised as they carry out this function. None of the Jail staff that deal directly with inmates have medical related training or CPR certification. There are no procedures to ensure provision of essential prenatal care, treatment of communicable diseases, or follow-up care for serious medical conditions. These serious deficiencies compromise the delivery of adequate medical care to inmates.

B. **Mental Health Services and Suicide Prevention.** The facility has no arrangements with a mental health service provider to deal with emergencies. The Jail lacks suicide prevention policies and procedures and staff is not trained in suicide prevention. In addition to the previously described suicide hazards in the drunk tank, the door hinges on the Jail's cell doors provide a place to secure a ligature.

III. THE JAIL HAS SERIOUS ENVIRONMENTAL HEALTH AND SAFETY DEFICIENCIES

A. **Environmental Sanitation.** Several of the mattresses in the housing units were missing covers over the cotton stuffing and

several mattresses and pillows were cracked through to the stuffing. These mattresses cannot be properly cleaned and they pose a risk of transmission of disease organisms. Head and body lice and fleas can hide in these torn mattresses. Additionally, the shower walls in the C Block were covered with soap scum. This soap scum protects and provides sustenance for organisms which cause skin diseases.

B. Plumbing. In several of the living units there was no hot water in the sinks. Hot water is necessary for proper personal hygiene. On the other hand, the water in A Block and B Block was hot enough to scald inmates.

C. Ventilation. The mechanical ventilation in the cell housing areas was inadequate to provide a minimum supply of fresh air and to exhausting unclean air. There were no intakes for fresh air in the mechanical room and there were no filters in the air handling equipment. Air only circulated to the cells when the fan for the air conditioning system was operating; therefore, there were times when no air was being circulated through the cells. Inadequate ventilation increases the potential of occurrence and progression of infectious communicable diseases.

D. Food. The Jail serves food at improper temperatures, which increases the likelihood of spread of food-borne illnesses. Also, our medical consultant indicated that the portions of food served at meals were so small that they did not appear to meet caloric needs of inmates.

E. Hygiene Products. The Jail fails to provide women with feminine hygiene products as needed.

IV. INMATES ARE NOT AFFORDED ADEQUATE OPPORTUNITIES FOR OUT-OF-CELL EXERCISE.

The Jail does not afford inmates the opportunity for out of cell exercise; rather, inmates are permitted to go outside for 10 minutes twice a day for a trustee-supervised "smoke break."

V. INMATES' ACCESS TO LEGAL MATERIALS IS INADEQUATE.

Although the facility has some law books, there is no system in place for providing inmates with access to these books.

MINIMUM REMEDIAL MEASURES

To rectify these deficiencies at the Jail and to ensure that constitutional conditions of confinement are achieved, the following minimum remedial measures must be implemented:

I. Security and Supervision.

1. Hire five full-time jailers- (8 hour shifts) immediately. A female officer must be available on each shift when the Jail houses female inmates. A minimum of one officer per shift must be stationed in the Jail at all times. The Jail must cease using trustees to run the facility.

2. Require jailers to complete a basic training course for jailers. Additionally, the jailers must be trained in recognizing the signs of mental illness and suicidal tendencies.

3. Develop and implement a classification plan that is appropriate for the Jail's inmate profile and physical plant.

4. Eliminate suicide and injury hazards in the drunk tank.

II. Medical and Mental Health Services and Suicide Prevention.

1. Remove inmate trustees from all health care responsibilities, including medication administration and sick call. Medication must be distributed by a health professional or a corrections staff person who has received training in medication administration and recognition of side-effects of drugs commonly used at the Jail.

2. Screen new inmates for medical problems, Tuberculosis and other communicable diseases, substance abuse, mental illness, and suicidal ideation. This screening must be documented and must be performed by a health care professional or an appropriately trained corrections officer.

3. Establish a sick call procedure that ensures that 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.

4. Ensure that inmates have access to medical care for serious medical problems and emergencies and that inmates receive treatment for communicable diseases, essential prenatal care, and follow-up care for serious medical problems.

5. Ensure that inmates have access to mental health care for serious mental health problems and to crisis intervention services, as needed.

6. Provide correctional officers with appropriate suicide prevention training; ensure that inmates at risk of suicide are

frequently and regularly observed and that such observations are recorded in writing; and develop and implement written policies and procedures regarding suicide prevention.

7. Require at least one correctional officer on each shift to be trained in Basic Life Support Cardiopulmonary Resuscitation with re-certification required on a regular basis.

8. Purchase appropriate rescue equipment (e.g., a rescue tool for cutting fibrous material, disposable rubber gloves and a CPR pocket mask), to ensure that staff can effectively intervene if an inmate attempts suicide or has cardiac arrest.

III. Environmental Health and Safety.

1. Replace torn mattresses and ensure that the showers in the housing units are clean.

2. Repair and properly maintain the plumbing in the facility. Ensure that there is proper supply of water in all housing areas and that the proper water temperature is maintained.

3. Provide adequate ventilation in the living areas.

4. Ensure that the food is served at appropriate temperatures and that meals are nutritionally adequate.

IV. Opportunity for Out-of-Cell Exercise.

Afford inmates outdoor (weather permitting), supervised exercise a minimum of one hour, five times per week.

V. Access to Legal Materials.

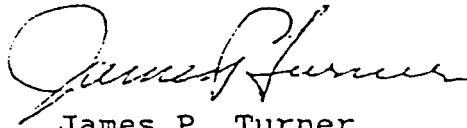
Provide inmates with adequate access to legal materials.

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 November 26, 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. 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 Iris Goldschmidt, Trial Attorney, Special Litigation Section, at (202) 514-6264.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division

cc: Mr. William S. Richardson
Sheriff
Scott County

Roy Noble Lee, Jr., Esq.
Scott County Attorney

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