



U.S. Department of Justice

Civil Rights Division

CRIPA Investigation

Office of the Assistant Attorney General



JJ-MS-002-001

The Honorable Kane Ditto
Mayor
City of Jackson
219 South President Street
Jackson, MS 39201

NOV 17 1993

Re: Notice of Findings of Investigation, Jackson
City - Hinds County Youth Detention Center,
Jackson, Mississippi

Dear Mayor Ditto:

During the course of our on-site investigation of the Jackson City Jail conducted on June 30 - July 2, 1993, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. §1997 et seq., we were requested by Jackson City officials to similarly investigate the Jackson City - Hinds County Youth Detention Center (hereinafter "Jackson Youth" or "Detention Center"). Consistent with statutory requirements, we are now writing to advise you of the findings of the Jackson Youth investigation.

Throughout the course of this investigation, City officials, including the Chief of Police, City Attorney, and Jackson Youth personnel provided us with substantial assistance. Our consultants expressed appreciation for their cooperation, and we wish to join them in expressing our thanks.

In assessing the constitutionality of conditions at Jackson Youth, 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 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 undue bodily restraint. Cf. Youngberg v. Romeo, 457 U.S. 307 (1982); Collazo, 714 F.2d at 1179; see also, Morgan v. Sproat, 432 F. Supp. 1130, 1136 (S.D. Miss. 1977) (a state has the obligation to provide rehabilitation to those juveniles within its institutions).

Based on our investigation, we believe that certain conditions at Jackson Youth violate the constitutional and federal statutory rights of the juveniles confined there. These conditions are set forth below:

I. Medical Care Is Inadequate.

Medical and mental health care are not provided on-site at Jackson Youth. The system for providing medical care is identical to that at the Jackson City Jail. Consequently, the list of deficiencies for the Jackson City Jail set forth in the United States' Findings Letter relating to that facility also applies to Jackson Youth.

As in the City Jail, unqualified, non-medical personnel at the juvenile facility perform intake screening. This has resulted in serious medical conditions going undetected. Of the 10 juveniles housed at Jackson Youth at the time of our tour, three had serious conditions which went undetected. One juvenile, a mildly retarded 15 year-old, heard voices which were telling him to kill himself. Another juvenile was depressed and claimed to have thoughts of killing herself. Neither juvenile had been examined by a psychiatrist. A third youth had a colostomy bag which had not been revealed during screening. This juvenile had pain on urination and small lymph nodes in his neck and armpit. He had not been examined by a physician. Moreover, despite the admission by Jackson Youth staff that venereal diseases are common in this 13-17 year-old population, no counseling or screening for venereal disease or AIDS is provided at the Detention Center.

II. Mental Health Services and Suicide Prevention Measures Are Inadequate.

Our medical care and suicide consultants found the mental health services and suicide prevention procedures at Jackson Youth to be inadequate. Jackson Youth fails to provide substantive mental health care inside the detention center. As indicated above, the screening process at Jackson Youth is cursory and is performed by untrained personnel. As a consequence, it fails to identify incoming juveniles who may have suicidal tendencies. Officers do not have any training in spotting or diagnosing serious mental health problems.

The current extensive renovation of the housing units will eliminate most of the physical protrusions in those units that are conducive to suicide attempts, thereby making the rooms much safer. However, the renovation does not include removal and replacement of the large mesh wire screening in place over the window areas of each room or cell. The mesh wire screening could provide mentally ill or depressed juveniles with opportunities for self-mutilation and/or suicide.

III. Supervision and Staff Training Are Inadequate.

Staff at Jackson Youth have, for the most part, never been trained to work with adolescents. Jackson Youth 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.

At the time of our inspection, a private lawsuit, Doe v. City of Jackson, et al., was filed alleging that juveniles had been sexually abused, including raped, by guards at the Detention Center. Discussions with the Chief of Police and Jackson Youth staff verified that an internal investigation had been undertaken and that the director and certain guards had been terminated and/or suspended. The results of this investigation also support, at the very least, a finding of inadequate supervision.

IV. The Physical Environment Has Numerous Deficiencies.

In general, the renovations being undertaken at Jackson Youth will alleviate existing physical plant deficiencies. However, the new construction has created several new deficiencies, including blind spots in the housing units, the blocking of natural light in the front side of the building, and protruding bolts and loose blocks in the reconstructed walls and doors. As we pointed out to Jackson Youth Manager Edna Drake during our inspection, these problems threaten the security and safety of the juveniles confined therein and need to be rectified. In addition, juveniles are being provided mattresses that are cracked and thin. Finally, juveniles are not being provided adequate opportunities for exercise. The Detention Center's recreation yard is in disrepair and not being used for resident recreation and exercise.

Minimum Remedial Measures

The minimum remedial measures that Jackson Youth must implement to ensure that constitutional conditions are achieved are set forth below:

1. Jackson Youth must provide adequate medical care to confined juveniles. Because Jackson Youth relies on a system identical to the adult jail, the remedies outlined in the United States' Findings Letter for the Jackson City Jail regarding inadequate medical services also apply to the Detention Center.

2. Jackson Youth must provide adequate mental health services and suicide prevention measures to protect the health and safety of the juveniles. Again, since Jackson Youth relies on a system identical to the adult jail, the remedies outlined in the United States' Findings Letter for the Jackson City Jail

regarding inadequate mental health services also apply to the Detention Center. In addition, Jackson Youth must take the following remedial measure:

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

3. Jackson Youth must provide the juveniles safe conditions of confinement. In order to provide such safe conditions of confinement, Jackson Youth must implement the following remedies:

a. All juveniles must be provided a bed, cot or other appropriate sleeping area off the floor, clean linens, fire safe mattresses, and pillows.

b. Jackson Youth must afford the juveniles at least one hour of exercise a day, five days a week.

c. Repair and/or renovate the physical environment of the facility by fixing all dangerous physical hazards and removing potentially dangerous materials.

d. Provide adequate lighting in all housing units.

4. Jackson Youth 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:

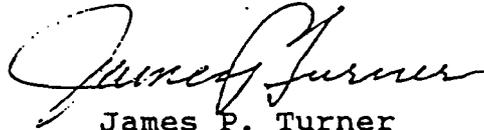
a. Staffing must be increased to ensure adequate security within the Detention Center on all shifts.

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

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 January 5, 1994. 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 County, City, and Youth Detention Center staff 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 David Deutsch, Senior Trial Attorney, Special Litigation Section, at (202) 514-6270.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division

cc: Mr. Jimmy Wilson
Chief of Police
City of Jackson

Ms. Edna Drake
Manager
Jackson City - Hinds County
Youth Detention Center

Leslie Scott, Esquire
Jackson City Attorney

Mr. George Smith
President, Hinds County
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