



U.S. Department of Justice

Civil Rights Division

BLI:SHR:MHN:SYBC:DD:CNC:drb
DJ 168-19M-22

Special Litigation Section
P.O. Box 66400
Washington, DC 20035-6400

April 27, 2000

Edward Bagwell, Esq.
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Re: Coffee County Jail

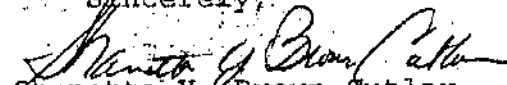
Dear Mr. Bagwell:

This is to confirm our recent telephone conversation regarding the status of the Justice Department's investigation of the Coffee County Jail. As we discussed, the County has been reportedly voluntarily implementing the remedial measures agreed upon between the United States and the County following our findings of deficient conditions of confinement. We are interested in resolving this matter.

As promised, I am enclosing a copy of what we agreed to use as a blueprint or "checklist" regarding the remedial measures. Please provide us with updated information and supporting documentation pursuant to the checklist. After we have had an opportunity to review all the documents, I will contact you regarding any questions we have or to schedule a tour of the Jail should that become necessary.

Thank you for your continued cooperation. Please do not hesitate to contact me should you have any questions or comments. I can be reached at (202) 514-0195.

Sincerely,


Shanetta Y. Brown Cutlar
Senior Trial Attorney
Special Litigation Section

enclosure

CHECKLIST REGARDING COFFEE COUNTY JAIL

CORRECTIONAL ISSUES.

A. Staffing and supervision.

1. Ensure that the Jail has an adequate amount of qualified officers and other security personnel to ensure the reasonable safety of inmates. Ensure that there are at least 4 officers on-site per shift ensuring at least one officer per housing area.

2. Security staff will conduct rounds at least once every half hour at irregular intervals, which will include logged, visual inspections of all housing areas.

3. Ensure that inmate trustees, "run-arounds" are not relied upon to perform staff functions. Ensure that trustees shall not have authority or supervise other inmates.

B. Policies and procedures.

4. Defendants shall develop and implement comprehensive policies and procedures for jail operations in accordance with generally accepted professional standards. Such procedures shall include, but not be limited to: (1) inmate supervision and staffing, (2) access to legal materials and attorneys, (3) exercise, (4) disciplinary procedures, (5) grievance system (6) incident reporting, and (7) fire safety. Inmates shall receive an inmate handbook upon arrival summarizing policies applicable to them.

C. Restraint of practices.

5. Create and implement policies and procedures in accordance with generally accepted correctional practices

regarding the use of restraints on inmates. Such policies must include provisions regarding adequate staff training, case-by-case medical approval, adequate documentation and monitoring, and provision for use of soft restraints only. Ensure that inmates are restrained only as a means of last resort to ensure the reasonable safety of others or the individual inmate.

D. Staff training.

6. Ensure that all correctional personnel are properly trained in accordance with general penological corrections. Ensure that personnel do not engage in the use of threats or other abusive techniques as means of managing inmates.

E. Housing of juveniles.

7. Ensure that juveniles are not housed at the Jail unless absolutely necessary, at which point they are housed no more than one hour, are provided constant supervision, which is appropriately documented, and are provided sight and sound separation from adult inmates.

F. Access to the courts.

8. Inmates shall be provided with immediate access, within 48 hours unless a compelling deadline warrants more immediate delivery, to legal materials consisting of at least those materials identified in Appendix A.

9. At no cost to the County, inmates shall be permitted to purchase and receive whatever law books and other legal research materials that they wish. Inmates shall be permitted to keep

these materials in their cells consistent with security and fire safety requirements.

10. The specified legal materials shall be available for use by inmates between, at a minimum, 8:00 a.m. and 5:00 p.m. five (5) days per week. The County may, at its option, construct or establish a room where inmates can be taken to use the legal materials, or may keep the materials in a Jail office and allow inmates to request that materials be delivered to their cells. In any case, inmate requests for access to legal materials shall be met within 48 hours unless a compelling deadline warrants more immediate delivery.

11. Develop and implement policies and procedures to provide inmates with access to the legal materials contained in the law library located in the County Courthouse. Such procedures shall ensure that inmates are provided with sufficient time with the legal materials for a reasonable opportunity to conduct legal research. In the event that an inmate is facing a specific court deadline, the County shall make reasonable efforts to allow the inmate additional access to legal materials upon request.

G. Exercise.

12. Provide inmates with opportunities for exercise five days a week for one hour a day, outdoors weather permitting. Reasonable exercise equipment and activities shall be provided for outdoor and indoor exercise.

H. Grievance procedure.

13. Ensure that inmate grievances are investigated and responded to within a reasonable time frame. Inmates shall provide at least one level of appeal. Inmates shall not receive punitive retaliatory action as a result of filing grievances.

14. Ensure the fair and adequate implementation of written disciplinary practices and procedures that are in compliance with generally accepted correctional practices.

MEDICAL CARE.

A. Receiving screening.

15. Within two weeks of intake, ensure that a health care professional gives each inmate a complete physical assessment which includes abdominal and pelvic examinations as determined necessary by a qualified medical care professional (a registered nurse, physician assistant or medical doctor).

B. Infectious diseases.

16. Develop and implement a communicable disease testing program, including written policies and procedures. All inmates at the Jail for more than seven days shall be tested for tuberculosis and the results promptly forwarded to the Jail physician for adequate medical assessment. Ensure that qualified health care professionals read implanted inmate TB tests and adequately document the results.

17. Develop and implement policies and procedures regarding HIV and AIDS in conjunction with the local public health

department or a physician. In addition, ensure that voluntary HIV testing and counseling is available on a confidential and timely basis to inmates who request testing.

C. Access to medical services.

18. Ensure that inmates have reasonable access to medical services. Health care professionals shall respond to inmate requests for medical services in a timely and professional manner. Ensure that sick call slips are submitted to a medical health care professional. The decision to treat and/or refer inmates for medical care must be the independent decision of a medical health care professional.

D. Policies and procedures.

19. Implement medical policies and procedures that include, but are not limited to, provisions regarding: (1) initial screening and health appraisals, (2) communicable disease testing and control, (3) access to medical care and sick call, (4) pill call and medication management, (5) medical records, (6) staff training, (7) mental health care, (8) dental care, (9) emergency medical care and transport, and (10) treatment of chronic care inmates.

20. Create and implement a quality assurance program in order to evaluate the quality of medical services provided to inmates. The program shall provide for quarterly meetings by appropriate professionals covering all aspects of services provided. The findings of the program must be reviewed monthly by the physician. Develop and implement corrective action plans

where appropriate. The quality assurance program must include the development and implementation of a well designed infection control program, with appropriate monitoring and educational activities and compliance with universal precautions.

Timeliness, appropriateness, effectiveness, acceptability to patients, safety to the environment, access to services, continuity, and efficiency should be quality performance measures used.

E. Continuity of care.

21. Ensure that outside consultants provide Jail medical officials with written progress notes, reports or summaries for each inmate rendered medical service.

F. Dental services.

22. Inmates with emergency dental needs shall receive such care immediately, and such care shall not be limited to extractions. Ensure that adequate dental services are provided to all inmates. Ensure timeliness in the delivery of adequate dental care. Implement and maintain logging procedures to evaluate the timeliness of dental care. Ensure that dental services are available for at least 20-25 inmates per week. Ensure that adequate dental services are provided to all inmates within a reasonable amount of time.

G. Medication practices.

23. All medications shall be professionally managed and securely stored at the Jail pursuant to a medication management

policy consistent with generally accepted professional standards. A separate inventory log shall be maintained by Jail personnel.

24. Ensure that only qualified, trained Jail staff administer medication to inmates.

25. Ensure the annual on-site review of the medication system by a licensed pharmacist.

26. Develop and implement procedures regarding the possession of medication by inmates in accordance with generally accepted professional standards.

E. Medical records.

27. Maintain individual inmate medical records in a manner consistent with generally accepted professional standards. Medical records must be maintained separately from custody records and access limited to medical personnel.

I. Mental health services and suicide prevention.

28. Ensure that adequate mental health services are provided to inmates. Such services may not be limited to crisis intervention. To that end, create and implement comprehensive policies and procedures for the provision of mental health care. Enter into a written contractual relationship with a qualified mental health professional (a.g., local psychiatrist, psychologist or psychiatric registered nurse) to provide mental health sick call services as needed in addition to other routine and emergency services.

29. Ensure that suicidal inmates are adequately housed. Remove all fixtures which are conducive to attempting suicide.

30. Ensure that all staff are trained in recognizing and promptly referring to a qualified professional, individuals exhibiting common symptoms of mental illness, mental retardation or suicidal behavior. Inmates with special mental health needs shall be evaluated by a qualified mental health professional within twenty-four hours. Inmates requiring psychiatric hospitalization shall be promptly transferred to adequate hospital facilities.

31. Ensure that suicidal patients are adequately supervised. Establish two levels of supervision for suicidal and/or special needs inmates--"Constant Watch" and "Close Watch." Constant Watch is reserved for an inmate who is actively suicidal, either by threatening or engaging in the act of suicide. The inmate shall be observed on a continuous uninterrupted basis (i.e. one-on-one) by an officer who has a clear, unobstructed view of the inmate at all times. Close Watch is reserved for an inmate who has expressed thoughts of suicide and/or has a recent prior history of suicidal behavior, but is not considered actively suicidal. The inmate shall be observed by an officer at staggered intervals (e.g. 5, 10, 15 etc.) not exceeding 15 minutes. The officer shall document the Constant Watch check every 15 minutes in a suicide watch log, and document the Close Watch as the staggered check occurs. All watches shall be documented in a separate suicide watch log. Inmate trustees and video surveillance may supplement, but never be utilized to substitute, the physical observation of the officer.

ENVIRONMENTAL HEALTH AND SAFETY.

A. Fire safety.

32. Create and implement a comprehensive fire safety program. Ensure compliance is appropriately documented. Maintain a current fire safety plan approved by the Fire Marshal.

33. Ensure that comprehensive fire drills are conducted every three (3) months on each shift and properly documented. Ensure that fire safety equipment, particularly fire extinguishers, are safely secured.

34. Eliminate all electrical hazards. Ensure the proper use of extension cords and proper repair of wiring. Ensure that inmates are not exposed to live wiring. Ensure the daily cleaning of the clothes dryer.

B. Universal precautions.

35. Create and implement a written infection control program to monitor all Jail services and ensure compliance with universal precaution procedures. Ensure that all jailers are properly trained in the use of universal precautions. Ensure that appropriate cleaning and protective equipment are provided.

C. Personal hygiene and laundry.

36. Ensure that personal hygiene items, including adequate supply of soap, hair shampoo, toothbrushes, toothpaste, toilet paper, a comb, deodorant, and shaving equipment are made reasonably available to every inmate.

37. Create and implement policies and procedures regarding the laundering of inmate clothing. Ensure that inmates are provided clean clothing and underclothing. Inmates shall have a clean clothes exchange at least twice per week and clean linen exchange at least once per week. Implement a uniform mechanism for identifying the owners of clothing submitted for laundering.

D. General sanitation and pest control.

38. Immediately clean thoroughly and sanitize the Jail, particularly, the "old side." Draft and implement a written housekeeping and sanitation plan to ensure the proper routine cleaning of housing and shower areas, which shall include routine housing inspections. Inmates shall be provided cleaning materials on a daily basis, but Jail staff is ultimately responsible for the Jail's cleanliness and physical condition.

39. Ensure adequate pest control throughout the Jail's housing units and food storage area. Continue to contract for professional exterminator services for the Jail. Services will provide for routine spraying and additional spraying as needed.

E. Plumbing.

40. Repair and maintain in good working order all toilets, lavatories and showers.

41. Provide hot and cold running water in inmate housing units.

42. Provide an adequate amount of toilets, lavatories, and showers for the number of inmates housed in all areas at the Jail.

43. Provide vacuum breakers where required by plumbing and health codes to prevent back-flow of contaminated water into the clean potable water system.

F. Lighting.

44. Ensure adequate lighting in all inmate housing and work areas to facilitate reading and sanitation.

G. Ventilation.

45. Ensure adequate ventilation throughout the Jail to ensure that inmates receive an adequate supply of fresh air and heating in cold temperatures.

H. Food services.

46. Ensure the nutritional adequacy of inmate meals. Ensure the annual review of inmate meals by a registered dietician. Menus must be evaluated every 3 months to ensure compliance with nationally recommended basic daily requirements.

47. Ensure that the Jail's food sanitation practices and procedures are in compliance with state and local health codes. Among other things, train all food handlers on sanitary practices, and ensure that food is delivered to inmates in a sanitary manner.

Appendix A:

- a. a leading law dictionary;
- b. a simple book on criminal procedure, and a /simple book on civil procedure;
- c. a simple treatise on evidence or trial techniques or practices;
- d. a general guide to legal research;
- e. current civil and criminal procedures rules, including local rules, and mailing addresses of the United States District Court for the Middle District of Georgia, the Georgia Supreme Court, and all local courts which have jurisdiction over inmates at the Jail;
- f. current copies, with supplemental pocket parts, of the Georgia Annotated Code Title 15 Courts, Title 16 Crimes and Offenses, Title 17 Criminal Procedure, Title 24 Evidence, and an index of the Code to assist inmates in specifying the Code sections they need to review;
- g. current copies, with supplemental pocket parts, of West's Federal Practice Digest Volumes relating to Civil Rights and Habeas Corpus;
- h. a number of self-help "how to" guides for legal issues (including divorce, child custody and bankruptcy) in the state of Georgia;
- i. model forms for routine court cases (e.g., habeas corpus relief);
- j. standard forms required for court filings; and
- k. five copies of this Checklist.

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