



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

June 1, 1995

Mr. Ronnie Morgan
Chairman
Marion County Commission
Marion County Courthouse
P.O. Box 481
Buena Vista, GA 31803

CRIPA Investigation



JC-GA-005-001

Re: Notice of Findings from Investigation of
Marion County Detention Center

Dear Mr. Morgan:

On October 3, 1994, we notified you of our intent to investigate the Marion County Detention Center ("MCDC") pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997 et seq. Consistent with the requirements of CRIPA, the purpose of this letter is to advise you of our findings from this investigation, the supporting facts, and to recommend necessary remedial measures.

Our investigation consisted of a tour of the facility with expert consultants, the examination of documents, and extensive interviews with prisoners and staff at the facility. We were accompanied on our tours by three consultants: a penologist, a medical expert, and a fire safety/environmental sanitarian, all with expertise in jail facilities. Throughout the course of this investigation, County officials and MCDC staff extended to us and our consultants their cooperation, for which we wish to convey to you our thanks.

In making our findings, we recognize that MCDC confines both pre-trial detainees and post-conviction inmates. In general, inmates may not be subjected to conditions that are incompatible with evolving standards of decency or deprive them of their basic human needs while incarcerated. See Estelle v. Gamble, 429 U.S. 97 (1976). With respect to the pre-trial detainees, the Fourteenth Amendment prohibits punishment of these persons and restrictive conditions or practices that are not reasonably related to the legitimate governmental objectives of safety, order and 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, 501 U.S. 294 (1991); Rhodes v. Chapman, 452 U.S. 337 (1981). When convicted prisoners are not, as here, separated from pre-trial detainees, the Fourteenth Amendment standard applies to all inmates.

MCDC is a small facility located in Buena Vista, Georgia. It was opened in 1975 and has a capacity for 22 inmates. The average daily count is 16 inmates. The average stay is 30 days for pre-trial inmates and six to nine months if sentenced. On the day of our tour there were 48 inmates incarcerated, two of whom were women. Juveniles are not held in this facility. Based on our investigation, we believe that certain conditions at MCDC violate the constitutional rights of persons confined to the facility.

I. Deficient Correctional Practices.

A. Supervision and Security are inadequate. While MCDC indicated its intent to hire additional correctional staff, the current staffing of one part-time and four full-time jailers is inadequate to properly supervise inmates at the facility. Currently, due to inadequate staffing, MCDC fails to make routine visual inspections in each of the housing units. As discussed with the Sheriff, MCDC needs to have, at a minimum, a full-time dedicated jailer for every shift. In addition, security measures at the facility are quite lax. While recognizing that MCDC is a small rural facility, during our tour cell doors were routinely left open, often with keys dangling from the locks. This places both inmates and correctional staff at risk of harm. Security policies and procedures must be adopted and implemented to ensure proper safety and security.

B. Staff training is deficient. MCDC officers receive no training in jail operations. Training in small jail operations is needed to provide staff with the skills and knowledge necessary to effectively perform their duties and to hold staff accountable for their job performances. Without proper staff training in such matters as jail security, discipline of inmates, emergency response, medical screening, use of CPR, unnecessary harm can occur.

C. Policies and procedures are inadequate. MCDC does not have adequate written policies or procedures. Indeed, MCDC fails to even have an inmate handbook so as to inform prisoners of rules and regulations of the Jail. Written policies and procedures regarding the operation of the Jail are important as a training tool for staff and for providing guidance to staff in the performance of their duties. A lack of specific procedures to be followed by staff to govern, e.g., inmate classification, emergencies and evacuations, escapes, inmate disturbances, and mentally ill or suicidal inmates, is dangerous to inmates. For

example, there should be procedures in place to separately house pre-trial felons from misdemeanants.

The Jail fails to provide a written grievance system. The failure to have a written grievance system leads to increased inmate tension which may translate to increased acts of violence.

D. Out-of-cell/exercise time is inadequate. MCDC inmates are not allowed out of their cells for exercise and visitation.

E. Access to the courts and reading materials are insufficient. MCDC inmates are not provided access to any legal material. Further, with exception of the Bible, MCDC inmates are not allowed any reading material.

II. Medical and Mental Health Care and Suicide Prevention.

A. Policies and procedures are inadequate. The Jail has no written policies regarding the provision of medical services.

B. Receiving screening, histories and physical examinations are deficient. An intake assessment is completed on all inmates by the correctional staff. However, correctional staff have not received training on completion of the receiving screening. Moreover, while the questionnaire does ask questions regarding communicable disease, drug and alcohol abuse, and mental illness, the questionnaire needs to be expanded to include specific questions regarding suicide. In addition, 14 day histories, physical exams and routine communicable disease testing are not performed.

C. Physician care coverage should be formalized. Medical care is provided by a local physician, Dr. Frank Catrett, whose office is located directly across the street from the Jail. The physician goes to the Jail routinely to see patients and refers more complex cases to his office. Our medical consultant verified that inmate complaints are addressed in a timely manner, and continuity of care is maintained because the physician records his findings on the medical records located at the facility. The arrangement with the local physician should be formalized in a written agreement to ensure the appropriate physician care coverage is consistently maintained.

D. Examination room and equipment are inadequate. MCDC does not provide an appropriate examination area for the sick call visits. There are no first aid kits and few medical supplies.

E. Medication practices are deficient. Officers dispense medication to the inmates and are supposed to chart on medication sheets that the drugs are given. A review of the medication sheets indicated that they are not always filled out

correctly or completely. Moreover, correctional staff have not had training in medication administration, including side effects of specific drugs.

F. Mental health care and suicide prevention are inadequate. There is no mechanism in place to assess inmates' mental health needs, identify suicidal inmates on admission, or provide counseling to them during their incarceration. There are currently no arrangements to provide psychiatric services, routine counseling, drug and alcohol detoxification, or crisis intervention at MCDC.

III. Environmental Health and Safety Deficiencies.

A. Fire safety is deficient. MCDC fails to have a fire plan. Indeed, MCDC has no policies or procedures regarding fire safety. There have been no inspections or reports from the Fire Marshal, no evacuation drills and no fire-safety training. Our tour identified fire extinguishers that were last inspected in 1991.

B. Food services are deficient. The Jail only provides inmates two meals per day. The Jail was unable to produce documentation that these meals are nutritionally adequate. Significantly, nearly 16 hours expires between meals. This is unacceptable.

IV. Recommendations Regarding Correctional Practices.

A. Staffing and supervision. Hire sufficient correctional staff to ensure a full-time dedicated jailer for each shift. Conduct and properly document routine visual inspections of the housing areas.

B. Staff training. Ensure all jailers have attended the state's jailer training school and receive periodic, additional training.

C. Policies and procedures. Create and implement comprehensive MCDC policies and procedures which must include, but not be limited to, a classification system, incident report process, disciplinary procedures, and suicide prevention protocols. Ensure staff understanding and compliance with policies and procedures. Draft and distribute to every inmate a comprehensive inmate handbook which includes, but is not limited to, an explanation of the Jail's rules and regulations, and grievance and disciplinary procedures.

Create and implement a written grievance system.

D. Out-of-cell/exercise time. Inmates must be provided with exercise, outdoors when weather permits, one hour per day,

five days per week. Reasonable exercise equipment should be provided.

E. Access to legal and reading materials. Provide adequate access to law books, writing materials and other reading materials for inmates.

V. Recommendations Regarding Medical and Mental Health Care.

A. Medical services. Create and implement comprehensive policies and procedures regarding the provision of health care. Such policies must cover, but not be limited to, initial medical screenings, non-urgent sick call requests, communicable disease testing, physical examinations and staff training.

B. Receiving screening and routine examinations. Thoroughly screen and assess the medical history of every inmate within 24 hours of an inmate's entry into the Jail. Ensure that medical conditions are referred to a health care professional. Ensure inmates are informed of the necessary procedures to access medical services. Complete physical exams must be performed by qualified medical staff within 14 days of an inmate's entry into the Jail.

Inmates housed in the Jail for more than seven days must be tested for tuberculosis and other communicable diseases, as appropriate.

C. Sick call. Ensure that sick call slips are dated and signed by the submitting inmate, receiving staff member and attending health care professional. Ensure that inmates receive prompt medical and mental health care.

D. Physician care. Ensure consistent services of a "responsible health authority" ("RHA"). Physician care coverage should be formalized in a written agreement.

E. Examination room and equipment. Provide an adequate area for sick call. This area must afford proper privacy and ensure professional and thorough examinations.

F. Medication. Ensure administration of all prescription medication by qualified personnel.

G. Mental health care and suicide prevention. Create and implement comprehensive policies and procedures for the provision of mental health care. Create and implement suicide precautions. Ensure 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.

VI. Recommendations Regarding Environmental Health and Safety.

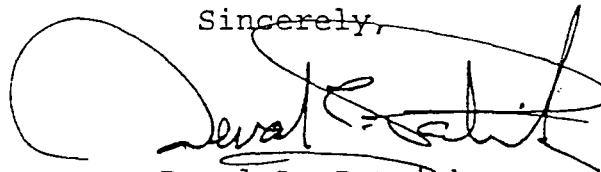
A. Fire Safety. Create fire exit plans and post them conspicuously throughout the Jail. Develop, based upon consultation with an appropriate professional, written plans for an emergency/disaster, e.g., flood or fire. Maintain an emergency generator. Conduct and document routine fire drills.

B. Food services. Ensure that inmates receive nutritionally adequate meals. No more than 14 hours may expire between meals.

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). We expect to hear from you as soon as possible, but no later than 49 days after receipt of this letter, 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 unlawful 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 any member of your staff have any questions, please feel free to contact the attorneys in the Special Litigation Section assigned to this matter, David Deutsch, (202) 514-6270, Shanetta Y. Brown, (202) 514-0195, and Christopher Cheng, (202) 514-8892.

Sincerely,



Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: Wayne Jernigan, Esquire
County Attorney

Mr. Horace Snider
Sheriff
Marion County Detention Center

James L. Wiggins, Esquire
United States Attorney
Middle District of Georgia