



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

Mr. Calvin Schramm
Chairman
Calhoun County Commission
P.O. Box 226
Morgan, GA 31766

June 1, 1995

Re: Notice of Findings from Investigation of
Calhoun County Jail

Dear Mr. Schramm:

On October 3, 1994, we notified you of our intent to investigate the Calhoun County Jail ("CCJ") 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 CCJ 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 CCJ 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

CRIPA Investigation



JC-GA-008-001

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.

CCJ was opened in the 1930s and was remodeled in the 1970s. It has a capacity for 46 inmates. During our tour, the Jail housed 14 inmates. Generally, the Jail appears to be in good physical condition. Many aspects of jail operations appear to meet constitutional requirements and our consultants were satisfied with many of the existing conditions based on the number of prisoners housed at the Jail during our inspection. Regrettably, however, other conditions fail to meet constitutional standards. Those conditions which are unconstitutional are summarized as follows:

I. Correctional Practices.

A. Staffing and supervision are inadequate. CCJ fails to provide adequate supervision of inmates. The majority of the inmates at CCJ are housed in one unit which is located at the furthest possible point from the jailer station where an officer is posted. Reportedly, the inmates are all housed in this unit so that the noise generated by prisoners will not interfere with dispatch operations. CCJ has recently installed a camera monitoring system. The monitor shows the activity in the housing units. Our consultant concluded, however, that the monitor was not adequately observed by Jail staff. Additionally, given camera "blind spots", total reliance upon the monitors is unacceptable.

B. Staff training is deficient. CCJ officers reportedly have received the required 80 hours of basic training. CCJ fails, however, to provide supplemental in-service training as generally accepted in the field. Supplemental 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 performance.

C. Policies and procedures are deficient. CCJ has recently drafted policies and procedures for the operation of the Jail. However, they have yet to be implemented. Our consultant reviewed the policies and procedures drafted as of the date of our inspection and found them to be acceptable. CCJ does not have, however, nor has it drafted, an inmate handbook. An inmate handbook is important in that it details the rules and regulations of the facility for inmates.

D. Out-of-cell/exercise time is deficient. Reportedly, CCJ provides only two hours per week for out of cell exercise for prisoners. Significantly, inmates do not receive even this limited opportunity for exercise when there is a shortage of staff. For instance, during our inspection, exercise was cancelled because four people needed to be transported to the hospital for medical appointments. No exercise equipment is provided.

E. Access to the courts and reading materials are inadequate. CCJ fails to provide adequate access to legal and other reading materials.

II. Medical and Mental Health Care and Suicide Prevention.

A. Policies and procedures are inadequate as applied. CCJ has several policies and procedures related to medical care. They have not, however, been fully implemented. In fact, on the day of our investigation, the policy and procedure regarding sick call was rewritten. Our consultant concluded that the policies and procedures were adequate and should be implemented immediately.

CCJ has not addressed the provision of affording privacy to prisoner medical records. Currently, such records are kept in the custody file. This practice is contrary to generally accepted standards.

B. Receiving screening and routine examinations are deficient. CCJ obtains a thorough medical history at intake. It fails, however, to place a copy of this information in inmate files, so that this information will be readily available to a health care professional. Instead, CCJ places an unhelpful, abbreviated medical history summary in the file.

CCJ does not examine or otherwise conduct a health assessment of prisoners. CCJ does not conduct any screening for tuberculosis, nor does it have policies or procedures regarding TB or other communicable diseases.

C. Sick call is deficient. CCJ fails to provide sick call request forms. Inmates access sick call by informing the jailer of medical problems. The jailer, in turn, reportedly phones a medical doctor immediately. Our consultant concluded, however, based upon consistent inmate interviews, that significant delays exist in accessing medical care. Significantly, with exception of the jailer's sparse notes, there is no documentation of, e.g., when sick call requests are submitted or processed, or when medical appointments occur. Unreasonable delays in accessing medical care are unacceptable and compromise the quality of care provided.

D. Physician care is deficient. There is no person with medical training (e.g., in medical screening or medication distribution) present at the Jail. Moreover, there is no health care professional who assumes responsibility for ensuring medical attention is provided to the inmates. CCJ has only an informal agreement with a local doctor who provides services for the prisoners on an as needed basis. While our consultant concluded that the doctor makes efforts to provide services to the Jail, he has no formal responsibility to ensure that care is provided.

E. Mental health care and suicide prevention policies are nonexistent. Mental health services are provided by the County mental health clinic located across the street from the Jail. In practice, our consultant concluded that the mental health care provided is adequate. CCJ, however, does not have formal policies and procedures in place, which are necessary to insure consistent mental health care.

Our consultant expressed serious concern with CCJ's practice of housing suicidal prisoners in a single cell without adequate supervision. Current practices require the provision of close supervision of suicidal inmates by Jail staff.

III. Environmental Health and Safety Deficiencies.

A. Fire safety is deficient. CCJ does not conduct routine fire drills. CCJ does not have an adequate amount of smoke detectors. Indeed, there is only one detector in the facility. Furthermore, while the emergency generator and emergency lighting were in working order during our inspection, CCJ was unable to demonstrate that they routinely check this emergency equipment. Additionally, CCJ fails to have an emergency plan to execute in the event of an emergency or natural disaster.

B. Plumbing is deficient. In the recent past, CCJ has reportedly had very serious problems with its septic tank system, resulting in sewage backing up on the floor whenever a toilet in the facility was flushed. This problem was reportedly corrected only days before our inspection. Additionally, CCJ fails to have a vacuum breaker on the outdoor hosebib. This can result in back-siphonage and water contamination.

The showers at CCJ are deficient and in need of repair. Our consultant discovered numerous showers with mold, mildew and corrosion. Additionally, there is an 18 inch step on all showers which poses a particular danger. Furthermore, our consultant found the water temperature in the showers and lavatories to be too hot. Indeed, the water was so hot that it could cause severe burns.

C. Lighting is inadequate. The lighting in the Jail's housing units is inadequate, measuring below 10 foot-candles.

D. Overcrowding and personal hygiene. The Jail fails to provide adequate, unencumbered floor space to protect against contagious diseases. In the large dorm area, each inmate has only 25 square feet of unencumbered space, half of the generally accepted recommendation.

IV. Remedial Measures Regarding Security and Supervision.

A. Staffing and supervision. Conduct and properly document routine visual inspections of the housing areas. The video monitoring system may be utilized in addition to routine inspections but must not be the sole supervision provided.

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

C. Policies and procedures. Continue to draft and implement comprehensive CCJ policies and procedures which must include, but not be limited to, a classification system, a requirement for incident reports, disciplinary procedures, and suicide prevention measures. 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 rules and regulations, and grievance and disciplinary procedures.

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

V. Medical and Mental Health Care and Suicide Prevention.

A. Policies and procedures. Implement comprehensive CCJ policies and procedures related to medical care immediately. Maintain prisoner medical records separate and distinct from custody records. Ensure that all staff understand and comply with such policies and procedures.

B. Receiving screening and routine examinations. Continue to obtain a thorough medical history at intake. Ensure that such information becomes a permanent part of the inmate's medical record. Complete physical exams must be performed by qualified medical staff within 14 days of an inmate's entry into the Jail.

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

C. Sick call. Provide sick call request forms. 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. Retain the services of a "responsible health authority" ("RHA"). The RHA may be a part-time registered nurse, but must be under a doctor's supervision. The registered nurse must have regular hours and should conduct daily triage and "walkthroughs" of the housing areas.

E. Mental health care and suicide prevention. Create and implement comprehensive mental health policies and procedures to ensure consistent mental health care. Ensure that all staff understand and comply with such policies and procedures.

House suicidal prisoners under appropriate close watch. Mental health professionals should be contacted immediately by Jail staff to address the needs of suicidal inmates.

VI. Environmental Health and Safety.

A. Fire Safety. Conduct and adequately document routine fire drills. Install smoke detectors throughout the housing units. Routinely test and document emergency equipment. Create and post conspicuously throughout the Jail fire exit plans. Develop, based upon consultation with an appropriate professional, written plans for an emergency disaster, e.g., flood or fire.

B. Plumbing. Our consultant concluded that the recent repairs to the septic system should be closely monitored to prevent recurrence; it should be routinely checked by the health department. Provide and maintain a vacuum breaker on the outdoor hosebib.

Repair and clean all showers. Ensure safe entry and exit from the showers; eliminate the 18 inch step necessary to enter or exit the showers.

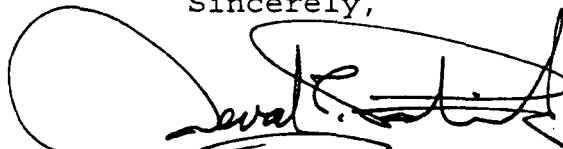
C. Lighting. Provide lighting adequate for reading and sanitation in the housing areas.

D. Overcrowding. Provide each inmate with an adequate amount of unencumbered space.

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, Shanetta Y. Brown, (202) 514-0195, David Deutsch, (202) 514-6270, and Christopher Cheng, (202) 514-8892.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval L. Patrick", with a large, sweeping loop at the beginning and a stylized end.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: Jim Collier, Esquire
County Attorney

Mr. Jim Camp
Sheriff
Calhoun County Jail

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