



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

April 23, 1996

Mr. John Moore
Chairman
Coffee County Commission
101 South Peterson
Douglas, GA 31533

Re: Notice of Findings from Investigation of
Coffee County Jail

Dear Mr. Moore:

On May 12, 1995, we notified you of our intent to investigate the Coffee 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 of prisoners and staff at the facility. We were accompanied on our tour 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 our thanks.

In making our findings, we recognize that CCJ confines both pretrial 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 pretrial 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

CRIPA Investigation



JC-GA-009-001

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 pretrial detainees, the Fourteenth Amendment standard applies to all inmates. Based on our investigation, we believe that conditions at CCJ violate the constitutional rights of prisoners housed there.

The Coffee County Jail consists of two parts, the "old side," built in 1979, and the "new side," built in 1992. The Jail has a reported capacity of 188 inmates. On the day of our tour the Jail housed 107 inmates.

I. Correctional Deficiencies.

A. Inadequate staffing and supervision. CCJ fails to provide adequate inmate supervision. While CCJ has three officer stations at each of the three main housing units, there are only two staff jailers scheduled per shift. Notably, the jailers are responsible for all Jail functions (e.g., bookings, inmate supervision, handling disruptive inmates, transportation to outside medical appointments). This amount of staffing is grossly inadequate and compromises the entire security program, placing inmates and staff at risk.

Because of staff shortages inmates are constantly left unsupervised for significant periods of time. During our tour, no staff member monitored inmates in the maximum or minimum security units where a total of over 50 inmates were housed. Our consultant concluded that such lack of supervision poses a danger to staff and inmates. Indeed, there have been six inmate escapes from CCJ in the past five years. One medium security inmate escaped from the Jail several weeks prior to our tour and was still at large during our inspection. This inmate escaped by removing the glass pane in his cell and sliding through the window.

CCJ inappropriately relies upon inmate trustees, "run-arounds," to perform staff functions (e.g., provide needed hygiene supplies, deliver mail, provide cold drinking water). Indeed, inmates routinely scream the names of the run-arounds for assistance. In many instances, the run-arounds work unsupervised and therefore have the ability to determine whether to respond to an inmate's need or to ignore it. The use of inmate trustees to perform functions where such inmates exercise authority or control over other inmates is unconstitutional.

B. Restraint practices. While CCJ does not have policies and procedures regarding the use of restraints on inmates, CCJ reported that some inmates have in fact been restrained to their beds via wrist and ankle cuffs. These incidents are not

documented. Moreover, there is no indication that restrained inmates are routinely monitored while restrained. This is contrary to generally accepted correctional standards.

C. Abusive management practices. According to our consultant, CCJ has adopted a "management through threats" approach to managing inmates. Some CCJ staff members mentally abuse inmates by threatening them and ignoring their legitimate requests (e.g., requests for hygiene products or medical treatment). While mental abuse is more subtle than physical abuse, it can be just as damaging. All forms of abusive behavior are unacceptable.

Additionally, CCJ staff inappropriately use meals as a means of disciplining inmates. For example, inmate lunches were first reduced by half, and more recently totally eliminated as a result of inmate protests regarding the quality of the meals. Loss of meals must never be used as a punitive measure. Furthermore, inmates reported that they are given insufficient time, approximately five to seven minutes, to eat their meals. In fact, the inmate handbook instructs inmates to eat "quickly." This is contrary to generally accepted correctional practice.

D. Inappropriate housing of juveniles. Juveniles are held at CCJ for a maximum period of 12 hours prior to being transferred to a juvenile facility. While at CCJ, juveniles are housed in Cell 13, referred to by CCJ staff as "the hole." When not in use for housing juveniles, Cell 13 is used to house adult inmates who are being disciplined. Cell 13 is a small one-person cell devoid of both artificial and natural lighting. Living conditions and general sanitation of the cell are grossly deficient. Moreover, the Jail fails to maintain any documentation to verify that regular observation of Cell 13 occupants is occurring. Notably, the cell door is solid steel except for one small opening which remains covered, making it impossible to determine whether the cell is occupied without opening the door. During our tour, CCJ staff believed Cell 13 to be empty when in fact it was occupied by an adult male who had been housed there for several hours. In sum, our consultants found the conditions of Cell 13 to be so deplorable that its use for juveniles and adults should be immediately discontinued. Accordingly, our consultants immediately informed CCJ officials at the conclusion of our tour that the use of Cell 13 should be terminated.

E. Legal access. CCJ inmates are not provided constitutionally acceptable access to the courts. CCJ does not have a law library and refuses to provide inmates access to legal materials. This failure violates the inmates' basic rights.

Additionally, numerous inmates reported that their legal mail, both incoming and outgoing, is opened and read by jailers. Several inmates told of jailers who boasted of having read inmate legal mail by quoting sections of the mail to other inmates. This is completely unacceptable.

F. Inadequate opportunities for out-of-cell exercise. CCJ fails to provide inmates adequate opportunities for out-of-cell exercise. At most, inmates are allowed outdoors twice per week for a total of two hours. Two hours of exercise per week is insufficient and contrary to generally accepted correctional standards. Moreover, numerous inmates reported that they had not been allowed outdoors in several months.

CCJ does not have scheduled times for outdoor exercise for female inmates. Indeed, female inmates are allowed exercise only when a female jailer is assigned to the female dorm and the jailer is willing to allow the inmates outdoors.

No exercise equipment is provided for inmates. Indeed, on the day of our tour, only a child's small, tattered football was provided for the nearly 50 male inmates. Female inmates were not provided any equipment on the day of our tour.

G. Personal hygiene. Nearly every inmate interviewed reported that there are serious delays in receiving personal hygiene products and clean clothes. Numerous indigent inmates reported that they do not receive hygiene items such as soap, toothpaste, underwear, and handtowels. Many indigent inmates reported that CCJ refused to permit them to accept underclothing brought to the Jail for their use by their families.

H. Grievance procedures. The grievance procedure at CCJ was implemented only hours prior to our arrival. Nearly every inmate reported that complaints about conditions result in punitive retaliatory action (e.g., placement in segregation, placement on the "old side" of the Jail, or loss of privileges).

II. Medical Care and Suicide Prevention Deficiencies.

The medical services provided to the inmates at CCJ fail to meet generally accepted medical standards.

A. Receiving screening. Inmates are medically screened by a jailer who uses an inadequate questionnaire to solicit a medical history. The questionnaire is then referred to a nurse who determines whether a physical assessment is needed. Failure to perform complete physical assessments on every inmate increases the risk that serious conditions and communicable disease will go undetected.

B. Screening of infectious diseases. CCJ fails to provide basic screening for tuberculosis and HIV. Further, CCJ has no system to collect important and significant data regarding these infectious diseases. This is woefully inadequate and places inmates at risk.

C. Sick call procedures. Inmates access sick call by completing a sick call slip via jailers. The nurse and chief jailer then jointly review the sick call requests and determine who will be seen by either the nurse or the doctor. This process impedes inmate access to sick call and permits a non-medical person to make medical decisions.

D. Medical policies and procedures. CCJ's medical practices and procedures are merely a compilation of subject memos. Written policies and procedures are necessary to ensure adequate and uniform provision of medical services to all inmates.

E. Deficiencies in continuity of care. Outside medical consultants fail to provide CCJ medical staff with progress notes, reports or written summaries regarding inmates who have been treated. Moreover, no documentation is returned when inmates are treated by the Jail physician in her private office. This lack of documented feedback is substandard and threatens the continuity of care provided to inmates.

F. Dental services. Inmates requiring dental services are referred to a local dentist for treatment. Numerous inmates complained that the dentist will not perform any restorative work (e.g., fillings), but rather extracts teeth based upon any dental complaint. CCJ staff confirmed that the only dental treatment provided is extractions. This is unacceptable.

G. Medication practices. The management of medication at CCJ is inadequate and fails to comport with generally accepted medical standards. Prescription medication is set up by dosage by the nurse. While the medications are then to be distributed by a trained jailer at designated times, numerous inmates reported that trustees actually distribute the medication. This practice poses a significant danger to inmates.

Additionally, CCJ does not have a mechanism to provide for a licensed pharmacist to perform an on-site review of the medication system. Moreover, CCJ fails to verify that prescribed medications in the possession of an inmate at the time of booking are what they purport to be.

H. Medical records. CCJ's inmate medical records are woefully incomplete. The mechanisms in place to document significant medical events are woefully inadequate. Moreover, there is no provision for any degree of confidentiality. Indeed, medical documentation regarding an inmate is recorded in the inmate's confinement record, which is maintained in the jailer's station. This is counter to generally accepted medical standards.

I. Suicide prevention. Cells for suicidal inmates are inadequate and pose a risk of great harm. Our consultant noted fixtures in the suicide-watch cells which are conducive to attempting suicide. For example, in two different cells used to house suicidal inmates, our consultant discovered a cable wire that is used to support shower curtains.

Exacerbating the problem posed by dangerous cell conditions, inmates are placed in suicide cells without proper monitoring. CCJ relies too heavily upon video surveillance. Video surveillance of suicidal inmates is never an acceptable alternative to in-person monitoring. Moreover, at CCJ the video surveillance system fails to capture critical areas of the psychiatric watch cell. Additionally, our medical consultant concluded that the remoteness and complete separation of Cell 13 may even facilitate inmate suicide.

III. Environmental Health and Safety Deficiencies.

A. Fire safety. CCJ's fire safety program is deficient. The Jail does not have an emergency operations plan. Additionally, the fire plan and policies and procedures are outdated and incomplete. CCJ fails to document fire drills and other preventive maintenance (e.g., test of emergency generators).

Our consultant noted several electrical hazards throughout CCJ, namely the inappropriate use of extension cords and ill-repair of wiring, thereby exposing inmates to live wires.

Finally, the clothes dryer is heavily coated with lint, posing a fire hazard.

B. Failure to implement universal precautions. CCJ does not implement universal precautions regarding exposure to body fluids. For example, no procedures are established to protect inmate workers who handle soiled laundry or who clean body fluid spills. Moreover, no written plan is provided regarding the sanitation of shared personal hygiene items, such as hair cutting equipment. Additionally, CCJ deputies are not trained in the use of universal precautions. Indeed, CCJ fails to even have appropriate cleaning and protective equipment available.

C. Laundry practices. Inmates are provided only one jumpsuit. Inmates who submit their jumpsuit for laundering are not given a replacement and therefore must wait significant periods of time for their jumpsuit to be laundered. Inmates who work outside the Jail told our consultant that they are required to wear the same dirty jumpsuit day after day even after working at job sites. Notably, CCJ does not have adequate laundry facilities for the number of inmates housed at CCJ, thereby causing significant delays in accessing clean laundry.

Moreover, CCJ fails to implement a uniform mechanism for identifying the owners of clothing submitted for laundering. This poses a risk of cross contamination.

D. General sanitation deficiencies. Numerous housing areas, particularly on the "old side" of the Jail, are dirty and unsanitary. CCJ does not have a sanitation and housekeeping plan. Inmates reported that adequate cleaning supplies are not routinely provided. Moreover, CCJ has an inadequate pest control system. Small bugs are in all drains, especially in and near showers.

E. Plumbing. Throughout CCJ, toilets, lavatories and showers are in extremely poor repair. For example, hot water is not available in a number of cells. Additionally, CCJ fails to provide an adequate number of toilets, lavatories and showers for the number of inmates housed on the "old side."

Additionally, CCJ does not have vacuum breakers where required by plumbing and health codes. Vacuum breakers are devices which protect against back-flow of contaminated water into the clean potable water system.

Finally, our consultant found in at least two inmate housing areas that the temperature of the hot water was too high, posing a risk of skin burns.

F. Lighting. CCJ fails to provide adequate lighting in inmate housing areas. Indeed, there are no light fixtures in most of the cells and showers on the "old side." Inadequate lighting inhibits adequate cleaning and maintenance of cells, as well as personal hygiene, and causes eye strain.

G. Food services. CCJ dietary allowances have not been reviewed to ensure compliance with nationally recommended basic daily servings. This is unacceptable particularly given the recent elimination of noontime meals, as discussed above.

Additionally, food distribution methods in maximum security violate health and security standards. Newly purchased food trays do not fit through feed slots in the cells. Consequently, food is passed one item at a time through the bars, or passed along the floor underneath the cell. These practices compromise necessary food sanitation.

IV. Remedial Measures Regarding Correctional Deficiencies.

A. Staffing and supervision. Increase the number of qualified deputies and other security personnel to ensure the reasonable safety of inmates. CCJ may not rely upon inmate trustees, "run-arounds," to perform staff functions.

Conduct and properly document, routine and, as needed, sporadic visual inspections of all housing areas. Supervision of the housing areas must not be compromised due to staff scheduling.

B. Restraint of inmates. Inmates are not to be restrained improperly. Should restraint be necessary, proper documentation must be maintained and monitoring must be implemented. CCJ must draft and implement policies and procedures regarding use of inmate restraints.

C. Management practices. Immediately discontinue the use of threats and other abusive techniques. Ensure that the staff is trained in basic human behavior and communication techniques.

Meals may not be used as a means of discipline. Inmates must be provided an adequate amount of food and sufficient time to eat their meals.

D. Inappropriate housing of juveniles. Ensure the proper housing of juveniles. Cell 13 must never be used for juvenile housing.

Ensure adequate living conditions in Cell 13 prior to using this Cell to house adults. Proper monitoring of cell occupants must be conducted and documented.

E. Legal access. Ensure that inmates are afforded reasonable access to legal materials.

Legal mail, both incoming and outgoing, may not be read by correctional staff.

F. Opportunities for out-of-cell exercise. Ensure that inmates are provided with exercise, outdoors when weather permits, one hour per day, five days per week. Reasonable exercise equipment and activities should be provided for both outdoor and indoor exercise.

G. Personal hygiene. Ensure that personal hygiene items are made reasonably available to every inmate.

H. Grievance procedure. Ensure that staff receive training regarding the inmate grievance procedure. Supervisory staff must enforce the implementation of the procedure. Ensure that grievance procedures are fully explained to every inmate. Staff must not retaliate against inmates who file grievances. Detailed records should be maintained regarding all grievances received and actions taken.

V. Remedial Measures Regarding Medical Care and Suicide Prevention.

A. Receiving screening. The receiving screening form must be revised in order to solicit information regarding specific medical conditions. Ensure that every inmate receives a complete physical assessment within 14 days of intake.

B. Screening of infectious diseases. Create and implement a comprehensive tuberculosis and HIV screening program. Inmates housed in CCJ for more than seven days must be tested for tuberculosis and other communicable diseases, as appropriate.

C. Sick call procedures. Ensure unimpeded access to medical care. Sick call slips must be 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. Medical policies and procedures. Create and implement comprehensive written medical policies and procedures for the provision of medical care.

E. Continuity of care. CCJ must ensure that the Jail physician and outside consultants provide CCJ with written progress notes, reports or summaries for each inmate rendered medical service. It is so imperative that such documentation be received that our consultant suggests that CCJ should condition payment of consultant fees upon receipt of such documentation.

F. Dental services. Ensure that adequate dental services are provided to all inmates within a reasonable amount of time. Dental services may not be limited to extractions.

G. Medication practices. Ensure that only qualified, trained CCJ staff administer medication to inmates. Ensure the annual on-site review of the medication system by a licensed pharmacist. Ensure that proper procedures are followed regarding the possession of medication by inmates.

H. Medical records. Ensure the confidentiality of medical records. Inmate medical records must be maintained separately from confinement records.

I. Suicide prevention. Ensure the proper housing and monitoring of suicidal inmates. Video surveillance alone is not acceptable. Ensure the prompt removal/correction of any fixtures that are conducive to suicide.

VI. Remedial Measures Regarding Environmental Health and Safety.

A. Fire safety. Create and implement a comprehensive fire safety program. Document compliance. Update CCJ's fire safety plan, policies and procedures. The fire plan must be reviewed and approved by the Fire Marshal. Conduct and document routine fire drills. Fire drills must be conducted on each shift at least quarterly, in all locations. Conduct and document preventive maintenance of emergency equipment.

Eliminate all electrical hazards. Ensure the proper use of extension cords and proper repair of wiring. Inmates must not be exposed to live wiring.

Ensure the daily cleaning of the clothes dryer.

B. Failure to implement universal precautions. Draft and implement policies and procedures regarding the use of universal precautions in the event of exposure to body fluids. Ensure that CCJ jailers are properly trained in the use of universal precautions. Appropriate cleaning and protective equipment must be provided. Ensure proper sanitation of shared personal hygiene items.

C. Inadequate laundry practices. Ensure the proper laundering of inmate clothing. Implement an exchange system where inmates are given articles of clothing in exchange for clothing submitted for laundering.

Ensure an adequate amount of laundry facilities for the number of inmates housed at CCJ. Inmates must have reasonable access to clean clothing.

Implement a uniform mechanism for identifying the owners of clothing submitted for laundering.

D. General sanitation deficiencies. Thoroughly clean and sanitize the Jail, particularly the "old side." Create and implement a sanitation and housekeeping plan to ensure the proper routine cleaning of housing and shower areas. Adequate cleaning supplies must be provided to inmates. Ensure that proper pest control services are utilized.

E. Plumbing. Repair and maintain toilets, lavatories and showers. Provide hot and cold running water in inmate housing units. Provide an adequate number of toilets, lavatories and showers for the number of inmates housed in all areas of CCJ.

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

Ensure proper regulation of water temperature in inmate housing units.

F. Lighting. Ensure adequate lighting in inmate housing and shower areas.

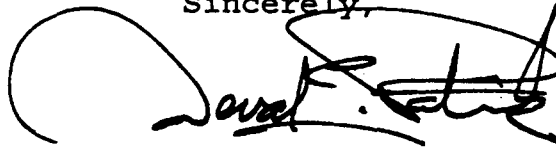
G. Food services. Ensure the nutritional adequacy of inmate meals. Ensure the annual review of inmate meals by a registered dietician. Menus must be evaluated at least quarterly to ensure compliance with nationally recommended basic daily servings.

Inmate meals must be delivered in a sanitary manner.

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. Section 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 your response 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 or David Deutsch (202) 514-6270.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval L. Patrick", with a large, sweeping loop on the left side.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

cc: Keith H. Solomon, Esquire
Coffee County Attorney

Mr. Carlton Evans
Sheriff
Coffee County Commission

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