



JC-MS-001-001

WBR:AEP:PSL:CAS:drb
DJ 168-41-93

NOV 4 1986

Honorable George Smith
President
Hinds County Board of Supervisors
316 South President Street
Jackson, Mississippi 39205

Re: Hinds County Detention Center

Dear President Smith:

11/20
1/20
On March 11, 1986, pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. §1997, we wrote you to let you know of our intention to investigate conditions at Hinds County Detention Center (HCDC), Jackson, Mississippi. The purpose of our investigation was to determine whether the federal constitutional rights of persons residing in HCDC were being violated through a pattern or practice of confining noncriminal mentally-ill persons therein without adequate safeguards.

On April 2, 1986, after meeting with you, Sheriff J.D. McAdory, and County Attorney Joe B. Moss Jr., a Department of Justice attorney toured the facility and obtained records from the Sheriff's Department and the Chancery Court. Our findings are based on that tour and a review of those records. Throughout the investigation, county officials and employees provided substantial assistance, and we thank you and others involved for these efforts.

Our investigation confirmed that the conditions at HCDC deprived noncriminal mentally-ill detainees of rights secured by the 14th Amendment to the Constitution. Such mentally-ill persons have rights to adequate medical care, reasonably safe conditions of confinement, and that degree of treatment necessary to ensure that they are not exposed to unreasonable risks to their personal safety and are free from undue bodily restraint. Youngberg v. Romeo, 457 U.S. 307, 324 (1982). Decisions reasonably calculated to protect those rights must be made through the exercise of professional judgments by

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professionals qualified to make such judgments. Id. at 321-325. In addition, conditions of confinement at a facility such as HCDC must not amount to punishment of persons who have not been convicted of any crimes. See Bell v. Wolfish, 441 U.S. 520 (1979).

HCDC is neither physically equipped nor appropriately staffed to meet these minimum constitutional requirements. We recognize that individuals who display violent behavior and are suspected to be mentally-ill may, on occasion, require emergency safekeeping at HCDC both for their own protection and for the protection of the general public. Nevertheless, since HCDC does not provide any professional mental health care or treatment, the period of time they may be detained must be no longer than is reasonably necessary to arrange for transfer to a facility staffed and equipped for their proper care and confinement.

Conditions of Confinement at HCDC

The records we have reviewed establish that persons diagnosed as having serious and dangerous mental disorders have been routinely held at HCDC for periods of up to eleven days pending admission to a state mental hospital or other mental health facility. 1/ The sole reason for which these persons have been deprived of their liberty is that they are seriously mentally ill and potentially dangerous to themselves or others. However, no mental health professional determined that their physical restraint at HCDC constituted appropriate treatment, and they were provided no mental health services or treatment whatsoever during their detention.

1/ Mississippi law permits detention in county jails of certain persons reasonably believed to suffer from mental illness, pending a formal commitment hearing, for a period of up to 10 days. However, the vast majority of mentally-ill detainees held at HCDC had been professionally diagnosed and civilly committed to a state mental hospital within a day of being taken into custody. These persons continued to be confined to HCDC after the hospital, as authorized by state law, refused admission due to unavailability of services and facilities. During the period February 7 through March 28, 1986, forty-two persons were held at HCDC as mentally-ill civil detainees.

Male mentally-ill detainees were confined apart from jail inmates in a small cell designed to serve as the "drunk tank." Some of the detainees were placed in hand and leg irons to further restrain aggressive behavior. Female mentally-ill detainees were held in a regular cell in the women's section of the jail where convicted female felons are housed. Thus, mentally-ill detainees were subjected both to unsafe conditions of confinement and to unreasonable physical restraint in the absence of any professional judgment by a competent and qualified mental health professional.

Further, the confinement of noncriminal mentally-ill individuals under these circumstances amounts to punishment without due process in violation of their 14th Amendment rights. At HCDC, these persons were confined to a jail where they received no mental health treatment and were exposed to conditions that are both dangerous and may actually exacerbate their mental illness. HCDC is a facility operated primarily for the punishment of convicted felons and the detention of persons accused of crimes. It is cruel and unusual punishment deliberately to ignore the serious medical needs of HCDC inmates convicted of crimes by denying them the medical care necessary to assure their reasonable safety. See Estelle v. Gamble, 429 U.S. 97, 103 (1976). Nor may persons accused but not convicted of a crime be detained under such conditions, since to do so would impermissibly subject them to punishment without due process. Bell v. Wolfish, supra. HCDC can be held to no lesser standard with respect to noncriminal mentally ill persons who have been deprived of their liberty for treatment of their mental illness. See Youngberg v. Romeo, 457 U.S. at 102; Bell v. Wolfish, 441 U.S. At 535-539.

We are aware of the June 26, 1986, order of Chancellor Barnett that persons found by the court to be in need of treatment for a mental condition shall be temporarily housed at Hinds County General Hospital or Riverside Hospital pending admission to a state facility and shall not be confined to HCDC. The United States, however, is not a party to the proceeding under which that order was issued and has no authority to assure enforcement of the Chancellor's ruling. Therefore, we

will continue to monitor conditions at the facility for a reasonable period to insure that the unconstitutional conditions of confinement which we have observed will not recur.

Again, we thank you for your cooperation. We trust that this matter has been satisfactorily resolved.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

Enclosure

cc: Honorable Joe B. Moss, Jr.
County Attorney

J.D. McAdory
Sheriff

George Phillips, Esq.
United States Attorney