



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20531

REGISTERED MAIL
RETURN RECEIPT REQUESTED

SEP 9 1993

Mr. Robert Eleuterius
President
Harrison County Board of Supervisors
1801 23rd Ave.
Gulfport, Mississippi 39502

Re: Notice of Findings of Investigation,
Harrison County Jail

Dear Mr. Eleuterius:

On May 3, 1993, we notified you of our intent to investigate the Harrison County Adult Jail (hereinafter "Jail") pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. Section 1997 et seq. Consistent with statutory requirements, we are now writing to advise you of the findings of this investigation. Throughout the course of this investigation, County officials, including the Sheriff, County Attorney, Jail Warden and other jail personnel, provided us with substantial assistance and their full cooperation. Our consultants expressed appreciation for this assistance, and we wish to join them in thanking you for your cooperation.

In making our findings, we recognize that Harrison County Jail 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 deprived of their basic human needs while incarcerated. See Estelle v. Gamble, 429 U.S. 97 (1976). With respect to the 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 punishment. Wilson v. Seiter, ___ U.S. ___, 111 S.Ct. 2321 (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.

U.S. v. Harrison Co.



JC-MS-013-002

Based on our investigation, we believe that conditions at the Jail violate the constitutional rights of the prisoners confined therein. These conditions are:

I. Inadequate Security and Supervision.

1. There is a severe lack of staffing which jeopardizes the safety of inmates and the security of the facility. Each of the four cellblocks (three of which hold up to 192 inmates) has only one officer, who is stationed and must remain in a central observation room. In the event of a disturbance, this officer must summon outside help. This staffing arrangement poses significant safety and security problems. Known incidents of inmate aggression, sexual assaults, sexual activity involving female inmates, and a recent major escape that may have been avoided with proper staffing attest to the dangers presented.

2. The training provided to Jail officers is inadequate. Currently, the only training offered is a correspondence course administered by the National Sheriff's Association. While this course is helpful, additional officer training, both pre-service and in-service, is needed to ensure overall security and safety in the Jail, given its size and the types of inmates confined there.

3. Inmates are subjected to disciplinary actions that are unnecessarily and excessively harsh, in violation of their Fourteenth Amendment rights. The Jail has a "strip cell" (Block B, section F, cell 148) which is being used for disciplinary segregation purposes. It is completely bare except for a primitive toilet (made of concrete) and a sink with a faucet. The water is controlled outside the cell. Such excessively harsh conditions do not appear to be justified by any legitimate governmental objective.

4. There is inadequate control of dangerous materials. Large kitchen knives are currently accessible to inmates and inmate trustees who work in the kitchen. Also, syringes and needles are kept in an unsecured drawer, and prescription medications are kept in an unsecured refrigerator in an unsecured room. These potentially dangerous items must be properly secured and accounted for.

5. The Jail fails to afford inmates adequate access to the courts. The Jail has no law library and fails to provide inmates adequate access to legal materials for research and writing.

II. Medical and Mental Health Care and Suicide Prevention.

1. Medical care at the Jail is inadequate. In particular, deficiencies include: a shortage of medical staff (resulting in the LPN practicing beyond the scope of her license); virtually no

medical screening of inmates at intake; inadequate sick call access procedures; inadequate system of procuring, storing and dispensing of medication; ineffective TB control program; the practice of having inmates with medical problems sleeping on floors; and allowing inmate trustees access to medical records.

2. The Jail does not provide adequate mental health care services. Specifically, the Jail has no provision for consultation with a psychiatrist regarding the mental health needs of the inmate population.

3. The facility lacks an adequate suicide prevention program. Specific deficiencies include: inadequate suicide prevention policies and procedures (including suicide screening at intake, general identification and assessment of inmates at risk, and supervision and observation of inmates placed on suicide watch); no staff training in suicide prevention; poor communication of information between staff members; failure to ensure involvement of mental health professionals in the delivery of services; and lack of proper rescue equipment.

MINIMUM REMEDIAL MEASURES

To rectify these deficiencies at the Jail and to ensure that constitutional standards are achieved, we recommend that the following minimum remedial measures be implemented:

I. Security and Supervision.

1. Maintain, at each of the four inmate housing units, at least one staff person on duty 24 hours a day in the unit control room and one staff person on duty 24 hours a day as a rover for the unit. In addition, the facility's main control center should be staffed around the clock.

2. Implement a comprehensive jail officer training program. The training should be at periodic intervals and documented in writing.

3. Discontinue the use of the facility's strip cell (Block B, section F, cell 148) for disciplinary purposes.

4. Implement security measures to ensure proper control of the large knives in the kitchen and of medical supplies such as needles, syringes and medication. These measures should include storage in locked, secure areas and establishment and maintenance of an inventory system.

5. Provide adequate access to law books and writing materials for inmates.

II. Medical and Mental Health Care and Suicide Prevention.

1. To ensure provision of adequate medical care, the facility must:

a. Hire or contract for the services of a full-time qualified medical professional, e.g., a registered nurse, to enhance the current staff and to provide adequate on-site services.

b. Schedule physician sick call at least three times per week at the facility.

c. Ensure that a physician makes periodic rounds at each of the housing units.

d. Implement a structured TB screening program for all inmates incarcerated seven days or more and provide adequate screening for other communicable diseases, preferably in consultation with the county health department.

e. Ensure that all medical screening forms which indicate a medical problem are reviewed by a qualified medical professional and become part of the inmate's medical record.

f. Medications must be stored securely, accessible only to authorized personnel. Officers who dispense medications must be trained in proper administration of medications and recognition of side effects of commonly used medications.

g. Cease the practice of having inmates with medical problems sleep on the floor.

h. Contract with a pharmacist or other qualified professional to review drug management at the facility.

i. Ensure that any inmate trustees in the medical clinic do not have access to inmate records or control over inmate access to services.

2. To ensure provision of adequate mental health care services: employ a psychiatrist on at least a part-time basis or otherwise ensure a psychiatrist is available for consultation regarding the mental health needs of inmates.

3. To ensure adequate suicide prevention, the facility must:

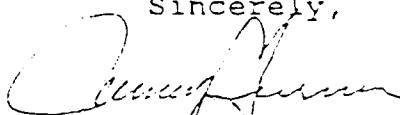
a. Develop and implement specific procedures regarding jail suicide prevention.

- b. As part of the Jail officer training program described above, ensure that each officer is trained in identifying signs or symptoms of suicidal tendencies and suicide prevention.
- c. Ensure that medical screening upon intake includes adequate inquiry to identify severe depression or persons at risk of committing suicide.
- d. Ensure that inmates at risk of suicide are frequently and regularly observed and that such observations are recorded in writing.
- e. Enhance the regularity and continuity of mental health care services, which are currently being provided by the Gulfport Mental Health Center and the Center's psychiatrist. Such enhancement should include mental health staff review of medical screening forms, assessment and evaluation of mentally ill and suicidal inmates, communication with a qualified medical professional to ensure appropriate inmate medication, and availability of a mental health provider on-call 24 hours a day for crisis intervention services.
- f. Purchase appropriate rescue equipment (e.g., a rescue tool for cutting fibrous material, disposable rubber gloves, and a CPR pocket mask), to ensure that staff can effectively intervene if an inmate attempts suicide.

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). That period expires on October 28, 1993. — Therefore, we anticipate hearing from you before that date with any response you may have to our findings and a description of the specific steps you will 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 unconstitutional 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 Timothy R. Payne, Senior Trial Attorney, Special Litigation Section, at (202) 514-6441.

Sincerely,



James P. Turner
Acting Assistant Attorney General
Civil Rights Division

cc: Joseph R. Meadows, Esquire
Harrison County Board
of Supervisors Attorney

Mr. Rick Gaston, Warden
Harrison County Jail

Mr. Joe Price
Harrison County Sheriff

George L. Phillips, Esquire
United States Attorney
State of Mississippi
Southern District