

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

C.B., by and through his next friend, Charleston DePriest, et al.)	Civil Action No. 3:10cv663
)	
)	
Plaintiffs,)	1st REPORT OF MONITORS
)	pursuant to:
)	CLASS ACTION
)	<u>CONSENT DECREE</u>
v.)	
)	August 27, 2012
Walnut Grove Correctional Authority, et al.)	Supplemented:
)	October 2, 2012
)	
Defendants.)	
)	

I. INTRODUCTION

Pursuant to Section IV of the above referenced *Consent Decree*, the Monitors are to submit reports to counsel every four months on the defendants' compliance with provisions of the decree. The Monitors requested an extension from counsel for an additional month in which to file the first report. After receiving comments from counsel, their comments were incorporated, and additional updated compliance information was added in order to make the report as current as possible. This first report chronicles the monitors' activities since approval of the decree on March 26, 2012, and provides observations and findings on the specific provisions of the substantive remedial measures provided in Section III of the *Consent Decree*.

II. METHODOLOGY

During the first two weeks of April 2012, the Monitors had numerous telephonic conference contacts with the Deputy Commissioner of the Mississippi Department of Corrections (MDOC) in order to establish monitoring protocols and to set an initial site inspection of the Walnut Grove Youth Correctional Facility (WGYCF) for Monitor Martin. The

officials and very active collaboration between those officials and the Monitors, concrete steps are being taken on a daily basis to abate in the coming months the unsafe conditions that have existed at WGYCF at varying levels for many years.

In May 2012, the Deputy Commissioner in collaboration with the Monitors developed and implemented staffing protocols that enhanced supervision of the housing units by more effective deployment of available staff. Immediate steps were also taken to increase out-of-cell time for inmates at the facility. Finally, the Deputy Commissioner began to work actively with the health care providers to put in place a new set of suicide prevention policies and procedures. While these measures were being advanced, MDOC officials terminated their contract to manage and operate the facility with the GEO Group, Inc. and entered into a new contract, which took effect on July 2, 2012, with the Management and Training Corporation (MTC). On June 25, 2012, the Monitors, in collaboration with the Deputy Commissioner, met with the MTC management officials to provide our recommendations to increase the

in a planned use of force to check for medical contra-indications for use of chemical agents.

A review of all use of force incidents for July 2012 indicates that officers are providing written detailed descriptions of their physical intervention and that each incident is subject to review by appropriate supervising officials.

While both SOP 16-13-01 (Use of Force) and SOP 16-23-01 (Chemical Agents) require training/certification for any staff utilizing chemical agents, these provisions were seriously violated in an incident that occurred at WGYCF on August 4, 2012 (see Attachment 4). This was an incident precipitated by a group of inmates on Unit 4 Pod A refusing to return to their cells. Two facility officials (including the Warden) utilized chemical agents and

Observations:

List of Prisoners in Long-Term Segregation at WGYCF

Last Name	First Name	Date Admitted	Days in Seg	Next Review Date	Reason
Williams Bradley	Willie	9/20/11	342	10/17/12	Disruptive Gang Activity

E. Disciplinary Due Process and Grievances

- (1) Due Process for Imposition of Disciplinary Sanctions.
Recommended Compliance Finding: **Deferred**

Observations: SOP 18-01-01 Disciplinary Procedures (Effective 8/1/12) meet the requirements of this provision. This provision will be subject to monitoring of hearing packets and observation of actual hearings.

- (2) Adequate Grievance Procedures. Recommended Compliance Finding: **Deferred**

Observations: SOP 20-08-01 Grievance Procedures (Effective 8/1/12) meet the requirements of this provision. This provision will be subject to monitoring of actual grievances and the manner in

A review of all July 2012 incidents involving any level of suicide risk reflect a high incidence of suicidal thoughts and gestures by WGYCF inmates as there were no less than thirty-eight such incidents. There were three of these incidents that went beyond suicidal thoughts (one inmate cut his wrists while two inmates were observed with ligatures). A review of the medical health care records related to these incidents indicate timely assessments are being made by mental health care professionals to determine the level of risks/precautions for managing these inmates. It is evident from the review of the health care records that some inmates continue to feign suicidal thoughts knowing they will be removed at least temporarily from their housing assignment, e.g., "I was just trying to get out of the heat on the zone." This pattern will be closely monitored as it will hopefully diminish as the housing units are made safer by improved staffing and supervision.

G. Medical Care

- (1) Provision of Adequate, Appropriate, and Timely Medical and Dental Care. Recommended Compliance Finding: **Deferred**

Observation: The Monitors will discuss with the parties how this provision will be monitored, i.e., possible retention of a qualified health care professional to provide the necessary expertise to allow the monitors to enter compliance findings.

- (2) Prohibition on Housing Inmates with "Serious Mental Illness." Recommended Compliance Finding: **Deferred**

Observation: In discussions with the Health Services Administrator (HSA) for WGYCF, it is evident that protocols need to be developed to implement this provision of the

reviews by a mental health care professional to determine whether they remain stable; 2) heightened reviews for placement of SMIs in segregation; 3) consultation with a mental health care professional during the RVR disciplinary hearing process. With these additional safeguards, the Monitors recommend to the parties and the Court that these 115 SMI inmates remain housed at WGYCF so long as they can be safely and appropriately managed there.

- (3) Out-of-Cell Activity for Inmates Who Are in Need of Medical Care. Recommended Compliance Finding: **Deferred**

Observation: A specific protocol will need to be developed to define operationally what this provision requires.

H. Contract Monitoring and Revisions

- (1) Development and Implementation of Comprehensive Contract Monitoring Policies and Procedures. Recommended Compliance Finding: **Partial Compliance**

Observations: SOP 16-29-01 Contract Monitoring Program