

**IN 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.)
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Plaintiffs,)
))
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v.)
))
))
Walnut Grove Correctional)
Authority, et al.)
))
Defendants.)
_____)

Civil Action No. 3:10cv663

2nd REPORT OF MONITORS
pursuant to:
CLASS ACTION
CONSENT DECREE

April 1, 2013

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. This reporting requirement also includes the provisions of the *Memorandum of Agreement Mental Health-WGYCF*. This *Second Report* chronicles the Monitors' activities since October 2012, and provides observations and findings on the specific provisions of the Substantive Remedial Measures of the *Consent Decree* and the *Memorandum of Agreement Mental Health* .

II. METHODOLOGY

During this reporting period, the Monitors received and reviewed a constant stream of information and data provided by MDOC and WGYCF officials. Much of this material is provided through routine reports such as incident reports, staffing rosters, and inmate

classification data. Additional material has been generated at the requests of the Monitors such as information on Level of Care "C" inmates (LOC-C) and reports on inmates who are repeatedly involved in assaultive behavior at the facility. We have also reviewed the reports of inmate interviews routinely conducted by Alesha C. Judkins, Senior Advocate, Southern Poverty Law Center. In addition to review of these materials, routine and frequent conference calls/contacts occur on an almost weekly basis between the MDOC Deputy Commissioner and the two Monitors in order to stay current on compliance activities and issues related thereto.

During the course of this reporting period, the Monitors have conducted three site inspections. Two of these site inspections occurred during December 2012, with each Monitor making a separate inspection. The third inspection, conducted by both Monitors, occurred on February 7-8, 2013. During and subsequent to each of these site inspections, the Monitors made recommendations to both MDOC and WGYCF officials on a number of compliance issues, detailed below.

III. SUMMARY

WGJCF continues to be plagued with clear signs of instability as evidenced by, among other things, high rates of inmate assaults, lockdowns, contraband control issues, and management of special populations. The assault rate at WGJCF for 2012 was the highest of all the MDOC facilities. Through the first two months of 2013, assaults involving weapons continue to occur at alarming levels. During the reporting period, there have been at least two facility lockdowns related to serious group assaults at the facility. Inmates continue to routinely be found in possession of serious contraband such as cell phones, weapons, and drugs. For example, in December 2012, a cache of contraband was detected that included, among other things, eight hack-saw blades, 12 cell phones, 22 cell phone chargers, five bags of tobacco, and

use of force incidents; 5) appointment of a grievance coordinator; 6) improved delivery of educational programming; 7) improved inmate disciplinary procedures for inmates with mental health designations; 8) development of inmate tracking data to assist management in setting operational priorities; 9) development of more robust and timely case management plans and classification committees; 10) development of an auditing system that requires the MTC consent decree monitor to actively review classification decisions, case management plans, and housing decisions.

IV. OBSERVATIONS AND FINDINGS ON SUBSTANTIVE REMEDIAL MEASURES (*Consent Decree, Section III*)

A. Classification and Housing System

(1) The MDOC will utilize a classification system that ensures prisoners are appropriately and safely housed within WGYCF. Recommended Compliance Finding: **Partial Compliance**

Observations: As noted in the *1st Report*, the MDOC already has an external classification system that has been evaluated and validated some years ago. What is missing at the WGYCF is an effective internal classification system that ensures prisoners are properly assigned to various housing units based on their risk and security needs.

Until an internal classification system has been fully implemented the MDOC will not be able to reach full compliance with this *Consent Decree* requirement.

During the last on-site visit, the need to implement the internal classification system was discussed and accepted by both the MDOC and the facility operator (MTC). One of the issues that had been discovered by virtue of the recommendation by the Monitor that a case manager interview each inmate involved in a serious incident was that prison gangs were gaining control of certain program/work assignments and housing areas.

It was strongly recommended by the areas.

As of October 2012, there were 1,140 inmates. Of that number, 340 prisoners were classified as close custody with another with another

Table 1. Custody Level by Unit

| Unit | CLOSE | MEDIUM | MINIMUM | Unit | CLOSE | MEDIUM | MINIMUM |
|------|-------|--------|---------|------|-------|--------|---------|
| 3A | 51 | 1 | 0 | 6B | 1 | 56 | 2 |
| % | 96% | 2% | 0% | % | 2% | 95% | 3% |
| 3B | 53 | 0 | 0 | 6C | 0 | 54 | 0 |
| % | 100% | 0% | 0% | % | 0% | 100% | 0% |
| 3C | 54 | 0 | 0 | 6D | 1 | 56 | 3 |
| % | 100% | 0% | 0% | % | 2% | 93% | 5% |
| 3D | 52 | 0 | 0 | 7A | 0 | 54 | 5 |
| % | 100% | 0% | 0% | % | 0% | 92% | 9% |
| 4A | 17 | 18 | 1 | 7B | 0 | 60 | 0 |
| % | 47% | 50% | 3% | % | 0% | 100% | 0% |
| 4B | 56 | 0 | 0 | 7C | 37 | | |

Table 2. Units Where Most Assaults and Fights Are Occurring

| Unit | Average Number of Assaultive RVR's since placed at WGCf | Average Number of B8 RVR's since placed at WGCf | Total | Age | Average Number of Days in WGCf |
|---------|---|---|-------|------|--------------------------------|
| WGCf 3A | 0.1 | 0.1 | 0.2 | 27.3 | 556.1 |
| WGCf 3B | 0.4 | 0.1 | 0.5 | 27.0 | 499.7 |
| | 0.4 | 0.4 | 0.8 | 20.5 | 814.1 |
| | 0.4 | 0.3 | 0.7 | 20.4 | 772.3 |
| | 0.6 | 0.7 | 1.3 | 22.4 | 679.4 |
| | 0.3 | 0.1 | 0.4 | 27.5 | 450.9 |
| | 0.6 | 0.7 | 1.3 | 25.3 | 744.3 |
| | 0.9 | 0.6 | 1.5 | 21.9 | 486.7 |
| | 0.1 | 0.1 | 0.2 | 20.9 | 407.6 |
| | 0.0 | 0.1 | 0.1 | 24.7 | 397.7 |
| | 0.1 | 0.1 | 0.2 | 21.2 | 445.7 |
| | 0.0 | 0.0 | 0.0 | 21.2 | 418.3 |
| | | | | 21.7 | 446.3 |
| | | | | 20.9 | 549.6 |

facilities. As shown in Table 3, the WCF rate is over three times the rates if the major MDOC facilities. While so

an adjunct to the current system of individual officers and supervisors exchanging information during shift changes. As a result,

(3-12) Use of Force and Chemical Agents. Recommended Compliance Finding: Partial Compliance

Observations In the previous report it was noted that SOP 2301 Use of OC Spray, did not contain: 1) provisions to weigh chemical agent containers at the beginning and conclusion of a shift 2) provisions

Observation The ROS program no longer permits or requires any physical exercise that inflicts pain or discomfort and there have been no allegations that such impermissible exercises have occurred.

C. Long-Term Cell Confinement

(1) MDOC will subject prisoners to long-term confinement except in conformity with this consent decree. Recommended Compliance Finding: Compliance.

List of Prisoners in Long-Term Segregation at WCCF

| Name | MDOC# | Date Admitted | Days in Segregation | Next Review Date | Reason |
|------|-------|---------------|---------------------|------------------|--|
| | | 1/24/2013 | 38 | 4/24/2013 | Multi entries-disruptive gang activities |

D. Programming and Behavior Management

(1) Removal of the Paramilitary Elements of the Regimented Inmate Discipline Program (RID). Recommended Compliance Finding: Substantial Compliance (see 1st Report).

(2) MDOC Will Develop a Behavior Management Policy that Incorporates Graduated Sanctions for Rule Violations, and Positive Incentives for Good Behavior. Recommended Compliance Finding: Substantial Compliance (see 1st Report).

Observations In the Plaintiffs comments to the draft of the 2nd Report of ORQLWRUV WKH\ QRWHG WKDW ³WKH 0'2 & GLVFLSO GRHV QRW DSSHU WR RIIHU DQ\ V\VWHP RI SRVLW and WGJCF offer a series of positive incentives as part of their management scheme, it is not offered within the context of the disciplinary rules and procedures. This approach is consistent with sound correctional practice. It is noted that currently under development by MDOC and WGJCF managers is a program that will provide a series of additional privileges to inmates who establish disciplinary free

utilizing this area for risk management rather than the Close Observation Unit. The facility Health Services Administrator (HSA) was receptive to this option, but emphasized the need to retrofit the rooms/cells in order to safely house such inmates. Toward this end, the Deputy Commissioner advised the Monitor on February 25, 2013, that he has already started the process to retrofit the rooms/cells in order to eliminate the housing of suicide risks in the Close Observation Unit.

G. Medical Care

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

Observations

population at the facility. Among the options discussed were the following: 1) the transfer of some number of these inmates to facilities with more specialized mental health care services; 2) development of dedi

collaboration has been ongoing since the inception of the monitoring team. MDOC has promulgated a whole series of policies, procedures, classification and staffing plans to effectuate the terms of the consent decree, this process continues. In the draft of this 2^d Report of Monitors, the Plaintiffs counsel provided a spreadsheet identifying policies that in their view do not comply with the Consent Decree. The Monitors have reviewed this spreadsheet and will utilize it as an aid in the

