

# FEDERAL PUBLIC DEFENDER

## NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI

S. DENNIS JOINER  
Federal Public Defender

GEORGE L. LUCAS  
Senior Litigator

TOM TURNER  
Research & Writing Specialist

200 SOUTH LAMAR STREET - SUITE 100-S  
JACKSON, MISSISSIPPI 39201  
(601) 948-4284 FACSIMILE (601) 948-5510

911 JACKSON AVENUE EAST - ROOM 213  
OXFORD, MISSISSIPPI 38655  
(662) 236-2889 FACSIMILE (662) 234-0428

2510 14<sup>th</sup> STREET - SUITE 902  
GULFPORT, MISSISSIPPI 39501  
(228) 865-1202 FACSIMILE (228) 867-1907

Asst. Federal Public Defenders  
OMODARE B. JUPITER  
KATHRYN N. NESTER  
ABBY BRUMLEY

Oxford  
GREGORY S. PARK  
KEVIN J. PAYNE

Gulfport  
JOHN W. WEBER III  
ELLEN M. ALLRED

April 11, 2008

Nehemiah Flowers  
U.S. Marshal's Office  
P.O. Box 959  
Jackson, MS 39205

Dunn Lampton, Esq.  
United States Attorney  
188 East Capitol Street, Suite 500  
Jackson, MS 39201

Criminal Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66018  
Washington, DC 20035-6018

Coordination and Review Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66560  
Washington, DC 20035-6560

RE: Federal Inmates in Madison County Detention Center

Ladies and Gentlemen:

The Office of the Federal Public Defender ("FPD") continues to receive complaints about the operation of the Madison County Detention Center, which houses federal inmates pursuant to a contract with the United States Marshal's Office. Inmate complaints range from serious incidents, such as excessive use of force, to minor incidents, such as the poor quality of food and personal hygiene issues.<sup>1</sup>

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<sup>1</sup>Although we may consider the latter incidents "minor" in the overall scheme of inmate complaints, they certainly are not minor in the eyes of the inmates themselves.

Criminal Justice Act panel attorneys have received inmate complaints as well. One panel attorney received complaints of his client being issued soiled underwear. An attorney informed the undersigned that access to his client was restricted. The panel attorney recently appeared at the Madison County Detention Center and was denied access to his client and told to come back at a designated time the following Monday. The attorney left the jail, returned the following Monday as instructed, and was once again denied access to his client because it was purportedly a holiday.

Panel attorneys also complain of the difficulty of getting a laptop into the conference room or library of the jail when they meet with their clients. This is of utmost importance because the Government provides discovery on computer discs. Without a computer in the jail, the panel attorneys cannot review the discovery materials with their clients, which seriously impairs the ability to prepare for a fair trial.

Another serious issue is inmate complaints of inadequate medical care. As an example, in the past inmates brought their prescription medicine to district court to prove that they are outdated. Prescriptions that are two to three years outdated have been brought to the court's attention.

As we all know, inmates are sometimes offered the opportunity to cooperate with the Government for a reduced sentence. Recently, inmates have complained to the FPD and panel attorneys that conditions at the Madison County Detention Center are so bad that they would prefer to be transferred and lose the chance for a reduced sentence rather than spend another night in the Madison County Detention Center. This scenario reflects the inhumane conditions of the jail; i.e., an inmate would prefer to suffer a lengthened jail term rather than remain at the Madison County Detention Center and enjoy the possibility of getting out of jail early.

Recently, an inmate complained that he was ordered to remove a towel from around his neck. He did as requested, then two deputies came in the cell and removed his cell mate. After the cell mate was out of sight, the deputies beat him (the inmate who was ordered to remove the towel), then put him in the "hole" for a week. The inmate assumes he was put in the hole to allow his bruises to heal. He was then put in a different cell away from his cell mate.

The Madison County Detention Center has a physical confrontation squad commonly referred to by inmates and others as the "Goon Squad". (See Exhibit 4, page 12, paragraph F.) They are reported to use various tactics, including wearing "weighted gloves" when beating inmates. Because the deputies are aware of cameras and audio recorders in the jail, they take measures to disguise their brutal conduct. The deputies are reported to start yelling for the inmate to be still and to stop fighting, even though the inmate is standing still and not saying anything. To make it appear that the inmate is improperly resisting the deputies, the deputies are reported to hit the inmate on the elbow from behind so that his arm goes forward, making it appear that the inmate is swinging at the officers.

Various incidents have been reported to the United States District Court, the United States Attorney's Office and the United States Marshal's Office. Examples include the following:

- In August 2006, a jail beating occurred, as described in the inmate statement attached hereto as Exhibit 1.
- On January 13 through 14, 2008, an initial report was made that a federal inmate was severely beaten by deputies at the Madison County Detention Center. An investigation revealed that it was actually a state inmate who was beaten, maced and tased. The incident was witnessed by federal inmates and state inmates. (See investigation report,

attached hereto as Exhibit 2.)

- On March 26, 2008, the FPD's office received two separate letters. One from federal inmate Larry Smith, and one signed by Larry Smith and six other inmates. The complaint indicates the seven inmates were stripped naked and left in a cell, without any clothing at all, for three to five hours. The inmates were later given only a pair of boxer shorts and a blanket, and left in the cell for over six days. The signed letters and investigative report are attached hereto as Exhibit 3.

Many other allegations are set out in the civil action recently filed in the United States District Court for the Southern District of Mississippi. (*See* Exhibit 5.)<sup>2</sup> Several inmates have attempted to sue the Madison County Detention Center, however, their complaints were dismissed by the Court. Examples are as follow:

- William Busick, December 8, 2004, complained of assault, choking, theft of personal property, destruction of legal papers. (*See* Exhibit 6, including affidavit of witnesses Joseph E. Graham and Ronald Cole, Sr.)
- Marshall Chandler, January 25, 2005, complained of inadequate medical treatment, unclean environment and inadequate food. (*See* Exhibit 7.)
- Bobby Joe Johnson, December 2, 2005, complained of assault. (*See* Exhibit 8.)

The Sheriff publicly stated that he charges the Federal Government \$40.00 per day or \$1.46 million per year for housing federal inmates, which allows him to charge the cities within Madison County only \$6.00 per day to house their prisoners. (*See* Exhibit 9.) It does not seem proper for the Madison County Sheriff's Department to submit claims to the federal government asserting it costs \$40.00 per day to care for a federal inmate, then deprive that inmate of services while subsidizing the cities of Madison County, which are charged only \$6.00 per day. This denies the federal inmates the intended benefits of the federal payments.<sup>3</sup>

If the \$40.00 per day were spent on the federal prisoners, rather than subsidizing the state and city prisoners, the above stated problems could be alleviated. Federal inmates could receive clean underwear, personal hygiene items, adequate medical care and medicine. Also, officers could be paid more, trained better and provide professional and humane treatment to the federal inmates.

While there have been other possible incidents, the attachments represent our concern for federal inmates housed at the Madison County Detention Center. Out of an escalating concern for our clients' safety, we are requesting that all federal inmates be removed immediately to another facility, such as the Grenada County Jail or such other facility capable of housing the

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<sup>2</sup>The Complaint appearing as part of Exhibit 5 to this letter details some of the abuses perpetrated on inmates at the Madison County Detention Center. The abuses include: fabrication of facts to justify jail beatings (*id.* at p. 12, ¶ d); obliteration of inmate medical records to destroy proof of inmate claims relating to beatings and inadequate medical care (*id.* at p. 12, ¶ e); and denying recent arrestees access to cash removed from them, in order to prevent the inmates from posting bond (*id.* at p. 12, ¶ g).

<sup>3</sup>The federal and state inmates are often commingled in the various cells, indicating that there is no superior service offered to federal inmates at \$40.00 per day as compared to \$6.00 per day for state inmates. Federal inmates are scolded by the jailers that they will not be treated any better than the other inmates.

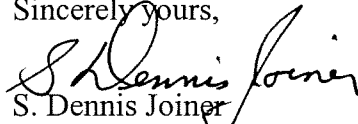
inmates. We also request that an appropriate investigation be conducted.

This jail is subject to a Final Judgment. *See Cooper, et al v. W.B. "Billy" Noble, Sheriff of Madison County*, No. J78-0207(N). There is a permanent injunction as to the Sheriff and other officials, and their successors in office, prohibiting the conduct complained of herein. The class action covers all persons who are now, or in the future will be, incarcerated in the Madison County Jail. *See Exhibit 10*.

The undersigned would like to emphasize that nothing in this letter is meant to imply that the Office of the United States Marshal has done anything improper or that said Office participated in any of the improper treatment of inmates referenced in this letter.

Since the FPD's office has the least ability to have any influence over these matters, we will continue to refer any additional complaints to all of you.

Sincerely yours,



S. Dennis Joiner  
Federal Public Defender

SDJ:aah

Attachments

cc: Ronald R. Welch, Esq.  
1823 St. Mary  
Jackson, MS 39202