

JON OSSOFF

U.S. SENATOR FROM GEORGIA

April 19, 2023

The Honorable Merrick Garland
United States Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Garland:

On April 12, 2023, *The Guardian* reported that the Jackson County Jail in Brownstown, Indiana held Josh McLemore, a 29-year old man with severe mental health issues, in solitary confinement for 20 days, naked, and without medical attention.¹ According to reports, under fluorescent lights for 24 hours per day, in a cell without windows, a bed, or a bathroom, Mr. McLemore was subjected to constant isolation and sleep deprivation. Jail cameras captured his rapid decline over three weeks, as he grew increasingly disoriented, emaciated, and eventually unresponsive. He died from multiple organ failure following weeks of dehydration and starvation.

This is not the first time the Jackson County Jail has come under scrutiny. In 2021, video footage from the jail showed guards ignoring cries for help from Ta'Neasha Chappell, who repeatedly vomited blood, became dehydrated, and pleaded to be taken to the hospital. By the time she was taken to the hospital, her condition had deteriorated and she died shortly after.²

Reports of bleak, even inhumane, conditions are certainly not limited to a single facility or state. On April 13, 2023, the *Atlanta Journal-Constitution* and other outlets reported that Lashawn Thompson, a 35-year-old man suffering from mental illness was found covered in bed bugs after he died in the Fulton County jail in Georgia.³ Last year, the former sheriff in Clayton County Georgia was convicted of violating the civil rights of six detainees in his custody, including for strapping them into restraint chairs as punishment.⁴

¹ Sam Levin, *Man with schizophrenia was left naked in jail cell for weeks before death, video shows*, *The Guardian*, (April 12, 2023), <https://www.theguardian.com/us-news/2023/apr/12/indiana-jail-schizophrenia-solitary-cell-joshua-mclemore-video>.

² Tessa Duvall, *'Can you help me please?' Ta'Neasha Chappell begged for medical aid before her jail death*, *Courier Journal*, (Jan. 21, 2022), <https://www.courier-journal.com/story/news/crime/2022/01/21/taneasha-chappell-louisville-woman-begged-for-help-before-jail-death/6579985001/>.

³ Jeremy Redmon, *Family seeks action after deceased Fulton inmate found covered in bed bugs*, *Atlanta Journal Constitution*, (April 13, 2023), <https://www.ajc.com/news/family-seeks-action-after-deceased-fulton-inmate-found-covered-in-bed-bugs/IIV5FPFQGJFKRA2K6RMOHAUSWA/>.

⁴ Eduardo Medina, *Sheriff Found Guilty of Violating Detainees' Rights with Restraint Chairs*, *New York Times*, (Oct. 26, 2022), <https://www.nytimes.com/2022/10/26/us/georgia-sheriff-victor-hill-guilty.html>.

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The Department of Justice (“DOJ”) has an affirmative obligation to safeguard the civil rights of incarcerated people, whether they are held in Federal, state, or local custody. Additionally, the Federal government provides hundreds of millions of dollars in funding to state and local prisons and jails through an array of grant programs, including through the DOJ Bureau of Justice Assistance (“BJA”), and thus has the responsibility to oversee the use of those resources.

The U.S. Senate Subcommittee on Human Rights (the “Subcommittee”) is tasked with conducting investigative oversight to protect human rights, especially for the most vulnerable. Pursuant to Rules XXV.1(1), and XXVI.1 and XXVI.8 of the Standing Rules of the Senate, the Subcommittee is conducting a review of matters related to conditions of confinement in state and local prisons and jails. This review includes conditions of pretrial detention, where Mr. McLemore died and where more than 400,000 people are detained before the opportunity to challenge the charges levied against them.

Please provide answers to the questions and the documents requested below no later than May 8, 2023:

1. Death in Custody Reporting Act:

- a. Since 2019, has the Indiana Criminal Justice Institute (“ICJI”) reported to DOJ data pertaining to individuals who died while incarcerated at the Jackson County Jail, as required by the Death in Custody Reporting Act (DCRA)?
- b. Since 2019, has the Georgia Criminal Justice Coordinating Council (“CJCC”) reported to DOJ data pertaining to individuals who died while incarcerated at the Fulton County or Clayton County Jails, as required by DCRA?
- c. DCRA requires quarterly reporting to DOJ.
 - i. Did ICJI submit reports for each quarter to DOJ since 2019? If not, how many quarters did ICJI miss? If ICJI did not submit any or complete reports to DOJ, please describe any remedial measures that DOJ has pursued, including levying penalties or providing technical assistance.
 - ii. Did CJCC submit reports for each quarter to DOJ since 2019? If not, how many quarters did CJCC miss? If CJCC did not submit any or complete reports to DOJ, please describe any remedial measures that DOJ has pursued, including levying penalties or providing technical assistance.
- d. Did the data that ICJI submitted to DOJ include the cause of death?
- e. Did the data that CJCC submitted to DOJ include the cause of death?
- f. Some jails, including Jackson County Jail, use private for-profit correctional health care companies that are supposed to provide medical and mental health

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care for incarcerated people. Does DOJ track jail deaths by contracted health care vendor? If not, why not?

- g. Provide a copy of all ICJI's and CJCC's DCRA submissions to DOJ since 2019.

2. Funding:

- a. Please provide the amount of federal funding each of the following facilities has received from DOJ since January 2013, broken out by year, including through grant programs administered by BJA:
 - i. Jackson County Jail
 - ii. Clayton County Jail
 - iii. Fulton County Jail
- b. Please provide a brief narrative description of all DOJ funding provided to the Jackson County Jail, Clayton County Jail and Fulton County Jail over this period, including the purpose of such funding.

3. Oversight

- a. State whether since 2013, the U.S. Marshals Service ("USMS") has held federal detainees, either those charged with criminal or immigration offenses, at the Jackson County Jail, the Clayton County Jail, or the Fulton County Jail ("the facilities").
- b. If the USMS has held detainees at any of these facilities during this period:
 - i. Provide the Subcommittee with a copy of the Intergovernmental Services Agreement or other document outlining the terms by which the facility would hold federal detainees.
 - ii. Provide the Subcommittee with the facility's annual USM-218 reports.
 - iii. Produce any assessments or audits of the facility's compliance with the contractual terms.
 - iv. Produce, in aggregate by year, all data that the facility has produced to the USMS pursuant to the Federal Performance-Based Detention Standards.
- c. State whether the Civil Rights Division has investigated the facilities since 2013 pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), and provide the results of any such investigation.

Thank you for your attention to this matter. If you have any questions, please contact my Chief Counsel, Sara Schaumburg, at Sara_Schaumburg@ossoff.senate.gov.

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Sincerely,



Senator Jon Ossoff
Chairman, Subcommittee on Human Rights

Cc:

The Honorable Kristen Clarke
United States Assistant Attorney General
Civil Rights Division
U.S. Department of Justice

Amy Solomon
Principal Deputy Assistant Attorney General
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