

**THE LAW OFFICE  
OF THE  
SOUTHERN  
CENTER FOR  
HUMAN  
RIGHTS**

83 Poplar Street, NW  
Atlanta, GA 30303  
P. (404)688-1202  
F. (404)688-9440  
www.schr.org

Sara J. Totonchi  
Executive Director

Stephen B. Bright  
President and Senior Counsel

Charles J. Ogletree  
Harvard Law School  
Chair, Board of Directors

February 17, 2012

Commissioner Brian Owens  
Georgia Department of Corrections  
300 Patrol Road  
Forsyth, GA 31029

Robert Jones, Esq.  
Georgia Department of Corrections  
Office of General Counsel  
300 Patrol Road, P.O. Box 1529  
Forsyth, GA 31029

Re: Recent Increase in Homicides and Other Violent Incidents  
in Georgia Prisons

Dear Commissioner Owens and Mr. Jones:

We write to convey our concern about increasing levels of violence in prisons operated by the Georgia Department of Corrections (GDC), including Augusta State Medical Prison, Hays State Prison, Macon State Prison, Smith State Prison, Telfair State Prison, Valdosta State Prison, and others.

Records obtained from the GDC through the Open Records Act show a significant increase in the number of prisoner-on-prisoner homicides in recent years, with 2 homicides in 2008, and 4 in 2009, but 7 such homicides in both 2010 and 2011. To put those figures in perspective, there were only 55 prisoner deaths caused by homicide nationwide in 2009. *See* Bureau of Justice Statistics, *Prison and Jail Deaths in Custody, 2000-2009 – Statistical Tables*, Dec. 2011, Table 13, at 16. Moreover, GDC's recent homicide rate compares poorly with those of other states with comparable prison populations. *See id.*, Table 25, at 26 (stating Pennsylvania reported 7 deaths of prisoners by homicide between 2000 and 2009; Ohio reported 12 such homicides between 2000 and 2009; New York reported 12 such homicides between 2000 and 2009).

Several GDC facilities have been the site of multiple prisoner homicides. At Smith State Prison, for example, there have been four homicides in less than two years.

The level of non-lethal violence in GDC facilities also appears to be on the rise. Our office receives weekly reports of stabbings and assaults with serious lethal weaponry that have occurred in Georgia correctional facilities, including the stabbing of Eric Butler, GDC # 1196980, at Baldwin State Prison in September 2011, the stabbing of Michael Hays,

Commissioner Brian Owens  
Robert Jones, Esq.  
February 17, 2012  
Page 2 of 3

GDC # 1182672, at Valdosta State Prison, resulting in a punctured lung, the stabbing of Tifiloe Council, GDC # 1240589, at Macon State Prison on September 28, 2011, and multiple stabbings and assaults at Hays State Prison on or around December 11, 2011.

Numerous newspaper articles have also documented the increase in violence in Georgia prisons. See, e.g., Amy Leigh Womack, *Baldwin State Prison Inmate Sues Over Safety Issues*, Macon Telegraph, Jan. 10, 2012 (reporting that a prisoner claimed he was stabbed 20 times, then stabbed again a month later by the same inmates); Greg Bluestein, *Inmates Set Fires in Georgia Prison Fight*, Associated Press, Dec. 1, 2011 (reporting that one inmate at Hancock State Prison was stabbed multiple times and that two inmates suffered injuries so severe they had to be airlifted to nearby hospitals); Rhonda Cook, *Inmate Killed in Third Prison System Incident in a Week*, Atlanta Journal-Constitution, Nov. 29, 2011 (reporting a homicide at Smith State Prison and stating that an officer was injured and three prisoners were hospitalized after an incident at Telfair State Prison); Kyle Martin, *Augusta State Medical Prison Ranks High in Assaults*, Augusta Chronicle, Nov. 6, 2011 (reporting on a homicide at Augusta State Medical Prison); Kay Harris, *Gang Violence, Threats, Assaults on the Rise in Prisons*, Valdosta Daily Times, Aug. 28, 2011 (reporting that “[r]ecent incidents include an inmate being sliced open from his head all the way down his body,” an officer being stabbed in the head, an inmate who had “his throat sliced from ear to ear,” and at least six instances of stabbings to the eye); Rhonda Cook, *Lawsuit: Prison Guards Attacked Inmates*, Atlanta Journal-Constitution, July 12, 2011 (stating inmates claimed officers punched, kicked, stomped, and hit them with batons, inflicting injuries so serious that two were hospitalized and one had to have surgery); Robbie Brown, *Georgia: Prison Guards Charged in Beating*, N.Y. Times, Feb. 23, 2011 (reporting that officers were charged with beating Terrance Dean so badly that he sustained brain injuries and was partly paralyzed).

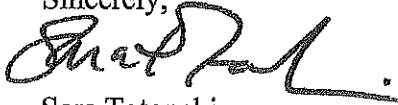
This increase in violence appears to correlate with prison crowding and understaffing. Many of Georgia’s prisons are at or over 100% capacity, including Augusta State Medical Prison (123.1% capacity), Baldwin State Prison (118.4% capacity), Smith State Prison (109.5% capacity), and Valdosta State Prison (110.3% capacity). In addition, GDC records from October 2011 show significant staff shortages, including a correctional officer vacancy rate of 19.8% at Telfair State Prison, 13.1% at Smith State Prison, and 12.8% at Augusta State Medical Prison. We note that, according to the GDC’s incident reports, two of the three homicides at Smith State Prison in 2010 occurred when no officers were present in the prison dormitory.

The Eighth Amendment imposes a duty on the GDC to “protect prisoners from violence at the hands of other prisoners,” *Farmer v. Brennan*, 511 U.S. 825, 833 (1994). Being violently assaulted in prison is not “part of the penalty that criminal offenders pay for their offenses against society.” *Farmer*, 511 U.S. at 833.

Commissioner Brian Owens  
Robert Jones, Esq.  
February 17, 2012  
Page 3 of 3

We urge the Department to investigate the incidents set forth above and to take steps to determine how to curb the rising tide of violence within GDC facilities for the safety of both incarcerated persons and correctional staff. Special measures should be focused on facilities with multiple recent homicides and assaults with weapons, such as Smith State Prison, Hays State Prison, and Valdosta State Prison. We look forward to working with the GDC to promote increased safety and security in Georgia prisons. Thank you so much for your attention to this matter.

Sincerely,



Sara Totonchi  
Executive Director



Sarah Geraghty  
Senior Attorney