



SOUTHERN CENTER FOR HUMAN RIGHTS

83 Poplar Street, NW
Atlanta, GA 30303

Charles J. Ogletree, Jr.
Chair Emeritus

Maureen F. Del Duca
Chair, Board of Directors

Stephen B. Bright
President and Senior Counsel

Sara J. Totonchi
Executive Director

BY FEDERAL EXPRESS

June 16, 2014

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

Re: Smith State Prison

Dear Commissioner Owens:

I am writing regarding an urgent matter – the unacceptable level of violence at Smith State Prison. We request a change in leadership and/or mission at Smith State Prison following the *seventh* homicide at that prison since 2010 and other recent incidents of violence and security problems at the prison.

There have been 32 homicides of Georgia prisoners since 2010. Twenty-one percent of those homicides occurred at Smith State Prison. This is the highest rate of homicides in the Georgia prison system. The most recent person to be killed was Christian Lorenzo Bailon, who was stabbed to death in a segregation cell on February 12, 2014. The person who killed Mr. Bailon had access to a knife in what is supposed to be the most secure area of this close security prison.

Mr. Bailon was the seventh person murdered at Smith State Prison in recent years. His murder followed the deaths of Charles Simpson, Orlando Cable, Brandon Helm, Michael Bryan, Bernard Green, and Deandra Holloway. To put this number in context, the Alabama Department of Corrections reported four homicides in all of its prisons combined from 2010 to the present. Al. Dep't of Corr., Monthly Statistical Reports, 2010-2014, <http://www.doc.state.al.us/StatReports.aspx>. And in the entire Pennsylvania prison system (which has a prison population similar to Georgia's prison population), there were only eight homicides at all state prisons combined in the ten years from 2001-2011. Bureau of Justice Statistics, *Mortality in Local Jails and State Prisons, 2000-2011 – Statistical Tables*, Aug. 2013, Table 25, p. 26.

According to GDC incident reports, just five days after Mr. Bailon was killed, Xavier Daniels and another man were attacked while they were asleep in their cells. Prisoners tied Daniels to his bed, brutally beat him, and stabbed him 59 times. Correctional officers were nowhere to be found. Daniels' injuries were only discovered after Daniels managed to escape his attackers and stumble to the dormitory exit door, covered in blood.

Commissioner Brian Owens
June 16, 2014
Page 2 of 2

Further, video footage of the incident was lost because a prisoner in this close security prison was somehow able to use an “extension pole to smear and obscure the lens of all four dorm cameras” without any officer noticing.

Such incidents of extreme violence appear to be a regular occurrence at Smith State Prison. On April 5, 2014, three people were hospitalized after a gang-related fight. WTOC, *Gang Fight at Smith State Prison, 3 Hospitalized*, Apr. 5, 2014 <http://www.wtoc.com/story/25171420/gang-fight-at-glenville-state-prison>. In June 2013, seven ambulances and two helicopters were summoned to the prison to provide emergency medical care for numerous prisoners who had been assaulted. *Inmates Injured at Smith State Prison Brawl*, The Tatnall Journal, June 13, 2013.

Between August 1, 2010 and July 31, 2012, there were 262 reported assaults at Smith State Prison, with weapons involved in 134 of those incidents. Prisoners were transported to off-site hospitals for medical care in at least 71 of those cases. The GDC is likely spending a fortune in taxpayer dollars to treat injuries from assaults that could be prevented with better security.

At Smith and other prisons, we are hearing about incidents of prisoner-on-prisoner violence that amount to torture. In January 2014 at Coffee Correctional Facility, a prisoner was tied to his bed, beaten intermittently for hours, had bleach poured in his eyes, and was scalded with boiling water causing serious burns. In February 2014 at Wilcox State Prison, Ariel Ocasio was attacked by a prisoner wielding a 19-inch machete and had three fingers severed.

Prison officials have a constitutional duty to take reasonable steps to protect prisoners from violence at the hands of other prisoners. “Being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society.” *Farmer v. Brennan*, 511 U.S. 825, 834 (1994). Further, correctional officers, who perform a vital public service, should not have to endure the level of risk to which they are exposed at Smith State Prison.

We urge you to take immediate steps to address the violence at Smith State Prison and other GDC facilities. A change in management and/or mission at Smith appears to be necessary at this time since other strategies do not appear to be working. Thank you so much for your attention to this matter.

Sincerely,

Sarah Geraghty
Attorney

cc: Governor Nathan Deal
Robert Jones, GDC General Counsel
Warden Stanley Williams
Jonathan M. Smith, Department of Justice, Civil Rights Division