

September 14, 2020

VIA EMAIL

United States Department of Justice
Civil Rights Division
Special Litigation Section
Attn: Eric Dreiband & Steven Rosenbaum
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Re: Unconstitutional Conditions, Unprecedented Violence, and Riots throughout the Georgia Department of Corrections

Dear Mr. Dreiband and Mr. Rosenbaum:

We write regarding deplorable conditions of confinement, escalating violence, and a recent series of uprisings in the Georgia Department of Corrections (“the Department”). Although conditions in Georgia’s prisons have long been a matter of concern, since the onset of the COVID-19 pandemic, they have deteriorated to the point of constitutional crisis.

In the last three months, there have been large-scale riots at three prisons in Georgia – Ware State Prison, Macon State Prison, and Georgia Diagnostic and Classification Prison. These riots occurred after men were left locked in their cells around the clock for weeks or months at a time without access to sufficient food, water, showers, or medical care. Videos taken by incarcerated people and readily available on the Internet show extreme deprivations – injured prisoners covered in blood, prison dorms with no security supervision, groups of men roaming lockdown dorms armed with machetes, and cells with no running water or functioning toilets.

Georgia prisons are also grossly understaffed. As of June 2020, there were 2,740 unfilled officer positions throughout the Department, at a vacancy rate of almost 30%.¹ The vacancy rates in certain close-security facilities are even higher. Former officers from Ware State Prison, for instance, report that as few as six security staff members are often asked to supervise a prison holding 1,546 men.²

¹ See Ga. Dep’t of Corr., *GDC Management Team: Monthly Roll-Up, June 2020 Data* (July 2020) (on file with the Southern Center for Human Rights) (hereinafter *GDC Roll-Up*).

² See Unedited, Real Talk Right Now, *Breaking News Update on Riot at Ware State Prison From Recent Former Corrections Officers* (Aug. 2, 2020), available at

Homicide rates in Georgia prisons have accordingly reached unprecedented levels. Since January 1, 2020, 21 people have been killed in the Georgia prison system. Six of these homicides have occurred at a single prison – Macon State Prison – over the course of six months.³ In fact, from January to September of this year, more people have been murdered in Georgia prisons than have been killed in any single year in the Department between 2014 and 2018.⁴ If homicides in the Department continue at the same pace for the rest of the year, Georgia prisons will have a homicide rate of 63 per 100,000 people,⁵ which is approximately eight times the national rate.⁶ This exceeds the 2017 homicide rate in Alabama’s prisons, which prompted the Department of Justice (“DOJ”) to launch an investigation.⁷ Violent conditions in Alabama’s prisons were ultimately found to violate the Eighth Amendment.⁸

The number of suicides in Georgia prisons has also reached a crisis point. In the last eight months, at least 19 people have died by suicide in Georgia’s prisons, at a rate of 40 per 100,000 incarcerated people.⁹ This suicide rate is twice the national average in state prisons, and almost twice the rate in Alabama’s prisons.¹⁰ Thirty percent of suicides in the Department

https://m.facebook.com/story.php?story_fbid=139337031159596&id=110507380709228&anchor_composer=false (hereinafter *Unedited Real Talk*).

³ See Ga. Dep’t of Corr., Incident Reports No. 297216, 299642, 300279, 303462, 304181, 307185 (on file with the Southern Center for Human Rights).

⁴ According to data provided to our office by the Department, there were five homicides system-wide in 2014; two in 2015; five in 2016; eight in 2017; and nine in 2018. These are calendar-year, not fiscal-year, figures. See Ga. Dep’t of Corr., *All Homicides, Suicides 2014-Aug 2019* (on file with the Southern Center for Human Rights) (hereinafter *All Homicides, Suicides*).

⁵ This rate was calculated using the Department’s population as of September 4, 2020. See Ga. Dep’t of Corr., *Friday Report – Overview and Contents* (Sept. 4, 2020), available at http://www.dcor.state.ga.us/sites/default/files/FridayReport2020_09_04.pdf (hereinafter *Friday Report*).

⁶ See U.S. Dep’t of Justice, Bureau of Justice Statistics, *Mortality in State and Federal Prisons, 2001-2016 – Statistical Tables* (Feb. 2020), available at <https://www.bjs.gov/content/pub/pdf/msfp0116st.pdf> (hereinafter *Bureau of Justice Statistics*).

⁷ See U.S. Dep’t of Justice, Civil Rights Division, *Investigation of Alabama’s State Prisons For Men* (Apr. 2, 2019), available at https://www.justice.gov/opa/press-release/file/1150276/download?utm_medium=email&utm_source=govdelivery (noting a 2017 homicide rate in Alabama’s prisons of 56 per 100,000 prisoners).

⁸ See *id.*

⁹ See *All Homicides, Suicides*; see also *Friday Report*. Shortly before sending this letter to the DOJ, we received reports of at least one other suicide that allegedly occurred on September 1, 2020. We do not yet have an incident report confirming this death.

¹⁰ The suicide rate in Alabama’s prisons was calculated using the system’s “custody population” as of June 2020. Ala. Dep’t of Corr., *Monthly Statistical Report* (June 2020), available at <http://www.doc.state.al.us/docs/MonthlyRpts/June%202020.pdf>; see also *Bureau of Justice Statistics*.

since January 1 have occurred at Georgia State Prison,¹¹ a facility that purportedly specializes in the housing and care of people with serious mental illness.

The urgent crisis in Georgia's prisons is not being addressed. Our office has sent multiple letters to Commissioner Timothy Ward and other senior correctional administrators alerting them to serious and widespread violations of the Eighth Amendment in their facilities. (See Exhibits A and B.) We have received no substantive response. Conditions continue to deteriorate, and incarcerated people continue to die.

Our office does not have the resources to bring conditions litigation at the number of facilities that are descending into chaos. We are not aware of any other group or agency that is likely to intervene. For these reasons and those outlined below, we ask the DOJ to initiate an investigation into conditions in Georgia's prisons as soon as possible.

I. The Georgia Department of Corrections Has Lost Control of Several of Its Prisons.

With this letter, we enclose copies of the letters we have sent to the Department about conditions at several prisons in Georgia. (See Exhibits A and B.) Below, we provide summaries of recent events at Ware State Prison, Macon State Prison, and Georgia State Prison.

A. Deplorable Conditions and Uprising at Ware State Prison

Ware State Prison, a close-security prison in Waycross, Georgia, housing over 1,500 people, is chronically and dangerously understaffed. Two former correctional officers from Ware State Prison report that, in recent months, the facility was "lucky" to have ten officers show up to work on any given day – although more than 30 officers are required to staff each shift.¹² They further report that senior correctional administrators at Ware have stopped enforcing standard operating procedures. Instead, administrators have knowingly implemented policies that place correctional staff and incarcerated people at risk, such as closing dorm control booths; requiring officers to carry keys on their persons; and insisting that a single officer supervise between one and four buildings.¹³

These accounts are corroborated by incarcerated men at Ware. Several men have reported to our office that no officers conduct regular rounds in their dormitories, and that

¹¹ See Ga. Dep't of Corr., Incident Reports No. 297372, 297614, 299505, 306955, 308306, and 308308 (on file with the Southern Center for Human Rights). The fiscal-year homicide and suicide figures in Georgia prisons are even more dire. In Fiscal Year 2020, there were 24 homicides and 30 suicides in the Department. This is more than twice the number of unnatural deaths in Georgia's prisons in Fiscal Year 2019, when there were 11 homicides and 14 suicides. See *GDC Roll-Up*.

¹² *Unedited Real Talk*.

¹³ See *id.*

single officers are expected to supervise hundreds of men across multiple buildings. Reportedly, in an administrative segregation unit housing people in lockdown and protective custody, there are frequently no officers supervising prisoners from 6:00 p.m. to 6:00 a.m.

By late July and early August 2020, gross understaffing and mismanagement had led to intolerable conditions throughout the prison. Many men reported being locked in their cells nearly 24/7 for months at a time. One man with whom we spoke reported that he was allowed on the yard only once since June. Another man reported that aside from the occasional shower or medical appointment, he had been kept in his cell around the clock since February. The prison's plumbing and physical conditions also deteriorated to deplorable levels. One man reported living in a mold-covered cell that smelled so strongly of sewage that he slept with a T-shirt over his face to block out the stench.¹⁴

On August 1, 2020, understaffing and poor conditions reached a boiling point, and a riot ensued. Hundreds of incarcerated people came out of their cells and ran through the compound, unlocking nearly every door in seven buildings. A man in the lockdown and protective custody dormitory reported seeing nearly 100 prisoners with knives, sticks, and clubs come into his dorm and force people out of their cells.

Over the course of several hours, between 600 and 700 incarcerated people came out of their rooms; a golf cart was set ablaze; fires burned on the yard; correctional staff were injured; and multiple incarcerated men were shot.¹⁵ In these publicly available videos from the night of the riot, two men can be seen injured and bleeding while other incarcerated people plead for medical assistance and tend to their wounds with handmade bandages:
https://www.youtube.com/watch?v=4yZCgv1NQjM&feature=emb_title,
<https://www.youtube.com/watch?v=E5Niqz6ndsQ&feature=youtu.be>.

Few prison security staff were at the prison during the riot. **According to former Ware correctional officers, only six officers were on duty in the entire prison that night.**¹⁶ Eventually, officers from the Georgia State Patrol, the Ware County Sheriff's Office, and the

¹⁴ Despite these conditions, many men – particularly those in segregation – reported little to no access to cleaning supplies, increasing their risk of infection and death from COVID-19. To date, more than 1,700 incarcerated people and 800 staff in Georgia's prisons have tested positive for the virus. Fifty-four incarcerated people have died from complications of COVID-19, including four men at Ware State Prison. See Ga. Dep't of Corr., *Confirmed COVID-19 Cases* (Sept. 14, 2020), available at <http://www.dcor.state.ga.us/content/cases>.

¹⁵ A similar riot occurred at Georgia Diagnostic and Classification Prison on May 13, 2020. Fires were set in the dorms, and incarcerated people were left to their own devices to deal with the smoke. Many men reportedly spent the night believing they would die from smoke inhalation. Logbooks obtained from the Department note that there was a "staff shortage" at the time of the riot, such that local law enforcement was required to intervene. See Ga. Dep't of Corr., *G Corridor Log* (May 13-14, 2020) (on file with the Southern Center for Human Rights).

¹⁶ See *Unedited Real Talk*.

Waycross Police Department were called in to respond.¹⁷ These officers, along with the Department's tactical squads, reportedly went from dorm to dorm deploying tear gas and smoke bombs while shooting people with pepper ball guns and flash grenades. In one dorm, officers then left incarcerated men unattended in their cells, with their hands zip-tied behind their backs, from 1:30 a.m. to 9:00 a.m.

In the weeks since the riot, conditions have further deteriorated. Many officers have resigned, exacerbating the understaffing crisis. Incarcerated men report being locked in their cells for three and a half weeks, with little to no out-of-cell time or supervision. The prison has reportedly stopped collecting or distributing mail and rescinded all kiosk access, such that the men have no means of contacting their loved ones. Further, physical conditions remain dire. In these videos from August 4, 2020, a man at Ware State Prison films the conditions in his cell, where there is no running water, no functioning toilet, and no power: https://www.youtube.com/watch?v=RtDb4O6YTGA&feature=emb_title, https://www.youtube.com/watch?v=Zr8SkGteOHc&feature=emb_title.

B. Homicides and Violence at Macon State Prison

Conditions at Macon State Prison, a close-security facility built to house more than 1,700 men in Oglethorpe, Georgia, arguably present an even more substantial risk of serious harm to incarcerated people. From March to June 2020, men at Macon State Prison reported being locked in their cells nearly 24 hours a day, seven days a week. During this time, they were reportedly fed moldy bologna sandwiches, some of which contained rat droppings. They were housed in roach-infested cells littered with rat feces and covered in black mold.

Macon State Prison, like Ware State Prison, is grossly understaffed. Many men at Macon report that they are frequently left unsupervised, and that a single officer must sometimes monitor 400 people. The Department's own staffing figures confirm these accounts. As of June 2020, Macon State Prison had an officer vacancy rate of 46.8%.¹⁸

Significant understaffing and poor conditions have exacerbated tensions between incarcerated people and led to alarming rates of violence. Between January 27, 2020 and July 13, 2020, six people were killed at Macon State Prison: Johnny Young (GDC # 1001485688), Rafael Blass (GDC # 1262558), Carrington Frye (GDC # 1001603516), David Dennis (GDC # 1244332), Cody Silvers (GDC # 1001610), and Bobby Lee (GDC # 1041438).¹⁹ In fact, during this six-month period, more people died by homicide at Macon State Prison than were killed in multi-year periods in other states' entire prison systems. For instance, the Arizona

¹⁷ See Desiree Seals, *2 workers, 2 inmates hurt in disturbance at Georgia Prison*, Associated Press (Aug. 2, 2020), available at <https://www.jacksonville.com/story/news/2020/08/02/ware-state-prison-waycross-leaves-2-workers-2-inmates-hurt/5566402002/>.

¹⁸ See *GDC Roll-Up*.

¹⁹ See n. 3, *supra*.

Department of Corrections had two reported homicides in all its prisons in fiscal year 2019, and none in fiscal year 2020.²⁰ In the last few years, the Departments of Correction in Tennessee, Colorado, and Washington all reported system-wide homicide figures that paled in comparison to those at Macon State Prison in the last six months.²¹

In addition to those killed, countless other men have been stabbed, assaulted, or extorted in the lawless environment that prevails at the prison. In a particularly disturbing video obtained by our office, an incarcerated man with a leash around his neck can be seen crawling down the stairs of a dormitory and being led into a cell, presumably to be assaulted, as other incarcerated men slap and film him:

. No officer appears to be present in the dormitory.

C. *Inhumane Conditions and Suicides at Georgia State Prison*

Georgia State Prison is a “special mission” facility in Reidsville, Georgia, whose mission is to “hous[e] medium general population, mental health and problematic male adult offenders” in a “safe and secure” facility built for over 1,500 people.²² In every respect, Georgia State Prison has failed to meet this mission. Instead, the prison has engaged in a persistent pattern of housing severely mentally ill people in conditions unfit for human habitation, leading to numerous suicides.²³

Between September 2019 and August 2020, there were at least eight documented suicides at the prison.²⁴ Almost all of these suicides occurred in rapid succession over the course of short periods: three suicides occurred between early February and early March; three

²⁰ See Ariz. Dep’t of Corr., *Inmate Assault, Self-Harm, & Mortality Data* (Jan 31, 2020), available at <https://corrections.az.gov/sites/default/files/REPORTS/Assault/2020/assaultmortality-jan20.pdf>.

²¹ See Tenn. Dep’t of Corr., *Statistical Abstract Fiscal Year 2017* (Oct. 2017), available at <https://www.tn.gov/content/dam/tn/correction/documents/StatisticalAbstract2017.pdf> (reporting one homicide in Tennessee’s prisons in fiscal year 2017); Tenn. Dep’t of Corr., *Statistical Abstract Fiscal Year 2018* (Oct. 2018), available at <https://www.tn.gov/content/dam/tn/correction/documents/StatisticalAbstract2018.pdf> (reporting three homicides in Tennessee’s prisons in fiscal year 2018); Colo. Dep’t of Corr., *Statistical Report FY 2018* (2018), available at https://drive.google.com/file/d/1Sbiu6bl7NVZ7BL-ij3u_TyrmbUOAoWKS/view (reporting one homicide in Colorado’s prisons in fiscal year 2018); Wash. Dep’t of Corr., *Inmate Deaths*, available at <https://www.doc.wa.gov/corrections/services/health.htm#deaths> (reporting zero homicides in Washington’s prisons in fiscal years 2018 and 2019).

²² Ga. Dep’t of Corr. Office of Prof’l Standards, *Georgia State Prison FY 2019 Annual Assessment: Final Report* (Sept. 25, 2018) (on file with the Southern Center for Human Rights).

²³ The prison also remains chronically understaffed. As of June 2020, Georgia State Prison had the second highest officer vacancy rate among close-security and special mission facilities in Georgia, at just over 50%. See *GDC Roll-Up*.

²⁴ See Ga. Dep’t of Corr., Incident Reports No. 291161, 289115, 297372, 297614, 299505, 306955, 308306, and 308308 (on file with the Southern Center for Human Rights).

occurred between mid-July and mid-August; and two occurred only one day apart, on August 10 and 11.

Many men with serious mental illness at Georgia State Prison report being locked in their cells around the clock for weeks at a time, and nearly all men on the prison's mental health caseload report an inability to access appropriate psychiatric care. Several men – including one man who attempted suicide by lighting himself on fire – have reportedly been denied access to mental health medication. Others have not seen a mental health professional in months.

Instead, when men at Georgia State Prison report suicidal ideation or attempt suicide, they are sent to D West II, the prison's mental health crisis unit, where they are held in revolting conditions, without toiletries and other basic necessities. Several men report that the cells in D West II are smattered with the blood and feces of previous occupants. The cells have no mattresses or blankets, so men sleep on metal bed frames or on the floor. One man with a psychiatric disability was reportedly left in a D West II cell without a mattress, clothing, soap, or toothpaste for two periods of between three and six weeks.

Many men at Georgia State Prison with serious mental illness also report being held for prolonged periods of time in telephone booth-sized cages without access to food, water, or a toilet. Although these cages are intended for temporary confinement of men in transition from one part of the prison to another, correctional staff sometimes use them to hold people for between two and three days. The men who have been held in these cages report vomiting from lack of food, huddling in the corner for warmth, and having to relieve themselves on the floor or in plastic water bottles.

The Department maintains these practices despite being on notice of serious deficiencies in the prison's provision of mental health services. In a 2018 report authored by the Department's own Office of Health Services, auditors warned that a "remedial [mental health] strategy must be developed" because "deficits in Lockdown Services could lead to decompensation and possible completed suicides or other self-harm."²⁵ The Department's own auditors further warned of the "emotional and cognitive" impacts of solitary confinement and wrote that "[t]he Mental Health Department at Georgia State Prison should need no reminder of such impacts."²⁶ Auditors cautioned that Georgia State Prison was in "possible legal jeopardy" because of its neglect of people with mental illness.²⁷ Two years later, the Department has done nothing to address their auditor's warnings. In fact, suicide rates at the prison have *increased* since the Department's 2018 audit.²⁸

²⁵ Ga. Dep't of Corr. Office of Health Services, *Georgia State Prison (GSP), 2018-2019 Yearly Audit Report* (July 10, 2018) (on file with the Southern Center for Human Rights).

²⁶ *Id.*

²⁷ *Id.*

²⁸ Between 2015 and 2018, there were between three and four suicides each year at Georgia State Prison. *See All Homicides, Suicides*. In the last year, there have been eight suicides—double the number in past years. *See* n. 24, *supra*.

II. The Department of Justice Should Intervene to Prevent Further Loss of Life.

The conditions described here, and in the enclosed letters, violate the Eighth Amendment. Over the course of the last three months, we have repeatedly brought these issues to the Department's attention and have requested investigation and immediate remedial measures. The Department has failed to act in any meaningful way, jeopardizing the lives of incarcerated people and prison staff and resulting in widespread suffering and death.

Our office is the only organization in Georgia that systematically investigates and monitors conditions of confinement in the state's jails and prisons. Our litigation staff is small. We do not have the resources to bring lawsuits against the number of prisons in Georgia that are currently subjecting incarcerated people to a substantial risk of serious harm and death. If the Department of Justice does not intervene, the conditions and loss of life described in this letter will persist.

For these reasons, we respectfully ask the Special Litigation Section of the DOJ's Civil Rights Division to investigate the problems described here. If that investigation supports the conclusion that the Department has violated its Eighth Amendment obligations to people incarcerated in Georgia, which we believe it will, we ask that the DOJ initiate legal action.

Thank you for your attention to this matter. Please do not hesitate to contact us at (404) 688-1202 if you have any questions or concerns.

Sincerely,

/s/Alison Ganem

Alison Ganem
Staff Attorney

/s/Atteeyah Hollie

Atteeyah Hollie
Managing Attorney

/s/Sarah Geraghty

Sarah Geraghty
Senior Counsel

/s/Sara Totonchi

Sara Totonchi
Executive Director

Cc: Brian Kemp, Governor of Georgia
Tim Fleming, Chief of Staff to Governor Kemp
David Dove, Executive Counsel to Governor Kemp

Chris Carr, Georgia Attorney General
Kathleen Pacious, Georgia Deputy Attorney General
Timothy Ward, Commissioner, Georgia Department of Corrections
Jennifer Ammons, General Counsel, Georgia Department of Corrections
Scott Crickmar, Southwest Regional Director, Georgia Department of
Corrections
Stan Shepard, Southeast Regional Director, Georgia Department of
Corrections
Robert Toole, Director of Field Operations, Georgia Department of
Corrections
Ahmed Holt, Assistant Commissioner of Facilities, Georgia Department
of Corrections
Jeff Coleman, Warden, Ware State Prison
Clinton Perry, Warden, Macon State Prison
Trevonza Bobbitt, Warden, Georgia State Prison

Enclosures: Letter to Warden Bobbitt Re: Conditions at Georgia State Prison (Ex. A)
Letter to Commissioner Ward Re: Violence at Macon State Prison (Ex. B)