

July 19, 2021

**VIA EMAIL**

Warden Murray Tatum  
Lee Arrendale State Prison  
2023 Gainesville Hwy  
Alto, GA 30510  
[Murry.tatum@gdc.ga.gov](mailto:Murry.tatum@gdc.ga.gov)

**Re: Conditions at Lee Arrendale State Prison**

Dear Warden Tatum:

We write today to follow up on our previous correspondence regarding conditions of confinement at Lee Arrendale State Prison (“Arrendale”), and the treatment of postpartum and medically vulnerable populations. Despite the prison’s constitutional obligation to provide safe conditions of confinement, we continue to receive reports that the conditions at Arrendale often fail to meet this basic standard, and place women at great risk of serious harm.

The following conditions have not improved since our first correspondence on April 9, 2021:

- 1) Postpartum women do not receive timely or adequate medical care or basic necessities, and have been held in solitary confinement just weeks after giving birth;
- 2) Women live in filthy cells with defective plumbing and electricity, and receive limited access to cleaning and hygiene supplies;
- 3) Chronic understaffing results in poor medical care, unchecked violence, and insufficient meal portions; and
- 4) The grievance process is ineffective and legal mail is intercepted.

Further, we have received alarming reports that:

- 5) Women do not receive recreation for months at a time;
- 6) Women experience retaliation for speaking with staff from our office; and
- 7) The available drinking water is contaminated, and the prison does not comply with safe food handling practices.

We again provide examples of unconstitutional conditions so that you may take immediate steps to remedy them. We respectfully ask that you respond to this letter, along with the concerns outlined in our first correspondence, by July 26, 2021, describing the steps you will take to address the issues described herein.

**1. Unconstitutional Treatment of Postpartum Women**

As we noted in our last letter, women require timely and adequate medical and mental health care during the postpartum period. Yet Arrendale continues to deprive postpartum women of the most basic care and treatment, while holding others in solitary confinement. As we have already documented,

these cruel practices create a substantial risk of serious harm to new mothers and must be remedied immediately. For instance:

- A new mother gave birth on June 9, 2021, at Atlanta Medical Center. She was transported to the infirmary at Arrendale on June 13. **In her first week in the infirmary, she had only the bloodied and milk-stained clothes she wore during childbirth. She washed her one pair of bloodied underwear in the sink to stay clean.** When she eventually received new clothes, they were too tight. On Friday June 14, she found a cockroach in her breakfast. After receiving this contaminated meal, she did not receive lunch or dinner, despite informing an officer that she had not received her meals. The following day, she did not receive breakfast, lunch, or dinner. After telling the same officer that she was hungry, she eventually received two sandwiches.

This new mother suffered vaginal tearing during childbirth that required stitches. Soon after arriving at Arrendale, she began to experience excruciating vaginal pain that made it difficult to sit down or walk long distances. Her vagina was red and infected and emitted an odd odor. On June 15 and June 21, 2021, she filed sick calls seeking treatment for the infection but received no response. She then told Deputy Warden of Care and Treatment Julie Yeargin that she needed medical attention. She was ultimately sent to the infirmary, where a medical staff person belittled her concerns and sent her back to her dorm without any treatment because she assumed the mother's vaginal stitches would dissolve. **Unable to cope with the physical pain any longer, the new mother used toenail clippers to cut the stiches out of her vagina.** After removing her own stitches, she was not seen by medical staff until on or about July 7, 2021, at which time she was told that the stitches were not dissolvable. Further, she did not receive postnatal vitamins and ibuprofen through the pill call system until July 8, 2021, nearly a month after arriving at Arrendale.

During the immediate postpartum period, this same mother was locked in an approximately 4' x 4' holding cage in Arrendale's Special Management Unit, in direct contravention of Georgia law prohibiting prison or jail administrators from placing women in solitary confinement during the immediate postpartum period.<sup>1</sup> For four hours during the middle of the night, the new mother stood inside the holding cage which was infested with insects, wreaking of urine and feces, and containing old food trays. A rope hung from a pipe in the cage, as though someone had previously attempted suicide while being held in it. The new mother prayed so that she would not attempt to take her own life while held there.

- **A second mother with a history of anemia, anxiety, and depression, gave birth on May 14, 2021. For her first three days at Arrendale, she wore clothes that were covered in her baby's afterbirth fluid.** She waited approximately three weeks to receive iron for her anemia, ibuprofen for cramping, and postnatal vitamins.

Since arriving at Arrendale on May 16, 2021, she has experienced crushing postpartum depression. Despite filling out two sick calls requesting mental health treatment, she received no response. In mid-June, she finally received a mental health evaluation, and was placed on the mental health caseload but has yet to receive any medication. Her postpartum depression was exacerbated by the prison's failure to set up "voice validation" for six weeks, during which

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<sup>1</sup> O.C.G.A. §42-1-11.3.

she could not speak with her baby's caregiver to check on her newborn child. She was not approved for family visits until on or about July 10, nearly two months after giving birth.

- After sending our first correspondence, we received a report from a third mother who gave birth on March 16, 2021. She reportedly tested positive during her pregnancy for Group B Strep, a bacteria that can cause sepsis, pneumonia, and meningitis in newborns, but she was not administered a necessary antibiotic during labor and delivery, which prevents such infections.<sup>2</sup> Since arriving at Arrendale in March, she has submitted three requests for a pap smear because she had an abnormal pap smear after a prior birth. Concerned that her newborn is at risk for a sexually transmitted disease, she requested STD testing for herself. She was told a medical appointment would be made for the pap smear, but no such appointment has taken place. Moreover, she has received no response to her two requests for STD testing.

As evidenced by these additional reports, Arrendale continues to deny postpartum mothers basic medical care and treatment, threatening the health and safety of these mothers during one of the most vulnerable and dangerous periods of their lives. We implore you to (1) cease the inhumane practice of placing postpartum women in holding cages, (2) provide timely medical and mental health care, (3) give postpartum women clean clothes and undergarments so they do not languish in the same bloodied clothes they wore during childbirth, and (4) promptly provide access to phones and video visitation so that mothers can communicate with their babies' caregivers in the days after giving birth.

## 2. Uninhabitable and Unhygienic Conditions across the Prison

We continue to receive reports that women live in dirty, vermin-infested dorms where garbage areas overflow with maggots and attract rats, mice, and insects. In addition to the issues previously documented in our April 9, 2021 correspondence, we draw your attention to the mold infestation in C dorm, and the prison's unsanitary kitchens.

### *i. Mold Infestation*

Recently, we have received reports that women are living in mold-infested dorms. For instance, women living in C dorm report that black mold is caked so thickly on the walls that they have difficulty breathing, experience constant and debilitating headaches, and suffer from skin rashes. Despite the documented health risks linked to mold exposure, including upper respiratory tract symptoms, coughing, and wheezing, the prison has failed to adequately manage the mold infestation.<sup>3</sup> Women report that instead of remediating the hazardous infestation, the prison merely provides bleach, and paints the walls in the days leading up to a prison inspection. The mold infestation causes serious health risks and must be remedied immediately.<sup>4</sup>

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<sup>2</sup> See Ctrs. for Disease Control and Prevention, *Group B Strep: Fast Facts*, June 11, 2020, available at <https://www.cdc.gov/groupbstrep/about/fast-facts.html>

<sup>3</sup> In addition to causing "upper respiratory tract symptoms, cough[ing], and wheez[ing] in otherwise healthy people," mold exposure can cause asthma symptoms for those with asthma, and hypersensitivity pneumonitis (an immune system disorder) in individuals susceptible to that condition. See Ctrs. for Disease Control and Prevention, *Basic Facts about Mold and Dampness*, Aug. 11, 2020, available at <https://www.cdc.gov/mold/faqs.htm>.

<sup>4</sup> The Georgia Department of Corrections (GDC) has long been on notice of the impact of unsanitary conditions and mold within its facilities. See Atlanta J. Const., *Documents: Unsanitary conditions long ignored at Ga.*

ii. *Unsanitary Kitchen and Food Preparation*

On April 9, 2021, we reported that meal trays were covered in food residue from previous meals. Since then, we have received multiple reports that the kitchen itself is extraordinarily unsanitary. According to a woman who previously worked in the kitchen, workers do not receive gloves or food safety equipment. **Further, food sits uncovered for hours, attracting rats and cockroaches, and creating conditions for bacteria to multiply and contaminate the food.** According to a woman who presently works in the B Unit kitchen, the area has a foul odor, and various pest control traps have failed to prevent rodent infestations. Given incarcerated people’s “well established” right “not to be confined in conditions lacking basic sanitation,” we ask that you remedy the conditions described above.<sup>5</sup>

3. **Understaffing and Lack of Supervision Result in Medical Crises, Unchecked Prison Violence, and Lack of Access to Basic Necessities**

As we detailed in our April 9, 2021 correspondence, Arrendale is grossly understaffed, and vacancy rates have only gotten worse. As of April 2021, Arrendale’s vacancy rate was 67%, the third highest of any closed-security facility in Georgia.<sup>6</sup> And as we previously noted, understaffing naturally contributes to medical crises, an increase in violence, and the denial of basic necessities like food, safe drinking water, and access to showers. Since April, we have received multiple reports that these conditions have not improved.

i. *Medical Crises and Inadequate Medical Care*

Arrendale has a constitutional obligation to provide adequate medical care.<sup>7</sup> However, the prison does not have adequate medical and mental health staff to meet its constitutional obligations to the 1,170 people it houses. **Indeed, only 15 medical and mental health staff are currently employed at the facility.**<sup>8</sup> Coupled with this severe understaffing is a history of substandard medical care at Arrendale. In 2019, the Office of Health Services (OHS) found Arrendale’s health care to be non-compliant.<sup>9</sup> Despite findings of non-compliance in the following critical areas, women report continued pervasive medical neglect. For example:

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*Prison hospital.*, Jan. 25, 2018, available at <https://www.ajc.com/news/state--regional/documents-unsanitary-conditions-long-ignored-prison-hospital/EyABXkbYrxC2JPBpSmHlnM/>.

<sup>5</sup> *Chandler v. Baird*, 926 F. 2d 1057, 1065-66 (11th Cir. 1991); *see also* *Byrd v. Hobart*, 761 F. App’x 621 (7th Cir. 2019) (holding that a reasonable jury could find that the mold infestation and rodent droppings in a prison kitchen created a risk of future harm that violated the Eighth Amendment).

<sup>6</sup> *See* Ga. Dep’t of Corr., GDC Management Team Monthly Roll-Up (April 2021 Data).

<sup>7</sup> *Estelle v. Gamble*, 429 U.S. 97, 103 (1976) (reasoning that deliberate indifference by prison personnel to a prisoner’s serious illness or injury constitutes cruel and unusual punishment contravening the Eighth Amendment).

<sup>8</sup> These numbers were provided by Augusta University in response to an Open Records Request.

<sup>9</sup> The Southern Center for Human Rights received and summarized findings from the Office of Health Services 2019 Audit Report regarding Lee Arrendale State Prison, which we received from GDC through an Open Records Request.

1. The OHS found that women who requested medical care did not receive a response within the next working day and medical referrals were not documented. Two years later, women have reported the following:
  - a. A woman who suffered heavy menstrual bleeding and blood clots filed numerous sick calls and wrote repeatedly to Warden of Care and Treatment Julie Yeargin over a four-month period, but received no response;
  - b. A woman with lupus was unable to see medical personnel for a year, despite suffering from a severe skin outbreak. She received treatment from a rheumatologist for lupus while incarcerated at Pulaski State Prison but was denied this care upon transfer to Arrendale; and
  - c. A woman with a heart condition was not taken to a scheduled appointment with a specialist.
  
2. The OHS found that women did not receive medication and antibiotics in a timely manner. Two years later, women have reported the following:
  - a. Pill call happens irregularly, if at all;
  - b. Women are unable to receive prescription medication refills for days at a time, resulting in extended lapses in their prescribed medication regimens;
  - c. A nurse threatened not to provide a woman with her seizure medication; and
  - d. Doctors at outside hospitals prescribed medication and treatment plans that were not followed upon women's return to Arrendale.
  
3. The OHS found that women in isolation who requested medical care did not receive a response within the next working day, and there was no evidence that staff conducted daily rounds. Two years later, women have reported the following:
  - a. A woman held in segregation in A Unit reported that despite recent surgery, medical staff did not make rounds to check on her; and
  - b. Another woman held in segregation in A Unit reported that despite being prescribed a post-operative liquid diet, she did not receive the medically recommended food for five days.
  
4. The OHS found that women with urgent and emergency medical crises did not receive timely medical follow-up or referrals. Two years later, women have reported the following:
  - a. A woman who struggled to walk after she was hospitalized for injuries in a fall was not provided an ankle brace for two weeks after her return to Arrendale, despite repeated pleas; and
  - b. A woman who experienced crippling pain under her right breast and suffered shortness of breath requested medical care but received no response for three weeks. Three months later, she was diagnosed with lung cancer.

In addition to these reports, we have received recent reports that Arrendale fails to conduct yearly physical examinations, and women, including cancer survivors, do not receive routine mammograms. Arrendale's failure to provide adequate health care can result in serious and fatal consequences to the people in its custody. We ask that you take immediate steps to provide adequate and consistent medical care.

ii. *Unchecked Prison Violence and Drug Use*

The safety and wellbeing of women at Arrendale is defined by regular occurrences of stabbings, beatings, and thefts that staff either ignore or fail to observe due to chronic understaffing. Women report that the violence is exacerbated by the high rates of drug addiction to K2, a dangerous and deadly synthetic cannabinoid, that is widely available at Arrendale.<sup>10</sup> Recently, a woman was badly cut across her face, but could not get assistance from an officer for 90 minutes due to understaffing. Her injuries were so severe that she reportedly needed 13 stitches and will require plastic surgery.

iii. *Denial of Adequate Food and Water*

The Eighth Amendment guarantees that incarcerated people will not be “deprive[d]...of the minimal civilized measure of life’s necessities.”<sup>11</sup> Food and water are vital necessities, but at Arrendale, women regularly receive small meal portions of rotten food (when food is provided at all), and unhealthy drinking water.

As noted in our prior correspondence, women report that due to the lack of officer supervision in the kitchen, women receive small meal portions and are constantly hungry. **Women in B dorm recently reported receiving only peaches for a meal because the kitchen had run out of food. A postpartum woman reported that just days after giving birth, she did not receive any food for two days while held in the infirmary.** On her second day without food, she received sandwiches at about 7:00 pm after complaining about being hungry.

Moreover, the available food is regularly rotten and inedible. Several women report that the meat patties are labeled “unfit for human consumption,” and it is not uncommon to become sick after eating them.<sup>12</sup> In August 2020, a woman reportedly became so sick from eating rotten meat that she filed multiple sick calls over a month-long period before she was finally transported to Habersham Hospital, where she was found to have salmonella poisoning, colitis, and diverticulitis.

Further, women reportedly do not have access to clean and safe drinking water.<sup>13</sup> Women report that officers only drink bottled water because the water is contaminated. Many women held in the SMU report that the drinking water is brown with residue from pipe rust, and women across the prison

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<sup>10</sup> See Sarah Blaskey, *This drug is turning Florida inmates into ‘zombies.’ It’s fueling a record death toll*, Miami Herald (June 25, 2019), <https://www.miamiherald.com/news/special-reports/florida-prisons/article215642855.html> (describing the deadly impact of K2 drug on Florida prisoners).

<sup>11</sup> *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981); see also *Hamm v. DeKalb Cty.*, 774 F.2d 1567, 1575 (11th Cir. 1985) (reasoning that a prisoner is entitled to reasonably adequate food).

<sup>12</sup> Incarcerated people across the United States have raised alarms about being fed food labeled “not for human consumption.” See Newsweek, *Former Inmates Say They Were Fed Meat Labelled ‘Not Fit For Human Consumption,’* Sep. 26, 2019, available at <https://www.newsweek.com/former-inmates-say-they-were-fed-meat-labelled-not-fit-human-consumption-1461686>.

<sup>13</sup> See EPA, *Report on the Environment: Drinking Water*, June 25, 2020, available at <https://www.epa.gov/report-environment/drinking-water>. Water contamination is not a new problem at Arrendale. In October 2020, Demorest, Georgia, which is 14 minutes away from Lee Arrendale State Prison, issued a boil water advisory. See Rob Moore, *Demorest issues Boil Water Advisory, while Baldwin and Clarkesville request water conservation*, Access WDUN (Oct. 11, 2020). During this water advisory, women were reportedly told not to drink the tap water but only received one bottle of drinking water per day. Although incarcerated women repeatedly begged for more drinking water, prison staff reportedly refused to provide additional water bottles.

attempt to boil their water and restrict their water intake to avoid becoming sick. One woman reported that she was diagnosed with h-pylori infection, which can be caused by drinking contaminated water.<sup>14</sup> She reportedly now suffers from stomach inflammation (gastritis) and takes multiple antacid medications. In light of these reports, we ask that the prison test the water and take necessary measures to ensure it is safe.

*iv. Denial of Showers, Cleaning Supplies, and Food in Administrative Segregation*

Women held in administrative segregation regularly go five or more days without access to a shower. On top of this, some cells in administrative segregation are smeared with feces and urine, but women do not receive adequate chemicals to clean the cells. Food is brought to the administrative segregation cells hours late, and it is reportedly always cold. It is imperative that women held in administrative segregation are housed in a clean environment and receive regular showers, meals, and access to cleaning supplies.

#### **4. Ineffective Grievance Process and Intercepted Legal Mail**

Despite previously documenting problems with Arrendale’s grievance process, we have recently received reports that the grievance process remains dysfunctional. Women cannot access grievance forms and do not receive timely responses to their grievances. For instance, one woman reportedly filed a grievance in February 2021 but did not receive a response before her release in July 2021, despite repeatedly asking counselors and Warden Tatum about the status of the grievance. Moreover, women who try to submit two grievances have reportedly been told that they can only file one active grievance at a time, in direct contravention of the Georgia Department of Corrections’ (GDC) Standard Operating Procedures.<sup>15</sup> In addition, women are asked to sign and acknowledge receipt of a grievance response but do not receive their initial grievance or a copy of the warden’s response in violation of SOP 227.02.<sup>16</sup> Without a copy of the original grievance and reason for its denial, it is nearly impossible for women to appeal their grievances.

A 2019 audit confirms these deficiencies in Arrendale’s grievance. Two years ago, auditors noted that the then-warden did not respond to grievances within the 40-day window required by policy, and regularly failed to provide notice that the administration had requested extensions to respond to grievances. Furthermore, the auditors found no evidence that incarcerated people received decisions on their grievances.<sup>17</sup> Arrendale is therefore on notice that the grievance procedure does not function properly and has not functioned properly in recent years. In light of these problems, we reiterate the importance of a functioning grievance system, especially during a pandemic that relies on full and effective communication to keep the community safe.

The mishandling of legal mail at Arrendale also continues. We informed you in our April 9, 2021 correspondence that legal mail clearly marked as “confidential attorney-client communications” is often opened outside the presence of the addressee. This practice violates GDC policy and federal

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<sup>14</sup> See Safe Drinking Water Found., *Helicobacter Pylori*, June 25, 2021, available at <https://www.safewater.org/fact-sheets-1/2017/1/23/helicobacter-pylori>.

<sup>15</sup> Ga. Dep’t of Corr., *Standard Operating Procedure 227.02: Statewide Grievance Procedure* (May 10, 2019).

<sup>16</sup> *Id.*

<sup>17</sup> See Georgia Dep’t of Corr. Office of Prof’l. Standards., *Lee Arrendale State Prison Audit Summary*, Feb. 11, 2019.

law.<sup>18</sup> Three months later, legal mail continues to be opened outside of the presence of the addressee. You must ensure that legal mail is not intercepted and opened outside of the presence of its recipients.

## 5. **Lack of Recreation**

In addition to the matters described above, we draw your attention to some incarcerated women's near total lack of time outside. Multiple women living in A Unit, the SMU, and C dorm report that they have not been permitted outside in months, and in some cases, in over a year. Denying incarcerated people time outside harms their physical and mental health and directly contravenes federal law and agency policies.<sup>19</sup> According to GDC, incarcerated people in general population dorms must be offered seven hours of recreation per week (one hour per day, seven days per week) and incarcerated people in the Special Management or administrative segregation dorms must be offered five hours of recreation per week (one hour per day, five days per week).<sup>20</sup> In line with your own policies and the law, we ask that you immediately provide regular outdoor recreation.

## 6. **Retaliation from Prison Staff**

After meeting with us, several women have reported immediate retaliation, including being removed from work details, honor dorm placements, and being transferred out of the prison entirely. We ask that you ensure that individuals who choose to speak to our office or other legal counsel are protected from retaliation.

## 7. **Requested Response**

We remain concerned that the conditions at Lee Arrendale State Prison, and the treatment of medically vulnerable populations in particular, fall well below constitutional standards. We ask you to take the following actions to protect the people within your facility:

- (a) Ensure that women in the immediate postpartum period are (1) not placed in solitary confinement settings, (2) receive appropriate medical care, (3) provided clean clothing and undergarments, (4) receive regular out-of-cell time, and (5) able to communicate with their baby's caregivers and other loved ones;
- (b) Ensure that individuals at Arrendale are housed in sanitary conditions and mold-free cells, have appropriate access to cleaning products, and are held in cells with electricity, adequate plumbing, and working heating and cooling systems;
- (c) Ensure that Arrendale has sufficient officers and medical staff to maintain a safe facility;
- (d) Guarantee that women receive consistent and adequate medical care and basic necessities, including clean food, water, regular showers, and outdoor recreation;

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<sup>18</sup> See *Al-Amin v. Smith*, 511 F.3d 1317, 1325 (11th Cir. 2008); see Georgia Dep't of Corr., GDC Inmate Handbook, undated, available at [http://www.dcor.state.ga.us/sites/all/files/pdf/GDC\\_Inmate\\_Handbook.pdf](http://www.dcor.state.ga.us/sites/all/files/pdf/GDC_Inmate_Handbook.pdf).

<sup>19</sup> Under the Eighth Amendment, courts have required prisons to provide outdoor recreation. See *Henderson v. Lane*, 979 F.2d 466 (7th Cir. 1992); *Davenport v. DeRobertis*, 844 F. 3d 1310, 1310 (7th Cir. 1988), *Albro v. Onondaga County*, 681 F.Supp. 991 (N.D. N.Y. 1988); *Manley v. Bronson*, 657 F.Supp. 832 (D.Conn. 1987); see also Ga. Dep't of Corr., *Standard Operating Procedure 502.01: Recreation Services* (Apr. 11, 2016)

<sup>20</sup> *Id.*

- (e) Guarantee that women have access to the grievance process, do not face retaliation or intimidation for filing grievances, and receive unopened confidential legal mail;
- (f) Ensure that women do not face retaliation for speaking with legal counsel; and
- (g) Address any of the outstanding concerns documented in our correspondence from April 9, 2021.

Thank you for your consideration of these matters. We kindly ask that you respond to this letter by July 26, 2021.

Sincerely,

Sincerely,  
/s/ Atteeyah Hollie  
Atteeyah Hollie  
*Managing Attorney*

/s/ Vanessa Carroll  
Vanessa Carroll  
*Senior Attorney*

/s/ Jesse McGleughlin  
Jesse McGleughlin  
*Legal Fellow*

cc:  
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