

November 5, 2001

Ed Jones, Chair  
Jeri C. Howells, Vice Chair  
Chuck Brown, Tom Huffman, Duncan Bremer, Commissioners  
Board of County Commissioners, El Paso County  
27 East Vermijo Avenue  
Colorado Springs, Colorado 80903-2208  
**By facsimile to 719-520-6397 and United States Mail**

To the Board of County Commissioners for El Paso County:

I am writing to you as the Board of County Commissioners of El Paso County after reading in the Denver Post that another inmate in the El Paso County Jail, Brian Richard Bennett, died in custody on November 3.

He is the fourth El Paso County Jail inmate to die in custody this year. At least seven inmates have died in custody since May, 1998, when Michael Lewis perished while strapped to the jail's restraint board.

In addition to Mr. Bennett, I am aware of the following inmates who have recently died while in the jail's custody:

Stephen John Phelps, 19 years old, died by suicide on March 27, 2001.

Don Wallace died on March 21, 2001.

James Frederick Estes died on February 1, 2001.

Andrew Spillane died on May 10, 2000.

Michael Charles Feller died on September 28, 1998.

Michael Lewis died on May 7, 1998.

All seven inmates were pre-trial detainees. Although they were accused of crimes, they had not been convicted.

The El Paso County Jail is housing an ever-increasing population of inmates, and these deaths raise serious questions about the training and staffing levels at the jail. There are particularly serious questions about whether the jail's medical and mental health units are adequately staffed with competent personnel.

Accordingly, I am writing to ask that the Board of County Commissioners conduct an investigation and review its contract with the private medical contractor, Correctional Medical

Services (CMS). I also ask the Board to consider hiring additional deputies and increasing the training of the current staff.

The medical and security staff at a large county jail should be prepared for inmates who may be psychotic, suicidal, or seriously mentally ill or who are overdosing or withdrawing from street drugs or alcohol. Each of the seven deceased inmates mentioned in this letter fits into one or more of these categories. The circumstances of their deaths raise serious questions whether the jail has a sufficient number of competent medical and security staff who can recognize the medical and psychiatric symptoms of this inmate population and respond in a timely and appropriate fashion.

As you know, several of these inmate deaths have already resulted in litigation. After Michael Lewis died on the restraint board, the ACLU filed a class action lawsuit seeking (successfully) to end the use of that controversial restraint device. The family of Michael Lewis filed a separate wrongful death action, which was settled last April. Last May, the ACLU filed a wrongful death and civil rights suit on behalf of the family of Andy Spillane. And the family of Steven Phelps recently filed a lawsuit seeking compensation for his death.

I urge you to investigate whether there are ongoing and continuing deficiencies in staffing and training that have contributed to this rash of inmate deaths and subsequent lawsuits. I particularly urge you to review materials generated in the now-concluded lawsuit filed on behalf of the family of Michael Lewis, including the report of Dr. Richard Belitsky of Yale University School of Medicine Department of Psychiatry, who served as a consulting expert for the plaintiffs. After reviewing incident reports, medical records, and the depositions of various CMS personnel, including the mental health staff, the nursing staff, the consulting psychiatrist, and the medical director, Dr. Belitsky identified systemic deficiencies in the delivery of medical and mental health care at the El Paso County Jail. If these deficiencies remain uncorrected, there is a considerable risk that there will be more tragic deaths and more lawsuits in the future.

I would appreciate receiving your written response to this letter.

Sincerely,

Mark Silverstein,  
Legal Director, ACLU of Colorado

cc: Michael Lucas, El Paso County Attorney