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STANDING COMMITTEES
Budget and Fiscal Affairs Oversight
Judiciary Non-Civil
Special Rules

September 22, 2020

VIA EMAIL

Timothy C. Ward
Commissioner
Georgia Department of Corrections
7 M L K Jr Drive, Suite 543
Atlanta, GA 30334

Re: Breakdown in physical safety in Georgia's prisons

Dear Commissioner Ward:

We write to demand the Department's **immediate** and **complete** investigation of recent allegations that conditions of confinement in Georgia prisons have deteriorated to a point that violates the U.S. Constitution and basic human rights. As you are aware, the Southern Center for Human Rights has compiled evidence of the following alarming trends:

- **Large-scale riots** within the last three months at Ware State Prison and Macon State Prison, caused by gross understaffing and nearly 24/7 confinement of incarcerated people in their own cells for weeks or months on end. There are apparently videos showing 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.
- **Unprecedented numbers of homicides** that exceed comparable statistics for multi-year periods in other states' entire prison systems. Twenty-one people were murdered while in custody this year.
- **Unprecedented numbers of suicides** that are nearly *double* the comparable statistics in other systems: a rate of 40 per 100,000 individuals.
- **An understaffing crisis**: 2,740 unfilled officer positions (30% vacancy rate) as of June 2020.

The Eighth Amendment to the U.S. Constitution requires that the Department maintain conditions of confinement that do not amount to cruel and unusual punishment. It is a violation of the Eighth Amendment when "prison officials, acting with deliberate indifference, expose[] a prisoner to a sufficiently substantial risk of serious damage to his future health, and it does not matter whether the risk comes from a single source or multiple sources, any more than it matters whether a prisoner faces an excessive risk of attack for reasons personal to him or because all prisoners in his situation face such a risk." *Farmer v. Brennan*, 511 U.S. 825, 843 (1994) (citation and internal quotation marks omitted).



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It is horrifying to hear of these events happening in Georgia. The crisis requires a full response. It is not enough to lament the lack of funding or the unavailability of resources. The Eighth Amendment does not say “nor cruel and unusual punishments inflicted, unless prisons lack resources.” If you are not in a position to fulfill the Department’s mission constitutionally, then that message needs to be made clear to the Governor and the General Assembly. But for as long as you contend that you are able to do your job constitutionally, then **we demand in the strongest possible terms that you conduct a full investigation of the above allegations immediately and provide regular updates on threats to physical safety in Georgia prisons and your efforts to address them.**

Signed,

Rep. Josh McLaurin (HD 51)
Rep. Angelika Kausche (HD 50)
Rep. El-Mahdi Holly (HD 111)
Rep. Donna McLeod (HD 105)
Rep. Mary Robichaux (HD 48)
Rep. CaMia Hopson (HD 153)
Rep. Gregg Kennard (HD 102)
Rep. Jasmine Clark (HD 108)
Rep. Viola Davis (HD 87)
Rep. Beth Moore (HD 95)
Rep. Betsy Holland (HD 54)
Rep. Shelly Hutchinson (HD 107)
Rep. Becky Evans (HD 83)
Rep. Mary Frances Williams (HD 37)
Rep. Erick Allen (HD 40)
Rep. Matthew Wilson (HD 80)
Rep. Mike Wilensky (HD 79)