



COMMONWEALTH of VIRGINIA

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The Honorable Loretta Lynch
Attorney General
United States Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Dear Attorney General Lynch:

I write to respectfully request that the Department of Justice Civil Rights Division initiate a pattern and practice investigation into whether there are systemic violations of the Constitution or federal law occurring at the Hampton Roads Regional Jail (HRRJ) in Portsmouth, Virginia, specifically, whether inmates at the HRRJ are receiving the proper medical care, sufficient in nature, timeliness and extent, to satisfy the minimum standards mandated by the Eighth Amendment and the Due Process Clause of the Fourteenth Amendment of the United States Constitution.¹

The Hampton Roads Regional Jail is governed, like all regional jails in Virginia, by a Board comprised of representatives from multiple localities, rather than an individual sheriff or locality or the Commonwealth of Virginia itself. Medical care is provided by a contracted vendor. Upon learning of the recent death of Henry Clay Stewart, Jr., 60, at HRRJ, the Commonwealth of Virginia is once again confronted with significant questions about the provision of medical care at this regional jail. Arrested on or about May 9, 2016 on a probation violation *capias*, Mr. Stewart died about three months later, according to media accounts, alone in a HRRJ cell, after reportedly submitting a grievance form in which he stated: "I have black[ed] out two times in less than 24 hours. I keep asking to go to the emergency room. I don't know what cause[s] the blackouts. I know that my tolerance are low plus I haven't had a meal that I [can] eat. I can't hold water down or food....I have written with same reply, ["Wait] on your (me) ["appointment"].] It is reported that he was observed coughing up blood as he awaited medical attention.²

¹ "Deliberate indifference to the serious medical needs of a pretrial detainee violates the due process clause." *Young v. City of Mount Ranier*, 238 F.3d 567, 575 (4th Cir. 2001)

² http://pilotonline.com/news/local/crime/man-dies-in-hampton-roads-regional-jail-days-after-filing/article_b0ee8763-855a-56da-929f-00d80087ad62.html;

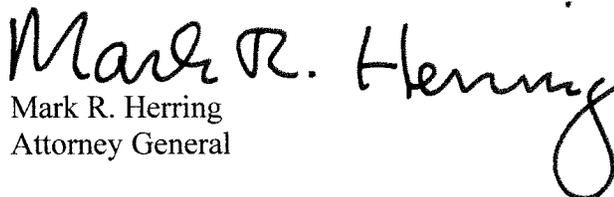
The Stewart case is not the only troubling death that has recently occurred at the HRRJ. Roughly a year earlier, on or about August 19, 2015, 24-year-old Jamycheal Mitchell died in his soiled jail cell at HRRJ, four months after he was jailed for stealing a small amount of food from a convenience store in Portsmouth, and while awaiting a mental health evaluation pending trial on misdemeanor charges of trespass and petit larceny. Allegations of improper medical care have been made regarding Mr. Mitchell's death, and a civil suit is pending.

These deaths have generated serious allegations, and the lack of clarity surrounding these now repeat incidents shows an acute need for an inquiry to determine whether there are practices that are incompatible with the Eighth Amendment rights and guarantees (post-conviction) and Fourteenth Amendment rights and guarantees (pre and post-conviction) provided to all citizens under the United States Constitution.

I write to you with urgency. Previous investigations into the death of Jamycheal Mitchell provide an incomplete picture to date, perhaps in part due to the lack of clear investigative responsibility for regional jails among state and local authorities. While many hard-working HRRJ officials and staff serve daily to keep the public safe and to make sure HRRJ inmates are treated appropriately, there is nevertheless an immediate need for a trusted, independent voice to provide a clear and accurate picture of what has occurred and is occurring in HRRJ. It is my hope that an investigation into whether there are patterns and practices of civil rights violations occurring at HRRJ will inform the public, and help identify any necessary steps that can be taken or resources that can be provided to bring about any systemic change necessary to prevent future deaths at the HRRJ and to rebuild the public's trust.

I welcome an opportunity to discuss these issues and next steps with you in greater detail. My office is committed to assisting your investigation in whatever way we can, and we have already begun taking steps, consistent with my authority, to seek answers to the important questions raised by these incidents individually and when considered in tandem.

Sincerely,


Mark R. Herring
Attorney General

Copy to: Vanita Gupta, Division Chief, Civil Rights Division, U.S. Department of Justice
Dana Boente, United States Attorney, Eastern District of Virginia