



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Superintendent David L. Simons  
Hampton Roads Regional Jail  
2690 Elmhurst Lane  
Portsmouth, VA 23701

June 17, 2016

Dear Superintendent Simons,

I write you regarding the 2015 death of Jamycheal Mitchell. Mr. Mitchell was held in the Hampton Roads Regional Jail (HRRJ) from the date of his arrest on April 22, 2015 until his death on August 19, 2015 while awaiting transfer to Eastern State Hospital for mental health treatment.

I am sure that you, your board, and I all share the same concerns about Mr. Mitchell's deterioration and ultimately his death while held at your facility. The public expects and deserves answers about the chain of events that led to this death, and as policy makers and public servants, we have an obligation to learn any lessons we can to make sure such a situation does not occur again.

Thus far, there have been two inquiries into the circumstances surrounding Mr. Mitchell's death, though neither agency has been able to take a complete look at what caused his death and what could have been done differently. One investigation and report by the Department of Behavioral Health and Developmental Services (DBHDS) Office of Internal Audit and Investigation focused broadly on the chain of communication between the Court, jail, and mental healthcare providers, as well as Mr. Mitchell's medical care during that time. Another investigation and report by the Office of the State Inspector General (OSIG) focused broadly on similar concerns, but its investigation also did not develop a full, clear and complete picture of what occurred within HRRJ. The Virginia State Police have also opened an initial "inquiry" into Mr. Mitchell's death.

A critical missing piece of the puzzle is a full and complete accounting of what happened to Mr. Mitchell while held in HRRJ. The most thorough accounting of Mr. Mitchell's time in HRRJ is presumably found in the report compiled by your staff following an investigation into the matter.

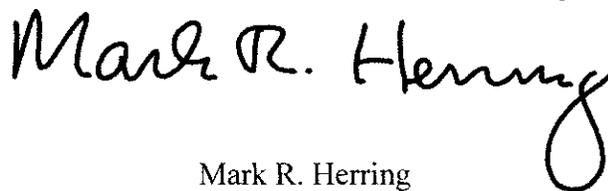
This report has not yet been made available to the public or even to state policy makers who have a duty to determine whether policy modifications or improvements are required to prevent such a tragedy in the future. Consequently, the public and the Commonwealth are left to surmise or speculate as to the events that transpired prior to Mr. Mitchell's death. In my view, this is untenable and unacceptable.

Members of your staff at HRRJ have told the media that the HRRJ report contains no evidence of foul play or criminal conduct. Your staff also indicated that they would be willing to discuss the investigation, the report, and its contents at a later date. More than 300 days after Mr. Mitchell's death, we are well past that date.

I respectfully request that you make available to the public HRRJ's internal report into the circumstances surrounding Mr. Mitchell's death. Short of releasing the report to the public, I ask that you make the report available to DBHDS, OSIG, the General Assembly's Joint Subcommittee to Study Mental Health Services in the Twenty-First Century, and the Virginia Center for Behavioral Health and Justice so that they may gain a fuller understanding of Mr. Mitchell's circumstances as he moved through the criminal justice system, supposedly on his way to mental health treatment. Even if the report does not show criminal conduct or foul play, something went wrong, or something is wrong in our mental health and/or criminal justice infrastructure that would allow a young man known to be in an acute mental health crisis to deteriorate and pass away in a jail cell while awaiting treatment.

I share the frustration of many in the public that we have not yet gained a full and complete understanding of the events and circumstances before Mr. Mitchell's death. I believe that the report your staff completed is a critical piece of the puzzle that must be shared with the public and policy makers so that we can avoid such tragedies in our state, local, and regional jails. As public entities entrusted with the welfare of the public and their tax dollars, we must serve our citizens by seeking and sharing the truth in this matter.

Very respectfully yours,

A handwritten signature in black ink that reads "Mark R. Herring". The signature is written in a cursive style with a large, looped "H" and "R".

Mark R. Herring  
Attorney General of Virginia