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CCA inmate didn't leave cell to shower for 9 mos.

Sheriff, Metro health officials disagree who's responsible; grandmother wants answers

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While other inmates at the Metro Detention Facility took an hour out of their cells most days, a mentally ill inmate named Frank Horton never left his cell for any recreation or a shower — for nine straight months. It's unclear if he even saw a doctor.

Living conditions for the inmate, a nonviolent offender before entering prison, changed only after an employee complained to the Metro Public Health Department on Jan. 31 and he was forced out for a shower and a mental health evaluation.

The situation raises questions about the treatment of inmates at the 1,200-bed prison where many of Nashville's convicted felons serve their time.

The South Nashville site has been in the news in recent months:

- A man was arrested in the January beating death of his cellmate in the high-security segregation unit.
- A prisoner with a storied escape history broke out through the air vents in February.
- The warden, Brian Gardner, was removed from his post this month and is "awaiting reassignment" by the Corrections Corporation of America, the for-profit prison giant overseeing 65 facilities in 19 states.

CCA was in the national spotlight last week after a former employee accused the company of underplaying serious safety incidents at its facilities. The accusations were aimed at Gus Puryear, a former lawyer for CCA nominated to be a federal judge.

According to prison records, Horton, 23, refused to leave his solitary cell for the allotted 60 minutes a day for a shower and recreation. When he was finally forced out, a nurse said, he seemed cooperative but was incoherent.

In an e-mail, CCA spokesman Steve Owen said he wouldn't respond directly to any questions about Horton, "as that may violate federal privacy protections for medical/mental health information."

He said the facility has policies on enforcing minimal showering for hygienic and health reasons, but did not provide a copy of that policy.

Both Metro's health department and the Davidson County Sheriff's Office have contractual power to oversee operations at the Metro Detention Facility, but they disagree about whose responsibility it is to ensure that basic hygiene is enforced.

None of this makes sense or even matters to Mary Braswell, 66, who raised Frank Horton until he was too hard to handle.

When she heard that her grandson hadn't bathed in nine months, she fought off tears like a woman who has spent years perfecting the art of being strong.

"It's ridiculous to have anybody live like that," Braswell said. "To me, that's not even human."

Angry outbursts as child

When Braswell last called the prison to find out how he was doing, maybe a couple of months ago, she was told he was doing OK.

Braswell said that's the most information she's received in nearly a year, since the last time anyone in her family heard from him.

She's tried to see him, but she hasn't been added to his visitor list. She asked her pastor to visit him, but she, too, was denied.

She doesn't really know whom to call, and she's thought about getting a lawyer to cut through the tape. But her Social Security checks go only so far.

She took custody of Horton when he was a baby.

"He was so sweet then, just as sweet as he could be," she said.

As Horton grew older, that sweet disposition gave way to angry outbursts. When her grandson was 4 years old, they enrolled together in a behavior intervention program. She keeps a Polaroid picture in her photo album of the two of them smiling together at the class graduation.

By the time he was 7, he was too big and too angry for the rail-thin grandmother to control.

He was diagnosed with attention deficit hyperactivity disorder. Later, she said, he was diagnosed with bipolar disorder, too.

Horton spent a few years in foster care and then returned to Braswell and her daughter. Neither of them could stop him from getting into trouble.

His arrest sheet with Metro is full of nonviolent offenses: trespassing, drug possession, driving without a license, vandalism. He was locked up in December 2005 because he didn't check in with his parole officer.

The next summer, while at the Metro Detention Facility, he was charged twice with assault. In one incident, he was accused of throwing feces at a guard.

His grandmother asked about his parole last year, when she thought he would be getting out, but she was told he'd had his chance and been denied. She still worries that her grandson's anger will get him hurt in prison.

"I didn't think he'd be in there by himself for almost a year," Braswell said. "It's like he's in there for murder."

Who's responsible?

Other than Braswell, no one wants to say much about Horton.

Metro health department officials confirmed that on Jan. 31, they received a complaint about the treatment of an inmate, but they declined to confirm the inmate's name.

That same day, health officials visited the prison, and Horton was forced out for a shower and his cell was cleaned.

"We asked that he have an assessment from the mental health coordinator and a physician," said Cathy Seigenthaler, director of correctional health. "Both of those things occurred. There is no corrective action plan warranted on a medical end."

Although health officials responded to the complaint about Horton and took action, they said they didn't believe the showers were related to health care.

"Facilitywise, anything regarding the cleanliness or segregation unit falls under the sheriff's department," Seigenthaler said. "That's something they monitor."

Davidson County Sheriff Daron Hall disagreed.

Hall said that, while he thinks the lack of showers is an obvious issue, his first reaction to Horton's long solitude in his cell points to a serious question: Has his mental health been adequately addressed?

In 2004, Hall said, the contract was rewritten so CCA's health care is monitored on-site by the Metro Public Health Department. Both the sheriff's office and the Metro medical director have a staff member on-site at the prison full time.

Health officials said their primary duty is monitoring medical records, and they're permitted to merely recommend a fix with no enforcement power to back it up.

"We go in as we do in other facilities and look at various aspects of medical care, and if we find issues, then we ask that facility to come up with corrective action," said Margaret Holleman, director of policy development with the Metro health department.

Under Metro's contract with CCA, the Davidson County Sheriff's Office oversees the policies of the prison. The health department monitors the health records of its prisoners, as it does at the county jails.

According to Hall, the state of Tennessee pays the sheriff's office about \$17 million a year that is used to pay CCA for operating the prison.

Metro controls the prison, although its prisoners — convicted felons with one- to six-year sentences — are generally considered state prisoners and the financial responsibility of the Tennessee Department of Correction.

Spokeswoman Dorinda Carter said the Department of Correction doesn't collect incident reports or statistics from that CCA facility, as it does with other state prisons, because it considers the prisoners to be in jail and in Metro's custody.

The contract between Metro and CCA specifies that the sheriff's office monitor has access to any documents, employees or inmates, although he is not permitted in meetings involving corporate officials or employee discipline hearings.

'Unforgivable' treatment

Hedy Weinberg, executive director of the Tennessee branch of the American Civil Liberties Union, said that if true, Horton's treatment was "unforgivable."

"The idea that both the government and the private contractor agree to provide service and are now tossing the ball, saying, 'We're not responsible,' raises serious constitutional questions and concerns," Weinberg said.

Braswell, Horton's grandmother, is still hoping that some good will come of Horton's prison stay and that he might get the help he needs.

She has felt continually let down by the system since she took custody of her grandson, from his troubled adolescence, when he got arrested and sent right back home, to the way he's living in the segregation unit at the Metro Detention Facility.

She keeps a quote taped to her refrigerator from the Bible book of *Philippians*: "Think on good things."

She smiled sadly.

"You have to."