

County Executive/County Council Members/Dr. Brookmyer,

This email is in response to the email from Sebastian Brown regarding the sewage backup incident that occurred the Frederick County Adult Detention Center on the evening of March 11, 2023.

Mr. Brown cited the incident as an “alarming and hazardous health incident” reported to him by an inmate of the facility. The email, received by all of you on March 15, 2023, at 9:23 a.m., included a written account from one inmate that included inaccuracies in fact and assertions that were completely not true.

Following the incident, I directed staff to immediately investigate the incident to include exactly what occurred that evening, the reason for the flooding incident, what actions the staff took and why they decided to not remove the inmates from that block. This email contains the findings of that investigation and details actions taken by staff the evening of the incident.

Before I layout the facts of this incident I do want to emphasize that drain and toilet backups are not rare occurrences for the facility for two main reasons. The first is the age of facility to include the original plumbing, drain, and sewage system which has deteriorated over 39 years. The other problem, we experience more frequently, is the fact that inmates flush everything imaginable down the toilets to include underwear, torn uniforms clothing, paper, tampons, and food. This creates tremendous problems for maintenance. Of important note, the entire facility is to undergo an infrastructure replacement project, which will include the replacement of all plumbing, drains, and sewer pipes and other piping within the facility. This Capital Improvement Project is slated to start in 2024.

Below are the facts of March 11 & 12, which I know to be true as I have, conducted a full investigation, spoke to those involved, and watched the entire video from the event.

On the evening of March 11, at approximately 11 p.m., there was a backup of gray water from the shower drains located in the “F” block of the Frederick County Adult Detention Center. At that time the unit housed approximately 18 inmates. As soon as the inmates realized what was going, they notified the correctional officers on duty, and those CO’s responded at 11:03 p.m. and immediately began actions to stop the flooding. Their initial reaction, in the hopes of stopping the water before it got out of control, was to house the inmates within their respective cells inside the impacted block. The water continued to overflow from the shower drains and the toilets in the block, with the water coming out of the toilets noted as clear. CO’s called a Frederick County maintenance worker at 11:11 p.m. and he responded, after a 45-minute commute, by 12:20 a.m. on March 12.

The CO’s locked the inmates in their cells at 11:06 p.m. until 5:30 a.m. when lockdown ended (six (6) hours and twenty-four (24) minutes). The CO’s completed this action initially due to water only coming up from the shower drain. As the water continued to rise, it went under the cell doors and out of the “F” block door and into the main hallway.

By the time the supervisor(s) came back with flood blankets and a Shop Vac, the water had started to come up from the toilets inside of the cells. CO’s instructed all inmates not to flush their toilets, stay out of the water and stay on their bunks, and to get all property off the floor and put it on their table so it would be safe.

Correctional staff retrieved flood blankets and placed them in the main hallway to stop the water from going into other blocks or further down the hallway. They used the Shop Vac to start cleaning up the approximate 1"-1.5" of water that had flooded the block and cells. This is estimate is based on viewing the video and watching the water level against stationary objects in the block.

Some inmates advised the supervisor(s) that the water was going down their toilet and they refused to stop flushing the toilets. The supervisor(s) then told them that it was going down their toilet but coming up in another toilet in the block. The supervisor(s) shut off the water to all cells so the flushing could stop. However, the supervisors noticed that the water was still coming up from the shower drain. The supervisor(s) then contacted the second-floor officers and advised the officers to direct the block above them to stop flushing their toilets until further notice.

The staff and supervisor(s) determined the best course of action at this time was to secure the inmates in their cells instead of having them walk through the water to another area of the facility. There was no gray water washing over their possessions because CO's instructed inmates to pick up all their possessions off the floor. Throughout the incident, the same inmates stood at their door, watching the supervisor(s) and other officers clean up the water. One inmate was counting how many mop buckets and shop vacs and reported the number to us each time. The supervisor(s) and other correctional staff advised the inmates several times to sit on their bunks and not stand in the water that was in their cells; however, all these inmates refused to listen and instead watched the cleanup process.

The maintenance worker arrived and immediately began remediation actions to stop the backup of water. By approximately 3:40 a.m., the maintenance worker cleared the clog, the water had stopped, and cleanup efforts were well underway. By approximately 6:30 a.m., the entire "F" block, including the cells were free and clear of all water on the floors.

Please see below for a written account from the one inmate. He informed me that over a dozen other inmates submitted written accounts as part of a formal complaint that they filed on Sunday. They are incredibly worried for their health and safety and asking for measures to be taken to properly address this.

"On Saturday night March 11 there was a plumbing issue that caused sewage backup and flooded the entire facility in sewer water with feces, urine and toilet paper floating around us."

It was only one housing unit that flooded, not the entire facility.

By accounts of the COs cleaning up and in watching the video myself, there does not appear to be any feces present in the water, and there would be no way of knowing if urine was present. There was some toilet paper floating around the dayroom area, but inmates did not get their toilet paper off the floor when told to do so. No one knows for sure where the toilet paper floating in the water came from.

As it progressed the guards didn't do anything, nobody cleaned it up, and it reached 2 inches of flooding in all the cells and lobby.

During the cleanup process, all available CO's on duty, utilized two shop vacs, four mop buckets, and three mops to help clean the flooded area. Correctional officers were in the block dealing with this issue the entire time until maintenance arrived to unclog the drain. When the maintenance worked removed

the clog, correctional staff cleaned up all standing water and sanitized the entire block including the cells with a 10-1 bleach solution and cleaning supplies, using only county authorized equipment. Watching the video, it appears the flooding reached approximately between NO MORE than 1"-1.5" in height.

They decided to enclose everybody in their cells as they worked on addressing it, so we all slept in our cells all night until 6am in the morning inhaling the sewer gases.

This statement is correct, and I am addressing it as part of the ongoing investigation. I have directed that in the future, a plan is to be in place to immediately evacuate the impacted inmates to another section of the Adult Detention Center.

Regarding the "inhalation of sewer gases," after speaking with the facility's maintenance department, they advised that there would not be any way for sewer gases to come up through the drain because of the P-Trap. A P-Trap is a specialized fitting that creates a powerful barrier that stops sewer gases and odor from entering living spaces and buildings. ADC leadership talked with the correctional officers who were in the housing unit the entire time cleaning and they advised no one ever smelled any type of sewage odor while in the block cleaning it up.

And as the sewer water and feces damaged any belongings we had (on top of it being extremely cold in the cell which is unfortunately typical).

The Administrative Director advised that all inmates who turned in a request for replacement of items would have replacements provided at no cost, to include canteen items. Initially all inmates housed within "F" block received new jail-issued shoes.

CO's regularly check the temperature of the facility and logged per ADC standards.

The following is a response email from one of the supervisors who helped with the cleanup and addressed to the ADC Director of Security.

"The only items removed from almost every cell that I entered were jail issued items, toilet paper, and jail issued shoes. I did throw one pair of socks away, that I was instructed to do so by that inmate because he did not want them anymore due to him forgetting to grab them from the floor when the water started. During the time frame of the water backup, at no time did I take or find any commissary that was damaged, in water or needed replaced. All shoes, blankets, sheets, and shower mats for the showers were replaced in the morning when lock down was removed."

The cleanup was very inefficient. They used small vacuum cleaners they had on hand that didn't seem to be working very well and weren't made for this.

See response above.

Yesterday we inmates organized and filed a complaint to protest this and that they need to move them to another block or gym.

There was a total of nine written grievances about this incident. Jail leadership conducted an informal post action review of the incident with the supervisors who were involved. Additionally, as the Sheriff, I

directed a full investigation with the results provided back to me. I made this a top priority immediately after receiving notification of this incident.

Last night we got a response to the complaint stating that the captain had reviewed it and determined all necessary precautions were taken to avoid this from happening again.

The Grievance Coordinator notified the ADC Director of Security about the complaint from the inmates. The Director of Security advised the Grievance Coordinator that the full event was under review and appropriate actions were forthcoming.

But many of us are worried about our health, potential infections, bacterial exposure, as the stench remains still.

As of March 27, 2023, not one inmate from the March 11-12 incident, requested sick call or have visited the medical clinic with concerns from the incident.

I directed the Warden to complete medical assessments of every inmate who was in "F" block on March 11-12, with all results to be provided to me.

We believe they should have been move to another block or wing of the facility while it was cleaned up. This is inhumane treatment that nobody deserves.

The supervisors and correctional staff thought it would be unsafe to move the inmates because of the amount of water on the floor. CO's advised all inmates to stay on their bunks several times throughout the incident. They refused to do so and chose to stand at the door and watch staff clean up the water for several hours.

I have directed the Warden, Assistant Warden, and other leadership of the Frederick County Adult Detention Center to have a standard operating procedure in place for future events of this nature. At my direction, all inmates impacted by events like this are to be immediately moved to another area within the correctional facility. As concerning as this situation is, the assertions made by the inmates were gravely exaggerated, however, all steps are being taken to prevent this situation from occurring in the future.

Sheriff Chuck Jenkins

Frederick County Sheriff's Office
110 Airport Drive East
Frederick, MD. 21701
Office: 301-600-1532
Cell: 240-674-2170
cjenkins@frederickcountymd.gov

