

MEDICAL AND MENTAL HEALTH CARE IN VIRGINIA JAILS

Virginia has 62 jails. There are county jails, city jails, regional jails and 2 jail farms. Local jails are operated under authority of the local sheriff. Regional jails are operated by a regional jail board or authority consisting of the sheriff and another representative from each participating jurisdiction. **Each jail has its own policies and procedures.**

Health and mental health treatment services vary widely from facility to facility. Some jails may have a full time doctor or psychiatrist. Others may rely on contract providers. Some use private providers; others contract with local community services boards (CSBs). Each provider has its own list of the medications which may be available.

Frequently Asked Questions

Do people in jail have a right to medical and mental health treatment?

Yes. However, for that right to apply, the jail staff must know that you have a “serious medical need.” They must also know what treatment is needed and must understand how you could be hurt if they do not provide treatment.

What can I do to make sure that I get the care I need while I’m in jail?

We suggest that you ask your regular doctor to write a letter explaining:

- Your medical and/or mental health conditions
- How you will be harmed if you do not get the care you need, **and**
- The treatment/medication needed to prevent that harm

If you are not able to contact your doctor, a friend or family member can make the request.

What if I can’t get a letter from my doctor?

You or someone you trust can write a letter that explains your medical and/or mental health needs. This will not be as helpful as a letter from your doctor, but it is worth doing as long as it is clear and has all of the required information.

Who should get that letter?

Send any letters to:

- The jail administrator
- The jail's contract physician (if you know who that is)
- The attorney representing you

You should keep a copy of the letter in case you ever need it as evidence of deliberate indifference. Send the letter to the jail administrator and physician by certified mail so you will have proof that they received it.

Can I use medications I already have while in jail?

It depends on that jail's policy and, in some cases, what the medication is. Check with the jail about its policies. Frequently, you can use medication prescribed for you if it is in the original bottle and clearly labeled. The jail may check with your doctor to verify the prescription. Some medications are not allowed in jails because of a high potential for abuse.

Can the jail charge for medications or treatment?

Generally, jails can charge if you have the ability to pay. Most charge some sort of co-pay. Jails cannot refuse to provide needed treatment for serious medical conditions because you cannot pay for your treatment.

When would the jail be accountable for not providing care?

The jail may be accountable for harm to an inmate resulting from deliberate indifference to a serious medical condition. What this means in simple terms is that, to be liable, staff must know about your serious health condition, know that failing to treat you could seriously harm you **and** refuse to provide treatment.

How do I complain if I think my rights are violated?

Each jail will have its own complaint procedure. You should have received a copy of your rights and an overview of the grievance policy at admission. If not, request that information from the administrator. You must use that jail's process and complete each step, on time, in order to preserve your rights. The Prison Litigation Reform Act (PLRA) requires that you complete each step in the appeal process before you can file a lawsuit.

What if the jail fails to provide care for other inmates too?

You may file a complaint with the U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, NW, Special Litigation Section, Washington, D.C. 20530. The Special Litigation Section does not have the legal authority to represent individuals but can investigate system-wide violations. This is a very useful option if there is a jail-wide failure to provide needed health or mental health care, or if the jail has policies that deny such care. If you file a complaint, provide as much information as possible. You may send copies of records, but do not mail original documents.

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