



Department of Justice

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FORMER POLK COUNTY JAIL SERGEANT PLEADS GUILTY TO FEDERAL CIVIL RIGHTS CHARGES

Rome, GA - JOSHUA DAVID LOWE, 25, of Aragon, Georgia, a former sergeant at the Polk County Jail, pleaded guilty today in federal court to a civil rights charge of using excessive force against an inmate in his custody.

United States Attorney David E. Nahmias said, "We recognize that detention officers have a difficult job as they guard inmates in our jails and prisons. The vast majority of officers serve with honor and courage. But under no circumstances can we allow a detention officer to abuse his authority to commit an unnecessary and violent assault on an inmate. We are committed to investigating and prosecuting any law enforcement officer who engages in such criminal conduct."

Gregory Jones, Special Agent in Charge, FBI Atlanta, said, "We would like to thank Polk County Sheriff Kelly McClendon and his administration for not only recognizing the seriousness of the crime committed by Detention Officer Lowe but also in bringing it to the attention of the FBI. It is this type of leadership within law enforcement that brings credit to the entire criminal justice system."

Polk County Sheriff Kelly McClendon said, "We in law enforcement are held to a high standard. It is our duty and responsibility to ensure to the people we protect that whatever circumstances we face that our training and oath as law enforcement officers are held to the laws given to us by the Constitution of the United States and the State of Georgia."

According to United States Attorney Nahmias and the information in court: LOWE admitted during the guilty plea hearing that he abused his authority as a law enforcement officer on February 7, 2009, when he unnecessarily and repeatedly struck an inmate in his head and face while the inmate was strapped in a restraint chair. LOWE agreed that his conduct resulted in bodily injury to the inmate and violated federal law and the constitutional right of the Polk County inmate not to be deprived of liberty without due process of law.

A number of LOWE's fellow detention officers witnessed the incident and came

forward to report that LOWE had gone too far with his use of force against the inmate. One of the detention officers who witnessed the assault told federal authorities that he "saw blood everywhere" and that the inmate was "spewing blood" after he was attacked by LOWE. Another detention officer told an FBI agent that LOWE's assault on the inmate was unjustified and "horrible."

LOWE is scheduled to be sentenced in Rome by Senior United States District Court Judge Robert L. Vining, Jr. on October 15, 2009, at 10:30 a.m. LOWE faces a maximum sentence of 10 years in prison and a maximum fine of \$250,000. In determining the actual sentence, the Court will consider the United States Sentencing Guidelines, which are not binding but provide appropriate sentencing ranges for most offenders.

This case is being investigated by Special Agents of the FBI and the Polk County Sheriff's Office.

Assistant United States Attorneys Corey Steinberg and Brent Alan Gray are prosecuting the case.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.