

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Hadix v. Johnson

EVERETT HADIX, et al
Plaintiffs,



PC-MI-003-002

v
PERRY JOHNSON, et al,
Defendants.

Civil No. 80-73581
HONORABLE JOHN FEIKENS

FILED
FEB 19 1983
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CONSENT DECREE

The parties herein stipulate and consent to the entry of the following consent decree by this Court which constitutes the final judgment and settlement in this matter except as to those issues specified in introductory paragraphs 6 and 7 herein:

INTRODUCTION

1. This was an action brought pursuant to 42 USC 1983 and other applicable statutes seeking declaratory and equitable relief with respect to the conditions of confinement at the Central Complex of the State Prison of Southern Michigan, including the Reception and Guidance Center (hereinafter referred to as SPSM-CC).

2. Plaintiffs are prisoners at the SPSM-CC and represent themselves and the class of all prisoners who are now or will be confined within said institution. Defendants are state officials charged under Michigan law with the operation of SPSM-CC.

3. The complaint in this case alleges that the rights of the Plaintiffs secured by the First, Eighth, Ninth, and Fourteenth Amendments of the United States Constitution have been violated. The provisions contained herein are intended by the parties to assure the constitutionality of the conditions under which prisoners are incarcerated at SPSM-CC. The parties further recognize that this consent judgment in certain respects incorporates the present practice and procedures of the Michigan Department of Corrections.

4. By entry of this judgment, the Defendants make no admission of liability on the claims of the Plaintiffs.

5. The Court retains jurisdiction to enforce the terms of this judgment.

6. The parties agree that they will submit the following questions for resolution by the Court after a hearing on the merits:

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a. With respect to access to the courts (section VI, infra):

- 1) Whether and to what extent Defendants are constitutionally required to provide attorneys to assist prisoners with legal matters.
- 2) If attorneys must be provided, whether and to what extent these attorneys must be independent.

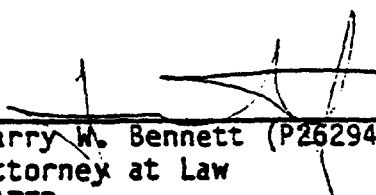
b. Classification.

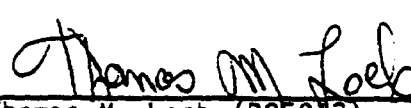
c. Due Process.

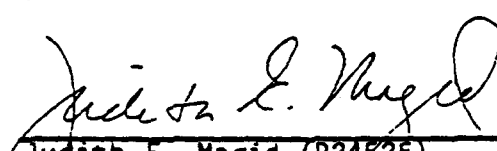
7. Visitation is not addressed herein as Plaintiffs' claims in this regard were previously dismissed on motion by Defendants.

SO STIPULATED:

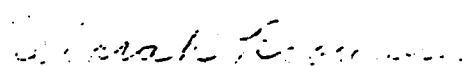
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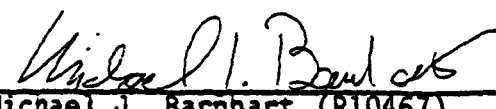

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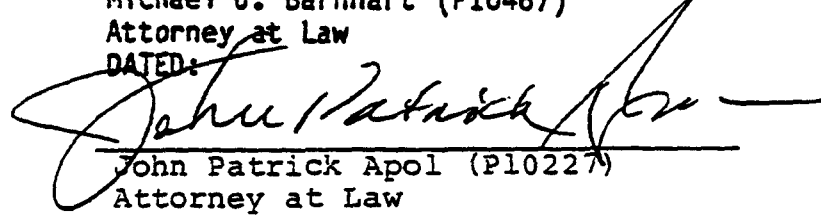

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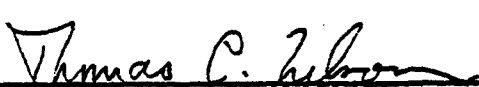

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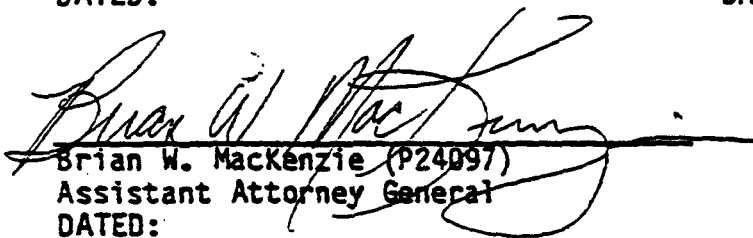

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AGREEMENTS

I. Sanitation, Safety, and Health

A. Environmental Sanitarian

1. The Department shall employ an Environmental Sanitarian at the State Prison of Southern Michigan-Central Complex and Reception and Guidance Center (hereinafter referred to as SPSM-CC) as a full-time, fully qualified professional.
2. The qualification for Environmental Sanitarian shall be licensure as a Sanitarian in Michigan which requires three years of work experience as a Sanitarian and a degree in Environmental Sanitation or a related science.
3. The Environmental Sanitarian shall have responsibility for inspection and identification of environmental deficiencies regarding housing and food service sanitation, including without limitation, rodent and vermin control. The Environmental Sanitarian shall report to the Warden and shall be authorized to coordinate management resources to correct deficiencies of the above nature, including recommending for purchase and distribution of necessary services, supply and equipment. The Environmental Sanitarian shall advise the Warden regarding appropriate action for prevention of problems in the area of sanitation.

B. Housekeeping

The Department shall implement at the facility the housekeeping plan which is attached hereto and incorporated herein as Appendix A.I. The plan shall be fully implemented within 90 days of the entry of the Judgment in this matter.

C. Inspection for Sanitation

1. The Department will obtain complete, annual inspections of SPSM-CC by qualified non-Corrections agricultural inspectors and qualified non-Corrections Building Construction Trades inspectors, and appropriate follow-up inspections. Said inspectors shall inspect for compliance with applicable law in each area upon which this area (sanitation) touches and shall be reflected in a signed inspection report. This report shall be provided to the Michigan Department of Corrections promptly following each inspection.
2. As to each cited improper condition on each report, the Department of Corrections shall make all indicated corrections within 60 days unless funding requirements (including

procedures for hiring and bidding) or purchase of equipment require further time, not to exceed 180 days. In any event, correction shall be accomplished more quickly if required pursuant to this plan. On occasion extraordinary measures might be necessary to make required corrections and in such a case, these corrections shall be made within a reasonable time.

D. Personal Hygiene of Prisoners

The Department shall implement at SPSM-CC the continuing plan for personal hygiene of prisoners. This plan is attached hereto and incorporated herein as Appendix A.II.

E. Vermin Control

The Department shall implement at SPSM-CC the continuing plan to control vermin. This plan is attached hereto and incorporated herein as Appendix A.III.

F. Occupational Safety and Health

The Department shall have a program of compliance with the Michigan Occupational Safety and Health Act to ensure safety in prison work areas.

G. Requirement for Cell Lighting

The Department shall house inmates only in cells with adequate operational, interior lighting. Only in the case of an emergency, as determined by the Warden and documented by him in writing, shall an inmate be placed in a cell where the lighting does not function.

H. Other Electrical

1. The Department shall provide one duplex outlet receptacle or two single outlets for inmate use in each cell. As an interim provision, within 90 days, the Department shall make available U-L approved extension cords to allow reasonable electrical service in each cell.
2. The Department shall provide adequate lighting (10 footcandles ambient lighting and 20 footcandles for reading and work unless more in work areas are needed for safety) in housing and activity areas to enable inmates to read, and in work areas to assure safety. This includes without limitation, 10 footcandles lighting on base activity areas in cell blocks, unless greater light is needed for planned activities for that area.

3. The items set forth in H.1 and 2 will be accomplished at SPSM-CC by July 1, 1986 unless major increases in electrical generating and distribution are necessary at that facility, in which case this shall be accomplished by July 1, 1987.

I. Solid Waste Disposal

A solid waste disposal plan for all areas of the facility will be prepared by the Environmental Sanitarian. With regard to solid waste containers, the plan will include, without limitation, provisions for appropriate, safe, fire safe, clean, solid waste containers in all areas, including housing areas. The plan will be fully implemented within 180 days after entry of the Judgment in this matter.

J. Plumbing Maintenance

On a continuing basis the Department shall maintain pipe chases free of all standing water and filth, shall maintain all sewer lines properly closed, and shall maintain with proper plumbing fittings all clean-out ports.

K. Windows

On a continuing basis, the Department shall inspect windows and reasonably promptly replace glass where broken and missing. Where replacement windows are necessary, non-opaque windows shall be installed. Where screening is presently absent, greater efforts through adequate screening shall be made. Where window openings are screened, the screening shall be sufficient to exclude birds and flying insects including mosquitoes.

L. Food Service Sanitation

Within 15 months after entry of the Judgment in this matter, all necessary sanitation will be assured in food production operations. Other provisions of this plan to the contrary notwithstanding, SPSM-CC will, in its food service facilities, meet all applicable requirements of the 1976 Food Service Sanitation Manual (U.S.P.H.S.). The Department shall comply with each item specified in Appendix E of the 1976 Food Service Sanitation Manual (U.S.P.H.S.).

M. Training

The Department will initiate professionally-designed and executed continuing training programs for both pre-service and in-service training of all employees and inmate workers involved in areas regarding sanitation, including the sanitation plan set out in Appendix A. Each employee or inmate worker will be required to complete the training program appropriate to the particular

employee's or inmate worker's responsibilities. The program shall include a method for evaluating the employee's or inmate worker's performance in the training program, which performance must be adequate for continued employment in areas where sanitation is critical. The training program will be initiated within 90 days after entry of the Judgment in this matter.

N. Barbering

Barbering facilities and equipment will be supplied for SPSM-CC and maintained in compliance with relevant administrative regulations. A licensed barber will be available as a consultant. No person shall be permitted to barber inmates without appropriate training in the public health aspects of barbering. Professional personnel at SPSM-CC, specifically the Environmental Sanitarian and the professional barber consultant, shall provide such training. Barbering pursuant to the above requirements will be implemented within 180 days after entry of the Judgment in this matter.

O. Noise

Noise levels in cell blocks will not exceed 70 decibels - day, 45 decibels - night where inmates are housed, not more than 90 decibels in work areas for an eight-hour exposure period, and not more than 85 decibels in eating areas.

P. Water

Hot water (within 6°F of 110°F) and cold water shall be provided in all cells, sinks and showers in housing units.

Q. Temperatures

Inmates will be housed in cells where the temperature is healthy and safe in any season. Temperatures in activity areas similarly shall be maintained healthy and safe. The Department will monitor and record the temperatures on housing unit base floors and highest galleries, and take whatever reasonable steps are necessary to assure safe and healthy temperatures.

R. Electrical

Within 180 days of the entry of the Judgment in this matter, any exposed wiring will be corrected, each cell shall have an operational switch (e.g., a pull chain) for cell lights, and any short-circuited wiring will be corrected.

S. Ventilation

The Department, within fourteen (14) months after the entry of the Judgment, shall provide ventilation of seven (7) cubic feet per minute per inmate. In summer months, a mechanical exhaust system shall operate to exhaust a total of 54 cubic feet per minute per inmate in each cell block.

T. Plumbing

Any cross connected plumbing, including any potential siphonage hazards, will be corrected within 30 months of the entry of the Judgment in this matter. The Department will correct any plumbing (including sewerage) and fixture leaks and will not house prisoners in cells lacking operable plumbing and fixtures, including a functional commode and sink in each cell. Corrections shall be made in accordance with acceptable codes and standards. In the interim, the Department will take reasonable temporary measures, such as the addition of free chlorine to the drinking water, the monitoring of reports of disease related to plumbing conditions, and appropriate testing of water to reduce any hazard from plumbing inadequacies.

U. Prisoner walkways shall be repaired and maintained in a reasonable condition.

V. Metal panels currently installed in the showers shall be repaired, replaced or removed.

W. Housing space which is modified to comply with handicap access requirements shall be provided to house those inmates requiring such areas, if such inmates shall be housed in the facility.

II. Health Care

A. Medical Care

1. General Provision

The standard for health care for prisoners supervised by the Michigan Department of Corrections has been established by administrative rule and policy. For the purposes of this decree, defendants adopt as a standard, and they shall provide, medical services consistent with contemporary professional health care standards. This standard is entirely consistent with long-established Michigan corrections' policy. Each prisoner at SPSM-CC shall receive adequate health care as measured against contemporary professional standards.

2. Hospital Facility

The existing hospital facility at SPSM-CC is scheduled for replacement by early 1986 with a new 94-bed facility. Final building plans for the hospital shall be adequate to receive full approval by the Michigan Department of Public Health Licensure Division. Because of the prison setting, variances might become necessary, but the services and practices shall be no less than those that would be required for licensure in a non-prison setting. Reconstruction or rehabilitation of dental and primary ambulatory care facilities in the Central Complex currently is occurring, and shall be completed within a reasonable time.

By December 31, 1986, the Department will conclude construction and commence the operation of the hospital facility described above. In case of unavoidable construction delay, a reasonable rescheduling of the completion date not to exceed January 1, 1988, may be necessary. Within two months following the completion of the replacement facility, the Department will cease to use for medical purposes the current hospital at SPSM-CC. The new facility shall be accessible to all SPSM-CC inmates, and shall be adequate to meet these inmates' serious medical and mental health needs, except to the extent that the Department provides appropriate care elsewhere. The facility shall, in addition, be adequate to meet the serious medical and serious mental health needs of any other person brought from elsewhere for care at SPSM-CC.

In the interim at SPSM-CC, while new facilities are being constructed, defendants shall continue to assure in the current SPSM-CC hospital professionally sanitary and safe conditions, including the appropriate storage of anesthetic gases.

3. Medical Screening

- a. All prisoners, upon entry to the Michigan Department of Corrections at SPSM, are given a physical examination by qualified medical personnel. A physician shall consult on each inmate received. Dental screening is performed by qualified dental hygienists. Where not already implemented, these procedures shall be implemented and continued.
- b. Prior to transfer to another facility or other substantial travel, each inmate shall continue to be evaluated by qualified health care personnel to assess suitability for travel or institutional reassignment.

- c. Within 90 days from the entry of the Judgment in this matter, the Department will submit a professionally designed plan by which they will take appropriate precautions to prevent the occurrence of potentially epidemic contagions such as tuberculosis, aids, gonorrhea, and syphilis. The plan shall provide for implementation within an additional 180 days after the approval or adoption of the plan.

4. Access to Health Care

- a. Within 60 days from the date of the entry of the Judgment in this matter, the Department will submit a plan by which all inmates will be afforded daily access on each weekday to a sick call register. Any inmate who registers for sick call shall within 24 hours receive an appointment to be seen by medical staff within a reasonable time given the particular medical complaint, except those registering on a Friday may receive appointments on the following Monday. Inmates shall be afforded direct access to a register, which health care staff then collect.

The Department's plan for direct access to health care must provide at least equivalent daily access on weekdays for inmates in segregation units (administrative, punitive, protective). While the procedure may differ for such inmates, the access may be no less.

The Department's plan shall make adequate provisions to assure that inmates will be transported as needed from housing or other areas to the health care facility.

In a case where a correctional officer suggests that an inmate might be seriously mentally ill, the Department will provide immediate access to professional mental health staff.

The Department's plan shall provide for implementation within 90 days after its adoption or approval.

- b. No staff shall inhibit, interfere with, or delay any aspect of the health care delivery system.
- c. Inmates brought for medical care from other prisons to SPSM will be treated promptly and returned to an appropriate penal facility.
- d. Within 120 days of the entry of the Judgment in this matter, the Department will submit a professionally designed emergency medical procedure. It shall be sufficiently specific to assure adequate emergency access to medical care from each area of each facility. The plan shall be implemented within 90 days of its adoption or approval.

5. Staffing and Procedures

- a. Professional staff are responsible to provide adequate medical care to meet each inmate's serious medical needs. The physicians are the health authority in all cases requiring medical judgment. Physicians shall assure continued, appropriate supervision and direction of all health care. To accomplish this supervision, the physician will meet appropriate contemporary professional standards for supervision, including appropriate use of standing orders and protocols. Dental staffs are to be professionally supervised by dentists.
- b. Uncredentialed staff (e.g., corrections medical aides), all of whom must be supervised, shall not be assigned to perform tasks which, under contemporary professional standards, require appropriate licensed, registered, accredited, or certified staff. Within 18 months after the entry of the Judgment in this matter, uncredentialed staff will not make triage decisions. Contemporary professional standards of care will be followed. Corrections medical aides may be used, if properly trained and supervised, as aides or technicians consistent with other provisions herein. The provisions of this paragraph to the contrary notwithstanding, the Department may continue to employ corrections medical aides in their present functions for 18 months after entry of the Judgment in this matter.
- c. Within 180 days after the entry of the Judgment in this matter, the Department will employ and maintain employed medical and dental care staffs at SPSM of 145 full-time equivalent positions. The Department will allocate these positions to provide medical and dental care necessary to meet the inmates' serious medical and serious dental needs on a continuing basis. The staffing requirements of SPSM FTE's is an interim requirement pending the completion of the new hospital facility at that institution as further defined in Section II.A.2. Staffing for SPSM after the completion of the new facility is discussed below.
- d. The Department may, after the implementation of this plan, make major reductions in prison population or initiate new programs by which certain health care services are provided to inmates of this institution at other facilities. In such a case staffing may be amended pursuant to a plan, which the Department will submit. Any revision will not diminish the quality of care received by inmates.

- e. Staff for mental health care (including psychiatrists, psychologists, and those nurses, social workers, secretaries and others involved in mental health care), is discussed elsewhere herein. The FTE staffing positions required in this subsection are to be used to provide only medical and dental care and to provide care only at SPSM. In exceptional circumstances, staff may temporarily be employed elsewhere to accomplish necessary tasks.
- f. Within 270 days after the entry of the Judgment in this matter, the Department will submit a staffing plan for the new facility to be constructed at the State Prison of Southern Michigan. This plan shall be professionally documented and designed. It shall provide a staff adequate to meet contemporary professional standards for staffing.
- g. Inmates shall not be employed in direct patient care or in any support activity with the exception of supervised dental aides, other than in tasks such as house-keeping and laundry.
- h. Health profession students or interns may be used in the delivery of health care; provided, however, they may be used only consistent with the following: (1) they may be used only commensurate with their level of training; (2) they may be used only under direct professional supervision; and (3) they may be used only pursuant to professionally written policies and procedures.

6. Prostheses

The Department will provide medical and dental prostheses when necessary to meet the serious health needs of any inmate, consistent with professional judgment.

7. Chronic Disease Plan

Within 120 days of the entry of the Judgment in this matter, the Department will submit a professionally designed plan to provide for systematic follow-up care for inmates with chronic disease. Said plan shall be implemented within 120 days after approval or adoption.

8. Training

- a. Within 120 days after the entry of the Judgment in this matter, the Department will submit a plan to provide appropriate in-service training of all health care

staff (professional and non-professional). The plan shall be professionally designed. Training shall be professionally executed on a continuing basis. The plan shall be implemented within an additional 90 days after it is adopted or approved.

- b. Within 120 days of the entry of the Judgment in this matter, the Department will submit a plan by which correctional and other personnel are trained pursuant to a professionally designed and executed continuing pre-service and in-service training program to respond to health-related emergencies within a four-minute response time. This training shall include, without limitation:

- (1) recognition of signs and symptoms of serious illnesses, and knowledge of action required in emergency situations;
- (2) administration of first aid and cardiopulmonary resuscitation (CPR);
- (3) methods of obtaining assistance;
- (4) signs and symptoms of mental illness, mental retardation, and chemical dependency; and,
- (5) procedures for patient access or transfer to appropriate medical facilities or health care providers.

The plan shall provide for this training to be accomplished within 270 days of the adoption of the plan.

9. Special Diets

Special therapeutic diets are provided for any prisoner determined by medical staff to require this service. Patients requiring these diets shall be housed only in a facility providing them. Such prisoners who are confined to their cells at SPSM-CC are delivered special diet trays. Correctional officers may deliver medically prescribed diets; however, no inmate may deliver special diets. Inmates may carry food trays for special diets only under the direct, immediate supervision of a correctional officer.

10. Medication Distribution

Pharmaceutical services are and shall continue to be carefully controlled in conformity with state and federal statutes. The dispensing and administration of medication is

the responsibility of health care personnel. To be involved in delivering medication, correctional officers must be qualified by successful conclusion of specialized, professionally designed and executed training.

11. Problem-Oriented Health Records

Health records are maintained in accord with the Modified Problem-Oriented Health Record format. Within one year of the entry of the Judgment in this matter, the Department will take appropriate measures to assure that this medical record keeping procedure has been and continues to be fully implemented.

12. Quality Assurance

The Central Office of Health Care presently conducts and shall continue audits of health care at the SPSM-CC as follows:

- a. Medical audits shall be performed annually by physician reviewers and medical record administrators who shall examine retrospectively all death cases and a random sample of health records, assessing the quality of medical decisions, the adequacy of medical supervision of care, and the quality of medical record documentation.
- b. Administrative audits shall be performed annually by Health Care administrators and persons qualified in various specialized support services to assess the organization of health services, quality and quantity of health care staff, adequacy of policies and procedures, processing of grievances, and inmate perception of quality of care. These audits also serve as the occasion for problem-solving and technical assistance to institutional staff.
- c. Dental audits shall be performed annually by dentist reviewers to assess the quality of dental care through observation of the clinic, review of charts, and inspection of a sample of patients who have been treated.
- d. Mental health audits shall be prepared annually by psychiatrists of the Office of Health Care or of an independent agency.
- e. Consistent with principles of peer review confidentiality, a professional report shall summarize the findings of each audit, including an enumeration of any

condition inconsistent with contemporary professional health care standards.

- f. As to each cited condition of each summary report, the Department will make all indicated corrections within 90 days; unless funding requirements (including provisions for hiring and bidding) or purchase of equipment requires further time not to exceed 180 days. In any event, correction shall be accomplished within a more rapid time if more rapid correction is required pursuant to this Judgment or otherwise by law. As to any section of this Judgment the requirements of which are not yet applicable under the terms of this Judgment, the Department need not meet these correction deadlines. It is recognized that on occasion extraordinary measures might be necessary to make required corrections, and in such a case, these corrections shall be made within a reasonable time.
- g. Within three years after the entry of the Judgment in this matter, where not already done, the Department will include in each audit conducted fully independent, outside professionals.

B. Mental Health Care

1. General Provisions

- a. A prisoner shall be provided with psychological or psychiatric treatment if a physician or other health care provider, exercising ordinary skill and care at the time of observation, concludes with reasonable medical certainty:
 - (1) that the prisoner's symptoms evidence a serious mental illness or injury;
 - (2) that such mental illness or injury is curable or may be substantially alleviated; and,
 - (3) that the potential for harm to the prisoner by reason of delay or the denial of care would be substantial. The right to treatment is, of course, limited to that which may be provided upon a reasonable cost and time basis and the essential test is one of medical necessity and not simply that which may be considered merely desirable.
- b. The Department shall provide timely and appropriate mental health care to those inmates who are required by statute, rule, policy directive, or practice of the

Michigan Parole Board to have mental health treatment prior to release from confinements.

- c. The subsections on access to Health Care (II.A.4), outside alternative care (II.A.5.d), staffing at the new hospital at SPSM (II.A.5.c), training (II.A.8), medication distribution (II.A.10), records (II.A.11), and quality assurance (II.A.12) shall apply to the provisions of care for serious mental illness. Specific provisions of this subsection on mental illness care further explicate these general provisions for a mental health context.

2. Licensure

The hospital facility at SPSM will be maintained so as to retain licensure as a hospital by the Michigan Department of Public Health.

3. Staffing and Procedure

- a. Professional staff are responsible for provision of adequate mental health care to meet each inmate's serious mental health needs.
- b. Uncredentialed staff (e.g., Corrections Medical Aides), all of whom must be supervised, shall not be assigned to perform tasks which, under contemporary professional standards, require appropriately licensed, registered, accredited or certified staff. Contemporary professional standards of care will be followed.
- c. Within 270 days after the entry of the Judgment in this matter, the Department shall submit a professionally designed plan to assure that prisoners with serious mental illnesses have adequate access to the Riverside Psychiatric Center or to other similar facilities fully licensed or operated by the Michigan Department of Mental Health. The decision to admit patients to inpatient services shall be based upon professional mental health criteria in a stated uniform policy. The plan shall provide access to the in-patient care facility except for involuntary admissions within 48 hours after diagnosis for those needing inpatient care for serious mental illness. The plan shall provide for systematic outpatient care, follow-up care, as well as continuity of care for inmates with serious mental illness. The plan shall include appropriate provision for staffing for outpatient services and staffing for inpatient services to be available to each inmate for care of serious mental illness. Staffing provisions shall meet contemporary professional mental health standards to

provide necessary outpatient psychiatric and psychological care for seriously mentally ill inmates.

All treatment, either on an outpatient or inpatient basis, shall commence as soon as it is determined by qualified psychiatric or psychological staff that an inmate has serious mental illness.

The plan shall provide for full and continuous implementation of the entire said plan within an additional three years unless a shorter period is provided herein, after its adoption or approval. Interim measures not requiring major reconstruction, renovation or new construction shall be implemented within one year after the adoption or approval of the plan. Established state funding procedures for staffing appropriations might require additions to the time allotted interim staffing measures not to exceed an additional six months.

- d. Prisoners shall not be employed in direct patient mental health care or in any support activity other than in tasks such as housekeeping and laundry.
- e. Health profession students or interns may be used in the delivery of mental health care, provided however that they may be used only consistent with the following:
 - (1) they be used only commensurate with their level of training;
 - (2) they may be used only under direct professional supervision; and,
 - (3) they may be used only pursuant to professionally written policies and procedures.
- f. At least twice monthly, or more frequently if required by policy, a licensed clinical psychologist or psychiatrist shall visit each housing unit which houses any segregation inmate (protective, punitive, or administrative). On these visits, the psychiatrist or psychologist shall take appropriate steps to be informed of the mental health status of the inmates housed in these areas (including e.g., discussions with staff and inmates and review of the log). If the psychologist or psychiatrist observes conditions presenting serious threats to the mental health of the inmates, s/he shall inform the warden in writing of these conditions, requesting that prompt corrective action be taken.

- g. The Department shall meet contemporary professional standards in the care of serious mental illness. These standards are understood to include the provision of reasonable protection of suicidal or self-mutilating inmates from suicide or self-mutilation.
- h. The use of psychotropic drugs for the treatment of an individual prisoner shall be prescribed by a psychiatrist or, in a mental health emergency, by a physician in accordance with applicable Michigan law. All necessary steps will be taken to detect and control the side effects of psychotropic drugs. Written protocols will be developed for the use of the various classes of psychotropic medications.
- i. The Department shall take appropriate measures to assure that psychiatric/medical care is coordinated with psychological care. This will include the coordination of record keeping between psychiatrists and psychologists.

4. Housing

- a. The Department will include in the new hospital at SPSM a 21-bed, fully licensed psychiatric unit for treatment of serious mental illness.
- b. Within one year from the entry of the Judgment in this matter, there will be provided within the facility suitable separated housing to house every inmate at the facility who exhibits serious threat of suicide or who attempts suicide or who is determined to have a serious mental illness and is not suitable for general population housing outside a protective environment. This housing area shall be staffed continuously, 24 hours daily by staff appropriately trained pursuant to a professionally developed training program. It shall be equipped to allow continuous 24-hour daily observation of each inmate housed in this area. The Department will establish an appropriate professional protocol for suicidal inmates and those determined to be seriously mentally ill which will include periodic determination as to the place of housing such inmates. The protocol shall include a procedure for evaluation by a psychiatrist or clinical psychologist of each inmate determined to be seriously mentally ill to determine whether the inmate should be housed in this separated housing or housed in general population and treated on an outpatient basis. The results of this evaluation shall be promptly implemented.

5. Screening

All inmates upon initial entry at the Reception and Guidance Center at SPSM shall be given a psychological evaluation utilizing professionally designed, approved and administered tests and procedures. This includes, in addition to testing, a personal interview by a licensed professional staff with those inmates whose offense, test results or behavioral history indicate a need for further screening. The recommendations resulting from the screening shall be implemented in a program plan developed for each inmate at SPSM.

III. Fire Safety

The following plan for fire safety is an integrated system designed to achieve fire safety at SPSM-CC. Each provision of this section on fire safety depends on compliance with each of the other provisions, whether physical plant and equipment are involved or human skills are required.

A. Facilities

Within 120 days from the implementation of the fire safety plan, the Department shall:

1. Unblock and keep clear all exit ways.
2. Cease storing any combustible materials in cell blocks or other housing areas, unless the storage occurs in an appropriate, fire safe storage cabinet or room. This paragraph does not apply to inmate personal property stored in the inmate's cell including reasonable quantities of publications and legal materials.
3. Remove from all cell blocks and other housing areas all combustible trash containers.
4. Remove and cease to use all polyurethane pillows, cushions or other furnishings in all cell blocks and other housing areas. Mattresses shall be made of, or treated with, an acceptable flame retardant material.
5. Remove all cardboard and all other combustible materials from the bars of the cells in all inmate housing areas. The Department may, in its discretion, replace these materials with noncombustible materials.
6. Cease storing compressed gas cylinders unless and until, on a continuous basis, the storage complies with National Fire Protection Association Standards No. 56A and 56B.

7. Provide in each cell block a minimum of two fire extinguishers per floor or gallery, with each of two extinguishers placed at each end of the respective floor or gallery. Water-type extinguishers are adequate.
 8. Provide water flow alarms and valve supervision on all existing sprinkler systems and provide automatic alarms on all kitchen hood dry chemical systems.
 9. Provide fixed dry chemical extinguishing systems for all operating range hoods in all kitchens.
- B. Within 180 days from the implementation of the plan, the Department will submit professionally-designed plans:
1. To provide smoke detectors in each cell block.
 2. To provide adequate means of egress from places of assembly.

Both plans shall provide for accomplishment of all necessary tasks within an additional one year and six months after adoption or approval of each plan and for continuous maintenance thereafter. In a documented case of unavoidable construction delay, a reasonable extension of construction deadlines not to exceed an additional six months may be necessary.

- C. Within three years from the implementation of this plan, as to the interiors of cell blocks, the Department will remove, or provide necessary fire suppression to protect all nonstructural combustible materials including cardboard, plywood, hardboard, and those found in cell block guard shelters. As well, in all inmate use areas, including cell blocks, the Department agrees that ceiling tiles and paneling will have a flame spread lower than 75 in exit ways and 200 in other areas, and it will remove nonconforming ceiling tiles and paneling, provided that in sprinklered areas it shall be adequate to meet the NFPA Class C requirements.
- D. Within two years from the implementation of this plan, the Department will:
1. Provide in each housing area in the facility, locks that will allow for the remote immediate unlocking of all occupied cells.
 2. Provide in each cell block or other housing area, and in each activity, work, or indoor recreation area, no fewer than two operational remote exits with doors properly swinging to facilitate the flow of egress. To meet this requirement, each floor shall have a minimum of two exits; each room of 1,000 square feet or more shall have two exit access doors. Rooms of less than 1,000 square feet may have a single exit access door.

3. Provide for automatic transmission of fire alarm signals to the control center, which will transmit the signal to the local fire department by means of specialized equipment.
4. Enclose stairs with two-hour fire resistant construction in the following areas:
 - (1) Central stair at SPSM - Building 18 (school, administration, and shop);
 - (2) Central stair in SPSM - Central Complex kitchen (three-story stair).

Fixed wire glass vision panels shall be permitted in such partitions provided that they do not individually exceed 1,296 square inches in area and are mounted and approved steel frames.

5. Provide self-contained breathing apparatus sets so that two sets are readily available in each cell block. Breathing apparatus sets shall be installed in quick-release wall mounts.
6. Pursuant to professionally-designed plan, provide an adequate number of emergency lights to light all means of egress in each cell block or other housing area and in each activity, work or indoor recreation area.
7. Provide two-hour fire separation:
 - (1) between all cell blocks;
 - (2) between rotunda and cell blocks.

Fixed wire glass vision panels shall be permitted in such partitions provided that they do not individually exceed 1,296 square inches in area and are mounted in approved steel frames.

8. Provide magnetic hold open devices on fire and smoke doors in areas where these doors are kept open.
9. Subdivide the basement of Buildings 18 and 19 with appropriate fire separations, and provide automatic sprinklers all pursuant to a professionally-designed plan.
10. Provide in all work, activity, and assembly areas (e.g., auditoriums, dining areas, gymnasiums, visiting areas) appropriate exit signs and directional signs.
11. Provide remote electric release locks on security grills on each gallery.

E. Sprinklering

Within 180 days from the implementation of this plan, the Department will submit a professionally-designed plan to equip all housing areas consistent with National Fire Protection Association Standard No. 13, with sprinkler systems adequate to provide sprinkler protection to each cell within the main walled prison structure. The plan shall provide for full implementation within an additional 30 months following the adoption or approval of the plan.

F. Operations

Within 180 days from the implementation of this plan, the Department will submit a professionally-designed comprehensive fire safety operations plan.

1. The plan shall include, without limitation, the following:
 - (a) emergency procedures for each respective area that inmates might use or occupy;
 - (b) evacuation procedures for each respective area;
 - (c) a systematic fire drill procedure;
 - (d) inspection and maintenance procedures for all equipment for fire emergencies or suppression;
 - (e) appropriate training of staff and inmates;
 - (f) inspection and control of fuels present in the prison;
 - (g) responsibility for and supervision of all fire safety measures and procedures;
 - (h) coordination with local fire officials; and,
 - (i) consultation with and appropriate inspection by the State Fire Marshal.
2. The training required in the plan shall include training of correctional officers to accomplish all emergency, drill, inspection, maintenance or other tasks assigned to correctional officers pursuant to the plan. It shall include at least pre-service plus semi-annual refresher training on the use of fire equipment and at least pre-service plus annual refresher training on all emergency procedures. No correctional officer shall be assigned to any cell block or other housing area without first having received particularized instruction on the fire safety procedures for that cell block.

3. The fire drills required in the plan shall occur at least every fourth month in each cell block, shall be unannounced, and shall require full evacuation (except in segregation) of each area being drilled, except that staff may conduct a drill without evacuating inmates in those instances where, in the opinion of the Warden, reflected in a document signed by him, the evacuation of the inmates would be inconsistent with the requirements of prison order.
 4. The training of inmates required in the plan shall be adequate to inform them of expected behavior in case of fire emergency. It shall be offered to each new inmate and then at least annually to all inmates.
 5. The training of maintenance staff required in the plan shall be appropriate for the functions contemplated in the plan to be accomplished by such staff members.
 6. The plan shall require the prominent and permanent posting in each housing area of a fire evacuation procedure designed specifically for that housing area.
 7. The plan shall require that keys necessary for evacuation of inmates shall be identifiable by both sight and touch and shall be immediately available to the correctional officer who is to coordinate evacuation of a particular housing area. An emergency set of evacuation keys shall be maintained at accessible locations within each institution.
 8. All provisions of the plan shall be accomplished within one year after the adoption or approval of the plan and maintained thereafter.
- G. Within 90 days after the implementation of this plan, the Department will:
1. Negotiate with local fire officials to assure that fire fighters on each of their shifts may tour the facility annually. Prison officials shall coordinate with local fire officials the security needs of the prison in order to facilitate proper emergency planning.
 2. Assure that a professionally-trained Fire Safety Officer shall be responsible without limitation for fire safety and for the continuous implementation of the fire safety plan for the institution, and the coordination of all required inspection, maintenance, and training.
 3. Never house any inmate in housing areas where there is less than 24-hour per day physical presence of correctional officers.

4. For the interim, until the fire safety operations plan is adopted, inspect and provide continuing proper operation of all present fire suppression or emergency equipment, including without limitation, sprinklers, standpipes, fire extinguishers, kitchen hood fire suppression systems, and self-contained breathing apparatus sets.

H. Reporting and Inspection Regarding Fire Safety

1. Within 30 days after entry of the Judgment in this matter, the Department will request annual inspections by the Michigan State Fire Marshal Division to determine compliance with all provisions of this section regarding fire safety. The findings of the compliance inspection shall be reflected in a signed, written report which will be provided to the Michigan Department of Corrections and available to Plaintiffs' attorneys promptly following each inspection.
 2. As to each cited condition on the compliance inspection report, the Department shall make all indicated corrections within 60 days unless funding requirements (including procedures for hiring and bidding) or purchase of equipment require further time not to exceed 180 days. In any event, correction shall be accomplished within a shorter time if more rapid correction is required pursuant to this plan or otherwise by law. It is recognized that on occasion extraordinary measures might be necessary to make required corrections, and in such a case, these corrections shall be made within a reasonable time.
- I. The Department of Corrections shall provide a system of at least monthly internal inspection and reporting, using a professionally-designed, written checklist. The written list, after completion, shall be retained for at least three years.

IV. Overcrowding and Protection from Harm

A. Provision of Adequate Space

The Department's practice of housing inmates in single cells shall continue. Space requirements for administrative segregation are set out elsewhere herein.

B. Housing Assignments

Within one year from the date of entry of the Judgment in this matter, the Department shall submit a plan, to assure that the following groups each shall be housed outside of physical contact and, within reason, outside of verbal contact, with inmates in housing areas assigned to other groups, provided however that Punitive Detention inmates may be housed in the same units as

Administrative Segregation inmates, and that, if otherwise consistent with this decree and if medically appropriate, inmate-patients transferred from other institutions may be housed with nonpatients of the same Michigan Department of Corrections classification. Subject to this proviso, the separate groups are General Population inmates, Protective Custody inmates, Administrative Segregation inmates, Punitive Detention inmates, inmates undergoing reception processing and inmates transferred from other institutions.

The administrative segregation unit, currently located in five (5) block, shall be moved to the current infirmary building by June 1, 1989, or within twelve (12) months after the completion and occupancy of the new infirmary whichever occurs first.

The plan shall provide for full and continuous implementation of the entire said plan within an additional three years after its adoption or approval. Interim measures not requiring major reconstruction, renovation, or new construction shall be implemented within one year after the plan's adoption or approval. Established state funding procedures for staffing appropriations might require additions to the time allotted for interim staffing measures not to exceed an additional six months.

C. Staff

Staffing for all relevant functions in SPSM-CC shall be adequate to comply with all provisions of this proposed Judgment.

As to housing, in each cell block, a single staff employee shall be assigned accountability for all conditions for all three shifts within that block including implementation of the instant plan. Within 270 days from the implementation of this plan, each such person shall be trained pursuant to a professionally-designed training program to accomplish these responsibilities. Within 180 days from the implementation of this plan, the Department shall provide the full staffing complements in each housing area as approved by the Department on November 20, 1983. Where change in design of function takes place in a housing area, the staffing may be adjusted if consistent with this plan to provide adequate services and protection.

D. Training

The Department shall provide training which meets or exceeds American Correctional Association standards.

E. Surveillance and Security

Corrections staff shall circulate throughout each cell block to maximize surveillance. Rounds by correctional staff shall be organized and supervised to assure that each cell is directly observed by a correctional staff member at least once each hour on an irregular schedule, 24 hours daily; provided, however, that no more than ninety minutes elapse between rounds.

F. Supervision and Inspection

The Department shall take those steps necessary to assure the effective supervision of all correctional employees. All staff shall be instructed promptly as to the requirements of the Judgment in this matter.

The Department will conduct an annual audit of SPSM-CC for compliance with the provisions regarding overcrowding and protection from harm and other pertinent managerial factors. The audit shall consider as many sources of information as feasible, such as personal observation, grievances, inmate letters, and inmate and staff discussion. The audit team findings shall be reflected in a signed written report to be completed promptly.

As to each cited condition on the compliance inspection audit, the Department will make all indicated corrections within 60 days unless funding requirements (including procedures for hiring or bidding) or purchase of equipment require further time not to exceed 180 days. In any event, correction shall be accomplished within a shorter time if more rapid correction is required pursuant to this plan or otherwise by law. It is recognized that on occasion, extraordinary measures might be necessary to make required corrections, and in such a case, these corrections shall be made within a reasonable time.

G. Locking Mechanisms

Within 1-1/2 years from the entry of the Judgment in this matter, the Department shall provide and maintain thereafter in each cell block for each occupied cell, a fully operational lock. To be adequate, when locked, the lock must reasonably retain the cell door in a closed and locked position to protect the inmate.

H. Out-of-Cell Activity

The Department will make the following provisions for out-of-cell activity.

1. Two hours of yard time shall be staffed and scheduled each day, five days weekly, for those inmates desiring to participate subject to the stay and the final decision after

all appeals in Walker v Johnson. One hour weekly will be scheduled for general population prisoners in the gymnasium. To the extent possible, scheduling for access to exercise shall be flexible enough to allow inmates to combine minimal exercise with other scheduled activities. Exercise in segregation is discussed elsewhere. Yard will not be cancelled during hours of inmate access on any day due to weather except when storm warnings require that prisoners remain inside for reasons of safety.

2. Within 180 days from the entry of the Judgment in this matter, the Department will submit a plan which will provide for meaningful out-of-cell activity. It is recognized that no particular activity is itself required. The objective of the plan is to provide meaningful activity outside of cells including access to general and law libraries, education, industrial and other work activity, religious activity, other group activities, etc. For the activities to be provided, there shall be provided reasonably adequate staffing, facilities and equipment. The plan shall provide access to these various activities such that at the facility 75% of all inmates may be active out of their cells, including exercise, meal, shower, and law library time no fewer than seven hours daily on weekdays and five hours daily on weekends. The plan shall provide for full and continuing implementation within an additional 180 days after its approval or adoption.

1. Other Protection Measures

On a continuing basis, prison officials will assure ready inmate access to required grievance forms and assure confidential delivery of completed forms to appropriate prison personnel with appropriate action taken in response to expressed grievances.

3. Administrative Segregation, Punitive Detention, Protective Custody (all generically termed "segregation") and Reception and Guidance Center

1. If deemed necessary by the Deputy Warden for the safety of the segregation prisoner, staff or others involved and if justified in writing by the Deputy Warden, requirements elsewhere set out in this decree for the provision of mattresses, linens, shaving, other personal hygiene articles, a stool, and a writing space may be diminished only so long as and to the extent necessary.
2. Prisoners in Segregation shall continue to be served three meals per day, essentially the same as those served to general population. Food sanitation shall comply with all applicable provisions of the decree subsection on food sani-

tation, supra. Where prisoners are served food in their cells, provision is to be made for delivery of sanitary food at safe temperatures, also in compliance with the food sanitation subsection, supra including the provision of food pass slots in all cells not less than 30 inches above the floor, each slot with a shelf wide enough to support a food tray and a slot high enough to allow the passage of the tray without food touching the slot. Food slots shall be cleaned daily.

3. In addition to other lighting requirements herein, within one year from the entry of the Judgment in this matter, the Department will provide that all segregation inmates can view natural light from their cells. Each cell in segregation will be furnished with a bunk above floor level, a writing space with stool or other suitable seating arrangement, all of which shall be in reasonable condition.
4. A supervisor of Captain rank or above will inspect each unit daily and record each visit and any unusual circumstances in the segregation log book. Members of the Administrative Segregation/Punitive Detention housing team will visit each prisoner in each such unit daily, recording each visit and any unusual circumstances. A qualified member of the medical staff will make rounds in administrative segregation and punitive detention daily. Medical staff will visit more often than once per day as necessity dictates. Housing and custody staff shall continue to refer all matters of a medical or psychiatric nature to the medical staff. Unit staff shall continue to log in the unit log all complaints or indications of medical and psychiatric problems. The log shall be reviewed daily by qualified medical staff. Prisoners will be provided with prescribed daily medication and with prosthetic devices, including eye glasses, unless medical staff otherwise determines.
5. Within one year from the entry of the Judgment in this matter, each prisoner in Administrative Segregation and the Reception and Guidance Center will receive the opportunity to engage in exercise away from his cell at least one hour per day, five days per week, including protected or indoor exercise in inclement weather.

Indigent inmates will be provided suitable outerwear for use in inclement weather and a change of clothing after exercise if necessary.

Indoor exercise need not be provided to those inmates who have been segregated or in Reception and Guidance fewer than 60 days in the preceding 180-day period. Any restrictions on exercise are to be justified in writing by the Deputy Warden.

6. Programming in the following areas will be provided for prisoners in Administrative Segregation and Protective Custody: education, commissary, library, religion, counseling, and recreation. Such programs will be provided in a manner consistent with the safety of prisoners and good order of the institution. Each prisoner in Segregation will be allowed to have access to reading materials of reasonable quantity. Opportunity to borrow reading materials from the institution lending library will be provided. Excepting education, these programs similarly shall be made available at the Reception and Guidance Center.
7. The Department shall continue to house segregation inmates in single occupancy cells.
8. Prisoners in administrative segregation will be permitted the same clothing and other property permitted to prisoners in general population, except that shoes may be soft soled. The Deputy Warden may order restrictions of clothing or other items in order to prevent suicide attempts or other danger to the prisoners, staff or others.
9. No inmate may be held in isolation (no sight or sound contact) from all other inmates for more than two days in any month, unless the isolation occurs for medical reasons in a medical area or unless the isolation is evaluated on a daily basis by a psychiatrist or a clinical psychologist who states in writing that the inmate is not suffering serious harm.
10. Protective Custody inmates shall be accorded substantially equivalent privileges (including activities, work and recreation) to those accorded to General Population inmates unless inmate security demands a reasonable reduction thereof. Protective custody inmates will receive at least one and one-half hours per day of exercise outside their cells and shall be escorted and permitted to eat separately in the central dining hall if they so choose. Protective custody inmates shall have access to educational, psychological and vocational counseling within the block.
11. The Segregation cellblock and units will be painted in washable light reflecting colors, painting to be performed on an as-needed basis, to begin immediately and completed within six months. Prior to painting, necessary repairs to paint surfaces shall be completed including plastering. Paint surfaces will be maintained in a reasonable condition.

V. Volunteers

The Department of Corrections encourages the presence of volunteer groups to work with prisoners inside the institution. Every General Population prisoner is permitted to participate in volunteer groups. Prisoners in protective custody, upon the request of the individual prisoner and insofar as security requirements allow, will be permitted to participate in volunteer groups.

VI. Access to Courts

1. Each General Population inmate may use the law library at least six hours per week in two-hour segments. To accommodate this use, the law library shall remain open at least 55 hours per week, with at least one-third of those hours during evenings after 5:00 p.m. and weekends. The law library will remain open additional hours as staff becomes available. Prisoners who have pending court cases requiring additional law library time in excess of the six-hour guarantee will be allowed the additional access necessary.
2. Within 30 days after the entry of the Judgment in this matter, the Department will initiate procedures to order for the main law library, to the extent not currently provided, each of the publications listed in Appendix B, "Minimum Collection for Main Law Libraries," with the addition of a complete edition of Michigan Compiled Laws Annotated. For each required publication, the Department shall have a subscription for revised additions, pocket parts, or advance sheets which shall be made available for prisoner use forthwith upon delivery to the institution. Periodically, at six-month intervals, Defendant shall survey each collection to identify missing or mutilated volumes. All missing or mutilated volumes, however discovered to be missing or mutilated, will be replaced or restored promptly.
3. Inmates in Administrative Segregation or Protective Custody shall be guaranteed two hours per week direct personal access to a limited law library collection as indicated in Appendix B, "Minimum Collection for Administrative Segregation Law Libraries." In addition, on three days each week, such inmates may request five volumes brought to them from the main law library collection unless the particular volumes are loaned to another inmate. These volumes shall be delivered to the inmate in segregation on the day following the day on which requests are collected. The book(s) may be collected after 24 hours.
4. Law library facilities shall be maintained with adequate ventilation and lighting with sufficient space to accommodate the reasonable needs of the inmates.
5. The allotted time per prisoner for law library use shall not include the time necessary to travel to and from the library, 108

will include only the amount of time actually spent in the library.

6. The detail system by which inmates in general population presently gain access to the law library shall be continued in order to assure prisoner access to the law library.
7. Special and additional library time shall be allowed on a call out system to an individual prisoner as needed, provided that he can demonstrate a bona fide need as determined by the supervisor of the law library. Such a bona fide need shall include, but not be limited to, situations such as a deadline for filing briefs, pleadings, responses to a pleading, or other such documents with a court.
8. Inmate staff working in the law library shall not have the authority to deny other prisoners access to the law library. Inmate staff shall be supervised by a professional librarian and staff clerk.
9. The Department of Corrections shall continue to provide notarial services as necessary. Pursuant to the request of plaintiffs, the Department of Corrections shall post a notice at the prison law library indicating that in many cases declarations under penalty of perjury, in lieu of formal affidavits, are allowed.
10. The Department shall enforce its policy for treatment of privileged legal mail, including mail from Federal, State and local courts, governmental agencies, and attorneys, which provides that such mail will not be read, that upon the inmate's written demand, such mail will not be opened except in the presence of the inmate to whom the mail is addressed, and that such mail may be opened to search for contraband. The Department further shall provide that inmates shall seal all outgoing legal mail which prison officials shall then cause to be posted unopened in the U.S. mail.
11. Paralegal training will be instituted at the State Prison of Southern Michigan as a regular educational program under the auspices of Jackson Community College.
12. Electric typewriters shall be permitted.
13. Any property limitation imposed on prisoners shall not apply to legal papers and law books except that if the quantity thereof conflicts with important institutional goals such as security or fire safety, a limitation may be sought through the administrative hearing process. The standard for imposition of a limitation shall be whether the material in question is reasonably necessary to assist the prisoner with respect to his pending litigation.

14. Each visiting attorney shall be afforded a table and chair in a space providing suitable privacy.

VII. Food Service

Plaintiffs and Defendants agree that concerns in the area of food service will be met through installation of the quick-chill system as proposed in "A Study for the Michigan Department of Corrections: TSI Food Service System Installation at the Jackson Prison" submitted to Gatha McClellan, Food Service Administrator, Michigan Department of Corrections by Technology Systems, Inc., Berwyn, Illinois, dated November 21, 1982. The menu development, training, follow-up training and post installation monitoring as developed by TSI, including completion of all monitoring forms provided by TSI shall be utilized.

All foods prepared and served shall be nutritionally adequate and balanced consistent with recommended daily dietary allowances developed by the Food and Nutrition Board, National Academy of Sciences - National Research Council.

The Department of Corrections will continue to request that the Department of Public Health conduct an annual inspection of food service areas within State Prison of Southern Michigan.

VIII. Management

- A. The Department shall proceed with a management and organization study of the facility by the Office of Management and Information Systems in the Department of Management and Budget.
- B. The focus of the study is to provide recommendations to the Department of Management and Budget regarding organization, staffing, and administration at SPSM. The study's scope is to include all activities at SPSM -- management, custody, rehabilitation, and general services.
- C. Counsel and experts for the Plaintiffs shall have a reasonable opportunity to provide the study team with input.
- D. Counsel for the Plaintiffs shall be provided a copy of the interim and final reports of the study.
- E. Within six months of receiving the final study report, the Department will draft a management plan for the facility addressing the recommendations contained within the study report.
- F. Plaintiffs' counsel shall review the management plan.
- G. If the parties agree upon the adequacy of the plan, the Department shall begin implementation within 90 days of the agreement.

- H. If the parties disagree on the adequacy of the plan:
1. First, the parties shall attempt to negotiate the areas of disagreement.
 2. If negotiations fail, the disputed issues within the plan shall be submitted to the neutral entity described in Section XII herein for mediation.
 3. If mediation fails, parties may submit issues within the plan which remain in dispute to the Court for resolution.

IX. Operations

- A. Applicable statutes, policies, procedures and operating principles shall continue to be enforced by the administration. Staff and inmates must know that deviation from expected behavior will not be disregarded or selectively sanctioned.
- B. Enforcement of written cell block rules and regulations shall be uniform. There shall be continuity of block personnel insofar as possible.
- C. The Department shall prepare a plan to assure efficient and effective prisoner property movement and control within the facility. The plan shall be completed within 90 days from the date of the Judgment in this matter.
- D. When available, an inmate whose cell is being searched may stand by outside the cell if not detailed or assigned elsewhere. If staff approves, a block representative, if available, may stand by outside the cell if the inmate is not present. However, cell searches may be performed by staff without the presence of either the inmate or block representative.
- E. There shall be no housing of inmates on the bulkheads or on base floors at the institution.
- F. Inmate personnel shall not have access to sensitive inmate information, files maintained in the cell blocks and any other information not obtainable by FOIA request.

X. Mail

The Department of Corrections agrees that delivery of first class mail within the facility will take no longer than two business days, unless exceptional circumstances exist, such as a mobilization. Outgoing mail will leave the facility forthwith.

XI. Compliance

This plan provides for a number of plans that Defendants shall submit at specified times. Each plan shall be submitted to Plaintiffs' counsel of record by a specified submission time. Each shall set forth a detailed statement of the measures that Defendants will take to achieve timely compliance with the plan along with a detailed timetable setting forth dates for interim and final compliance measures. Each plan also shall establish a method for continuing maintenance of each item to be accomplished pursuant to the plan. Upon submission, Plaintiffs' attorneys shall review each plan. If the Plaintiffs have no objection to the Department's proposed plan, the plan shall be appended to the Judgment in this matter. If Plaintiffs object to any portion of Defendants' proposed plan, the parties shall attempt to conciliate any differences between them.

If conciliation cannot be achieved, Defendants agree to the submission of the area of dispute to a neutral entity for mediation. The neutral entity shall be a person approved by all the parties. If mediation is not successful, Plaintiffs may then submit the particular area of dispute to the Court for resolution.

The parties or their attorneys have the right to seek appointment of a monitor or expert at the expense of the state on demonstration of need at any time after three months from the date of entry of this Consent Judgment.

Beginning 180 days after the entry of this Consent Judgment, Defendants will file with the Court and serve upon the Plaintiffs' counsel of record detailed Compliance Reports at 90-day intervals for three years thereafter, and at 120-day intervals after that, describing Defendants' compliance with this Consent Judgment. Each compliance report shall state with particularity the condition of each area addressed in the decree, including subsequent plans, and shall specifically identify all relevant documents. The report shall be signed and submitted by an individual designated by Defendants to be responsible on an ongoing basis for this function.

After Defendants have complied with all of the provisions of this Consent Judgment, Defendants may apply to terminate the jurisdiction of the Court.

XII. Inspection

During business hours and nonemergencies, the Department shall give full access to Plaintiffs' attorneys, and the neutral entity, to the State Prison of Southern Michigan, Central Complex and Reception and Guidance Center for the purpose of inspection for compliance with the Order in this matter.

If conciliation cannot be achieved, Defendants agree to the submission of the area of dispute to a neutral entity for mediation. The neutral entity shall be a person approved by all the parties. If mediation is not successful, Plaintiffs may then submit the particular area of dispute to the Court for resolution.

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APPENDIX A: SANITATION PLANS

I. Housekeeping

- A. The Assistant Deputy Warden for Housing at SPSM is charged with the responsibility for the maintenance of clean and healthful conditions in prisoner living units.
 1. The Assistant Deputy Warden or designate of rank of captain or above shall conduct a monthly inspection of all prisoner living units and shall complete the appropriate monthly inspection report for review by the Warden. A follow-up procedure will be implemented to assure correction of any deficiencies noted in the report. Corrections will also be timely reported to the Warden for follow-up review.
 2. The Assistant Deputy Warden or designate will assure that all staff in living units are appropriately trained in housekeeping techniques and instructed as to their individual responsibilities.
- B. The Resident Unit Manager (RUM) for each living unit has direct supervisory responsibility for maintenance and housekeeping in the unit.
 1. The RUM will assure that prisoners within the housing unit are informed that they are responsible for general housekeeping in their own cells, and will assure that each prisoner appropriately cleans his cell on a routine basis.
 2. The RUM will assure that appropriate cleaning supplies are available at all times within the unit and will assure that each prisoner has access to cleaning supplies for his own cell, including minimally, a substance and an implement for the toilet and sink within the cell.
 3. The RUM will inspect all cells and common areas in the RUM's unit at least weekly and will complete weekly inspection reports for review by the Assistant Deputy Warden for Housing or designate. Deficiencies will be monitored and corrected immediately. Any deficiencies beyond the control of the RUM will be reported to the Assistant Deputy Warden for Housing for remedy.
 4. The RUM is responsible for the supervision of housing staff and inmate workers in the unit. The RUM may delegate responsibility for housekeeping in specific areas to appropriate staff.

5. The RUM will assure that prisoner workers in the unit who are assigned to housekeeping of common areas will receive appropriate training for the tasks assigned. Common areas will be swept at least daily and showers will be maintained clean. Scrubbing of floors and walls will be performed as needed.
 6. The RUM will assure that empty cells are clean before assignment to a prisoner.
- C. Housing unit sergeants who report to the RUM are responsible for supervision of day-to-day housekeeping tasks for officers and prisoner workers. Sergeants maintain work schedules for prisoner workers and staff for all necessary tasks, and assure these tasks are performed through inspection and follow-up.
 - D. Unit officers are assigned to specific areas in the unit for purposes of housekeeping and sanitation, and are directly responsible for the instruction and supervision of prisoner workers as to cleaning procedures and for the provision of supplies and equipment in these areas. Officers assure that personal cells in assigned areas are maintained in a sanitary condition by their occupants.
 - E. The Assistant Deputy Warden for Housing will develop a plan to accomplish all housekeeping goals set forth herein including ongoing cell painting and refurbishment of all cells on a regular basis. This plan shall include treatment of plumbing fixtures with disinfectant at least every 90 days. Cells will be painted in light reflecting colors, plaster will be repaired as necessary and paint surfaces will be maintained in good condition. Painting is ongoing at present and will proceed on a continuous basis in order to maintain premises in good condition.

II. Personal Hygiene of Prisoners

- A. Mattresses - Defendants shall provide each prisoner moving into a cell with a sanitized fire retardant mattress and pillow and with a freshly laundered blanket. No prisoner shall be assigned to a cell lacking a sanitized mattress and pillow or lacking a freshly laundered blanket.
- B. Bedding and Towels - Each prisoner shall be provided with clean bed linen (including, without limitation, two sheets and one pillow case) once per week. A blanket and a mattress covering shall be provided to each prisoner and laundered every three months. A clean towel shall be provided to each prisoner at least three times per week.

- C. Each prisoner shall be afforded the opportunity to shave and shower at least five times per week. The Defendants will endeavor to afford daily showers. With respect to at least three of the weekly showers, no prisoner shall be required to forego exercise as required herein, employment, assigned programs or meals in order to avail himself of a shower. Each prisoner worker shall be afforded the opportunity to shave and shower at the end of his work day. Shower and shave time shall be of adequate duration, at least five minutes physically in the shower.
- D. Each prisoner, upon entry into the correctional system, is provided with soap, toothbrush, toothpaste and powder, comb and toilet paper. Prisoners shall continue to receive these items upon entry. Thereupon, each prisoner who is indigent shall continue to be provided these items as needed as well as shaving equipment, shaving soap or depilatories as needed. All other prisoners will have access to materials for personal hygiene for purchase at resident stores on a regular basis. The state shall make available for purchase or use nonelectric sanitary shaving equipment, shaving soap or an appropriate depilatory. Inmates shall not be asked to use shaving equipment used by other inmates unless sanitary. Inmates shall be provided with a means of clipping or filing finger and toe nails.
- E. All clothing including personal clothing, linens, and bedding, shall be laundered so as to meet institutional laundry standards such as those of the International Fabricare Institute. Washing machines shall be operated pursuant to all manufacturer's specifications, including water temperature, pounds per load and amount of detergent.

III. Vermin Control

- A. A contract with commercial pest and vermin control companies for periodic preventive maintenance in both food service and housing areas shall be maintained.
 - 1. Food Service Supervisors are responsible for day-to-day inspection of food service areas, including commissaries and other food storage areas, for evidence of vermin (as well as birds) and shall assure immediate control should problems develop. Appropriate inventory techniques for food storage are already in place and will be constantly monitored by Food Service Supervisors in order to prevent infestation, as well as spoilage.
 - 2. In housing units, Resident Unit Managers are specifically charged with weekly inspection for evidence of vermin (as well as birds) and corrective action should such evidence be apparent.

- B. The Environmental Sanitarian is specifically designated to inspect the food service areas as well as housing units for evidence of vermin (as well as birds) on a monthly basis. Any evidence of vermin (as well as birds) will be brought to the attention of the appropriate supervisor by the Sanitarian for remedy. All measures necessary to assure eradication and control of such vermin and birds, including additional or different professional, commercial, fully licensed pest control, shall be taken promptly. Any serious infestation will be reported to the Assistant Deputy Warden for Housing for immediate control measures.
- C. Informal education of prisoners and staff in sanitary house-keeping techniques and control of perishables in prisoner living areas will be continual in order to prevent, so far as possible, the introduction of vermin.
- D. Prisoner workers will continue to be trained in eradication techniques under the supervision of staff to supplement contract services for vermin control.

APPENDIX B

MINIMUM COLLECTION FOR MAIN LAW LIBRARIESMICHIGAN MATERIALS

1. Michigan Compiled Laws Annotated (Vol. 1-2, 38-39, 40-41)
OR
Michigan Statutes Annotated (Vol. 1, 24, 24A, 25, 25A)
2. Michigan Digest (West) (all)
OR
Michigan Digest (Callaghan) (all)
3. Michigan Supreme Court Reports (Vol. 358 (1960) to the present plus subscription to advance sheets)
4. Michigan Appeals Reports (Vol. 1 to the present plus subscription to advance sheets)
5. Shepard's Michigan Citations (all)
6. Gillespie - Michigan Criminal Law and Procedure (all)
7. Honigman and Hawkins - Michigan Court Rules Annotated (all)
8. Michigan Criminal Jury Instructions (all)
9. Hensel - Appeals in the Michigan Courts

FEDERAL MATERIALS

1. United States Code Annotated (Constitution volumes, Titles 18, 28, 42)
2. Supreme Court Reporter (From Vol. 80 (1959) to the present plus subscription to advance sheets)
OR
United States Supreme Court Reports, Lawyers' Edition, 2nd Series (From Vol. 4 (1959) to the present plus subscription to advance sheets)
3. Federal Reporter, 2nd Series (From Vol. 300 (1962) to the present plus subscription to advance sheets)

4. Federal Supplement (From Vol. 200 (1961) to the present plus subscription to advance sheets)
5. Federal Practice Digest, 2d (all)
6. Shepard's United States Citations (all)
7. Shepard's Federal Citations (all)
8. Wright - Federal Practice and Procedures (Vols. 1, 2 and 3)
(Criminal)
9. Sokol - Federal Habeas Corpus (latest edition)

GENERAL MATERIALS

1. Corpus Juris Secundum (22, 22A, 23, 23A, 24, 24A, 24B (Vols. covering Criminal Law))
2. Black - Black's Law Dictionary, Revised 4th Ed. (1968)
OR
Ballentine - Ballentine's Law Dictionary, 3rd Ed. (1969)
3. Cohen, M. - Legal Research in a Nutshell (latest edition)
OR
Elias - Legal Research: How to Find and Understand the Law
4. Bailey and Rothblatt - Complete Manual of Criminal Forms, 2nd Ed.
(2 volumes)
5. Israel and LaFave - Criminal Procedure in a Nutshell, 2nd Ed. (1975)
6. Criminal Law Reporter
7. Rubin - Law of Criminal Correction, 2nd Ed. (1973)
8. Werner - Manual for Prison Law Libraries (1976)
9. Dorsen, N. - The Rights of Prisoners (1973)
OR
Rudovsky, D. - The Rights of Prisoners (1973)

OR

Palmer, J.W. - Constitutional Rights of Prisoners (1977)

10. LaFave, W.R. - Principles of Criminal Law (1978)

OR

LaFave and Scott, Handbook in Criminal Law (1972)

OR

Loewy, A.R. - Criminal Law in a Nutshell, 2nd Ed. (1972)

Additional Volumes

A complete edition of MCLA for SPSM Main Law Library.

MINIMUM COLLECTION FOR ADMINISTRATIVE SEGREGATION LAW LIBRARIES

1. Michigan Compiled Laws Annotated (Vol. 1-2, 38-39, 40-41)
OR
Michigan Statutes Annotated (Vol. 1, 24, 24A, 25, 25A)
2. A treatise on Michigan criminal law and procedure
3. Superseded "advance sheets" of Shepard's Citations (United States, Federal, and Michigan);
4. A treatise (e.g., Nutshell series) on prisoners' rights;
5. A treatise on habeas corpus;
6. A general treatise on criminal law and on criminal procedure;
7. A legal dictionary;
8. Federal rules of civil and criminal procedure;
9. A Michigan Department of Corrections Resident Guidebook; and
10. A list of the main law library holdings as periodically updated.

APPENDIX C

MAJOR MISCONDUCTS

- 001 * Escape; Attempt to Escape
Leaving or failing to return to lawful custody without authorization and with the intent to remain away. Failure to return within two hours after designated time, or within 24 hours if assigned to community residential programs, from furlough or pass.
- 002 Felony
Any act that would be a felony under state law is also a major misconduct violation. Reference must be made to the specific statutory citation in all cases where this charge is alleged.
- 010 * Homicide
Causing the death of another person by any means.
- 011 * Assault and Battery
Physical attack on, or intentional, non-consensual touching of, another person, done either in anger, or with the purpose of abusing or injuring another. Injury is not necessary but contact is.
- 012 * Threatening behavior
Words, actions or other behavior expressing an intent to injure, which intends to place another in fear of being physically harmed or assaulted; includes attempted assault and battery.
- 013 * Sexual Assault
Sexual penetration of, or sexual contact with, another person without that person's consent; non-consensual physical contact for sexual purposes.
- 014 * Fighting
Physical confrontation between two or more persons, including a swing and miss, done with anger or intent to injure.
- 020 Disobeying a Direct Order
Refusal or failure to follow a valid, reasonable order.
- 021 Possession of Forged Documents; Forgery
Knowingly possessing a falsified or altered document; altering or falsifying a document with the intent to deceive or defraud.
- 022 * Incite to Riot or Strike, Rioting or Striking
Advocating or instigating actions which are intended to seriously endanger the physical safety of the facility, persons or property or to disrupt operation of the facility by group cessation of normal activity; or any other reason; participation in such action.
- 023 Interference with the Administration of Rules
Acts intending to impede, disrupt or mislead the disciplinary processes for staff or prisoners.
- 024 Bribery of an Employee
Offering to give or withhold anything to persuade an employee to neglect duties or perform favors.
- 026 Insolence
Words, actions or other behavior which is intended to harass or cause alarm in an employee.

027 Destruction or Misuse of Property with Value of \$10 or More

Any destruction, removal, alteration, tampering or other misuse of property which has a value of \$10 or more.

028 Failure to Maintain Employment

Failure of a prisoner in community residential or work pass programs to immediately report to appropriate department staff any absence from employment or training for illness, layoff, termination or any other reason; failure to obtain prior staff approval for planned absences from, or voluntary termination of, employment or training.

030 * Possession of Dangerous Contraband

Unauthorized possession of weapons, explosives, acids, caustics, materials for incendiary devices, or escape materials; possession of "critical" tools and materials or dangerous tools and materials as defined by policy.

031 Possession of Money

Possession of unauthorized amounts of money or money from unauthorized sources. Money is defined as either cash or a negotiable instrument.

032 Creating a Disturbance

Actions or words of a prisoner which result in disruption or disturbance among others, but not endangering persons or property.

033 Sexual Misconduct

Consensual touching of the sexual or other parts of another person for the purpose of gratifying the sexual desire of either party, except that an embrace of a visitor at the beginning and end of a visit, or holding hands with a visitor during a visit, is not sexual misconduct; intentional exposure of the sexual organs to another person in a location or manner where

such exposure has no legitimate purpose; imitating the appearance of the opposite sex; words or actions of a sexual nature directed at another person in order to harass or degrade that person.

034 Substance Abuse

Possession, use, selling or providing to others, or under the influence of, any intoxicant, inhalant, controlled substance (as defined by Michigan statutes), alcoholic beverage, marijuana or any other substance which is used to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system: unauthorized possession of restricted medication; possession of narcotics paraphernalia failure or refusal to voluntarily submit to testing, including but not limited to urinalysis, blood analysis, or breath testing, which is requested by the Department for the purpose of determining the presence in the prisoner of any substance included in this charge.

035 Unauthorized Occupation of Cell or Room

Being in another prisoner or prisoners' cell or room without specific authorization from staff; being present in any cell, room or other walled area, with other prisoner(s) or members of the public, without staff authorization.

036 Out of Place or Bounds/AWOL

Being anywhere without the proper authorization; being absent from where required to be; breaking "toplock" without authorization.

037 Theft; Possession of Stolen Property

Any unauthorized taking of property which belongs to another; possession of property which the prisoner knows, or should have known, has been stolen. 123

- 038 Gambling; Possession of Gambling
Paraphernalia
Playing games or making bets for
money or anything of value;
possession of gambling equipment,
or other materials commonly
associated with wagering.

MINOR MISCONDUCTS

(All are coded 049)

Misdemeanor

Any act that would be a misdemeanor if prosecuted under Michigan law is also a minor misconduct violation, unless specified elsewhere as a major. Reference must be made to the specific statutory citation in all cases where this charge is alleged.

Abuse of Privileges

Intentional violation of any department or institutional regulation dealing with resident privileges, unless it is specified elsewhere as a major.

Contraband

Possession or use of non-dangerous property which a resident has no authorization to have, where there is no suspicion of theft or fraud.

Health, Safety or Fire Hazard

Creating a health, safety or fire hazard by act or omission.

Temporary Out of Place/Bounds

In own housing unit, during the day.
Out of place for a brief time or adjacent to where supposed to be.

Unauthorized Communications

Any contact, by letter, gesture or verbally, with an unauthorized person or in an unauthorized manner.

Violation of Posted Rules

Violation of rules of community residential programs, housing units, dining room, furlough, work or school assignment which is not covered elsewhere.

orseplay

Any physical contact, or attempted physical contact, between two or more persons, done in a prankish or playful manner without anger or intent to injure or intimidate.

Lying to an Employee

Knowingly providing false information to an employee.

Destruction or Misuse of Property with Value of Less than \$10

Any destruction, removal, alteration, tampering, or other misuse of property which has a replacement value of less than \$10.

Excessive Noise

Creation of sound, whether by use of human voice, a radio, TV, or any other means, at a level which could disturb others.