

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

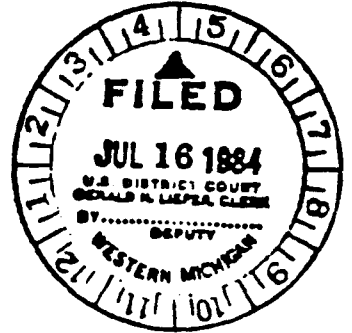
Plaintiff,

v.

STATE OF MICHIGAN, et al.,

Defendants.

Civil Action No. G84-63CA



CONSENT DECREE

The parties to this action by and through their respective counsel, stipulate and agree that:

1. Pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997, the United States has standing to institute an action against the State of Michigan and its officials in order to remedy alleged egregious and flagrant conditions which violate the constitutional rights of persons confined at the State Prison of Southern Michigan ("SPSM") at Jackson, including the Reception and Guidance Center ("RGC"), the Michigan Reformatory ("MR") at Ionia, and the Marquette Branch Prison ("MBP") at Marquette, including the Michigan Intensive Programming Center ("MIPC"). The United States has conducted an investigation of these institutions, in which state officials gave full cooperation and demonstrated a commitment to the provision of constitutional conditions at

Certified to be a True Copy

Shirley M. Lister, Clerk

By F. O. Connell

U.S. District Court

Western District of Michigan

U.S. v. Michigan



PC-MI-0007-0002

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ATTORNEY GENERAL

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LITIGATION UNIT

the institutions, and has notified state officials of its findings.

2. To avoid litigation and without making any admissions on the merits, state and federal officials consent to the following Decree. The provisions of the Decree are intended by the parties to assure the constitutionality of the conditions under which prisoners are incarcerated in the subject prisons.

3. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345. All prefiling requirements stated in 42 U.S.C. § 1997 have been met.

NOW THEREFORE, upon the full and informed consent of the parties, in resolution of all claims asserted and relief sought, and without any finding of liability or other determination on the merits, it is hereby ORDERED, ADJUDGED, AND DECREED that defendants and each of them (hereinafter "defendants"), their officers, agents, agencies, employees, subordinates, successors in office, and all those acting in concert or participation with them shall comply with each of the following provisions:

A. Medical Care. Defendants shall provide adequate medical, dental, and mental health services at SPSM, RGC, MR, MBP, and MIPC necessary to respond to the serious needs of prisoners in these areas.

To this end defendants shall provide:

1. Irrespective of offender classification, inmate access to adequate medical facilities and medical staffing including licensed, qualified physicians and psychiatrists, dentists, registered nurses, and such other medical personnel as defendants deem necessary;

2. Initial medical health assessment immediately upon incarceration;

3. Emergency medical care;

4. Measures to afford prevention of potentially epidemic contagions such as tuberculosis, aids, gonorrhea, and syphilis;

5. Adequate treatment upon timely identification for those inmates with serious mental illness, including manifest, substantial behavioral or physiological dysfunctions associated with psychosis, suicide, the threat of suicide, self-mutilation, or psychotic episodes involving violence towards others;

6. Reasonable protection measures for those inmates identified as suicidal or self-mutilating, including separate housing where necessary and adequate surveillance procedures;

7. Appropriate use and distribution of psychotropic medications, that fully comports with the standards of use and distribution in the medical profession;

8. Training programs as necessary for all professional staff; and

9. Professional medical record-keeping systems.

Defendants shall achieve compliance with paragraph A by implementing each requirement by no later than July 1, 1985.

B. Fire Safety. Defendants shall take adequate fire prevention measures at SPSM, RGC, MR, MBP, and MIPC necessary to prevent serious threats to the lives and safety of the prisoners. To this end, defendants shall:

1. Immediately replace all polyurethane and flammable mattresses and all non-fire retardant materials with adequate fire-safe mattresses and materials;

2. Immediately install an appropriate number, as defined by a fire safety professional, of fire extinguishers and smoke detectors in all living and working areas;

3. Develop and implement a program for regular inspection of fire extinguishers and smoke detection units;

4. Immediately unblock and maintain continued clearance of all exit ways;

5. Provide emergency evacuation procedures;

6. Provide for immediate proper storage or removal of combustible materials; and

7. Implement such other safety precautions as are

necessary to ensure adequate fire and smoke safety.

The defendants shall achieve compliance with paragraph B by implementing subparagraphs 1, 4 and 6 within thirty (30) days of the entry of this Decree, subparagraphs 2, 3 and 5 by December 30, 1984, and subparagraph 7 no later than June 30, 1986.

C. Sanitation, Safety, and Hygiene. Defendants shall provide adequate sanitation, safety, and hygiene measures at SPSM, RGC, MR, MBP, and MIPC in order to prevent exposing prisoners to serious threats to their physical health and safety. To this end, defendants shall establish, maintain, and implement:

1. Housekeeping systems, to be operated and managed by qualified staff with designated responsibilities, to prevent filth, vermin and rodent infestation;

2. Systems to ensure safe and sanitary food service;

3. Sewage and waste-disposal systems, including appropriate solid waste disposal, to correct cross-connected plumbing and back syphonage hazards, unsanitary pipe chases, inadequate plumbing and fixture leaks;

4. Systems to ensure building safety, temperature control and ventilation, and to provide for the elimination of electrical hazards and serious safety hazards in working areas and in other health hazard areas; and

5. Systems to ensure adequate lighting in all areas as necessary for safety and surveillance.

Defendants shall achieve compliance with paragraph C by implementing subparagraphs 1 and 2 by January 1, 1985, subparagraphs 4 and 5 by July 1, 1986, and subparagraph 3 by January 1, 1987.

D. Crowding and Protection from Harm. Defendants shall provide adequate housing, security, and inmate and staff supervision to prevent serious risks of physical assaults or harm to prisoners from others at SPSM, RGC, MR, MBP, and MIPC. To this end, Defendants shall:

1. Design and implement a professionally-based classification plan;
2. Ensure adequate guard surveillance of inmates;
3. Develop and implement rules and procedures governing use of segregation housing units;
4. Develop and implement a program providing, as appropriate, for out-of-cell time for inmate exercise on some systematic or regularized basis in order to compensate for excessively crowded conditions of confinement; and
5. Take each and every step within their lawful authority to eliminate overcrowding.

Defendants shall achieve compliance with paragraph D by implementing subparagraphs 2, 3 and 5 by June 30, 1985, subparagraph 4 by June 30, 1986 and subparagraph 1 by June 30, 1988.

E. Access to Courts. Defendants shall provide prisoners confined at SPSM, RGC, MR, MBP and MIPC with meaningful access to the courts. To this end, defendants shall specify and imple-

ment systems to afford inmates access to each respective law library facility, including provisions for access for inmates in segregation housing units. Defendants shall achieve compliance with paragraph E no later than December 30, 1984.

F. Legal Mail. Defendants shall establish systems, steps, and procedures to ensure protection of privileged legal mail from review at SPSM, RGC, MR, MBP, and MIPC.

Defendants shall achieve compliance with paragraph F no later than July 30, 1984.

G. Defendants shall provide training programs for all employees involved in the implementation requirements of this Decree such that the provisions and requirements of this Decree shall be known and fully understood by said employees. All plans, systems, and other procedures developed pursuant to this Decree shall be similarly known and fully understood by said employees and each employee shall be able, after going through the training program, to certify in writing that he or she has such knowledge and understanding. All such certificates shall be retained in each employees personnel file and provided to the United States upon request.

H. Defendants have developed their own comprehensive plan, entitled "State Plan for Compliance" (State Plan), specifying measures they intend to take at SPSM, RGC, MR, MBP, and MIPC in order to assure constitutional conditions therein, and to address

a number of other matters designed to improve conditions of confinement. Defendants intend to fully implement the State Plan unless implementation is excused or modified in accordance with the terms of this Decree. A copy of the State Plan is attached to this Decree as Exhibit A.

I. Implementation of the various provisions of the State Plan will be adequate to bring Defendants into full compliance and thereby satisfy the terms and provisions of this Decree. The Court shall be advised as to each failure to comply with the provisions of the State Plan and, on request of either party or on the Court's own motion, a hearing may be held as to the constitutional implications of said failure and Defendants' non-compliance. Nothing in this Decree shall be interpreted as requiring Defendants to specifically comply with any State law, or any other provision of the State Plan that does not implicate constitutional rights of inmates.

J. Defendants shall report to the Court and to the United States any time they intend to modify their Plan, and shall advise the Court and the United States, by legal memoranda, whether the modification sought raises constitutional issues. The United States shall respond to such report within 20 days, by legal memoranda, whether it believes such a modification raises constitutional issues. The Court will then determine

whether to conduct a hearing and will in such event determine the modification request. The United States Department of Justice will monitor compliance with the State Plan.

K. The State Plan provides for a number of plans that the Defendants shall submit at specified times. Each plan shall be filed with the Court and submitted to the United States by the specified submission time. Each plan shall set forth a detailed statement of the measures that the 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, the United States shall review the plan. If there is no objection to the Defendants' proposed plan, the plan shall be appended to the State Plan and subject to enforcement in accordance with the provisions of this Decree. If the United States objects to any of the Defendants' proposed plans, the parties shall attempt to conciliate any differences among them. To the extent useful and feasible, the United States may provide technical assistance in this conciliation process. If necessary, the United States may commence hearings concerning unresolved objections to proposed plans within 60 days of raising objections.

L. Defendants shall file with the Court and submit to the United States semi-annual reports commencing December 31, 1984, indicating for each respective six month period the status of Defendants' compliance with respect to the requirements of this Decree. Each report shall state with particularity the conditions of each area addressed in this Decree, and shall specifically identify all relevant documents. The report shall be signed and submitted by an individual designated by the Defendants to be responsible on an ongoing basis for this function.

M. Entry of this Decree shall not operate to render moot or otherwise preclude any issues before the District Court for the Eastern District of Michigan in Hadix v. Johnson et al., Civ. No. 80-73581, Jansson v. Johnson et. al., Civ. No. 84-CV-1263DT or the Western District of Michigan in Knop v. Johnson et. al., Civ. No. 84-651.

N. Upon notice and at reasonable times, Defendants shall give full access to the United States, its attorneys, staff, experts, and agents to all subject facilities to inspect for compliance with this Decree.

O. The parties by agreeing to this Decree do not intend to create any rights or obligations enforceable by inmates.

It is nonetheless recognized that, for purposes of entry of this Decree, the Court has granted limited intervention to the plaintiffs in the pending action of Hadix v. Johnson et al., Civ. No. 80-73581, E.D. Michigan (the "Hadix plaintiffs"), and the plaintiffs in the pending case of Knop v. Johnson et. al., Civ. No. 84-561, W.D. Michigan (the "Knop plaintiffs"), to participate as amicus curiae. To the extent Defendants are required by paragraphs I, J, K and L of this Decree to furnish reports, plans, pleadings, memoranda or other documentation to the Court and the United States, an informational copy shall be provided at the same time to the amicus curiae. Any responses of the United States, shall be similarly circulated. Within 20 days after receipt of said reports, plans, pleadings, memoranda or other documentation, Hadix and Knop plaintiffs may respond to the Court and parties as amicus curiae. Further, Hadix and Knop plaintiffs have a limited right, at the Court's discretion, to participate as amicus curiae at any hearing which may be called.

P. The United States may seek appropriate orders for enforcement of this Decree, but will not do so until first consulting with Defendants in an effort toward informal resolution of any dispute.

Q. The Court shall continue its jurisdiction of this matter until further notice. One year following entry of this Decree, specifically on June 21, 1985, at 9:00 a.m., the Court shall hold a hearing to determine whether the Decree, to the extent then implemented in accordance with the terms and provisions thereof, is fulfilling its stated purpose to bring SPSM, RGC, MR, MBP and MIPC into constitutional compliance. Should it be determined at such hearing that the Decree is in some respect deficient in its requirements, the Court may entertain motions for modification of the Decree so as to correct the deficiency. The Hadix and Knop plaintiffs may participate as amicus curiae in said hearing.

R. After Defendants have complied with all of the terms of this Decree, Defendants may apply to terminate the jurisdiction of this Court.

The Court, having fully considered the foregoing, is of the opinion and so finds that the Consent Decree should be and hereby is entered as THE JUDGMENT of the Court and hereby permanently enjoins the Defendants, their officers, agencies, employees, subordinates, and successors in office, from continuing the alleged unconstitutional practices and acts complained of; and permanently enjoins Defendants from continuing to confine persons under complained of unconstitutional conditions and this is THE JUDGMENT of this Court.

IT IS SO ORDERED.

ENTERED on this 13th day of July, 1984,
at Kalamazoo, Michigan.



United States District Judge

So Stipulated:

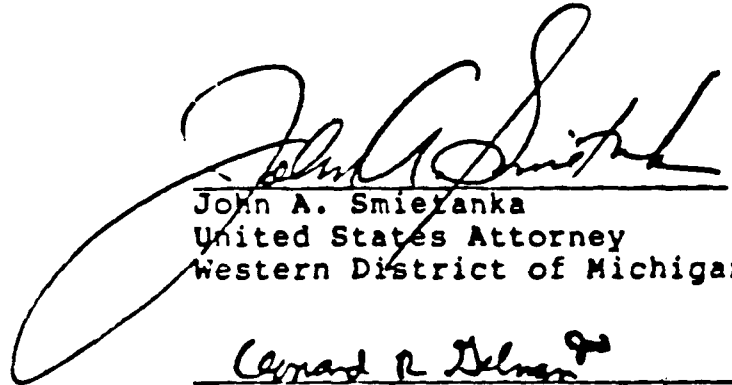
UNITED STATES OF AMERICA, Plaintiff



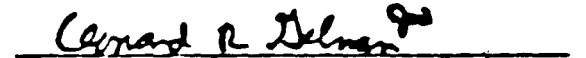
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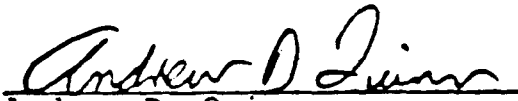


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STATE PLAN FOR COMPLIANCE

The following Plan of compliance is to be undertaken at the State Prison of Southern Michigan, ("SPSM") the Reception and Guidance Center ("RGC") at Jackson, the Michigan Reformatory ("MR") at Ionia, the Marquette Branch Prison ("MBP"), and the Michigan Intensive Programming Center ("MIPC") at Marquette.

I. Measures with Respect to Sanitation, Safety, and Health

A. Environmental Sanitarian - The environmental Sanitarian will be in place by December 1, 1983 at each subject prison as a full-time, fully qualified professional.

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 is 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 advises the Warden regarding appropriate action for preventing of problems in the area of sanitation.

B. Housekeeping - The Department shall implement at each subject prison their continuing housekeeping plan (Appendix A.I) in large part already in place. The plan shall be implemented within 90 days of the entry of the decree in U.S. v. State of

Michigan, Civil Action No. G84-63CA, filed in the United States District Court for the Western District of Michigan.

C. Inspection for Sanitation - The Department will obtain complete, annual inspections of the subject prisons by qualified non-corrections Building and Constructions Trades Inspectors, qualified non-corrections agricultural inspectors; and appropriate follow-up inspection or re-inspection. Said inspections shall inspect for compliance with all applicable state law in each area upon which this section (on 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.

As to each cited 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 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 plan. As to any section of this plan the requirements of which are not yet applicable under the terms of the plan, the Department need not meet these corrections deadlines. 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. When a correction is concluded, the Department shall

so note and initial on the face of the inspection report.

D. Personal Hygiene of Prisoners - The Department shall implement at each subject prison its continuing plan for personal hygiene of prisoners. The plan is attached hereto and incorporated herein as Appendix A.II.

E. Vermin Control - The Department shall implement at each subject prison its 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 continue in its program of consultation with MIOSH to ensure safety in prison work areas.

G. Requirement for Cell Lighting - The Department shall continue to 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.1. The Department shall provide sufficient duplex outlet receptacles for inmate use in each cell (one outlet) and dormitory. As an interim provision, with 90 days, the Department shall make available U-L approved extension cords to allow reasonable electrical service in each cell.

H.2. The Department shall provide adequate lighting (10 footcandle 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 for example, without limitation, 10 footcandles lighting on base activity areas in cellblocks, unless greater light is needed for planned activities for that area. This provision shall not operate to reduce any requirement of the Michigan Building Code.

The items set forth in I. H.1 and I.H.2 will be accomplished as follows: at Marquette branch prison by July 1, 1984; at Michigan Reformatory by July 1, 1985, and a State Prison of Southern Michigan, by July 1, 1986, unless major increases in electrical generating and distribution are necessary at that facility, in which case at SPSM, this shall be accomplished by July 1, 1987.

I. WITHIN 90 DAYS AFTER THE IMPLEMENTATION OF THIS PLAN:

I.1. A solid waste disposal plan for all areas of each institution and suitable to each institution will be prepared by the Environmental Sanitarian. The plan will be fully implemented within 180 additional days. With regard to solid waste containers, the plan will include, without limitation, provision for appropriate, safe, fire safe, clean solid waste containers in all areas, including housing areas.

I.2. On a continuing basis, the Department shall maintain pipe chases free of all standing water and filth;

maintain, as properly closed, all sewer lines; and maintain, with proper plumbing fixtures, all clean-out ports.

I.3. On a continuing basis, the Department shall inspect windows and reasonably promptly replace glass where broken and missing. The Department may replace windows with other window systems provided that adequate natural light, ventilation, and protection against vermin is maintained. Lighting and ventilation shall be maintained as required elsewhere herein. In the event of the adoption of any new window system, the Department shall screen all window openings. The absence of screening at present will necessitate greater efforts to limit the intrusion of birds and vermin.

I.4. The Department shall provide necessary sanitation on all prison farms and food production operations.

I.5. Other provisions of this plan to the contrary notwithstanding, the institutions will in their 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 on Appendix E of the 1976 Food Service Sanitation Manual (U.S.P.H.S.).

I.6. Training - The Department will initiate professionally designed and executed continuing training programs for both pre-service and in-service training for all employees and inmate-employees involved in the provisions of this decree Section I (on Sanitation), including the sanitation plans set

out in Appendix A. Each training program will be required to be completed by the employee or inmate-employee, will be appropriate to the particular employee's or inmate-employee's responsibilities, and shall include a method for evaluating the employee's or inmate-employee's performance in the training program, which performance must be adequate for continued employment in this capacity.

J. WITHIN 180 DAYS AFTER THE IMPLEMENTATION OF THE PLAN:

J.1. Barbering - The Department will provide appropriate barbering facilities and equipment in each facility and shall maintain necessary sanitary conditions. No person shall be permitted to barber inmates without appropriate training in the public health aspects of barbering. Professional personnel, including the Environmental Sanitarian, familiar with these public health areas, may provide such training.

J.2. The Department will reduce noise to 70 dBA day, 45 dBA night, where inmates are housed, and not more than 90 dBA in work areas for an 8 hour exposure period; not more than 85 dBA in eating areas; with the exception, however, that this section does not apply to 5-block at SPSM as it is presently constituted with at least on-half administrative segregation inmates. This exception is grounded on defendants' representation that administrative segregation inmates will be moved

from 5-block or other similar blocks (in size) to a more suitable housing arrangement by January 1, 1988 and after that date, 5-block shall no longer be excepted from these requirements. The Department will continue their efforts to reduce noise levels in all areas to not more than 70 dBA, with the exception that special conditions inherent in work places necessitate limits not higher than 90 dBA for an 8 hour exposure period.

J.3. The Department will provide adequate hot (within 6°F of 110°F) and cold water in housing units for all cells, dormitories, sinks, showers and lavatories.

J.4. The Department will not, except in the case of a temporary emergency (in the determination of the warden as reflected in a written document signed by him), house inmates in cells or dormitories where the temperature is unsafe in any season. Temperatures in activity areas similarly shall be maintained safe. The Department will monitor and record continuously the temperatures 1) on the base floors and highest galleries of all cell blocks and 2) in all dormitories or other housing areas.

J.5. The Department will correct and cover all exposed wiring, provide an operational switch (e.g., a pull chain) for cell lights in each cell, and correct all short-circuited wiring.

K. WITHIN 360 DAYS AFTER THE IMPLEMENTATION OF THE PLAN:

Ventilation of 7 cubic feet per minute shall be provided for each cell as measured at the cell grating. Required ventilation shall be measured at cell gratings.

In summer months, the Department will provide a mechanical exhaust system that operates to exhaust 54 cubic feet per minute per inmate in each cellblock as measured at the site of exhaust.

L. WITHIN 30 MONTHS AFTER IMPLEMENTATION OF THE PLAN:

L.1. The Department will correct and eliminate all cross-connected plumbing, including all potential back-syphonage hazards. Corrections shall be in accordance with acceptable codes or standards.

L.2. The Department will correct existing plumbing (including sewerage) and fixture leaks; and cease to house inmates in cells or other housing areas lacking operable, safe plumbing and fixtures, including a commode and a sink in each cell. Corrections shall be in accordance with acceptable codes or standards.

L.3. Defendants shall provide 1 shower for every 15 inmates, in dormitories defendants shall provide 1 toilet for every 8 inmates and 1 drinking fountain per floor.

L.4. 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 condition, and appropriate testing of water, all to reduce the hazard of plumbing inadequacies.

II. Medical Care

A. 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 plan, 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 the State Prison of Southern Michigan, Michigan Reformatory, or Marquette Branch Prison shall receive adequate health care as measured against contemporary professional standards.

B. Facilities

1. State Prison of Southern Michigan

The existing hospital facility at the State Prison of Southern Michigan 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 and south complexes 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 2 months following the completion of the replacement facility, the Department will cease to use for medical purposes the current hospital at SPSM. The new facility shall be accessible to all SPSM 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.

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

2. Michigan Reformatory and Marquette Branch Prison

Existing facilities at these two institutions generally are adequate. By 60 days from the implementation of this plan, the Department will upgrade the health assessment area in the dormitory at MR. The area shall be equipped with an appropriate

examining table, be kept professionally sanitary, and otherwise comply with minimal professional standards as necessary to protect inmate health.

C. Medical Screening

1. All prisoners, upon entry to the Michigan Department of Corrections, 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.

2. 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.

3. Within 90 days from the implementation of the plan, the Department will submit a professionally designed plan pursuant to Section VI on Plans, 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.

D. Access to Health Care

1. Within 60 days from the date of the implementation of this plan the Department will submit a plan pursuant to decree Section VI on Plans, 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 have their appointments determined on the following Monday. Inmates shall be afforded direct access to a register, which health care staff then collect. The register shall provide an opportunity to request care for serious medical, serious mental health, and serious dental conditions.

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) and MIPC. 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.

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

2. No staff shall inhibit, interfere with, or delay any aspect of the health care delivery system.

3. Inmates brought for medical care from other prisons to the subject prisons will be treated promptly and returned to an appropriate penal facility.

-4. Within 120 days of the implementation of this plan, the Department will submit pursuant to Section VI on Plans 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 (e.g., SPSM - North Side, SPSM - South Side, etc.). Said plan shall be implemented within 90 days of its adoption or approval.

E. Staffing and Procedures

1. 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.

2. 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 implementation of this plan, uncredentialed staff are not to 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 the implementation of the plan.

3. Within 180 days after the implementation of this plan, the Department will employ and maintain employed medical and dental care staffs at the subject institutions as follows:

	<u>FTE Employees</u>
State Prison of Southern Michigan	145
Michigan Reformatory	16.1
Marquette Branch Prison	29

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 requirement of SPSM (145 FTE's) is an interim requirement pending the completion of the new hospital facility at that institution as further defined in Section II.B.1. Staffing for SPSM after the completion of the new facility is discussed below.

4. 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 these institutions at other facilities. In such a case staffing may be amended pursuant to a plan, which the Department will submit pursuant to Section VI on Plans. Any revision will not diminish the quality of care received by inmates.

5. Staffing 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 (II.E) are to be used to provide only medical and dental care and to provide care only at the subject facilities. In exceptional circumstances, staff may temporarily be employed elsewhere to accomplish necessary tasks.

6. Within 270 days after the implementation of this plan, the Department will submit, pursuant to Section VI on Plans, 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.

7. The delivery of health care services at MR is dependent on the services provided at the Riverside Correctional Facility. The Department will accomplish those tasks necessary to assure adequate access to services at Riverside. The Department recognizes that a decrease in services provided at outside facilities to inmates at the subject prisons may require an increase of medical care staffing at the subject prisons to meet the required standards of contemporary health care professionals.

8. 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 housekeeping and laundry.

9. Health professions 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.

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

G. Within 120 days of the implementation of this plan, the Department will submit a professionally designed plan pursuant to Section VI on Plans, to provide for systematic follow-up care for inmates with serious chronic disease. Said plan shall be implemented within 120 days after approval or adoption.

H. Mental Health Care

This subsection concerns the care of serious mental illness. By serious mental illness, we mean manifest, substantial behavioral or physiological dysfunctions associated with psychosis, suicide, the serious threat of suicide, self-mutilation, or

psychotic episodes involving violence toward others. Excluded are mental retardation, personality disorders, psychosexual disorders, impulse control disorders, anxiety disorders, and other similar conditions.

The Department's current policy requires that care of serious mental illness meet contemporary professional standards. The Department shall take those additional steps necessary, if any, to meet these standards. These standards are understood to include the provision of reasonable protection of suicidal or self-mutilating inmates from suicide or self-mutilation.

1. The subsections on staff supervision (II.E.1), staff credentials (II.E.2), outside alternative care (II.E.4), staffing at the new hospital at SPSM (II.E.7), uncredentialed staff (II.E.2), training (II.I), medication distribution (II.K), and records (II.L), shall apply to the provisions of care for serious mental illness. Specific provisions of this subsection (II.H) on mental health care further explicate these general provisions for a mental health context.

2. The Department will include in the new hospital at State Prison of Southern Michigan described above in II.B.1, a 21-bed fully licensed psychiatric unit for treatment of serious mental illness. The services and practices shall be no less than those that would be required in a non-prison setting.

3. Within 1 year from the implementation of this plan, defendants shall provide for each subject prison suitable separated housing adequate to house every inmate who exhibits a serious threat of suicide or who attempts suicide. 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 present equipment for observations of Marquette's Brooks Center is adequate and may serve as an appropriate model elsewhere. Seriously mentally ill persons shall be housed only in appropriate housing and, absent a determination in writing by a psychiatrist, shall be housed in a segregated housing area, separate from all non-patient inmates. The Department will establish an appropriate professional protocol for suicidal inmates.

no continuous
observation

4. At its discretion, the will Department deliver in-patient services for serious mental illness (other than screening, observation, emergency care, and suicide care and prevention) at a central, fully licensed facility: the Riverside Psychiatric Center, in Ionia, Michigan, and at other locations. Within 270 days after the implementation of this plan, the Department shall submit a professionally designed plan, pursuant to Section VI on Plans, to assure that prisoners with serious mental illnesses

have adequate access to the Riverside Pyschiatric 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 inpatient 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.

The plan shall provide for full and continuous implementation of the entire said plan within an additional 3 years after its adoption or approval. Interim measures not requiring major reconstruction, renovation, or new construction shall be implemented within 1 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 6 months.

5. Access to mental health services for serious mental illness shall be available through the system set out in ¶ II.D of this Section on Medical Care. In a case where a correctional officer reports that an inmate might be seriously mentally ill, defendants shall provide immediate access to professional mental health staff.

6. At least twice monthly at each subject prison, a clinical psychologist or psychiatrist shall visit each housing unit that houses any segregation inmate (protective, punitive, or administrative), and at the Michigan Intensive Program Center such visits shall be weekly. 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 a review of the log). If the psychologist or psychiatrist observes conditions presenting serious threats to the mental health of the inmates, or any of them, he or she shall inform the Warden in writing of these conditions.

7. The initial assessment for psychotropic drugs shall be by a psychiatrist or in a mental health emergency by a physician. Defendants shall take all necessary steps to detect and control the side-effects of psychotropic drugs. They shall develop written protocols for the use of the various classes of psychotropic medications.

8. Defendants 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.

I. Training

1. Within 120 days after the implementation of this plan, the Department will submit a plan pursuant to Section VI on Plans, to provide appropriate in-service training at 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.

Within 120 days of the implementation of this plan, the Department will submit a plan pursuant to Section VI on Plans 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:

- a) recognition of signs and symptoms of serious illnesses, and knowledge of action required in emergency situations;
- b) administration of first aid and cardio-pulmonary resuscitation (CPR);

- c) methods of obtaining assistance;
- d) signs and symptoms of mental illness, mental retardation, and chemical dependency; and
- e) 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.

J. 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. Prisoners who are confined to their cells at SPSM and MBP 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.

K. Medication Distribution

Pharmaceutical services are and shall continue to be carefully controlled in conformity with state and federal statutes. At each institution, 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.

L. Problem-Oriented Health Records

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

M. Quality Assurance

The central Office of Health Care presently conducts audits of health care at the State Prison of Southern Michigan, Michigan Reformatory and Marquette Branch Prison. These audits shall be continued as follows:

1. Medical audits annually by physician reviewers and medical record administrators who shall examine retrospectively all death cases and a random sample of health records at each institution, assessing the quality of medical decisions, the adequacy of medical supervision of care, and the quality of medical record documentation.

2. Administrative audits annually at each institution 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.

3. Dental audits annually by dentist reviewers at each institution 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.

4. Mental health audits annually by psychiatrists of the Office of Health Care or of an independent agency.

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.

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 plan or otherwise by law. As to

any section of this plan the requirements of which are not yet applicable under the terms of this plan, 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.

Within 3 years after the implementation of this plan, where not already done, the Department will include in each audit conducted fully independent, outside professionals.

III. Fire Safety

The following fire safety provisions are an integrated system designed to achieve fire safety at SPMS, MR, and MBP. 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.

With regard to facilities,

A. Within 60 Days from the implementation of this plan, the Department shall:

1. Unblock and keep clear all exit ways.
2. Cease storing any combustible materials in cellblocks or other housing areas, unless the storage occurs in an appropriate, fire safe storage cabinet or room. This

includes without limitation ceasing storage, unless in appropriate, fire safe containers, of personal property above housing areas at MIPC, but does not include items in inmate cells for inmate use. This paragraph does not apply to inmate personal property stored in the inmate's cell or, in the case of dormitories, in the inmate's immediate living area.

3. Remove from all cellblocks and other housing areas all combustible trash containers.

4. Remove and cease to use all polyurethane pillows, cushions, or other furnishings in all cellblocks and other housing areas.

5. Remove all cardboard and all other combustible materials from the bars of the cells in all inmate housing areas. The Department may in their discretion replace these materials with non-combustible materials.

6. Cease storing compressed gas cylinders unless and until, on a continuous basis, the storage complies with National Fire Protection Association Standards #56A and #56B.

B. Within 120 days from the implementation of this plan, the Department shall:

1. Provide in each cellblock in each institution a minimum of two fire extinguishers per floor or gallery, with one of the two extinguishers placed at each end of the

respective floor or gallery (e.g., 10 extinguishers per block at SPSM and MR (I and J blocks) and 6 extinguishers per block at MBP). Water-type extinguishers are adequate.

2. Provide water flow alarms and valve supervision on all existing sprinkler systems and provide automatic alarms on all kitchen hood dry chemical systems.

3. Provide fixed dry chemical extinguishing systems for all operating range hoods in all kitchens.

C. Within 180 days from the implementation of this plan, the Department will submit professionally designed plans pursuant to decree Section VI on plans.

1. To provide smoke detectors in each cellblock or other housing area.

2. To provide adequate means of egress from places of assembly as defined in Article 2 of the BOCA Code.

Both plans (III. C. 1, 2) shall provide for accomplishment of all necessary tasks within an additional 1 year and 6 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 6 months may be necessary.

D. Within one year from the implementation of this plan, as to the interiors of cellblocks and other housing areas, the

Department will remove, or provide necessary fire suppression to protect all non-structural combustible materials, including cardboard, plywood, hardboard, and those found in cellblock guard shelters. As well, in all inmate use areas including cellblocks and other housing areas, the Department agrees that ceiling tiles and panelling will have a flame spread lower than 75 in exit ways and 200 in other areas, and they will remove nonconforming ceiling tiles and panelling; provided, however, that in sprinklered areas, it shall be adequate to meet the NFPA Class C requirements.

E. Within 2 years from the implementation of this plan, the Department will:

1. Provide in each housing area gang locks that will allow for the remote immediate unlocking of cells. The Department may continue present top lock procedures. (Locking mechanisms are discussed in Section IV.G. of this plan, and the requirements set out there are additional to this requirement).

2. Provide in each cellblock or other housing area and in each activity, work, or indoor recreation area (including farm basement), 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 2 exit access doors; and rooms of less than 1,000 square feet may have a single exit access door.

3. Provide at each facility 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 2-hour fire resistant construction in the following areas: 1) cellblocks I and J at the Michigan Reformatory; 2) central stair at SPSM Building 18 (school, administration, and shop); 3) central stair in SPSM Central Complex kitchen (3-story stair); and 4) both open stairs at MR-8 building (library, stores, hobby craft). Fixed wired 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.

5. Provide self-contained breathing apparatus sets so that two sets are readily available in each cellblock. Breathing apparatus sets shall be installed in quick release wall mounts.

6. Pursuant to a professionally designed plan provide an adequate number of emergency lights to light all means of egress in each cellblock or other housing area and in each activity, work or indoor recreation area.

7. Provide 2-hour fire separation: 1) between all cellblocks; 2) between rotundas and cellblocks; 3) for the upper floor of the control room at MIPC; and 4) to separate the basement of SPSM 16-block from the stairs to the first

floor. Fixed wired 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 (e.g. infirmary at SPSM.)

9. Subdivide the basement of buildings 18 and 19 of the Central Complex of the State Prison of Southern Michigan 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 in each facility.

12. Provide smoke barriers (1 hour fire resistant construction) between sleeping areas and other areas in dormitories and farm barracks. Fixed wired 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.

F. Within 180 days from the implementation of this plan, the Department will submit pursuant to Section VI on Plans, a professionally designed plan to equip all housing areas consistent with National Fire Protection Association Standard #13, with

sprinkler systems adequate to provide sprinkler protection to each cell and to each dormitory or other housing Unit within the main walled prison structures. The plan shall provide for full implementation within an additional 30 months following the adoption or approval of the plan. This paragraph shall not apply to dormitories outside prison walls including farm barracks.

With regard to operations,

G. Within 180 days from the implementation of this plan, pursuant to Section VI on Plans, the Department will submit a professionally designed comprehensive, written fire safety operations plan.

1. The plan shall include without limitation the following: emergency procedures for each respective area that inmates might use or occupy as to each facility; evacuation procedures for each respective area of each facility; a systematic fire drill procedure; inspection and maintenance procedures for all equipment for fire emergencies or suppression; appropriate training of staff and inmates; inspection and control of fuels present in the prison; responsibility for and supervision of all fire safety measures and procedures; coordination with local fire officials; and 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 cellblock or other housing area without first knowing the fire safety procedures for that cellblock or housing area.

3. The fire drills required in the plan shall occur at least every fourth month in each cellblock or other housing area, shall be unannounced, and shall require full evacuation (excepting in administrative 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 the warden, the evacuation of the inmates would be inconsistent with the necessities 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, and it shall be given 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.

H. Within 90 days after the implementation of this plan, the Department will:

1. For each facility, commence with local fire officials to assure that firefighters on each of their shifts may tour the facility annually. Prison officials shall coordinate with local fire officials concerning the security needs of the prisons in order to facilitate proper emergency planning.

2. At each prison, 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 that institution (pursuant to Section III. G. 1 once that plan is adopted), and the coordination of all required inspection, maintenance, and training.

3. Cease to house any inmate in housing areas where there is less than the 24-hour per day physical presence of correctional officers. This requirement includes the quarantine unit at Marquette's Brooks Center as well as all other housing units.

4. For the interim, until the fire safety operations plan (pursuant to Section III. G. 1) 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.

I. Reporting and Inspection Regarding Fire Safety

1. Beginning December 1, 1983, or as soon thereafter as this plan is implemented, the Department will obtain annual inspections by the Michigan State Police Fire Marshal Division to determine compliance with all provisions of this Section III concerning fire safety ("compliance report"). The findings of compliance inspection shall be reflected in a signed, written

report. This report shall be provided to the Michigan Department of Corrections promptly following each inspection.

J. The Department of Corrections shall provide a system of at least monthly internal inspection and reporting, using a professionally designed, written checklist. The written lists, after completion, shall be retained for at least three years.

IV. Overcrowding and Protection from Harm

A. Provision of Adequate Space - This plan assumes continuation of single celling. Dormitories shall provide 60 square feet per inmate. Space requirements for administrative segregation are set out elsewhere herein.

B. Housing Assignments - Within 1 year from the implementation of this plan, the Department shall submit a plan, pursuant to Section VI on Plans, to assure that the following groups each shall be housed outside of physical contact and, within reason, outside 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 plan and if medically appropriate, inmate-patients transferred from other institutions may be housed with non-patients of the same Michigan Department of Corrections classification. Subject to this proviso, these 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 plan shall assure that only inmates classified as likely to be violent and no protective custody inmates may be assigned to dormitories.

The plan shall provide for full and continuous implementation of the entire said plan within an additional 3 years after its adoption or approval. Interim measures not requiring major reconstruction, renovation, or new construction shall be implemented within 1 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 6 months. As to SPSM 5-block, until six years after the implementation of this plan, general population inmates (excluding reception center and protective custody inmates) may be housed with administrative and punitive segregation inmates.

C. Staff - Staffing throughout the subject prisons for all relevant functions shall be adequate to comply with all provisions of this plan.

As to housing, in each cellblock and in each dormitory, a single staff employee shall be assigned accountability for all conditions for all three shifts within that block, including implementation of this 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 designated by the Department as of November 28, 1982 and approved by them on January 16, 1983. In a temporary emergency, blocks may be operated at staffing levels designated on those dates as critical. Where a change in design or function takes place in a housing area, the staffing may be adjusted if consistent with this plan to provide adequate services and protection, and the United States shall be notified of the adjustment.

D. Training - The provisions of this Section IV on Overcrowding assume the continuation of the Department's present training program or its substantial equivalent, including 40 hours per year of in-service training for custody staff, managers, and supervisors.

E. Surveillance and Security - Present practice, which shall be continued, is that correctional staff circulates 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.

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 in the requirements of this plan.

The Department will conduct an annual audit of the subject prisons for compliance with the provisions of Section IV on 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 shall be reflected in a signed written report to be completed promptly.

As to each cited condition on the compliance inspection report, the Department will make all indicated corrections within 60 days; unless funding requirements (including procedures for hiring or 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 plan or otherwise by law. As to any section of this plan, the requirements of which are not yet applicable under the terms of this plan, the Department need not meet these correction deadlines. The parties recognize 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 one and one-half years from the implementation of this plan, the Department shall provide and maintain thereafter in each cellblock 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. Excepted from this requirement are cellblocks housing only minimum security inmates, where, effective three years after implementation of this plan, cell locks shall be repaired to the extent necessary for protection of the particular inmates housed in each such block.

H. Out-of-Cell Activity

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

1. Excepting South Complex SPSM (minimum security), within two years from the implementation of this plan, the Department will provide an appropriate, safe indoor exercise facility at each prison adequately staffed and adequately equipped to allow each general population inmate access to year-round large-muscle exercise one hour daily, five days weekly. The current facility at SPSM Central Complex is adequate. In the interim, an hour of yard time shall be staffed and scheduled each day, five days weekly, for those inmates desiring to participate. When such indoor facilities are available, they shall be used on days of inclement weather; and on other days yards shall be available. 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 in Section IV.J.5.

2. Within 180 days from the implementation of this plan, the Department will submit a plan pursuant to Section VI on Plans that will provide increased out-of-cell activity. In designing its plan, the Department is to be accorded wide latitude. This is not to suggest that any particular activity (such as those listed below in this paragraph as examples) is itself required, nor is there an obligation to provide rehabilitative treatment or a job to any inmate. Rather, the objective is to provide meaningful activity outside of cells on a limited basis. The plan may include, for example, access to reasonably-supplied general libraries, educational activities, industrial and other work activity, or religious activity. For whatever activities prison officials choose to provide, they shall provide reasonably adequate staffing, facilities, and equipment. Their plan shall provide access to these various activities such that at SPSM and MR, 75% of all inmates, and at MBP all general population inmates, may be active out of their cells and dormitories, including exercise, meal, shower, and law library time, no fewer than 7 hours daily on weekdays and 5 hours daily on weekends. The plan shall provide for full and continuing implementation within an additional 180 days after its approval or adoption.

I. Other Measures to Increase Inmate Protection From Harm - 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.

J. Administrative segregation, punitive detention, protective custody (generically termed "segregation") and Reception and Guidance Center (RGC)

All provisions throughout this plan apply with equal force to all segregation units except where express provisions to the contrary are stated.

1. If deemed necessary by the Deputy Warden for the safety of the segregation prisoner 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 so necessary.

2. Prisoners in segregation and RGC shall continue to be served three meals per day, which are essentially the same meals as those served to general population. Food sanitation shall comply with all applicable provisions of the plan subsection on food sanitation, 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 1 year from the entry of this plan, 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 and a stool or other suitable seating arrangement. Inmates at MIPC are not included in this paragraph IV.J.3.

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 eyeglasses, unless medical staff otherwise determines.

5. Within 1 year from the implementation of this plan, each prisoner in administrative segregation, protective custody, 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 indoor exercise in inclement weather and outdoor exercise weather permitting. 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 quality. 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 & Guidance Center.

7. At Marquette within 2 years from the implementation of this plan, at the Michigan Reformatory within 4 years from the implementation of this plan, and at SPSM within 6 years from the implementation of this plan, the Department shall cease housing segregation inmates in cells lacking adequate space, given the level of out-of-cell activity provided the Department's plans for renovation providing at least 60 square feet per inmate is adequate in every regard. Segregation inmates shall continue to be housed in single cells.

8. Consistent with the security of the institution, personal property in protective custody and administrative segregation shall be no more restricted than for general population; although, in punitive detention and the Reception Center, personal property may be limited to books borrowed from the prison library and to inmates' legal papers and writing materials, of which inmates may not be deprived at any time. Clothing and personal hygiene articles are discussed elsewhere herein.

9. No inmate may be held in isolation (no sight or sound contact) from all other inmates for more than 2 days in any month, unless the isolation occurs for medical reasons in a medical area or unless the inmate 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 prison or inmate security demands a reasonable reduction in (or, if reasonably necessary, an elimination of) the privileges, given the cost and circumstances involved in providing similar privileges.

V. Access to Courts

1. The Department will continue to implement fully their law library policy under which each general population inmate is guaranteed at least 6 hours per week of law library use, in two-hour segments. To accommodate this use, law libraries are open at least 25 hours per week, half of which is on evenings and weekends. The law library remains open additional hours if necessary to meet inmate needs. Prisoners who have pending court cases which require additional law library time in excess of the 6 hour guarantee are allowed the additional access necessary.

2. Inmates in administrative segregation or protective custody shall be guaranteed 2 hours per week direct, personal access to a limited law library collection as indicated in Appendix B. In addition, on three days each week, such inmates may request five volumes to be brought to them from the main law library collection unless lent to another inmate. These volumes shall be delivered to these inmates on the next day that requests are collected and may be collected after the inmate has had their use for 24 hours.

3. Within 180 days after the implementation of this plan, the Department will provide in each main law library to the extent not currently provided each of the publications listed in Appendix B. Each publication shall be updated promptly as revised editions, pocket parts, or advance sheets become available. Periodically at six month intervals, defendants shall survey each collection to identify missing or mutilated volumes. All missing or mutilated volumes, however discovered to be missing or mutilated, must be replaced or restored promptly.

4. The Department shall take those measures necessary, if any, to implement their 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 only may be opened to search for contraband. The policy further shall provide that inmates may seal all outgoing legal mail, which prison officials shall then cause to be posted unopened in the U.S. mail.

VI. Plans and Compliance

This plan provides for a number of plans that the Department shall submit at specified times. Each plan shall be submitted to the United States Department of Justice, Civil Rights Division, by the specified submission time. Each shall set forth a detailed statement of the measures that the Department 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, the United States shall review the plan. If there is no objection to the Department's proposed plan, the plan shall be appended to this plan. If the United States objects to the defendants' proposed plan, the parties shall attempt to conciliate any differences among them. To the extent useful and feasible, the United States may provide technical assistance in this conciliation process. If necessary, the United States may commence hearings concerning unresolved objections to proposed plans within 60 days of raising objections.

APPENDIX A: SANITATION PLANS

I. Housekeeping

A. The Assistant Deputy Warden for Housing in each institution is charged with the responsibility for the maintenance of clean and healthful conditions in prisoner living units.

1. At each institution, 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 clean 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.
3. The RUM will inspect all cells and common areas in the RUM's unit weekly and will complete 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.
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 and that these areas will be

swept daily and showers will be maintained clean.

6. The RUM will assure that empty cells are clean before assignment to a prisoner.

C. Housing unit sergeants who report to the RUM, or at MBP the RUM in each housing unit, are responsible for supervision of day-to-day housekeeping tasks by officers and prisoner workers. Sergeants, or at MBP the RUM, 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 appropriate to the individual institution to accomplish all housekeeping goals set forth herein including for ongoing cell painting and to assure that all cells are refurbished on a regular basis.

II. Personal Hygiene of Prisoners

A. Mattresses - Defendants shall provide each prisoner moving into a cell with a sanitized 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 pillowcase) once per week. A blanket 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 shower at least three times per week. It is the policy of the Michigan Department of Corrections that no prisoner may be asked to forego exercise as required herein, employment, assigned programs or meals in order to avail himself of a shower. This policy shall be continued. Shower time shall be of adequate duration, at least 5 minutes physically in the shower.

D. Each prisoner, upon entry into the correctional system, is provided with soap, toothbrush, toothpaste or 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.

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.

III. Vermin Control

A. Each institution has a contract with commercial pest and vermin control companies for periodic preventive maintenance in both food service and housing areas.

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 for vermin (as well as birds) and corrective action should such evidence be apparent.

B. The Environmental Sanitarians are 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 immediate control measures.

C. Informal education of prisoners and staff in sanitary housekeeping 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 LIBRARIES

MICHIGAN 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 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 & 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, 3d 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, 2d 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
Rudowsky, 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)

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 Resident Guidebook; and
10. A list of the main law library holdings as periodically updated.