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| SOUTHERN DISTRICT OF MISSISSIPPI |        |
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

SCOTT COUNTY, MISSISSIPPI, et al.,

Defendants.

3:94CV566 WS

CONSENT ORDER

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## I. INTRODUCTION

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345.

2. Venue in the United States District Court for the Southern District of Mississippi, Jackson Division, is appropriate pursuant to 28 U.S.C. § 1391 (b).

3. The United States has met all pre-filing requirements stated in the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq.

## II. DEFINITIONS

4. "Plaintiff" shall refer to the United States of America.

5. "Defendants" shall refer to the Scott County, Mississippi, the Sheriff of Scott County, the Board of Supervisors of Scott County, and their agents and successors in office.

6. The terms "inmate" or "inmates" shall refer to one or more individuals sentenced to, incarcerated in, detained at, or otherwise confined in the Scott County Jail (hereinafter "SCJ").

7. The term "living quarters" shall refer to the inmate living areas.

8. The term "special needs inmates" shall refer to those inmates who are suicidal, mentally ill, mentally retarded, intoxicated, or otherwise a danger to themselves or others. The term "special needs cells" shall refer to those cells in SCJ that are suicide resistant.

### III. BACKGROUND

9. The Defendant Scott County owns and operates the Scott County Jail located in Forest, Mississippi.

10. The Defendant Sheriff of Scott County is responsible for the day-to-day operation of the SCJ. In his official capacity, the Sheriff of Scott County has the custody, rule, and charge of the SCJ and the inmates housed therein.

11. On June 29, 1993, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq., the United States toured the SCJ with consultants in the fields of penology, correctional health care, and environmental health and safety. On October 8, 1993, the United States issued a report/findings letter based on its investigation and expert tour and found that the SCJ violates inmates' constitutional rights. Defendants do not admit that SCJ violates inmates' constitutional rights.

12. The parties to this Decree recognize that conditions of confinement at SCJ implicate rights of the inmates confined therein. In order to avoid litigation regarding the constitutionality of these conditions of confinement, the parties agree to the provisions set forth in this Consent Decree.

### IV. SUBSTANTIVE PROVISIONS

#### A. Policies and Procedures

13. The Defendants shall draft a staff manual delineating the general policies and procedures of the SCJ. The Defendants shall ensure that the SCJ is strictly operated according to such

policies and procedures. The staff manual shall include, but not be limited to, all policies and procedures described in this Order. All policies and procedures which Defendants draft shall comport with professional standards and shall be subject to review and approval by the United States.

14. The manual, set forth in the above provision shall be distributed to every staff member having contact with inmates at the SCJ. All staff must sign a statement indicating that they have read and understand all of the provisions in the manual. The manual shall be reviewed annually and updated by the Defendants.

15. The Defendants shall draft an inmate handbook delineating the general policies and procedures of the SCJ. The handbook shall include, but not be limited to: all policies and procedures described in this Order which relate to inmates; the rules of the SCJ; schedules for visitation, exercise and recreation at the SCJ; a summary of the terms of this Order; a description of the process for obtaining bond and an attorney; a description of the disciplinary procedure; a list of the legal materials available to the inmates and a description of the process by which inmates may obtain use of such materials; a description of the emergency procedures at the SCJ; and a list of the requirements and procedures for becoming a trusty and obtaining work release privileges.

16. The inmate handbook shall be distributed to every inmate within twenty-four hours of arrival.

B. Fire Safety

17. The Defendants shall continue to provide appropriate storage for inmates' personal property.

18. The Defendants shall continue to replace all torn mattresses with flame resistant correctional standard mattresses.

19. Defendants shall maintain an emergency generator system in order to provide essential lights, power, and communication during emergencies.

20. Defendants shall ensure that SCJ staff shall be trained in fire prevention and emergency procedures.

21. Defendants shall develop and implement a written policy and procedure for fire prevention at the SCJ which shall include, but not be limited to, the following:

- (a) inspection and testing of equipment  
at least quarterly by local and  
state fire officials;
- (b) inspection of the facility every  
six (6) months by local and state  
fire officials;
- (c) an evacuation plan which shall be  
certified by an independent outside  
inspector trained in the  
application of fire safety codes;  
and
- (d) a plan for the storage and use of  
all flammable, toxic, and caustic

materials in accordance with all applicable laws and regulations.

22. The Defendants shall ensure that fire drills are conducted every three (3) months. Fire drills shall include all inmates, except when removal of extremely dangerous inmates would compromise the safety of the facility. In such event, actual evacuation of such inmates is not required, although staff responsible for supervising such inmates shall be required to execute their roles in the drills.

23. The Defendants shall ensure that appropriate secure covers are placed over "live" outlets in the inmate housing areas.

24. Defendants agree to ensure that the SCJ is in compliance with Mississippi state fire code and regulations and applicable National Fire Protection Association Standards. The SCJ must maintain approval from the State Fire Marshal and any fire safety citations must be corrected as directed by the Fire Marshal. Copies of the Fire Marshal's reports along with a description of the corrective action taken, if any, shall be sent to the attorney for the United States with the compliance report described in ¶ 98 of this Consent Decree.

C. Staffing and Operational Procedures

25. To maintain safety and security within the SCJ, the Defendants shall hire four (4) full-time jailers to ensure that at a minimum there are five (5) jailers working at the SCJ. There shall be at least one jailer on duty at all times and there

shall be at least (1) female officer on duty at all times until lock down when female(s) are housed in the SCJ. Female inmates shall only be frisked by a female officer.

26. The Defendants shall ensure that the SCJ has sufficient staff to implement all terms of this Order. In addition, sufficient staff shall be hired and trained so that the required staffing levels can be maintained even during periods of staff illness or vacation.

27. In order to ensure that current and new jail staff members are sufficiently well-trained, Defendants shall implement an adequate training program. All employees must complete 40 hours of in-service training every year. In addition to the 40 hour in-service training, new staff shall complete an additional 40 hours of pre-service or orientation training before beginning active duty at the SCJ. The Defendants may satisfy this pre-service or orientation training through the Correspondence Course for Jailers developed by the United States Department of Justice National Institute of Corrections and instituted by the National Sheriffs' Association in Alexandria, Virginia.

28. The Chief Correctional Officer shall be sent, at County expense, to the training courses offered to jail managers by the United States Department of Justice National Institute of Corrections ("NIC").

29. The Defendants shall ensure that SCJ staff members are sufficiently well-trained to be able to implement the terms of this Order. Such training shall include, but not be limited to,

appropriate training to become certified in CPR, training by a mental health professional in recognition of mentally ill and potentially suicidal inmates, training on how to deal with such inmates, and training by a local medical professional on the administration of medicine and the side-effects of medications commonly administered at the SCJ.

30. At regular intervals, not less than every thirty minutes, the jail staff shall conduct an inspection of the SCJ. The inspection shall include a direct, visual, and logged inspection of all living quarters.

31. The Defendants shall develop and implement written policies and procedures for selecting inmates as trustees. These policies and procedures shall include, at a minimum, the following: (a) under no circumstances shall trustees have authority over or supervision of other inmates; (b) trustees shall not book in inmates; (c) trustees who leave the building shall be searched for contraband when they return to the facility; (d) trustees shall not distribute medications; and (e) male trustees shall not have unsupervised access to female inmates.

32. The Defendants shall develop and implement written policies and procedures concerning the use of mace or other similar chemical agents. All uses of mace or similar chemical agents shall be documented. Chemical agents may only be used in situations in which an inmate is in imminent danger of harming others and all other reasonable alternative means of control have

been tried. The Defendants shall identify all persons for whom chemical agents pose a danger to health and chemical agents shall not be used on such persons. Persons subjected to chemical agents shall be afforded the opportunity to cleanse themselves of the chemical agent and shall be provided with immediate medical attention, if necessary.

33. The Defendants shall develop and implement policies and procedures concerning the use of restraints which comport with professional standards.

34. The Defendants shall ensure that the electrically controlled sally port doors are operated properly.

35. The Defendants shall develop a policy and procedure to ensure that officers do not bring their service weapons into the SCJ.

36. The Defendants shall ensure that the control center/dispatch room is secured.

37. The Defendants shall develop and implement written policies and procedures to classify inmates in accordance with the level of custody required (i.e. inmate supervision and custodial management issues) and the level of security needed (dangerousness, nature of offense). Classification decisions shall be based on each inmate's personal, social, medical, and criminal history. Security of the facility, its staff, and inmate safety should be the primary concerns in all classification and housing decisions.

D. Ventilation and Temperature Control

38. The Defendants shall ensure that the ventilation system in SCJ provides an adequate supply of fresh air and exhaust of unclean air that produces at least 10 cubic feet of fresh or recirculated filtered air per minute per occupant for inmate cells.

39. The Defendants shall ensure that SCJ jail is properly heated.

E. Plumbing and Lighting

40. The Defendants shall ensure that the water supply to living areas is adequate and that hot water temperatures are approximately 110 degrees Fahrenheit and that under no circumstances shall hot water temperatures exceed 120 degrees Fahrenheit.

41. The Defendants shall repair and maintain all leaking or inoperative toilets, showers, and sinks in the SCJ.

42. The Defendants agree to provide for all cells artificial illumination producing a minimum of twenty footcandles of light.

43. The Defendants shall install protective light fixtures on lights throughout the facility.

F. Maintenance and Sanitation

44. The Defendants shall develop and implement written policies and procedures to ensure the daily cleaning of all living quarters. The Defendants shall continue to make available adequate scrub brushes and detergents to ensure the cleanliness

of toilets, wash basins, showers, and floors in each cell area. While inmates may perform the daily cleaning work, it shall be the responsibility of the SCJ staff to inspect the cells and detention areas regularly and to maintain sanitary conditions.

45. The Defendants shall contract with a pest control service to spray the SCJ monthly and shall recall the service whenever needed.

46. The Defendants shall ensure that all mattresses and pillows are routinely cleaned and sanitized.

G. Food and Water Service

47. The Defendants shall ensure that the SCJ jail staff supervises inmate trustees when they are distributing meals to inmates and that the staff monitor inmate living quarters immediately after serving meals.

48. The Defendants shall continue to ensure that food is served to inmates at appropriate temperatures.

49. The Defendants shall ensure that day-room tables are sanitized before meals are served.

50. Defendants shall continue to provide inmates with sufficient potable water.

H. Medical Care and Mental Health Care Services

51. The Defendants shall develop and implement adequate written policies and procedures governing access to and delivery of medical services and mental health care services.

52. The above stated written policies and procedures governing medical services shall include an adequately detailed

admission screening form. In consultation with a qualified health professional and in accordance with accepted correctional standards, the Defendants shall draft and implement a health screening form to evaluate all inmates upon their admission to the SCJ. The health screening form shall record, at a minimum, the following information upon intake: (1) medical, surgical, mental health, and dental history; (2) current injuries and illnesses; (3) current medications; (4) allergy information; (5) personal physician(s), dentist(s), and mental health provider(s); (6) questions regarding recent fever, cough, weight loss, night sweats, chest pain, abdominal pain, bleeding episodes, changes in urination or bowel habits including bleeding from either site, and skin rash; (7) mental health screening to include suicide attempt history as well as questions designed to uncover significant depression and/or hallucinations; (8) history of substance abuse; (9) history of tuberculosis, including the date and result of the last TB test; and (10) other communicable diseases.

53. The Defendants must provide in-service training to all appropriate staff in how to complete the screening form. Such training shall be conducted by a qualified health professional. Health screening shall only be performed by trained personnel.

54. The Defendants shall ensure that a physician reviews all medical screening forms on a daily basis and that such forms become part of an inmate's medical record or chart.

55. Within two weeks of intake, the Defendants shall ensure that a health professional gives each inmate a health assessment including an initial medical history and a physical examination consisting of blood pressure, pulse, temperature, and respiration. Results of the assessment shall be recorded on a standardized form that shall be placed in the inmate's medical record along with his or her intake screening form.

56. Defendants shall hire or develop a contractual relationship with the following medical, mental health, and dental personnel: (1) a local physician or physician practice group to serve as the central health care authority for the SCJ and to treat inmates who request medical care or otherwise require medical treatment; (2) a local psychiatrist, psychologist or psychiatric RN (with appropriate and available psychiatric back up) to provide mental health sick call services on a weekly basis in addition to other routine and emergency services; (3) a local dentist to provide dental care services; and (4) major subspecialty medical providers to evaluate and provide care for inmates referred to them by the central health care authority.

57. The Defendants shall develop a sick call policy, procedure, and practice that include, at a minimum, the following: (1) written sick call request slips (upon admission, SCJ shall provide each inmate with a sick call request form and shall supply inmate with replacements for used forms); (2) a confidential collection method where the request slips go directly to the local physician with no inmate trusty

involvement; (3) a logging procedure to record each request for sick call services; (4) procedures and practices which ensure that any inmate who requests medical care is immediately transported to the local medical clinic and is treated by a physician within one and a half hours from the time he or she requested medical attention; (5) procedures and practices which ensure that illiterate inmates can orally access the sick call system by requesting access through a jail officer, who must, as soon as reasonably possible after the oral request, fill out a request slip for the inmates; (6) procedures and practices which ensure that results of the sick call clinic are recorded in the inmates's medical record in a generally accepted professional format; (7) procedures and practices which ensure that if the health care professional recommends that any inmate needs further medical treatment or review, the Defendants shall promptly arrange and transport the inmate for such treatment; and (8) procedures and practices which ensure that the central health authority of SCJ shall arrange for hospitalization of inmates, if necessary, and shall provide them with care or make arrangements for medical care during hospitalization.

58. Defendants must provide immediate access to medical care in case of an emergency and must develop and implement an emergency response policy and procedure that specifies the steps that will be taken to respond to identified medical or psychiatric emergencies in the SCJ. Defendants must plan, implement, and document quarterly emergency medical response

drills for all shifts to test preparedness to respond to a medical emergency. These drills must be observed and critiqued by a physician.

59. Defendants shall provide adequate mental health services to SCJ inmates. To this end, Defendants shall ensure that a local psychologist, psychiatric RN, or local psychiatrist provides mental health sick call services at a minimum of once a week and ensure that the mental health professional provides 24-hour on-call consultation as well as in-person intervention and evaluation.

60. The Defendants shall ensure that a dentist provides dental care services for inmates with serious dental problems. Such services shall not be limited to extractions. Defendants shall develop a method of prioritizing requests for dental care.

61. Defendants must develop and implement a policy and procedure to specify minimum follow-up frequency and minimum evaluation for inmates identified with chronic illness (e.g. asthma, diabetes, hypertension, positive PPD status, AIDS, seizure disorder, etc.)

62. In all cases of inmates confined to the SCJ for more than 7 days, the Defendants shall administer a PPD test for TB with results forwarded to the facility's physician. If the test is positive, the inmate shall be immediately scheduled for a chest x-ray, with appropriate medical care and attention including isolation to provided thereafter as indicated.

63. Defendants shall develop and implement policies and procedures regarding HIV and AIDS in conjunction with the local public health department or a physician. In addition:

- a) Defendants shall ensure that voluntary HIV testing and counseling is available on a confidential basis to inmates who request testing. An inmate's HIV test results or HIV status shall not be released to other inmates without the written informed consent of the inmate in question;
- b) For the purpose of obtaining any necessary medical care and counseling, Defendants shall ensure that a physician shall examine any inmate identified HIV+;
- c) Defendants shall ensure that all correctional staff receive adequate training in HIV related issues. The defendants shall also ensure that all inmates receive structured HIV education;
- d) Defendants shall ensure that inmates who are HIV+ and symptomatic shall be housed in a

medical area appropriate for the acuity of their symptoms such as an infirmary, hospice, or hospital. HIV+ inmates with minor symptoms may be appropriately housed in general population based on a case by case evaluation and decision by a physician. Asymptomatic persons with HIV+ shall be housed in general population unless they exhibit behavior that creates a risk of HIV transmission to other inmates or staff (e.g., rape, biting, throwing feces) or unless the HIV+ inmate is at risk of physical harm from other inmates; and

- e) any inmate who is HIV+ and has active Tuberculosis shall be segregated from all other inmates until such time that he or she is no longer infectious.

None of the provisions set forth above shall affect inmates' rights under the American with Disabilities Act, 42 U.S.C. § 12101 et seq.

64. Defendants must require a licensed physician or pharmacist to review all medications inmates bring with them to the SCJ to insure that the prescription is currently valid and corresponds to the prescription label. In addition, the physician or pharmacist shall review therapeutic regimes and medical records and shall train officers in the delivery of medications. Defendants must develop a system to store individual medications that includes a master log of all inmates with physician orders for prescriptions or over the counter medications. Defendants must develop a written procedure for their medication delivery system that includes a medication administration record system that allows appropriate staff to document the dispersal and receipt of each dose of medication with the inmate's signature (with use of a refusal form when medications are refused).

65. All SCJ officers must be trained in the side effects of frequently prescribed drugs and what actions to take if such side effects are noticed.

66. The Defendants shall provide special diets to inmates with medical conditions that require them.

67. The Defendants must ensure that essential prenatal care is provided.

68. Defendants must train and certify all personnel in Basic Life Support Cardiopulmonary Resuscitation (BLS-CPR) with re-certification on an annual basis.

69. Defendants shall develop and implement written policies for blood and bodily fluid spills, medical waste disposal, and outdated drug disposal.

70. Defendants shall establish and implement written procedures for a detoxification program including adequate initial assessment of intoxication levels of inmates upon booking and access to medical supervision of an intoxicated inmate. Officers shall be adequately trained in such a detoxification program.

71. At no time shall trustees have access to medical records or control access to medical services.

72. No inmate shall be disciplined for or otherwise be discouraged from accessing the health care delivery system.

I. Suicide Prevention Measures and Special Needs Inmates

73. The Defendants shall not house a suicidal and/or mentally ill person in excess of forty-eight (48) hours, except for good cause shown.

74. The Defendants shall ensure that suicide prevention measures are in place at SCJ. To this end, the Defendants shall:

- (a) lower the privacy partition in the detoxification cell;
- (b) remove the cork bulletin board covering the observation window of the detoxification cell;
- (c) purchase rescue equipment including, but not limited to, a

first aid kit, a 911 rescue tool, disposable gloves, and a CPR pocket mask;

- (d) screen all inmates for suicide risk and other special needs prior to their admission to the SCJ. Such screening shall thoroughly assess a potential inmate's mental health and shall comport with current mental health professional and correctional standards;
- (e) provide training by a jail suicide prevention expert or a licensed mental health professional to all SCJ staff and Scott County Sheriff's Department officers who monitor or supervise inmates. Such training shall include, but not be limited to, the proper response to a suicide or suicide attempt, including how to cut down a hanging victim and other first-aid measures, the identification and screening of special needs inmates, and training about high-risk groups

- and critical periods for suicides  
and suicide attempts;
- (f) ensure that mace is never utilized  
on suicidal inmates; and
  - (h) ensure that physical restraints are  
only used as a last resort, that  
they are used only for periods in  
which the inmate is engaged in  
self-destructive behavior, and that  
mental health staff is immediately  
notified when a decision has been  
made to utilize physical  
restraints.

75. The Defendants shall develop and implement written policies and procedures on suicide prevention and the treatment of special needs inmates, which shall include, but not be limited to, the following:

- (a) the appropriate housing of special needs inmates based on their needs and the ability of the jail staff to monitor them;
- (b) the establishment of two levels of supervision for suicidal and/or special needs inmates--"Constant Watch" and "Close Watch." Constant Watch is reserved for an inmate who

is actively suicidal, either by threatening or engaging in the act of suicide. The inmate shall be observed on a continuous uninterrupted basis (i.e. one-on-one) by an officer who has a clear, unobstructed view of the inmate at all times. Close Watch is reserved for an inmate who has expressed thoughts of suicide and/or has a prior history suicidal behavior, but is not considered actively suicidal. The inmate shall be observed by an officer at staggered intervals (e.g. 5, 15, 10 etc.) not exceeding 15 minutes. The officer shall document the Constant Watch check every 15 minutes in a suicide watch log, and document the Close Watch as the staggered check occurs. Inmate trustees may supplement, but never be utilized to substitute the physical observation of the officer;

(c) the communication of information relating to special needs inmates between and

among all SCJ staff members, between arresting and transporting officers and SCJ staff, between SCJ staff and SCJ administration and between SCJ staff and the special needs inmate;

- (d) the notification by SCJ staff to local or state mental health authorities that a special needs inmate (except intoxicated) has been admitted to the SCJ;
- (e) the notification to the special needs inmate's family (except those incarcerated for intoxication) that he or she has been admitted to the SCJ;
- (f) the assessment of all special needs inmates as soon as reasonably possible by a qualified mental health professional to assess the inmate's level of suicide risk;
- (g) the establishment of a mechanism by which SCJ staff will communicate with health care providers regarding the status of potentially suicidal inmates or inmates who have recently attempted suicide;
- (h) the establishment of a mechanism by which SCJ staff will refer potentially

suicidal inmates and inmates who have recently attempted suicide to mental health care providers or facilities for placement;

- (i) the documentation of all attempted and completed suicides and notification to SCJ administrators, outside authorities and family members of all attempted and completed suicides; and
- (j) the establishment of follow-up and administrative review procedures for all attempted and completed suicides, including the determination of what changes, if any, are needed in the Suicide Prevention Program.

J. Exercise and Recreation

76. The Defendants shall ensure that inmates are provided access to outdoor exercise (weather permitting), a minimum of one hour per day, five (5) days per week. If the weather does not permit outdoor exercise, the Defendants shall ensure that the inmates are provided with access to indoor exercise, a minimum of two hours per day, five (5) days per week. Indoor exercise sessions may be held in the day rooms.

77. The Defendants shall remove the kennel from the exercise yard and a jailer shall be positioned in the exercise yard to supervise inmates during their exercise periods.

78. The Defendants have agreed to purchase appropriate exercise equipment for inmate use.

79. At their own expense, inmates may receive by mail direct from the publisher, and keep for a limited period of time, a reasonable number of periodicals, newspapers, books and reading material, so long as such materials do not create a fire or security hazard.

K. Visitation and Outside Contact

80. The Defendants shall expand visitation hours to permit each inmate to receive at least one and a half hours (1-1/2) of visitation time per week, the time divided into two visitation periods. The visitation periods shall include one visitation period on a weekend day.

81. The Defendants shall make reasonable efforts to allow visitors from outside of the local area visitation time in situations where the visitor cannot easily travel to Forest, Mississippi and cannot visit during the regularly scheduled visitation hours.

82. Visits by persons providing services or assistance such as ministers, physicians, mental health or addiction therapists, probation officers, attorneys and legal assistants providing inmate legal services shall not count against general visitation opportunities.

83. If an inmate or an inmate's spouse, parent, or child is hard of hearing, elderly, infirm, or otherwise unable to visit through the standard visiting procedures, the Defendants shall

make reasonable efforts to provide adequate visitation between these persons.

L. Hygiene and Personal Items

84. The Defendants shall provide each inmate with a mattress, mattress cover, sheets, pillow, blanket, washcloth, and a towel. The Defendants shall purchase enough uniforms to provide inmates with clean clothes they are not otherwise available. All bed linen, towels, washcloths, inmate clothes and uniforms shall be cleaned at least once per week.

85. The Defendants shall provide each inmate with an adequate supply of soap, hair shampoo, toothbrushes, toothpaste, toilet paper, a comb, deodorant, and shaving equipment.

86. The Defendant shall ensure that female inmates are provided a reasonable supply of feminine hygiene supplies upon request.

M. Access to Courts

87. The Defendants shall provide to any inmate a reasonable amount of paper, envelopes, writing implements, and postage for legal correspondence with attorneys, legal services or assistance organizations, and courts. The Defendants shall provide, free of charge for indigent inmates and at not more than \$.10 per page for others, sufficient photocopying of legal documents to satisfy court procedural requirements and to permit the inmate to retain a single copy of each document.

88. The Defendants shall provide to every inmate, not more than forty-eight hours after their initial appearance, reasonable

telephone contact, free of charge, with the inmate's local attorney.

89. At no cost to the Defendants, inmates shall be permitted to purchase and receive whatever law books and other legal research materials that they wish. Inmates shall be permitted to keep these materials, in their cells consistent with security and fire safety requirements.

90. The Defendants shall provide inmates with immediate access to legal materials consisting of at least the following materials:

- a. a leading law dictionary;
- b. a simple book on criminal procedure, and a simple book on civil procedure;
- c. a simple treatise on evidence or trial techniques or practices;
- d. a general guide to legal research;
- e. current civil and criminal procedures rules, including local rules, and mailing addresses of the United States District Court for the Northern and Southern Districts of Mississippi, the Mississippi Supreme Court, and all local courts which have jurisdiction over inmates at the SCJ;
- f. a current copy of the Mississippi Code Provisions, and an index of the Code to assist inmates in specifying the Code sections they need to review;
- g. a current copy of the Mississippi Digest and the West's Federal Practice Digest, with supplementary pocket parts and volumes;
- h. a number of self-help "how to" guides for legal issues in the state of Mississippi;
- i. the business addresses and phone numbers of Scott County attorneys who practice criminal law;
- j. a complete listing of the holdings of the Jackson law library;
- k. five copies of this Order.

91. The above listed legal materials shall be available for use by inmates between, at a minimum, 8:00 a.m. and 5:00 p.m. The Defendants may keep the materials in a jail library to which inmates can be taken to use legal materials or allow inmates to request that materials be delivered to their cells. Inmate requests for access to legal materials shall be met promptly.

92. The Defendants shall develop and implement policies and procedures to provide inmates with access to the legal materials contained in the local law library. Such procedures shall either provide inmates with physical access to the law library or provide inmates with up to five (5) of the library's legal books per week. Such procedures shall ensure that inmates are provided sufficient time with the books for meaningful legal research. In the event that an inmate is facing a specific court deadline or statute of limitation, the Defendants shall make reasonable efforts to allow the inmate additional access to legal materials if it is requested.

N. Disciplinary System

93. The Defendants shall include the rules of the SCJ, with a complete list of possible punishments for violations thereof, in the inmate handbook. Written notice of any rules violation, a hearing before a SCJ officer not involved in the investigation of the rules violation and an appeal to the SCJ's Chief Correctional Officer shall be provided to an inmate prior to any punishment being imposed, except that the Defendants may administratively segregate an inmate in emergency or life-threatening situations.

94. No corporal punishment shall be imposed on any inmate at the SCJ.

95. The terms of this Order relating to safety, crowding, health, temperature, hygiene, food, and access to courts shall not be revoked or limited for any inmate for disciplinary reasons.

#### V. CONSTRUCTION, IMPLEMENTATION, AND TIMING OF COMPLIANCE

96. Except where otherwise specifically indicated, the Defendants shall implement all provisions of this Order within (120) one hundred and twenty days of the entry of this Order.

97. The Defendants shall submit quarterly compliance reports to the United States and the Court, the first of which shall be filed within (60) sixty days after the entry of the Consent Decree. Thereafter, the reports shall be filed (15) fifteen days after the termination of a quarter.

98. The compliance reports shall describe the actions that Defendants have taken during the reporting period to implement this Consent Decree with specific reference to the provisions of the Consent Decree on which they are reporting. As part of the status report, Defendants shall include a report listing the daily population of the SCJ and the number of inmates in each cell.

99. If Defendants fail to comply timely with the requirement of this Order, the United States shall have the right to seek additional relief from the Court.

100. All parties shall bear their own costs, including attorney fees.

101. The Defendants shall maintain sufficient records to document their compliance with all terms of this Order. Defendants shall also maintain any and all records required by or developed under the Consent Decree. During the period in which the Court maintains jurisdiction over this action, the United States shall have unrestricted access to copies of all documents which relate to the implementation of this Order. The United States and its attorneys, consultants, and agents shall have unrestricted access to the SCJ, SCJ inmates, and SCJ staff, as necessary to address issues affected by this Order.

102. The Defendants shall immediately explain the terms of this Order to all persons responsible for implementing this Order, including staff and Scott County Sheriff's Department officers, in order to ensure their understanding of the requirements of this Order and the necessity for strict compliance therewith. All SCJ staff members and other individuals providing services required by this Order shall sign a statement indicating that they have read and understand this Order; such statements shall be retained by the Defendants. The Defendants shall require strict compliance with this Order by their respective employees, agents, assigns, or successors.

103. The Defendants shall provide continuous notice of this Order to inmates by posting, within ten (10) days of the signing of this Order and continuously thereafter, one (1) copy in the

library and one (1) copy near the control room. In addition to the general posting of this Order, the inmate handbook described herein shall advise inmates of the fact that the SCJ is being operated under the terms and conditions of an Order entered by the United States District Court for the Southern District of Mississippi, Jackson Division and that upon request, any inmate shall be afforded a copy of the complete Order.

104. The Court shall retain jurisdiction in this case to ensure that the provisions and plans in this Order are fully implemented until one year after entry of this Order and upon a finding by the Court that the Defendants have fully and faithfully implemented all terms of this order.

Agreed to by:

COUNSEL FOR UNITED STATES:

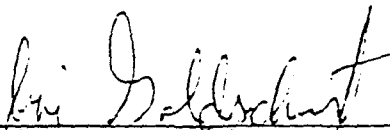
Date: August \_\_, 1994



Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division  
United States Department of Justice

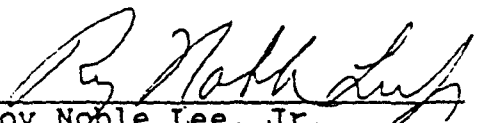
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COUNSEL FOR DEFENDANTS--SCOTT COUNTY, SCOTT COUNTY BOARD OF  
SUPERVISORS, AND SCOTT COUNTY SHERIFF

Date: August 12<sup>th</sup>, 1994

  
Roy Noble Lee, Jr.  
Scott County Attorney  
Lee & Lee  
245 E. 2nd Street  
Forest, MS 39074  
(601) 469-4216

It is hereby Ordered, the \_\_\_\_\_ day of \_\_\_\_\_, 1994.

UNITED STATES DISTRICT JUDGE