

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

JOHN RAINER and MICHAEL ROSS,
et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor

v.

LLOYD S. JONES, Sheriff,
SIMPSON COUNTY, MISSISSIPPI,
et al.,

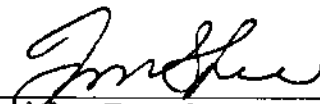
Defendants.

Civil Action No.
J78-0135 (N)

Order

Upon consideration of the parties' Joint Motion for Termination of Agreed Order and Dismissal of Case and all other relevant pleadings and argument, it is hereby ORDERED that the motion is granted.

SO ORDERED this 20th day of Oct., 2006.



Honorable Tom S. Lee
United States District Judge

VOLUNTARY AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA AND SIMPSON COUNTY, MISSISSIPPI

The United States of America (United States) having previously intervened in the cause of action Rainer, et al. v. Jones, et al., CA No. J78-0135(L)(C)¹ pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, to rectify conditions of confinement that allegedly violated the constitutional rights of inmates housed in Simpson County Jail (Simpson), hereby agrees to enter into a voluntary agreement (Agreement) with Simpson County Board of Supervisors and Sheriff and their assigns (the County). The parties acknowledge that the County has cooperated with the United States regarding compliance with the Agreed Order's provisions. The United States' expert consultants have periodically toured Simpson and identified certain remedial measures necessary to bring the defendants into full compliance with the Agreed Order. Without acknowledging noncompliance with the original Agreed Order, the County voluntarily agrees to do the following:

Policies and Procedures

1) Simpson shall provide to the Department of Justice (DOJ) updated policies and procedures. Simpson shall adopt and implement policies and procedures that are narrowly tailored to address areas of concern identified herein as well as actual practices at Simpson, and provide a schedule for their implementation. ~~At a minimum, the County shall provide for implementation of its revised policies within six months from the execution of this Agreement.~~

Fire Safety, Emergency Preparedness, and Electrical Safety

2) Simpson shall forthwith adopt and implement a plan which requires that a comprehensive fire drill is conducted every six months. The fire drill shall include all jail staff and current inmates. Simpson shall provide documentation of these drills in its quarterly report after the implementation of this Agreement, including start and stop times and the number and location of inmates who were moved as part of the drills.

¹ An Agreed Order between the United States and Simpson County was approved by the District Court for the Southern District of Mississippi on November 9, 1995.

3) Simpson shall designate one staff member as a fire safety officer who will be responsible, at a minimum, for a monthly inspection of the following: fire safety equipment, including fire extinguishers, smoke detectors, alarms and self-contained breathing apparatus. The fire safety officer shall secure the fire safety equipment and document the inspection and maintenance thereof. The fire safety officer shall conduct regular security inspections and provide ongoing maintenance to security devices such as door locks and manual unlocking mechanisms so that these devices function properly in the event of an emergency.

4) Simpson shall train the jail staff annually in fire safety and emergency preparedness. At a minimum, the jail staff shall be trained to manually unlock all doors efficiently, such that in the event of a power outage or smoke buildup, staff can function where visual examination of keys is generally impossible. The fire safety officer shall conduct and document random audits to test staff proficiency in performing this task for all shifts a minimum of three times per year.

5) Simpson hereby agrees to a review of the physical plant by a fire safety expert approved by DOJ. The fire safety expert will conduct an inspection which shall include a review of Simpson's electrical systems. The expert will report to DOJ and Simpson all substandard electrical conditions that may have developed since the first electrical survey was conducted pursuant to the Agreed Order. Simpson will correct promptly all dangerous conditions as reported by the fire safety expert and shall maintain and review regularly the electrical systems as a part of its facility's general maintenance policy.

Simpson also shall implement all other reasonable recommendations made by the fire safety expert regarding Simpson's physical plant. If the fire safety expert determines that a fire sprinkler system should be installed, DOJ and Simpson will negotiate a time table for implementing such a recommendation.

6) Simpson shall control combustibles and eliminate highly flammable materials throughout the institution and inmate living areas.

Inmate Housing and Detention

7) Simpson shall not house inmates in the "drunk tank" for reception/orientation purposes for more than 12 hours. Simpson may designate a cell that is not used to house inmates, as a reception/orientation cell, so long as the cell contains at a minimum, a toilet, a hand wash sink and a bed.

Classification

8) Simpson shall modify its current classification system and adopt an objective classification system which uses a numerical rating scale. The objective classification system shall provide for the implementation of procedures for assigning vulnerable, assaultive or special management inmates to appropriate secure housing. Simpson shall maintain a sufficient number of single-occupancy cells to enable prompt segregation of these inmates and shall revise and update its policies and procedures accordingly.

Maintenance and Sanitation

9) Simpson shall assign a corrections officer to oversee physical plant maintenance and general sanitation. This officer, who will function as an environmental health officer, shall have the authority to routinely inspect for overall facility cleanliness and general maintenance with the authority to seek prompt correction of deficiencies wherever they arise.

Security within Food Service Area

10) Simpson has adopted and will implement a policy approved by DOJ wherein jailors are required to document and log after each meal that all kitchen utensils used by trustees assigned kitchen duties are accounted for. See Attachment A, Policies and Procedures re: Food Preparation and Service and Kitchen Security.

Furthermore, trustees serving as food service workers shall receive training in principles of safe food handling and sanitation. Simpson may seek to arrange this training through the local health department.

Medical Care

11) Simpson may, within 90 days of signing this Agreement, institute an Inmates Self-Medication Program, a/k/a "Keep-on-Person" Program, particularly for trustees who leave the jail during work details. Eligible inmates for this program include inmates on short term therapy for antibiotics, inmates needing medications for chronic problems such as diabetes, and inhalers for people who have asthma. DOJ acknowledges that Simpson is already making efforts to implement this program.

Suicide Prevention Measures

12) Simpson shall remove fixtures conducive to suicide attempts from the female housing units and male showers. In the male showers these include crossbars from all shower openings and stalls and protruding shower heads, handles and knobs.

All provisions of the Agreed Order approved and entered by the District Court on November 9, 1995 that do not otherwise conflict with this Voluntary Agreement shall remain in full force and effect. Nothing in this Agreement precludes the United States from taking appropriate action pursuant to the prior Agreed Order.

WHEREFORE, the provisions of the foregoing Agreement, having been agreed to by the parties to this action.

Signed,

FOR THE UNITED STATES:

FOR THE DEFENDANTS:

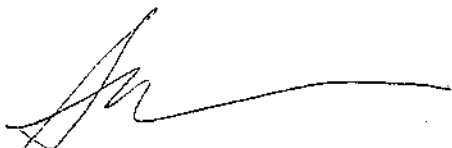


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DATE: 11/14/03



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DATE: 10/16/03