893 (April 1975).]

The Commonwealth has signed a consent decree whereby it has agreed to terminate plaintiff-inmate's placement in the Behavioral Adjustment Unit (BAU) at the State Correctional Institution at Gaterford, to transfer him to another state correctional institution and to place him in Administrative Custody in an area of the institution used for housing inmates in close confinement. Plaintiff had challenged his placement in solitary confinement alleging that he had never committed a breach of internal prison disciplinary rules, had not been given notice of the charges against him or given a disciplinary hearing, and had not been afforded the required weekly reviews and monthly interviews given inmates in solitary confinement since his placement in the BAU.

The Commonwealth agreed that it would not place plaintiff in the BAU at the new institution except for instances which are governed by Bureau of Corrections Administrative Directive 801. If such an occasion arises, he shall be afforded a hearing and the decision for placement in the BAU must be based on clear and overt acts or behavior. Furthermore, once plaintiff is transferred, a counseling team will be designated for him and will make available the full range of counseling and rehabilitative services presently available to all other inmates at the institution. He will be considered for possible participation in programs designed for individuals in Administrative Custody and if he is denied participation, the reasons for denial shall be provided to plaintiff's counsel. Finally, defendants shall make a good faith effort to change plaintiff's confinement from Administrative Custody to General Population and, until that time, place him in the least restrictive custody possible. Although plaintiff's attorneys were forced to abandon the claim for monetary damages, they feel they have scored a victory in that the Commonwealth, in agreeing to rehabilitate the plaintiff, has *de facto* abandoned its policy of behavior modification through total segregation and isolation.

Orders Governing Medical Issues and Classification System Issued in Suit Challenging Conditions in California Jail

9568. Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976). Plaintiffs represented by Sara Clarenbach, Biggam, Bohrer, Christensen & Minsloff, 2103 N. Pacific Ave., Santa Cruz, Cal. 95060, (408) 429-1311; Keith Lesar, 255 E. Lake Ave., Watsonville, Cal. 59076; Public Advocates, Inc., 433 Turk St., San Francisco, Cal. 94102; California Rural Legal Assistance Cooperative Legal Services Ctr., 115 Sansome St., San Francisco, Cal. 94102. [Here reported: 9568K Order (12pp.); 9568L Order (7pp.). Previously reported at 10 CLEARINGHOUSE REV. 398 (Sept. 1976).]

In this suit challenging conditions at the Santa Cruz County Jail, the court has signed consent orders governing medical issues and the prison classification system. The medical issues order requires that adequate regular and emergency medical and psychiatric services shall be promptly provided to all inmates. It outlines the duties of the jail physician and requires that a duly licensed and practicing physician shall be available at all times for care and treatment of inmates and that a senior supervising nurse shall have continuing responsibility for dispensary services to inmates. The order details the medical intake procedures which are to be established and requires a daily nurse sick call and a five-day-per-week physician sick call. It requires the establishment of an infirmary and provisions for detoxification and psychiatric treatment and services and emergency dental and eye care treatment. No inmate or friend or relative shall be required to reimburse or agree to reimburse the county for any of the above care, and local medical and dental societies will be asked to conduct annual reviews of the jail's health care services and to make recommendations for improvement. In addition, the classification system order establishes the procedures which are to be followed and the factors to be considered in classifying and housing all inmates.

Eighth Circuit Affirms Decision That Arkansas Policy of Sentencing Inmates to Indeterminate Periods of Confinement in Punitive Isolation Violates Eighth and Fourteenth Amendments

13,915. Finney v. Hutto, No. 76-1406 (8th Cir., Jan. 6, 1977). [Here reported: 13,915D Opinion (6pp.). Previously reported at 8 CLEARINGHOUSE REV. 640 (Jan. 1975).]

The Eighth Circuit affirmed a district court decision that the Arkansas Department of Corrections' policy of sentencing inmates to indeterminate periods of confinement in punitive isolation is unconstitutional under the eighth and fourteenth amendments. The court also affirmed the award of $20,000 in attorneys' fees to petitioner's court-appointed counsel and an order requiring appellants to pay the costs of litigation.

The court reiterated the trial court's statements with regard to the conditions of punitive isolation and affirmed its holding that confinement in punitive isolation (*not* segregated confinement under maximum security conditions) for more than 30 days is cruel and unusual punishment and thus impermissible. The court also rejected the department's protestations against the award of attorneys' fees, finding that they are authorized by the Civil Rights Attorney's Fees Awards Act of 1976 and permissible under the eleventh amendment, and that the amount awarded is reasonable. It also awarded petitioners' counsel $2500 for their services on the appeal.

Availability of Attorneys to Inmates of Virginia Institutions Who Do Not Have Access to Legal Materials Satisfies Jailers' Constitutional Obligations; Transfers of Inmates Justified as Legitimate Security Measure

18,202. Peterson v. Davis, 421 F.Supp. 1220 (E.D. Va. 1976). [Here reported: 18,202C Memorandum (5pp.). Previously reported at 10 CLEARINGHOUSE REV. 149 (June 1976).]

In a suit by inmates of the Virginia penal system claiming