

IN THE UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT OF MISSISSIPPI

SOUTHERN DISTRICT OF MISSISSIPPI	
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SEP 19 1994	
J. T. NOLLIN, CLERK	
BY _____	DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

NESHOBA COUNTY, MISSISSIPPI,
et al.,

Defendants.

Civil Action No.

4:94CV106LN

CONSENT DECREE

U.S. v. Neshoba Co.



JC-MS-014-003

TABLE OF CONTENTS

I.	INTRODUCTION	3
II.	DEFINITIONS	3
III.	BACKGROUND	4
IV.	NEW JAIL CONSTRUCTION	5-6
V.	ADDITIONAL SUBSTANTIVE PROVISIONS	
	A. <u>Policies and Procedures</u>	6
	B. <u>Fire Safety</u>	7-9
	C. <u>Bedspace, Overcrowding and Inmate Classification</u>	9-10
	D. <u>Staffing and Operational Procedures</u>	10-13
	E. <u>Ventilation and Temperature Control</u>	13
	F. <u>Plumbing and Lighting</u>	13-14
	G. <u>Maintenance and Sanitation</u>	14
	H. <u>Food and Water Service</u>	15
	I. <u>Medical Care</u>	15-21
	J. <u>Exercise and Recreation</u>	21-22
	K. <u>Visitation and Outside Contract</u>	22-23
	L. <u>Hygiene and Personal Items</u>	23
	M. <u>Access to Courts</u>	23-25
	N. <u>Disciplinary System</u>	25-26
	O. <u>Special Needs Inmates</u>	26-30
VI.	CONSTRUCTION, IMPLEMENTATION, AND TIMING OF COMPLIANCE	30-33

I. INTRODUCTION

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

2. Venue in the Southern District of Mississippi 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.

II. DEFINITIONS

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

2. "Defendant" shall refer to Neshoba County, Mississippi, the Sheriff of Neshoba County, the Neshoba County Board of Supervisors, in their official capacity, and their agents and successors in office.

3. "Inmate" or "inmates" shall refer to one or more individuals sentenced to, incarcerated in, detained at, or otherwise confined at either the existing Detention Center or any facility that is built to replace the Neshoba County Detention Center.

4. When referring to the existing Neshoba County Detention Center, the term "cell" shall refer to the inmate living areas. 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.

III. BACKGROUND

1. The Defendants own and operate the Neshoba County Detention Center ("Detention Center") in Philadelphia, Mississippi.

2. The Defendant Sheriff has responsibility for the day-to-day operation of the Neshoba County Detention Center. In his official capacity, the Sheriff has the custody, rule, and charge of the Neshoba County Detention Center and the inmates housed therein.

3. On July 29, 1993, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq., the United States toured the Neshoba County Detention Center with consultants in the fields of penology, correctional health care, environmental health and safety, and correctional suicide prevention. On November 17, 1993, the United States issued a report/findings letter based on its investigation and expert tour and found that the Neshoba County Detention Center violates inmates' constitutional rights.

4. The parties to this Decree recognize that conditions of confinement implicate the constitutional rights of the inmates at the Neshoba County Detention Center. In order to avoid litigation regarding the constitutionality of those conditions of confinement, the parties agree to the provisions set forth in this Agreed Order.

IV. NEW JAIL CONSTRUCTION

1. The Defendants shall make appropriate arrangements for the construction of a new Detention Center facility to replace the existing Detention Center. Pursuant to that goal, the Defendants have taken preliminary steps to begin the process to complete the construction of a new Neshoba County Law Enforcement Complex which is to be completed no later than January 1, 1995.

2. The parties agree that the new Detention Center will be constructed in accordance and compliance with the American Correctional Association's (hereinafter "ACA") Detention Center standards in effect at the time of construction. The Defendants agree that the new Detention Center will be constructed in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 and 47 U.S.C. §§ 225 and 611, and the regulations thereunder.

3. When the Defendants construct a new facility or house their inmates in a new facility, the Defendants shall accomplish the following tasks within the following time deadlines.

<u>Task</u>	<u>Deadline</u>
Completion of Construction	January 1, 1995
Occupancy	February 1, 1995

4. The specific levels of inmate services and privileges discussed below have been agreed upon in light of the physical limitations of the existing Detention Center facility. The parties agree to consult during the design of the new Detention Center facility as to the appropriate levels of services and

privileges at the new Detention Center, and as to the levels of staffing necessary to implement services and privileges.

V. ADDITIONAL SUBSTANTIVE PROVISIONS

A. Policies and Procedures

1. The Defendants shall draft a staff manual delineating the general policies and procedures of the Neshoba County Detention Center. The Defendants shall ensure that the Neshoba County Detention Center 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.

2. The manual set forth in the above provision shall be distributed to every staff member having contact with inmates at the Neshoba County Detention Center. 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 by the Defendants and updated.

3. The Defendants shall draft an inmate handbook delineating an outline of the general policies and procedures of the Detention Center and of this Order.

4. The inmate handbook shall be distributed to every inmate within twenty-four (24) hours of arrival.

B. Fire Safety

1. The Defendants shall make the following renovations to the Neshoba County Detention Center:

- (a) install and ensure proper maintenance of an adequate smoke detection and hard wired alarm system;
- (b) properly maintain emergency exit lights;
- (c) label cell door keys so that they are readily identifiable in case of an emergency and ensure that all correctional officers are aware of the location of all sets of keys;
- (d) install emergency lights so that means of egress are illuminated in case of emergency;
- (e) provide fire hoses or extinguishers throughout the facility and ensure that all fire suppression equipment is regularly inspected and maintained;
- (f) continue to remove all polyurethane foam mattresses, pillows, and other foam materials from the Detention Center;
- (g) continue to remove all trash bags from inmate living areas;
- (h) continue to provide each inmate with a flame retardant mattress and mattresses approved for use in correctional institutions and remove torn mattresses;
- (i) install and maintain flame retardant shower curtains, if applicable;
- (j) provide adequate storage of inmate property;

(k) continue to provide adequate storage for combustible materials;

(l) provide equipment necessary to maintain essential lights, power, and communication in emergencies;

(m) ensure that any fans brought in by inmates are in good working order and do not create fire hazards.

This provision does not relieve Defendants from providing adequate temperature control at the Neshoba County Detention Center; and

(n) provide a secure evacuation area for inmates.

2. Defendants shall develop and implement a written policy and procedure for fire prevention at the Neshoba County Detention Center which shall include, but not be limited to, the following:

(a) inspection and testing of equipment at least quarterly by local and/or state fire officials;

(b) inspection of the facility every six (6) months by local fire officials and inspection by state fire officials annually;

(c) an evacuation plan which shall be certified by an independent outside inspector trained in the application of fire safety codes;

(d) a plan for the storage and use of all flammable, toxic, and caustic materials in accordance with all applicable laws and regulations.

3. The Neshoba County Detention Center staff shall be trained in fire prevention and emergency procedures.

4. Fire drills shall be conducted every four (4) 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 relevant to supervising such inmates shall be required to execute their roles in the drills.

5. Defendants agree to survey electrical conditions at the Neshoba County Detention Center and to correct all substandard and hazardous conditions.

6. Defendants agree to provide approved waste receptacles and metal containers to store personal items that may be combustible.

7. Defendants agree to ensure that the Detention Center is in compliance with Mississippi State fire code and regulations and any applicable local life and fire safety codes.

8. Defendants agree that the Detention Center will maintain a certificate from the State and Local Fire Marshals and that any fire or life safety citations must be corrected as directed by the Fire Marshal(s). 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 ¶ VI (2) of this Decree.

C. Bedspace, Overcrowding, and Inmate Classification

1. The Defendants shall not house any inmate in the special needs cell in excess of forty-eight (48) hours, except

for good cause shown. In addition, the Defendant shall not house more than one inmate at a time in the special needs cell.

2. No inmates shall be housed in areas where there are fewer beds than inmates and no inmates shall be made to sleep on the floor or in any place other than a bed.

3. 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 (dangerousness, nature of offense). Classification decisions shall be based on each inmate's personal, social, medical, and criminal history. Security of the institution and staff and inmate safety should be the primary concerns in all classification and housing decisions.

D. Staffing and Operational Procedures

1. To maintain safety and security within the Detention Center and to implement the terms of this Order, the Defendants shall ensure that there are at least two (2) Detention Center officers on duty in the Detention Center on a twenty-four (24) hour basis, three (3) shifts per day, seven (7) days per week. There shall be at least one (1) female officer on duty at all times when one or more females are housed in the Detention Center. In addition the Defendants agree and, in fact, have employed a jail administrator who will be responsible for the day to day operations of the Neshoba County Detention Center and the new Neshoba County Law Enforcement Complex.

2. The Defendants shall ensure that the Detention Center has sufficient staff to implement all terms of this Order.

3. To ensure a safe and secure facility, Defendants shall implement a comprehensive Detention Center officer training program, to include, at a minimum, 80 hours of pre-service or orientation training to officers (40 hours of which shall be prior to an officer being assigned to any particular post), and an additional 40 hours of in-service training each year thereafter. Forty (40) hours of the initial pre-service training may be accomplished by a correspondence course offered through the National Sheriff's Association. In addition, the Chief Correctional Officer (Jail Administrator) shall be sent, at County expense, to the Detention Center manager's training program at the National Institute of Corrections' National Detention Center.

4. The Defendants shall ensure that Detention Center staff members are sufficiently well-trained to be able to implement the terms of this Order that relate to their assigned duties. 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 and training on how to deal with such inmates, and training by a local medical professional on the administration of medicine and on the side-effects of medications commonly administered at the Neshoba County Detention Center.

5. At regular intervals not less than every 30 minutes,

the Detention Center staff shall conduct an inspection of the Neshoba County Detention Center. The inspection shall include direct, visual, logged inspection of all inmate housing areas.

6. The Defendants shall develop and implement written policies and procedures for selecting inmates as trustees. The Defendants shall ensure that trustees are closely supervised and that their functions are severely limited. Under no circumstances shall trustees have authority or supervise other inmates.

7. 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 (dangerousness, nature of offense). Classification decisions shall be based on each inmate's personal, social, medical, and criminal history. Security of the institution and staff and inmate safety should be the primary concerns in all classification and housing decisions.

8. The Defendants shall ensure that no juveniles are housed in the Detention Center.

9. The Defendants shall develop and implement written policies and procedures prohibiting inmates from having money in their possession while in the Neshoba County Detention Center.

10. The Defendants shall develop and implement written policies and procedures concerning the use of mace or other similar chemical agents. The policies and procedures shall

comport with professional standards.

11. The Defendants shall develop and implement policies and procedures governing the use of restraint on inmates. The policies and procedures shall comport with professional standards.

12. The Defendants shall develop a policy and procedure regarding street officers within the Detention Center. Street officers shall not be permitted access within the detention area unless a correctional officer is within sight and sound.

13. The Defendants shall develop a policy and procedure to ensure that officers do not bring in their service weapons into the detention area.

E. Ventilation and Temperature Control

1. The Defendants shall ensure that the ventilation system in Neshoba County Detention Center provides adequate supply of fresh air and exhaust of unclean air. Defendants agree to maintain the existing central air unit in an operational manner.

2. The Defendants shall ensure that Neshoba County Detention Center is properly heated.

F. Plumbing and Lighting

1. Defendants shall ensure that water temperatures and the water supply in the living areas are adequate to ensure the safety of inmates and to promote hygienic practices.

2. The Defendants shall repair and maintain all leaking or inoperative toilets, showers, and sinks in the Neshoba County Detention Center.

3. The Defendants agree to provide adequate artificial illumination for all cells.

C. Maintenance and Sanitation

1. The Defendants shall ensure that all inmate living areas are cleaned daily. The Defendants shall continue to make available adequate scrub brushes and detergent to ensure the cleanliness of toilets, wash basins, and showers, floors, in each cell area. While inmates may perform the daily cleaning work, it shall be the responsibility of the Detention Center personnel to inspect the cells and detention areas regularly to maintain sanitary conditions.

2. The Defendants shall contract with a pest control service to spray the Neshoba County Detention Center and shall maintain such services on a monthly basis. The Defendants further agree to recall such service whenever needed.

3. The Defendants having sanitized the entire Detention Center agree to recall such services whenever needed.

4. The Defendants agree to continue providing fire-resistant mattresses with cover pads to inmates. Defendants shall ensure that all mattresses with cover pads are routinely cleaned and sanitized.

5. The Defendants agree that all structural deficiencies that compromise security at the Detention Center, including but not limited to loose building blocks, chunks of cement, and electrical hazards, will be corrected.

H. Food and Water Service

1. The Defendants shall ensure that the Neshoba County Detention Center staff supervises inmate trustees when they are distributing meals to inmates and that the staff monitor inmate living areas immediately after serving meals.

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

3. The Defendants shall continue to provide inmates with adequate amounts of drinking water to maintain health.

I. Medical Care

1. In consultation with a qualified health professional and in accordance with accepted corrections standards, the Defendants shall revise and update as necessary the health screening form used to evaluate all inmates upon their admission to the Detention Center. The health screening form used to evaluate all inmates upon their admission to the Detention Center shall record, at a minimum, the following information upon intake: (1) past medical, surgical, mental health, and dental history; (2) current injuries and illness; (3) current medications; (4) allergy information; (5) personal physician(s), dentist(s), mental health provider(s); (6) review of systems to include 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, 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; and (9) history of tuberculosis.

2. Defendants must provide inservice training to all appropriate staff on how to complete the screening form. Such training shall be conducted by a qualified health professional.

3. All medical screening forms with positive responses must be reviewed by a nurse or other medical personnel and must become part of an inmate's medical record or chart.

4. Defendants shall identify and develop an area of the Detention Center to be utilized as a medical treatment and examination area and shall ensure that it is properly equipped in accordance with professional medical standards.

5. Within two weeks of intake, Defendants must also give each inmate an initial history and health assessment consisting of blood pressure, pulse, temperature, and respiration and record the examination on a standardized form that is placed in the inmate's medical record along with his intake screening form.

6. Defendants shall develop a sick call policy and procedure that includes, at a minimum, the following: (1) written sick call request slips; (2) confidential collection method with no inmate trustees involvement and where the request slips go directly to the nurse; (3) logging procedure to record each request for sick call services; (4) review of inmate requests by qualified personnel on a daily basis to determine urgency of need to be seen; (5) sick call clinic to be held with minimum once per week frequency and conducted by a health care professional; (6)

recording the results of all sick call encounters in inmate records in a generally professionally accepted standard format. If the health care professional recommends that any inmate needs further medical treatment or review, the Defendants shall promptly arrange for such treatment and shall promptly transport the inmate to obtain such treatment.

7. Defendants shall establish a system of triage (medical sorting) of all medical complaints to determine urgency of need to be seen. Such triage shall be conducted by a qualified health professional.

8. Defendants must either hire or develop a contractual relationship with the following medical and mental health personnel: (1) an on-site registered nurse who shall work a minimum of twenty-five (25) hours per week and shall be responsible, among other things, for dispensing medication to inmates and formulating and monitoring a system to ensure that inmates receive their medication as prescribed by the attending physician; (2) a medical doctor under contract to provide medical services on an as needed basis in addition to other routine and emergency services and (3) a psychiatrist, psychologist or psychiatric RN (with appropriate and available psychiatric back-up) under contract to provide mental health services on an as needed basis.

9. The mental health professional and medical doctor established above shall provide 24-hour on-call consultation as well as in-person intervention and evaluation as needed.

10. Mentally ill inmates shall be housed in an appropriate environment that facilitates staff supervision and personal safety.

11. Defendants shall continue to provide emergency dental health care to inmates. Such emergency services shall not be defined only as extractions. Defendants shall also develop and implement a system for evaluating and prioritizing dental complaints.

12. Defendants must develop a system to store individual medications that includes a log of all inmates with physician orders for prescriptions or over the counter medications.

13. Defendants must require a medical physician and pharmacist to review all medications inmates bring with them to the Detention Center to insure that the prescription is currently valid and corresponds to the prescription label and that the medication has not expired. Defendants must develop a system to store individual medications that includes a 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, including the use of a refusal form when medications are refused.

14. Officers that dispense medication must be trained in the side effects of frequently prescribed drugs and what actions

to take if such side effects are noticed.

15. 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.).

16. Defendants must immediately develop and implement a structured TB communicable disease screening program for all inmates. At a minimum, such program shall provide that in all cases of inmates confined to the Detention Center for more than 7 days, the Defendants shall provide for a PPD test for TB with results forwarded to the facility's consulting 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 be provided thereafter as indicated.

17. 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 personnel shall 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. Based on a case by case evaluation and determination by a physician, HIV- inmates with minor symptoms may be appropriately housed in general population. 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.

18. Defendants must develop and implement an emergency response policy and procedure that specifies the plan for (1) activating the Emergency Medical System and (2) responding to identified medical or psychiatric emergencies in the Detention Center. Defendants must plan, implement, and document quarterly emergency medical response drills for all shifts to test preparedness to response to a medical emergency. These drills must be observed and critiqued by a health care professional.

19. Defendants must ensure that all Detention Center personnel are trained in Basic Life Support Cardiopulmonary Resuscitation (BLS-CPR) with re-certification on an annual basis.

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

21. 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 detoxification program.

J. Exercise and Recreation

1. Defendants shall make all reasonable efforts to provide

outdoor recreation to inmates held at the Detention Center.

2. Defendants shall develop and implement written policies and procedures to ensure that inmates are provided access to adequate space for indoor exercise for a minimum of two (2) hours per day, five (5) days per week or, alternative, outdoor exercise for a minimum of one (1) hour per day five (5) days per week.

K. Visitation and Outside Contract

1. The Defendants shall expand visitation hours to permit each inmate to receive at least one (1) hour of non-contact visitation time per week. The time may be divided into two or more visitation periods. The visitation periods shall include two or more visitation periods. The visitation periods shall include one visitation period on a weekend day. Inmates will be allowed to receive contact visitation time at least once a month.

2. The Defendant shall make reasonable efforts to allow visitors from outside of the local area visitation time in situations where the visitor cannot often travel to Neshoba County and cannot visit during the regularly scheduled visitation hours.

3. 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.

4. Persons other than those described in the preceding paragraph shall be allowed to visit inmates at the designated

times. In emergency cases, such persons shall also be allowed to visit at other times.

5. If an inmate or an inmate's spouse, parent, or child is hard of hearing, elderly, infirm, or otherwise disabled, the Defendants shall make reasonable efforts to provide the inmate with visits with the disabled visitor.

L. Hygiene and Personal Items

1. The Defendants shall continue to provide each inmate with a mattress, with cover pad, blanket, washcloth, and a towel.

The Defendants shall purchase enough uniforms to provide inmates with clean clothes if such is not otherwise available. All bed covers, towels, washcloths, inmate clothes and uniforms shall be cleaned at least once per week.

2. All inmates confined or expected to be confined in the Detention Center at least overnight shall be provided with an adequate supply of soap, hair shampoo, toothbrushes, toothpaste, toilet paper, a comb, deodorant, and shaving equipment.

3. All female inmates shall be provided a reasonable supply of feminine hygiene supplies upon request.

M. Access to Courts

1. The Defendants shall within one hundred eighty (180) days 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 within one hundred eighty (180) days 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.

2. The Defendants shall within one hundred eighty (180) days 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.

3. 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.

4. The Defendants shall within one hundred eighty (180) days 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 Neshoba County Detention Center;
- 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 address and phone number of the Public Defender's Office;
- j. a complete listing of the holdings of the Neshoba County law library;
- k. five copies of this Order.

5. 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, at their option, establish a room where inmates can be taken to use the legal materials, or may keep the materials in a Detention Center office and allow inmates to request that materials be delivered to their cells. Inmate requests for access to legal materials shall be met promptly.

6. The Defendants shall within one hundred eighty (180) days develop and implement policies and procedures to provide inmates with access to the legal materials contained in the Neshoba County Law Library. Such procedures shall either provide inmates with physical access to the law library or provide inmates with up to 5 (five) of the library's legal books per week. Such procedures shall ensure that inmates are provided with 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 within one hundred eighty (180) days make reasonable efforts to allow the inmate additional access to legal materials if requested.

N. Disciplinary System

1. The Defendants shall include the rules of the Neshoba County Detention Center, with a complete list of possible

punishments for violations thereof, in the inmate handbook. Written notice of any rules violation, a hearing before a Detention Center officer not involved in the investigation of the rules violation, and an appeal to the Neshoba County Detention Center'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.

2. No corporal punishment shall be imposed on any inmate at the Detention Center.

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

0. Suicide Prevention Measures and Special Needs Inmates

1. The Defendants shall ensure that suicide prevention measures are in place at Neshoba County Detention Center. To this end, the Defendants shall:

- (a) repair and retrofit each cell containing obvious protrusions that are conducive to suicide attempts, including, but not limited to, exposed light fixtures and wide gauge mesh screens;
- (b) Retrofit the cells that have been set aside for inmates deemed a suicide threat to allow for adequate observation and to ensure that there are no physical features that would facilitate suicide(s);
- (c) provide larger viewing windows where necessary to allow

for proper inmate supervision:

- (d) purchase rescue equipment including, but not limited to, a first aid kit, a 911 rescue tool for suicide prevention, disposable gloves, and a CPR pocket mask; and
- (e) screen all inmates for suicide risk and other special needs prior to their admission to the Neshoba County Detention Center. Such screening shall thoroughly assess a potential inmate's mental health and shall comport with current mental health professional and correctional standards;
- (f) provide training by a suicide prevention expert or licensed mental health professional to all Neshoba County Detention Center staff and Neshoba County Sheriff Department officers who are responsible for supervising or monitoring 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 the high-risk groups and periods for suicides and suicide attempts.
- (g) ensure that mace is never utilized on suicidal inmates; and
- (h) ensure that removal of clothing (excluding belts, shoelaces, etc.) issuance of a paper gown, and/or use

of physical restraints is only done as a last resort for periods in which the inmate is engaged in self-destructive behavior and mental health staff is immediately notified when a decision has been made to remove an inmates clothing and/or utilize physical restraints.

2. 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 placement of all special needs inmates in appropriate housing based on their needs and the ability of the Detention Center staff to monitor;
- (b) the establishment of two levels of supervision for suicide 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, 10, 15 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 Neshoba County Detention Center staff members, between arresting and transporting officers and Neshoba County Detention Center staff, between Neshoba County Detention Center staff and Neshoba County Detention Center administration and between Neshoba County Detention Center staff and the special needs inmate;
 - (d) the notification by Neshoba County Detention Center staff to local or state mental health authorities that a special needs inmate (except intoxicated) has been admitted to the Neshoba County Detention Center;
 - (e) the notification to the special needs inmate's family (except those inmates incarcerated for intoxication) that he or she has been admitted to the Neshoba County Detention Center;
 - (f) the assessment of all special needs inmates as soon as reasonably possible by a qualified health professional to assess the inmate's level of suicide risk or other specialized needs;
 - (g) the establishment of a mechanism by which Neshoba

County Detention Center 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 Neshoba County Detention Center staff will refer special needs inmates including potentially suicidal inmates and inmates who have recently attempted suicide to health care providers or facilities for placement;
- (i) the documentation of all attempted and completed suicides and notification to Neshoba County Detention Center administrators, outside authorities and family members of all attempted and completed suicides;
- (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.

VI. CONSTRUCTION, IMPLEMENTATION, AND TIMING OF COMPLIANCE

1. Except where otherwise specifically indicated, the Defendants shall implement all provisions of this Order within one hundred and eighty days (180) of the entry of this Order.

2. The Defendants shall submit quarterly compliance reports to the United States and the Court, the first of which shall be filed within sixty (60) days after the entry of the Agreed Order. Thereafter, the reports shall be filed 30 days after the termination of a quarter.

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

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

5. 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 Agreed Order. 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. Upon reasonable notice to the Defendants, the United States and its attorneys, consultants, and agents shall have reasonable access to inmates in the facility and Neshoba County Detention Center staff as necessary to address issues affected by this Order. The Defendants' counsel may be present, if required by the staff member, at any meeting between the United States' attorneys, consultants, and agents and a staff member. Upon reasonable notice to the Defendants' counsel, counsel for the United States shall have access to all staff and facilities as necessary to

address issues affected by this Order. The Defendant's counsel may be present, if requested by the staff member, at any meeting between attorneys for the United States counsel and a staff member.

6. The Defendants shall immediately explain the terms of this Order to all persons connected with the Neshoba County Detention Center, including staff and Neshoba County police officers, in order to ensure their understanding of the requirements of this Order and the necessity for strict compliance therewith. All Neshoba County Detention Center staff members and other individuals responsible for implementing 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 and agents.

7. 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 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 Detention Center is being operated under the terms and conditions of an Order entered by the United States District Court for the Southern District of Mississippi and that upon request, any inmate shall be afforded a copy of the complete Order.

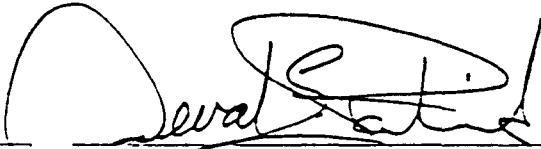
5. The Court shall retain jurisdiction in this case to ensure that this Decree is fully implemented until one year after the entry of this Order and upon a finding by the Court that the Defendants have fully and faithfully implemented all terms of this Agreed Order.

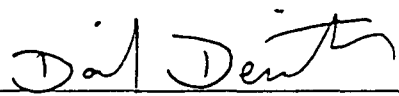
Agreed to by:

COUNSEL FOR UNITED STATES;

Date: _____, 1994

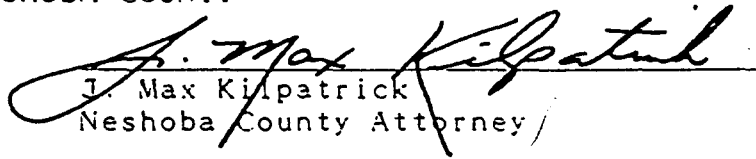
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COUNSEL FOR DEFENDANT - NESHOPA COUNTY

Date: August 3, 1994


J. Max Kilpatrick
Neshoba County Attorney

It is hereby Ordered, the _____ day of _____, 1994.

UNITED STATES DISTRICT JUDGE