



JC-MS-016-003

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CLERK, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

**FILED**

APR 26 1995

NORMAN L. GILLESPIE, CLERK

By

Deputy

Plaintiff

v.

SUNFLOWER COUNTY, MISSISSIPPI, et al.,

Defendants

4:95-cv-22-B-0

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 Northern District of Mississippi, Greenville 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.

WHEREAS, this Court has jurisdiction of the subject matter and all necessary Parties;

WHEREAS, Parties have cooperated in drafting this Order and DEFENDANTS have, by construction of a new jail and other conduct, clearly shown efforts and readiness to meet Constitutional requirements;

WHEREAS, all Parties have indicated that this Court should assist in the continuing progress of DEFENDANTS' efforts by establishing broad parameters, within which DEFENDANTS may exercise their informed discretion, of (1) security and discipline, (2) minimum foundations for maintaining Constitutional conditions and (3) involvement of existing State and other entities in the delivery of services therefor; and

WHEREAS, this being a remedial decree, no statement, requirement or standard of conduct made, inferred or established herein shall or may be interpreted or applied in such a way as to:

- A. Result in a voiding or overriding of the Public Duty Doctrine;
- B. Create or enlarge any substantive or procedural rights, privileges or immunities secured by the Constitution or laws, as this Order is only a means by which unconstitutional conditions are avoided or corrected;
- C. Abrogate or limit, except for fundamental rights, the discretion of DEFENDANTS in the particular circumstances of each separate inmate in each separate situation;
- D. Retroactively apply this Order or any portion hereof;
- E. Require DEFENDANTS to pay for any service unless non-payment would result in the deprivation of a clear Constitutional right;
- F. Require any training, or resulting conduct, that exceeds training in "ordinary and recurring" areas to detect and adequately react to "obvious needs" of inmates with "known, demonstrable and serious disorders", provided that this does not limit hereinafter specified required training;
- G. Guarantee treatment of, or conditions for, inmates that exceed Constitutional standards; and/or
- H. Establish any basis for knowing or duty to know, on the part of DEFENDANTS, about any existing, possible or potential conflicts between United States Law and Mississippi Law.

## II. DEFINITIONS

1. "PLAINTIFF" refers to the United States of America.
2. "DEFENDANTS" refers to Sunflower County, Mississippi, the Sheriff of Sunflower County, the Board of Supervisors of Sunflower County, their agents and successors in office.
3. "Inmate" or "inmates" refers to one or more individuals sentenced to, incarcerated in, detained at, or otherwise confined in the Sunflower County Jail (hereinafter "Jail"), being the only place of Jail confinement utilized by DEFENDANTS.
4. When referring to the Sunflower County Jail, the term "cells" refers to (1) the new building and (2) the inmate sleeping areas; When referring to the "Living Area", the term refers to (1) the new building and (2) the day room and cells; and when referring to the "Exercise Yard", the term refers to the fenced areas adjacent to the new building. The term "trusty cells" shall refer to the inmate living areas used to house trusty inmates in the new building.
5. The term "special needs inmates" refers to those inmates who are, pursuant to objective observation by a reasonable, trained officer in the totality of circumstances, demonstrably suicidal, mentally ill, mentally retarded or intoxicated by alcohol or other substances and a danger to themselves or others safety, or Jail security.
6. When referring to, describing, establishing parameters of, identifying, setting or otherwise creating, recognizing or inferring the existence of or compliance with any "standard", the

Parties and the Court understand, intend and acknowledge that the only standards included herein are "Constitutional standards", as recognized, identified and/or defined by the United States Supreme Court, the United States Circuit Court of Appeals for the Fifth Circuit and/or the Supreme Court of the State of Mississippi. Any reference herein to any non-judicial or non-legislative standard is only as a guideline or goal.

7. When referring to or requiring the application of any duty or standard through acts of commission or omission by any entity, the Parties and the Court understand, intend and acknowledge that the quality, quantity and/or level of such application required herein are those recognized, identified and/or defined by the United States Supreme Court, the United States Circuit Court of Appeals for the Fifth Circuit and/or the Supreme Court of the State of Mississippi as Constitutional conduct.

### III. BACKGROUND

1. The DEFENDANT Sunflower County, through its Board of Supervisors in official meetings, owns and funds the operation of the Sunflower County Jail located in Indianola, Mississippi.

2. The DEFENDANT Sheriff of Sunflower County has the responsibility for the day-to-day operation of the Jail. In his official capacity, the Sheriff has the custody and charge of the jail and the inmates housed therein.

3. Before February 23, 1993, the DEFENDANTS had determined that they needed a new jail facility and enhanced services to the county citizens confined in the old jail and the Farm/Camp.

4. On June 28, 1993, pursuant to the Civil Rights of Institutionalized Persons Act. 42 U.S.C. § 1997 et seq., the United States toured the old Jail and the Farm/Camp with consultants in the fields of penology, correctional health care, suicide prevention and environmental/health and safety. On November 17, 1993, the United States issued a Notice of Findings letter, based on its investigative tour, that conditions of confinement at Sunflower and the Farm/Camp violated inmates' constitutional rights.

5. The Parties to this Decree recognized that certain conditions of confinement at the old Jail and the Farm/Camp may have, in various areas, implicated the Constitutional rights of the inmates confined therein.

#### IV. NEW JAIL

1. The DEFENDANT Board of Supervisors has caused to be constructed and financed a new, eighty-eight (88) bed jail facility located in Indianola, MS, which has been in use since approximately September 15, 1994. The plans for the new jail facility were duly approved by the United States District Court for the Northern District of Mississippi. The DEFENDANTS have ceased using the old County Jail, which was located on the third floor of the Sunflower County Courthouse. The Farm/Camp, located near Moorehead, Mississippi, was also closed. The DEFENDANT Sheriff has, pursuant to Board of Supervisors approval and budgeting, hired, provided original training to and is operating the day-to-day functions of the County's new jail facility with

Jail Administrator and staff. All inmates are therein confined.

2. The DEFENDANTS directed the architect and contractors that the new jail must be constructed in accordance with the American with Disability Act of 1990 [42 U.S.C. § § 12101-12213 and 47 U.S.C. 225 and 611] and current regulations thereunder and those experts represent that it was so done, which appears to be true.

3. The DEFENDANTS have, are and will continue to consult with knowledgeable, experienced and realistic total program experts as to the appropriate diversion programs, humane conditions in and the best utilization of the new Jail, including staffing necessary in and relating to the new Jail.

#### V. CONTINUED IMPROVEMENT PROVISIONS

##### A. Policies and Procedures

1. In addition to the new Jail, DEFENDANTS have begun and will complete drafting a staff manual delineating reasonable policies and procedures for the Sunflower County Jail, pursuant to which the Sheriff will hire, train and supervise the staff of the Jail and operate said facility in accordance with Constitutional standards, including all areas described in this Order.

2. The policies and procedures will be distributed to every staff member having contact with inmates at the Jail, and each will sign a statement indicating that he/she has read and understands the provisions thereof. There will be an annual review and, where warranted, update of the policies and procedures.



3. The DEFENDANTS have begun, and will complete, drafting an inmate handbook stating, in clear, simple English, the resulting rights, duties and responsibilities of inmates, under the above mentioned policies and procedures.

4. The inmate handbook will be distributed to every inmate within twenty-four hours of arrival, and a written record will be immediately made thereabout.

B. Fire Safety

1. The DEFENDANTS will cause:

(a) To be acquired and used, only keys which are color coded, notched or otherwise readily identifiable during emergencies, so as to assist in swift evacuation in case of emergency.

(b) To be maintained an adequate smoke detection and alarm system.

(c) To be maintained the automatic fire suppression equipment over the jail stoves.

(d) To be maintained the emergency exit lights for use in the event of an evacuation or other emergency.

(e) To be acquired, necessary State Fire Marshall recommended extinguishers and at least one air pack for the facility, and acquire reputable maintenance of all of same.

(f) The prevention of all polyurethane foam materials in the jail, and acquire, use and keep in good repair only flame retardant mattresses of a quality to comply

with V.G.3. and sufficient for use in jails.

(g) To be provided, secure storage for inmate property.

(h) To be provided, equipment necessary to maintain essential lights, power, and communication in emergencies.

(i) All electrical equipment will be in good working order and will not create fire hazards.

(j) Only flame retardant waste receptacles to be used in the Jail.

(k) An inspection, testing of and report on all equipment, at least quarterly, by reputable maintenance entities to be done.

(l) To be made, an inspection and report of the facility every six (6) months by local or State Fire Marshall Officials.

(m) An evacuation plan be made, practiced and enforced, which shall be approved by an independent outside inspector trained in the application of fire safety codes or a State Fire Marshall Official, and include a secure evacuation area for inmates.

(n) Standards and practices for the storage and/or use of any flammable, toxic, and/or caustic materials in the jail to be followed, which will be in compliance with standards of and training by Area Emergency Management Officials.

(o) To be removed, all butane lighters from cells and living quarters.

(p) To be established, a Jail "No Smoking" policy, except in limited, designated areas.

(q) The Jail staff to be originally and annually trained in fire prevention and emergency procedures.

(r) Fire drills to be conducted not less often than every three (3) months, and they will involve the secure evacuation area and each inmate, except when removal of any inmate would, in the judgment of a reasonable jail official, compromise the security of the facility or the safety of staff, inmates or public. In such event, evacuation of any such inmate shall not be undertaken, although staff, relevant to supervising such inmate, will execute their roles in the drills.

2. DEFENDANTS will act in good faith to maintain the Jail in compliance with Mississippi state fire code and regulations and will act in good faith to expeditiously cause any fire or life safety citations to be corrected as directed by the State Fire Marshall. Copies of any State Fire Marshall's citations, along with a description of the corrective action taken, if any, will be sent, for one year, to the United States, with the compliance report described in ¶ VI (2) of this Order, and the Court having jurisdiction of this cause of action.

C. Bedspace, Overcrowding, and Inmate "Classification"

1. Except for emergency situations, no inmate will be regularly housed in any cell area in which there are fewer beds than inmates and no inmate will be required to sleep any place other than on elevated equipment.

2. All person presented for confinement in the Jail will be, unless prohibited by law or a Court of competent jurisdiction, given the opportunity to qualify for diversionary programs that may be promulgated and applied by DEFENDANTS. Persons convicted and in the Jail will be given an opportunity, unless prohibited by law or a Court of competent jurisdiction, to qualify for work release programs that may be promulgated and applied by DEFENDANTS.

3. Inmates will be classified, placed and controlled in accordance with Constitutional standards of custody and required jail security, and decisions thereunder will be based on known information about each inmates's personal, medical and criminal history. Security of the institution and occupants safety shall be the primary concern in all classification and housing decisions.

4. Classification and housing assignments shall be originally done, based on trained Shift Supervisor or higher officer's review of all book-in forms and facility capability. That will be reviewed by the administrator, not more than 72 hours later, and confirmed or changed. Such assignments may be changed at anytime and from time to time.

D. Staffing and Operational/Security Procedures

1. At least two (2) full-time Jailers on each of the three eight-hour shifts per day, seven days a week, will comprise the minimum staff, provided that at least one (1) female officer will be on duty at all times, before lockdown, when any female is housed in the Jail. Sufficient staff shall be maintained and trained so that the required staffing levels can be maintained while allowing weekly, illness, vacation or other time off.

2. DEFENDANTS will continue the existing jail officer training program for all current and new staff, to include, at a minimum, forty (40) hours of orientation training to officers, and an additional thirty-six (36) hours of in-service training for each officer in each year thereafter, including Red Cross training to become and remain certified in CPR; training by a Regional Mental Health Center provided professional in the recognition of and dealing with demonstrable mentally ill and suicidal inmates; training, as aforesaid, in fire safety and emergency activities and equipment; training by a medical professional on the administration and side-effects of medications commonly administered at the Jail; and training in the making, use and retention of records to which reference is made herein. In addition, the Jail Administrator will be sent, at County expense, for "hands on" training in the Constitutional operations of a County Jail.

3. Any new Jail staff member's training will be done, within sixty (60) days of his/her hiring, by knowledgeable and

reputable entities or through the correspondence course for jailers administered by the National Sheriff's Association.

4. Except as provided in V.J.3(b), at regular intervals of not less than every sixty (60) minutes, a direct sight inspection of the Jail inmates and cells will be made, including an immediate, barring emergency, written report thereof.

5. The Jail's written policies and procedures will include the standards for selecting and/or utilizing the services of inmates as trustees, and specifying that under no circumstances will trustees: (1) have authority over, discipline or supervision of other inmates; (2) have unsupervised access to kitchen knives or other implements considered as dangerous, nor shall they prepare meals without supervision; (3) leave the building without supervision; and/or (4) keep any Jail records. Further, a trusty shall not have unsupervised access to inmates of the opposite sex, and no female inmate or trusty shall ever be present in or passing through any part of the male living area.

6. The written policies and procedures will include provisions for staff members and inmates that: (a) all kitchen utensils will be inventoried and safely secured; (b) specify the authorized use of mace or other similar chemical agents; (c) establish the standards for the use of individual inmate restraints, including evacuation chains and cuffs; (d) prohibit officers or other person from bringing any guns into the cell and living area of the Jail, except for times of major threat to safety or security, and then only as an organized group under

direct authority of the Sheriff; (e) prohibit inmates from having money, jewelry or other personalty in their possession; (f) requires book-in training as to: forms used, information sought, observations to make, personal property to take, receipt and store documents to be signed by inmate and his/her capacity therefor, availability and qualification for diversion programs, required delivery of results, with inmate, to Shift Supervisor, and standards for refusal of acceptance of inmate; (g) any toxic, caustic or hazardous materials will be received, stored, handled and reported as required by the Area Emergency Management Official; (h) all building security equipment and devices will be strictly used as designed for use; (i) all security based rules will be strictly followed; (j) records will be made and kept about, at a minimum, (1) book-ins, and all related data, (2) inmate personalty, (3) meal planning, service and consumption, (4) visitation, (5) fire drills, (6) incidents, large and small, (7) facility and safety inspections, (8) staff attendance, (9) any available diversion program utilization and (10) discipline and grievances; (k) where requested, the State Human Services Department and the Family Services Office will be notified of the inmate's confinement in order that his/her dependents may be given needed assistance; and (l) the State Rehabilitation Service Department will be notified for those inmates exhibiting disabilities and need.

7. All staff personnel will, upon being hired and annually thereafter, be given medically adequate tests, by the Area Health

Department, for T.B., Measles, Hepatitis and other contagious diseases or conditions as designated by said department, and tested by the Regional Mental Health Center as to their existing and continuing capacity to adequately perform the correctional work required of them.

E. Ventilation and Temperature Control

1. Temperatures in the Jail will be appropriate in summer and winter, and an adequate supply of fresh air, with appropriate exhaust, will be provided.

F. Plumbing and Lighting

1. The water supply available to cells and living area will be adequate for inmates safety, hygienic practices and drinking water.

2. Artificial illumination for all cells will be capable of providing a minimum of twenty footcandles of light.

G. Maintenance and Sanitation

1. There will be regular cleaning of all inmate cells and living areas according to sanitation requirements of the Area Health Department. Inmates may be required to perform the said cleaning, and Jail personnel will see to it that Health Department requirements are met.

2. The Jail will be serviced by a reputable and knowledgeable Pest Control Service, which shall perform its services according to the requirements of the relevant Mississippi agency and thereby comply with health and sanitation standards established, and inspected, by the Area Health Department.



3. All mattresses and pillows will comply with V.B.1.(f) and health standards of the Area Health Department.

H. Food Service

1. The food service areas, food contact surfaces and food service equipment will be cleaned after each use, all according to Area Health Department requirements, and at time of meals, the tables will comply with cleanliness standards of the Area Health Department.

2. The jail staff will supervise inmate trustees while distributing meals, while inventorying eating utensils immediately after serving meals, and will be seen monitoring inmates while eating.

3. If required by the Area Health Department, plastic gloves by all staff and trusty individuals who touch food will be used, and health tests or other precautions recommended by the Area Health Department, relative to food handling at all stages, will be followed.

I. Medical and Mental Health Services

1. For maintenance of basic humane conditions in the Jail there will be available: (1) physician services as the Jail health services authority to provide sick call and other specified functions in this Order and the policies and procedures, as well as medical services on an as needed basis; (2) registered nurse (RN) services as needed for providing medical sick call, required health questionnaire reviews and other services herein required, screening and triage, establishing the procedures for

dispensing of medications to inmates and formulating, implementing and monitoring a system for inmates receiving their medication as prescribed by any attending physician; (3) psychiatrist, psychologist or psychiatric RN services from the Regional Mental Health Center to provide training, mental health services on an as needed basis and 24-hour call services for emergency action; (4) dentist services to provide emergency dental care services; and (5) other area medical providers, as needed, to evaluate and provide care for inmates referred to them by the Jail Health Services Authority.

2. An area of the Jail will be utilized as a medical triage and examination area, and the Board of Supervisors will, with advice of the Jail Health Services Authority, adequately equip it.

3. With advice of the Area Health Department, the Jail Health Services authority, will, consistent with professional standards, designate and cause the use of an adequate health screening form for all inmates upon their admission to the Jail. An appropriately trained jail staff person, or a medical professional, will complete the medical screening form, and a health professional should review the screening forms within 72 hours. Such forms will become part of an inmate's record.

4. The DEFENDANTS will continue and complete drafting the Jail policies, and perform training and supervision pursuant to same, for providing: (a) access to and delivery of medical and mental health services; (b) suicide prevention practices; (c) a

health assessment by medical professional within fourteen days after booking; (d) procedures for sick call that includes the following: (1) written sick call request slips; (2) confidential staff collection, with slips going to health professional; (3) trained staff recording of each request; (4) daily review of requests by health professional to determine urgency of need; (5) weekly Jail visit by a physician; (6) recording the results of all sick call encounters in the inmate's records by health professional; and arrangements made for health professional recommended treatment and provide necessary transportation for the inmate to obtain such treatment; (e) all health service responsibilities, including the distribution of medications and evaluation of sick call requests, made by supervised staff or health professionals; (f) demonstrably special needs inmates being housed in a way that facilitates staff supervision and personal safety precautions; (g) dental care services for inmates with emergency dental problems; (h) prohibition of discipline or discouragement from accessing the health service system; (i) the implementation of an Area Health Department directed communicable disease or condition screening program for all inmates in the jail for more than seven (7) days; (j) special diets to inmates with health professional determined medical conditions that require them; (k) either a registered pharmacist, a registered nurse or a physician directs medication delivery and reviews all records and medications brought into the Jail by inmates for compliance with direction and goals of the doctor, and training

Jail personnel regarding the delivery of medications, potential side-effects of frequently prescribed medications and procedures to take in order to minimize, and observe, side-effects; (l) the storage of individual medications and a master log of all inmates usage, including a Medication Administration Record system that allows appropriate staff to document the dispersal and receipt or refusal of each dose of medication; (m) emergency responses that specify the plan for (1) activating the Emergency Medical System, (2) responding to identified medical or psychiatric emergencies and (3) quarterly emergency medical response drills for all shifts, which will be observed and assessed by a physician; (n) annual training and certifying of all current and future Jail staff as required in Paragraph V.D.(2); (o) essential prenatal care when needed; (p) blood and body fluid spills, medical waste and outdated drug disposal; (q) book in assessment of intoxication levels of inmates objectively exhibiting a need therefor and access to health professional directions as to the handling of such an extremely intoxicated inmate by trained officers; (r) inmate trustees having no access to inmate medical records nor any degree of control over inmate access to medical services; and (s) the inability of any inmate to pay for services not limiting his/her access to required medical services.

J. Suicide Prevention and Special Needs Inmates

1. No person, identified by reasonable staff information and policy requirements to be a suicidal and/or other special needs inmate, will be accepted into, or retained in excess of

forty-eight (48) hours after such inmate identification is made with Regional Mental Health Center involvement, in the Jail, except pursuant to direct order from an informed Court of competent jurisdiction.

2. Suicide prevention efforts will include:

- (a) Availability of rescue equipment including, but not limited to, a first aid kit, a 911 rescue tool, disposable gloves, and CPR protection masks;
- (b) Questions, on the Jail screening form, for all inmates, which are for helping to identify demonstrable suicide risk and other special needs persons prior to their admission to the Jail, such screening comporting with requirements of and training by the Regional Community Mental Health Center; and
- (c) Provide eight (8) hours of training by the Regional Community Mental Health Center for all Jail personnel who monitor or supervise inmates, including response to suicide or suicide attempt, how to remove a hanging victim, other first-aid measures, factors to seek in identification and screening of apparent special needs inmates, training about high-risk groups, prime periods for suicide attempts and why mace is not to be used on such inmates.

3. Suicide prevention efforts and treatment of apparent special needs inmates, which are recommended by person or entities reputable and knowledgeable in the field of jail suicide

prevention, will include, but not be limited to:

- (a) Adequate housing;
- (b) Two levels of supervision of special needs inmates -- "close" and "constant" (Special needs inmates who are not actively suicidal shall be assigned to close supervision and visually monitored by the staff at irregular intervals no less frequently than every fifteen minutes. Special needs inmates who are demonstrably suicidal will be assigned to constant visual supervision at all times by an officer. All monitoring shall be logged. Close-circuit television monitoring and/or trustees may be utilized but may not replace staff supervision);
- (c) Special communication of information about such inmates among all Jail staff members, arresting and transporting officers, administration, and the inmate;
- (d) Notification to Regional Mental Health personnel of such an inmate (except intoxicated) being admitted to the Jail;
- (e) Notification to such inmate's family (except those inmates incarcerated for intoxication) that he/she has been admitted to the Jail;
- (f) Assessment of all such inmates (except intoxicated) as soon as reasonably possible by a qualified mental health professional;

(g) Communication with mental health service providers about the status of demonstrably suicidal inmates or inmates who have recently attempted suicide;

(h) Reference of demonstrably suicidal inmates and inmates who staff knows have recently attempted suicide to mental health service providers or facilities for placement pursuant to State law;

(i) Investigation and documentation of all attempted and/or completed suicides;

(j) Notification to the Sheriff, relevant State authorities and family members of all attempted and/or completed suicides;

(k) 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.

K. Exercise and Recreation

1. Efforts to avoid muscle atrophy or other such health threats will include providing exercise (outdoor, weather permitting) to inmates confined for more than five (5) days, each inmate's access to exercise being for a minimum of one (1) hour per day, five (5) days per week.

L. Hygiene and Personal Items

1. In addition to previously referenced provisions, each inmate will be provided with sheets, pillow, blanket (in season), washcloth, a towel, and uniforms, all being cleansed, as directed

by staff, at least weekly, and for those not otherwise having funds for or access to same, soap, toothbrush, toothpaste, toilet paper, comb, deodorant, inventoried shaving equipment for men, upon request, and feminine hygiene supplies for women, upon request. All inmates shall be required to use all of same as directed.

M. Access to Courts

1. All inmates confined in the Jail for longer continuous periods of time than sixty (60) days and having no funds for or access to legal counsel, will have access to paper, envelopes, writing implements, reasonable postage, courts and, free to indigent inmates and at not more than \$.12 1/2 per page for others, photocopying of legal documents, and reasonably scheduled access to the Jail law library materials consisting of items and/or procedures recommended, annually, by the Mississippi Bar Association. Inmates will also have reasonable telephone contact, not more than forty-eight hours after their entry into the Jail, with his/her local attorney by pay or collect call and, at no cost to the DEFENDANTS; authority to purchase and receive a reasonable number of law books and other legal research materials, with permission to keep these materials in their cells, consistent with security and fire safety requirements.

2. Access to the above referenced Jail library materials will be scheduled, depending on demand, between, at a maximum, 8:00 a.m. and 4:00 p.m. The materials will be kept in a Jail office to which inmates may be taken or be delivered to inmate



cells. Additionally and based on security and operational considerations, inmates may have access to legal materials contained in the County Law Library, located in the Sunflower County Courthouse. As limited by the rules of the Law Library, inmates will have sufficient time and books for meaningful legal research.

N. Disciplinary System

(1) Jail policies and procedures will govern inmate rights, duties, due process procedures and punishments, including, but not limited to, for major infractions: written notice of violation; a hearing before an uninvolved officer; and an ability to call witnesses prior to punishment, provided that no shockingly abusive punishment or denial of basic humane conditions may be ordered as punishment. An inmate may be disciplined for lesser violations after an informal hearing with a right to make a statement to an uninvolved officer. Failing acceptance of the results at that level, the inmate may appeal, within forty-eight (48) hours, to the Jail Administrator who shall meet within three (3) days and decide within one (1) day thereafter. However, an inmate may be administratively segregated for preventative, security, safety, health, special needs, life threatening, emergency or other non-disciplinary reasons.

O. Voting, Grievances and Other

1. All inmates who are qualified to vote in Sunflower County or any municipality therein will be, upon timely request, brought to the attention of the Sunflower Circuit Clerk and/or

the Municipality's Clerk at or before the requested election, and DEFENDANTS will cooperate with said clerk(s) relative to the casting of said vote.

2. The DEFENDANTS will regularly request the timely removal of all convicted state inmates by the Mississippi Department of Corrections, and will do all economically and reasonably necessary to acquire expeditious compliance with such request.

3. The Jail policies and procedures will include provisions for inmate filing of written reports, with the Jail Administrator, about improper treatment, upon receipt of which the allegation will be investigated, reported to the Board of Supervisors and acted upon by that body as it shall deem proper.

4. The Board of Supervisors will inspect the Jail each quarter for safety, sanitation, maintenance requirements and occupancy.

5. The Jail policies and procedures will include provisions prohibiting, so far as possible under law and individual case circumstances, the acceptance into the Jail, as an inmate, any person who is seriously injured and without a doctor's certificate of capability for confinement without undue risk; who would be a demonstrably special needs inmate; who is a female after the second trimester of, or who is having a dangerous, pregnancy; or a juvenile if prohibited by Mississippi law, it being the intent of the Court and the Parties that Mississippi law, on the subject of juveniles, shall be followed.

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

1. Except where provisions herein set requirements exceeding minimum Constitutional standards and are thus goals to which DEFENDANTS will, in good faith, seek to attain or where provisions are otherwise not specifically indicated herein, the DEFENDANTS will exert their best effort to implement all provisions of this Order within 120 one hundred and twenty days of the entry of this Order.

2. The DEFENDANTS shall submit quarterly status reports to the United States and the District 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 days after the termination of a quarter.

3. The status reports will describe the actions that DEFENDANTS have taken, during the reporting period, to implement this Consent Decree. As part of the status report, DEFENDANTS will include a report listing the daily population of the Sunflower County Jail and the number of inmates in each cell.

4. If DEFENDANTS fail to comply with requirements of this Order, the United States may seek additional relief from the Court.

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

6. The DEFENDANTS shall maintain records to document their good faith 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 Jail, to the Jail inmates and to the Jail staff, as necessary to address issues affected by this Order.

7. The DEFENDANTS shall expeditiously explain the terms of this Order to all persons connected with the Jail, including staff and Jail officers, in order to verify their understanding of the requirements of this Order and the necessity for compliance herewith. All Jail staff members, and other individuals providing services, required by this Order, shall sign a statement indicating that they have read and understand this Order and such statements will be retained by the DEFENDANTS. The DEFENDANTS shall require compliance with this Order by their respective employees, agents, assigns or successors.

9. 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 Shift Supervisor's room. In addition to the general posting of this Order, the inmate handbook described herein shall advise inmates, in writing, of the fact that the Jail is being operated under the terms and conditions of an Order entered by the United States District Court for the Northern District of Mississippi, Greenville Division, and that, upon written request, any inmate

shall be afforded a copy of the complete Order.

10. The Court shall retain jurisdiction in this case to assure that this Order and all Constitutional requirements incorporated herein are implemented and maintained until one year after the entry of this Order and with a finding by the Court that the DEFENDANTS have, in good faith, implemented all Constitutional terms of this Order.

Agreed to by:

COUNSEL FOR UNITED STATES;

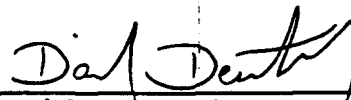
Date: 18 APRIL, 1995



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U.S. Department of Justice  
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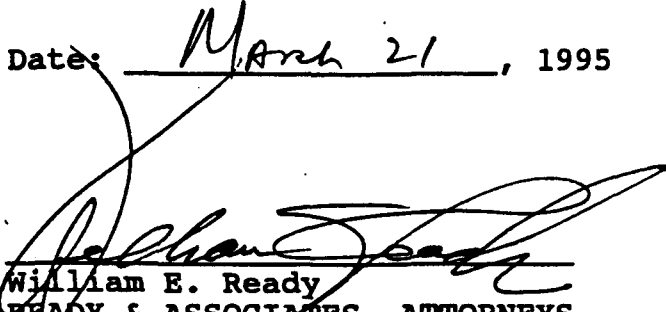
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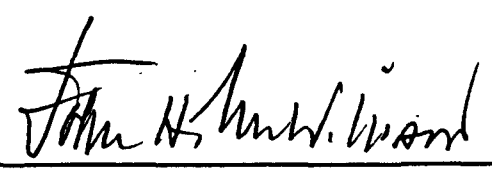


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OF SUPERVISORS, AND SUNFLOWER COUNTY SHERIFF

Date: March 21, 1995

  
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It is hereby Ordered, the 24<sup>th</sup> day of April, 1995.

  
UNITED STATES DISTRICT JUDGE