



JC-MS-012-004

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 COUNTY OF GRENADA, MISSISSIPPI, et al.,)
)
 Defendants.)
_____)

Civil Rights No.

CONSENT DECREE

TABLE OF CONTENTS

I. INTRODUCTION 3

II. DEFINITIONS 3

III. BACKGROUND 4

IV. SUBSTANTIVE PROVISIONS 4-15

 A. New Jail 4-5

 B. Security and Supervision 6-7

 C. Out-of-cell/Exercise Time 7

 D. Medical Care 8-10

 E. Mental Health Care/Suicide Prevention 10-13

 F. Environmental Health and Safety 14

 G. Fire Safety 14-15

V. TIMING OF COMPLIANCE 15

VI. GENERAL PROVISIONS 15-16

I. INTRODUCTION

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

2. Venue in the Northern District of Mississippi, Western Division, is appropriate pursuant to 28 U.S.C. section 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. section 1997.

II. DEFINITIONS

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

2. "Defendants" shall refer to Grenada County, Mississippi, the Sheriff of Grenada County, the Jail Administrator or Chief Correctional Officer of the Grenada County Jail, the members of the Grenada County Board of Supervisors, and their agents and successors in office.

3. The acronym "GCOJ" shall refer to the Grenada County Jail. The term "jailors" shall refer to the correctional officers employed by the County at the GCOJ.

4. The terms "inmate" or "inmates" shall refer to one or more individuals sentenced to, incarcerated in, detained at, or otherwise confined at either the existing Grenada County Jail or any facility that is built to replace the Jail. The term "special needs inmate" shall refer to those inmates who are suicidal, mentally ill, mentally retarded, under the influence of alcohol or other substances, or otherwise a danger to themselves or others.

5. The term "qualified medical professional" shall refer to a licensed physician or an RN.

III. BACKGROUND

6. On July, 19, 1993, pursuant to its authority under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997 et seq., the United States formally notified Grenada County officials of its intent to investigate conditions of confinement at the Grenada County Jail.

7. -On July 28 and 29, 1993, also pursuant to CRIPA, the United States toured GCOJ with expert consultants in the field of penology and environmental health and safety. On October 18, 1993, the United States issued a report/findings letter based on its investigation and expert tour which found that GCOJ operates in violation of the inmates' constitutional rights.

8. The parties to this Decree recognize the constitutional rights of the inmates confined at GCOJ. In order to avoid litigation concerning the constitutionality of the care and confinement of inmates at GCOJ, the parties agree to the provisions set forth in this Consent Decree.

IV. SUBSTANTIVE PROVISIONS

A. New Jail

9. The Defendants hereby commit themselves to the construction of a new 125-150 bed jail facility to replace the existing jail, and shall make all necessary and appropriate arrangements for the financing, design, and construction of such facility. The facility is to be completed and in operation by no

later than June 1, 1996. A timetable for completion of the new jail is as follows:

<u>Task</u>	<u>Date of Completion</u>
Obtain site	June 1, 1994
Final plans & specifications	December 1, 1994
Advertise for construction bids	December 1, 1994
Funds secured/issuance of bonds	January 1, 1995
Receive bids for construction	January 15, 1995
Awarding of contract	February 1, 1995
Completion of construction	May 1, 1996
Occupancy	June 1, 1996

10. A copy of the final plans and specifications, once completed, shall be forwarded for review by Plaintiff and Plaintiff's experts for the purpose of providing recommendations and technical assistance to Defendants. Defendants shall maintain consultation with Plaintiff during the construction process of the new jail, to include consultation regarding the staffing levels and various services to be provided at the new jail. The new jail facility shall be constructed consistent with currently accepted professional standards for corrections.

11. To ensure protection of the federal constitutional rights of the inmates housed at the existing facility while a new jail is being constructed, Defendants shall implement the corrective measures specified below.

B. Security and Supervision.

Defendants shall provide a safe and secure living environment to all inmates housed at GCOJ. To this end, Defendants shall undertake corrective measures in each of the following areas.

12. Staffing. Defendants shall ensure that at all times there are at least three (3) jailors on duty at GCOJ on the day shift (with additional part-time help to be provided on weekends), two (2) jailors on duty on the evening shift, and two (2) jailors on duty on the midnight shift, seven (7) days a week. Further, when female inmates are housed at GCOJ, Defendants shall ensure there is at least one (1) female jailor on duty on all shifts, whose responsibilities shall include supervising and attending to the needs of the female inmates. Utilizing a relief factor, Defendants shall employ sufficient numbers of officers to maintain these required staffing levels at all times, including periods of staff illness, vacation or other leave of absence.

13. Staff training. Defendants shall implement a comprehensive jail officer training program, to include at minimum 80 hours of pre-service or orientation training to officers (40 hours of which shall be prior to an officer being independently assigned to any particular post), and an additional 40 hours of in-service training each year thereafter. Such program shall entail, at minimum, training in the following areas: security and search procedures, use of force, supervision of inmates, report writing, inmate and staff rules and

regulations, rights and responsibilities of inmates, all emergency procedures, interpersonal relations, social/cultural life styles of the inmate population, communication skills, training in first aid and the use of CPR, and training in HIV related issues. Forty (40) hours of training and testing of staff by use of the correspondence course offered by the National Sheriff's Association shall suffice for the required in-service training.

14. Policies and procedures. Defendants shall thoroughly review, and modify where necessary, their existing GCOJ policies and procedures to ensure they relate specifically and are appropriately tailored to the GCOJ facility and its operation. Such policies shall specifically include policies for medical services, including procedures regarding HIV and AIDS developed in conjunction with a physician or the local public health department to provide for, inter alia, appropriate housing, treatment and counseling for HIV+ inmates.

C. Out-of-Cell/Exercise Time

15. Defendants shall ensure, by no later than April 1, 1994, that all inmates are provided at least one (1) hour a day, five (5) days a week, out-of-cell time for the purpose of exercise. Such exercise time shall be provided outdoors, weather permitting. GCOJ shall house no juveniles except those awaiting to be tried as adults, who shall be provided yard time separate from adults.

D. Medical Care.

To ensure adequate medical care is provided to inmates housed at GCOJ, Defendants shall provide medical attention and services in accord with currently accepted correctional health care standards. To this end, Defendants shall undertake corrective measures in each of the following areas.

16. Screening. Defendants shall continue to ensure all inmates upon intake are medically screened, utilizing a standard medical screening form. Defendants shall further ensure that medical screening is conducted by appropriately trained staff and that all screening forms indicating a medical condition are reviewed by a qualified medical professional, and become part of the inmate's medical record.

17. Sick call. Defendants shall ensure that sick call for GCOJ inmates is regularly scheduled and conducted by a physician, RN, or LPN at least once a week. As part of this procedure, Defendants shall implement a system whereby inmates seeking medical attention fill out a request slip or "kite" which contains the inmate's name, date, and a description of his/her medical problem. The request slip shall have at least two (2) copies, one to be kept by the inmate. In the event of medical emergencies, i.e., where an inmate indicates a need to be examined by a medical professional immediately, Defendants shall either have the inmate immediately examined by a medical professional at the jail or transport the inmate immediately to the Grenada County Hospital, also known as the Grenada Lake

Medical Center. Any decision to refuse the medical examination or transportation of the inmate to the hospital under such circumstances shall be documented in writing and signed by a qualified medical professional. Further, in the event Defendants utilize an unsupervised LPN for performance of sick call, Defendants shall timely honor all inmate requests to be examined by a physician (whether an emergency condition or not), unless justification for refusal is again documented in writing and signed by a qualified medical professional.

18. Medication administration. Defendants shall ensure that all officers who administer prescription medications to inmates are appropriately trained in medication distribution and in the observance and recognition of medication side effects.

19. Tuberculosis (TB) and other communicable diseases. In all cases of inmates confined at GCOJ for seven days or more, Defendants shall continue their current practice of administering a PPD test for TB with the results of the test forwarded immediately to a medical professional. If the test result 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. Defendants shall also conduct historical screening for other communicable diseases during the inmate intake process.

20. Storage of Medical supplies. Defendants shall ensure that all potentially dangerous medical supplies, such as needles, syringes, and prescription medications, are securely stored and

maintained under inventory. Medications for inmates who are released shall be disposed of properly and promptly.

E. Mental Health Care/Suicide Prevention

Defendants shall provide adequate mental health services and suicide prevention services to GCOJ inmates. To this end, Defendants shall undertake corrective measures in each of the following areas.

21. Mental Health Screening. Defendants shall revise its medical screening form to include sufficient inquiry and assessment regarding mental illness and potential risk of suicide in accordance with professional standards. The mental health and suicide risk portion of the screening questionnaire shall be administered by health trained staff and reviewed by qualified medical or mental health personnel.

22. Consultation/evaluation. For inmates identified as mentally ill or in need of mental health treatment, Defendants shall enter into a formal arrangement with a local mental health professional and/or agency to provide on-call consultation and evaluation services, and shall ensure appropriate suicide precautionary measures and inmate treatment and observation are provided per the mental health professional's evaluation. Such mental health professional shall visit the jail facility at least once a week.

23. Suicide prevention program. Defendants shall develop and implement written policies and procedures on suicide

prevention and the treatment of special needs inmates, which shall include, but not be limited to, the following:

- a) the appropriate housing of all special needs inmates;
- b) the establishment of two levels of supervision of special needs inmates -- "constant watch" and "close watch". Special needs inmates not identified as currently suicidal shall be assigned to "close watch" supervision and visually monitored by GCOJ staff at regular intervals of not more than fifteen minutes; special needs inmates who are currently suicidal shall be assigned to "constant watch" supervision and, if not transferred to a local hospital, shall be housed in a medical unit or other appropriately safe environment, and shall be visually monitored at all times by a jail officer. Jail officers shall log all monitoring in a separate suicide watch book.
- c) the communication of information relating to special needs inmates between and among all GCOJ staff members, between arresting and transporting officers and GCOJ staff, between GCOJ staff and jail administration, and between GCOJ staff and the special needs inmate;
- d) the notification by GCOJ staff to local or state mental health authorities that a special needs inmate (except intoxicated) has been admitted to the

Jail;

- e) the notification to the special needs inmate's family (except those inmates incarcerated for intoxication) that he or she has been admitted to GCOJ;
- f) the assessment of all special needs inmates as soon as reasonably possible by a qualified mental health professional to assess the inmate's level of suicide risk;
- g) the establishment of a mechanism by which GCOJ 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 GCOJ staff will refer potentially suicidal inmates and inmates who have recently attempted suicide to mental health care providers or facilities for placement;
- i) the documentation of all attempted and completed suicides and notification to jail 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;

24. Staff training. As part of the jail officer training program required by Section A., subpart 13, herein, Defendants shall ensure that each officer is adequately trained in recognizing common symptoms of mental illness, mental retardation, and suicidal behavior, and is trained in suicide prevention measures. Specifically, Defendants shall provide each officer, pre-service, with adequate suicide prevention training by a qualified mental health professional to include training regarding: proper officer response to a suicide or suicide attempt, including how to cut down a hanging victim and other first-aid measures; and the high-risk groups and periods for suicides and suicide attempts.

25. Elimination of physical hazards. Defendants shall identify and eliminate all physical hazards, e.g., shower bars or bar grates covering lights, which present a serious risk to suicidal or potentially suicidal inmates.

26. Suicide prevention equipment. Defendants shall purchase and maintain in an area easily accessible to the cellblock appropriate rescue equipment, i.e., a rescue tool for rapid cutting of fibrous materials utilized in attempted hangings, disposable rubber gloves, a CPR pocket mask, and any other equipment Defendants deem appropriate, to ensure that staff can effectively intervene in the event of attempted suicide.

F. Environmental Health & Safety.

Defendants shall provide GCOJ inmates with adequate food, clothing and shelter. To this end, Defendants shall undertake corrective measures in each of the following areas.

27. Food service. Defendants shall ensure all inmates receive three (3) meals a day, and that distribution of meals is supervised by staff. All meals shall be nutritionally adequate, as determined and so documented by a qualified dietician. Further, Defendants shall ensure that food is served to the inmates at appropriate temperatures, i.e., hot food at no less than 140 degrees fahrenheit, and cold food at no more than 45 degrees fahrenheit.

28. Plumbing. Defendants shall continue to repair or replace all defective plumbing at GCOJ and shall maintain the plumbing so as to ensure safe distribution of potable water and the proper removal of waste and waste water within the cell housing areas.

29. Showers. Defendants have sandblasted, cleaned, and painted all showers in the jail. Defendants shall continue to provide for routine and ongoing cleaning and sanitizing of the showers and shower areas.

G. Fire Safety

30. Fire safety. Defendants shall ensure GCOJ is maintained in an adequately fire safe condition. To this end, Defendants shall provide: a functional fire alarm and smoke detection system in the jail; written fire emergency response

procedures (including evacuation procedures); training of staff and inmates regarding the fire emergency response procedures, including fire suppression and facility evacuation; posted evacuation plan; regularly scheduled fire drills; color-coding of jail keys to expedite evacuation of inmates from their cells; compliance with State fire codes; and annual inspections by the local fire department or the State Fire Marshal's office.

V. TIMING OF COMPLIANCE

31. Except where otherwise specifically indicated, the Defendants shall implement all provisions of this Order by no later than March 15, 1995.

32. The Defendants shall, every 90 days following the signing of this Order, file with the Court and with copy to the United States a status report stating how the Defendants are complying with each requirement of this Order.

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

VI. GENERAL PROVISIONS

34. During all times while the Court maintains jurisdiction over this action, the United States shall have unrestricted access to all documents which relate to the implementation of this Order. The United States shall have unrestricted access to all records and recordings, and to all staff and facilities as necessary to address issues affected by this Order.

35. The Defendants shall immediately explain the terms of this Order to all GCOJ staff members and other individuals providing services required by this Order, in order to ensure that they understand the requirements of this Order and the necessity for its strict compliance. All GCOJ staff members and other individuals providing services required by this Order shall sign a statement indicating that they have read and understand this Order. Such statement shall be retained by the Defendants. The Defendants shall require strict compliance with this Order by their respective employees, agencies, assigns, or successors.

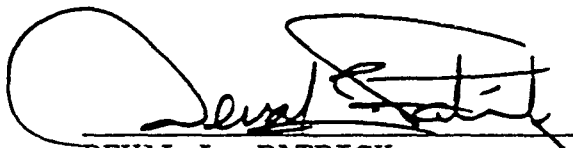
36. The parties contemplate that at such time the Defendants have achieved compliance with the terms and objectives of this Order, and have maintained such compliance for a sustained period of one year or more, the parties shall jointly move this Court to vacate this Order and to terminate the Court's jurisdiction over this action. Should Defendants believe that substantial compliance with the terms and objectives of this Order have been accomplished at any time before this date, Defendants may unilaterally move this Court for termination of this litigation. Defendants shall bear the burden regarding any such unilateral motion to demonstrate by full and convincing evidence that Defendants have fully complied with all requirements of this decree.

Agreed to by:

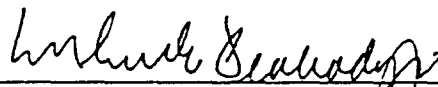
COUNSEL FOR UNITED STATES:

Date: _____, 1994

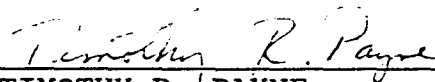
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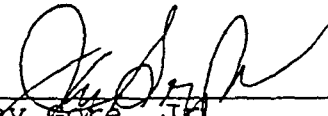
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AND GRENADA COUNTY BOARD OF SUPERVISORS:

Date: 17 Aug, 1994



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

UNITED STATES DISTRICT JUDGE