

United States v. County of Crittenden

United States District Court for the Eastern District of Arkansas, Jonesboro Division
December 26, 1990, Decided ; December 26, 1990, Filed
Civil Action No. JC89-141

Reporter: 1990 U.S. Dist. LEXIS 18112; 1990 WL 257949
UNITED STATES OF AMERICA, Plaintiff, v. COUNTY OF CRITTENDEN, STATE OF ARKANSAS; COUNTY OF CRITTENDEN QUORUM COURT, Maggie Boals, Ed Bogard, Joe Bill Boone, Tommy Dickerson, Tecumseh Jones, Connie Moore, Lillian Morris, Vickie Robertson, Vera Simonetti, Buddy Suiter, Bill Weaver; BRIAN WILLIAMS, County Judge; and RICHARD E. BUSBY, County Sheriff, Defendants

Counsel: [*1] DICK THORNBURGH, ESQ., Attorney General of the United States, LAURIE J. WEINSTEIN, ESQ., and ARTHUR R. GREENBERG, ESQ., Special Litigation Division, Civil Rights Division, U. S. Department of Justice, Washington, D. C., RICHARD PENCE, ESQ., Assistant U. S. Attorney, Little Rock, Arkansas, for Plaintiff.

Joe M. Rogers, Esq., HALE, FOGLEMAN & ROGERS, West Memphis, Arkansas, for Defendants.

Judges: George Howard, Jr., United States District Judge.

Opinion by: HOWARD

Opinion

Civil Rights

CONSENT DECREE

1. This Court has jurisdiction over this action pursuant to [28 U.S.C. 1345](#).

2. Venue in the Eastern District of Arkansas is appropriate pursuant to [28 U.S.C. 1391\(b\)](#).

3. The United States instituted this action on July 13, 1989, pursuant to the Civil Rights of Institutionalized Persons Act, [42 U.S.C. 1997](#) and met all pre-filing requirements stated in the statute.

4. The Defendants are the County of Crittenden; Brian Williams, County Judge; Richard E. Busby, County Sheriff; Maggie Boals, Ed Bogard, Joe Bill Boone, Tommy Dickerson, Tecumseh Jones, Connie Moore, Lillian Morris, Vickie Robertson, Vera Simonetti, Buddy Suiter, and Bill Weaver, Crittenden County Quorum Court. The individual defendants are sued in their [*2] respective official capacities.

5. The Defendant County owns and funds the operation of the Crittenden County Jail (CCJ), Marion, Arkansas.

6. The Defendant Sheriff has responsibility for the day-to-day operation of the CCJ. In his official capacity, the Sheriff has the custody, rule, and charge of the CCJ and all prisoners confined therein.

7. Defendant County Judge is the chairperson of the Quorum Court and exercises local executive authority, including the authorization and approval of disbursement of appropriated County funds and hiring of County employees.

8. Defendant Quorum Court exercises local legislative authority and has responsibility for the appropriation of funds for the expenses of the County, including the operation of the CCJ.

9. On November 7, 1986, the Attorney General of the United States, by and through the Assistant Attorney General, Civil Rights Division, notified County officials of his intention to investigate alleged unconstitutional conditions of confinement at CCJ pursuant to the Civil Rights of Institutionalized Persons Act, [42 U.S.C. 1997](#).

10. Following a thorough investigation of conditions at CCJ, on June 1, 1987, pursuant to the Civil Rights of Institutionalized [*3] Persons Act, [42 U.S.C. 1997](#), the Assistant Attorney General, Civil Rights Division, informed County officials of the findings of the United States.

11. Additional tours of the CCJ were made on November 37-18, 1988, May 17, 1989, August 10, 1989, and September 11-12, 1989.

12. The parties agree that the confinement of inmates at CCJ implicates rights, privileges or immunities of these inmates that are secured or protected by the Constitution of the United States. The parties entering into this decree recognize these constitutional interests.

13. In entering into this Consent Decree, Defendants do not admit any violation of law and this Consent Decree may not be used as evidence of liability in any other civil proceeding.

14. The provisions of this Consent Decree are a lawful, reasonable, and equitable resolution of this case.

15. This Consent Decree shall be applicable to and binding upon all parties, their officers, agents, employees, assigns, and their successors in office in their official capacities only.

I. Purposes and Objectives

The Defendants and the United States stipulate and agree that the purposes and objectives of this Consent Decree are to ensure that Defendants establish, [*4] to the extent that each is responsible in his or her official capacity, as promptly as practicable the following conditions at CCJ in order to guarantee that inmates at the facility are not being deprived of rights, privileges or immunities secured to them by the Constitution of the United States:

1. Inmates at CCJ shall be provided adequate access to medical and mental health care.
2. Inmates at CCJ shall be provided a physical environment that poses no unreasonable life safety risks to the inmates.
3. Inmates at CCJ shall be provided adequate sanitation to protect inmates from unreasonable risks to their health and physical safety.
4. A sufficient number of adequately trained and supervised staff shall be employed to provide reasonable safety for inmates, including protection from acts of physical violence by other inmates.
5. Inmates at CCJ shall not be assigned to housing units on the basis of race.
6. Inmates at CCJ shall be provided with reasonable access to the courts, including access to counsel and to law library facilities.
7. The effects of overcrowding at CCJ shall be reduced and prevented.

These purposes and objectives shall be achieved and maintained at CCJ by implementing [*5] the requirements set forth in Part II of this Consent Decree, and by fulfilling the requirements of the Implementation Plan (Plan) attached hereto and incorporated by reference herein. Defendant Quorum Court agrees to make all necessary appropriations to ensure the full and timely implementation of this Consent Decree and Plan.

II. Conditions Requiring Immediate Correction

In order to eliminate conditions which pose an immediate and unlawful threat to the health and safety of inmates at the CCJ, Defendants, to the extent that each is responsible

in his or her official capacity, shall ensure that the following actions will be taken:

1. Within 30 days after the entry of this Consent Decree, a road deputy shall be designated during each shift to respond to calls for assistance from Jailers, in the event that such assistance is required. In addition, at all times there shall be at least two (2) Jailers on duty in areas housing male inmates.
2. Immediately upon the entry of this Consent Decree, Jailers shall make visual security checks during their rounds of all units at least once each thirty (30) minutes.
3. Within 30 days after the entry of this Consent Decree, install closed circuit [*6] cameras in the one cell on each floor that is to be used for purposes of administrative segregation.
4. Within 30 days after the entry of this Consent Decree, provide or install a security system at CCJ that enables Jailers, when conducting rounds at CCJ or engaging in other activities, to notify personnel assigned to the control room of emergency circumstances or other events requiring additional assistance. This system may include, but need not be limited to, audio, buzzer type communications systems or walkie-talkies.
5. Within 10 days after the entry of this Consent Decree completely clean and sanitize the entire jail, including toilets, wash basins, shower facilities, and windows and window screens; and provide hot water to all units in which inmates are housed.
6. Within 10 days after the entry of this Consent Decree, acquire and appropriately place within CCJ an adequate number of charged fire extinguishers, and remove, replace, or repair all frayed, worn, or otherwise exposed electrical wiring.
7. Immediately upon the entry of this Consent Decree, have inmates screened upon admission for health problems, and within fifty-four (54) hours after admissions, be examined by a qualified [*7] medical professional. A qualified medical professional shall visit the CCJ at least three (3) days each week to assess and address the medical needs of inmates.

III. Implementation Plan

1. In order to establish compliance with this Consent Decree, Defendants herewith file their Plan for implementing the provisions of this Consent Decree. The purpose of this Plan is to fulfill the requirements of the Consent Decree by establishing certain rules, regulations, and guidelines for the maintenance and operation of CCJ,

and to outline specific improvements in the operation and physical condition of this facility. The scope of this Plan is limited to addressing the issues contained within the Consent Decree, and does not purport to be a complete operational plan or series of procedures for CCJ. The requirements set forth in this Plan are supplementary to those set forth in the Consent Decree.

2. The parties agree that the Defendants' failure to implement the Implementation Plan, attached hereto, will be a violation of this Consent Decree.

IV. Construction and Implementation

1. Defendants shall keep such records as will fully document that the requirements of this Consent Decree and [*8] Plan are being properly implemented, including, but not limited to, records describing training programs offered to and taken by jailers and any inspections of CCJ by non-CCJ personnel. Defendants shall also maintain any and all other records required by or developed under the Consent Decree or Plan. Such records shall be made available at CCJ at all reasonable times for inspection and copying by the United States.

2. A. The Defendants shall submit compliance reports to the United States and the Court, the first of which shall be filed within 60 days after the entry of the Consent Decree. Thereafter, the reports shall be filed quarterly, fifteen (15) days after the end of each quarter continuing until this Consent Decree is terminated.

B. The compliance reports shall describe the actions the Defendants have taken during the reporting period to implement this Consent Decree and Plan with specific reference to the provisions of the Consent Decree and Plan on which they are reporting. The Defendants shall submit records or other documents that Bill verify or establish that they have taken such actions and shall also provide all documents reasonably requested by the United States.

3. [*9] If the Defendants seek to modify the Plan or any portion thereof, then Defendants shall notify the Court and the United States of the proposed modification. The United States shall have sixty (60) days from the receipt of any proposed modification in which to file a response to the proposed modification with the Court. If the United States objects to the proposed modification sought, then Defendants and the United States shall confer in an effort to resolve their differences through negotiation. If Defendants and the United States are unable to resolve their differences, then the adequacy of the proposed modification shall be determined by the Court. The parties agree that the standard for adequacy shall be whether the proposed modification will serve to achieve the purposes and objectives set forth in Part I of this Consent Decree.

The Defendants shall have the burden to persuade the Court that the modified Plan is adequate under this standard.

4. Upon reasonable notice to the Defendants, the United States and its attorneys, consultants, and agents shall have reasonable access to the facilities, records, inmates, and employees of CCJ for purposes of obtaining or determining compliance [*10] with the Decree. Such access shall continue until this Consent Decree is terminated.

5. Defendants shall provide answers to written questions from the United States regarding the status of compliance and implementation of the Consent Decree and Plan and any matters reported in Defendants' compliance reports. Such responses shall be due within 20 days of receipt by the Defendants of the written questions.

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

V. Termination of Consent Decree

1. The parties contemplate that the Defendants shall have fully and faithfully implemented all provisions of this Consent Decree and Plan attached hereto on or before December 31, 1992.

2. The Court shall retain jurisdiction of this action for all purposes under this Consent Decree and Plan until the Defendants shall have fully and faithfully implemented all provisions of this Consent Decree and Plan attached hereto and until the judgment be discharged.

3. On or after the date on which the Defendants shall have fully and faithfully implemented all provisions of this Consent Decree and Plan attached hereto, the Defendants may move that the injunctions entered herein be dissolved, [*11] the judgment discharged, jurisdiction terminated, and the case closed and dismissed with prejudice on the ground that Defendants have fully and faithfully implemented and maintained all provisions of the Consent Decree and Plan attached hereto.

4. Dismissal shall be granted unless, within sixty (60) days after receipt of the Defendants' motion, the United States objects to such motion. If an objection is made with particularity, the Court shall hold a hearing on the motion and the burden shall be upon the United States to demonstrate that Defendants have not fully and faithfully implemented all provisions of this Consent Decree or any approved Plan or any part thereof and, if objection is based upon failure to implement the Plan or part thereof, that such Plan or part thereof is essential to the achievement of one or more of the purposes and objectives set forth in Part

I of this Consent Decree. If the United States fails to meet this burden, the injunctions shall be dissolved, the judgment shall be discharged, jurisdiction shall be terminated, and the case shall be closed and dismissed with prejudice.

5. The parties recognize that at the time of the signing of this Consent Decree, [*12] the County is reviewing the option of constructing a new jail facility. Nothing in this Consent Decree shall be interpreted to prohibit the construction of such a facility. Defendants may move to terminate this Consent Decree and dismiss this action if and when a new jail is built, Crittenden County inmates are housed there, and the existing facility is closed permanently; provided that the Defendants give the United States timely notice of the opening of the new jail, the closing of the existing facility, and an opportunity to examine conditions at the new jail to determine compliance with constitutional standards. In these circumstances, if the United States objects to the termination of this Consent Decree, then the United States shall have the burden to demonstrate to the Court that the conditions at the new jail are depriving inmates there of their constitutional rights.

This Consent Decree shall continue to apply to the existing facility consistent with the terms and provisions of this Decree if the existing facility continues to be used to house inmates, notwithstanding the construction of a new jail facility.

Consented to by the undersigned:

FOR THE COUNTY OF CRITTENDEN:

[*13] BRIAN WILLIAMS, County Judge, RICHARD E. BUSBY, County Sheriff, JOE M. ROGERS, County Counsel, MAGGIE BOALS, Quorum Court, ED BOGARD, Quorum Court, WILLIE MAE UPSHAW, Quorum Court, TOMMY DICKERSON, Quorum Court, TECUMSEH JONES, Quorum Court, CONNIE MOORE, Quorum Court, LILLIAN MORRIS, (Deceased), Quorum Court, VICKIE ROBERTSON, Quorum Court, VERA SIMONETTI, Quorum Court, BUDDY SUITER, Quorum Court, BILL WEAVER, Quorum Court.

FOR THE UNITED STATES OF AMERICA

JOHN R. DUNNE, Assistant Attorney General, Civil Rights Division. CHARLES A. BANKS, United States Attorney, Eastern District of Arkansas. ARTHUR E. PEABODY, JR., Chief Special Litigation Section, BENJAMIN P. SCHOEN, Deputy Chief, Special Litigation Section, LAURIE J. WEINSTEIN, ARTHUR R. GREENBERG, Attorneys, U.S. Department of Justice, Civil Rights Division, Washington, D.C.

WHEREFORE, the parties to this action having agreed to the provisions in the Consent Decree set forth above, and in the

Implementation Plan, attached hereto, and the Court being advised in the premises, this Consent Decree and attached Implementation Plan is hereby entered as the JUDGMENT of this Court.

SO ORDERED this 26 day of December, 1990, at Little [*14] Rock Arkansas.

ATTACHMENT

IMPLEMENTATION PLAN FOR THE CRITTENDEN COUNTY, ARKANSAS, JAIL

PURPOSE AND SCOPE

This Implementation Plan (Plan) is being submitted on behalf of Defendants in compliance with the terms of the Consent decree dated 12/26, 1990. The purpose of this Plan is to fulfill the requirements of the Consent Decree by establishing certain rules, regulations, and guidelines for the maintenance and operation of the Crittenden County Jail (CCJ), and to outline specific improvements in the operation and physical condition of this facility. The scope of this Plan is limited to addressing the issues contained within the Consent Decree and does not purport to be a complete operational plan or series of procedures for CCJ. The requirements set forth in this Plan are supplementary to those set forth in the Consent Decree.

I.

MEDICAL AND MENTAL HEALTH CARE AND PROCEDURES

In order to provide inmates at CCJ with adequate access to medical and mental health care, Defendants shall implement the following measures and institute the following policies and procedures by November 5, 1990, unless another time frame is specified in this Plan.

1. *Medical Screening Upon* [*15] *Admission.* (A) Trained jailers shall screen all inmates, immediately upon their admission to CCJ, for medical and other problems to ensure that newly admitted inmates receive appropriate medical care and do not endanger the health of other inmates. Jailers shall properly and promptly complete the *Medical Screening Upon Admission* form.

(B) Trained jailers shall determine, upon each inmate's admission and in addition to other medical screening procedures, whether that inmate is receiving or is otherwise in need of prescription medication. If an inmate is receiving prescription medication, then jailers shall verify these medications by contacting the prescribing

pharmacy or an appropriate physician, and shall obtain needed prescription refills promptly.

(C) Jailers shall refer inmates who display the following characteristics to an appropriate medical facility: unconsciousness; convulsions; significant bleeding or injuries; alcohol or drug withdrawal; inability to walk; childbirth labor; obvious mental illness; or obvious trauma. Upon observing any of these conditions, the jailer shall report the emergency to the shift supervisor who shall be responsible for seeing that the inmate [*16] is transported to the appropriate medical facility. The jailer who observes emergency situations shall also complete an *Unusual or Special Incident Report*. All *Unusual or Special Incident Reports* shall be reviewed by the Chief Jailer and Sheriff in accordance with Part IV, Section 5, of this Plan.

2. *Hygiene Pack*. Jailers shall distribute to each inmate upon admission a hygiene pack that includes, at a minimum, toothpaste, toothbrush, deodorant, soap, and shampoo. Feminine hygiene products shall be supplied to female inmates. Jailers shall also distribute replacement items for the hygiene pack. Towels will be provided for those inmates who cannot otherwise obtain them and razors will be provided in accordance with appropriate safety measures.

3. *Initial Health Screening by a Qualified Medical Care Professional*. A qualified medical care professional shall initially examine each inmate as soon as possible after admission into CCJ, but no later than seventy-two (72) hours after admission. Any inmate who identifies a medical problem at the initial screening or whose initial screening indicates a serious medical problem shall be seen no later than forty-eight (48) hours [*17] after admission. The qualified medical care professional shall, among other things, appropriately document each initial health screening and review the status of prescribed medications. Jailers shall promptly obtain any prescribed medications for use by any inmate for whom prescriptions have been ordered.

4. *Fourteen (14) Day Health Assessment by a Qualified Medical Care Professional*. A qualified medical care professional shall perform, and appropriately document, a full health assessment for each inmate within fourteen (14) days after admission to CCJ.

5. *Non-Emergency Medical Services*. (A) A medical doctor, or registered or licensed nurse, shall be on duty at CCJ, at least three (3) days of each week, to observe and examine each inmate who requests or is determined to need medical attention. At least two (2) of these days shall be non-consecutive.

(B) Jailers shall complete a *Request for Medical Care* form for each inmate who requests or is determined to need

medical attention. All inmates shall be entitled to complete *Request for Medical Care* forms if they so request. Jailers shall collect these forms and refer them to the qualified medical care professional.

(C) [*18] After an inmate has been seen by any qualified medical care professional, that qualified medical care professional shall be required to complete a *Doctors' Orders to the Jailer* form. These orders shall be signed and dated by the supervisory jailer. Jailers shall follow all doctors' orders, and shall complete the *Follow-up to Qualified Medical Care Professional Orders* form.

6. *Medical Examination Room*. A secure examination room shall be maintained at CCJ with necessary medical equipment and supplies.

7. *Emergency and Other Urgent Medical and Dental Needs*.

(A) Each inmate shall receive prompt emergency medical attention. Jailers shall consult with qualified medical care professionals and organizations as necessary, and shall not deny medical care to inmates based upon the judgment of jailers that the inmate does not require such care. The following occurrences shall always constitute an emergency requiring immediate medical attention: severe bleeding; unconsciousness; head injury; sudden onset of bizarre behavior; health or life-threatening situation; suicide attempt; severe burns; or severe pain.

(B) If emergency care is beyond that which can be provided adequately [*19] at CCJ, then jailers shall arrange to transport inmates promptly to emergency facilities for evaluation and treatment. If the inmate is ambulatory, then jailers may transport that inmate to the hospital. If the inmate is not ambulatory, then jailers shall request assistance from the Marion Fire Department to transport the inmate.

(C) The Crittenden Memorial Hospital Emergency Room is the primary emergency facility to be used. The telephone numbers for the Crittenden Memorial Hospital and the Marion Fire Department shall be posted in prominent places within CCJ.

(D) In the event emergency care is provided, then jailers shall complete the *Report of Emergency Medical Care* form, and shall bring this form to the attention of the jail physician or qualified medical care professional upon his next visit to CCJ.

8. *Health Care Consults*. Inmates shall receive such specialized consultations and health care as may be deemed necessary by a qualified medical care professional. Non-emergency referrals shall be to the East Arkansas Family Health Center or the Mediquik Clinic, both of which are located in West Memphis, Arkansas.

9. *Dental Services.* Inmates shall receive such dental care [*20] as may be deemed necessary by a qualified medical care professional. Inmates shall be examined for possible dental problems at the time of the fourteen (14) day health assessment. If this examination reveals that an inmate needs dental treatment for relief of pain or because the condition endangers his or her health, then jailers shall make an appointment for the inmate at the East Arkansas Family Health Center to obtain necessary dental care. The medical care professional shall also instruct the inmate concerning dental hygiene.

(B) Any inmate shall be entitled to request dental care by completing the *Request for Medical Care* form. Emergency dental problems shall be addressed as emergency medical problems in accordance with Part I, Section 7, of this Plan.

10. *Mental Health Services.* (A) Inmates shall receive such mental health care as may be deemed necessary by a qualified medical care professional. Jailers shall not attempt to diagnose mental illness.

(B) In the event of a mental health emergency, such as an attempted suicide, the jailer shall contact his shift supervisor who shall immediately call the East Arkansas Mental Health Center in West Memphis, Arkansas. If an [*21] appointment for an immediate evaluation cannot be made with the East Arkansas Mental Health Center, then the shift supervisor shall contact the Arkansas State Hospital in Little Rock, Arkansas, for an emergency evaluation. Jailers or other Crittenden County Sheriff's personnel shall transport the inmate for emergency evaluation.

(C) Jailers shall be familiar with and follow the procedures set forth in *Procedures to Follow in Dealing with Emotionally Disturbed Inmates*.

11. *Food Service.* (A) Inmates shall be provided with three meals per day, not counting snacks. Two of the three meals must be hot meals. The evening meal shall be served no more than twelve (12) hours from the next day's breakfast.

(B) A licensed dietician or licensed nutritionist shall evaluate the food service quarterly to ensure that the diet of the inmates contains appropriate nutritional content.

12. *Administration of Medication.* (A) Jailers shall properly maintain prescription medication at CCJ and administer these medicines in accordance with the written prescriptions and the provisions of this Section.

(B) All prescription medications shall be kept in a locked cabinet or drawer. Only qualified medical [*22] professionals or jailers trained to perform such functions by qualified medical care professionals shall administer medications. Jailers shall not allow any inmate to take

prescription medications that are not specifically prescribed for that inmate.

(C) Medications subject to abuse shall be prescribed by a qualified medical care professional only when medically indicated. All such medications shall have stop order time periods and re-evaluation by the qualified medical care professional prior to renewal of medication. Inmates shall not be tranquilized to make them more manageable.

(D) Each administration of medication shall be recorded on *Inmate's Medication Records* and are initialed by the persons administering the medication. If prescribed medication is not given, then jailers shall note the reason. After a prescription is finished or the inmate released, the medication record shall be added to the inmate's individual medical record. Jailers shall inventory all prescribed medications, needles, and syringes daily.

(E) The East Arkansas Family Health Center Pharmacy fills prescriptions for CCJ inmates. Unless otherwise directed by a qualified medical care professional, jailers [*23] shall request the liquid form of the medication, if available. Jailers shall print the total number of pills dispensed on each individual prescription label to facilitate an inventory of the drug. All prescriptions shall be ordered individually by the physician.

(F) Jailers shall not at any time transfer the inmate's medication from the prescription container or commercial over-the-counter container to any other container unless specifically ordered to do so by the jail physician or other qualified medical care professional.

(G) Jailers shall identify properly each inmate who has been ordered to receive medication prior to giving any medication to such inmate.

(H) Unless specifically ordered by the qualified medical care professional in individual cases, jailers shall not allow any inmate to keep medication on his or her person or to self-administer medication. Medications must be taken in the presence of the jailers administering it. Unless medication is in the liquid form, Jailers shall require an inmate, after the administration of medication to that inmate, to drink a glass of water. Jailers shall observe that inmate swallowing, have that inmate talk immediately after swallowing, [*24] or observe that inmate for several minutes to ensure ingestion of the medication.

(I) Jailers shall ensure that any inmate who refuses prescribed medication sign a statement to that effect which will be filed in that inmate's medical record. That inmate shall then see the qualified medical care professional during his next scheduled visit.

13. *Medical Records.* (A) Defendants shall maintain an appropriate medical record for each inmate. The inmate's medical record shall contain: (1) the initial screening form; (2) the health appraisal data forms; (3) all diagnosis, treatment, disposition, prescription and administration of medication; (4) laboratory, x-ray and related diagnostic studies; (5) consent and refusal forms whenever indicated; (6) discharge summary of hospitalizations; (7) any health service or consultant's reports; and (8) any specialized treatment plan if one exists.

(B) No inmate's medical record shall be part of that inmate's confinement record. Medical records will be stored in a secure place and in such a manner that only personnel authorized by the qualified medical care professional have access to the records and to the information contained in them.

15. *Staff[*25] Training Concerning Medical and Mental Health Care and Procedures.* Jailers shall be trained by qualified medical care professionals in appropriate aspects of initial screening and continuous medical care, dental evaluation techniques and mental health care, including suicide signs and symptoms, for the purposes of making appropriate referrals to qualified medical providers. All jailers shall also be trained in and evaluated upon the necessity for the proper and timely completion of medical care forms. All jailers shall be certified in CPR and first aid training on a yearly basis.

II.

LIFE SAFETY

In order to provide a physical environment at CCJ that poses no unreasonable life safety risks, Defendants shall implement the following measures, and institute the following policies and procedures by November 5, 1990, unless another time frame is specified in this Plan.

1. *Fire Safety Inspections and Plans.* The CCJ shall be inspected by local fire prevention officers at least on a yearly basis to meet local fire safety codes. Deficiencies identified in those inspections shall be corrected. Defendants shall obtain a qualified professional non-county fire safety consultant to assist [*26] in the drafting and implementation of fire safety plans by November 1990. A copy of all fire safety inspections and plans shall be forwarded upon receipt to the Department of Justice.

2. *Evacuation Plan.* A current Evacuation Plan, prepared in conjunction with the West Memphis Fire Department, shall be posted in all CCJ corridors and shall remain posted until replaced by an evacuation plan developed in conjunction with the qualified professional fire safety consultant identified in Part II, Section I, of this Plan.

3. *Integrated Fire Alarm System.* The CCJ shall be equipped with an integrated fire alarm system with a direct linkage to the West Memphis Fire Station no later than November 5, 1990.

4. *Fire Drills.* (A) Monthly fire drills shall be conducted at CCJ. At least one-half of these drills will not be announced in advance. These drills shall be distributed appropriately among work shifts and on weekends. At least one-half of these drills shall involve the relocation of some CCJ inmates to safe evacuation zones.

(B) Drills shall be held with qualified fire department officials at least twice yearly to familiarize jailers with emergency procedures, responsibilities, and [*27] possible contingencies.

(C) The Chief Jailer shall maintain records of all fire drills, and for each fire drill shall note areas in need of improvement and measures taken to address any identified deficiencies.

5. *Removal of Flammable Materials.* (A) Jailers shall conduct a daily inspection for flammable materials, in accordance with the *Daily Environmental Inspection*, and shall remove fire hazards, including excess personal clothing and other items, from CCJ immediately upon detection.

(B) Jailers shall look for the following items which may be hazardous or flammable: unreasonable amounts of newspapers, magazines or other printed materials, excess personal clothing and any other items which are non-essential in the cells and which could be combustible. Jailers shall remove such items or have such items removed. If the removed items are to be returned to the inmates at a later time, then jailers shall store them in an area which is not accessible to the inmates and which is not exposed to heat or flames.

(C) Jailers shall not abuse fire safety rules in order to punish or discipline inmates.

6. *Breathing Apparatus.* By November 5, 1990, CCJ shall be equipped with two oxygen [*28] breathing apparatuses that enable jailers to work in smoke filled areas. The breathing apparatuses shall be maintained in an area to be determined by the recommendations of the qualified professional fire safety consultant.

7. *Electrical Repairs and Inspections.* (A) All electrical repairs shall be made promptly. All wiring shall accommodate security lighting, and necessary optionally lighted sleeping areas shall be provided. If there are additional repairs that remain to be completed because of lack of materials, then they shall be completed

immediately upon receipt of such materials and no later than November 5, 1990.

(B) Jailers shall inspect CCJ daily, in accordance with the *Daily Environmental Inspection*, to detect any exposed wiring or defective receptacles. If the inspection reveals damaged wiring or receptacles, then jailers shall notify the shift supervisor who shall immediately contact an electrician to make the necessary repairs. Jailers shall supervise inmates to prevent them from injuring themselves or destroying electrical receptacles.

(C) Jailers shall visually inspect and search cells for evidence of use of electrical wiring or receptacles in making homemade [*29] weapons, and if such evidence is found, then jailers shall conduct a more thorough and complete search of the surrounding areas.

(D) If exposed wiring or damaged receptacles create a hazard to the safety of inmates or others, then jailers shall remove inmates to an area of CCJ where they will not be exposed to dangerous wiring or damaged receptacles.

8. *Staff Training Concerning Life Safety.* (A) Jailers shall be trained in and evaluated upon appropriate aspects of life safety, including, but not limited to, the implementation of the Evacuation Plan, and inspection techniques and proper removal of fire safety hazards from inmates' cells.

(B) Present jailers shall be trained in the use and operation of the artificial breathing apparatus or any other breathing apparatus within thirty (30) days. Newly-hired jailers shall be trained before they are assigned.

III.

Sanitation

In order to ensure that adequate sanitation is provided to protect inmates from unreasonable risk to their health and safety, Defendants shall implement the following measures and institute the following policies and procedures by November 5, 1990, unless another time frame is specified in this Plan.

1. *Plumbing* [*30] *Repairs.* Defendants shall employ licensed plumbers from time to time to make needed repairs to all showers, commodes, basins, and water lines. By December 1, 1990: all presently needed repairs shall be completed; all showers shall have hot water; all leaking toilets shall be repaired.

2. *Cleaning.* (A) CCJ, including the cell block and common areas, commode and shower areas, and windows and screens, shall be maintained in a general state of cleanliness. Jailers shall develop and monitor cleaning schedules.

(B) Jailers shall supervise the cleaning activities daily and perform inspections daily, whether the cleaning is performed by the inmates or paid employees. Shift supervisors shall oversee all cleaning operations to ensure that the jailers' orders to inmates regarding cleaning procedures are clear and concise.

(C) If inmates refuse to assist in cleaning, then telephone, commissary, television, or other privileges may be withheld. Any jailer withholding such privileges shall follow appropriate CCJ disciplinary procedures.

(D) Jailers shall maintain a strict accounting of the numbers of cleaning implements that are given to and returned by the inmates. Jailers shall conduct an [*31] immediate search to discover the whereabouts of the missing cleaning implements. Jailers shall also conduct pat down searches of all inmates after they complete cleaning assignments.

3. *Clothing.* (A) Inmates shall be provided with clean and appropriate clothing, which may be CCJ uniforms. All inmates shall be provided with at least two changes of outer clothing and with at least three changes of under clothing. Towels shall be provided by the inmates; however, if an inmate does not have towels, then towels shall be provided for that inmate.

(B) Inmate clothing shall be washed and dried at CCJ by trustees or staff according to a schedule, which shall be posted for inmate viewing. Inmates shall have an opportunity to change into clean under clothing once a day and the opportunity to change into clean outer clothing at least three times per week.

(C) No inmates shall be permitted to possess belts or shoestrings.

4. *Staff Training Concerning Sanitation.* Jailers shall be trained in and evaluated upon proper inspection techniques to identify sanitation hazards and proper supervision techniques concerning the inmates' cleaning of cells and common areas.

IV.

STAFFING AND SECURITY

[*32] In order to ensure that a sufficient number of adequately trained and supervised staff are employed to provide for the safety of inmates, including protection from acts of violence from other inmates, Defendants shall implement the following measures and institute the following procedures and policies by November 5, 1990, unless another time frame is specified in this Plan.

1. *Minimum Staffing Levels.* (A) CCJ staffing shall consist of a minimum of twenty-five (25) full-time equivalent

(FTE) jailers for every one hundred (100) inmates no later than six months from adoption of the Plan. Until that time, the number of jailers shall not fall below twenty-one (21) FTE jailers. At the staffing level of 21 FTE jailers, there shall be a minimum of three (3) jailers on duty during the 11:00 pm to 7:00 am shift; a minimum of five (5) jailers on duty from the 3:00 pm to 11:00 pm shift; and a minimum of seven (7) jailers on duty from the 7:00 am to 3:00 pm shift, including weekends and holidays.

(B) Shift times may be rearranged or overlapped as long as the above minimum numbers are met during the identified times.

(C) Jailers shall not be requested, nor permitted, to work an amount of overtime [*33] that would interfere with their ability to perform their official duties adequately. Overtime in excess of eight hours per week must be justified, in writing, by the Sheriff of Chief Jailer.

(D) Jailers shall arrive on duty thirty (30) minutes before shift change to ensure that the minimum number of jailers are on duty. This time shall be used for roll call training, described in Part VIII, Section 1(E). Each outgoing shift supervisor shall complete the *Shift Change Notification Form* at the conclusion of his or her shift, and discuss its contents, and any other areas of importance with the jailers on the incoming shift.

2. *Supervision and Staffing Responsibilities.* A system of accountability and responsibility shall be established and enforced through the *CCJ Chain of Command*. Supervisors shall be designated and trained for each shift.

3. *Jailer Assignments and Floor Procedures.* (A) All CCJ assignments and floor procedures shall be in writing and each jailer shall be familiar with them. All jailers shall remain in his or her assigned area, except in emergency situations. Female jailers will patrol the first floor and male jailers will patrol the second floor twenty [*34] four (24) hours a day.

(B) The Sheriff's radio operator on duty shall be alerted if a jailer is required to leave his or her assignment. This action will be noted in the radio log.

(C) No male jailers shall enter the female inmate area unaccompanied by a female jailer. No female jailers shall enter the male inmate area unaccompanied by a male jailer.

(D) Jailers shall not sexually harass, intimidate, or coerce any inmate. Jailers shall not assist in arranging or otherwise condoning the sexual harassment, intimidation, or coercion of inmates by jailers or other inmates. Jailers shall not permit sexual activities between inmates.

4. *Security Checks.* (A) Jailers on all shifts shall conduct visual security checks of all inmate areas and directly observe

all inmates on an unscheduled and irregular basis. No more than thirty (30) minutes between checks shall be permitted, except with juveniles and those inmates housed in Cell Blocks B-1 and B-2, where unscheduled and irregular checks shall be made no less than every fifteen (15) minutes and shall include physical patrol of all catwalk areas.

(B) Jailers shall incorporate the elements described in *Elements for Routine Patrol* into [*35] their security checks. Jailers shall record all security checks, which shall then be validated by the shift supervisor.

5. *Reporting Unusual or Special Incidents.* (A) An identification and record keeping procedure for promptly identifying and documenting any incidents created or perpetrated by or upon inmates, including verbal or physical misconduct, assaults or other acts of violence or destruction shall be implemented at CCJ. All Jailers shall follow this procedure.

(B) All jailers shall complete an *Unusual or Special Incident Report* for each unusual or special incident no later than one (1) hour after the incident. Additions to the report shall be attached if new information is discovered. The report shall be reviewed by the shift supervisor before the termination of the shift during which the incident occurred, and the shift supervisor shall make appropriate written comments and recommendations.

(C) The Chief Jailer shall read all new *Unusual or Special Incident Reports* daily. The Sheriff and Chief Jailer shall review *Unusual or Special Incident Reports* and other materials on a monthly basis to identify, in writing, any potential trends or areas which need to be [*36] remedied, and measures taken to do so.

6. *Cell and Other Area Searches.* (A) Jailers shall search cells and other areas to which inmates have access, such as the kitchen and sallyport, at least once each week on an unannounced basis in order to control contraband, including potential weapons. These searches shall be conducted in accordance with *Procedures for Cell Searches*, and are in addition to and do not replace other security measures. In order to prevent the introduction of contraband into CCJ, jailers shall search trustees as they enter the jail, and before they return to their cells.

(B) Jailers shall document the dates, times, places, results, and other details of each search in accordance with *Results of Cell Search*. This report shall be completed by the shift supervisor no later than the termination of the shift during which the search occurred.

(C) Jailers shall never use searches for harassment. In conducting the searches, the jailers shall handle carefully,

and not damage or destroy, an inmate's legitimate personal property.

(D) Jailers shall conduct a complete search of an occupied cell prior to assigning a new inmate to it. Inmates should be moved out of [*37] the cell, and searched, if possible, while the cell search is taking place.

7. *Orientation, Rules and Sanctions.* (A) Jailers shall provide an orientation to each inmate upon admission. The inmate orientation shall include a discussion of: the rules and sanctions within CCJ; standards of conduct and daily routines; grievance procedures; fire safety; visitation, telephone, and mail privileges; commissary; medical and mental health procedures; and hygiene responsibilities.

(B) As part of the inmate orientation, Jailers shall ensure that each inmate reads, or has read to him or her, the *List of Rules and Sanctions*, and then signs the list.

(C) Defendants shall post in conspicuous places of CCJ for viewing by the inmates a *Summary of Rules and Sanctions*. The *List of Rules and Sanctions* shall be available to inmates upon request at reasonable periods for review under proper supervision.

8. *Disciplinary Procedures.* (A) Procedures for disciplinary action shall be maintained and implemented at CCJ. Jailers shall follow these disciplinary procedures, and shall make copies of these disciplinary procedures available to inmates for review.

(B) The procedures for disciplinary [*38] action shall address major offenses, minor offenses, and infractions. Jailers shall complete a *Disciplinary Report* no later than one hour after the disciplinary action is taken. The disciplinary procedures shall include provisions for appropriate disciplinary hearings.

9. *Inmate Grievances.* Jailers shall permit inmates to express grievances directly to jailers. Inmates may express grievances verbally, but shall be permitted to grieve in writing by completing an *Inmate Grievance Form*.

10. *Inmate Exercise.* (A) Reasonable opportunities for outdoor large muscle activities shall be provided to inmates on a regular basis. Examples of appropriate outdoor activities include basketball and volleyball. A secure fenced area to be used for inmate exercise shall be completed no later than November 5, 1990. This area shall be no smaller than the equivalent of one-half of a basketball court.

(B) Jailers shall permit each inmate to have five (5) one hour periods per week of exercise. If all inmates cannot be permitted five hours per week of outdoor exercise due to

ongoing security concerns, then preference shall be afforded to those inmates who have resided at CCJ for periods in excess [*39] of fourteen (14) days.

(C) Jailers shall supervise inmates during exercise periods. A minimum of two jailers shall supervise inmates in the exercise area. No more than 15 inmates may be in the exercise area at any given time.

(D) Inmates need not be afforded outdoor exercise when the temperature is above 95 degrees or below 30 degrees, fahrenheit, or during other inclement weather, or under temporary security exigencies.

11. *Visitation Procedures.* (A) Inmates shall be permitted reasonable daytime and evening visitation with family and friends according to a posted schedule. Visitation shall occur Monday through Friday from 9:00 am to 11:00 am and from 1:00 pm to 3:00 pm, and shall occur Tuesday and Thursday evenings from 7:00 pm to 9:30 pm. Jailers shall permit each inmate a minimum of one hour per week of visitation with those persons authorized by the inmate.

(B) Jailers shall supervise all visits to permit the inmate to maintain authorized and reasonable contact with his family and friends, and to prevent the admission of contraband and planning of escapes or violence. Jailers shall search the visitation area thoroughly before visits and immediately after visits, and shall [*40] conduct pat-down searches of all inmates after visits.

(C) *Visitation Rules* shall be posted in a conspicuous location at the visitation site. Under these rules, CCJ visitors may be subjected to search. Only jailers of the same sex as visitors shall conduct searches of those visitors.

12. *Telephone Procedures.* Inmates shall be permitted to utilize telephones from 6:00 pm until 11:00 pm Monday through Friday and from 7:00 am until 11:00 pm on weekends. Jailers shall monitor the use of the phones to determine if any special provisions, such as time limits per call per inmate, are necessary to ensure telephone access to all inmates.

13. *Key Controls.* (A) A key control system that provides jailers with immediate knowledge of the location of every key and lock at all times, provides for the security of all keys and locking devices at all times, and provides ready access to cells during evacuation or other emergency situations, shall be maintained at CCJ. This system shall include a set of keys to be kept in the radio operator's office, to which jailers shall have access at all times. The Chief Jailer shall supervise the key control policy.

(B) Every CCJ lock shall be stamped [*41] with a number; all keys to match that lock shall be stamped with

that same number. All keys shall be notched and matching notches placed on each door. All keys shall be issued from the CCJ central control room by one jailer specifically assigned to key control duty during each shift.

(C) Each jailer shall surrender his or her work keys upon termination of employment at CCJ. Jailers shall immediately report any lost, misplaced, or stolen keys to the Chief Jailer, who shall then take appropriate measures. Under no circumstances shall any inmate, including trustees, be permitted to handle any CCJ keys.

14. *Staff Training Concerning Security and Inmate Supervision.* Jailers shall be trained in and evaluated upon the knowledge, skills, and techniques necessary to maintain security and safety in CCJ, and to supervise inmates properly. Jailers shall be familiar with the *Guidelines for More Successful Inmate Supervision*.

(B) This training shall include, but not be limited to, the following topics: intake procedures; approaching and escorting inmates; routine patrol; supervision of inmates and inmate groups; key control; verbal and physical techniques to minimize or respond to inmate [*42] violence or potential violence; and other training requirements necessary to implement this Part.

V.

NON-DISCRIMINATORY ASSIGNMENTS OF HOUSING

In order to ensure that housing units are not assigned to inmates at CCJ solely on the basis of race, the Defendants shall implement the following measures and policies and procedures and shall institute the following measures by November 5, 1990, unless another time frame is specified.

1. *Classification Procedures.* No jailer shall assign housing units to inmates solely on the basis of race, and all jailers shall understand and strictly follow the *Inmate Classification Procedures*.

2. *Inmate Grievances.* Any inmate who believes that a housing unit was assigned to him or her solely on the basis of race shall be entitled to file an *Inmate Grievance Form*.

3. *Jailer Identification.* Any Jailer who believes that housing was assigned to any inmate solely on the basis of race immediately shall bring this matter to the attention of the Chief Jailer or Sheriff. The Chief Jailer or Sheriff shall then promptly address the situation and implement appropriate remedial measures, if warranted.

4. *Training Concerning Housing Assignments.* [*43] All jailers shall be trained in and evaluated upon the requirements of this Part not to assign housing units to inmates solely on the basis of race, including but not limited to, the *Inmate Classification Procedures*.

VI.

ACCESS TO COUNSEL AND LAW LIBRARY FACILITIES

In order to ensure that inmates at CCJ are provided with reasonable access to the courts, including access to counsel and law library facilities, Defendants shall implement the following measures and institute the following policies and procedures by November 5, 1990, unless another time frame is specified.

1. *Access to Counsel.* (A) Each inmate shall be permitted to telephone his or her attorney or visit with his or her attorney at any time, except after 10:00 pm or before 8:00 am. Each inmate shall be entitled to visit with his or her attorney in the visitation areas or in the conference room outside the visitation areas.

(B) Jailers shall not discourage the use of attorney telephone contacts or visits. Jailers shall not interfere with inmates using the telephone to contact their attorneys or inmates visiting their attorneys, except for legitimate security exigencies. Each telephone conversation and visit shall [*44] be privileged but jailers retain the right to maintain security by observing the visits from a distance.

2. *Access to Law Library Facilities.* (A) Jailers shall make law books at the Crittenden County Courthouse available to inmates unrepresented by counsel within a reasonable period of time after a request by an inmate for such law books. Jailers shall supervise the use of law books, which shall take place in CCJ and not in the Courthouse. In the event that the inmate requests access to law books that are not available in the Crittenden County Courthouse but that are available in the Crittenden County Law Library, then jailers shall make arrangements to obtain the requested books from the Crittenden County Law Library and bring them to CCJ for review by the inmate. Upon completion of the inmate's review, jailers shall return the books to the Crittenden County Law Library.

(B) Jailers may take appropriate security precautions to ensure that the books made available to the inmates are not damaged or destroyed.

3. *Training Concerning Inmate Access to Courts and Law Library Facilities.* All jailers shall be trained in and evaluated upon the requirements set forth in this Part.

[*45] VII.

CLASSIFICATION PROCEDURES

1. *Purposes of Classification.* Inmates shall be classified for housing assignments to ensure the general safety of inmates and jailers, to protect inmates against physical assaults and indignities, and to minimize the likelihood of inmate aggressive or destructive behavior.

2. *Classification Categories.* The following classifications categories shall be used at CCJ:

(A) Felony pre-trial detainees - This category consists of adult male inmates detained at CCJ awaiting trial on various felony charges.

(B) Convicted misdemeanants - These inmates are serving sentences as a result of a misdemeanor conviction. CCJ utilizes the services of convicted adult male and female misdemeanants as trustees. Trustees work in the kitchen under the supervision of the kitchen staff, in the Courthouse under the supervision of county maintenance personnel, and with a county road crew under the supervision of county employees. Trustees volunteer for this work in order to receive meritorious good time.

(C) Convicted felons - This category consists of adult male inmates convicted of felony offenses for which they have been sentenced to the Arkansas Department of Corrections.

[*46] (D) Female inmates - All female inmates are included within this category.

(E) Juveniles - This category consists of male juveniles charged with felony offenses.

3. *Assignment of Inmates by Classification Categories.* Inmates within each of the classification categories shall be housed apart from inmates within each of the other classification categories. In addition, the following rules shall apply:

(A) Felony pretrial detainees - Pretrial detainees shall be separated appropriately to protect the safety of more vulnerable inmates.

(B) Convicted misdemeanants - These inmates shall be separated appropriately to protect the safety of more vulnerable inmates.

(C) Convicted felons - Under circumstances of temporary shortages of space, but only with the written approval of the Sheriff or Chief Jailer, convicted felons may be housed with pretrial detainees who are physically, mentally, and psychologically compatible.

(D) Female inmates - These inmates shall be provided living quarters separate from those of males inmates by sight and sound.

(E) Juveniles - Juveniles shall be provided living quarters separate from those of adults by sight and sound.

4. *Protective Segregation.* (A) [*47] Jailers shall, when appropriate, place inmates in protective segregation in

order to protect individual inmates and the general inmate population from harm or potential harm. Types of inmates who may be placed in protective segregation include, but are not limited to: those who are physically weak; those who are not mentally or physically capable of withstanding coercion; those who for other legitimate reasons may be more vulnerable or susceptible to being victimized by other detainees; those who are intoxicated or under the influence of drugs; those who exhibit possible serious mental health problems; and those who exhibit especially dangerous, violent, or destructive behaviors.

(B) No assignments to protective segregation may be made unless approved, in writing, by the Sheriff or Chief Jailer. If the Sheriff or Chief Jailer are not reasonably available, the shift supervisor may temporarily assign an inmate to protective segregation until the Sheriff or Chief Jailer are available.

(C) Defendants shall develop identification and record keeping procedures for placing inmates in protective segregation. Documentation of all protective segregation procedures will be completed within four [*48] (4) hours of placement.

4. *Staff Training Concerning the Proper Classification of Inmates.* All jailers shall be trained in, and evaluated upon, the proper classification of inmates.

VIII.

TRAINING PROGRAM FOR JAILERS

1. *Training Program for Jailers.* (A) A training program for jailers sufficient to enable them to implement the requirements of the Consent Decree and Implementation Plan shall be designed and implemented no later than November 5, 1990.

(B) All jailers shall satisfactorily complete a *Jail Standard Course* of at least forty (40) hours as soon after their hire date as they may be enrolled in the Jail Standard Course. Newly-hired jailers shall complete the Jail Standard Course before being independently assigned or permitted to independently supervise inmates. A newly-assigned jailer who is waiting to attend the Jail Standard Course, shall, prior to the satisfactory completion of the Jail Standard Course, receive forty (40) hours of on-the-job training by an appropriately trained jailer.

(C) In addition to the Jail Standard Course, all jailers shall satisfactorily complete a minimum of twenty-four (24) hours per year of additional developmental training, except [*49] the Chief Jailer who shall satisfactorily complete a minimum of forty (40) hours per year.

(b) The Sheriff shall designate one jailer as the training officer. The training officer shall be responsible for

providing or facilitating the continued training required, or for obtaining others to provide the training. The training shall not be provided exclusively by County employees. The training officer shall utilize materials published by the National Institute of Corrections Jail Center, the American Correctional Association, the National Sheriffs' Association, or other appropriate organizations. Some of the training may be provided at CCJ, but the provision of training shall be separate and distinct from the jailers' performance of official duties.

(E) Jailers shall participate in roll call training before each shift. Roll call training shall be limited to one topic per session, shall last no less than ten (10) minutes nor more than thirty (30) minutes, and shall be conducted before each shift change. Roll call topics should include those that jailers suggest, as well as those selected by the administrators. The instructor conducting the training should ask questions of the jailers [*50] and encourage the jailers to ask questions. A summary page of each training session shall be given to jailers during or immediately after roll call.

(F) A detailed *Training Program for CCJ Jailers* based upon the training requirements of this Implementation Plan shall be developed and forwarded to the United States no later than November 5, 1990. This training program shall include a schedule of courses planned for the next year, course title and content, planned participants and instructors, course provider, and course site.

(G) In order to ensure that the jailers are obtaining benefit from the training program, the training officer shall evaluate periodically each jailer, verbally and in writing, to determine the effectiveness of the training program. The Sheriff or Chief Jailer shall review these evaluations with the training officer and improve the training program as necessary.

2. *Jailer Orientation Concerning Consent Decree and Implementation Plan.* (A) Jailers shall receive orientation about the requirements of the Consent Decree and Implementation Plan sufficient to enable the jailers to implement them. This orientation shall be designed and provided to jailers no later [*51] than November 5, 1990.

(B) A *Verification Statement* concerning the orientation shall be dated and signed by each jailer and maintained at CCJ subject to inspection by the United States during the duration of this Consent Decree.

VIII.

PREVENT AND REDUCE THE EFFECTS OF OVERCROWDING

In order to prevent and reduce the effects of overcrowding, Defendants shall implement the following measures and institute the following policies and procedures.

1. *Statement of Policy.* Defendants recognize that it is desirable to limit the number of inmates at CCJ. Towards this goal, the Sheriff has sought and will continue to seek the cooperation of other law enforcement authorities in Crittenden County, Arkansas, and the Crittenden County Circuit Court Judges and other judges who have authority to commit persons to CCJ and the Arkansas Department of Correction to limit the number of inmates that are incarcerated in CCJ. The Sheriff shall explore with these officials reasonable alternatives to pretrial incarceration of felony detainees, as well as post-trial release of convicted misdemeanants.

2. *Maximum Number of Inmates at CCJ.* No more than the following number of inmates shall be housed [*52] at CCJ while it is in its current facility: 130 maximum as of the date of the adoption of this Plan; 120 maximum two (2) months from the date of the adoption of this Plan; 110 maximum four (4) months from the date of the adoption of this plan; 100 maximum six (6) months from the date of the adoption of this Plan, after which the inmate population of CCJ shall not exceed 100. During any of these periods, no more than 14 female inmates, no more than 4 juvenile inmates awaiting trial as adults and no more than 14 convicted male misdemeanants shall be housed at CCJ.

3. *Monthly Population Notification Requirements.* Defendants shall forward to the Department of Justice, no later than the fifth of every month, the monthly population reports of the previous months. These reports shall include the number of inmates per housing unit and each inmate's total length of stay at CCJ.

IX.

FUTURE JAIL CONSTRUCTION OR EXPANSION

1. *General Statement.* (A) Crittenden County has contracted with Allied Correctional Services to provide a feasibility study to determine constitutional ways to respond to an expanding jail population. Presentations have been made to the governing body of Crittenden [*53] County by this entity and further work is being done by it. Defendants are committed to doing everything within their power and the resources that are available to follow the recommendations of these consultants and to fulfill the ultimate goal of the construction of new or expanded jail facilities within Crittenden County, Arkansas, as soon in the future as may be practically and economically possible.

(B) At the present time, the CCJ task force is considering five options that have been proposed by Allied

Correctional Services. These options are: (1) Construction of a new 203-bed jail with renovation of the existing jail for 67 beds for a total of 270 bed capacity; (2) outright construction of a new 270-bed jail facility; (3) Join with the state in construction of a 240-bed jail and construct 30-bed booking and lock-up in West Memphis; (4) State construction of a 240-bed Jail with renovation of the existing county jail to a 30-bed booking and lock-up system; (5) New construction of a 150-bed jail and renovation of the existing county jail for 67 beds.

2. *New Construction Notification Requirements.* Defendants shall promptly notify the United States of any actions taken to design [*54] or construct a new facility, and the impact that the proposed facility will have upon CCJ.