

SEP 19 1994

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

Norman L. Gillespie, Clerk
By _____
Deputy

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

Civil Rights No.
3:92-CV-56-B-D

CONSENT DECREE

U.S. v. Grenada City



JC-MS-011-003

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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 City, Mississippi, the Chief of Police of Grenada City, the Jail Administrator or Chief Correctional Officer of the Grenada City Jail, the members of the Grenada City Council, and their agents and successors in office.

3. The acronym "GCJ" shall refer to the Grenada City Jail.

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 City 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.

III. BACKGROUND

5. 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 City officials of its intent to investigate conditions of confinement at the Grenada City Jail.

6. On July 29, 1993, also pursuant to CRIPA, the United States toured GCJ 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 conditions at GCJ violate inmates' constitutional rights.

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

IV. SUBSTANTIVE PROVISIONS

A. Security and Supervision.

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

8. Staffing. Defendants shall ensure that there is at least one officer on duty at GCJ on each shift, seven (7) days a week, whose responsibility is to provide supervision of the

inmates. Further, there shall be at least one (1) female officer, or dispatcher, on duty on all shifts, who shall supervise and attend to female inmates housed at GCJ. Utilizing an appropriate 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.

9. Staff training. To ensure a safe and secure facility, 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 regulations and tactics, 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, and training in first aid and the use of CPR, and training in HIV related issues.

10. Policies and procedures. Defendants shall develop and implement comprehensive policies and procedures for operation of GCJ consistent with professional standards. The policies and procedures shall be specifically tailored to the GCJ facility and its operations. Such policies shall specifically include

procedures for medical services and 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 of HIV+ inmates.

11. Housing/classification. Defendants shall develop and implement a written policy and procedure for the classification of inmates in terms of custody required, housing assignment, and participation in any correctional programs provided. Effective April 20, 1994, the Defendants have ceased the practice of housing felons, pre-trial or sentenced, at GCJ, and will continue to do so. Further, to the extent possible given the physical structure of the Jail, Defendants shall not house any inmate awaiting trial with another inmate already convicted or serving a sentence. Nor shall the facility house juveniles. In conjunction with their classification system, Defendants shall develop an incident reporting system, including policies and procedures governing its implementation, to ensure that the classification system is preventing undue harm and/or violence to the inmates.

B. Out-of-cell/Exercise Time

12. Defendants shall ensure 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.

C. Access to Reading materials.

13. To ensure GCJ inmates are provided adequate access to reading materials, Defendants shall permit inmates to receive and keep in their cells a reasonable number of books, periodicals, newspapers and other reading materials. Any restriction placed on access to reading materials must be based upon an identifiable, legitimate penological interest which is documented in writing and signed by the Jail Administrator.

D. Medical Care.

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

14. Screening. Defendants shall ensure all inmates upon intake are medically screened, utilizing a professionally-based medical screening form, 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.

15. Sick call. Defendants shall continue to ensure that sick call for GCJ inmates is regularly scheduled and conducted by a physician or RN at least once a week. In the event of an emergency, i.e., an inmate expresses a need to be examined by a medical professional immediately, Defendants shall transport the inmate immediately to the Grenada County Hospital (also known as

the Grenada Lake Medical Center). Any decision to refuse transportation of an inmate to the county hospital under such circumstances shall be documented in writing and signed by a qualified medical professional.

16. Medication administration. Ensure that all officers who administer prescription medications to inmates are appropriately trained in medication distribution and in the observance and recognition of harmful side effects.

17. Tuberculosis (TB) and other communicable diseases. In all cases of inmates confined at GCJ 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 the facility's RN. 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.

E. Mental Health Care/Suicide Prevention

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

18. 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 medical standards. The mental health and suicide risk portion of the screening questionnaire shall be administered by medically trained staff and reviewed by qualified medical or mental health personnel.

19. Mental health 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, evaluation, and crisis intervention services, and shall ensure appropriate suicide precautionary measures and inmate treatment and observation are provided per the mental health professional's evaluation.

20. 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 for 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 GCJ 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 setting, 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 GCJ staff members, between arresting and transporting officers and GCJ staff, between GCJ staff and jail administration, and between GCJ staff and the special needs inmate;

d) the notification by GCJ 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 GCJ;

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 GCJ 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 GCJ 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;

21. Staff training. As part of the jail officer training program required by Section A., subpart 9, 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 with suicide prevention training by a jail suicide prevention expert or a qualified mental health professional to include, but not be limited to, the proper response to a suicide or suicide attempt (including how to cut down a hanging victim and other first-aid measures), the identification and screening

of special needs inmates, and training regarding high-risk groups and periods for suicides and suicide attempts.

22. 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 GCJ inmates with adequate food, clothing and shelter. To this end, Defendants shall undertake corrective measures in the following areas.

23. Food service. Defendants shall ensure all inmates receive three (3) meals a day. 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.

24. General sanitation. Defendants shall continue their established practice of cleaning the jail on a daily basis, and shall continue to ensure all inmates are provided sufficient supplies with which to continually maintain their cells in a clean and sanitary manner.

25. Bedding and hygiene. Defendants shall provide all inmates with clean linen and bedding supplies, and ensure inmates are provided a clean exchange of such supplies on a weekly basis. Defendants shall also provide all inmates with personal hygiene supplies to include provision to each inmate of soap, toothpaste, toothbrush, toilet paper, and shaving equipment, and the hygienic supplies needed by female inmates. Defendants shall further ensure that all inmates are provided a bunk, i.e., no inmates shall sleep on the floors.

26. Plumbing. Defendants shall repair or replace all defective plumbing at GCJ and thereafter 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.

27. Ventilation. Defendants shall ensure adequate ventilation is maintained in all inmate living areas.

28. Lighting. Defendants shall provide adequate lighting, i.e., lighting measuring at a level of no less than 20 footcandles, in all inmate living areas.

29. Fire safety. Defendants shall ensure GCJ 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; posted evacuation plan; regularly scheduled fire drills; notched and color-coded jail keys to expedite evacuation of inmates from

their cells; compliance with State fire safety codes; and annual fire inspections conducted by local fire department or State Fire Marshal's office.

V. TIMING OF COMPLIANCE

30. Except where otherwise specifically indicated, the Defendants shall implement all provisions of this Order by no later than April 1, 1995.

31. 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.

32. 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

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

34. The Defendants shall immediately explain the terms of this Order to all persons connected with GCJ, including GCJ staff and Police Chief's deputies, in order to ensure that they understand the requirements of this Order and the necessity for its strict compliance. All GCJ staff members and other individuals providing services required by this Order shall sign


a statement indicating that they have read and understood 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.

35. The parties contemplate that at such time the Defendants have achieved compliance with the terms of this Order, and have maintained such compliance for a sustained period of one year or more, the parties will 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.

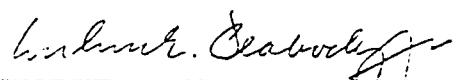
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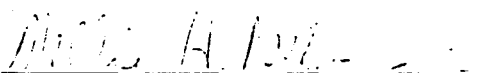
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Date: July 21, , 1994


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

UNITED STATES DISTRICT JUDGE

