

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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BERNARD CROWE, THOMAS WHITE  
HAWK and RICHARD WILLIAMSON,  
individually and on behalf of all  
others similarly situated,

Plaintiffs,

-vs-

DON R. ERICKSON, individually and  
as Warden of the South Dakota State  
Penitentiary; FREDRICK R. COZAD,  
WILLIAM R. McCANN, M. LARRY  
DAHLSTROM, LAMBERT HOLLAND,  
M.D., and DOROTHY ECKER, individu-  
ally and as members of the BOARD  
OF CHARITIES AND CORRECTIONS  
of the STATE OF SOUTH DAKOTA;  
and RICHARD F. KNEIP, individually  
and as Governor of the STATE OF  
SOUTH DAKOTA,

Defendants.

Civ. 72-4101

FILED  
Nov. 23, 1973  
William J. Srstka, Clerk  
By Marguerite E. Casanova  
Deputy

*Page 127*

SUPPLEMENTAL ORDER

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The Court heretofore on August 24, 1973, and on November 21, 1973, hav-  
ing entered its Orders restraining and enjoining Defendants from placing any inmate  
in the Adjustment Center or any other form of solitary confinement without provid-  
ing inmates at the South Dakota State Penitentiary with certain minimum due process  
standards; and it appearing to the Court that South Dakota law imposes upon the  
Warden obligations to maintain order in the Penitentiary, to enforce obedience, sup-  
press insurrections, effectually prevent escapes, and to provide for the protection  
and general well-being of the inmates at the South Dakota State Penitentiary,

1. Accused inmates are entitled to remain at their existing status, prior to a disciplinary hearing, except under specific circumstances set forth herein.
2. Where, in the judgment of the Warden or his designee, there exists a threat to security or discipline, the inmate may be subjected to pre-hearing detention in the Adjustment Center.
3. Within twenty-four hours of an inmate's detention, the Warden or his designee must review the Report resulting in the inmate's detention and make a determination as to whether continued detention is required. Where continued detention is ordered, such order must be recorded in writing, and a copy thereof submitted to Plaintiffs' counsel and Defendants' counsel. Failure to review the temporary pre-hearing detention within twenty-four hours shall automatically return the inmate to his prior status with the reinstatement of all prior privileges.
4. Time spent in pre-hearing detention shall be credited against any subsequent sentence imposed.
5. Detention of the accused inmate prior to his disciplinary hearing shall in no way abridge his right to written notice or other rights afforded under prior orders of this Court.

Dated this 23rd day of November, 1973.

BY THE COURT:

FRED J. NICHOL  
Chief Judge

ATTEST:

WILLIAM J. SRSKA  
Clerk

By MARGUERITE E. CASANOVA  
Deputy

(SEAL OF COURT)