

RECEIVED

NOV 6 1981

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

CLERK, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

NAZARETH GATES, ET AL, Plaintiffs

UNITED STATES OF AMERICA, Plaintiff-Intervenor

V.

NO. GC 71-6-K

JOHN COLLIER, ET AL, Defendants

ORDER REGARDING USE OF LOCAL JAILS FOR  
INCARCERATION OF STATE PRISONERS

The November 6, 1981 "**ORDER REGARDING USE OF LOCAL  
JAILS FOR INCARCERATION OF STATE PRISONERS**"  
entered in Gates. V. Collier reads in pertinent part as follows:

## II. JAIL REQUIREMENTS

Any jail housing state prisoners shall afford all state prisoners confined therein the following minimum conditions of confinement:

### A. FOOD SERVICE

State prisoners shall receive a diet of wholesome and nutritionally and calorically adequate food prepared under sanitary conditions and as required by state law. In no event shall prisoners receive less than 2000 calories per day.

### B. PERSONAL HYGIENE AND CLOTHING

State prisoners shall be provided at a minimum the following supplies:

- (1) Soap
- (2) Clean towels
- (3) Toothbrush and toothpaste
- (4) Shaving utensils
- (5) Adequate bedding, including clean mattresses, sheets and blankets
- (6) Adequate institutional clothing.

### C. RACIAL SEGREGATION

No racially discriminatory practices and procedures of any nature in the operation or administration of the jail shall be permitted. The jail shall be racially integrated.

### D. CORPORAL PUNISHMENT

No form of corporal punishment of such severity as to offend present-day concepts of decency and human dignity shall be permitted to be imposed. Jail officials, however, shall have authority to take immediate necessary action without excessive force to prevent acts of violence or destruction of property or escape attempts or to restore order. Where such necessary action

is taken, complete reports of major incidents shall be made and shall be available to the parties upon request.

E. TRUSTYS

No prisoner, state or otherwise, shall be put in a custodial position of authority over any other state prisoner.

F. CLASSIFICATION

The jail shall have in effect a plan designed to comply with the classification requirements of state law and to afford each state prisoner a reasonably adequate degree of personal safety. At all events, the classification plan must provide for separation of the following categories of prisoners: males and females, juveniles and adults, pretrial detainees and convicted felony offenders, and such further separation as individual circumstances demand.

G. MEDICAL AND DENTAL CARE

The jail shall provide minimally adequate medical and dental care for state prisoners with provision for emergency treatment and hospitalization when necessary under an approved plan to be posted at the jail.

H. MAIL

The jail shall have written regular procedures for the handling of both incoming and outgoing prisoner mail to the following effect:

- (1) Outgoing privileged mail, to any court, to any federal or state official, or to any attorney of record, shall not be opened or otherwise interfered with.
- (2) Outgoing personal or nonprivileged mail shall not be opened or inspected except in the presence of a prisoner where jail officials have a reasonable suspicion that such mail is an attempt to plan a violation of the law or to escape.
- (3) Incoming privileged mail may be opened or inspected, but never read, only in the presence of a prisoner and only when jail officials have a reasonable suspicion that such mail contains contraband or concerns escape attempts.
- (4) Incoming, nonprivileged or personal mail may be opened and inspected by jail officials but not read.

I. PHYSICAL PLANT

(1) Structural Conditions: The jail shall be structurally sound and maintained in a manner so as to provide reasonably adequate heat, light, ventilation and sanitation for all state prisoners and to make the jail environment fit for human habitation.

(2) Jail Population: The jail shall not house more persons than the number for which it can provide at least reasonably adequate food, clothing, shelter, health care and personal safety. Each jail plan shall specify the minimum number of square feet of living space to be allotted each state prisoner.

J. DISCIPLINARY RULES AND PROCEDURES

The jail shall have disciplinary rules and procedures to be posted at the jail to the following effect:

No disciplinary punishment which results in solitary or disciplinary confinement, or in any other major adverse change in condition, as set forth by the jail officials in their jail rules and regulations, shall be imposed except under the following due process requirements:

- (1) A state prisoner may not be punished except for conduct which violates an existing jail rule or regulation.
- (2) A state prisoner accused of infraction of an existing jail rule or regulation shall be given written notice of the charge against him, which notice shall identify the rule alleged to have been violated and state essential facts supporting the alleged violation. The notice shall be served upon the accused at least 24 hours prior to the hearing.
- (3) The accused must be afforded an opportunity to appear before an impartial hearing officer to respond to the charge. In no event shall any person who brought or assisted in bringing the charge, or who participated in any way in the investigation of the facts on which the charge is based, or who has any personal interest in the outcome of the disciplinary proceeding, serve as the hearing officer.
- (4) The inmate facing disciplinary proceedings shall be allowed to call witnesses and present documentary evidence relevant to his defense unless the jail custodian certifies in writing and with particularity that permitting such inmate to do so will be unduly hazardous to jail safety or security.

- (5) Where the accused is functionally illiterate or where the complexity of the issue makes it unlikely that the inmate will be able adequately to collect and present the evidence in his case, the accused shall, in preparation of his defense to the disciplinary charges, be free to seek the assistance of a fellow inmate, or else be furnished adequate substitute assistance in the form of help from the jail staff or from free-world personnel.
- (6) As soon as practicable after the conclusion of the hearing, the hearing officer shall make a written statement of fact setting forth the evidence relied upon and the reasons for the disciplinary action taken. A copy of this written statement shall be made available to the prisoner. In the event that revelation of certain evidence upon which the hearing officer relies will endanger prison security or the safety of inmates or other personnel, the hearing officer may omit same from the written statement. In any case where such omission is deemed necessary by the hearing officer, the written statement shall contain the fact of the omission and the basis therefor.

K. ACCESS TO COURTS

The jail shall have in effect an approved plan affording state prisoners meaningful access to the courts which, at a minimum, shall consist of providing to the state prisoner either at the jail or elsewhere in the local community law books and materials necessary to prepare legal papers, and also, where the state prisoner is functionally illiterate and unable to compose legal papers, the assistance of an inmate writwriter or free-world person. State prisoners shall be permitted to have and keep in their possession legal papers and material.