

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI APR 07 1997
GREENVILLE DIVISION

NORMAN L. GILLESPIE, CLERK
By *N. Gillespie*
Deputy

NAZARETH GATES. ET AL., PLAINTIFFS

CIVIL ACTION

VS.

NO. GC-71-6-LS-D

JOHN COLLIER, ET AL., DEFENDANTS

LOCAL JAILS ORDER OF 1997

The April 7, 1997 "LOCAL JAILS ORDER OF 1997" entered in Gates. V. Collier reads in pertinent part as follows:

IT IS THEREFORE ORDERED:

1. Paragraph IX(B) at pages 8-9 of the Order Regarding Use Of Local Jails For Incarceration Of State Prisoners filed 11/6/81 ("MONITORING OF COMPLIANCE") is hereby modified, amended, and superceded, as follows:

"IX(B). Beginning July 1, 1997, and at six months intervals thereafter until otherwise ordered, defendants shall cause inspection of each jail housing state prisoners to be made by the State Board of Health; State Fire Marshal; and State Bureau of Buildings, Grounds, and Real Property; or their designees, of the jails' structural and health conditions and fire safety provisions. The inspectors shall note deficiencies, if any, in the conditions of each such jail and submit their reports to the attorney for plaintiffs, Ronald Reid Welch, P.A., copied to the Sheriff and Board of Supervisors, of each said jail, to the Commissioner of Corrections, and to the Attorney

General, making recommendations for improvements. Whenever the deficiencies noted in the inspection reports have not been verified to plaintiffs' attorney, copied to the Commissioner of Corrections and Attorney General, as having been corrected within a reasonable time, not to exceed 90 days, plaintiffs' attorney shall file with the Court his "Notice Of Noncompliance", pursuant to the terms, conditions, and effect as provided below."

2. Paragraph IX(C) at page 9 of the Order Regarding Use Of Local Jails For Incarceration Of State Prisoners filed 11/6/81 ("MONITORING OF COMPLIANCE") is hereby modified, amended, and superceded, as follows:

"IX(C). Beginning January 1, 1998, and annually thereafter so long as jails house state prisoners, the Sheriff and Board of Supervisors of each local jail approved for housing state prisoners by the Court shall file with attorney for plaintiffs', Ronald Reid Welch, P.A., and supply copy to the Commissioner of Corrections and Attorney General, a joint, verified report demonstrating full compliance with the requirements set forth in II(A) through (K), as amended and/or supplemented. Whenever any such required annual report is not filed, or whenever any such required, annual report does not affirmatively demonstrate full compliance, plaintiffs' attorney shall file with the Court his 'Notice Of Noncompliance', pursuant to the terms, conditions, and effect as provided below."

3. Section IX at pages 8-9 of the Order Regarding Use Of Local Jails For Incarceration Of State Prisoners filed 11/6/81 ("MONITORING OF COMPLIANCE") is hereby modified and amended by adding the following provisions thereunto:

"IX(D) (1) Whenever plaintiffs' attorney herein may find, other than as provided in IX(B) and/or IX(C), *supra*, that a local jail approved for housing state inmates is not in substantial compliance with the requirements of this Court set forth in II(A) through (K), as amended and/or supplemented, he shall, in the first instance, notify the Sheriff and Board of Supervisors, in writing, of such finding(s), copied to the Commissioner of Corrections and Attorney General, and request local compliance.

IX(D) (2). If after a reasonable time, not to exceed 60 days, substantial compliance has not been achieved, then plaintiffs' attorney shall file with the Court a "Notice Of Noncompliance" copied to the Sheriff, Board of Supervisors, Commissioner of Corrections, and Attorney General describing his findings of substantial noncompliance in said local jail. The Sheriff and Board of Supervisors and/or defendants shall thereupon have 60 days in which to file with the Court, copied to plaintiffs' attorney, Commissioner of Corrections, and Attorney General, verified evidence of compliance in all respects complained of in the "Notice Of Noncompliance".

IX(D) (3). If plaintiffs should continue to dispute substantial compliance and seek jail disapproval after said

locally verified evidence is received, the Court will determine, on a case by case basis, whether or not a hearing should be held, or whether said disputed issues will be decided by the Court solely on the filings without hearing.

IX(D)(4). Any local jail for which verified evidence response is not received by the Court within 90 days from the filing of plaintiffs' "Notice Of Noncompliance", as provided in IX(B) and IX(C), *supra*, or within 60 days as provided in IX(D)(2), *supra*, will be and the same is hereby automatically disapproved for the further incarceration of state prisoners.

IX(E). The defendant Commissioner of Corrections and/or the Attorney General, or their designees, are directed immediately to provide, on a continuing basis, all possible advice, assistance, and encouragement to the authorities of any local jail for which a "Notice Of Noncompliance" is filed pursuant to the provisions of this Order, including mediation on their behalf with plaintiffs, in order to resolve the issues of noncompliance reported."