

FILED
DISTRICT COURT

NOV 14 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,

Plaintiff

v.

TERRELL COUNTY, GEORGIA, et al.,

Defendants.

1:04-CV-76 (WLS)

UNITED STATES' PROPOSED ORDER

On September 30, 2006, the Court granted the United States' motion for summary judgment by finding no genuine issue of material fact concerning whether the conditions at the Terrell County Jail are unconstitutional. This order provides the remedial measures that the Defendants must undertake in order to ensure constitutional conditions of confinement at the Terrell County Jail.

TABLE OF CONTENTS

I. DEFINITIONS 1

II. BACKGROUND..... 2

III. CORRECTIONAL ISSUES..... 3

 A. Inmate Safety and Supervision..... 3

 B. Staff Training 5

 C. Other Constitutionally Required Services 6

IV. MEDICAL AND MENTAL HEALTH CARE..... 6

 A. General Provisions..... 6

 B. Medical and Mental Health Staff and Training 8

 C. Screenings and Assessments 10

 D. Access to Treatment 12

 E. Medication..... 14

 F. Mental Health Care..... 15

V. SUICIDE PREVENTION..... 16

VI. ENVIRONMENTAL HEALTH AND SAFETY..... 20

 A. General sanitation 20

 B. Fire safety 21

VII. QUALITY ASSURANCE..... 22

VIII. POLICIES AND PROCEDURES..... 23

IX. CONSTITUTIONALLY SOUND FACILITY..... 24

X. TERMINATION, COMPLIANCE, REPORTING, AND DOJ MONITORING..... 26

 A. Termination and Substantial Compliance..... 26

 B. Compliance Reporting..... 27

 C. Compliance Monitoring and Enforcement..... 28

 D. General Provisions..... 29

XI. PRISON LITIGATION REFORM ACT, 18 U.S.C. § 3626, FINDINGS .. 31

I. DEFINITIONS

- A. “United States” shall refer to the Plaintiff in this matter, the United States of America.
- B. “DOJ” shall refer to the United States Department of Justice, which represents the United States in this matter.
- C. “Defendants” shall refer collectively to Terrell County, Georgia, the Sheriff of Terrell County, in his official capacity, the members of the Terrell County Board of Commissioners, in their official capacity, and their agents and successors in office.
- D. “Sheriff” shall refer to the Sheriff of Terrell County.
- E. “Board of Commissioners” shall refer to the Terrell County Board of Commissioners.
- F. “Terrell County Jail” (Jail) includes the existing Jail facility as well as any other Terrell County institutions built, leased, or otherwise used, to replace the current Jail or Jail components.
- G. “Inmate” or “inmates” shall be construed broadly to refer to one or more individuals detained at, or otherwise housed, held, in the custody of, or confined at either the existing Jail or any institution that is built or used to replace the Jail or any part of the Jail.
- H. “Qualified professional” shall refer to an individual qualified to render the requisite and appropriate care, treatment, judgment(s), training and service, based on credentials recognized in the specific field.

- I. Consistent with, or in accordance with, the term “generally accepted professional standards of care” shall mean a decision by a qualified professional that is substantially aligned with contemporary, accepted professional judgment, practice, or standards as to demonstrate that the person responsible based the decision on such accepted professional judgment.
- J. “Quality assurance” means a system of self-audit and improvement to assess the implementation and effectiveness of all remedies instituted pursuant to this Order, to identify deficits that may exist, and to effectuate new measures to cure deficits identified.
- K. “Substantial compliance” indicates that the Defendants have achieved compliance with most or all components of the relevant provision of the Order.
- L. “Non-compliance” indicates that most or all of the components of the Order provision have not yet been met.
- M. “Effective date” shall mean the date this Order is signed and entered by the Court.
- N. “Includes” (or “including”) shall mean “ ‘includes’ (or ‘including’), but not limited to.”

II. BACKGROUND

- A. The Defendant Terrell County, through the Board of Commissioners and Sheriff, owns, operates, and has responsibility for funding the Jail, located in Terrell County, Georgia.

- B. The Defendant Sheriff is responsible for the day-to-day operation of the Jail. In his official capacity, the Sheriff has the custody, rule, and charge of the Jail and Jail inmates.
- C. The Defendants shall ensure that all Terrell County agencies take any actions necessary to comply with the provisions of this Order.

III. CORRECTIONAL ISSUES

A. Inmate Safety and Supervision

- 1. Qualified Staff The Defendants shall ensure that the Jail is operated and managed by adequate qualified staff. The Defendants shall hire sufficient numbers of qualified Jailers to operate the Jail safely and to carry out the requirements of this Order.
- 2. Jail Administrator The Defendants shall ensure that a qualified Jail Administrator oversees Jail operations. The Jail Administrator must have completed any basic jailer and jail administrator training offered by the State of Georgia or any other State or government entity prior to assuming their job responsibilities. When the Jail Administrator is absent or if the position becomes vacant, a qualified, trained replacement shall serve as Acting Jail Administrator.
- 3. Rounds The Defendants shall ensure that security staff conduct appropriate rounds with sufficient frequency to provide inmates with reasonable safety. Rounds shall be conducted at least once every half hour at irregular intervals. More frequent rounds shall be conducted for inmates requiring more intensive supervision for security and safety reasons. These rounds shall include logged,

visual inspections of all housing areas. Video surveillance may supplement, but must not be used to replace, rounds by Jailers.

4. Supervision Jailers are responsible for the care and supervision of inmates. Those duties shall not be delegated to inmates, and no inmate shall have authority over other inmates. No inmate shall serve as the designated conduit for transmitting inmate requests for assistance to Jail staff.
5. Monitoring Equipment The Defendants shall maintain in working order all cameras, alarms and other monitoring equipment at the Jail.
6. Classification The Defendants shall develop and implement an appropriate classification system to protect inmates from unreasonable risk of harm. Inmates shall be timely classified and placed in housing appropriate for security and safety. This system shall include consideration of an inmate's security level, suicide risk, and past behavior. The Defendants shall use best efforts to anticipate periods of unusual intake volume and schedule sufficient classification staff to timely classify inmates.
7. Housing of Female Inmates and Juveniles Pursuant to the general classification and housing policy, the Defendants shall ensure that female inmates shall be housed in units that have sight and sound separation from male inmates, and juvenile inmates shall be housed in units that have sight and sound separation from adult inmates.
8. Incident Reporting The Defendants shall document all serious incidents involving inmates including suicides, suicide attempts, inmate-on-inmate violence, use of

force by staff, fires, escapes, and deaths. Such records shall be maintained and reviewed promptly and at regular intervals. Reviews shall include case-by-case review of individual incidents as well as more systemic review in order to identify patterns of incidents. The Defendants shall incorporate such information into their management quality assurance practices and take necessary corrective action.

9. Investigations The Defendants shall develop and implement internal investigation policies, procedures and practices. The Defendants shall maintain staffing sufficient to implement internal investigation policies, procedures, and practices. The Defendants shall implement appropriate remedies based upon the results of internal investigations.
10. Filing of Grievances The Defendants shall develop and implement an effective inmate grievance system, ensure that grievances may be filed confidentially where the filing of such grievance might expose the inmate or a third party to imminent danger. The Defendants shall also ensure that grievances receive appropriate follow-up, including informing the grievant of its outcome and tracking implementation of resolutions.

B. Staff Training

11. Training Regarding this Order The Defendants shall provide training and supervision to staff sufficient to implement the provisions of this Order.
12. General Training Requirements At a minimum, the Defendants shall require that all Jailers complete the state jailer school program within one year of employment. Additionally, the Defendants will provide an initial orientation for

all new Jail employees on Jail policies, security procedures and inmate rights.

The Defendants shall also develop a jail training program that includes pre-service and annual in-service training for all staff.

13. Scope of Training Jail staff must all be trained and authorized to handle basic security functions. Such functions include - (a) providing general supervision of housing units; (b) dealing promptly with emergency situations; (c) conducting cell searches; (d) opening cell doors; and (e) transporting inmates.
14. Road Deputies If road deputies are used to staff the Jail, the road deputies must meet the same jailer training requirements as regular Jailers.

C. Other Constitutionally Required Services

15. Access to Information Regarding Constitutionally Required Services The Defendants shall ensure that newly admitted inmates receive information they need to comply with Jail rules and regulations, be protected from harm, report misconduct, access medical and mental health care and seek redress of grievances.

IV. MEDICAL AND MENTAL HEALTH CARE

A. General Provisions

16. Standard The Defendants shall ensure that services to address the serious medical and mental health needs of all inmates meet generally accepted professional standards.
17. Policies and Procedures The Defendants shall develop and implement medical and mental health care policies and procedures, including those involving intake, communicable disease screening, sick call, chronic disease management, acute

care, infection control, infirmary care, and dental care to ensure that staff provide adequate ongoing care to inmates determined to need such care. Medical and mental health policies and procedures shall be readily available to relevant staff.

18. Record keeping The Defendants shall develop and implement a unitary record-keeping system to ensure adequate and timely documentation of assessments and treatment and adequate and timely access by relevant staff to documents that are relevant to the care and treatment of inmates. A unitary record-keeping system consists of a system in which all clinically appropriate documents for the inmate's treatment are readily available to persons providing medical or mental health treatment. The Defendants shall maintain a unified medical and mental health file for each inmate, and all medical records, including laboratory reports, shall be timely filed in the medical file. The medical record shall be complete, and shall include information from prior incarcerations. The Defendants shall implement an adequate system for medical records management.
19. Medication and Laboratory Orders The Defendants shall develop and implement policies, procedures, and practices consistent with generally accepted professional standards to ensure timely responses to medical orders, including orders for medications and laboratory tests. Such policies, procedures, and practices shall be periodically evaluated to prevent delays in inmates' timely receipt of medications and laboratory tests.
20. Privacy The Defendants shall make reasonable efforts to ensure inmate privacy when conducting medical and mental health screening, assessments, and

treatment. However, maintaining inmate privacy shall be subject to legitimate security concerns and emergency situations.

B. Medical and Mental Health Staff and Training

21. Staffing The Defendants shall maintain sufficient staffing levels of qualified medical staff and mental health professionals to provide care for inmates' serious medical and mental health needs.
22. Health Services Administrator The Defendants shall retain a registered nurse or physician's assistant as the Health Services Administrator (HSA) overseeing all day-to-day aspects of health care at the Jail. The HSA's responsibilities shall include conducting and coordinating - (a) initial clinical screenings; (b) 14-day health assessments; (c) communicable disease screening; (d) medical and mental health sick call; (e) physician referrals; (f) mental health referrals; (g) dental referrals; (h) emergency and other admissions to local hospitals; and (i) arrangements for specialty treatment. The Defendants shall provide the HSA with adequate space, supplies and equipment so that the HSA can provide appropriate care for inmates with serious medical needs. The HSA will be on-site at the Jail at least five days per week.
23. Licensed Physician The Defendants shall enter into a written contractual relationship with a licensed physician whose duties shall include -
 - (a) periodically visiting the Jail on a frequent enough basis to ensure timely access to medical care for serious medical needs;
 - (b) providing regular on-site supervision of the HSA;
 - (c) ensuring that Jail medical care complies with Jail

medical policies and applicable medical standards; (d) providing on-call consultations and phone orders; (e) writing prescriptions; (f) participating in quality assurance and infection control programs; and (g) evaluating and treating inmates in response to referrals from the HSA (either at the Jail or at the physician's office).

24. Qualified Mental Health Professional The Defendants shall enter into a written contractual relationship with an individual with a minimum of masters-level education and training in psychiatry, psychology, counseling, social work or psychiatric nursing, who is currently licensed by the State of Georgia, to coordinate and deliver mental health services to Jail inmates. This Qualified Mental Health Professional's (QMHP) duties shall include - (a) periodically visiting the Jail on a frequent enough basis to ensure timely access to mental health care for serious needs; (b) ensuring that Jail mental health care complies with Jail policies and applicable standards; (c) providing on-call consultations and phone orders; (d) obtaining prescriptions; and (e) evaluating and coordinating treatment for inmates in response to mental health referrals from the HSA and other medical staff (either at the Jail or at the mental health professional's office). Consistent with generally accepted professional standards, the QMHP shall be appropriately supervised by a qualified medical professional, such as a psychiatrist and the Jail physician.
25. Dentist The Defendants shall enter into a written contractual relationship with a local dentist who will evaluate and treat inmates' serious dental needs in response

to referrals from the HSA (either at the Jail or at the dentist's office). Dental care shall not be limited to extractions.

26. Scope of Practice All persons providing medical or mental health care shall meet applicable state licensure and/or certification requirements. Health services staff shall not practice outside the scope of their licensure and training.
27. Medical and Mental Health Staff Training The Defendants shall ensure that all medical staff and mental health professionals are adequately trained to meet the serious medical and mental health needs of inmates. All such staff shall continue to receive documented orientation and in-service training in accordance with their job classifications, and training topics shall include suicide prevention and the identification and care of inmates with mental disorders.
28. Security Staff Health Care Training The Defendants shall ensure that security staff are adequately trained in the identification, timely referral, and proper supervision of inmates with serious medical or mental health needs.

C. Screening and Assessments

29. Intake Screening The Defendants shall appropriately screen all inmates upon arrival at the Jail to identify individuals with serious medical or mental health conditions, including acute medical needs, infectious diseases, chronic conditions, physical disabilities, mental illness, suicide risk, and drug and/or alcohol withdrawal. Inmates who screen positively for any of these items shall be referred for immediate or prioritized screening by the HSA or other qualified health care staff. Jailers supervising newly arrived inmates shall physically observe the

conduct and appearance of these inmates to determine whether they have a more immediate need for medical or mental health attention prior to their initial health screenings. The HSA shall review the initial screening forms daily in order to identify serious medical care needs.

30. Initial Clinical Health Screening The Defendants shall provide for initial clinical health screening by the HSA or other clinical staff for new inmates and inmates transferring from other correctional institutions within forty eight (48) hours of each inmate's arrival at the Jail. The Defendants shall ensure that staff performing initial health screenings are trained to complete the assessments. For this initial health screening, clinical staff shall record and seek the inmates' cooperation to provide - (a) medical, surgical, and mental health history, including current or recent medications; (b) current injuries, illnesses, evidence of trauma, and vital signs, including recent alcohol and substance use; (c) history of substance abuse and treatment; (d) pregnancy; (e) history and symptoms of communicable disease; (f) suicide risk history; and (g) history of mental health treatment, including medication and hospitalization. Staff shall attempt to elicit the amount, frequency and time of the last dosage of medication from every inmate reporting that he or she is currently or recently on medication, including psychotropic medication. The HSA shall consult routinely with the supervising physician, qualified mental health professional, and dentist as needed to ensure adequate treatment for serious medical problems. This initial health screening information shall promptly become part of an inmate's medical record.

31. Fourteen Day Health Assessment The HSA or other qualified medical staff shall perform full physical and mental health assessments for each inmate within 14 days of an inmate's arrival at the Jail. The assessment shall include -
- (a) a comprehensive medical history; (b) physical examination; (c) testing for tuberculosis and other relevant communicable diseases; (d) mental health history; and (e) current mental health status examination. Records documenting the assessment and results shall become part of each inmate's medical record. A re-admitted inmate or an inmate transferred from another facility who has received a documented full health assessment within the previous three months and whose receiving screening shows no change in the inmate's health status need not receive a new full physical health assessment. For such inmates, qualified personnel shall review prior records and update tests and examinations as needed.
32. Screening, Testing and Treatment of Communicable Diseases The Defendants shall develop and implement a policy for communicable disease screening, testing, and treatment that is consistent with community standards and appropriate to the inmate population of the Jail. The communicable disease policy shall be implemented within 120 days of the Effective Date of this Order. Medical staff, including the Jail physician and HSA, shall work with Defendants and the local public health department in developing the communicable disease plan.

D. Access to Treatment

33. Access to Medical and Mental Health Services The Defendants shall ensure that all inmates have adequate opportunity to request and receive timely medical and

mental health care through written sick call requests that are collected by the HSA without requiring Jailer involvement. The Defendants shall permit illiterate inmates to access the sick call system orally by requesting access through a Jailer, who must then fill out a request slip for the inmate within a reasonable time after the oral request. The HSA shall screen all written requests for medical and/or mental health care within twenty-four (24) hours of submission, and see patients within the next seventy-two (72) hours, or sooner if medically appropriate. The Defendants shall develop and implement a sick call policy and procedure which includes an explanation of the order in which to schedule patients, a procedure for scheduling patients, where patients should be treated, the requirements for clinical evaluations, and the maintenance of a sick call log. Treatment of inmates in response to a sick call slip shall occur in a clinical setting.

34. Referrals for Specialty Care The Defendants shall ensure that - (a) inmates whose serious medical or mental health needs exceed the services available at the Jail shall be referred in a timely manner to appropriate medical or mental health care professionals; (b) the findings and recommendations of such professionals are tracked and documented in inmates' medical files; and (c) treatment recommendations are followed as clinically indicated. The Defendants shall maintain sufficient security staff to ensure that inmates requiring treatment are escorted to appointments in a timely manner.
35. Access to Emergency Care The Defendants shall train medical and security staff to recognize and respond appropriately to medical and mental health emergencies.

Furthermore, the Defendants shall ensure that inmates with emergency medical or mental health needs receive timely and appropriate care, including prompt referrals and transports for outside care when medically necessary.

36. Chronic Disease Management Program The Defendants shall develop and implement a written chronic care disease management program, consistent with generally accepted professional standards, which provides inmates suffering from chronic illnesses with appropriate diagnosis, treatment, monitoring, and continuity of care. As part of this program, the Defendants shall maintain a registry of inmates with chronic diseases.
37. Drug and Alcohol Withdrawal Identification and Treatment The Defendants shall ensure that all inmates demonstrating symptoms of drug and alcohol withdrawal are timely identified. The Defendants shall provide appropriate treatment, housing and medical supervision for drug and alcohol withdrawal.
38. Pregnant Inmates The Defendants shall ensure that pregnant inmates are provided adequate pre-natal care in accordance with generally accepted professional standards of care.

E. Medication

39. Medication Administration The Defendants shall ensure that all medications, including psychotropic medications, are prescribed appropriately and administered in a timely manner to adequately address the serious medical and mental health needs of inmates. The Defendants shall ensure that inmates who are prescribed medications for chronic illnesses that are not used on a routine schedule, including

inhalers for the treatment of asthma, have access to those medications as medically appropriate. The Defendants shall develop and implement adequate policies and procedures for medication administration and adherence. The Defendants shall ensure that the prescribing practitioner is notified if a patient misses a medication dose on three consecutive days, and shall document that notice. The Defendants shall ensure that medication administration records are appropriately completed and maintained in each inmate's medical record.

40. Continuity of Medication The Defendants shall ensure that arriving inmates who report that they have been prescribed medications shall receive the same or comparable medication as soon as is reasonably possible upon verification that the medication is appropriate, unless a medical professional determines such medication is inconsistent with generally accepted professional standards. If the inmate's reported medication is ordered discontinued or changed by a medical professional, a medical professional shall conduct a face-to-face evaluation of the inmate as medically appropriate.
41. Medication Management The Defendants shall develop and implement guidelines and controls regarding the access to, and storage of, medication as well as the safe and appropriate disposal of medication and medical waste.

F. Mental Health Care

42. Mental Health Treatment The Defendants shall ensure that a qualified mental health professional provides timely, adequate, and appropriate screening, assessment, evaluation, treatment and structured therapeutic activities to inmates

requesting mental health services, inmates who become suicidal, and inmates who enter the Jail with serious mental health needs or develop serious mental health needs while incarcerated.

43. Mental Illness Training The Defendants shall conduct initial and periodic training for all security staff on how to recognize symptoms of mental illness and respond appropriately. Such training shall be conducted by a qualified mental health professional, registered psychiatric nurse, or other appropriately trained and qualified individual, and shall include instruction on how to recognize and respond to mental health emergencies.
44. Mental Health Assessment and Referral The Defendants shall develop and implement adequate policies, procedures, and practices consistent with generally accepted professional standards to ensure timely and appropriate mental health assessments by a qualified mental health professional for any inmate who becomes suicidal and those inmates whose mental health histories, whose responses to initial screening questions, or whose behavior indicate a need for such an assessment.

V. SUICIDE PREVENTION

45. Suicide Prevention Policy The Defendants shall implement a suicide prevention policy that includes the following provisions - (a) training; (b) intake screening/assessment; (c) communication; (d) housing; (e) observation; (f) intervention; and (g) mortality and morbidity review.

46. Suicide Prevention Training Curriculum The Defendants shall implement a suicide prevention training curriculum that will include the following topics - (a) the suicide prevention policy as revised consistent with this Order; (b) why facility environments may contribute to suicidal behavior; (c) potential predisposing factors to suicide; (d) high risk suicide periods; (e) warning signs and symptoms of suicidal behavior; (f) case studies of recent suicides and serious suicide attempts; (g) mock demonstrations regarding the proper response to a suicide attempt; and (h) the proper use of emergency equipment.
47. Staff Training Within six months of the effective date of this Order, the Defendants shall ensure that all existing and newly hired Jailers and medical staff receive an initial eight-hour training on the suicide prevention curriculum described above. Following completion of the initial training, the Defendants shall ensure that a minimum of two hours of refresher training on the curriculum are completed by all staff each year.
48. Initial Suicide Risk Screening The Defendants shall develop and implement policies and procedures pertaining to intake screening in order to identify newly arrived inmates who may be at risk for suicide. The screening process shall include inquiry regarding - (a) past suicidal ideation and/or attempts; (b) current ideation, threat, plan; (c) prior mental health treatment/hospitalization; (d) recent significant loss (job, relationship, death of family member/close friend, etc.); (e) history of suicidal behavior by family member/close friend; (f) suicide risk

during prior confinement in a state facility; and (g) arresting/transporting officer(s) belief that the inmate is currently at risk.

49. Housing The Defendants shall provide safe housing in suicide-resistant cells and adequate supervision of inmates identified as suicidal. Suicide-resistant cells shall include replacement or modification of fixtures (e.g., grates, cell bars, or faucets) that can be conducive to hanging so that they are suicide-resistant. The location of the cells shall provide full visibility to staff.
50. Observation The Defendants shall develop and implement policies and procedures pertaining to observation of suicidal inmates, whereby an inmate who is not actively suicidal, but expresses suicidal ideation (e.g., expressing a wish to die without a specific threat or plan) and/or has a recent prior history of self-destructive behavior, or an inmate who denies suicidal ideation or does not threaten suicide, but demonstrates other concerning behavior (through actions, current circumstances, or recent history) indicating the potential for self-injury, shall be placed under "Close Observation Status" and observed by staff at staggered intervals not to exceed every 15 minutes (e.g., 5, 7, 10 minutes). An inmate who is actively suicidal, either threatening or engaging in self-injurious behavior, shall be placed on "Constant Watch Status" and observed by staff on a continuous, uninterrupted basis. Any observer responsible for a suicide watch shall have a clear, unobstructed view of the suicidal inmate at all times. Suicide checks shall be logged at least once every 15 minutes by Jailers. Any inmate on

suicide precautions shall be referred for a mental health care assessment and treatment.

51. Suicide Risk Assessment The Defendants shall ensure that a formalized suicide risk assessment by a qualified mental health professional is performed within an appropriate time not to exceed 48 hours of the initiation of suicide precautions. The assessment of suicide risk by qualified mental health professionals shall include, but not be limited to, the following - (a) description of the antecedent events and precipitating factors; (b) suicidal indicators; (c) mental status examination; (d) previous psychiatric and suicide risk history, level of lethality; (e) current medication and diagnosis; and (f) recommendations/treatment plan. Findings from the assessment shall be documented on both the assessment form and health care record.
52. Step-Down Observation The Defendants shall develop and implement a “step-down” level of observation whereby inmates on suicide precaution are released gradually from more restrictive levels of supervision to less restrictive levels for an appropriate period of time prior to their discharge from suicide precautions.
53. Discharge from Suicide Precautions The Defendants shall ensure that inmates are not discharged from suicide precautions without an evaluation and recommendation by a qualified mental health professional. All inmates discharged from suicide precautions shall continue to receive follow-up assessment in accordance with a treatment plan developed by a qualified mental health professional.

VI. ENVIRONMENTAL HEALTH AND SAFETY

A. General Sanitation

54. Cleanliness The Defendants shall maintain a clean and sanitary Jail. Within 60 days after entry of this Order, the Defendants will thoroughly clean, paint, and fumigate the existing Jail facility as needed. Afterwards, the Defendants shall regularly clean and maintain the Jail pursuant to a general housekeeping and maintenance plan. Inmates shall be provided cleaning materials on a daily basis, but the Defendants are ultimately responsible for the Jail's cleanliness and physical condition. The Jail Administrator shall assign a Jailer responsibility for overseeing implementation of the housekeeping and maintenance plan.
55. Plumbing and Ventilation In order to maintain sanitary living conditions, prevent inmate injuries, and reduce the risk of infectious disease transmission, the Defendants shall ensure that plumbing and ventilation systems are adequately maintained and installed.
56. Pest Control The Defendants shall develop and implement a reasonably integrated pest management program at the Jail. The Defendants shall continue to contract for routine, professional exterminator services, including routine spraying and follow up as needed.
57. Laundry The Defendants shall develop and implement policies and procedures for laundry procedures to protect inmates from risk of exposure to contagious disease, bodily fluids, and pathogens. The Defendants shall ensure that inmates are provided clean clothing, underclothing and bedding in compliance with policy,

and that the laundry exchange schedule provides equitable distribution and pickup service to all housing areas.

58. Infection Control Plan The Defendants shall develop and implement an infection control plan that addresses contact, blood borne, and airborne hazards and infections. The plan shall include provisions for the identification, treatment, and control of Methicillin-resistant Staphylococcus Aureus (“MRSA”) at the Jail.
59. Hazardous waste The Defendants shall appropriately dispose of hazardous and medical waste.
60. Food Service The Defendants shall ensure that food service at the Jail is operated in a safe and hygienic manner. To reduce the risks of food-borne illnesses, the Defendants shall develop and implement a food service plan to ensure - (a) safe food preparation, handling, and storage; (b) proper sanitation of food preparation areas and equipment; and (c) appropriate training and supervision of persons responsible for food service.

B. Fire Safety

61. Fire and Life Safety Equipment The Defendants shall ensure that the Jail has adequate fire and life safety equipment, including installation and maintenance of fire alarms in all housing areas. The Defendants shall ensure that all fire and life safety equipment is properly maintained and inspected, with adequate documentation thereof.
62. Fire Procedure Training The Defendants shall implement competency-based testing for staff regarding fire/emergency procedures.

63. Fire Safety Plan The Defendants shall develop and implement a written comprehensive fire safety and emergency/disaster plan, and ensure that staff are appropriately trained in implementing the plan.
64. Key Control The Defendants shall ensure that emergency keys are appropriately marked and identifiable by touch and consistently stored in a quickly accessible location, and that staff are adequately trained in the use of the emergency keys.
65. Exit Plans The Defendants shall post and maintain clearly labeled fire exit plans which are accepted by the Fire Marshal.
66. Flammable Materials The Defendants shall control combustibles and eliminate highly flammable materials throughout inmate living areas.
67. Emergency Preparedness The Defendants shall maintain the Jail in a manner that provides adequate fire safety. Defendants shall take all reasonable measures to ensure that - (a) inmates can be evacuated in a safe and timely manner during an emergency; (b) emergency exit routes are free of obstacles, maintained in a safe manner, and available for use; (c) emergency keys are readily accessible to staff.

VII. QUALITY ASSURANCE

68. Policies and Procedures The Defendants shall develop and implement written quality assurance policies and procedures to regularly assess and ensure compliance with the terms of this Order. These policies and procedures shall include, at a minimum - (a) provisions requiring an annual quality management plan and annual evaluation; (b) quantitative performance measurement tools; (c) tracking and trending of data; (d) creation of a multidisciplinary team;

(e) morbidity and mortality reviews with self-critical analysis; and (f) periodic review of emergency room visits and hospitalizations.

69. Corrective Action Plans The Defendants shall develop and implement policies and procedures to address problems that are uncovered during the course of quality assurance activities. The Defendants shall develop and implement corrective action plans to address these problems in such a manner as to prevent them from occurring again in the future.

VIII. POLICIES AND PROCEDURES

70. Policy Development The Defendants shall revise and/or develop comprehensive policies and procedures for Jail operations as required to comply with this Order. Such procedures shall include - (a) intake, initial screening and objective classification; (b) use of force policies; (c) medical, dental, and mental health care; (d) general housekeeping and maintenance; (e) inmate rights; (f) inmate hygiene; (g) inmate clothing distribution and laundry; (h) disciplinary procedures; (i) staff training; (j) fire safety; (k) grievance system; (l) incident reporting; (m) quality assurance; and (n) suicide prevention.
71. Associated Documents The Defendants shall revise and/or develop as necessary other written documents such as screening tools, logs, handbooks, manuals and forms, to effectuate the provisions of this Order.
72. Review by the United States Within one-hundred twenty (120) days of the execution of this Order, the Defendants shall submit all policies, procedures, and

other documents required by or referenced in this Order to the United States for review and approval.

73. Implementation The Defendants shall implement policies, procedures, and documents approved by the United States within ninety (90) calendar days of notice of approval, to the extent that such policies have not already been implemented.

IX. CONSTITUTIONALLY SOUND FACILITY

74. Physical Plant By April 1, 2009, the Defendants shall house all Terrell County Jail inmates at a facility that meets minimum constitutional standards. By this date, the Defendants will house inmates in a facility that complies with this Order. The parties anticipate that the Defendants will either renovate an existing facility or build a new facility in order to meet this requirement. The facility shall include adequate numbers of high security cells to address security and classification needs, appropriate security design features to ensure adequate inmate safety, and expansion or construction of service areas (e.g., infirmary) to meet constitutional standards. Consistent with federal law, the Defendants shall ensure that any renovations or construction complies with generally accepted professional standards.
75. Design The Defendants shall obtain the services of qualified professionals to evaluate, design, plan, oversee, and implement the Jail construction or renovation process. At each major phase of the Jail renovation or construction process, the Defendants shall provide the United States with copies of design documents. This

includes, but is not limited to the initial evaluation of Jail renovation and construction options as well as a copy of the final plans and specifications for any new or renovated facility.

76. Staffing The Defendants shall consult with a qualified corrections expert as to the required services and staffing levels needed for any replacement facility. In particular, prior to moving inmates into a new or renovated Jail facility, the Defendants shall arrange for a staffing study, conducted by the qualified corrections expert, to ensure that any new or renovated facility is adequately staffed to provide inmates with reasonable safety.
77. Alternate Facility If the Defendants transfer inmates to the Terrell County Correctional Institution ("TCCI") or a facility at another County, the United States shall be given reasonable opportunities to inspect the alternate facility to ensure that it meets constitutional standards.
78. Extension of Jurisdiction The Court shall retain jurisdiction over Terrell County inmates housed in a new Jail facility or TCCI. This includes jurisdiction to grant appropriate relief if the United States: a) seeks to enforce its inspection and access rights pertaining to Terrell County inmates housed at a new Jail facility or TCCI, or b) seeks to obtain necessary relief at a new Jail facility or TCCI to ensure compliance with this Order and constitutional requirements.

X. **COMPLIANCE, REPORTING, DOJ MONITORING, AND TERMINATION**

A. **Termination and Substantial Compliance**

79. **Termination** Consistent with the Prison Litigation Reform Act and federal law, the Court's jurisdiction over the parties pursuant to this Order shall terminate, and the case will be dismissed, when the Defendants achieve substantial compliance with each and every term of this Order for a period of one year.
80. **Termination Date** This Order will terminate three years after entry.
81. **Substantial Compliance** Non-compliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance, shall not constitute failure to maintain substantial compliance. At the same time, temporary compliance during a period of otherwise sustained non-compliance shall not constitute substantial compliance. After substantial compliance with all provisions of this Order for a period of one year, the DOJ and the Defendants will file a Joint Motion for Termination that confirms that the commitments contained in this Order have been satisfied and which relieves the parties from further monitoring and reporting.
82. **Compliance Timeline** The Defendants shall begin implementing this Order immediately upon its Effective Date. Except where otherwise specifically indicated, the Defendants shall complete implementation of all the provisions of this Order within 180 days after the Effective Date. If the Defendants are unable to complete implementation of any provision within this time period, they shall request an extension from the United States. If the United States does not agree to

the extension, the Defendants may seek an additional 60 day-extension from the Court by filing a motion with the Court. The Motion for Extension shall include a certification that a good faith basis exists for granting this extension. If the Defendants fail to implement the terms of this Order on a timely basis, the United States may seek appropriate relief from the Court, including immediate injunctive relief if the Defendants' failure to comply with the Settlement creates a condition or practice at the Jail that could present an imminent threat to the health, safety, or life of inmates.

B. Compliance Reporting

83. Technical Assistance The Defendants shall obtain training and consulting services from qualified professionals in the areas of corrections and correctional health care for the development and implementation of policies and procedures that comply with the terms of this Order. Any technical assistance consultants retained by the Defendants must be approved by the United States. The technical assistance consultants shall prepare at least one report every six months identifying any remaining deficiencies at the Jail and corrective action recommendations. The United States shall have full access to the consultants and their work materials. This access shall include the right to communicate ex parte with the consultants. Because these consultants are technical assistance consultants, they shall be precluded, however, from testifying on compliance matters regarding this Order unless the United States consents. Also, their reports

may not be introduced in any compliance proceeding without the United States' consent.

84. Compliance Reporting The Defendants, with the aid of their qualified professional consultants, shall submit quarterly compliance reports to the United States, the first of which shall be filed within 90 days of the date of this Order. Thereafter, the quarterly reports shall be filed 15 days after the termination of each four-month period thereafter until the Order is terminated. Each compliance report shall describe the actions the Defendants have taken during the reporting period to implement this Order and shall make specific reference to the Order provisions being implemented.

85. Documentation of Compliance The Defendants shall maintain sufficient records to document that the requirements of this Order are being properly implemented and shall make such records available at all reasonable times for inspection and copying by the United States. In addition, the Defendants shall maintain and submit upon request records or other documents to verify that they have taken such actions as described in their compliance reports (e.g., census summaries, policies, procedures, protocols, training materials, and incident reports) and will also provide all documents reasonably requested by the United States.

C. Compliance Monitoring and Enforcement

86. Compliance Monitoring DOJ representatives, with their experts, may conduct periodic, unannounced, on-site compliance monitoring tours. The Defendants shall provide DOJ representatives with reasonable access to inmates and staff,

documents, and information relating to implementation of this Order. DOJ shall have the right to conduct confidential interviews with inmates, and to conduct interviews with facility staff outside the presence of other staff or supervisors. The DOJ's right of access includes all documents regarding medical care, mental health care, suicide prevention, or protocols or analyses involving one of those subject areas.

87. Non-compliance If the Defendants fail to implement the requirements of this Order in a timely manner, the United States shall be entitled to appropriate relief from the Court.
88. Emergency Situations If the Defendants' non-compliance with any provision of this Order constitutes an emergency (i.e., an imminent threat to the health, safety, or life of an inmate or inmates), the United States may file for immediate injunctive relief to remedy the deficient condition or practice at the Jail.

D. General Provisions

89. Dissemination of Order Within 30 days of the effective date of this Order, the Defendants shall distribute copies of the Order to all relevant staff, including all medical and security staff at the Jail and explain it as appropriate.
90. Successors This Order shall be applicable to and binding upon all parties, their officers, agents, employees, assigns, and their successors in office.
91. Costs All parties shall bear their own costs, including attorney fees.
92. Defense of Order The parties agree to defend the provisions of this Order. The parties shall notify each other of any court challenge to this Order. In the event

any provision of this Order is challenged in any local or state court, removal to a federal court shall be sought.

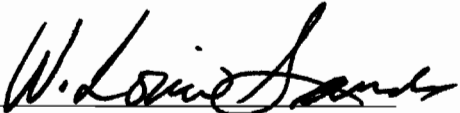
93. Enforcement Failure by either party to enforce this entire Order or any provision thereof with respect to any deadline or any other provision herein shall not be construed as a waiver of its right to enforce deadlines or other provisions of this Order.
94. Unforeseen Delay If any unforeseen circumstance occurs which causes a failure to timely carry out any requirements of this Order, the Defendants shall notify DOJ in writing as soon as possible, but no later than 20 calendar days of the time that the Defendants become aware of the unforeseen circumstance and its impact on the Defendants' ability to perform under the Order. The notice shall describe the cause of the failure to perform and the measures taken to prevent or minimize the failure. The Defendants shall implement all reasonable measures to avoid or minimize any such failure.
95. Non-Retaliation The Defendants shall not retaliate against any person because that person has filed or may file a complaint, provided information or assistance, or participated in any other manner in an investigation or proceeding relating to this Order.
96. Severability In the event any provision of this Order is declared invalid for any reason by a court of competent jurisdiction, said finding shall not affect the remaining provisions of this Order.

97. Notice "Notice" under this Order shall be provided overnight delivery and shall be provided to counsel for the Board of County Commissioners, counsel for the Sheriff, and counsel of record for the United States.
98. Subheadings All subheadings in this Order are written for convenience of locating individual provisions. If questions arise as to the meanings of individual provisions, the parties shall follow the text of each provision.

XI. PRISON LITIGATION REFORM ACT, 18 U.S.C. § 3626, FINDINGS

99. The prospective relief in this Order is based upon and supported by this Court's findings in its September 30, 2006 Order, which further incorporates by reference the United States' Statement of Undisputed Material Facts in Support of Motion for Summary Judgment (Nov. 14, 2005). The prospective relief in this Order is necessary to correct the violations of the federal rights of Jail inmates.
100. This Order is narrowly drawn, extends no further than necessary to correct these violations, and is the least intrusive means necessary to correct these violations.
101. This Order will not have an adverse impact on public safety or the operation of a criminal justice system.
102. This Order complies with the requirements of the Prison Litigation Reform Act, 18 U.S.C. § 3626 et seq.

SO ORDERED, this 21st day of Dec. 2007.


W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT