LEGAL AID SOCIETY

PRISONERS' RIGHTS PROJECT

INDEX TO THE LAW OF CONDITIONS AND PRACTICES OF PRE-TRIAL DETENTION

For the use of the staff of the Prisoners' Rights Project of the Criminal Appeals Bureau only. Do not remove from the offices of the Criminal Appeals Bureau.

DAN PUBLIDA

TABLE OF CONTENTS

SCOPE NOTE

This index to the law of pre-trial detention is intended to include all judicial decisions on the subject known to the Prisoners' Rights Project as of approximately November 1, 1977, except for a few unreported decisions which will probably be reported in the near future.

The scope of the index is restricted to conditions and practices in pre-trial detention facilities and related procedural and remedial questions. Holdings concerning the rights of defendants in the criminal process itself, e.g., on challenges to bail practices, are excluded except where they are closely related to jail conditions and practices. For example, judicial orders regarding bail practices are included when they are intended as a remedy for jail overcrowding. However, holdings of some applicability to jail conditions are included even when the main substance of the case is excluded. For example, the holding in Gerstein v. Pugh, 420 U.S. 103 (1975), regarding mootness in detainee class actions is included, although the main substance of the case, the right to a probable cause hearing, is not. Finally, in cases involving both detainees and sentenced prisoners, holdings involving only the rights of the latter are excluded.

TABLE OF CASES

Inmates of Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676 (D. Mass. 1973).

Inmates of the Suffolk County Jail v. Eisenstadt, No. 71-162-G (D. Mass., Nov. 12, 1973) (Supplemental Order), aff'd, 494 F.2d 1196 (1st Cir. 1974), cert. denied sub nom. Hall v. Inmates of Suffolk County Jail, 419 U.S. 977 (1974).

Inmates of the Suffolk County Jail v. Eisenstadt, No. 71-162-G (D. Mass., March 5, 1975), aff'd, 518 F.2d 1241 (1st Cir. 1975).

Inmates of the Suffolk County Jail v. Eisenstadt, No. 71-162-G (D. Mass. Oct. 20, 1975).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi).

Jackson v. Hendrick, 457 Pa. 405, 321 A. 2d 603 (1974), reversing Hendrick v. Jackson, 10 Pa. Commonwealth 392, 309 A. 2d 187, 192 (1973).

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance).

Jackson v. Hendrick, No. 2437 (Pa. Court of Common Pleas, Nov. 20, 1976) (Opinion).

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I).

Johnson v. Amico, Memorandum (Sup. Ct., Erie Co., N.Y., Nov. 6, 1974).

Johnson v. Glick, 481 F. 2d 1028 (2nd Cir. 1973).

Johnson v. Lark, 365 F. Supp. 289 (E.D. Mo. 1973).

Johnson v. Ciccone, 260 F. Supp. 553 (W.D. Mo. 1966).

Joiner v. Pruitt, Cause No. 475-166 (Lake County Ind. Super. Ct., Feb. 21, 1975) (Order).

Joiner v. Pruitt, Cause No. 475-166 (Lake Cty. Ind. Super. Ct., June 30, 1975) (Special Findings of Fact, Conclusions of Law and Judgment and Decree).

Jones v. Metzger, 456 F. 2d 854 (6th Cir. 1972).

Jones v. Sharkey, No. 4948 (D.R.I., June 7, 1972).

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. Ohio 1971), aff'd in part sub nom. Jones v. Metzger, 456 F.2d 854 (6th Cir. 1972).

Jones v. Wittenberg, Civil No. C-70-388 (N.D. Ohio, May 11, 1973) (Order).

Jones v. Wittenberg, Civil No. C-70-388 (N.D. Ohio, May 14, 1973) (Memorandum).

Jones v. Wittenberg, 73 F.R.D. 82 (N.D. Ohio 1976).

Jones-Bey v. Caso, 535 F. 2d 1360 (2d Cir. 1976).

KQED, Inc. v. Houchins, 546 F. 2d 284 (9th Cir. 1976).

Kimbrough v. O'Neil, 523 F. 2d 1057 (7th Cir. 1975).

Kimbrough v. O'Neil, 545 F. 2d 1059 (7th Cir. 1976) (en banc).

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary Injunction).

Kindale v. Dowe, Civil No. 73-374-GT (S.D. Ca., April 30, 1974) (Stipulation for Partial Judgment).

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order).

Lasky v. Quinlan, No. 73-1666 (S.D.N.Y., Oct. 8, 1976).

Lasky v. Quinlan, 406 F. Supp. 265 (S.D.N.Y. 1976).

Lasky v. Quinlan, 419 F. Supp. 799 (S.D.N.Y. 1976), vacated as moot, 558 F. 2d 1133 (2d Cir. 1977).

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976).

Lucas v. Wasser, 425 F. Supp. 955 (S.D.N.Y. 1976).

McDonald v. Board of Election Commissioners of Chicago, 394 U.S. 802 (1969).

McDonald v. State of Illinois, 557 F. 2d 596 (7th Cir. 1977).

Main Road v. Aytch, 385 F. Supp. 105 (E. D. Pa. 1974).

Main Road v. Aytch, 522 F. 2d 1080 (3rd Cir. 1975).

Maldonado v. Malcolm, 76 Civ. 2854 (S.D.N.Y., Oct. 22, 1976) (Stipulation of Settlement).

Maldonado v. Malcolm, No. 76 Civ. 2854, Opinion and Order (S.D.N.Y., April 27, 1977).

Maldonado v. Malcolm, No. 76 Civ. 2854, Order (S.D.N.Y., June 29, 1977).

Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975).

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment).

Palmigiano v. Travisono, 317 F. Supp. 776 (D.R.I. 1970).

Patterson v. Hopkins, 350 F. Supp. 676 (N.D. Miss. 1972), aff'd,481 F. 2d 640 (5th Cir. 1973).

Pennell v. Myatt, No. 74-87 (D.N.H. March 6, 1975).

People v. Von Diezelski, 78 Misc. 2d 69 (1974).

Powlowski v. Wullich, 81 Misc. 2d 895 (Sup. Ct. Monroe County 1975).

Powlowski v. Wullich, No. 75-1649 (Sup. Ct. Monroe County Oct. 15, 1976).

Pugh v. Rainwater, 557 F. 2d 1189 (5th Cir. 1977).

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y. Aug. 2, 1973).

Rhem v. Malcolm, 371 F. Supp. 594 (S.D.N.Y. 1974), aff'd and remanded, 507 F. 2d 333 (2d Cir. 1974).

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., March 22, 1974).

Rhem v. Malcolm, 377 F. Supp. 995 (S.D.N.Y. 1974), aff'd and modified, 507 F. 2d 333 (2d Cir. 1974).

Rhem v. Malcolm, 507 F. 2d 333 (2nd Cir. 1974).

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 14, 1975).

Rhem v. Malcolm, 527 F. 2d 1041 (2nd Cir. 1975).

Rhem v. Malcolm, 389 F. Supp. 964 (S.D.N.Y. 1975).

Rhem v. Malcolm, 396 F. Supp. 1195 (S.D.N.Y. 1975).

Rhem v. Malcolm, 432 F. Supp. 769 (S.D.N.Y. 1977).

Roach v. Kligman, 412 F. Supp. 521 (E. D. Pa. 1976).

Rodriguez v. Jiminez, 409 F. Supp. 582 (D.P.R. 1976), stay denied pending appeal, 537 F.2d 1 (1st Cir. 1976), aff'd, 551 F.2d 877 (1st Cir. 1977).

Rodriguez v. Jiminez, 537 F.2d 1 (1st Cir. 1976).

Rodriguez v. Jiminez, see also Martinez Rodriguez v. Jiminez.

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment (S.D.N.Y., March 17, 1977).

Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation).

Sanabria v. Village of Monticello, 424 F. Supp. 402 (S.D.N.Y. 1976).

Sandlin v. Pearsall, 427 F. Supp. 494 (E.D. Tenn. 1976).

Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion).

Sandoval v. Janes, Civil No. C-72-2213 RFP/SJ (N.D. Ca., 1976) (Order Appointing Special Master).

Sandoval v. Noren, No. C-72-2213 RFP/SJ (N.D. Ca., June 28, 1976) (Amended Order Granting Interim Relief Re: Security and Humane Treatment).

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Calif., Dec. 10, 1976) (Order re: Medical Issues).

Sandoval v. Noren, No. C-72-2213RFP/SJ (N.D. Calif., Dec. 10, 1977) (Order re: Classification System).

Sheldon v. Damask, Civil No. 1445-70 (D.N.J., May 22, 1974) (Findings of Fact and Conclusions of Law).

Smith v. Carberry, No. C-70 1244 LHB (N.D. Cal., Aug. 5, 1970) (Preliminary Injunction).

Smith v. Sampson, 349 F. Supp. 268 (D.N.H. 1972).

Smith v. Sullivan, 553 F. 2d 373 (5th Cir. 1977).

Stanley v. Walker, Civil No. 74-1229 (E.D. Pa., June 4, 1974) (Stipulation).

Stephens v. Sanders, No. 18244 (N.D. Ga., July 13, 1974) (Consent Order).

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment).

Sykes v. Kreiger, Civil Action No. C 71-1181 (N.D. Ohio, May 15, 1975) (Order).

Tate v. Kassulke, 409 F. Supp. 651 (W.D. Ky. 1976).

Taylor v. Sterrett, 344 F. Supp. 411 (N.D. Tex. 1972).

Taylor v. Sterrett, 499 F. 2d 367 (5th Cir. 1976).

Taylor v. Sterrett, 527 F. 2d 856 (5th Cir. 1976).

Taylor v. Sterrett, 532 F.2d 462 (5th Cir. 1976).

Tucker v. Thompson, 421 F. Supp. 297 (M.D. Ga. 1976).

Tyler v. Ciccone, 299 F. Supp. 684 (W.D. Mo. 1969).

Tyler v. Harris, 226 F. Supp. 852 (W.D. Mo. 1964).

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 2, 1974) (Order).

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion).

U.S. ex. rel. Manicone v. Corso, 365 F. Supp. 576 (E.D.N.Y. 1973), amended sub nom. Manicone v. Cleary, No. 74-575 (E.D.N.Y. June 30, 1975).

United States ex. rel. Tyrrell v. Speaker, 535 F.2d 823 (3rd Cir. 1976).

United States el. rel. Wolfish v. Levi, see Wolfish v. United States

United States v. West, 557 F.2d 151 (8th Cir. 1977).

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., July 31, 1974) (Memorandum of Decision and Order), modified, Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Oct. 2, 1974) (Judgment), p. 2, aff'd sub nom. Detainees of Brooklyn House of Detention for Men v. Malcolm, 520 F.2d 392, 396 (2d Cir. 1975).

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Oct. 2, 1974) (Judgment), aff'd and remanded sub nom. Detainees of Brooklyn House of Detention for Men v. Malcolm, 520 F.2d 392 (2d Cir. 1975).

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Nov. 6, 1974) (Order).

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Nov. 15, 1974) (Memorandum and Order).

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Sept. 9, 1975) (First Memorandum on Remand).

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Dec. 17, 1975) (Second Memorandum on Remand).

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Jan. 8, 1976) (Partial Final Judgment).

Vienneau v. Shanks, 425 F. Supp. 676 (W.D. Wisc. 1977).

Vinnedge v. Gibbs, 550 F. 2d 926 (4th Cir. 1977).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173217 (Circuit Court, Wayne Co., Mich., July 28, 1972) (Opinion on Motion for New Trial and Motion to Amend Judgment).

Wayne County Jail Inmates v. Wayne County Sheriff, 391 Mich. 359 (1974).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Wayne Co. Circuit Court, June 19, 1975) (Interim Opinion, etc.).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 20, 1975) (Order on Motions to Amend Judgment).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Ct., Wayne Co., Mich., Nov. 25, 1975).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne County, Mich., Dec. 1, 1975) (Order Granting Plaintiffs' Motion for Limited Access to the County Jail).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Court, Wayne Co., Mich., Dec. 1, 1975) (Order Regarding Causal Connection Between violations of the Judgment and Suicide of Inmate David Fregin).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Jan. 24, 1976) (Opinion).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., March 1, 1976) (Opinion Regarding Sheriff's Suicide Prevention Plan).

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., March 8, 1976) (Opinion Concerning Emergency Plans for Relief from Overcrowding).

Wayne County Jail Inmates v. Wayne County Board of Commissionwes, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Cty. Mich., Nov. 22, 1976) (Opinion on Plaintiffs' Motion for Attorneys' Fees).

Wilkinson v. Skinner, 34 N.Y. 2d 53 (1974).

Williams v. Hoyt, 556 F.2d 1336 (5th Cir. 1977).

I. PHYSICAL CONDITIONS

The constitutionality of physical conditions of incarceration is to be measured in relation to the period of time for which the conditions are imposed on an inmate. Renovation plan that is unconstitutional for general confinement purposes is constitutional for purposes of short-term confinement.

Rhem v. Malcolm, 432 F.Supp. 769, 789 (S.D.N.Y. 1977)

Under state law, jail may be required to comply with city and state housing regulations.

Wayne County Jail Inmates v. Wayne County Sheriff, 391 Mich. 359, 367-68 (1974)

I.A. Physical Conditions--Personal space (See also Personal property--Possession--Decoration of living areas)

State statutes and regulations require that dormitories be populated only by inmates selected as suitable to associate with each other under those conditions. Public health standards require that in dormitories, flush toilets be available in the ratio of one for every eight inmates.

Anderson v. Redman, 429 F.Supp. 1105, 1120 (D.Del. 1977)

Use of hospital for general housing is unacceptable under state statutes and regulations.

Anderson v. Redman, 429 F.Supp. 1105, 1120-21, 1124 (D.Del. 1977)

I.A.1 Physical Conditions--Personal Space--Crowding

The correct standard for determining constitutionally acceptable levels of prison population is the rated capacity of the institution. Standard is not number of infractions per man at varying population levels. Expert's testimony that ACA standard of 75 square feet per man in sleeping area is minimally acceptable given great weight.

Ambrose v. Malcolm, 414 F.Supp. 485,489, 492-95 (S.D.N.Y. 1976)

Reduction in population ordered, excellent discussion of timetables and possibility of release of prisoners.

Anderson v. Redman, 429 F.Supp. 1105, 1125-28 (D.Del. 1977)

Defendants required to submit a list of all unconvicted jail inmates and plaintiffs' counsel, the Public Defender, required to seek their release due to overcrowded conditions.

Campbell v. McGruder, 1462-71 (D.D.C., March 21, 1975) (Memorandum and Order), p.2, remanded. (D.C.Circuit, May 2, 1975).

To alleviate crowding, Public Defender attorneys ordered to present claims for pre-trial release, defendants ordered to take steps to move convicted felons awaiting sentence, to request U.S. Marshal to move transferees faster, to use demountable housing units, and to appoint a ranking officer to maintain a liaison with other agencies.
Campbell v. McGruder, 416 F.Supp. 106, 110-11 (D.D.C. 1975)

Defendants enjoined from housing more than specified number of detainees in certain facilities and cell blocks.
Campbell v. McGruder, 416 F.Supp. 111, 117 (D.D.C. 1976)

Defendants must submit a plan to alleviate crowding.
Inmates of Metro Jail v. Thomas, No. A-5629 (Chancery Ct., Davidson Co., Tenn., July 28, 1975) (Order),p.1.

Overcrowding under the circumstances does not amount to cruel and unusual punishment (totality).
Padgett v. Stein, 406 F.Supp. 287, 294 (M.D.Pa. 1975)

Where state minimum standards were incorporated in consent decree, defendants would be ordered to comply with standards on crowding.
Padgett v. Stein, 406 F.Supp. 287, 298-99 (M.D.Pa. 1975)

If obedience to a magistrate's commitment order would be unconstitutional, the sheriff may ignore it without being in contempt.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 28, n.21.

Three-step plan for reducing overcrowding adopted. "Judicial forbearance is in order where insistence on instant compliance with the law would severely disrupt the community and where ultimate compliance with the law necessitates drastic changes in the community's established practices." However, defendants given only 90 days for first step, because they have known about the problem for years and because "outrageous, subhuman overcrowding" must be ended immdiately.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 22-24.

I.A.1.a. Physical Conditions--Personal Space--Crowding--Cells

There shall be single occupancy cells, with a minimum of 70 square feet.
Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

Authorities enjoined from double-celling an inmate for more than 30 days, including time spent at institutions other than the Bronx House (exceptions for suicide watch and emergencies). No detainee

entitled to single cell status can be transferred to another City institution for the purpose of double-celling him. No burden shall be placed upon detainees asserting their right to single occupancy. A written record will be maintained whenever a inmate is double celled.
Ambrose v. Malcolm, No. 76-190 (S.D.N.Y. Jan. 27, 1976) (Order) pp.2-3

Double celling found in violation of state regulations and public health standard of 60 square feet of floor space and 500 cubic feet of air space.
Anderson v. Redman, 429 F.Supp. 1105, 1119 (D.Del. 1977)

Dormitories must provide a minimum of 75 square feet per inmate in general, although 60 square feet might suffice for inmates on work or educational release.
Anderson v. Redman, 429 F.Supp. 1105, 1119-20 (D.Del. 1977)

Maximum population of receiving room cells restricted to design capacity of two inmates per cell.
Anderson v. Redman, 429 F.Supp. 1105, 1123 (D.Del. 1977)

Cramped quarters contribute to finding of cruel and unusual punishment as to juveniles (totality).
Baker v. Hamilton, 345 F.Supp. 345, 353 (W.D.Ky. 1972)

Offer of proof that crowding alone has no adverse effect seeks merely to relitigate earlier affirmed finding that double celling is dehumanizing and impermissible.
Benjamin v. Malcolm, 75-3073 (S.D.N.Y., Nov. 18, 1975),p.4.

Whether or not detainees eat meals in cells is only one factor in decision that double-celling is unconstitutional. Other factors are "dehumanizing effect" of having to use toilets within sight of other inmates, and finding that two men cannot maneuver in cell at same time.
Benjamin v. Malcolm, 75-3073 (S.D.N.Y., Nov. 18, 1975), p.5

Defendants ordered to cease involuntary double celling of any inmate for more than 30 days, plus 10 days in emergencies, to refrain from imposing burdens on inmates who exercise right to a single cell, and to release detainees if the order so necessitates.
Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y., November 18, 1975), p.6 and Order.

Detainees' length of stay at institution is not a factor in double celling decision.
Benjamin v. Malcolm, 75-3073 (S.D.N.Y. Nov. 18, 1975), p.5

Double celling decision not dependent on or related to "provision for the needs" (unclear) or recreational opportunities of the detainees.
Benjamin v. Malcolm, 75-3073 (S.D.N.Y. Nov. 18, 1975), p.4

Injunction against double celling does not depend on finding of general overcrowdedness in the facility (dicta).
Benjamin v. Malcolm,75 Civ. 3073, p.3 (S.D.N.Y., Nov. 18, 1975)

Allowing double-celling at Rikers H.D.M. and Bronx H.D.M. after June 1, 1976, when such will be eliminated at the Brooklyn House, would create an unjust disparity in treatment.
Benjamin v. Malcolm, 75-3073 (S.D.N.Y., May 10, 1976),pp.3-4

Double celling is no less unconstitutional when limited in duration.
Benjamin v. Malcolm, 75-3073 (S.D.N.Y., May 10, 1976),p.3

Tiny cells violate 8th Amendment (totality).
Brenneman v. Madigan, 343 F.Supp. 128, 133 (N.D.Cal. 1972)

Defendants ordered to refrain from housing any detainee in any space with less than 48 square feet per person.
Campbell v. McGruder, 1462-71 (D.D.C., March 21, 1975) (Memorandum and Order), pp.2-3, remanded, (D.C.Cir., May 2, 1975).

Court found that placing 2 inmates in solitary cells designed for 1 person during period immediately following jail riot was justified.
Collins v. Schoonfield, 363 F.Supp. 1152, 1165 (D.Md., 1973)

Double celling in a 5 x 8 foot cell creates such dehumanizing conditions as to be unconstitutional.
Detainees of the Brooklyn House of Detention for Men v. Malcolm, 520 F.2d 392, 399 (2nd Cir., 1975).

Fact that cells housing 2 prisoners were about 6 by 8 feet in dimension contributed to court's finding that conditions of confinement violated pre-trial detainees' constitutional rights (totality).
Dillard v. Pitchess, 399 F.Supp. 1225, 1229, 1235, (C.D.Ca., 1975)

Overcrowding of cells is unconstitutional.
Duran v. Elrod, 542 F.2d 998, 1001 (7th Cir., 1976)

Detainees not to be double-celled.
Feely v. Sampson,No. 75-171 (D.N.H. Sept. 14, 1976),p.1

Double celling of detainees cannot be justified by the alleged need to separate detainees from sentenced persons. Double celling constitutes punishment and destroys any sense of privacy.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 8-9 (D.N.H., Sept. 24, 1976)

Inmates should be kept in single cells for the first 48 hours until they can be classified. Inmates should be kept in single cells as long as possible.

Goldsby v. Carnes, 429 F.Supp. 370, 382 (W.D.Mo. 1977) (consent judgment)

Preliminary injunction granted against double-celling, given Circuit decisions and elimination of practice in other city jails and irreparable harm involved in daily deprivation of constitutional rights.

Maldonado v. Malcolm, No. 76 Civ. 2854, Opinion and Order at 6 (S.D.N.Y., April 27, 1977)

Release of prisoners does not necessarily follow defendants' failure to meet deadline for ending double celling. Other alternatives may be explored as intermediate steps.

Maldonado v. Malcolm, No. 76 Civ. 2854, Order at 1-2 (S.D.N.Y., June 29, 1977)

Fact that cells designed to hold 4 inmates were being used to hold 6-8 inmates, contributed to court's finding of constitutional violation. (Totality).

Hamilton v. Schiro, 338 F.Supp. 1016, 1017 (E.D.La., 1970)

Diminutive size of cells contributed to court's finding of constitutional violation. (Totality)

Hodge v. Dodd, No. 16171 (N.D.Ga., May 2, 1972) (Order), 1 Prison L.Rptr. 263.

There shall be no overcrowding by placing more inmates in a given area than it is properly designed to hold.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975), Order for Partial Judgment, p.16.

All cells must be single occupancy.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F.Supp. 676, 690 (D.Mass. 1973) Supplemental order, 3 Prison L. Rptr. 20 (D.Mass. 1973)

Jail officials shall not house 2 prisoners in the same cell except upon the voluntary written consent of both prisoners or in the case of certified emergencies for a period not to exceed 20 days.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), pp. 2-3.

Double celling is unconstitutional.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Opinion), p. 14.

Overcrowding of cells led to finding of constitutional and statutory violation. (Totality)
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion & Decree Nisi), p. 222.

No more than one federal prisoner may be housed in a 5' x 8' cell.
Johnson v. Lark, 365 F.Supp. 289, 304 (E.D.Mo. 1973)

Confining three prisoners in a two-person cell contributes to a finding of cruel & unusual punishment (totality).
Johnson v. Lark, 365 F.Supp. 289, 302 (E.D.Mo. 1973)

Jail population must be reduced to permit no more than two persons per cell except in an emergency.
Jones v. Wittenberg, 330 F.Supp. 707, 714 (N.D.Ohio 1971)

Stipulation agreement set maximum occupancy limits for cells which could not be exceeded except for a maximum period of 72 hours in cases of emergency.
Kindale v. Dowe, Civil No. 73-374-GT (S.D.Ca. April 30, 1974) (Stipulation for Partial Judgment), p.1.

Assignment of juvenile inmates to any living unit which exceeds its rated capacity is unconstitutional and a violation of state law.
Manney v. Cabell, CV 75-3305-R (C.D.Calif., May 10, 1976) (Findings of Fact and Conclusions of Law), p.7.

Court modified preliminary injunction and allowed jail officials to keep inmates in holding cells for 4 as opposed to 2 hours; and to hold 15 as opposed to 10 inmates in one such cell.
Miller v. Carson, 392 F.Supp. 515, 517 (M.D.Fla., 1975).

No more than 10 individuals shall be housed in any one holding cell at a time.
Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p.3. (Based on Order, Findings of Fact & Conclusions of Law, Jan. 31, 1975; Affirmed in Order for Permanent Injunction)

The number of inmates shall not exceed 239, and no cell or cellblock shall contain more inmates than it was constructed for, except under emergency conditions.
Mitchell v. Untreiner, 421 F.Supp. 886, 898-99 (N.D.Fla. 1976)

Crowded cells contribute to finding of unconstitutionality (totality).
Moore v. Janing, 427 F.Supp. 567, 572 (D.Neb. 1976)

Jail officials shall reduce the overcrowding of inmates in a single cell in order to deter violence between inmates.

Obadele v. McAdory, Civil No. 723-103(N) (S.D.Miss., June 19, 1973), p.7.

Consent decree orders no double-celling at Tombs subject to the following:

1) Temporary doubling is allowed because of cell breakage or other extreme emergency.
2) Temporary doubling shall continue only for time needed to repair cells, not to exceed 60 days.
3) Permanent doubling, for administrative or medical reasons shall be in cells twice as large as existing cells.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973) p.3.

Fact that 3 pre-trial detainees were incarcerated for 10 hours in a 5 x 8 foot isolation cell contributed to court's finding of constitutional violation (totality).

Sheldon v. Damask, Civil No. 1445-70 (D.N.J., May 22, 1974) (Findings of Fact & Conclusions of Law), p.6.

Court ordered that sufficient cells and tanks to accommodate a number of inmates equal to the largest number in county jail during past year in any one day be immediately provided.

Taylor v. Sterrett, 344 F.Supp. 411, 422 (N.D.Tex., 1972)

Court ordered that solitary cells be of not less than 40 square feet in dimension.

Taylor v. Sterrett, 344 F.Supp. 411, 422 (N.D.Tex., 1972)

Jail population shall be reduced to not more than one man per cell and four per squad room.

Tyler v. Percich, 74-40-C(2) (E.D.Mo., October 2, 1974) (Order), p.2.

Court held that double celling is unconstitutional where detainees are held for extensive periods of time, and ordered that no person should be confined in a cell with another person unless on written consent, except in certified emergencies.

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., July 31, 1974) (Memorandum of Decision & Order), pp. 16, 19, Modified, Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., October 2, 1974) (Judgment), p.2; aff'd sub nom Detainees of the Brooklyn House of Detention, 520 F.2d 392, 399 (2nd Cir., 1975)

No person shall be confined in a cell with another person without the voluntary written consent of both persons except: (1) In the case of a person enrolled in a methadone program, for a period not to exceed 10 days; (2) In the case of a person in need of observation due to depression and/or potential suicidal tendencies in a cell containing at least twice the floor space of cells presently used, for a period

not to exceed 30 days; and in the case of all other emergencies certified by the Commissioner of Corrections, for a period not to exceed 10 days.

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., October 2, 1974) (Judgment), p.2., aff'd and remanded sub nom. Detainees of Brooklyn House of Detention for Men v. Malcolm, 520 F.2d 392 (2d Cir. 1975)

An inmate who has consented to double cell occupancy should have the right after 30 days to request a transfer to a single cell with the assurance (a) that he will not be penalized in any way for making such a request and (b) that if he is transfer to another institution he will not be double celled.

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Nov. 15, 1974) (Memorandum and Order), p.7.

Proposal to permit inmates to be double celled for 60 days rejected; 30 days set as outside limit.

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Sept. 9, 1975) (First Memorandum on Remand), pp.5-6.

Jail officials shall not confine more than one detainee in a cell unless on the voluntary written consent of both persons except: (1) In the case of a person in need of mental observation, certified in writing by a psychiatrist, for a period not to exceed 30 days; or (2) In case of emergencies certified by the Commissioner of Corrections, for a period not to exceed 10 days.

Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., Jan. 8, 1976) (Partial Final Judgment), pp. 2-3.

Cells found overcrowded in terms of air space and floor area requirements of state housing law and corrections law.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 3-16.

When three prisoners are jammed into a single cell, "the conscience of the Court is not merely shocked, it is outraged."

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p.19.

In determining permissible dormitory population, adjoining catwalk areas are included for purposes of air space but not floor space.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX, (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), pp.2-3.

There shall be only one inmate per individual cell.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 20, 1975) (Order on Motions to Amend Judgment), p.3.

Housing two prisoners in a room designed for one is unconstitutional.
Wolfish v. United States, 428 F.Supp. 333, 335-340 (S.D.N.Y. 1977)

I.A.1.b. Physical Conditions--Personal Space--Crowding--Facilities

Court ordered, in an effort to remedy overcrowding, that the county pretrial release program be modified and expanded and that "weekenders" not be incarcerated overnight.
Alberti v. Sheriff of Harris County, 406 F.Supp. 649, 674-676, (S.D.Tex., 1975)

Overcrowding found to have caused a breakdown in prison classification system. However, pre-trial detainees exempted from population limit based on "classification capacity" because detainees are not classified. However, design capacity never to be exceeded.
Anderson v. Redman, 429 F.Supp. 1105, 1121,1124 (D.Del. 1977)

Court set maximum number of inmates to be housed in jail.
Hamilton v. Love, No. LR-70-C-201 (E.D.Ark., June 22, 1971) (Interim Decree), pp.2-3.

Although a population ceiling would not be imposed, defendants would be required to report to the court on any day when the jail population exceeded 115.
Hamilton v. Love, 328 F.Supp. 1182, 1195 (E.D.Ark.,1971)

Fact that parish jail usually housed from 800-900 inmates, though it was built to house from 400 to 450, contributed to court's finding of constitutional violation (totality).
Hamilton v. Schiro, 338 F.Supp. 1016 (E.D.La., 1970).

Court ordered jail population be reduced to 110 persons, except in an emergency, when the number of inmates may exceed 110 for a period of up to 72 hours.
Holland v. Donelon, Civil No. 71-1442 (E.D.La., June 6, 1973), pp. 17-18.

Bail Appeal Project ordered continued in order to avoid overcrowding.
Inmates of Suffolk County Jail v. Eisenstadt, No. 71-162-G (D.Mass., March 5, 1975), aff'd, 518 F.2d 1241 (1st Cir. 1975)

Prison officials shall set a maximum capacity for each facility, based on the number of usable cells, for the purpose of maintaining the population at no greater than the rated level, and shall complete whatever maintenance is necessary to convert all appropriate cells into housing units.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p.2.

Defendants must terminate use of jail space for non-jail operations and fit all usable space for use.

Jones v. Wittenberg, 330 F.Supp. 707, 714 (N.D.Ohio, 1971)

Stipulation agreement provided for rearrangement of beds in female tanks to eliminate crowding in corridors.

Kindale v. Dowe, Civil No. 73-374-GT (S.D.Ca. April 30, 1974) (Stipulation for Partial Judgment), p.2.

The assignment of inmates (male juveniles) to any living unit or to the facility itself when the effect of such assignment is to exceed the maximum rated capacity for said unit or for the facility itself is unconstitutional and in violation of state law. It is also unlawful to assign them to sleep in the medical wards or on the floor.

Manney v. Cabell, CV 75-3305-R (C.D.Ca., May 10, 1976) (Findings of Fact and Conclusions of Law), p.7.

Court ordered that bunks in day rooms of certain cell blocks be removed and the maximum allowable capacity reduced accordingly to remedy overcrowding of those cellblocks.

Miller v. Carson, 401 F.Supp. 835, 899 (M.D.Fla., 1975)

Court ordered that jail population be reduced to 500 persons immediately, to 475 persons within 15 days and to 432 persons within 30 days, and suggested that to accomplish this officials: (1) utilize more frequent "first appearance" procedures; (2) expand the use of release on own recognizance; (3) expand the use of "notices to appear"; (4) implement studies for the creation of pre-trial intervention programs; and (5) cease arresting individuals charged with minor offenses.

Miller v. Carson, No. 74-382-Civ.-J-S (M.D.Fla., Jan.31, 1975) (Order and Preliminary Injunction), pp. 6-7.

The number of inmates shall not exceed 239, and no cell or cellblock shal contain more inmates than it was constructed for, except under emergency conditions.

Mitchell v. Untreiner, 421 F.Supp. 886, 898-99 (N.D.Fla.,1976)

Jail officials shall make every effort to avoid overcrowding and shall not without written authority of the court place more than 100 inmates in the jail facility.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D.Miss., June 19, 1973), p.9.

Population limit of 250 imposed.
Rodriguez v. Jiminez, 409 F.Supp. 582, 596 (D.P.R. 1976)

Overcrowding of jail contributed to court's finding of constitutional violation (totality).
Sandoval v. James, No. C-72-2213 RFP (N.D.Ca., Oct. 3, 1975) (Opinion), p.6.

Court enjoined jail administrators from housing more than specified numbers of inmates in county jail facilities.
Sandoval v. James, No. C-72-2213 RFP/SJ (N.D.Ca., June 28, 1976) (Amended Order Granting Preliminary Relief Re: Security and Humane Treatment), pp.2-3.

Population shall be reduced to 375 inmates.
Sykes v. Kreiger, Civil Action No. C-71-1181 (N.D.Ohio, May 15, 1975) (Order), p.6.

"When the jail is so densely populated, all of its facilities, and particularly its kitchen and shower facilities are badly overtaxed. The food and medical services necessarily suffer. So does the personal hygiene and health of the prisoners."
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 19-20.

When overcrowding impends, the Sheriff will communicate with the judges who have set bail conditions for inmates held on bail of $2000 or less, with the inmates' attorneys, and with bail agencies, for the purpose of revising their bond terms. The Sheriff will also communicate with the relevant lawyers and judges regarding any inmate who has been held long enough to be released under the speedy trial rules. The Sheriff will also consult with the state Corrections Department regarding removal of parole violators.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-1732 17-CX (Circuit Court, Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), pp. 11-12.

Sheriff required to develop plan for temporary emergency detention space to be used for short-term overcrowding.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), pp. 8-11.

Inmates shall not be caused or permitted to sleep in the jail's common areas or kept in the jail overnight when there are no beds for them.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No.71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), p.7.

Permissible population figure reduced to conform to needs of classification system and delivery of services.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motion to Amend Judgment), pp.4-8.

The existence of orders of commitment does not permit jail overpopulation in violation of a court order.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173-217 CX (Circuit Ct., Wayne Co., Mich., Jan. 24, 1976) (Opinion), pp. 16-17.

County ordered to convert a building to jail use to alleviate overcrowding.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Mar. 8, 1976) (Opinion Concerning Emergency Plans for Relief from Overcrowding).

I.A.2. Physical Conditions--Personal Space--Furnishings
(for conditions of punitive segregation, see Discipline and Security--Punishment--Punitive Segregation)

Every detainee shall be furnished with a space or locker for storing personal items, including clothing.

Ahrens v. Thomas, 434 F.Supp. 873, 902 (W.D.Mo. 1977)

No holding cells shall be used which do not contain benches or other adequate seating arrangements.

Miller v. Carson, No. 74-382-Civ.-J -S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p.3. (Based on Order, Findings of Fact & Conclusions of Law, Jan. 31, 1975; Affirmed in Order and Permanent Injunction)

All inmates shall be furnished with adequate table space for taking meals at mealtime (unclear whether in cells or common areas).

Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla. 1976).

Each cell shall be furnished with a mirror for the purpose of shaving and personal hygiene.

Mitchell v. Untreiner, 421 F.Supp. 886, 896 (N.D.Fla. 1976).

Fact that cells of detainees and convicts are similar is not unconstitutional.

People v. Von Diezelski, 78 Misc. 2d 69, 77 (Cty. Ct., 1974)

Fact that 3 pre-trial detainees were incarcerated for 10 hours in a totally unfurnished isolation cell contributed to court's finding of constitutional violation (totality).

Sheldon v. Damask, Civil No. 1445-70 (D.N.J., May 22, 1974) (Findings of Fact and Conclusions of Law), p.6.

I.A.2.a. Physical Conditions--Personal Space--Furnishings--Bedding (adequacy)

Clean linens and mattresses must be provided to each detainee upon his arrival at the jail.
Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

Each cell shall have a bed off the floor.
Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

Fact that arrestee/petitioners were incarcerated in cells without bedding led to court's finding of constitutional violation.
Anderson v. Nosser, 438 F.2d 183, 192 (5th Cir., 1971);
Anderson v. Nosser, 456 F.2d 835, 838 (5th Cir., 1972).

"Hole" may be used as a drunk tank only if a bunk is provided.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D.Mich., August 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.17.

Defendants shall provide one bed and mattress with adequate bedding for each inmate except where it would consitute a danger.
Campbell v. Rodgers, No. 1462-71 (D.D.C., Nov. 10, 1971) (Consent Order), p.2.

Every inmate shall be supplied with a mattress, a sheet, and one or more blankets as reasonably required because of illness or room temperature.
Collins v. Schoonfield, Civil No. 71-500-K (D.Md., July 24, 1972) (Interim Decree), p.14.

Fact that inmate's bedding consisted of a thin mattress, a washable mattress cover, and 2 blankets, but no sheets or pillows, contributed to court's finding of constitutional violation (totality).
Dillard v. Pitchess, 399.F.Supp. 1225, 1229, 1235 (C.D.Ca, 1975)

Inmates in isolation shall receive mattresses.
Goldsby v. Carnes, 365 F.Supp. 395, 403 (W.D.Mo. 1973) (consent judgment)

Fact that many inmates were forced to sleep on the floor due to shortage of mattresses led to court's finding of constitutional violation (totality).
Hamilton v. Schiro, 338 F.Supp. 1016, 1017 (E.D. La., 1970).

Fact that prisoners' bedding consisted only of a thin, uncovered foam slab and one blanket contributed to court's finding of constitutional violation (totality).
Hodge v. Dodd, No. 16171 (N.D.Ga., May 2, 1972)(Order), 1 Prison L.Rptr. 263.

Inmates shall be provided sheets and a blanket.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), pp.5,6.

Inmates shall be provided with a pillowcase, two sheets, a mattress and a blanket.
Jackson v. Hendrick, No. 2437 (Pa.Ct. of Common Pleas, Nov. 24, 1976) (Final Decree I), p.11.

It is unconstitutional not to provide a mattress and bedding to inmates in solitary confinement (totality).
Kimbrough v. O'Neil, 523 F.2d 1057, 1058-1059 (7th Cir., 1975)

Inmates shall receive a mattress, 2 sheets, a pillow, a pillowcase, and a blanket, all clean.
Lambert v. Skidmore, No. C-274-135 (S.D.Ohio, May 30, 1975) (Stipulation and Order), p.3.

The assignment of inmates of juvenile facility to sleep on the floor is unconstitutional and in violation of state law.
Manney v. Cabell, CV-75-3305-R (C.D.Ca., May 10, 1976), Findings of Fact and Conclusions of Law, p.7.

Pre-trial detainees who will remain in jail overnight must be furnished with a bed or bunk above floor level, a clean sheet, pillow, pillowcase, blanket and mattress cover.
Marion County Jail Inmates v. Broderick, No. IP-72-C-424 (S.D.Ind., Mar. 24,1976) (Memorandum of Decision), p.13.

Sheets and pillowcases will be made available to each inmate.
Martinez v. Board of County Commissioners, No. 75-M-1260 (D.Colo., Dec. 11, 1975) (Consent judgment), p.1.

All inmates shall be furnished with a bed if held overnight.
Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan.31, 1975) (Order and Preliminary Injunction), p.6.

All inmates held overnight shall be furnished a bed.
Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla., 1976)

Adequate bedding contributes to the absence of cruel and unusual punishment (totality).
Padgett v. Stein, 406 F.Supp. 287, 293 (M.D.Pa., 1975)

Failure to provide adequate sleeping facilities is unconstitutional.
Rodriguez v. Jiminez, 409 F.Supp. 582, 594 (D.P.R. 1976)

Court ordered that solitary cells be furnished with bunks.
Taylor v. Sterrett, 344 F.Supp. 411, 422 (N.D. Tex., 1972).

Inmates shall not be caused or permitted to sleep in the jail's common areas or kept in the jail overnight when there are no beds for them.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), p.7.

I.B. Physical Conditions--Environment

Even though ventilation system met constitutional standards, fact that jail would be quite hot during summer is relevant in assessing adequacy of environmental factors in jail renovation plan because cumulative effect of conditions was at issue.

Rhem v. Malcolm, 432 F.Supp. 769, 775 (S.D.N.Y. 1977)

Court found County under a constitutional duty to create a safe and healthful physical environment within jail.

Sandoval v. James, No. C-72-2213 RFP (N.D.Ca., Oct. 3, 1975) (Opinion), p.12.

Prison officials' argument that other city residents experience similar discomforts to the ones suffered by detainees in regard to heat, ventilation, and noise, is "difficult to take seriously."

Rhem v. Malcolm, 507 F.2d 333, 338 (2nd Cir. 1974)

I.B.1. Physical Conditions--Environment--Ventilation

There shall be a ventilation system that will provide fresh air and maintain proper heat in the winter and provide cooling in the summer.

Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

Bad circulation of air contributes to a finding of cruel and unusual punishment as to juveniles (totality).

Baker v. Hamilton, 345 F.Supp. 345, 353 (W.D.Ky. 1972)

Lack of proper ventilation contributes to a finding of cruel and unusual punishment.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D.Mich., August 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.10.

Grossly substandard ventilation violates 8th Amendment (totality).

Brenneman v. Madigan, 343 F.Supp. 128, 133 (N.D.Cal. 1972)

Fact that jail was not air conditioned and that temperatures in the summer went as high as 93°, contributed to court's finding of constitutional violation (totality).

Dillard v. Pitchess, 399 F.Supp. 1225, 1229, 1235 (C.D. Ca. 1972)

Jail authorities will provide fans for all living, working, and recreation areas.

Goldsby v. Carnes, 365 F.Supp. 395, 402 (W.D.Mo. 1973) (consent judgment)

In hot weather, jail authorities will provide two large fans for each tank, one large fan for smaller units and one box fan for other sections. In addition, there is a means to circulate the air for all living, program and recreation areas.

Goldsby v. Carnes, 429 F.Supp. 370, 375 (W.D.Mo. 1977) (consent judgment)

Although new jail was planned to open in 3 years, conditions of inadequate ventilation must be remedied during the interim even if substantial expenditures are required.

Hamilton v. Love, 328 F.Supp. 1182, 1190 (E.D. Ark. 1971).

Defendants shall inform the court of plans to improve the jail ventilation system.

Hamilton v. Love, No. LR-70-C-201 (E.D.Ark., June 22, 1971) (Interim Decree), p.3.

Defendants shall make any improvement necessary to provide adequate ventilation, including removing steel plates from cell windows.

Hamilton v. Love, 358 F.Supp. 338, 346, 348 (E.D. Ark. 1973)

Lack of ventilation of jail contributed to court's finding of constitutional violation (totality).

Hamilton v. Schiro, 338 F.Supp. 1016, 1017 (E.D.La., 1970).

Fact that most jail windows would not open, thereby rendering ventilation almost non-existent, led to court's finding of constitutional violation (totality).

Hodge v. Dodd, No. 16171 (N.D. Ga., May 2, 1972) (Order), 1 Prison L.Rptr. 263.

Jail authorities will provide fans for all inmate cell blocks, working and recreational areas.

Inmates of Allen County Jail v. Bender, Civil No. 71-F-32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment), p.16.

Defendants must submit a plan to alleviate the lack of proper ventilation.

Inmates of Metro Jail v. Thomas, No. A-5629 (Chancery Ct., Davidson Co., Tenn., July 28, 1975) (Order), p.1.

Jail officials shall provide proper jail ventilation and take appropriate measures to eliminate drafts.
Jackson v. Hendrick, No. 2437 (Pa.Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p.5.

Drafty, damp condition of jail led to finding of constitutional and statutory violation (totality).
Jackson v. Hendrick, No. 71-2437 (Pa. Ct.of Common Pleas, April 7, 1972) (Opinion & Decree Nisi), pp. 222, 237

Inadequate ventilation contributes to a finding of cruel and unusual punishment (totality).
Johnson v. Lark, 365 F.Supp. 289, 302 (E.D.Mo. 1973)

There must be adequate ventilation at all times.
Jones v. Wittenberg, 330 F.Supp. 707, 721 (N.D.Ohio, 1971)

County completed alterations to allow for additional fresh air to enter cell.
Kindale v. Dowe, Civil No. 73-374 GT (S.D.Ca., April 30, 1974) (Stipulation for Partial Judgment), p.2.

A ventilation system will be installed in the bullpen area.
Martinez v. Board of County Commissioners, No. 75-M-1260 (D.Colo., Dec. 11, 1975) (Consent judgment), p.2.

Immediate steps shall be taken to acquire the services of an expert in the field of ventilation and temperature control to submit a report as to the adequacy or inadequacy of the jail's ventilation system.
Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan.31, 1975) (Order and Preliminary Injunction), pp.4-5.

Court orders hiring of a qualified person in the field of ventilation and temperature control, submission of reports to the court, and compliance with all reasonable recommendations of the person hired.
Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla. 1976)

Inadequate ventilation contributes to finding of unconstitutionality (totality).
Moore v. Janing, 427 F.Supp. 567, 572 (D.Neb. 1976)

Adequate ventilation contributes to absence of cruel & unusual punishment (totality).
Padgett v. Stein, 406 F.Supp. 287, 293 (M.D.Pa. 1975)

Room air conditioners to be installed in juvenile section of jail.
Patterson v. Hopkins, 350 F.Supp. 676, 682 (N.D.Miss. 1972), aff'd, 481 F.2d 640 (5th Cir. 1973).

Inadequate ventilation in a jail violates the constitution.
Rhem v. Malcolm, 371 F.Supp. 594, 627 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

Parties agree that proposed ventilation improvements will meet constitutional standards.
Rhem v. Malcolm, 432 F.Supp. 769, 774 (S.D.N.Y. 1977)

Inadequate ventilation contributed to court's finding of constitutional violation (totality).
Sandoval v. James, No. C-72-2213 RFP (N.D.Ca., Oct. 3, 1975) (Opinion), p.7.

District Court could order relief from extremes of temperature that threaten inmates' health but could not require maintenance of a specific temperature range.
Smith v. Sullivan, 553 F.2d 373, 380-81 (5th Cir. 1977)

Ventilation deficiencies must be brought up to state housing law standards.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Ct., Wayne County, Mich., 1971) (Opinion),pp. 16-18).

I.B.2. Physical Conditions--Environment-Heating

There shall be a ventilation system throughout the living areas of detainees that will provide fresh air and maintain proper heat in the winter and provide cooling in the summer.
Ahrens v. Thomas, 434 F.Supp. 873, 902 (W.D.Mo. 1977)

Fact that arrestee/petitioners were incarcerated under conditions of extreme cold led to court's finding of constitutional violation.
Anderson v. Nosser, 438 F.2d 183, 192 (5th Cir., 1971); Anderson v. Nosser, 456 F.2d 835, 835 (5th Cir., 1972)

"Excesses" of ventilation due to broken windows contribute to a finding of cruel and unusual punishment.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D.Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.10.

Grossly substandard heating violates 8th Amendment (totality).
Brenneman v. Madigan, 343 F.Supp. 128, 133 (N.D.Cal. 1972)

Jail authorities will replace windows as they are broken, especially during the winter.
Goldsby v. Carnes, 365 F.Supp. 395, 402 (W.D.Mo. 1973) (consent judgment)

Jail authorities will continue to replace windows as they are broken, especially during the cold months.
Goldsby v. Carnes, 429 F.Supp. 370, 375 (W.D.Mo. 1977) (consent judgment)

Fact that inmates were subjected to extremes of temperature as a result of broken windows, pipe decay and boiler malfunction contributed to court's finding of consitutional violation (totality).
Hamilton v. Schiro, 338 F. Supp. 1016, 1017 (E.D.La., 1970).

Jail authorities will replace windows as they are broken, especially during the cold winter months.
Inmates of Allen County Jail v. Bender, Civil No. 71-F-32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p.16.

Jail officials shall install a new heating system adequate to maintain a winter temperature of 68 degrees.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975), (Stipulation of Voluntary Compliance),p.5.

Cold, damp conditions of jail led to finding of constitutional and statutory violation (totality).
Jackson v. Hendrick, No. 71-2437 (Pa.Ct. of Common Pleas, Apr. 7, 1972) (Opinion & Decree Nisi), pp.222, 237

There must be adequate heating in the cold seasons.
Jones v. Wittenberg, 330 F.Supp. 707, 721 (N.D.Ohio 1971)

Court orders hiring of a qualified person in the field of ventilation and temperature control, submission of reports to the court, and compliance with all reasonable recommendations of the person hired.
Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla. 1976)

Adequate heating contributes to absence of cruel and unusual punishment (totality).
Padgett v. Stein, 406 F.Supp. 287, 293 (M.D.Pa. 1975)

A prisoner's claim of excessive or inadequate heat states a constitutional claim.
Rhem v. Malcolm, 371 F.Supp. 594, 627 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

District Court could order relief from extremes of temperature that threaten inmates' health but could not require maintenance of a specific temperature range.
Smith v. Sullivan, 553 F.2d 373, 381 (5th Cir. 1977)

Broken windows shall be repaired within 24 hours, and the jail temperature shall be maintained at 68 degrees F. during the winter.
Sykes v. Kreiger, Case No. 71-1181 (N.D.Ohio, Mar. 18, 1975) (Partial consent judgment), p.8.

Heating system must be brought up to state housing law standards.
Wayne County Jail Inmates v. Wayne County Bd. of Commissioners, Civ.Action No. 173-217 (Circ.Ct., Wayne Co.,Mich.,1971) (Opinion), pp.16-18.

I.B.3. Physical Conditions--Environment--Lighting

There must be adequate lighting in the new facility.
Ahrens v. Thomas, 434 F.Supp. 873, 902 (W.D.Mo. 1977)

Poor illumination contributes to a finding of cruel and unusual punishment as to juveniles (totality).
Baker v. Hamilton, 345 F.Supp. 345, 353 (W.D.Ky. 1972).

"Hole" may be used as a drunk tank only if adequate lighting is provided.
Bay County Jail Inmates v. Bay County Bd. of Commissioners, 74-10056 (E.D.Mich.,Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.17.

Dark condition of jail cells led to court's finding of constitutional violation (totality).
Hodge v. Dodd, 16171 (N.D.Ga., May 2, 1972) (Order), 1 Prison L.Rptr. 263.

Adequate lighting contributes to absence of cruel & unusual punishment (totality).
Padgett v. Stein, 406 F.Supp. 287, 293 (M.D.Pa. 1975)

I.B.3.a. Physical Conditions--Environment--Lighting--Windows

Lack of light due to painted-over windows contributes to a finding of cruel and unusual punishment.
Bay Cty Jail Inmates v. Bay Cty. Bd. of Commissioners, 74-10056 (G.D.Mich.,Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.9.

Fact that windows afforded minimal view of lighting contributed to court's finding of constitutional violation (totality).
Dillard v. Pitchess, 399 F.Supp. 1225, 1229, 1235 (C.D.Ca. 1975)

Small windows which are so small or so dirty that it is difficult to see through them, among other evidence, compels finding that 1B inmates are more isolated than inmates in general population.
Giampetruzzi v. Malcolm, 406 F.Supp. 836, 840(S.D.N.Y. 1975)

Jail authorities will replace windows as they are broken, especially during the winter.
Goldsby v. Carnes, 365 F.Supp. 395, 402 (W.D.Mo. 1973) (consent judgment)

Jail authorities will continue to replace windows as they are broken, especially during the cold months.
Goldsby v. Carnes, 429 F.Supp. 370, 375 (W.D.Mo. 1977) consent judgment)

Sheet metal covers and boarding on the outside of windows shall be removed, window frames replaced or repaired, window bars replaced and clear glass placed in broken windows.
Hamilton v. Landrieu, 351 F.Supp. 549, 554 (E.D.La., 1972)

Fact that a large number of jail windows had been boarded up or stuffed with paper contributed to court's finding of constitutional violation (totality).
Hamilton v. Schiro, 338 F.Supp.1016, 1017 (E.D.La., 1970)

Court ordered that windows be altered so as to allow light to pass through them.
Hedrick v. Grant, Civil No. S-76-162, (E.D.Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, & Order), p.4.

County completed alterations to allow for additional sunlight to enter cell.
Kindale v. Dowe, Civil No. 73-374 GT (S.D.Ca. Apr. 30, 1974) (Stipulation for Partial Judgment), p.2.

Windows will be installed in the bullpen area.
Martinez v. Bd. of County Commissioners, No. 75-M-1260 (D.Colo., Dec. 11, 1975) (Consent judgment), p.2.

All opaque paint shall be removed from the jail windows except from the bottom panes on the front.
Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla., 1976)

Consent decree orders that windows at Tombs that have been welded shut shall be opened and security screening installed.
Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p.4.

Absence of transparent windows in a jail violates the constitution.
Rhem v. Malcolm, 371 F.Supp. 594, 627 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974)

Partial replacement of translucent windows with glass brick did not meet constitutional standards.
Rhem v. Malcolm, 432 F.Supp. 769, 778 (S.D.N.Y. 1977)

Fact that cells had no exterior light source contributed to court's finding of constitutional violation (totality).
Sandoval v. James, No. C-72-2213 (N.D.Ca., Oct.3, 1975) (Opinion), pp.6-7.

Broken windows shall be repaired within 24 hours, and the jail temperature shall be maintained at 68 degrees F. during the winter.
Sykes v. Kreiger, No. 71-1181 (N.D. Ohio, Mar. 18, 1975) (Partial consent judgment), p.8.

I.B.3.b. Physical Conditions--Environment--Lighting--Interior Lighting

Lack of light due to absence of interior illumination contributes to a finding of cruel and unusual punishment.
Bay Cty. Jail Inmates v. Bay Cty. Bd. of Commissioners, 74-10056 (E.D.Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.9.

Jail officials shall cease housing prisoners in cells with inadequate lighting.
Berch v. Stahl, 373 F.Supp. 412, 425 (W.D.N.C., 1974)

Lighting in solitary cells should be adequate for comfortable reading.
Berch v. Stahl, 373 F.Supp. 412, 421 (W.D.N.C. 1974)

Reasonable reading lighting shall be provided in every cell.
Collins v. Schoonfield, Civil No. 71-500-K (D.Md., July 24, 1972) Interim Decree, p.16.

Facts that cells were illuminated only by a 60 watt bulb screwed into the cell ceiling and that lighting conditions were inadequate for any sustained reading contributed to court's finding of constitutional violation (totality).
Dillard v. Pitchess, 399 F.Supp. 1225, 1229, 1235 (C.D. Ca., 1975)

A new interior lighting system shall be installed and the lighting system on tiers modified to allow the amount of light to be reduced at night.
Hamilton v. Landrieu, 351 F.Supp. 549, 553 and 555 (E.D.La., 1972)

Artificial lighting will be installed in each cell.
Martinez v. Bd. of Cty. Commissioners, 75-M-1260 (D.Colo., Dec. 11, 1975) (consent judgment), p.2.

Fact that cells had no interior lighting contributed to court's finding of constitutional violation.
Hamilton v. Schiro, 338 F.Supp. 1016, 1017 (E.D.La., 1970).

Interior lumination conforming to local health regulations shall be provided.
Jones v. Wittenberg, 330 F.Supp. 707, 715 (N.D. Ohio, 1971)

Immediate steps shall be taken to acquire the services of an expert in institutional lighting, who shall submit a report as to the adequacy or inadequacy of lighting in cells and the advisability of inmate control of lighting levels.

Miller v. Carson, No. 74-382-Civ.-J-S (M.D.Fla., Jan.31, 1975)(Order and Preliminary Injunction), p.4.

Steps shall be taken to acquire the services of a qualified person in the field of institutional lighting, and a report shall be made to the court.

Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D. Fla. 1976)

Consent decree at Tombs orders institution to be rewired and fluorescent lights installed.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p.4.

Parties agree that proposed improvements in interior lighting meet constitutional standards.

Rhem v. Malcolm, 432 F.Supp. 769, 774 (S.D.N.Y. 1977)

Fact that there was no lighting in cells themselves contributed to court's finding of constitutional violation (totality).

Sandoval v. James, C-72-2213 RFP (N.D.Ca. Oct. 3, 1975) (Opinion), p.7.

I.B.4. Physical Conditions--Environment--Noise

Immediate steps shall be taken to acquire the services of a qualified expert in the field of noise who shall submit a report concerning steps which can be taken to reduce the noise level in the jail.

Miller v. Carson, 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p.11.

Noise levels to be achieved under proposed jail renovation met constitutional standards. Although the use of nonmetallic utensils at mealtime would make sense and reduce noise further, the court would not require it because it is not a court's function to require particular details if the proposal as a whole is adequate. Although individual earphones for inmates are provided to convicted New York State prisoners, equal protection does not require them for detainees because there is a substantial objection on hygienic grounds and equal protection does not require exact equivalence.

Rhem v. Malcolm, 432 F.Supp. 769, 775 (S.D.N.Y. 1977)

Excessive noise in a jail violates the constitution.

Rhem v. Malcolm, 371 F.Supp. 594, 627 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974)

Persistent noisy condition of jail contributed to court's finding of constitutional violation (totality).

Sandoval v. James, C-72-2213 RFP, (N.D.Ca., Oct. 3, 1975) (Opinion), p.7.

I.C. Physical Conditions--Structure

Jail shall meet all local and state fire, safety, sanitation, electrical, plumbing and building codes.
Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

Inadequate physical facilities, under the circumstances, do not amount to cruel and unusual punishment (totality).
Padgett v. Stein, 406 F.Supp. 287, 294 (M.D.Pa. 1975)

Bars to be covered with paneling in juvenile section of jail.
Patterson v. Hopkins, 350 F.Supp. 676, 682 (N.D. Miss. 1972), aff'd, 481 F.2d 640 (5th Cir. 1973)

Failure of jail renovation plan to mitigate conditions of maximum security confinement renders plan fatally defective.
Rhem v. Malcolm, 432 F.Supp. 769, 785-88 (S.D.N.Y. 1977)

I.C.1. Physical Conditions--Structure--Dilapidation (includes paint)

Broken locks contribute to a finding of cruel and unusual punishment as to juveniles (totality).
Baker v. Hamilton, 345 F.Supp. 345, 353 (W.D.Ky. 1972)

The prison shall be provided with its own maintenance staff to include a plumber, electrician, locksmith, tinsmith, plasterer, bricklayer, carpenter, and painter, which shall be responsible for all general repair work.
Hamilton v. Landrieu, 351 F.Supp. 549, 554 (E.D.La., 1972)

Defendants shall paint, clean and keep the holding area of the jail in hygienic condition.
Hamilton v. Love, 358 F.Supp. 338, 348 (E.D. Ark. 1973)

Jail officials shall take appropriate measures to eliminate all drafts and leaks in cells.
Jackson v. Hendrick, 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p.5.

Jail interior must be kept painted.
Jones v. Wittenberg, 330 F.Supp. 707, 721 (N.D.Ohio 1971)

Residential areas shall be painted and kept clean and sanitary.
Martinez v. Board of County Commissioners, 75-M-1260 (D.Colo., Dec. 11, 1975) (Consent judgment), p.2.

Cracks and holes in walls will be repaired.

Martinez v. Board of County Commissioners, 75-M-1260 (D.Colo., Dec. 11, 1975) (Consent judgment), p.2.

I.C.2. Physical Conditions--Structure--Fire protection

Jail shall meet all local and state fire codes. An appropriate evacuation plan shall be provided for fires or other disasters.
Ahrens v. Thomas, 434 F.Supp. 873, 902 (W.D.Mo. 1977)

Fire plan must be disseminated to all inmates and posted in jail, fire door must be constructed between kitchen and inmate areas, and adequate smoke or fire detectors must be installed.
Bay Cty. Jail Inmates v. Bay Cty. Bd. of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.10.

Fire detection devices shall be installed in return air or ventilation shafts.
Hamilton v. Landrieu, 351 F.Supp. 549, 554-555 (E.D.La., 1972

Fact that inspection report of state fire department listed 29 violations, including the lack of a fire alarm system, and the insufficiency of the number of fire extinguishers, means of egress and operative fire escapes, contributed to court's finding of constitutional violation. (totality).
Hamilton v. Schiro, 338 F.Supp. 1016, 1017 (E.D. La., 1970)

The absence of a jail sprinkler system or fire alarm system, problems with several natural gas heating units, highly flammable wall and ceiling surfaces, and the absence of an effective means of egress from the jails second floor led to court's finding of constitutional violation (totality).
Hodge v. Dodd, 16171 (N.D. Ga., May 2, 1972)(Order), 1 Prison L.Rptr. 263.

The Parish Council shall comply as soon as practicable with state fire laws by providing one fire extinguisher per 100 ft., and shall install a fire alarm system and master key system for all locks, and the warden shall request inspection of the jail by the State Fire Marshall at least once a year.
Holland v. Donelon, Civil No. 71-1442 (E.D.La., June 6, 1973), p.20.

Jail authorities shall furnish fire extinguishers in sufficient number to be utilized in all inmate living, working and recreational areas, and shall request the State Fire Marshal to make periodic, unannounced inspections.
Inmates of Allen County Jail v. Bender, Civil No. 71-F-32 (N.D. Ind., May 19, 1976) (Order for Partial Judgment), pp. 16-17.

Jail officials shall maintain emergency fire fighting equipment in good working order throughout jail, develop an emergency fire evacuation plan, and post evacuation instructions in all living & working areas.
Marion County Jail Inmates v. Broderick, IP 72-C-424 (S.D. Ind., June 9, 1975)(Consent Order & Partial Judgment), p.2.

Fire alarms will be installed.
Martinez v. Bd. of County Commissioners, 75-M-1260 (D.Colo., Dec. 11, 1975) (Consent judgment), p.2.

Immediate steps shall be taken to comply with state and city fire regulations, and jail officials shall submit a report indicating steps taken within 30 days.
Miller v. Carson, 74-382-Civ-J-S (M.D.Fla., Jan.31, 1975) (Affirmed in Order and Permanent Injunction), p.5.

Absence of fire protection contributes to finding of unconstitutionality (totality).
Moore v. Janing, 427 F.Supp. 567, 572 (D.Neb. 1976)

Court adjudication of question of whether County Prison was in violation of state fire and safety regulations binding on prison officials through a consent decree postponed until State Department of Labor & Industry had completed its investigation and made determination.
Padgett v. Stein, 406 F.Supp. 287, 301 (M.D.Pa. 1975)

Wiring and fire protection must be brought up to state housing law standards.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action 173-217 (Circuit Court, Wayne County, Mich., 1971) (Opinion), pp.16-18.

I.D. Physical Conditions--Location

Inmates transferred from unconstitutional jail must be housed in a constitutional facility within 35 miles of the county.
Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

"A detainee must be kept as close to home as is possible, and a transfer out of the county must meet the compelling necessity test."
Feely v. Sampson, 75-171, Opinion at 34 (D.N.H., Sept. 24, 1976)

Court selects plan for providing new jail based in part on the fact that inmates "would be detained in a more tranquil natural environment, within view of the ocean."
Inmates of the Suffolk County Jail v. Eisenstadt, 71-162-G (D.Mass., Oct. 20, 1975), p.3.

County officials must maintain a facility in center city capable of providing secure detention for a reasonable period of up to 8 hours for defendants who wish to post bail.
Jackson v. Hendrick, 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Opinion), p.26.

I.E. Physical Conditions--Institutional sanitation

Jail shall meet all local and state sanitation codes.
Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

Confinement of an intoxicated person in a filthy and odorous drunk tank for a few hours does not amount to cruel and unusual punishment.
Bennett v. Passic, 545 F.2d 1260, 1263 (10th Cir. 1976)

Jail warden ordered to request annual jail inspections by the State Health Officer.
Holland v. Donelon, Civil No. 71-1442 (E.D.La., June 6, 1973),p.20.

Filthy conditions of jail led to finding of constitutional and statutory violation (totality).
Jackson v. Hendrick, 71-2437 (Pa. Ct. of Common Pleas, Apr. 7, 1972) (Opinion & Decree Nisi), p.222, 237

Irremediable filth contributes to finding of constitutional violation (totality).
Moore v. Janing, 427 F.Supp. 567, 572 (D.Neb. 1976)

Jail officials shall insure that the jail be maintained in a sanitary condition.
Obadele v. McAdory, Civil No. 72J-103N (S.D.Miss., June 19, 1973),p.9.

Adequate sanitation contributes to absence of cruel and unusual punishment (totality).
Padgett v. Stein, 406 F.Supp. 287, 293 (M.D.Pa. 1975)

Consent decree orders N.Y.C. Dept. of Health to inspect Tombs monthly for six months.
Rhem v. Malcolm 70-3962 (S.D.N.Y. Aug. 2, 1973), p.4.

Court found County under a constitutional duty to create a safe and healthful physical environment within the jail.
Sandoval v. James, C-72-2213 RFP (N.D.Ca. Oct. 3, 1975) (Opinion),p.12.

Court enjoined jail administrators from incarcerating inmates in county jail unless deficiencies in jail conditions noted by county department of environmental health had been rectified within three days, and ordered administrators to take steps to comply with all reasonable health and sanitation recommendations contained in future reports.
Sandoval v. James, C-72-2213 RFP/SJ (N.D.Ca., June 28, 1976) (Amended Order Granting Interim Relief Re: Security and Humane Treatment), p.3.

Injunctive relief on sanitation unnecessary in view of defendants' bona fide efforts.
Tate v. Kassulke, 409 F.Supp. 651, 654 (W.D.Ky. 1976)

I.E.1 Physical Conditions--Institutional Sanitation--Plumbing

Jail shall meet all local and state plumbing codes.
Ahrens v. Thomas, 434 F. Supp. 873,901 W.D.Mo. 1977)

Each cell shall have a working toilet that flushes from the inside and a wash basin with hot and cold running water.
Ahrens v. Thomas, 434 F. Supp. 873, 901 (W.D.MO. 1977)

Plumbing must be maintained in workable order.
Ahrens v. Thomas, 434 F. Supp. 873, 901 (W.D.MO. 1977)

Use of converted common areas as sleeping areas violates state statutes and regulations regarding sanitary installations.
Anderson v. Redman, 429 F. Supp. 1105, 1120 (D.Del. 1977)

"Hole" may be used as a drunk tank only if toilet facilities are provided; outside facilities will suffice only if a guard is in full-time attendance.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D.Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p. 17.

Toilets in solitary cells under control of guards must be flushed frequently.
Berch v. Stahl, 373 F. Supp. 412, 421 (W.D.N.C., 1974)

Court orders that cells approximately 5 1/2 x 8 feet without plumbing facilities except for a hole in the floor should not be used to house prisoners.
Bolding v. Jennings, No. 756-73C2, (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 261.

Grossly substandard plumbing violates 8th Amendment (totality).
Brenneman v. Madigan, 343 F. Supp. 128, 133 (N.D.Cal. 1972)

Jail authorities will repair defective plumbing immediately. Water will be cut off only in cells that are flooded and in such cases drinking water will be provided every two hours and toilets will be flushed periodically.
Goldsby v. Carnes, 365 F. Supp. 395,402 (W.D.Mo. 1973) (Consent Judgment)

Jail authorities will take necessary steps to repair any stopped-up or leaking plumbing immediately after learning of such condition. Water will be cut off only in cells which are flooded, and in such cases water will be provided for drinking at least every two hours and toilets will be flushed periodically during the day.

Goldsby v. Carnes, 429 F.Supp. 370, 375 (W.D.Mo. 1977) (consent judgment)

All plumbing shall be put in good working order, inoperative toilets shall be replaced with stainless steel models, and showers shall be cleaned and covered with epoxy.

Hamilton v. Landrieu, 351 F.Supp. 549, 553-554 (E.D. La., 1972)

Plumbing, bathing and toilet fixtures shall be kept operable and sanitary.

Hamilton v. Love, 358 F.Supp. 338, 348 (E.D.Ark. 1973)

Fact that toilet and hand bowls in cells were so corroded as to make cleanliness impossible contributed to court's finding of constitutional violation (totality).

Hamilton v. Schiro, 338 F.Supp. 1016, 1017 (E.D.La., 1970)

Inadequate jail plumbing contributed to court's finding of constitutional violation (totality).

Hodge v. Dodd, No. 16171 (N.D.Ga., May 2, 1972) (Order), 1 Prison L. Rptr. 263

The Parish Council shall restore all plumbing to good working order and maintain it with reasonable care and diligence, in accordance with state regulations.

Holland v. Donelon, Civil No. 71-1442 (E.D.La., June 6, 1973), p.20.

Jail authorities will take necessary steps to promptly repair any stopped up or leaking plumbing immediately after learning about such a condition.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment), p.16.

Jail officials shall install new showerheads and additional plumbing fixtures on all showers.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p.4.

There must at all times be adequate, working toilets, and all plumbing leaks must be repaired immediately, even if more plumbers have to be hired.

Jones v. Wittenberg, 330 F.Supp. 707, 721 (N.D.Ohio 1971)

It is unconstitutional to deprive an inmate in solitary confinement of toilet facilities, such that he is forced to eliminate on the floor (totality).

Kimbrough v. O'Neil, 523 F.2d 1057, 1058-1059 (7th Cir., 1975).

Plumbing fixtures shall be promptly repaired or replaced, subject to availability of parts, after receipt of a report of any malfunctioning.

Marion County Jail Inmates v. Broderick, No.IP 72-C-424 (S.D.Ind., June 9, 1976) (Consent Decree & Partial Judgment), p.2.

Showerheads, washbasins and toilets will be replaced.

Martinez v. Bd. of County Commissioners, No. 75-M-1260 (D.Colo., Dec. 11, 1975) (consent judgment), p.2.

All plumbing fixtures presently inoperative or malfunctioning shall be immediately repaired, and an organized program for the maintenance of plumbing shall be instituted.

Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), pp.5-6.

Plumbing fixtures shall be repaired and a program for maintaining them instituted.

Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla. 1976)

Plumbing will be repaired and maintained, and no detainee will be kept in a cell with defective plumbing.

Moore v. Janing, Civ. No. 72-0-223 (D.Neb., Mar. 9, 1973) (Order and Stipulation), ¶7.

Antiquated plumbing contributes to finding of unconstitutionality (totality).

Moore v. Janing, 427 F.Supp. 567, 572 (D.Neb. 1976)

Adequate plumbing contributes to absence of cruel and unusual punishment (totality).

Padgett v. Stein, 406 F.Supp. 287, 293 (M.D.Pa. 1975)

Fact that 3 pre-trial detainees were incarcerated in a cell without running water or functional toilet contributed to court's finding of constitutional violation (totality).

Sheldon v. Damask, Civ. No. 1445-70 (D.N.J., May 22, 1974) (Findings of Fact & Conclusions of Law), p.6.

Committee should be designated to inspect plumbing.

Tate v. Kassulke, 409 F.Supp. 651, 662 (W.D.Ky. 1976)

Court ordered that solitary cells be provided with a water closet, drinking fountain, and lavatory.
Taylor v. Sterrett, 344 F.Supp. 411, 422 (N.D.Tex., 1972)

Defendants shall be required to disinfect all cells with toilet leaks or overflows and no one shall be confined in a cell whose toilet leaks human waste.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civ. Action No. 173-217 (Circ. Court, Wayne Co., Mich., 1971) (Opinion), p.56.

Plumbing must be brought up to state housing law standards.
Wayne County Jail Inmates v. Wayne County Bd. of Commissioners, Civ. Action No. 173-217 (Circ. Court, Wayne Co., Mich. 1971) (Opinion), pp.16-18.

I.E.2. Physical Conditions--Institutional Sanitation--Cleaning of Cells and Common Areas

Jail shall be cleaned on a daily basis. Detainees shall be provided daily with cleaning materials for their cells.
Ahrens v. Thomas, 434 F.Supp. 873, 902 (W.D.Mo. 1977)

Jail must be thoroughly cleansed and sanitized with plumbing maintained in workable order.
Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D.Mo. 1977)

County detention facilities shall be thoroughly cleaned and made sanitary on a daily basis by inmates so as to satisfy minimum requirement of state health codes.
Alberti v. Sheriff of Harris County, 406 F.Supp. 649, 676-677 (S.D. Tex., 1975)

Detainees may be required to keep cell area in sanitary condition.
Barnes v. Government of the Virgin Islands, 415 F.Supp. 1218, 1235 (D.V.I. 1976)

Toilet and bathing facilities are to be cleaned daily, living areas once a week.
Bay County Jail Inmates v. Bay County Bd. of Commissioners, 74-10056 (E.D.Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p. 10.

"Dingy" toilet facilities contribute to a finding of cruel and unusual punishment.
Bay Cty. Jail Inmates v. Bay Cty. Board of Commissioners, 74-10056 (E.D.Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.10.

Hot and cold water, soap and appropriate facilities shall be made available to each inmate to keep his cell clean and every effort shall be made at all times to provide appropriate hygiene in the jail.
Collins v. Schoonfield, Civil No. 71-500-K (D.Md., July 24, 1972) (Interim Decree), p. 14.

Detainee has responsibility to keep his own cell clean.
Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976) p.2.

Jail authorities will make cleaning materials available to inmates so that shower stalls and living quarters can be kept clean. Areas behind the cells will be cleaned by jail authorities.
Goldsby v. Carnes, 365 F.Supp. 395, 401 (W.D.Mo. 1973) (consent judgment)

Jail authorities will make mops, brooms, and cleaning supplies available in sufficient quantity and on a daily basis to inmates to insure that their living quarters can be maintained in a clean and safe condition. Jail authorities will have the areas behind the cells cleaned on a regular basis sufficient to eliminate the insect problem. Scouring cleanser and brushes will be issued to inmates daily for the cleaning of shower stalls.
Goldsby v. Carnes, 429 F.Supp. 370, 375 (W.D.Mo. 1977) (consent judgment)

The entire prison shall be maintained in a clean and sanitary condition by means of inmate sanitation details.
Hamilton v. Landrieu, 351 F.Supp. 549, 553 (E.D.La., 1972)

Defendants shall paint, clean and keep the holding areas of the jail in a condition that meets normal, non-penal institutional hygienic standards.
Hamilton v. Love, 358 F.Supp. 338, 348 (E.D. Ark. 1973)

Although detainees may not be forced to work, they should be given the opportunity and equipment to sweep and clean their cells more than once a day.
Hamilton v. Love, 358 F.Supp. 338, 347 (E.D. Ark. 1973)

Filthy condition of jail cells contributed to court's finding of constitutional violation (totality).
Hodge v. Dodd, No. 16171 (N.D.Ga., May 2, 1972) (Order), 1 Prison L. Rptr. 263.

Jail authorities will make mops, brooms, brushes, scouring cleanser and disinfectant available in sufficient quantity on a daily basis to inmates to assure that their living quarters and shower stalls can be maintained in a clean and safe condition.
Inmates of Allen Cty. Jail v. Bender, Civ. No. 71 F 32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment),p.16.

Soap, water and cleaning equipment will be provided for cell maintenance at not less than weekly intervals and whenever required to correct any unsanitary condition in the cells.
Johnson v. Lark, 365 F.Supp. 289, 304 (E.D.Mo. 1973)

There shall be a daily program of cleaning cells.
Jones v. Wittenberg, 330 F.Supp. 707, 717 (N.D.Ohio 1971).

Stipulation agreement required that cell be maintained in a clean and healthful manner.
Kindale v. Dowe, Civ. No. 73-374 GT (S.D.Ca. April 30, 1974) (Stipulation for Partial Judgment), p.2.

Jail officials shall maintain the jail and all cells and cell blocks in safe and sanitary condition; inmates will be responsible for maintaining their own living areas in a safe and sanitary condition. Jail officials will make cleaning equipment, including mops, brooms, brushes, scouring cleanser, soap and disinfectant available to inmates on a daily basis so that inmates can maintain their living areas in a clean and safe condition.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9, 1975) (Consent Decree & Partial Judgment), pp.1-2.

Toilets, showers and washbasins shall be kept clean and sanitary.
Martinez v. Bd. of Cty. Commissioners, No. 75-M-1260 (D.Colo., Dec. 11, 1975) (consent judgment), p.2.

Residential areas shall be painted and kept clean and sanitary.
Martinez v. Bd. of Cty. Commissioners, No. 75-M-1260 (D.Colo., Dec. 11, 1975) (consent judgment), p.2.

An organized and supervised program of daily cleaning shall be instituted, including mopping, scrubbing and wall-washing, and each cellblock shall be furnished with clean mop water and sanitizers on a daily basis.
Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan.31, 1975) (Order and Preliminary Injunction) p.4. (Based on Order, Findings of Fact and Conclusions of Law, Jan. 31, 1975; Affirmed in Order and Permanent Injunction.)

Holding cells utilized for periods in excess of 2 hours for housing inmates shall be thoroughly cleaned including sweeping and mopping with the proper sanitizers 6 times per 24 hours.
Miller v. Carson, 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order & Preliminary Injunction), p.3. (Based on Order, Findings of Fact and Conclusions of Law, Jan. 31, 1975; Affirmed in Order & Permanent Injunction.)

A program of daily cleaning of all cells will be instituted.
Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla. 1976)

Defendants shall make cleaning equipment available daily for cleaning of living areas, shower stalls and toilet facilities. Defendants shall clean other areas.

Moore v. Janing, Civ. 72-0-223 (D.Neb., Mar. 9, 1973), (Order and Stipulation), ¶ 8.

Institution has duty to complete housecleaning, during which time inmates are required to be locked in, in reasonable period of time. Question whether such time can be shortened is unrelated to classification of detainees (re: those requiring maximum security).

Rhem v. Malcolm, 389 F.Supp. 964, 969 (S.D.N.Y. 1975)

Fact that inmates were not allowed to use cleanser to clean cell floors contributed to court's finding of constitutional violation (totality).

Sandoval v. James, C-72-2213 RFP (N.D.Ca., Oct. 3, 1975) (Opinion), p.7.

Shower walls, floors and toilet fixtures with missing enamel must be scrubbed and disinfected, and cells must be kept sanitary.

Wayne Cty. Jail Inmates v. Wayne Cty. Bd. of Commissioners, Civ.Action No. 173-217 (Circuit Ct., Wayne Co., Mich., 1971) (Opinion), p.57.

I.E.3. Physical Conditions--Institutional Sanitation--Pest Control

An adequate insect control program shall be established and regularly maintained to prevent infestation of insects and rodents.

Ahrens v. Thomas, 434 F.Supp. 873, 902 (W.D.Mo. 1977)

Where insect screens are being installed, no order is necessary.

Bay Cty. Jail Inmates v. Bay Cty. Bd. of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.10.

Jail authorities will continue to contract with an exterminator and will also have the jail sprayed with insecticide weekly by jail personnel.

Goldsby v. Carnes, 365 F.Supp. 395, 401 (W.D.Mo. 1973) (consent judgment)

Jail authorities will exterminate the entire jail for insects and rodents at least once a week or as necessary to eliminate insects and rodents. Materials shall be rotated in accordance with acceptable practices of the profession. A professional exterminator will be called twice a year to evaluate the procedure. The areas behind the cells will be cleaned so as to eliminate insects.

Goldsby v. Carnes, 429 F.Supp. 370, 375 (W.D.Mo. 1977) (consent judgment)

Arrangement shall be made for an anti-roach, rodent and other vermin program.

Hamilton v. Landrieu, 351 F.Supp. 549, 553 (E.D. La., 1972)

Infestation of jail by rats, mice, roaches and vermin led to court's finding of constitutional violation (totality).

Hamilton v. Schiro, 338 F.Supp. 1016, 1017 (E.D.La., 1970)

Bug-infested condition of jail cells contributed to court's finding of constitutional violation (totality).

Hodge v. Dodd, No. 16171 (N.D.Ga., May 2, 1972) (Order), 1 Prison L.Rptr. 263.

Jail authorities will contract with an exterminator to have the entire jail sprayed for insects and treated for rats at least once a month, or as necessary to eliminate such insects and rodents, will inspect the jail for evidence of rodents and insects at least once a week, and shall make sure that any extermination is not harmful to inmates.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment), p.16.

Defendants must submit a plan to provide roach free cells.

Inmates of Metro Jail v. Thomas, No. A-5629 (Chancery Ct., Davidson Co., Tenn., July 28, 1975) (Order), p.1.

Infestation of jail with roaches and vermin led to finding of constitutional and statutory violation (totality).

Jackson v. Hendrick, No. 71-2437 (Pa.Ct. of Common Pleas, April 7, 1972) (Opinion & Decree Nisi), pp.222, 237

Jail officials shall inspect each area of the jail for evidence of rodents and insects at least once per week, obtain rodent and insect extermination services when necessary, and take steps to ensure that extermination will not be harmful to any inmate.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9, 1975) (Consent Decree & Partial Judgment), p.1.

Reasonable steps will be taken to eliminate vermin.

Martinez v. Bd. of County Commissioners, No. 75-M-1260 (D.Colo., Dec. 11, 1975) (consent judgment), p.2.

All necessary steps to rid jail of insects and vermin shall be immediately instituted.

Miller v. Carson, 74-382-Civ-J-S (M.D.Fla., Jan.31, 1975) (Order and Preliminary Injunction), p.4. (Based on Order, Findings of Fact & Conclusions of Law, Jan.31, 1975; Affirmed in Order and Permanent Injunction.)

All necessary steps to rid the jail of insects and vermin shall be continued.

Mitchell v. Untreiner, 421 F.Supp. 886, 898 (N.D.Fla. 1976)

Dependants shall contract with a professional exterminator.

Moore v. Janing, Civ. 72-0-223 (D.Neb. Mar. 9, 1973) (Order and Stipulation), ¶ 7.

Living areas occupied by prisoners should be sprayed at least once a month.

Tate v. Kassulke, 409 F.Supp. 651, 659 (W.D. Ky. 1976)

Defendants required to show the existence of an adequate vermin control program or a plan for establishing one.

Wayne Cty. Jail Inmates v. Wayne Cty. Bd. of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p.56.

I.E.4. Physical Conditions--Institutional Sanitation--Garbage

Jail officials shall explore the feasibility of purchasing and using appropriate bulk disposal items for sealing garbage and trash.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p.5.

II. COMMUNICATION AND EXPRESSION

(for punitive restrictions, see Discipline and Security--Punishment--Restricted communication)

Interference with communication between an inmate and his or her spouse may be unconstitutional as an infringement of rights of family relationships, and privacy attached to activities relating to the family.

Berch v. Stahl, 373 F.Supp. 412, 423 (W.D.N.C., 1974)

II.A. Communication and Expression--Visiting

(for visiting by religious groups, see Religion--Outside organizations; for counsel visiting, see Access to courts--Attorney consultation; for press interviews, see Communication--Social and political expression--Communication with media)

Hearing on visitation rights at Monroe County Jail to be limited to showing as to whether or not rational basis exists for distinguishing between visitation rights of pre-trial detainees and sentenced inmates in NYS Correctional facilities.

Cooper v. Morin, No. 74-1411 (Monroe County Sup.Ct. Mar. 21, 1975), p.2.

Arbitrary and capricious limitations placed upon access to families and friends violates the First Amendment.

Mitchell v. Untreiner, 421 F.Supp. 886, 895 (N.D.Fla. 1976)

Restrictions on visiting and mailing privileges contribute to a denial of the ability to secure witnesses.

Mitchell v. Untreiner, 421 F.Supp. 886, 895-96 (N.D.Fla. 1976)

Adequate visitation contributes to the absence of cruel and unusual punishment (totality).

Padgett v. Stein, 406 F.Supp. 287, 293 (M.D.Pa. 1975)

Parties recognized that visiting may give an inmate the opportunity to solve some of the practical problems caused by his or her confinement and is essential to the rehabilitation and reintegration process in terms of morale and maintenance of family and community ties.

Stanley v. Walker, Civil No. 74-1229 (E.D.Pa., June 4, 1974) (Stipulation), p.1.

Each inmate and visitor shall be provided a copy of the Visiting Rules.

Stanley v. Walker, Civil No. 74-1229 (E.D.Pa., June 4, 1974) (Stipulation), p.3.

II.A.1. Communication & Expression--Visiting--Right to Visit

Although visitation involves only due process, and not the First Amendment, visiting conditions may be curtailed only to the extent needed to assure security and manageability.

Bay County Jail Inmates v. Bay Cty. Bd. of Commissioners, 74-10056 (E.D.Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.18.

Pre-trial detainees have a First Amendment right to visit with whomever they please for substantial periods of time each week.

Bell v. Wolff, CV72-L-227 (D.Neb., Nov. 7, 1973) (Memorandum Opinion), affirmed on other grounds, 496 F.2nd 1252 (8th Cir. 1974)

Mass denial of non-legal visits may not take place unless required for security reasons.

Collins v. Schoonfield, 344 F.Supp. 257, 279 (D.Md. 1972)

The right to visit is protected by the First Amendment.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 12 (D.N.H., Sept. 24, 1976)

Restrictions on visitation of pre-trial inmates must be justified by compelling necessity. Prison officials have the ultimate burden of proof on this issue. Due process requires that the least restraint necessary to assure institutional security and administrative manageability be employed.

Wolfish v. Levi, 406 F.Supp. 1243, 1247 (S.D.N.Y. 1976)

II.A.1.a. Communication and Expression--Visiting--Right to Visit--Particular prisoners

Denial of visitation rights to detainees held in punitive segregation violates equal protection where sentenced prisoners are not denied visits while in punitive segregation.

Giampetruzzi v. Malcolm, 406 F.Supp. 836, 849 (S.D.N.Y. 1975)

No detainee in a segregation unit can be denied a visit solely on the grounds of his presence there.

Rhem v. Malcolm, 396 F.Supp. 1195, 1200-1201 (S.D.N.Y. 1975)

A detainee may not be denied a visit for the purpose of punishment or discipline.

Rhem v. Malcolm, 396 F.Supp. 1195, 1200-1201 (S.D.N.Y. 1975)

II.A.1.b. Communication and Expression--Visiting--Right to visit--Particular visitors

Regulations regarding children's visits should be revised to provide for increased opportunities.
Barnes v. Gov't of the Virgin Islands, 415 F.Supp. 1218, 1234 (D.V.1. 1976)

A pre-trial detainee should be able to visit with whomever he pleases, especially his children, for substantial periods of time each week.
Brenneman v. Madigan, 343 F.Supp. 128, 141 (N.D. Ca. 1972)

The jail may require that visitors under the age of 16 have the prior written consent of their parents to visit.
Collins v. Schoonfield, Civil No. 71-500-K (D.Md., July 24, 1972) Interim Decree, p.13.

Court ordered county district attorney to prepare proposal for expanded visitation privileges for pre-trial detainees and suggested that such proposal provide for the removal of the limitations on visits by children and by persons not members of the pre-trial detainee's immediate family.
Bishop v. Lamb, Civ. No. LV-1864 (D.Nev., Aug. 24, 1973) Order, p.5.

Not allowing children of detainees to visit detainees is arguably unconstitutional.
Duran v. Elrod, 542 F.2d. 998, 1000 (7th Cir., 1976)

Any person may visit detainee unless found to be security threat. Persons under 16, unless spouses, to be accompanied by adult.
Feely v. Sampson, 75-171 (D.N.H. Sept. 14, 1976), p.2.

Any person must be permitted to visit unless an individual presents a real and serious threat to the security of the institution.
Feely v. Sampson, 75-171, Opinion at 15 (D.N.H., Sept. 24, 1976)

Contact visits shall be permitted both for family and nonfamily members.
Forts v. Malcolm, 76 Civ. 101 (S.D.N.Y., March 7, 1977) (Endorsement)

Children, accompanied by an adult, shall be allowed to visit.
Goldsby v. Carnes, 365 F.Supp. 395, 404 (W.D.Mo. 1973) (consent judgment)

Visitors who misbehave shall be expelled and may be prohibited from visits.
Goldsby v. Carnes, 365 F.Supp. 395, 415 (W.D.Mo. 1973) (consent judgment)

Inmates may receive visits from members of immediate family, ministers, and attorneys.

Goldsby v. Carnes, 365 F.Supp. 395, 409 (W.D.Mo. 1973) (consent judgment)

Children accompanied by an adult shall be allowed to visit.

Goldsby v. Carnes, 429 F.Supp. 370, 378 (W.D.Mo. 1977) (consent judgment)

Visitors must be on inmates' visiting list and provide identification. Children, accompanied by an adult, may enter.

Goldsby v. Carnes, 429 F.Supp. 370, 388 (W.D.Mo. 1977) (consent judgment)

Visitors who misbehave are to be removed from the jail and, if warranted, prohibited from visiting. Visitors who refuse to be searched are to be removed.

Goldsby v. Carnes, 429 F.Supp. 370, 388 (W.D.Mo. 1977) (consent judgment)

Detainees shall be permitted visits by any person other than persons currently charged with or previously convicted of a felony.

Hamilton v. Love, No. LR-70-C-201 (E.D.Ark., June 22, 1971) (Interim Decree), p.4.

Private visitation may be allowed to parents, children and spouses when scheduled in advance.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment), p.4.

Age and family relationship restrictions on visitors to be removed, except that visits by particular persons may be denied for reasons of security.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F.Supp. 676, 690 (D.Mass. 1973)

Detainees must be able to visit with their children during regular visiting hours, at least two Sundays a month.

Jones v. Sharkey, No. 4948 (D.R.I. June 7, 1972), p.4.

Restrictions on visits by children and non-family members shall be removed.

Jones v. Wittenberg, 330 F.Supp. 707, 717 (N.D.Ohio, 1971)

No one may be barred from visiting inmates, except that non-relative juveniles may be barred from visiting adult inmates.

Lambert v. Skidmore, No. C 2 74-135 (S.D.Ohio, May 30, 1975) (Stipulation and Order), p.4.

Only when specific evidence indicates a particular visitor is security threat may he or she not be permitted to visit (from prior consent judgment quoted in main opinion cited below). Denial of visitation to children is unnecessary deprivation.

Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975) pp.4,10,29.

Children shall be permitted to visit a detained parent after the parent has been detained for 10 days.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., Mar. 24,1976) (Memorandum of Decision), p.15.

Visitors must conduct themselves in an orderly manner and may be removed if they are causing a serious disruption or refuse to obey instructions.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9,1975) (Consent Decreee and Partial Judgment), p.11.

Immediate steps shall be taken to remove limitations on visits by children and by persons not members of the inmate's family.

Miller v. Carson, No. 74-382 Civ.-J-5 (M.D.Fla., Jan. 31, 1975)(Order and Preliminary Injunction), p.15.

Detainees must be able to visit with children and persons other than their families.

Mitchell v. Untreiner, 421 F.Supp. 886, 901 (N.D.Fla. 1976)

Inmates' children over 11 years old may visit if accompanied by an adult. Children may be barred where there is an inadequate showing that they are children of the inmate. There shall be no other limitations on who may visit.

Moore v. Janing, Civ. No. 72-0-223 (D.Neb., Mar. 9, 1973) (Order and Stipulation), ¶7.

Restrictions on persons who may visit detainees upheld.

Moore v. Janing, 427 F.Supp. 567, 575 (D.Neb. 1976)

Officials to permit changes in visiting list every seven days. Detainees permitted to receive visitors under 16 if accompanied by an adult.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y. July 11, 1975) p.1,2 (consent judgment)

Inmate to submit list of persons with whom he wishes visitation. List is not to exceed six persons. Changes must be approved by Superintendent. Children not permitted to visit unless they are son, daughter, sister or brother over 12 years old and children under 18 must be accompanied by parent or guardian. Officials may deny visit if contrary to security or best interest of society. Visitors violating rules will

be denied further visitation. Clergymen to be allowed to visit at other than regular visiting hours and in privacy. Visitors having traveled long distances may be granted visit outside normal hours.
Pennell v. Myatt, 74-87 (D.N.H. Mar.6, 1975) (order, Attachment A)

Authorities enjoined from prohibiting visits by children less than 18 yrs. old.
Powlowski v. Wullich, 81 Misc. 2d 895, 901 (Sup.Ct. Monroe County 1975).

Authorities cannot prohibit visitors on basis of familial relationship.
Powlowski v. Wullich, 75-1649 (Sup.Ct. Monroe County, Oct. 15, 1976) p.2.

An inmate shall be permitted to have contact visits with all members of his or her family (defined as spouses, children, sisters, brothers, parents, and those standing in loco parentis to the inmate) and 3 persons other than members of the inmate's family to be selected by the inmate at the time of his or her incarceration and placed on a visiting list. Other persons must have approval for a special purpose visit.
Stanley v. Walker, Civil No. 74-1229 (E.D.Pa., June 4, 1974) (Stipulation), p.2.

Any visitor who is found to have violated the visiting rules shall thereafter not be permitted to enter the jail for an indefinite period of time.
Stanley v. Walker, Civil 74-1229 (E.D.Pa., June 4, 1974) (Stipulation), p.3.

Order permitting continued limitation of visitation to relatives does not reflect court's view of ultimate merits, but only the limitations of population, staff, and physical structure.
Sykes v. Kreiger, Civil Action No. C 71-1181 (N.D. Ohio, May 15, 1975)(Order), pp.18-19.

Minors may visit inmates.
Sykes v. Kreiger, Civ.Action No. C 71-1181 (N.D.Ohio, May 15, 1975) (Order), pp.18-19.

Detainees cannot be restricted to a visiting list of five persons.
Tate v. Kassulke, 409 F.Supp. 651, 656 (W.D.Ky. 1976)

Visits are restricted to those 14 or older. Family members take precedence. Persons under the influence of intoxicants, unwilling to identify themselves, or unwilling to submit to a search will be excluded.
Tate v. Kassulke, 409 F.Supp. 651, 663 (W.D.Ky. 1976) (inc. by reference)

Court of Appeals held that district court order requiring that persons not be allowed to see prisoners except with their consent was too broad, in that it might be interpreted to eliminate visits from official investigators.

Taylor v. Sterrett, 499 F.2d 367, 369 (5th Cir., 1976)

Use of an approved visitation list is permissible.

Wayne Cty. Jail Inmates v. Wayne Cty. Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971)(Opinion), pp.72-73.

Prison official not to deny, limit, or revoke visitation rights based upon detainee's and/or the visitor's

1) sex
2) sexual orientation
3) race
4) age (visitor under 16 needs permission of parent)
5) nationality
6) political beliefs
7) religion
8) criminal record
9) involvement in any pending civil or criminal case.

Lucas v. Wasser, 76-1057 (S.D.N.Y. Sept. 30, 1976) (consent order), pp.3-4.

II.A.2. Communication and Expression--Visiting--Conditions

Physical improvement ordered in visiting area.

Barnes v. Government of Virgin Islands, 415 F.Supp. 1218,1234 (D.V.I. 1976)

Use of closed booths for visitation of inmates in administrative segregation (1B) in summer is so intolerable as to constitute a deprivation of visitation rights. Rule that no more than two inmates in administrative segregation may receive personal visits at the same time is justifiable.

Giampetruzzi v. Malcolm, 406 F.Supp. 836, 845 (S.D.N.Y. 19750

Strip searching all inmates in administrative segregation (1B) after personal visits, while not doing so to the general population, does not violate Fourth Amendment, due process, or equal protection

Giampetruzzi v. Malcolm, 406 F.Supp. 836, 844 (S.D.N.Y. 1975)

Officers are to search any person they have probable cause to feel is carrying contraband or may have a weapon.

Goldsby v. Carnes, 429 F.Supp. 370, 388 (W.D.Mo. 1977) (consent judgment)

More adequate visitation facilities shall be provided.

Jones v. Wittenberg, 330 F.Supp. 707, 717 (N.D.Ohio 1971)

Record does not contain any evidence that physical conditions require a finding that detainees have constitutional right to receive a minimum number of visitors at one time. Constitutional right to full reasonable use of detention facilities does not establish constitutional right to minimum number of visitors.
Rhem v. Malcolm, 396 F.Supp. 1195, 1197 (S.D.N.Y.1975)

No more than 6 visitors may visit an inmate at one time. Exceptions to this rule shall be granted when an inmate's spouse comes to visit with more than 3 children, or when a family of more than 4 travels a great distance to visit an inmate.
Stanley v. Walker, Civ.No. 74-1229 (E.D.Pa., June 4, 1974)(Stipulation),p.3.

Cramped and inadequate visiting facilities violate the Constitution.
Tyler v. Percich, 74-40-C(2) (E.D.Mo., Oct. 15, 1974) (Memorandum Opinion), pp.5,8.

II.A.2.a. Communication and Expression--Visiting--Conditions--Contact visits

While security considerations must be taken into account in determining the scope and implementation of a contact visiting program, they may not bar contact visiting.
Ambrose v. Malcolm, No. 76-190 (S.D.N.Y. May 6, 1976),p.4.

The fact that Bronx detainees may make more personal calls than detainees in other institutions does not obviate right to contact visits.
Ambrose v. Malcolm, No. 76-190 (S.D.N.Y.May 6, 1976),p.2.

Implementing contact visit order by knocking out glass partitions at non-contact visiting area would create security risk. Plantiffs' other proposals to expand current and planned contact visiting facilities are similarly unfeasible. However, plaintiffs entitled to an interim plan providing one contact visit a week pending completion of a plan to make every visit a contact visit.
Ambrose v. Malcolm, No. 76-190 (S.D.N.Y. July 13, 1976), pp.2-3.

Contact visitation is required between prisoners and family members unless compelling reasons dictate otherwise; contact visits with others should be provided where space permits.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D.Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.19. (Court declines to clarify the issue of "compelling reaons" and classification, Memorandum Opinion, Jan. 24, 1975, p.9.)

Contact visits shall be afforded prisoners who have been incarcerated for one week. One visit a week shall be provided (more, if possible).
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D.Mich., January 24, 1975) (Memorandum Opinion), p.7.

Preliminary relief as to contact visits granted since the continuing daily deprivation of constitutional rights to a contact visit with a family member or friend is irreparable by definition and plaintiffs have established an overwhelming likelihood of success on the merits.
Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y. July 11, 1975) p.6, aff'd, 527 F.2d 1041 (2nd Cir. 1975)

City should expand contact visiting schedule (to all weekdays from 9 to 5) while awaiting construction of new contact visiting facility, in view of limited additional expenditure required.
Benjamin v. Malcolm, No. 75-3073 (S.D.N.Y. July 13, 1976), pp.2-3 (modifies July 11, 1975 order).

Expanding contact visiting facilities by knocking out glass partitions in present non-contact visitation area impractical for security reasons.
Benjamin v. Malcolm, No. 75-3073 (S.D.N.Y. July 13, 1976),p.2

Defendants ordered to establish a classification system to determine which detainees can enjoy contact visits.
Campbell v. McGruder, 416 F.Supp. 100, 105 (D.D.C. 1975)

Court held that denial of contact visits did not rise to cruel and unusual punishment.
Collins v. Schoonfield, 344 F.Supp. 257, 279 (D.Md., 1972).

Denial of contact visitation is unconstitutional. (Motion for Summary Judgment granted.)
Detainees of the Brooklyn House of Detention for Men v. Malcolm, 421 F.Supp. 832, 835 (E.D.N.Y. 1976)

Court ruled that immediate steps be taken to permit reasonably controlled contact visits to pre-trial detainees.
Dillard v. Pitchess, 399 F.Supp. 1225, 1240 (C.D.Ca., 1975)

Detainees to have contact visits.
Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976), p.2.

Contact visits ordered on equal protection grounds.
Feely v. Sampson, Civil Action No. 75-171, Opinion at 13 (D.N.H., Sept. 24, 1976)

Summary judgment granted requiring that every visit be a contact visit except where a security risk is revealed through an established classification system. Conclusory opinions about security risks do not satisfy this standard. Specific implementation, however, depends on practical limitations of space and security considerations.
Forts v. Malcolm,426 F. Supp. 464 (S.D.N.Y. 1977)

Contact visits shall be permitted both for family and nonfamily members.
Forts v. Malcolm, 76 Civ. 101 (S.D.N.Y., Mar. 7, 1977) (Endorsement)

In implementing right to contact visits, court does not intend any decrease in the number or length of visits to which detainees are entitled.
Forts v. Malcolm, 76 Civ. 101, Memorandum and Order at 4 (S.D.N.Y., July 6, 1977)

Plan for contact visits to be submitted.
Garnes v. Taylor, Civil Action No. 159-72 (D.D.C., Dec. 30, 1976)(Memorandum and Order), pp.7-9, 11

Lack of contact visitation contributed to finding of constitutional violation (totality).
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion & Decree Nisi), p.224.

Detainees at Sufffolk County Jail to be entitled to contact visits.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), pp.2-3.

Contact visits to non security risks at Adolescent Remand and Detention Center consented to.
Maldonado v. Malcolm, 76 Civ. 2854 (S.D.N.Y. 1976) (consent judgment)

Defendants ordered to provide contact visits except where denied to a particular detainee pursuant to the classification system ordered in Rhem v. Malcolm.
Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975), pp. 30-35.

Court ordered jail officials to make space available and provide a room or rooms for contact visits.
Marion County Jail Inmates v. Broderick, No. IP-72-C-424 (S.D.Ind., Mar. 24,1976) (Memorandum of Decision), p.15.

Immediate steps shall be taken for providing more adequate physical facilities for visitation to include a system of contact visiting.
Miller v. Carson, No. 74-382-Civ-J-5 (M.D.Fla., Jan.31, 1975)(Order and Preliminary Injunction), p.15.

Contact visits are constitutionally required.
Miller v. Carson, 401 F.Supp. 835, 893 (M.D.Fla., 1975)

Contact visits are required.
Mitchell v. Untreiner, 421 F.Supp. 886, 901 (N.D.Fla. 1976)

Denial of contact visiting upheld.
Moore v. Janing, 427 F.Supp. 567, 575 (D.Neb. 1976)

Detainees to receive visits on contact basis except for security risks.
Palma v. Treuchtlinger,No. 72-1653 (E.D.N.Y. July 11, 1975), p.1. (consent judgment)

Preliminary relief not appropriate in area of contact visitation.
Powlowski v. Wullich, 81 Misc. 2d 895, 902 (Sup.Ct. Monroe County 1975).

Pre-trial have right to contact visits. Cannot be abridged because of high cost.
Rhem v. Malcolm, 371 F.Supp. 594, 626 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

Contact visits are required by due process and equal protection for all detainees who, by classification, are shown not to require maximum security custody.
Rhem v. Malcolm, 371 F.Supp. 594, 625-26 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974)

District court's finding that risk caused by contact visits will be marginal and controllable is not clearly erroneous.
Rhem v. Malcolm, 507 F.2d 333, 338 (2nd Cir. 1974)

Limitation of right to contact visits must be justified by a system of classification which excludes only those inmates requiring maximum security.
Rhem v. Malcolm, 389 F.Supp. 964, 968 (S.D.N.Y. 1975)

City offered no evidence that contact visits, ordered at Tombs, were not feasible at Rikers H.D.M.
Rhem v. Malcolm, 389 F.Supp. 964, 970 (S.D.N.Y. 1975)

Prison officials need not apply to court for permission to deny contact visits to inmates properly classified as security risks.
Rhem v. Malcolm, 396 F.Supp. 1195, 1200 (S.D.N.Y. 1975)

Requirement that detainees have benefit of contact visiting program within 90 days would not be eliminated. (strong language)
Rhem v. Malcolm, 396 F.Supp. 1195, 1200 (S.D.N.Y.) aff'd, 527 F.2d 1041 (2d Cir. 1975)

District court did not err in ordering HDM to provide contact visits without providing a full hearing on the physical and economic difficulty caused by such order.
Rhem v. Malcolm, 527 F.2d 1041, 1043 (2nd Cir. 1975)

Court finds that proposed contact visiting facility meets minimal constitutional standards.
Rhem v. Malcolm, 432 F.Supp. 769, 775 (S.D.N.Y. 1977)

Detainees in mental health center entitled to contact visits on the same basis as other detainees, except that contact visits may be denied where a psychiatrist or psychologist determines that there is a serious threat of physical danger to the visitor. (This judgment not to be cited in New York City litigation.)

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 3-4 (S.D.N.Y., March 17, 1977)

Court recognized that detainees have some right to contact visits, but denied motion for summary judgment on that issue due to conflicting evidence on potential security problems & degree of risk involved in permitting contact visitation.

Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) Opinion, p. 16.

Contact visitation with family and 3 other persons shall take place at the chapel in the Men's Division and at the Dining Hall in the Women's Division, and appropriate outdoor areas shall be provided for visits during clement weather.

Stanley v. Walker, Civil No. 74-1229 (E.D. Pa., June 4, 1974) (Stipulation), pp. 1-2.

Order permitting continuation of non-contact visits does not reflect court's view of ultimate merits, but immediate limits of population, staff, and physical structure.

Sykes v. Kreiger, Civil Action No. C71-1181 (N.D. Ohio, May 15, 1975) (Order), pp. 18-19.

Denial of contact visitation is permissible.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 72-73.

Contact visitation with families will be provided for mentally ill and potentially suicidal inmates.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Wayne Co. Circuit Ct., June 19, 1975) (Interim Opinion), p. 11.

Contact visits denied.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Admend Judgment), pp. 12-15.

Mentally ill or suicidal inmates entitled to contact visits with families for a period of 45 minutes.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., March 1, 1976) (Opinion Regarding Sheriff's Suicide Prevention Plan), pp. 25-28.

II.A.2.b Communication and Expression - Visiting - conditions - Time (length, number)

One visit a week shall be provided (more if possible).
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., January 24, 1975) (Memorandum Opinion), p. 7.

Court ordered county district attorney to prepare a proposal for expanded visitation privileges for pre-trial detainees and suggested that such proposal provide for daily visiting hours to allow pre-trial detainees to visit for substantial periods of time each week.
Bishop v. Lamb, Civil No. LV-1864, (D. Nev., Aug. 24, 1973), (Order), p.5.

Each inmate shall be entitled to at least 2 weekly visits of at least 20 minutes duration by friends or family members.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), pp.12-13.

Allowing detainees to see visitors only twice a month or once a week is arguably unconstitutional.
Duran v. Elrod, 542 F.2d 998, 1000 (7th Cir., 1976)

Visits to be of half hour minimum duration. Each detainee allowed three hours of visits per day.
Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976) p.2.

Defendants may limit the length of visits to half an hour. "Longer visits would be preferable for pretrial detainees, but federal courts sit to enforce constitutional rights, not to dictate the minutiae involved in running a jail."
Feely v. Sampson, Civil Action No. 75-171, Opinion at 14 (D.N.H., Sept. 24, 1976)

Visits will be limited to 15 minutes (30 minutes in unusual cases).
Goldsby v. Carnes, 365 F. Supp. 395, 415 (W.D. Mo. 1973) (Consent Judgment)

Inmates will receive no more than 3 visitors on a given visiting day.
Goldsby v. Carnes, 365 F. Supp. 395, 415 (W.D. Mo. 1973) (Consent Judgment)

Inmates will receive not more than three visitors a day. Visits will be limited to 30 minutes in usual cases and not over one hour in any case.
Goldsby v. Carnes, 429 F. Supp. 370, 388 (W.D.Mo. 1977) (Consent Judgment)

Inmates are entitled to at least 15 minutes visitation per visit, but may not receive more than 3 visitors on any given visiting day.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p.4.

Inmates to be permitted 3 visits per week, each to last for one hour if possible.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F.Supp. 676, 693 (D.Mass. 1973)

There shall be no limitation on the visitation time of pre-trial detainees. Visits shall not be limited to less than one hour unless the visiting facility is overcrowded. When an inmate has more than one visitor, the time spent per visit is within the inmate's discretion.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order) p.4.

Detainees entitled to at least 2 hours of visits per week.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), p.3.

Number, length, and frequency of visits to be limited only to extent necessary to accommodate all visits to all inmates (from prior consent judgment quoted in main opinion cited below).

Manicone v. Cleary,No. 74-575 (E.D.N.Y. June 30, 1975) p.4.

Detainees shall be provided with visits of equivalent length, number, and days as provided convicted persons.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., March 24,1976) (Memorandum of Decision), pp. 15-16.

Visits shall last 15 minutes.

Moore v. Janing, Civil No. 72-0-223 (D.Neb., March 9, 1973) (Order and Stipulation), ¶¶26,30,31.

Restrictions on frequency of visiting upheld.

Moore v. Janing, 427 F.Supp. 567, 575 (D.Neb. 1976)

No more than two visitors allowed per visiting day. Visits to be limited to 30 minutes.

Pennell v. Myatt,No. 74-87 (D.N.H. March 6, 1975) (order, Attachment A).

Under the special conditions of Rikers Island 30 minutes visiting period is constitutionally adequate so long as it provides at least a weekly opportunity for inmates to receive visit from wife or some family member.

Rhem v. Malcolm 389 F.Supp. 964, 971 (S.D.N.Y. 1975), motion to amend judgment denied, 396 F.Supp. 1195 (S.D.N.Y. 1975)

So that institution may experiment with improved visiting schedule, it is permitted to reduce present number of visits per week but present number of visiting hours per week shall not be reduced.

Rhem v. Malcolm,396 F.Supp. 1195, 1199 (S.D.N.Y. 1975)

Ordered that every visit at Rikers H.D.M., for members of the Rhem class, last a minimum of one half hour and shall not then be terminated unless the visiting facilities are filled to capacity and additional visitors are waiting, in which case those visits which have lasted the longest in excess of the minimum shall be terminated first.

Rhem v. Malcolm 396 F.Supp. 1195, 1202 (S.D.N.Y. 1975)

The visitation schedule for pre-trial detainees shall be as follows: Monday 6:00 PM to 8:00 PM; Wednesday 1:00 PM to 2:30 PM and 6:00 PM to 8:00 PM; Fridays 6:00 PM to 8:00 PM; and Saturdays 9:00 AM to 11:00 AM.

Stanley v.Walker,Civil No.74-1229 (E.D.Pa., June 4, 1974) (Stipulation), p.2.

Visits shall not be limited in duration. However, at times when the visiting area is overcrowded and there are further visitors waiting prisoners may be asked to limit their visits to one hour.

Stanley v. Walker, Civil No. 74-1229 (E.D.Pa., June 4, 1974) (Stipulation), pp.2-3.

Inmates should receive three visitation periods a week.

Sykes v. Kreiger, Civil Action No. C 71-1181 (N.D. Ohio, May 15, 1975) (Order), p.19.

Order permitting continuation of 15-minute visits does not reflect court's view of ultimate merits, but immediate limits of population, staff and physical structure.

Sykes v. Kreiger, Civil Action No C 71-1181 (N.D. Ohio, May 15, 1975) (Order), pp. 18-19.

Inmates may have one visit per day with up to 2 visitors (14 or Older) for at least 15 minutes but not more than 30 minutes.

Tate v. Kassulke, 409 F.Supp. 651, 663 (W.D.Ky. 1976) (inc. by reference)

Visiting schedule of one 15-minute period a week is unconstitutionally stringent.

Tate v. Kassulke, 409 F.Supp. 651, 655 (W.D.Ky. 1976).

Visitation by friends and family members once every two weeks is permissible.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 72-73.

II.A.2.c Communication and Expression--Visiting--Conditions--Privacy

Visiting area shall be separated from the cell areas and shall allow for private conversations.

Ahrens v. Thomas, 434 F.Supp. 873, 904 (W.D.Mo. 1977)

Detainee has no right of privacy during his visits.

Christman v. Skinner, 468 F.2d 723, 726 (2d Cir. 1972)

Visitation conversations shall not be monitored.

Feeley v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976) (Order), p.2.

Private visitation may be allowed with parents, children, and spouses when scheduled in advance.

Inmates of Allen County Jail v. Bender, Civil No. 71 F. 32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment), p.4.

Defendants shall commence construction of adequate and secure visitation facilities, which shall permit two inmates to meet with visitors simultaneously in some privacy.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975 (Stipulation and Order), p.5.

Inmates may have confidential visits with attorneys and their staffs, witnesses when accompanied by attorney or staff, ministers, priests, rabbis, probation officers, social workers, doctors, psychiatrists or psychologists, in facilities designed so that conversations cannot be overheard.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p.5.

Visits may be supervised but shall not be monitored.
Lambert v. Skidmore, No. C274-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p.4.

Visiting facilities shall provide maximum privacy consistent with security, clear visual contact between inmate and visitor, and unhindered and unmonitored verbal contact.
Moore v. Janing, Civil No. 72-0-223 (D.Neb., March 9, 1973) (Order and Stipulation), ¶27.

Visits may be observed but conversations shall not be overheard.
Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p.8.

II.A.3 Communication and Expression--Visiting--Schedule

Issue of preliminary relief as to visiting schedules put aside because defendant prisonofficials have represented to the court that they are complying with plaintiffs' demands.
Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y., July 11, 1975), p.5.

A schedule of reasonable visiting hours shall be promulgated and made known to inmates.
Hamilton v. Love, No. LR-70-C-201 (E.D.Ark, June 22, 1971) (Interim Decree), p.4.

Visiting hours shall be established on three weekdays, Saturday or Sunday, and specified holidays. Visits shall last 15 minutes. Special arrangements shall be made for visitors who travel more than 50 miles.
Moore v. Janing, Civil No 72-0-223 (D.Neb. March 9, 1973) (Order and Stipulation), ¶¶26,30,31.

Validity of visiting schedules must be judged by balancing a detainee's right to a reasonable number of visits from his family and friends against the limitation of possibilities inherent in location and accessibility of institution.
Rhem v. Malcolm, 389 F.Supp. 964, 970 (S.D.N.Y. 1975)

Record does not require constitutional right to have a) visiting facilities be open 9 AM to 9 PM seven days a week, b) every visit last a minimum of two hours, and c) visits daily.
Rhem v. Malcolm, 396 F.Supp. 1195, 1197 (S.D.N.Y. 1975)

The visitation schedule for pre-trial detainees shall be as follows: Monday 6:00 P.M. to 8:00 P.M.; Wednesday 1:00 P.M. to 2:30 P.M. and 6:00 P.M. to 8:00 P.M.; Friday 6:00 P.M. to 8:00 P.M.; and Saturdays 9:00 A.M. to 11:00 A.M.
Stanley v. Walker, Civil No. 74-1229 (E.D. Pa., June 4, 1974) (Stipulation), p. 2.

II.A.3.a. Communication and Expression--Visiting--Schedule--Extent

Visiting shall be permitted at least weekly.
Ahrens v. Thomas, 434 F.Supp. 873, 904 (W.D.Mo. 1977)

Pre-trial detainees have a First Amendment right to visit with whomever they please for substantial period of time each week.
Bell v. Wolff, CV72-L-227 (D.Neb., November 7,1973) (Memorandum Opinion), aff'd on other grounds, 496 F.2d 1252 (8th Cir. 1974)

A pre-trial detainee should be able to visit for substantial periods of time each week.
Brenneman v. Madigan, 343 F.Supp. 128, 141 (N.D.Calif. 1972)

Visitation shall be available at all reasonable times.
Feeley v. Sampson, Civil Action No. 75-171 (D.N.H., Sept. 14, 1976) (Order), p.2.

In implementing right to contact visits, court does not intend any decrease in the number or length of visits to which detainees are entitled.
Forts v. Malcolm, 76 Civ. 101, Memorandum and Order at 4 (S.D.N.Y., July 6, 1977)

Where defendants had instituted visits at "any reasonable time," court would incorporate those flexible hours in its order. "Defendants may, of course, reasonably limit visiting hours to accommodate administrative needs; however, any further restrictions they place upon the times or duration of visits must meet the compelling necessity test."
Feeley v. Sampson, Civil Action No. 75-171, Opinion at 15 (D.N.H., Sept. 24, 1976)

Visits shall be allowed weekly and every effort shall be made to permit them twice weekly.
Goldsby v. Carnes, 365 F.Supp. 395, 404 (W.D.Mo. 1973); 429 F.Supp. 370, 378 (W.D.Mo. 1977)(consent judgment).

Visiting hours shall be held at least two hours a day, plus two more hours on Tuesday and Thursday evenings.
Lambert v. Skidmore, No. C 2 74-135 (S.D.Ohio, May 30, 1975) (Stipulation and Order), p.4.

Visiting must be permitted each day.
Mitchell v. Untreiner, 421 F.Supp. 886, 901 (N.D. Fla. 1976).

Where consent decree provided for at least 90 minutes of visitation per week, defendants are directed to do exactly that, hiring more personnel or expanding the area if necessary.
Padgett v. Stein, 406 F.Supp. 287, 302 (M.D.Pa. 1975).

Visitation by friends and family members once every two weeks is permissible.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp.72-73.

II.A.3.b. Communication and Expression--Visiting--Schedule--Particular Hours

A two-hour evening period one day a week should be added to the existing schedule.

Barnes v. Government of the Virgin Island 415 F.Supp. 1218, 1234 (D.V.I. 1976).

Court ordered district attorney to prepare proposal for expanded visitation privileges for pre-trial detainees and suggested that such proposal provide for daily visiting hours, including weekends and holidays.

Bishop v. Lamb, Civil No. 1864, (D.Nev., Aug. 24, 1973), Order, p.5.

Evening visitation hours should be available to families of prisoners in order to facilitate visits by those who are in school or must work during the day.

Dillard v. Pitchess, 399 F.Supp. 1225,1240 (C.D.Ca., 1975)

Not allowing detainees to see visitors during the evenings or on weekends is arguably unconstitutional.

Duran v. Elrod, 542 F.2d 998, 1000 (7th Cir., 1976).

Inmates may receive visitors during posted hours. Visitors shall be allowed on a weekly basis. Every effort shall be made to increase this to twice a week.

Goldsby v. Carnes,429 F.Supp. 370, 388 (W.D.Mo. 1977) (consent judgment)

The minimum number of hours of visitation shall be 6:30 P.M. to 8:30 P.M. on Wednesday, and from 1:30 P.M. to 3:30 P.M. on Saturdays and Sundays.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975) Order for Partial Judgment, p.4.

Visiting hours must be expanded to include 1:30-3:30 P.M. Tuesday through Thursday.

Joiner v. Pruitt, Cause No. 475-166 (Lake Cty., Ind., Super. Ct., June 30, 1975), p.4.

Visiting program shall include daily visiting hours, both in the daytime and in the evening, and upon holidays and weekends.

Jones v. Wittenberg, 330 F.Supp. 707, 717 (N.D. Ohio 1971)

Visiting hours shall be held at least two hours a day, plus two more hours on Tuesday and Thursday evenings.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p.4.

Detainees entitled to interim relief of personal visits on at least Tuesday, Friday, and Saturday from 9 to 5.
Detainees to be able to receive personal visit within 24 hours after admission, notwithstanding above.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), p.3.

Minimum visitation hours shall be 10:00 a.m. to 11:00 a.m., 1:00 p.m. to 3:30 p.m., and 6:00 p.m. to 8:00 p.m., Monday through Friday.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 11.

Minimum visitation hours shall be 10:00 a.m.-11:00 a.m., 1:00 p.m.-3:00 p.m., and 6:00 p.m.-8:00 p.m., Monday through Friday.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 11.

Immediate steps shall be taken to establish visiting programs which include daily visiting hours, both in the daytime and evening, and especially on holidays and weekends.
Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p.15.
Visiting must be permitted each day and some evenings.
Mitchell v. Untreiner, 421 F.Supp. 886, 901 (N.D.Fla., 1976)

Visiting hours for jail to be: 1:00 p.m.-2:00 p.m. Sunday and 6:00 p.m.-7:00 p.m. Wednesday.
Pennell v. Myatt,No. 74-87 (D.N.H. March 6, 1975) Order, Attachment A

Visiting hours are daily from 8:00-11:00 a.m., 1:00-4:00 p.m. and 7:00-10:00 p.m.
Tate v. Kassulke, 409 F.Supp. 651, 663 (W.D.Ky. 1976) (inc. by reference)

II.A.4 Communication and Expresssion--Visiting--Conjugal visits

Detainees held for long periods in maximum security must be afforded, conjugal rights.
Government of the Virgin Islands v. Gereau No. 72-97 (D.V.I. May 30, 1973), 3 Prison L. Rptr. 20.

Conjugal visitation is not constitutionally mandated. (Defendant's motion for summary judgment granted.)
Sandoval v. James, No C-72-2213 RFP (N.D.Ca., Oct. 3, 1975) (Opinion), p.15.

Conjugal visitation is a matter for legislative and executive judgment.

Wayne County Jail Inmates. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 73.

II.B. Communication and Expression--Mail (see also Communication and Expression--Social and Political Expression--Communication with Media; Communication and Expression--Foreign languages; Personal property--packages).

Where jail officials forwarded inmate's correspondence to prosecutor, prosecutor was not immune from civil right suit.

Austin v. Manlin, 433 F.Supp. 648, 649-50 (E.D.Pa. 1977)

Jail administrators must choose least restrictive means of regulating prison correspondence.

Brenneman v. Madigan, 343 F.Supp. 128, 142 (N.D.Cal. 1972)

In any case in which an envelope contains the name of an inmate-addressee which is the same as the name of another inmate, every reasonable effort shall be made to determine the appropriate addressee before that envelope is delivered or returned to the Post Office, and mail received for an inmate who has been transfered to another institution shall be forwarded immediately if his address is known.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p.12.

The right to correspond is protected by the First Amendment.

Feeley v. Sampson, Civil Action No. 75-171, Opinion at 12, 15 (D.N.H., Sept. 24, 1976)

Where the outgoing mail of an inmate is inspected, censored, delayed, or otherwise interfered with, the inmate shall be give written notice thereof, and a reasonable opportunity to protest the action.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment), p.2.

Detainees retain the right to send or receive mail in the same fashion as other members of the general public, subject only to limited restrictions necessary to preserve jail security.

Inmates of Milwaukee County Jail v. Petersen 353 F.Supp. 1157, 1167 (E.D.Wisc., 1973)

No records shall be kept of correspondence mailed to or received by inmates.

Lambert v. Skinner, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p.2.

Challenge to mail regulations requires a factual record for disposition and therefore case is remanded for a hearing.
Moore v. Ciccone, 459 F.2 574 (8th Cir., 1972) (en banc)

Prison mail procedures concern rights of persons on outside who wish to correspond with inmates as well as rights of inmates themselves.
Continuance of prison officials' mail procedures will cause irreparable injury if preliminary relief not given.
Palmigiano v. Travisono, 317 F. Supp. 776, 786, 787 (D.R.I. 1970)

II.B.1 Communication and Expression--Mail--Legal and official

The denial of free and unfettered communication between inmates and courts and attorneys may constitute a denial of Federal constitutional rights.
Barlow v. Amiss, 474 F.2d 896,898 (5th Cir., 1973).

Authorities not permitted to refuse to mail inmate's legal mail. Allegation of such refusal is sufficient to state cause of action for damages.
Christman v. Skinner, 468 F.2d 723, 726 (2d Cir. 1972)

Jail officials not permitted to refuse to mail communication between detainee and an attorney.
Christman v. Skinner,468 F.2d 723, 726 (2nd Cir., 1972).

At inmate's request, legal mail will be recorded in a log.
Goldsby v. Carnes, 365 F.Supp. 395, 404 (W.D.Mo., 1973) (consent judgment)

Mail between an inmate and his attorney and other public officials is absolutely privilege and must be kept in strictest confidence and may be interfered with only upon a showing by jail officials that unrestricted attorney mail presents a threat to security.
Kindale v. Dowe, Civil No. 73-374 GT (S.D.Ca., Oct. 29, 1973) (Preliminary Injunction), pp.4-5.

Lack of access to a library, complete absence of any law books, and restrictions on visiting and mailing privileges deny inmates the effective assistance of counsel, the ability to assist in the preparation of a defense and to secure witnesses in their behalf.
Mitchell v. Untreiner, 421 F.Supp. 886, 895-96 (N.D.Fla. 1976).

Only undelayed, uncensored, unrestricted delivery of legal correspondence can secure the basic right of access to the courts.
Moore v. Ciccone, 459 F.2d 574, 578 (8th Cir. 1972) (concurring opinion).

There shall be no restrictions placed on the number of letters that inmates may write to courts or public officials or to their attorney of record.

Obadele v. McAdory, Civil No. 72J-103(N) (S.D. Miss., June 19, 1973) p.2.

Where inmate's complaint did not allege that sheriff and deputy censored his letters, or that they were responsible for failure of letters to be delivered, and where counsel to whom letters were addressed was not assisting inmate in conduct of his defense, inmate's civil rights were not violated.

Page v. Sharpe,487 F.2d 567, 569 (1st Cir., 1973)

Jail officials may require that prisoners wishing to correspond with an attorney present the name and business address of the attorney to prison officials 48 hours before that correspondence is to be placed in the mails, and that attorneys wishing to correspond confidentially with prisoners first identify themselves by means of a signed letter.

Taylor v. Sterrett, 532 F.2d 462, 474, 475 .20 (5th Cir., 1976)

II.B.1.a. Communication and Expression--Mail--Legal and official--Censorship

Attorney-client mail shall be uncensored.

Ahrens v. Thomas, 434 F.Supp. 873, 904 (W.D.Mo. 1977).

It is unconstitutional to open and inspect mail to and from attorneys.

Bell v. Wolff, CV72-L-227 (D.Neb., November 7, 1973) (Memorandum Opinion), p.9, aff'd on other grounds, 496 F.2d 1252 (8th Cir. 1974)

Court ordered county district attorney to prepare a set of rules governing the communication privileges of pre-trial detainees and suggested that such rules provide for no censorship of incoming letters from inmate's attorney, or from any judge or elected public official.

Bishop v. Lamb, Civil No. 1864 (D. Nev., Aug. 24, 1973) (Order), p.5.

It is difficult to justify any restrictions at all on the amount or content of a pre-trial detainee's outgoing correspondence (dicta).

Brenneman v. Madigan,343 F. Supp. 128, 141-42 (N.D.Ca. 1972)

It is constitutionally impermissible for jail authorities to withhold or delete the contents of correspondence between attorney and client.

Collins v. Schoonfield, 344 F.Supp. 257, 275 (D.Md., 1972).

No mail restrictions are appropriate in regard to correspondence between pre-trial detainees and counsel or court officers.

Inmates of Milwaukee County Jail v. Petersen, 353 F.Supp. 1157, 1168 (E.D. Wisc. 1973)

Jail officers may not open or read any inmate's outgoing mail.
Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order),p.3.

There shall be no censorship of incoming mail from the prisoner's attorney or from any judge or elected public official.
Jones v. Wittenberg, 330 F.Supp. 707, 719 (N.D. Ohio 1971)

Prison officials not to open, read, inspect or censor incoming or outgoing legal mail.
Lucas v. Wasser No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), pp.4-5.

Only letters posing security threat to be censored (from prior consent judgment quoted in main opinion).
Manicone v. Cleary No. 74-575 (E.D.N.Y., June 30, 1975) p.3.

Inmate's mail sent to and received from judges, court officials, attorneys, and duly elected government officials shall not be censored.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 10.

Censorship for purpose of suppressing criticism of institution or its officials violates first Amendment.
Palmigiano v. Travisono,317 F.Supp. 776, 788 (D.R.I. 1970)

Officials have right to censor letters to attorneys but this can be done only for good cause. Good cause consists of either a threat to security of institution or some illegal scheme. That letter contains false information or attacks on detention officials does not constitute good cause.
Wilkinson v. Skinner,34 N.Y.2d 53, 61 (1974)

II.B.1.b. Communication and Expression--Mail--Legal and offical--Institution's right to read

Attorney-client mail shall be confidential.
Ahrens v. Thomas, 434 F.Supp. 873, 904 (W.D.Mo. 1977)

Letters to or from courts, attorneys and public officials may not be examined by jail authorities.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D.Mich., August 29, 1974) (Memorandum Opinion and Preliminary Injunction), p.15.

Outgoing mail of pre-trial detainees shall not be read nor opened.
Bolding v. Jennings, No. 756-73C2 (W.D.Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 260

Inmate security risk's incoming legal mail should be delivered promptly and unopened.

Conklin v. Hancock, 334 F. Supp. 1119, 1123 (D.N.H. 1971)

Outgoing legal mail not to be read, even if inmate is security risk.

Conklin v. Hancock, 334 F. Supp. 1119, 1122 (D.N.H. 1971)

The occasional opening of legal mail, without any showing of harm, was reasonable.

Cook v. Brockway, 424 F. Supp. 1046, 1050-51 (N.D. Tex. 1977)

Incoming mail from attorneys, courts, the Governor, Congresspeople, and State legislators shall not be opened.

Goldsby v. Carnes, 365 F. Supp. 395, 403-04 (W.D. Mo. 1973) (Consent judgment)

Inspection of all mail is necessary to security and maintenance of order among unconvicted persons in U.S. Medical Center.

Henry v. Ciccone, 315 F. Supp. 889, 892 (W.D. Mo. 1970), appeal dismissed as moot, 440 F. 2d 1052 (8th Cir. 1971).

No mail restrictions are appropriate in regard to correspondence between pre-trial detainees and counsel or court officers.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1168 (E.D. Wisc. 1973)

Inmate's incoming and outgoing legal mail should not be read.

Jackson v. Hendrick, No. 71 - 2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion & Decree Nisi), p. 234.

Outgoing mail from federal prisoners may not be opened if addressed to any court, attorney, elected official, or investigative agency.

Johnson v. Lark, 365 F. Supp. 289, 303, 305 (E.D. Mo. 1973)

Jail officials may not open or read any inmate's outgoing mail.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super Ct., Feb. 21, 1975) (Order), p. 3.

Prison officials not to open, read, inspect or censor incoming or outgoing legal mail.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976), (Consent Order), pp. 4-5.

Inmate's mail sent to or received from judges, court officials, lawyers and duly elected public officials shall not be read by jail officials.

Marion County Jail Inmates v. Broderick, No. IP72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 10.

Waiver signed by detainee held for psychiatric observation cannot effectively authorize opening and inspection of legal mail.
Moore v. Ciccone, 459 F. 2d 574, 579 (8th Cir. 1972) (concurring opinion).

Incoming mail from attorneys, courts, governments, Congresspeople and State legislators shall not be opened or inspected.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), p. 13.

Legal mail (incoming and outgoing) may be inspected for contraband but not read.
Palma v. Treuchlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent judgment), p. 2.

Prison officials enjoined from reading incoming mail from any court, attorney, public official or employee thereof acting in an official capacity.
Rhem v. Malcolm, No. 70-3962 (S.D.N.Y. March 22, 1974), p. 1.

It is unconstitutional to read or to open outside a detainee's presence mail from courts, attorneys, or public officials.
Rhem v. Malcolm, 371 F. Supp. 594, 634 (S.D.N.Y. 1974), aff'd. 507 F. 2d 333 (2d Cir. 1974).

Jail officials may not open or read inmates' outgoing mail to government agencies, but they may ascertain whether the mail is addressed to an actual government agency's address and may stamp the envelope so as to alert government officials to report abusive correspondence.
Taylor v. Sterrett, 532 F. 2d 462, 480 (5th Cir., 1976).

Any infringement of the right to effective counsel by the reading of an inmate's correspondence with an attorney is included within a concurrent abridgement of the right of access to the courts.
Taylor v. Sterrett, 532 F. 2d 462, 472 (5th Cir., 1976).

Mail to any government official or licensed attorney shall not be opened or otherwise inspected.
Vienneau v. Shanks, 425 F. Supp. 676, 680 (W.D. Wis. 1970).

Outgoing letters to attorneys of record, public officials, or governmental agencies, may not be inspected or read under state regulations and the Sixth Amendment, even if an authorization is extracted from the inmate.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 77-80.

II. B. 1 c. Communication and Expression--Mail--Legal and Official--Inspection for contraband

Mail to or from courts, attorneys, and public officials shall be inspected only for contraband and only in the prisoner's presence.
Barnes v. Gov't. of Virgin Islands, 415 F. Supp. 1218, 1234 (D.V.I. 1976).

Incoming parcels or letters may be inspected for contraband.
Bishop v. Lamb, Civil No. 1864, (D. Nev., Aug. 24, 1973) (Order), p. 5.

Incoming mail of pre-trial detainees shall be opened in the presence of addressee and not read, and shall be delivered to addressee immediately.
Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal); 3 Prison L. Rptr. 259,260.

Prison officials may inspect incoming correspondence for contraband.
Brenneman v. Madigan, 343 F. Supp. 128, 141 (N.D. Ca. 1972).

There must exist a "very special" reason or circumstance for any mail between inmate and court to be opened or censored, e.g. a ticking box or one containing clothes and not papers.
Collins v. Schoonfield, 344 F. Supp. 257, 272, n. 50 (D. Md. 1972).

Incoming legal mail not to be opened unless in inmate's presence.
Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976) pp. 2-3.

Legal mail should be inspected for contraband only in the detainee's presence.
Garnes v. Taylor, Civil Action No. 159-72 (D.D.C., Dec. 30, 1976) (Memorandum and Order), p. 7.

The First and Sixth Amendments permit the inspection of legal mail only in the presence of the detainee.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 847 (S.D. N.Y. 1975).

Mail from attorneys, courts, the Governor, and state and federal legislators, and any other mail that so indicates on its face, may be opened only to inspect for contraband in the presence of the addressee.
Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

There shall be no inspection of any mail sent to inmates by judges, court officials, attorneys, or any duly elected governmental officials in their official capacity.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p 2.

Pre-trial detainees may send and receive legal correspondence in a sealed condition, without interference.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1168 (E.D. Wisc., 1973)

Legal mail to inmate can be opened only in his presence.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 688 (D. Mass. 1973).

Incoming mail identified by return address as coming from any court, attorney, elected official, or investigative agency may be opened in the detainee's presence and inspected for contraband but may not be read.

Johnson v. Lark, 365 F. Supp. 289, 303, 305 (E.D. Mo. 1973).

Legal mail may be opened in the inmate's presence to inspect for contraband.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), pp. 4-5.

Mail sent between inmates and judges, court officials, and duly elected governmental officials shall not be opened, and incoming mail from inmates' attorneys may be inspected for contraband only where officials have reason to believe that the piece of mail contains such, and then only in the inmate's presence.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree & Partial Judgment), p. 10.

Inmates' incoming mail from court officials; federal officials including the President, any senator or congressman, and any officials of any United States agency; all state officials including the Governor, members of the state house and senate, and officials of any state agency or department; and the attorney of record in any pending action, civil or criminal, shall not be interfered with.

Obadele v. McAdory, Civil No. 72J - 103 (N) (S.D. Miss., Jun.19, 1973), p. 2.

Legal mail to be inspected for contraband but not read in presence of inmate.

Palma v. Treuchlinger, No. 72-1653 (E.D.N.Y. July 11, 1975) (consent judgment), p. 2.

Officials may not open or inspect legal mail.

Palmigiano v. Travisono, 317 F. Supp. 776, 788-89 (D.R.I. 1970)

Prison officials may open legal mail only in inmate's presence.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y. March 22, 1974), pp. 1-2.

It is unconstitutional to read or to open outside a detainee's presence mail from courts, attorneys, or public officials.

Rhem v. Malcolm, 371 F. Supp. 594, 634 (S.D.N.Y. 1974), aff'd, 507 F 2d 333 (2d Cir. 1974).

Jail officials may not open or read inmates' outgoing legal mail.

Taylor v. Sterrett, 532 F. 2d 462, 474 (5th Cir., 1976).

Jail officials may not open or censor mail between inmates and courts, prosecuting attorneys, probation and parole officers, governmental agencies, lawyers, and the press.

Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex., 1972).

Jail officials may open inmates' incoming legal mail only if there is a reasonable possibility that contraband is included in the mail, in which case such mail may be opened only in the inmate/addressee's presence and shall not be read.

Taylor v. Sterrett, 532 F. 2d 462, 469 (5th Cir., 1976).

Mail to any governmental official or licensed attorney shall not be opened or otherwise inspected.

Vienneau v. Shanks, 425 F. Supp. 676, 680 (W.D. Wis. 1970)

Incoming legal mail may be opened for contraband in the inmate's presence without good cause.

Wolfish v. United States, 428 F. Supp. 333, 343 (S.D.N.Y. 1977.

II. B. 1. d. Communication and Expression--Mail--Legal and official--Definition

Legal mail is mail from a court, public official, or attorney (mail from clergymen given same treatment).
Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976) pp. 2-3.

Mail from attorneys, courts, the Governor, state and federal legislators, and any other mail that so indicates on its face is to be treated as legal mail and opened only in the addressee's presence.
Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

Legal mail is mail from any court, attorney, elected official or investigative agency.
Johnson v. Lark, 365 F. Supp. 289, 303, 305 (E.D. Mo. 1973).

Legal mail is mail from the prisoner's attorney, any judge or any elected official.
Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

Correspondence is privileged if between a detainee and an attorney, legal assistance agency, court, corrections official, or any other local, state, or federal official.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), pp. 4-5.

Legal mail includes mail to judges, court officials, and elected governmental officials.
Marion County Jail Inmates v. Broderick, No. 1P 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 10.

Legal mail includes mail from all court officials, federal and state officials, and the attorney of record in any action in any court.
Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973) (Declaratory Judgment), pp. 1-2.

Legal mail is correspondence with attorneys, judges, public officials and law enforcement agencies.
Palma v. Treuchlinger, No. 72-1653 (S.D.N.Y. July 11, 1975) (consent judgment) p. 2.

Officials not to open mail between inmate and following persons:
1) President, Senator, Congressman of U.S.
2) Federal judges and clerks
3) Attorney General of U.S.
4) Director of Federal Bureau of Prisons
5) Governor, Lt. Governor, State Officials, State Judges
6) Members of Parole Board
7) All attorneys duly licensed

Officials may not take more than 48 hours to verify name of addressee (in case of outgoing mail) or addressor (in case of incoming mail.

Palmigiano v. Travisono, 317 F. Supp. 776, 788-89 (D.R.I. 1970).

Legal mail is mail from any court, attorney or public official (or any employee thereof).

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y. March 22, 1974), pp. 1-2.

Court included in its definition of legal mail correspondence between inmates and the following parties: courts, prosecuting attorneys, probation and parole officers, governmental agencies, lawyers, and the press.

Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex. 1972).

Legal mail is correspondence with attorney, courts, or public officials (not clear that this is exclusive list).

Wilkinson v. Skinner, 34 N.Y. 2d 53,61 (1974).

II. B. 2. Communication and Expression--Mail--Non-legal

Letters may be typed or handwritten.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (Consent judgment).

All outgoing mail shall be sealed and placed in a departmental mailbox from which mail is delivered direct to the United States carrier.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

Mail between inmates and persons in the confidential relationship of the privileges of husband & wife, doctor & patient, psychotherapist & patient, clergyman & penitent is privileged and may be interfered with only upon a showing by prison officials that interference with this class of mail is justified by security interests.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary Injunction), p. 5.

General mail (i.e. that which is not privileged) is protected by the First Amendment and may not be interfered with except upon a factual showing that there is an actual security threat from such mail which makes inspection of such mail necessary.
Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary Injunction), p. 5.

No restrictions shall be placed on the type of stationery used.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976 (Consent Order), p. 5.

Incoming and outgoing letters may be in any language and may be typed or handwritten.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶14.

Absent search warrant, no outgoing inmate mail to be opened, read, or inspected.
Palmigiano v. Travisono, 317 F. Supp. 776, 791 (D.R.I. 1970)

II. B. 2. a. Communication and Expression--Mail--Non-legal--Censorship

Incoming mail may be inspected only for contraband and may not be read or censored absent exceptional circumstances.
Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977)

Rules providing for censorship of incoming and outgoing mail are unconstitutional.
Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973), (Memorandum Opinion), aff'd on other grounds, 496 F. 2d 1252 (8th Cir. 1974)

Court ordered county district attorney to prepare and submit within 30 days a proposed set of rules governing communication privileges of pre-trial detainees and suggested that such rules provide for no censorship of outgoing mail.
Bishop v. Lamb, Civil No. LV-1864, (D. Nev., Aug. 24, 1973) (Order), p. 5.

It is difficult to justify any restrictions at all on the amount or content of a pre-trial detainee's outgoing correspondence.
Brenneman v. Madigan, 343 F. Supp. 128, 141-42 (N.D. Ca. 1972).

Outgoing mail cannot be censored.
Brenneman v. Madigan, 343 F. Supp. 128, 142 (N.D. Ca. 1972).

Mail censorship may sometimes be permitted, but only under clear and narrowly drawn regulations.
Collins v. Schoonfield, 344 F. Supp. 257, 277 (D. Md. 1972)

Pornography and inflammatory writing may be screened from incoming mail of security risk.
Conklin v. Hancock, 334 F. Supp. 1119, 1123 (D. N.H. 1971).

Outgoing mail not to be censored without a warrant.
Feely v. Sampson, No. 75-171 (D. N.H., Sept. 14, 1976) (Order), p. 3.

Outgoing mail may not be opened without a warrant. Incoming mail may be read for the sole purpose of detecting plans for illegal activities or security threats. However, such material may not be copied, obliterated, or withheld unless a search warrant is obtained or the procedures required by Procunier v. Martinez are followed.
Feely v. Sampson, Civil Action No. 75-171, Opinion at 19-22 (D.N.H., Sept. 24, 1976).

Outgoing mail shall not be censored, inspected, delayed, or otherwise interfered with. Incoming mail may be opened only to inspect for contraband.
Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

No mail may be censored.
Hamilton v. Love, 358 F. Supp. 338, 346, 348 (E.D. Ark. 1973).

Outgoing mail shall not be censored or otherwise interfered with except upon reasonable suspicion based upon investigation by jail personnel or through other reliable information that jail security or safety to other inmates may be endangered.
Inmates of Marion County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Court held that censorship of mail of pre-trial detainees was not justified on grounds of security interest and was thus unconstitutional.
Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1167-1168 (E.D. Wisc., 1973).

Mail shall not be censored.
Inmates of Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

Jail officers may not read or censor any inmate
Joiner v. Pruitt, No. 475-166 (Lake City, Ind., Super. Ct., Feb. 21, 1975) (Order), p. 3.

Inmates must be notified of the rejection of any mail.
Joiner v. Pruitt, Cause No. 475-166 (Lake Cty, Ind., Super. Ct., June 30, 1975), p. 4.

Outgoing mail shall be uncensored.
Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

Outgoing personal correspondence shall be sealed by detainee and shall not be opened, read, inspected, or censored by prison officials except by lawful search warrant.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y.,Sept. 30, 1976) (Consent Order), p. 5.

Detainees' incoming mail is not to be opened, read, inspected, or censored.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), p. 6.

Only letters posing security threat to be censored (from prior consent judgment quoted in main opinion).
Manicone v. Cleary, No. 74-575 (E.D.N.Y. June 30, 1975) p. 3.

Whenever mail is determined to contain escape plans, obscenity, or contraband, the inmate shall be notified and be permitted to respond in writing.
Marion County Jail Inmates v. Broderick, No. 1P 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 10.

Outgoing mail shall not be inspected, censored, opened, delayed, or otherwise interfered with.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶11.

Contraband, pornography, and highly inflammatory material may be withheld from incoming mail. The intended recipient shall be notified.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶11.

Jail officials shall not open or otherwise interfere with inmates' outgoing mail.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., Jun 19, 1973), p. 1.

Officials may inspect mails for contraband, but may not censor or otherwise interfere with flow of mail.

Palma v. Treuchlinger, No. 72-1653 (E.D.N.Y. July 11, 1975) (consent judgment) p. 2.

Whether there should be any bans on pornography is best left to full hearing on merits.

Palmigiano v. Travisono, 317 F. Supp. 776, 790 (D.R.I. 1970)

Censorship for purpose of suppressing criticism of institution or its officials violates 1st Amendment.

Palmigiano v. Travisono, 317 F. Supp. 776, 788 (D.R.I. 1970).

Incoming and outgoing non-legal mail may be read, screened, and censored to further the penal goals of prison security and internal order and discipline.

Padgett v. Stein, 406 F. Supp. 287, 295-96, n. 6 (M.D. Pa. 1975).

Outgoing mail shall be sealed and shall not be examined, searched or seized.

Lambert v. Skidmore, No. C2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 1.

Incoming mail shall not be censored.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 2.

Incoming and outgoing non-legal mail may be scanned and censored for purposes consistent with Procunier v. Martinez, but the due process standards of that case (notice and an opportunity to protest) must be observed.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p. 15.

Mail regulation forbidding solicitation of goods or money from anyone other than family is not obviously necessary and may be overbroad, but has prima facie validity. This question and the proper standard (if any) for censoring obscenity must be addressed further. Administrative review of grievances regarding censorship must be provided.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Jan. 24, 1975) (Memorandum Opinion), pp. 11-14.

Written material may be screened but only pornography and 'incendiary' material may be excluded from incoming mail.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 76.

II. B. 2. b. Communication and Expression--Mail--Non-legal--Institution's right to read

Incoming mail may be inspected only for contraband and may not be read or censored.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977)

Incoming and outgoing non-legal mail may be scanned and censored for purposes consistent with Procunier v. Martinez.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p. 15.

Pre-trial detainees' outgoing mail shall not be read nor opened.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259,260.

Incoming mail can be inspected for contraband but letters may not be read.

Brenneman v. Madigan, 343 F. Supp. 128, 141-42 (N.D. Cal. 1972).

Incoming inmate mail may not be read unless the Warden or a mail censor has concluded after appropriate investigation that there is probable cause to believe that the contents must be read to prevent the violation of a law or jail rules, and if such mail is read, the inmate involved shall be so notified within 24 hours unless there is a strong reason for not doing so.

Collins v. Schoonfield, Civil No. 7]-500-K (D. Md., July 24, 1972) (Interim Decree), p. 11.

Security risk inmate's nonlegal incoming mail may be read to extent necessary to prevent escape plans and screen pornography and inflammatory writing. Outgoing nonlegal mail may be read to determine whether escape plans are being made.

Conklin v. Hancock, 334 F.Supp. 1119, 1122-23 (D.N.H. 1971).

Outgoing mail may not be opened, searched or read without a warrant, especially since visiting conversations are not monitored. However, incoming mail may be read for the sole purpose of detecting plans for illegal activities or security threats.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 20-21 (D.N.H., Sept. 24, 1976).

All outgoing mail shall be sealed by the sender and shall not be inspected, censored, delayed, or otherwise interfered with.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (Consent judgment).

Outgoing mail shall not be inspected. Incoming mail shall be inspected only for contraband.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

Outgoing mail may not be inspected unless permission is granted by the sender, the sender has a prior record of escape, or the jail authorities know or reasonably believe that an escape is planned. Defendants may also apply to the appropriate court for wider permission to inspect outgoing mail under compelling circumstances not presently foreseen.

Hamilton v. Love, 358 F. Supp. 338, 346, 348 (E.D. Ark. 1973).

No outgoing mail of detainees is to be read or inspected in any manner.

Hamilton v. Love, No. LR-70-C-201 (E.D. Ark., June 22, 1971) (Interim Decree), p. 4.

Inspection of all mail is necessary to security and maintenance of order among unconvicted persons in U.S. Medical Center.

Henry v. Ciccone, 315 F. Supp. 889, 892 (W.D. Mo. 1970), appeal dismissed as moot, 440 F. 2d 1052 (8th Cir. 1971).

Inmates' outgoing mail shall not be interfered with except upon a reasonable suspicion that jail security or the safety of other inmates may be endangered.

Inmates of Marion County Jail v. Bender, Civil No. 71-F-32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Mail shall not be read or censored.

Inmates of Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

There is no need for prison officials to read inmate's mail with the possible exception of correspondence with prisoners in other institutions.

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion & Decree Nisi), p. 234.

Jail officers shall not open or read any inmate's outgoing mail.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) Order, p. 3.

Incoming mail shall not be read.

Lambert v. Skinner, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 2.

Detainees' incoming mail is not to be opened, read, inspected, or censored.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), p. 6.

Outgoing personal correspondence shall be sealed by detainee and shall not be opened, read, inspected, or censored by prison officials except by lawful search warrant.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), p. 5.

Detainees' outgoing letters should not be opened unless jail officials have reasonable grounds to believe that they contain threats, escape plans, or similar unlawful communication.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., Mar. 24, 1976) (Memorandum of Decision), p. 14.

Inmates' incoming non-legal mail may be read, but only for the limited purpose of detecting escape plans and obscenity, as defined by state law and U.S. Supreme Court decisions.

Marion County Jail Inmate v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 10.

There shall be no opening or other interference with any incoming or outgoing inmate mail, except to open and inspect in the presence of the inmate, any letter where jail officials have reasonable grounds to suspect such communication is an attempt to formulate or effectuate an escape plan or to violate any State or Federal Law.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), pp. 15-16.

Mail may be read only in the inmate's presence and only when there is reasonable cause to suspect that it involves plans to escape or to violate the law.

Mitchell v. Untreiner, 421 F. Supp. 886, 902 (N.D. Fla. 1976).

Outgoing mail shall not be inspected, censored, opened, delayed, or otherwise interfered with.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶11.

Defendants may inspect incoming parcels and letters for contraband, pornography, and highly inflammatory material.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶11.

Jail officials shall not open or otherwise interfere with inmate's outgoing mail.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss.,June 19, 1973) p. 1.

Incoming and outgoing non-legal mail may be read, screened, and censored to further the penal goals of prison security and internal order and discipline.

Padgett v. Stein, 406 F. Supp. 287, 295-96, n.6 (M.D. Pa., 1975).

Inmates outgoing letters will not be opened or read, and incoming letters will not be read.

Sykes v.Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 7.

Institution may read incoming nonlegal mail to inspect for pornography (pending trial) and highly inflammatory writings, excepting letters sent to inmate from addressees on his "approved" list.
Above material may be confiscated, but inmate to be notified in writing of name and address of sender, date of correspondence and reason for confiscation.
Indiscriminately opening all detainees' mail violates 4th Amendment.

Palmigiano v. Travisono, 317 F. Supp. 776, 790, 791 (D.R.I. 1970)

Incoming letters may be inspected for contraband but not read.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 7.

Outgoing prisoner mail to press representatives may not be opened or read.

Taylor v. Sterrett, 532 F.2d 462, 482 (5th Cir., 1976).

Outgoing mail shall not be opened, read, or inspected absent a search warrant.

Vienneau v. Shanks, 425 F. Supp. 676, 680 (W.D. Wis. 1977)

Incoming non-legal mail shall be opened only in the inmate's presence and shall not be read.

Vienneau v. Shanks, 425 F. Supp. 676, 680 (W.D. Wis. 1977).

Incoming and outgoing non-legal mail may be scanned for possible escape conspiracies or other matters affecting security and good order.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971 (Opinion), p. 76.

Outgoing mail may be sealed, with electronic or other inspection for contraband, and may be read by officials in the sender's presence upon a showing of good cause. Incoming non-legal mail may be read only with good cause and in the inmate's presence.

Wolfish v. United States, 428 F. Supp. 333, 343 (S.D.N.Y. 1977).

II. B. 2. c. Communication and Expression--Mail--Non-legal--Inspection for contraband (includes opening in inmate's presence)

Incoming mail may be inspected for contraband only in the detainee's presence, and without reading or censoring the contents.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

Incoming parcels and packages may be inspected for contraband.

Bishop v. Lamb, Civil No. 1864, (D. Nov., Aug. 24, 1973) (Order) p. 5.

Incoming mail of pre-trial detainees shall be opened only in the presence of addressee for the purpose of inspecting for contraband and not read, and afterwards shall be delivered immediately and directly to addressee.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 260.

Incoming mail can be inspected for contraband but letters may not be read.

Brenneman v. Madigan, 343 F. Supp. 128, 141-42 (N.D. Cal. 1972).

All incoming inmate mail may be opened to inspect for physical contraband, cash, and checks.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 11.

All outgoing mail may be sealed by the inmate, and shall not be opened by jail officials unless the Warden or a jail censor has concluded after appropriate investigation that there is probable cause to believe that inspection is necessary to prevent violation of jail rules or the law by the sender or addressee, and if any outgoing mail is opened, the inmate shall be notified within 24 hours, unless there is a strong reason for not doing so.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 11.

Security risk inmate's nonlegal incoming mail may be inspected for drugs and other contraband.

Conklin v. Hancock, 334 F. Supp. 1119, 1123 (D.N.H. 1971).

Outgoing mail not to be opened, inspected, or censored without a warrant.

Feely v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976) (Order), p. 3.

Incoming nonlegal mail may be opened and scanned to detect contraband only (no mention made of whether need be in presence of inmate).

Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976) p. 3.

Outgoing mail may not be opened without a warrant but incoming mail may be inspected for contraband.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 19-20 (D.N.H., Sept. 24, 1976).

Least restrictive means may include the need to inspect a detainee's mail.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 847 (S.D.N.Y. 1975).

Incoming non-legal mail shall be opened in the inmate's presence if so indicated on the envelope. Other mail may be opened, but only for inspection for contraband.

Goldsby v. Carnes, 365 F. Supp. 395, 404 (W.D. Mo. 1973)(consent judgment).

Incoming non-legal mail may be inspected only for contraband and then must be delivered directly to the addressee. Legal mail, and any other mail that so indicates on its face, may be opened only in the presence of the addressee.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

Inmates' outgoing mail shall not be inspected or otherwise interfered with except upon reasonable suspicion that institutional security or the safety of other inmates is in danger.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Jail officials may inspect non-legal incoming mail for contraband and violation of security but only in the presence of the inmate/recipient, and after such inspection, the mail shall be immediately and directly delivered.

Inmates of Allen County Jail v. Bender, Civil No. 71 C 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Limited inspection of inmates' non-legal mail for contraband are permissible in the inmate's presence.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1168 (E.D. Wisc. 1973).

Correspondence between inmates may be inspected for contraband.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1168 (E.D. Wisc., 1973).

Inspection of mail may be done only in the presence of inmates.

Joiner v. Pruitt, Cause No. 475-166 (Lake Cty., Ind., Super. Ct., June 30, 1975), p. 4.

Incoming parcels or letters may be inspected for contraband, but letters may not be read.

Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

Incoming mail may be inspected for contraband only in the inmate recipient's presence.

Lambert v. Skidmore, No. C374-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 2.

Outgoing mail shall be sealed and shall not be examined, searched or seized.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 1.

Incoming mail may be opened in detainee's presence to check for contraband.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), p. 5.

There shall be no opening or other interference with any incoming or outgoing inmate mail, except to open and inspect in the presence of the inmate, any letter where jail officials have reasonable grounds to suspect such communication is an attempt to formulate or effectuate an escape plan or to violate any state or federal law.

Miller v. Carson, No. 74-382 Civ-J-S (M.D. Fla., Jan 31, 1975) (Order and Preliminary Injunction), pp 15-16.

Mail may be inspected for contraband only in the inmate's presence.

Mitchell v. Untreiner, 421 F. Supp. 886, 902 (N.D. Fla. 1976).

Jail officials shall not open or otherwise interfere with inmate's outgoing mail.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., Jun. 19, 1973), p. 1.

Jail officials shall not interfere with inmates' incoming non-legal mail except to open and inspect such mail in the presence of the inmate addressee, when the prison officials have reasonable grounds to suspect escape attempts or to discover contraband.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., Jun. 19, 1973) p. 2.

Non-legal mail may be inspected for contraband.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., Jun. 9, 1975) (Consent Decree and Partial Judgment), p. 10.

Officials may inspect mail for contraband, but may not censor or otherwise interfere with the flow of mail.

Palma v. Treuchlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), p. 2.

Incoming nonlegal mail may be opened and inspected for drugs, weapons, and other items which threaten institutional security (no mention of need to do so in inmate's presence).

Palmigiano v. Travisono, 317 F. Supp. 776, 790 (D.R.I. 1970)

Authorities may inspect incoming publications for contraband.

Powlowski v. Wullich, No. 75-1649 (Sup. Ct., Monroe County Oct. 15, 1976) p. 2.

Incoming letters may be inspected for contraband but may not be read.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 7.

Incoming mail from the press may be inspected for contraband only in the presence of the inmate/addressee.
Taylor v. Sterrett, 532 F. 2d 462, 482 (5th Cir., 1976).

Outgoing mail shall not be opened, read, or inspected absent a search warrant.
Vienneau v. Shanks, 425 F. Supp. 676, 680 (W.D. Wisc. 1977).

Incoming non-legal mail shall be opened only in the inmate's presence and shall not be read.
Vienneau v. Shanks, 425 F. Supp. 676, 680 (W.D. Wisc. 1977).

Selective inspection of mail for contraband is permissible.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 75.

Outgoing mail may be sealed, with electronic or other inspection for contraband, and may be read by officials in the sender's presence upon a showing of good cause. Incoming non-legal mail may be opened and searched for contraband without probable cause and outside the inmate's presence.
Wolfish v. United States, 428 F. Supp. 333, 343 (S.D.N.Y. 1977)

II. B. 3. Communication and Expression--Mail--Postage and Materials

Denying indigent inmates writing materials and postage denies due process and equal protection. Paper and pens shall be provided for communication with counsel or filing legal papers.
Ahrens v. Thomas, 434 F. Supp. 873, 899, 904 (W.D. Mo. 1977).

Inmates without funds may mail up to 5 non-legal letters per calendar week at public expense, provided upon proper showing the number may be increased, and such inmates may mail out any number of letters at public expense to their attorney, courts, elected officials, and prisoner assistance organizations.
Bolding v. Jennings, No. 756-73C2, (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal); 3 Prison L. Rptr 259, 260.

Indigents have right to writing materials and postage for 5 letters a week (dicta).
Brenneman v. Madigan, 343 F. Supp. 128, 142 (N.D. Cal. 1972).

All indigent inmates shall be provided with paper, pencil or pen, envelopes and stamps for reasonable communication with courts and attorneys, and for communication with one family member at least once a week.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 12.

Materials to be provided by institution. Legal mail to be mailed at County expense. Up to three letters per week to be mailed at County expense.

Feely v. Sampson, No. 75-171 (D. N.H. Sept. 14, 1976) p. 3.

Prison should be forbidden to interfere with provisions to inmates of carbon paper, paper, pens, typewriters, postage and envelopes. All but typewriters should be sold in commissary.

Funches v. Beame, No. 73-572 (E.D.N.Y. July 12, 1974) pp.16-17.

Carbon paper, bond and onion skin paper, pencils, postage, and envelopes shall be stocked in the commissary at reasonable rates and shall be furnished free to indigents.

Funches v. Beame, No. 73 Civ. 572, Judgment Granting Permanent Injunction at 3 (E.D. N.Y., Jan. 20, 1977).

Indigent inmates shall receive sufficient postage for all correspondence with attorneys of record, courts, and the Governor, and two other one-ounce first-class letters each week. They shall also be provided with stationery and writing materials.

Goldsby v. Carnes, 365 F. Supp. 395, 404 (W.D. Mo. 1973) (consent judgment).

Law library shall contain an adequate supply of legal size stationery.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo. 1977) (consent judgment).

The institution shall provide indigent inmates postage and materials for four letters a week and shall provide additional supplies if needed for contacting courts, lawyers or Governor.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

Defendants could provide postage stamps and other materials at actual cost.

Hamilton v. Love, 358 F. Supp. 338, 346, 348 (E. D. Ark. 1973)

The jail shall provide indigent inmates with paper, pencils, envelopes, and sufficient postage for all legal correspondence and for 3 other 1 ounce first class letters per week.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), pp. 2-3.

Arrangements shall be made for freely obtaining writing materials and postage. Indigent prisoners shall be furnished postage and materials for five letters a week.

Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

Defendants shall provide postage and materials for all letters to attorneys, government officials, court officials, correctional officials, and religious organizations, and five letters to other individuals or organizations each week. Postage and materials for legal papers shall be provided.

Lambert v. Skidmore, No. C2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), pp. 2-3.

Each week, prison officials to provide every pre-trial detainee with at least two pieces of stationery, two envelopes, and two first class postage stamps without charge to the detainee. Detainee must be able to purchase unlimited amount of paper, envelopes, and stamps.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), p. 5.

Indigent detainees shall be furnished with free writing supplies and postage sufficient for at least 2 letters per week.

Marion County Jail Inmates v. Broderick, No. 1P 72-C-424 (S.D. Ind., Mar. 24, 1976) (Memorandum of Decision), p. 14.

Writing materials shall be furnished to indigent inmates on a daily basis and free of charge.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 4.

Indigents shall be furnished postage and writing materials for five letters a week.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶16.

Defendants shall provide pens or pencils and postage for two non-legal letters a week.

Powlowski v. Wullich, 81 Misc. 2d 895, 902 (Sup. Ct., Monroe Cty., 1975).

Indigent inmates will be provided with postage and materials for five letters a week.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 7.

Complaint that detainees are deprived of access to the courts by the requirement that they pay postage themselves is frivolous.
Tate v. Kassulke, 409 F. Supp. 651, 655 (W.D. Ky. 1976)

Defendants will not be required to stock the commissary with envelopes and stamps.
Tate v. Kassulke, 409 F. Supp. 651, 662 (W.D. Ky. 1976).

Indigent inmates should be provided postage and writing materials so that they can communicate with their lawyers.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 79.

II. B. 4. Communication and Expression--Mail--Schedule

Inmates' incoming and outgoing mail shall be retained by jail officials no more than 1 court day.
Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal); 3 Prison L. Rptr. 259, 260.

All inmate mail shall be picked up and delivered daily except for Sundays and holidays.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 12.

Mail shall be picked up and delivered daily. No letter or package shall be delayed except by inspection for contraband, and in such cases it will be delivered within 24 hours of receipt at the jail. Mail for transferred inmates will be forwarded immediately.
Lambert v. Skidmore, No. C2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 1.

All outgoing mail shall be forwarded to the post office at least once a day.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), p. 5.

Inmate mail shall be delivered every day that the postal service delivers mail.
Mitchell v. Untreiner, 421 F. Supp. 886, 901 (N.D. Fla. 1976).

II. B. 5. Communication and Expression--Mail--Volume of Correspondence

There shall be no limit on the number of letters a detainee may receive or send.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

There shall be no limitation on the number or length of letters.

Barnes v. Govt. of the Virgin Islands, 415 F. Supp. 1218, 1234 (D.V.I. 1976).

Rules limiting the number of correspondents or the volume or length of letters are unconstitutional.

Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), p. 5, aff'd on other grounds, 496 F. 2d 1252 (8th Cir. 1974).

Except in the case of inmates without funds, inmates may mail out any number of letters.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal),3 Prison L. Rptr. 259, 260.

There shall be no limit to the amount of mail an inmate may send at his own expense.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 12.

Detainee can send as many letters as he wishes.

Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976), p. 3.

No restrictions shall be placed on the number of correspondents or the number or length of letters an inmate may send or receive.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

No restrictions shall be placed on the number of correspondents, the number of letters an inmate may send or receive, or on the length of letters.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

No restrictions shall be placed on the number of letters an inmate may send at his own expense or receive, or on the length of letters, or on the language in which they are written.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Jail officials may not restrict the length of letters sent or received by pre-trial detainees.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1167 (E.D. Wisc., 1973).

Number of letters for any inmate not to be limited.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

The number of letters an inmate may send shall not be limited.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind., Super. Ct., Feb. 21, 1975) (Order), p. 3.

There shall be no limits on the amount of mail an inmate may send or receive.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 1.

No restrictions shall be placed on the number of letters sent or received.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), p. 5.

Inmates to be permitted to write and receive as many letters, legal and nonlegal, as they wish and on any subject (from prior consent judgment quoted in main opinion).

Manicone v. Cleary, No. 74-575 (E.D.N.Y. June 30, 1975), p. 3.

There may be no limitations on the length or numbers of detainees' outgoing letters.

Marion County Jail Inmates v. Broderick, No. 1P 72-C-424 (S.D. Ind., Mar. 24,1976) (Memorandum of Decision), p. 14.

There shall be no limitation on the number of letters an inmate may send or receive.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶15.

Authorities cannot limit number of nonlegal letters detainees can write and send out, but any in excess of two per week to be paid for by detainee (pending trial).

Powlowski v. Wullich, 81 Misc. 2d 895, 901-02 (Sup. Ct. Monroe County 1975).

No limits will be placed on the number of letters inmates may send or receive.

Sykes v. Krieger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 7.

II. B. 6. Communication and Expression--Mail--Identity of Correspondents

Rules limiting the number or identity of correspondents are unconstitutional.

Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), p. 5, aff'd on other grounds, 496 F. 2d 1252 (8th Cir. 1974).

Court ordered county district attorney to prepare proposed set of rules governing communication privileges of pre-trial detainees and suggested that such rules provide for no limitation on the persons to whom outgoing mail may be directed.

Bishop v. Lamb, Civil No. LV-1864 (D. Nev., Aug. 24, 1973) (Order), p. 5.

There shall be no restriction on the identity of the inmates' correspondents.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 260.

Outgoing mail can be sent to anyone.

Brenneman v. Madigan, 343 F. Supp. 128, 142 (N.D. Cal. 1972).

An inmate may correspond with whomever he pleases, provided that an indigent inmate shall have given to him writing materials sufficient for reasonable correspondence with courts and attorneys and for communication with one family member at least once a week.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree) p. 12.

No restrictions shall be placed on the identity of correspondents.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

No restrictions shall be placed on the identity of correspondents.
Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

There shall be no limitation on the persons to whom outgoing mail may be directed.
Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

There shall be no restrictions on the identity of inmates' correspondents.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 1.

No restrictions to be placed on persons or class of persons with whom detainee can correspond.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), p. 5.

There shall be no internal written correspondence between inmates in different cell blocks.
Marion County Jail Inmates v. Broderick, No. 1P 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 11.

There shall be no limitation on the persons to whom outgoing mail may be directed or from whom incoming mail may be received.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶12.

Pending trial, having inmate make list of seven persons to whom he wishes to write is reasonable.
Palmigiano v. Travisono, 317 F. Supp. 776, 791 (D.R.I. 1970).

Authorities cannot limit persons with whom detainees can correspond except for reasons related to institutional security.
Powlowski v. Wullich, 81 Misc. 2d 895, 901-02 (Sup. Ct. Monroe Cty. 1975).

II. B. 7. Communication and Expression--Mail--Registered and Certified

Inmates may receive and send registered mail at their expense.
Lambert v. Skinner, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 2.

Defendant enjoined from depriving unconvicted prisoner in federal medical center of the use of certified mail.

Tyler v. Ciccone, 299 F. Supp. 684, 688 (W.D. Mo. 1969).

II. C. Communication and Expression--Telephones

Court ruled that pay telephones should be installed in such numbers and at such locations that all prisoners can have reasonable access to them at all reasonable times.

Dillard v. Pitchess, 399 F. Supp. 1225, 1240 (C.D. Ca., 1975).

The right to make telephone calls is protected by the First Amendment. Authorities may limit the conversations of persons suspected of illicit activities, but such infringements must meet the "compelling necessity" test.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 12, 15 (D.N.H., Sept. 24, 1976).

Court ordered that telephones for prisoners' use be installed in day rooms, sentenced women's tank, and in the hallway near the unsentenced women's cells, and that ready access to said telephone be provided to unsentenced women prisoners.

Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law & Order) p. 3.

Prison officials ordered to submit within 7 days a plan for providing inmates in maximum security confinement with ready access to telephones.

Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law & Order), p. 5.

County jail rules with respect to use of telephones by pre-trial detainees were found valid where, inter alia, calls were allowed at time of arrest or upon emergency application, no calls were monitored, daily calls could be made to attorneys and bondsmen, and various other calls were permitted at discretion of jail personnel.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1169 (E.D. Wisc., 1973).

Telephone communication by and to pre-trial detainees will not be restricted except to the extent necessary to insure the detainee's presence at trial, and to maintain institutional order and security.

Stephens v. Sanders, No. 18244 (N.D. Ga., July 13, 1974) (Consent Order).

Inmates must be permitted reasonable access to telephones.

Sykes v. Kreiger, Civil Action No. C71-1181 (N.D. Ohio, May 15, 1975) (Order), p. 18.

Access to telephones is a matter of administrative discretion.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 83-84.

II. C. I. Communication and Expression--Telephones--Incoming Calls

There shall be an opportunity to make and receive unmonitored telephone calls. Unmonitored telephone communication with attorneys shall be allowed daily.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

Detainees may receive incoming calls at any reasonable time (including weekends) from attorneys, courts, clergy, or physicians. Other calls to be limited to a reasonable number per detainee per week.
Phone calls not to be monitored.
Above rights not to be withdrawn for disciplinary reasons, as pertains to legal, medical, and religious calls.

Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976), p. 4.

Inmates may not receive incoming calls and officers may not refer personal incoming messages except in emergencies. Calls from attorneys, bondsmen, etc., of an official nature may be relayed to inmates on the day shift.

Goldsby v. Carnes, 365 F. Supp. 395, 412 (W.D. Mo. 1973) (consent judgment).

Inmates not permitted to take incoming calls. Officers not permitted to refer personal messages except in emergencies, but calls from attorneys, bondsmen, etc., of an official nature may be relayed.

Goldsby v. Carnes, 429 F. Supp. 370, 387 (W.D. Mo. 1977) (consent judgment).

Telephone messages asking inmates to call their attorneys shall be delivered promptly.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 9.

II. C. 2. Communication and Expression--Telephones--Outgoing Calls

There shall be an opportunity to make and receive unmonitored telephone calls. Unmonitored telephone communication with attorneys shall be allowed daily.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

The fact that Bronx detainees may make more personal calls than detainees in other institutions does not obviate right to contact visits.

Ambrose v. Malcolm, No. 76-190 (S.D.N.Y. May 6, 1976) p. 2.

Ten minutes per week of local telephone calls is enough for inmates who receive visits from local relatives. Prisoners who do not receive such visits should receive twenty minutes a week of collect long-distance calls to parents or wives.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), pp. 19-20.

Detainees have the right to make telephone calls.

Brenneman v. Madigan, 343 F. Supp. 128, 141 (N.D. Calif. 1972).

When a prisoner arrives at the jail, he shall be allowed to make phone calls necessary to make arrangements for representation, to post bail, and to notify a family member of his whereabouts, and each inmate shall be allowed to make additional calls of at least 3 minutes duration if required in any emergency circumstances.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 13.

Detainees allowed one instate outgoing call upon admission at County expense, and one out-of-state if necessary, also at County expense. Thereafter, detainees allowed as many legal calls as is appropriate.
Detainees permitted to make reasonable number of outgoing social calls per day, not to exceed 10 minutes in length each.

Feely v. Sampson, No. 75-171 (D. N.H. Sept. 14, 1976), p. 4.

Inmates shall be allowed at least two telephone calls per week of at least three minutes' duration.

Goldsby v. Carnes, 365 F. Supp. 395, 404 (W.D. Mo. 1973) (consent judgment).

Telephones are available for 2 hours, 3 nights a week. Guards will not make calls for inmates.

Goldsby v. Carnes, 365 F. Supp. 395, 412 (W.D. Mo. 1973) (consent judgment).

Inmates shall be allowed at least two telephone calls per week. Each call shall be permitted for at least three minutes.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

Upon incarceration, inmate permitted one call unless drunk, drugged, combative, etc. If it is not completed inmate may make a second call, or a third call in unusual circumstances. Two calls a week shall be permitted thereafter. Staff may exercise some latitude in unusual cases. Officer must be present for calls. A schedule for the rotation of phones will be posted in each living area. Each call shall be at least three minutes long.

Goldsby v. Carnes, 429 F. Supp. 370, 387-88 (W.D. Mo. 1977) (consent judgment).

Inmates are entitled to make a minimum of one call per week, but calls must be made between 8:00 and 11:00 a.m., or 1:00 to 4:00 p.m. and may be limited to 5 minutes.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 5.

Pay telephones to be installed. Detainees to be permitted to make at least one phone call per day.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 690 (D. Mass. 1973).

Detainees shall be permitted to make as many calls as necessary to obtain counsel. Otherwise, local calls can be made during stated hours.

Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

Inmates shall be permitted to make a reasonable number of free calls to families, attorneys, and bondsmen after arrival, and on written request after this period.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 9.

Denial of access to telephones is unnecessary deprivation. Detainees in Suffolk Co. Jail to be permitted one free five minute call per day within Nassau and Suffolk Counties. Detainees with counsel or family in NYC to be allowed two calls a week of three minutes duration to such persons.

Manicone v. Cleary, No. 74-575 (E.D.N.Y. June 30, 1975), pp. 15, 41-42.

Detainees shall be permitted to make outgoing calls in reasonable number, and for a reasonable length of time, without censorship.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 14.

Immediate provision shall be made for inmates to make local telephone calls during stated hours, both in the daytime and the evening.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 15.

Detainees must be provided daily telephone access.

Mitchell v. Untreiner, 421 F. Supp. 886, 902 (N.D. Fla. 1976).

Rules permitting three phone calls every five days during three specified time periods, no call to exceed five minutes, with unlimited calls for purpose of obtaining counsel, are not unreasonable.

Moore v. Janing, 427 F. Supp. 567, 576-77 (D. Neb. 1976)

Inmates without counsel shall be allowed as many telephone calls as reasonably necessary to obtain counsel.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶17.

Inmates shall be allowed seven outgoing telephone calls a week of five minutes each (except that calls to attorneys of record shall involve no time restrictions). Telephones shall be available from 9:00 a.m.-11:00 a.m., 2:00 p.m. to 4:00 p.m., and 6:00 p.m.-9:00 p.m. Pay telephones will satisfy the requirement.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶18.

Detainees to be able to make two, three minute calls per week, or alternatively, one phone call per week for six minutes.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y. July 11, 1975) (consent judgment), p. 3.

Relief requested by Rikers H.D.M. detainees as to access to daily telephone use is beyond power of court where such relief not part of original Tombs suit.

Rhem v. Malcolm, 389 F. Supp. 964, 970 (S.D.N.Y. 1975).

Detainees at mental health center will be permitted to make at least one telephone call daily. Telephones will remain available until at least 9:00 p.m. daily. (This judgment not to be cited in New York City litigation.)

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 6 (S.D.N.Y., March 17, 1977)

Minimum security inmates shall have unrestricted use of the telephone. Medium and maximum security inmates shall have limited access.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re Classification System), pp. 5-6.

Pre-trial detainees shall be allowed to communicate by telephone for a minimum of 5 minutes at the following times: when he is first incarcerated in the jail; when he is returned to the jail after a court appearance; and in case of death or serious illness of an immediate family member, and detainees shall be permitted to communicate by telephone 3 times per week for a minimum of 5 minutes per call, unless the jail is in immediate danger of violence and to return calls from their attorneys once per week.

Stephens v. Sanders, No. 18244 (N.D. Ga., July 13, 1974) (Consent Order).

Each inmate may make one collect long-distance call upon admission; further long-distance calls are discretionary.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 8.

II. C. 3. Communication and Expression--Telephones--Privacy

There shall be unmonitored telephone access to attorneys and others.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

Inmate telephone calls and conversations on visitor intercommunication phones shall not be monitored by the jail staff, except as provided for by state and federal law.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash. Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 261.

Eavesdropping on detainees' telephone calls would raise serious constitutional questions.

Brenneman v. Madigan, 343 F. Supp. 128 (N.D. Cal. 1972)

Phone calls not to be monitored.

Feely v. Sampson, No. 75-171 (D. N.H. Sept. 14, 1976),p. 4.

Detainees are entitled to unmonitored telephone use, except that conversations of persons suspected of illicit activities may be monitored, but such infringements must meet the "compelling necessity" test. Security does not justify monitoring telephone conversations where visits are unmonitored.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 16-17 (D.N.H., Sept. 24, 1976).

Officers may dial inmate calls but shall not monitor them.

Goldsby v. Carnes, 429 F. Supp. 370, 388 (W.D. Mo. 1977) (consent judgment).

Inmates' telephone calls shall not be monitored.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1976) (Order for Partial Judgment), p. 5.

Prisoners' telephone calls shall not be monitored.

Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

Telephone calls shall not be monitored.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 9.

Pre-trial detainees shall be permitted to make outgoing calls in reasonable number, and for a reasonable length of time, without censorship.

Marion County Jail Inmates v. Broderick, No. IP-72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 14.

Inmate telephone calls shall not be monitored by jail personnel, except as provided for by state and federal law.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) Order and Preliminary Injunction, p. 15.

Inmate telephone calls shall not be monitored except as provided in state and federal law.
Mitchell v. Untreiner, 421 F. Supp. 886, 902 (N.D. Fla. 1976).

Defendants enjoined from listening in on telephone calls, and jail personnel must be absent from room.
Moore v. Janing, 427 F. Supp. 567, 576 (D. Neb. 1976).

Inmates' telephone calls shall not be monitored.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶19.

II. C. 4. Communication and Expression--Telephones--Cost

Prisoners who do not receive visits from local relatives should be permitted to call parents or wives collect.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., August 29, 1974) (Memorandum Opinion and Preliminary Injunction), pp. 19-20.

Indigent inmates shall be allowed to make calls free of charge necessary to securing counsel, posting bond, notifying a family member of their whereabouts and necessary in emergency situations.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 13.

Upon admission, detainees allowed one instate outgoing call at County expense, and one out-of-state if necessary, also at County expense.
Other calls to be at inmates' expense if toll calls.
Feely v. Sampson, No. 75-171 (D. N.H. Sept. 14, 1976), p. 4.

In providing detainees with access to telephones, jail administrators may utilize pay telephones equipped with timing devices and devices to prevent long distance calls at jail expense.
Marion County Jail Inmates v. Broderick, No. 1P 72-C-424 (S.D. Ind., Mar. 24,1976) (Memorandum of Decision), p. 14.

The cost of long-distance telephone calls shall be borne by the detainee making the call.
Stephens v. Sanders, No. 18244 (N.D. Ga., July 13, 1974) (Consent Order).

II. D. Communication and Expression--Media (see also Social and political expression--Communication with media).

II. D. 1. Communication and Expression--Media--Publications

City may inspect incoming publications for contraband.
Benjamin v. Malcolm, No. 75-3073 (S.D. N.Y. Aug. 14, 1975), pp. 1-2.

Court ordered county district attorney to prepare and submit within 30 days a proposed set of rules governing communication privileges of pre-trial detainees, and suggested that such rules provide a right to subscribe to any publication, excluding material which is obscene under judicial standards.
Bishop v. Lamb, Civil No. LV-1864, (D. Nev., Aug. 24, 1973) (Order), p. 4.

Inmates can subscribe to and otherwise receive books, newspapers, and periodicals, and such publications may be denied an inmate only if the denial serves one or more of the substantial governmental interests of security against escape or unauthorized entry, or if the publication is obscene.
Bolding v. Jennings, No. 756-73C2, (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259.

Prisoners should be entitled to receive, from visitors or through the mail, any newspapers, books, or magazines that may lawfully be delivered by the postal service.
Dillard v. Pitchess, 399 F. Supp. 1225, 1241 (C.D. Ca., 1973).

Detainees have right to receive newspapers, magazines, books, etc. by subscription or otherwise.
Feely v. Sampson, No. 75-171 (D. N.H. Sept. 14, 1976), p. 3.

Receipt and access to books, magazines and newspapers are protected by the First Amendment.
Feely v. Sampson, Civil Action No. 75-171, Opinion at 15 (D. N.H., Sept. 24, 1976).

Incoming publications may be inspected to see if they are or contain contraband.
Inmates of Milwaukee County Jail v. Petersen, 343 F. Supp. 1157, 1169 (E.D. Wisc., 1973).

Detainees should be permitted to subscribe to newspapers and periodicals and to receive books or magazines from family or friends (quoted from previous consent judgment).
Manicone v. Cleary, No. 74-575 (E.D. N.Y., June 30, 1975), p. 4.

Restrictions preventing detainees from receiving any books, magazines, or newspapers from any source is unreasonable.
Marion County Jail Inmates v. Broderick, No. IP-72-C-424 (S.D. Ind., Mar. 24, 1976) (Memorandum of Decision), p. 14.

The failure to permit inmates to read even a daily newspaper denies First Amendment rights.
Mitchell v. Untreiner, 421 F. Supp. 886, 895 (N.D., Fla. 1976).

Detainees to be able to subscribe to magazines directly from publishers. Officials not to be responsible for forwarding such periodicals after inmate's release.
Palma v. Treuchtlinger, No. 72-1653 (E.D. N.Y., July 11, 1975) (consent judgment) p. 2.

Authorities enjoined from prohibiting detainees from obtaining daily and religious newspapers.
Powlowski v. Wullich, 81 Misc. 2d 895, 901 (Sup. Ct. Monroe County 1975).

Authorities may inspect incoming books for contraband.
Rhem v. Malcolm, No. 70-3962 (S.D.N.Y. March 22, 1974), p. 2.

Detainee to be allowed to receive any newspaper through the mail at his own expense.
U.S. ex. rel. Manicone v. Corso, 365 F. Supp. 576, 577 (E.D.N.Y. 1973).

II. D. I. a. Communication and Expression--Media--Publications--Censorship

There shall be no censorship of newspapers, books, or periodicals supplied to, purchased by, or given to detainees.
Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

Court ordered county district attorney to submit within 30 days a proposed set of rules governing communication privileges of pre-trial detainees and suggested that such rules provide for no censorship of reading materials.

Bishop v. Lamb, Civil No. LV-1864, (D. Nev., Aug. 24, 1973) (Order), p. 4.

When a publication is withheld from an inmate, the inmate shall receive (1) immediate written notice that the publication is being rejected, accompanied by an explanation of reasons for the rejection; (2) a reasonable opportunity to protest that decision to the jail superintendant or sheriff; and (3) a written decision on the rejection and protest by the jail superintendant or sheriff.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259.

No publications or any portion thereof may be taken or kept from an inmate because of its content unless, after appropriate investigation, it has been determined that such content presents a clear and present danger to the security of the jail or has been banned from the mails by the U.S. Postal Service because of obscene content.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 16.

If any publication or portion thereof is kept from an inmate for any reason, such inmate shall be notified in writing and on written request, be entitled to a hearing.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 16.

Incoming literature may be inspected for contraband but not censored unless in violation of postal regulations or judicially determined to be obscene.

Feely v. Sampson, No. 75-171 (D. N.H. Sept. 14, 1976), p. 3.

Publications may be censored only for expression which is unprotected by the First Amendment, such as pornography which has been declared judicially obscene.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 22 (D. N.H., Sept. 24, 1976).

Books, magazines, and periodicals can be denied an inmate only if they pose a direct, clear, and immediate danger to the security of the institution or are obscene as a matter of law.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Inmates may subscribe to any periodical in any language unless obscene or otherwise violative of federal postal laws.

Goldsby v. Carnes, 365 F. Supp. 395, 404 (W.D. Mo. 1973) (consent judgment).

When a publication is withheld, the intended recipient must receive notice, a chance to object personally or in writing, and a decision by a body that can be expected to act fairly and in accordance with proper standards.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Inmates may subscribe to and receive books, magazines and periodicals. They may be denied to an inmate only if they pose a "direct, clear and immediate" danger to security or if they are obscene as a matter of law. When a publication is withheld, an inmate shall receive notice and an opportunity to object personally or in writing, and a decision by a body that can be expected to act fairly and in accordance with this regulation.

Goldsby v. Carnes, 429 F. Supp. 370, 377-78 (W.D. Mo. 1977) (consent judgment).

Pre-trial detainees are entitled to access to all publications not on the list of unmailable obscene publications of the Postal Service unless jail officials can demonstrate that the exercise of such right has created a clear and present danger of a breach of prison discipline or some substantial interference with orderly institutional administration. (This demonstration may be made only on the basis of an actual past disruption.)

Hodge v. Dodd, No. 16171 (N.D. Ga., Mar. 5, 1973) (Order), pp. 3-4.

If jail officials deem any literature unacceptable, the inmate shall be given written notice of the unacceptable material and the reasons why it is unacceptable, and the inmate shall have an opportunity to object and, upon receipt, shall be entitled to a hearing. Only literature which is pornographic under current law, or poses a direct, clear, and immediate danger to jail security, may be excluded.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), pp. 2-3.

Pre-trial detainees should not be denied the right to receive through the mail or from any source any publication which is legally available to the public generally, except those which are found to be obscene under standards enunciated by the Supreme Court or otherwise not entitled to 1st Amendment protection.

Inmates of Milwaukee County Jail v. Petersen, 343 F. Supp. 1157, 1169 (E.D. Wisc., 1973).

Literature shall not be censored unless it constitutes pornography under Supreme Court decisions.

Jones v. Wittenberg, 330 F. Supp. 707, 719-20 (N.D. Ohio 1971).

Inmates may receive, through the mail or from visitors, any publication except those which are pornographic or create an escape risk.

Lambert v. Skinner, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), page 2.

Item of printed material or publication may not be censored except by chief administrative officer who explains in writing why said material constitutes security threat.
Material criticizing corrections, expressing unpopular or non-rehabilitative ideas, or supporting ethnic or racial militancy, does not constitute security threat.
Above determination may be appealed by inmate to Commission of Correction.

Lucas v. Wasser, No. 76-1057 (S.D. N.Y. Sept. 30, 1976) (Consent Order), p. 6.

If jail officials prohibit a detainee from receiving a publication on the grounds of obscenity or the like, they must provide the detainee with prompt written notice of and reasons for the denial, and the detainee must have an opportunity to object to the denial within a reasonable specified time.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., Mar. 24, 1976) (Memorandum of Decision), p. 15.

There shall be no censorship of books or periodicals supplied to, purchased by, or given to inmates, except that the jail may exclude materials which clearly come within the definition of obscenity established by recent Supreme Court cases.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 14.

No books or periodicals shall be censored unless obscene under Supreme Court standards, and all censorship shall be rationalized in writing.

Mitchell v. Untreiner, 421 F. Supp. 886, 901 (N.D. Fla. 1976).

Inmates may receive newspapers, magazines, and books other than hardcover books as long as they are not pornography or highly inflammatory.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶21-22.

Authorities may inspect incoming reading matter for contraband and withhold only those materials posing "clear and present danger" to security of jail.

Powlowski v. Wullich, No. 75-1649 (Sup. Ct. Monroe County, Oct. 15, 1976), p. 2.

Jail authorities may deny inmates publications "having a deleterious affect (sic) upon institutional control and discipline because of apparent defiance and critical attitude expressed therein which would reach other inmates and thereby disrupt the security of the institution and the safety of its occupants." Inmates must receive notice of such rejection, and the publication must be returned to the listed address.

Sykes v. Kreiger, Civil Action No. C 71-1181 (N.D. Ohio, May 15, 1975) (Order), p. 17.

Inmates may receive any periodical unless it is obscene under state law or presents a clear and present danger to jail security.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 7.

Written material may be screened but only pornography and "incendiary" material may be excluded from incoming mail.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 76.

Presence of a prison library does not justify restrictions affecting publications not in that library.

Wolfish v. United States, 428 F. Supp. 333, 340-41 (S.D.N.Y. 1977).

II. D. 1. b. Communication and Expression--Media--Publications--Publisher only rule.

City enjoined from enforcing publisher only rule.
Benjamin v. Malcolm, No. 75-3073 (S.D.N.Y. Aug. 14, 1975), p. 1.

Prison officials should not be preliminarily enjoined from invoking publisher only rule without plaintiffs' showing that prison library facilities are insufficient to remedy such a limitation.
Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y. July 11, 1975) p. 8.

The publisher only rule is unconstitutional.
Collins v. Schoonfield, 344 F. Supp. 257, 281 (D. Md., 1972).

Officials cannot impose publisher only rule.
Inmates may receive publications, used or new, from any source.
Inmates to be informed of above when entering jail.
Cooper v. Morin, No. 74-1411 (Monroe County Sup. Ct., March 21, 1975),p. 4.

Jail inmates must be allowed to obtain legal materials from any source, subject only to screening for security purposes.
Cruz v.Hauck, 515 F. 2d 322, 333 (5th Cir., 1975).

Rule permitting receipt of publications by subscription only impinged on detainees' rights to communicate.
Feely v. Sampson, Civil Action No. 75-171, Opinion at 22 (D.N.H., Sept. 24, 1976).

Rule that inmates can receive mailings from book stores as well as publishers is still more restrictive than necessary.
Funches v. Beame, No. 73-572 (E.D.N.Y. July 12, 1974),p. 13.

Jail rule allowing detainees to receive only those periodicals to which they had subscriptions is unconstitutional.
Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1169 (E.D. Wisc., 1973).

Detainee may receive publication from any source. Said publications may be inspected in inmate's presence for contraband.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), p. 6.

Detainees may receive books or magazines from family and friends.

Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975), pp. 45-46.

Inmates may subscribe to and otherwise receive books, newspapers, and periodicals from any source, including delivery to the jail by family and friends.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 14.

Inmates can receive publications from any source.

Mitchell v. Untreiner, 421 F. Supp. 886, 901 (N.D. Fla. 1976).

Preliminary relief not appropriate in area of publisher only rule.

Powlowski v. Wullich, 81 Misc. 2d 895, 902 (Sup. Ct. Monroe County 1975).

Authorities may not enforce publisher only rule. Detainees allowed to receive reading matter from all sources. Detainees to be notified of their right to receive reading matter from any source.

Powlowski v. Wullich, No. 75-1649 (Sup. Ct. Monroe County, Oct. 15, 1976), p. 2.

Rule preventing receipt of any publication except from publisher is unconstitutional.

Rhem v. Malcolm, 371 F. Supp. 594, 634-35 (S.D.N.Y. 1974), aff'd, 507 F. 2d 333 (2d Cir. 1974).

Publisher only rule unconstitutional - not necessary for security. First Amendment rights cannot be infringed because of administrative convenience and economy.

Rhem v. Malcolm, 371 F. Supp. 594, 634 (S.D. N.Y. 1974), aff'd.,507 F. 2d 333 (2d Cir. 1974).

Authorities enjoined from enforcing publisher only rule.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y. March 22, 1974), p. 2.

Publisher only rule is unconstitutional.
Wolfish v. United States, 428 F. Supp. 333, 340-41 (S.D.N.Y. 1977).

II. D. 1. c. Communication and Expression--Media--Publications--Limits on Possession

In order to maintain hygienic conditions and prevent fire hazards, the number of books in a cell at one time may be limited to 6; the number of magazines may be limited to 6, and any daily or weekly newspaper may be removed within 36 hours after its receipt.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 16.

Jail rule prohibiting the storage of hardcover law books in the inmates' cells and restricting the storage of non-hardcover materials so as not to limit the floor or wall space of the jail cell block is permissible, but jail officials must arrange for the storage of such materials in other readily accessible areas and must allow inmates to use those materials for reasonable periods of time.
Cruz v. Hauck, 515 F. 2d 322, 333 (5th Cir. 1975).

Rule that inmates in administrative segregation (1B) may not keep more than five books at a time in their cells is reasonable as applied to non-legal books, BUT rule as applied to legal material is denial of equal protection (since state inmates have no such limit).
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 842 (S.D.N.Y. 1975).

As a matter of equal protection, inmates in administrative segregation can keep unlimited amounts of legal books in their cells.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 842 (S.D.N.Y. 1975).

Literature, papers, except legal papers, and letters shall be bundled, removed from the cell, and placed with the inmate's personal possessions every 2 weeks to prevent fire hazard.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), pp. 2-3.

An inmate shall be entitled to receive and possess any legal documents, law books, and other legal materials provided to him, although jail officials may deny an inmate the right to have legal materials in his cell if they present a fire hazard or if jail officials otherwise provide access to the same or similar materials.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975). (Order for Partial Judgment), pp. 3-4.

Inmates to be permitted to possess copies of "Muhammad Speaks" and the "Koran" (prior consent judgment quoted in main opinion).

Manicone v. Cleary, No. 74-575 (E.D. N.Y. June 30, 1975) p. 3.

Inmates to be permitted to subscribe to newspapers and periodicals and to keep a reasonable number of them in their cells (from prior consent judgment quoted in main opinion cited below). Denial of right to have personal books and other reading material is unnecessary deprivation.
Detainees may own paperbacks.

Manicone v. Cleary, No. 74-575 (E.D.N.Y. June 30, 1975) pp. 4, 19, 46.

Jail officials may place a reasonable limit, by rule, on the amount of literature allowed to accumulate in detainees' cells.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., Mar. 24, 1976) (Memorandum of Decision), p. 15.

Inmates shall be allowed to store literature in the vicinity of their beds.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1976) (Consent Decree and Partial Judgment) p. 12.

Officials may provide rules reasonably restricting number of magazines permitted to be kept in cell.

Palma v. Treuchtlinger, No. 72-1653 (E.D. N.Y. July 11, 1975 (consent judgment) p. 3.

Jail authorities enjoined from destroying reading matter as long as it is maintained in good condition and creates no fire or health hazard.

Taylor v. Sterrett, 344 F. Supp. 411, 422-23 (N.D. Tex., 1972).

II. D. 2. Communication and Expression--Media--Institutional facilities

II. D. 2. a. Communication and Expression--Media--Institutional Facilities--Newspapers

Inmates shall be provided at county expense local newspapers in sufficient quantity so that they have reasonable opportunity to read them.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal) 3 Prison L. Rptr. 259, 260.

Restrictions on the availability of newspapers must be justified by compelling jail security interests if they are to survive constitutional scrutiny.

Collins v. Schoonfield, 344 F. Supp. 257, 283 (D. Md. 1972).

One newspaper shall be furnished daily.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 5.

Prison must either place newspapers on tiers or offer them for sale in commissary (prior order amended).

Manicone v. Cleary, No. 74-575 (E.D.N.Y. June 30, 1975), p. 48.

The jail shall provide one copy of a daily local newspaper to each cell block, if funding is available.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 11.

Inmates shall be provided local newspapers in sufficient quantity so that they have reasonable opportunity to read them.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 14.

Daily News and N.Y. Times to be delivered daily to each floor at Nassau County Jail, in addition to Newsday.

Palma v. Treuchtlinger, No. 72-1653 (E.D. N.Y. July 11, 1975) (consent judgment), p. 3.

Newspapers shall be provided in the commissary.
Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 9.

Detainee to have access to current newspapers at state expense. "The incendiary nature of ideas and facts published in newspapers is sometimes bothersome to those in authority; under our Constitution, such inconvenience is unavoidable."
U.S. ex rel. Manicone v. Corso, 365 F. Supp. 576, 577 (E.D.N.Y. 1973). Amended sub nom Manicone v. Cleary, No. 74-575 (E.D.N.Y. June 30, 1975) p. 43.

Challenge to denial of newspapers unripe for summary judgment.
Wolfish v. United States, 428 F. Supp. 333, 341, n. 11 (S.D.N.Y. 1977).

II. D. 2. b. Communication and Expression--Media--Institutional Facilities--Libraries (see also Access to Courts--Law libraries and law books).

There shall be a library available to detainees.
Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

Jail authorities shall provide a library for the use of inmates and shall allow local library services on a regular basis, provided that materials from libraries may be withheld if they pose a risk to security or are obscene.
Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259,260.

Detainees must have liberal access to a basic library of books, magazines, and newspapers.
Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Cal. 1972).

As often as resonably possible, all inmates shall be permitted to use the jail library and shall be provided with books from that library on a mobile basis, and every effort shall be made to increase the number and quality of volumes in the library.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 16.

The indigent inmate who wants to read should be given that opportunity both in terms of reading materials and adequate reading conditions.

Collins v. Schoonfield, 344 F. Supp. 257, 283 (D. Md., 1972).

Rather than have to wait for bi-weekly visit of a book-cart with a meager selection of books, prisoners should be entitled to make occasional visits to the jail library and check out one or more books or request that volumes not then available be placed on order.

Dillard v. Pitchess, 399 F. Supp. 1225, 1240 (C.D. Ca., 1975).

Difference between range of books available to general population and to inmates in administrative segregation is a violation of prison's own rules and equal protection.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

Upon arrival at the jail, an inmate shall be entitled to take advantage of library services.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Defendants must provide inmates with reading materials on a regular, systematic basis.

Joiner v. Pruitt, Cause No. 475-166 (Lake Cty., Ind., Super. Ct., June 30, 1975), p. 5.

Prompt arrangements shall be made for library service to prisoners.

Jones v. Wittenberg, 330 F. Supp. 707, 719 (N.D. Ohio 1971).

Reasonable library services shall be provided.

Lambert v. Skidmore, No. C2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

Jail officials shall secure as many books, fiction and non-fiction, as possible from the county public library for inmate use, and books in jail library will be catalogued in a manner so as to be accessible by inmates.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 9.

Prompt arrangements shall be made for library service to inmates.

Miller v. Carson, No. 74-382-Civ-J.S. (M.D. Fla., Jan 31, 1975) (Order and Preliminary Injunction) p. 14.

Prompt arrangements shall be made for library services to inmates.

Mitchell v. Untreiner, 421 F. Supp. 886, 901 (N.D. Fla. 1976).

A library shall be provided.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶23.

Jail officials shall make an effort to make more books and magazines available to inmates.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., Jun. 19, 1973), p. 9.

That pretrial and sentenced inmates use the same library (at different times) does not violate due process.

People v. Von Diezelski, 78 Misc. 2d 69, 75 (1974).

General reading material shall be located on the housing units in mental health center. (This judgment not to be cited in New York City litigation.)

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 5 (S.D.N.Y., March 17, 1977).

Fact that jail had no library facility contributed to court's finding of constitution violation. (Totality)

Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion),p. 8.

Adequacy of the jail library is a matter of administrative discretion.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 82.

Challenge to inadequate library unripe for summary judgment.

Wolfish v. United States, 428 F. Supp. 333, 341, n. 11 (S.D. N.Y. 1977).

II. D. 3. Communication and Expression--Media--Non-print (radio, TV, recordings, film, etc.)

Court ordered that electrical and T.V. cable outlet installations be installed in front of individual cells so that women prisoners will be provided with the same opportunity male prisoners have to view television sets privately owned by women prisoners.
Hedrick v. Grant, Civil No. S-76-162, (E.D. Ca., Nov. 13, 1976), Findings of Fact, Conclusions of Law, and Order, p. 4.

II. D. 3. a. Communication and Expression--Media--Non-print--Inmate's right to possess.

Prison officials ordered to submit plan within 7 days providing inmates in maximum security confinement with access to privately owned television sets.
Hedrick v. Grant, Civil No. S-76-162, (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), p. 5.

Inmates shall be allowed to have radios and to play them as long as they do not disturb others.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

II. D. 3. b. Communication and Expression--Media--Non-print--Institution's obligation to provide.

The fact that inmates in administrative segregation (1B) view movies on a small screen in the narrow corridor outside their cells while general population inmates view them on a large screen does not constitute a difference of constitutional dimension.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y. 1975).

A television set will be placed in the dayroom of each cell block.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 7.

A black and white television shall be made available.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

Detainees to be provided with a television on each cell block.
Rules and regulations shall be provided to detainees regarding use.

Lucas v. Wasser, No. 76-1057 (S.D. N.Y. Sept. 30, 1976) (Consent Order), p.2.

Court ordered jail officials to make television programs available in dayrooms and to furnish radio programs in some reasonable fashion.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., Mar. 24,1976) (Memorandum of Decision), p. 16.

II. E. Communication and Expression--Social and Political Expression

No inmate shall be denied privileges or be segregated because of his political, religious, or ideological views.

Collins v. Schoonfield, No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 6.

An inmate shall never be punished for his political beliefs, the books he reads or the organizations he belongs to.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

Right to visit and correspond not to be limited by reason of political beliefs or pending litigation.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30, 1976) (Consent Order), p. 4.

II. E. 1. Communication and Expression--Social and political expression-Voting.

Detainees' complaint of absolute denial of right to vote raises a substantial constitutional question.

Goosby v. Osser, 409 U.S. 512, 522 (1973).

An inmate shall be entitled to vote by absentee ballot upon meeting the state voter registration requirements.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 6.

Jail officials will make arrangements with election officials to facilitate an inmate's right to vote by absentee ballot, provided that the inmate is an otherwise qualified voter.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 13.

Prohibition on detainees' use of absentee ballots upheld where record did not show an absolute prohibition from voting.

McDonald v. Board of Election Commissioners of Chicago, 394 U.S. 802 (1969).

Statute which permitted jail inmates to vote by absentee ballot if confined in a county where they were not residents but not if confined in a county where they were residents violated the Equal Protection Clause.

O'Brien v. Skinner, 414 U.S. 524, 530-31 (1974).

II. E. 2. Communication and Expression--Social and political expression--Jail grievances.

Defendants shall prepare plan for grievance procedure. Ombudsman may be established.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

Surveillance of attorney-detainee visit, if done in retaliation for detainee's commencement of state claim against jail, constitutes denial of access to courts.

Christman v. Skinner, 468 F. 2d 723, 726 (2d Cir. 1972).

No inmate shall be segregated or denied privileges because he files or pursues any litigation or otherwise seeks assistance from any public agency.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 6.

Complaints about jail conditions should not be cause for punishment unless such verbalization poses a clear and present threat to the security of the institution.

Collins v. Schoonfield, 344 F. Supp. 257, 271 (D. Md., 1972).

No inmate shall be denied privileges or segregated because of his complaints or criticisms of jail conditions or administration.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 6.

Detainees' allegation that Commission of Correction failed to institute grievance procedure, a duty delegated to it by law, raised §1983 claim against the Commission.

Lucas v. Wasser, 425 F. Supp. 955, 961-62 (S.D.N.Y. 1976)

Jail authorities will investigate all complaints of improper official behavior and report to the Sheriff with notice to the inmate.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 14.

Consent decree orders Tombs to set up inmate council and grievance procedure.

Rhem v. Malcolm, No. 70-3962 (S.D. N.Y. Aug. 2, 1973), pp. 6-7.

There is no legal right to an inmate government or grievance committee.

Wayne County Jail Inmates v. Wayne County Board of Commissions, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 85.

II. E. 3. Communication and Expression--Social and political expression--Communication with media

Court affirms preliminary injunction permitting access by reporters to jail at reasonable times, use of photographic and sound equipment, and interviews of inmates, although this goes beyond the access permitted to the public through monthly tours.

KQED, Inc. v. Houchins, 546 F. 2d 284 (9th Cir. 1976).

If prison superintendent intends to grant some but not all prisoner requests for press interviews and conferences, he should develop guidelines governing the issuance of permission which delineate precise and objective tests necessary to protect legitimate government interests, and which limit discretion in approving or disapproving such requests, and a procedure of administrative review of his decisions.

Main Road v. Aytch, 522 F 2d 1080, 1090-1091 (3rd Cir., 1975).

Court held that prison superintendant's denial of requests by inmates to hold news conferences so as to avert public criticism of defenders association and probation office constituted unconstitutional regulation of speech on the basis of content.

Main Road v. Aytch, 522 F 2d 1080, 1088 (3rd Cir., 1975).

Regulations barring prisoners from being interviewed by the press are constitutionally valid so long as there is no differentiation based on the content of the communication and prisoners are not denied access to the press by alternative means (i.e. mail).

Main Road v. Aytch, 385 F. Supp. 105, 109 (E.D. Pa., 1974), vacated and remanded, 522 F. 2d 1080 (3d Cir. 1975).

Disciplinary hearings shall be open to members of the news media and an assortment of others.

Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), pp. 4-5.

Although prisoner mail to press representatives may not be opened or read, prison officials may hold such correspondence for 48 hours to ascertain that the "press" in question falls within the definition set forth by the Federal Bureau of Prisons, and mail addressed to out-of-state press offices should not be in such volume as to unduly burden prison resources.

Taylor v. Sterrett, 532 F. 2d 462, 482 (5th Cir., 1976).

Press representatives wishing to correspond with inmates may be required to identify themselves and their status in writing before their unread mail is distributed to prisoners.

Taylor v. Sterrett, 532 F. 2d 462, 482 (5th Cir., 1976).

Regulation that requires permission to be obtained before preparation of manuscripts, restricts their length and circulation, provides for confiscation and censorship, and prevents negotiation for publication, cannot be enforced against an unconvicted inmate in a mental institution unless justified by recognized medical standards.

Tyler v. Ciccone, 299 F. Supp. 684, 688 (W. D. Mo. 1969).

Virgin Islands prison ordered to maintain reading materials in both English and Spanish.
Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1234 (D.V.I. 1976).

All rules, procedures and other notices in jails should be posted in English and in Spanish, and whenever a non-English-speaking inmate is accused of an infraction, an interpreter must be provided for any subsequent disciplinary proceedings.
Batchelder v. Geary, No. C-71-2017 RFP (N.D. Ca. April 16, 1973) (Order), 2 Prison L. Rptr. 283, 284.

Incoming and outgoing letters may be in any language.
Goldsby v. Carnes, 365 F. Supp. 395, 404 (W.D. Mo. 1973) (consent judgment).

No restrictions shall be placed on the language in which letters may be written.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Inmate guidebook to be published in English and Spanish.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 692-3 (D. Mass. 1973).

Institution ordered to make effort to hire more Spanish-speaking personnel.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

Language problems given weight in requirement of counsel substitute in all disciplinary proceedings.
Kinale v. Dowe, Civil No. 73-374 GT (S.D. Calif., Oct. 29, 1973) (Preliminary Injunction), p. 5.

Letters may be in any language.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 11.

Letters may be in any language.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶14.

III. ACCESS TO COURTS

(see also Communication and expression--Mail--Legal and official; Communication and expression--Postage and materials)

Paper and pens shall be provided for communication with counsel or filing legal papers.

Ahrens v. Thomas, 434 F. Supp. 873,904 (W.D.Mo. 1977)

Detainees shall be allowed to shower, shave and receive clean clothes before appearing before any jury.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D.Mo. 1977)

No inmate shall be segregated or denied privileges because he files or pursues any litigation or otherwise seeks assistance from any public agency.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p.6.

County jail inmates' right of access to the courts can be satisfied either by the availability of legal materials, by counsel, or by any other appropriate device of the state, but the burden of proving that all inmates, except for those whose confinement is of a very temporary nature, have adequate access to the courts through means other than by access to legal materials, is on the jail authorities.

Cruz v. Hauck, 515 F.2d 322,331-333 (5th Cir., 1975)

The right of access to the courts encompasses the right to file both habeas corpus petitions and civil rights actions.

Cruz v. Hauck, 515 F. 2d 322, 332 (5th Cir., 1975).

A defendant may not be compelled to stand trial in jail clothes, but the failure to object at trial is sufficient to negate the presence of compulsion.

Estelle v. Williams, 425 U.S. 501 (1976)

Refusal of jail authorities to permit plaintiff's lawyer to photograph plaintiff for purposes of his criminal defense violates the constitutionally protected right to prepare a defense and to present any helpful evidence to the courts.

McDonald v. State of Illinois, 557 F.2d 596 (7th Cir. 1977)

While the right to effective counsel under the 6th Amendment extends only to criminal matters, the right of access to the courts is available to pre-trial detainees in order that they might contest the legality of their conviction, the constitutionality of prison conditions, or pursue any civil matters.

Taylor v. Sterrett, 532 F. 2d 462, 472-473 (5th Cir., 1976)

Before procedures that impede prisoners' access to the courts may be constitutionally validated, it must be clear that the state's substantial interests can not be protected by less restrictive means.

Taylor v. Sterrett, 532 F.2d 462,472 (5th Cir., 1976)

III.A. Access to Courts--Attorney consultation.

Restrictions on visiting contribute to denial of effective assistance of counsel, ability to assist in preparation of a defense and to secure witnesses.
Mitchell v. Untreiner, 421 F. Supp. 886, 895-96 (N.D. Fla., 1976).

All rules and regulations respecting attorney-client visitation shall be uniformly applied.
Obadele v. McAdory, Civil No. 72J-103(N) (S.D. Miss., June 19, 1973), p.9.

Relief requested by Rikers H.D.M. detainees as to access to counsel is beyond power of court where such relief was not part of original Toms suit.
Rhem v. Malcolm 389 F. Supp. 964, 970 (S.D.N.Y. 1975).

Where interview facilities at jail are so small and poorly ventilated that inmates are forced to conduct hurried, uncomfortable conversations with attorneys, they are denied effective assistance of counsel. (Motion for Summary Judgement Granted).
Sandoval v. James, No. C -72-2213 RFP (N.D.Ca., Oct. 3, 1975) (Opinion) pp. 17-18.

III.A.1. Access to Courts--Attorney Consultation--Right to consult
(see also Communication and Expression--Telephones)

Defendants should allocate sufficient resources and personnel to make attorney-client consultation available at all reasonable times.
Alberti v. Sheriff of Harris County, 406 F.Supp. 649, 688 (S.D. Tex., 1975).

Pre-trial detainees have a first amendment right to visit with attorneys.
Brenneman v. Madigan, 343 F. Supp. 128, 141 (N.D. Ca., 1972).

"Lack of facilitation on an unreasonable basis" of attorney visits raises to a level of constitutional denial.
Collins v. Schoonfield, 344 F.Supp. 257,280-81 (D. Md. 1972)

Non-suicidal inmates and inmates not presenting an immediate threat to life, safety, or property may not be denied attorney visits as a means of discipline.
Collins v. Schoonfield, 344 F.Supp. 257,269 (D.Md., 1972)

Inmates in administrative segregation (1B) are entitled to confer with their attorneys in such numbers as may be shown necessary to assure their right to prepare their defenses for charges for which they are detained.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 845 (S.D.N.Y., 1975).

Inmates in isolation not to be denied legal visits.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass., 1973).

Inmates confined in isolation or maximum security are entitled to visit with attorneys.
Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order), p. 3.

Inmates can consult with law students working under the supervision of attorneys in the same manner that they can consult with attorneys.
Joiner v. Pruitt, Cause No. 475-166 (Lake Cty., Ind. Super. Ct., June 30, 1975), p. 4.

Denial of access to counsel not of record is unnecessary deprivation. Such denial violates 6th and 14th amendments.
Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975), pp. 13, 38.

Any inmate may be visited by any attorney or attorneys. Attorneys may bring recording devices into the jail.
Sykes v. Krieger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 8.

III.A.2. Access to Courts--Attorney consultation--Privacy.

The lack of facilities for private attorney-client consultations violates the Sixth Amendment.
Ahrens v. Thomas, 434 F. Supp. 873, 898 (W.D. Mo., 1977).

There shall be space available for private consultation between detainee and legal counsel. Communications between attorneys and clients must be unmonitored.
Ahrens v. Thomas, 434 F.Supp. 873, 903 (W.D. Mo., 1977).

Surveillance of attorney-detainee visit, if done in retaliation for detainee's commencement of state claim against jail, constitutes denial of access to courts.
Christman v. Skinner, 468 F. 2d 723, 726 (2nd Cir., 1972).

Appropriate facilities shall be provided for confidential interviews and their counsel or counsel-substitute.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 15.

Jail officials are constitutionally required to provide facilities for private attorney-client interviews.
Collins v. Schoonfield, 344 F.Supp. 257, 281 (D. Md., 1972).

Private room to be available for attorney visits.
Feely v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976), p. 2.

Facilities for private attorney-client consultation must be provided.
Feely v. Sampson, No. 75-171, Opinion at 23 (D.N.H., Sept. 24, 1976).

Private consultation rooms shall be maintained for attorney visits.
Goldsby v. Carnes, 365 F.Supp. 395,404(W.D.Mo.1973) (consent judgment)

Attorneys may request private consultation rooms.
Goldsby v. Carnes, 429 F.Supp.370,378(W.D.Mo.1977) (consent judgment)

Attorneys may request a private consultation room in order to confer with their clients, and all efforts will be made to provide such an area.
Inmates of Allen County Jail v. Bender, Civil No. 71F32 (N.D.Ind., May 19,1975)(Order for Partial Judgment),p.4.

Private facilities for attorney-client consultation shall be provided. (Witnesses may use this with attorney; otherwise, they shall use the ordinary visitation facilities.)
Jones v. Wittenberg, 330 F.Supp.707,719(N.D.Ohio 1971)

Attorneys of record and 2 law students under the direct supervision of such attorneys shall be permitted to interview inmates privately or during normal business hours at least twice per week.
Kindale v. Dowe, Civil No.73-374GT(S.D.Ca. Oct. 29,1973) (Preliminary Injunction),p.8.

Inmates may have confidential visits with attorneys and their staffs and witnesses accompanied by attorneys or staff, in facilities designed so that conversations cannot be overheard.
Lambert v. Skidmore, No.C274-135(S.D.Ohio, May 30,1975) (Stipulation and Order),p.5.

Space shall be provided so that attorneys may interview inmates privately.
Marion County Jail Inmates v. Broderick. No.IP-C-424 (S.D.Ind., June 9,1975)(Consent Decree and Partial Judgment),p.12.

Immediate steps shall be taken to furnish adequate facilities for attorney-client conferences which shall insure the confidentiality of attorney-client communications.
Miller v. Carson, No.74-382-Civ-J-S(M.D.Fla., Jan. 31, 1975)(Order and Preliminary Injunction),p.16.

Facilities for confidential attorney-client conferences must be established.
Mitchell v. Untreiner, 421 F.Supp.902(N.D.Fla. 1976)

A plan for private attorney-client consultation will be submitted.
Moore v. Janing, Civil No.72-0-223(D.Neb., March 9, 1973)(Order and Stipulation),.p.20.

Use of public hallway for attorney-client consultation contributes to finding of unconstitutionality (totality). Private facilities must be provided.
Moore v. Janing, 427 F. Supp.567,572,575-76(D.Neb.1976)

Two rooms for conferences between inmates and their attorneys shall be made available, and may be used on a first-come-first-serve basis.
Obadele v. McAdory, Civil No. 72J-103(N)(S.D.Miss., June 19,1973),p.9.

Attorney-detainee visits to be arranged as to insure privacy.
Pennell v. Myatt, No. 74-87(D.N.H.March 6,1975) (Order, Attachment A)

One room 10 feet by 14 feet with one desk and one chair, through which inmates go to go to the medical clinic, does not provide adequate space for attorney-client conferences and violates the Sixth and Fourteenth Amendments.
Rodriguez v. Jimenez, 406 F.Supp. 582, 594 (D.P.R. 1976), stay pending appeal denied, 537 F.2d 1 (1st Cir., 1976)

Attorneys may interview inmates in regular visiting facilities or may request a private facility.
Sykes v. Kreiger, Case No. 71-1181(N.D.Ohio, March 18, 1975)(Partial consent judgment), p. 8.

Attorney-client consultation in a noisy lobby area in the presence of a guard and other lawyers and clients substantially inhibits the proper preparation of a defense.
Tyler v. Percich, 74-40-C (2) (E.D.Mo., October 15, 1974) (Memorandum Opinion),p.6.

III.A.3. Access to Courts--Attorney consultation--Schedule.

Attorney-client telephone communication shall be available daily. There shall be no curtailment of the number of times that an attorney may visit with his client.
Ahrens v. Thomas, 434 F.Supp. 873,904(W.D.Mo.1977)

Attorneys may visit inmate clients at any time between 8:30 and 11:00 a.m and 2:15-4:15 p.m. on all days but Sunday, and every effort shall be made to permit attorneys to interview clients with the least possible delay.
Collins v. Schoonfield, Civil No.71-500-K(D. Md., July 24, 1972)(Interim Decree),p.15.

Attorneys may visit as often as necessary to prepare the case.
Goldsby v. Carnes, 365 F.Supp. 395,409(W.D.Mo. 1973) (consent judgment)

Attorney visiting hours are 8:30 a.m.-10:30 a.m. and 12:30 p.m.-3:30 p.m. Monday through Friday, 8:00 a.m.Saturday, and by arrangement.
Goldsby v. Carnes, 365 F.Supp.395,415 (W.D.Mo.1973) (consent judgment)

Attorney visiting schedule given. Other times can be prearranged with jail authorities, and all efforts will be made to ensure visits

regardless of the time.

Goldsby v. Carnes, 429 F.Supp. 370, 378 (W.D. Mo., 1977) (consent judgment)

Attorneys shall be admitted to see inmates at any reasonable hour.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 5.

Counsel may visit at any reasonable hour including evenings without obtaining special permission. Visiting hours to be expanded for counsel, to weekday evenings and Sundays and holidays.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 689-91 (D. Mass., 1973).

Attorney visitation schedule of 9:00 a.m.-11:00 a.m. and 2:00 a.m.-4:00 p.m. on weekdays and 9:00 a.m.-11:00 a.m. on Saturdays was not unconstitutionally limiting.

Johnson v. Lark, 365 F. Supp. 289, 296, 303 (E.D. Mo., 1973).

Attorneys of record and 2 law students under the direct supervision of such attorneys shall be permitted to see inmates privately and inspect non-privileged records of the facilities during normal business hours at least twice per week.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary I-junction), p. 8.

Attorneys and their staff members may visit clients during regular business hours and other reasonable hours, including evenings and weekends.

Lambert v. Skidmore, No. C274-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 5.

There shall be no time limit on attorney visits except that attorneys shall not be present at meal times. There shall be no limit on the number of attorney visits.

Marion County Jail Inmates v. Broderick, No. IP 72-C 424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 11-12.

Attorneys representing detainees shall have access to them at any time within 12 hours of arrest. Otherwise, attorney visiting hours will be 6 a.m. to 10 p.m. daily.

Mitchell v. Untreiner, 421 F.Supp. 886, 901 (N.D.Fla., 1976).

Attorneys representing jail inmates shall have access to the jail at all times.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 16.

Attorneys to be able to visit at reasonable hours other than regularly scheduled hours and during meals.

Pennell v. Myatt, No. 74-87 (D.N.H. March 6, 1975) (Order, Attachment A).

Pre-trial detainees shall be delivered messages from their attorneys within a maximum of 4 hours after they are received, and each detainee shall be permitted to return a call to his attorney once every 7 days.

Stephens v. Sanders, No. 18244(N.D.Ga., July 13, 1974) (Consent Order).

Any inmate may be visited by any attorney or attorneys with unlimited frequency at all reasonable times during the day and evening, seven days a week. Attorneys may bring recording devices into the jail.

Sykes v. Kreiger, Case No. 71-1181(N.D.Ohio March 18, 1975)(Partial Consent Judgment), p.8.

III.A.4. Access to Courts--Attorney Consultation--Legal Services Organizations(includes prisoners' rights lawyers)

Where legal services agency volunteered to make an attorney available one morning a week, institution ordered to provide a private office and assist in setting up each week's interviews.

Barnes v Govt. of Virgin Islands, 415 F.Supp. 1218 (D.V.I. 1976)

Court ordered that plan be devised for affording jail inmates access to county legal services.

Batchelder v. Geary, No. C-71-2017 RFP(N.D.Ca., April 16, 1973)(Order),2 Prison L. Rptr. 283.

Defendants enjoined from preventing plaintiffs' counsel from interviewing clients and witnesses.

Brenneman v. Madigan, No. C-70 1911AJ 2(N.D.Cal. Nov. 16, 1970)

Plaintiffs' counsel shall have free access to all inmates of the jail, and requests by plaintiffs to confer with counsel shall be transmitted within one hour.

Campbell v. Rodgers, No. 1462-71(D.D.C., Nov. 10,1971) (Consent Order),p.1.

Where detainees directed a letter about conditions to a probation officer requesting that their complaints reach proper authorities, and officer gave it to a legal services organization, organization's lawyers would be permitted to consult with them.

Doe v. Bell, No. C71-310 (N.D.Ohio, Oct. 19,1971) (Findings of Fact, Conclusions of Law and Order), 1 Prison L. Rptr. 189,190.

Plaintiffs' counsel to have access to jail three times a week for purposes of jail lawsuit.

Inmates of the Allen County Jail v. Bender, No.71F32 (N.D.Ind., April 6, 1971)(Memorandum and Restraining Order)

Counsel for plaintiffs shall be permitted upon one day's notice to inspect jail for compliance with order and may consult with any inmate or group of inmates regarding the subject matter of the lawsuit.

Jackson v. Hendrick, No. 2437(Pa. Ct. of Common Pleas, Nov. 20, 1976)(Final Decree I),p.13.

Attorneys of record shall be permitted to inspect and photograph (including the use of a photographer)the facilities and shall be required to notify jail officials of the intention to inspect or photograph restricted areas on the day previous to such inspection or photography during normal business hours.

Kindale v. Dowe, Civil No. 73-374GT,(S.D.Ca. Oct. 29, 1973)(Preliminary Injunction),p.9.

Defendants enjoined from presenting plaintiffs' counsel from visiting the jail to interview clients and witnesses.

Smith v. Carberry, No. C-70 1244LHB (N.D.Cal., August 5, 1970)(Preliminary Injunction),p.2.

Plaintiffs' attorneys and investigators permitted to solicit interviews with inmates through notice and two one-day sessions. Custodial staff must remain out of earshot. Court monitor shall have access to list of recently released inmates and shall notify plaintiffs' counsel of those who wish to be interviewed.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-C (Circuit Ct., Wayne County, Mich., Dec. 1, 1975)(Order Granting Plaintiffs' Motion for Limited Access to the County Jail).

III.B. Access to Courts--Law Library and Law Books.

Total absence of a law library denies inmates their Sixth Amendment rights.

Ahrens v. Thomas, 434 F. Supp. 873, 898(W.D.Mo.1977)

Inmate representing himself in criminal case was not denied due process by failure to provide access to a law library when a standby lawyer was appointed and assisted him on request and where the inmate was given telephone access to witnesses.

United States v. West, 557 F.2d 151, 152-53 (8th Cir. 1977)

III.B.1. Access to Courts--Law Library and Law Books--Access.

Detainees shall have access to a law library and to all legal papers.

Ahrens v. Thomas, 434 F.Supp. 873,904(W.D.Mo. 1977)

Court ordered that a law library be established and maintained by county for prisoners' use.

Batchelder v. Geary, No.C-71-2017RFP(N.D.Cal., April 16, 1973)(Order);2 Prison L. Rptr.283.

Inmates to receive written rules as to right to use law library and method of such use. Inmate to have right to receive legal materials from "outside" library (unclear where), and within one week.

Cooper v. Morin, No.74-1411(Monroe County Sup. Ct., April 21, 1976)(Consent judgment),p.5.

Jail inmates must be allowed to obtain legal materials from any source, subject only to screening for security purposes.

Cruz v. Hauck, 515 F.2d 322,333(5th Cir., 1975).

Jail rule prohibiting the storage of hard-cover law books in the inmates' cells and restricting the storage of non-hardcover materials so as not to limit the floor or wall space of the jail cell block is permissible, but jail officials must arrange for the storage of such materials in other readily accessible areas and must allow inmates to use those materials for reasonable periods of time.

Cruz v. Hauck, 515 F.2d 322,333(5th Cir. 1975).

Reduced access to law library for inmates in administrative segregation is sufficient because of the smaller number of these inmates.

Giampetruzzi v. Malcolm, 406 F.Supp. 836,846(S.D.N.Y., 1975)

As a matter of equal protection, inmates in administrative segregation can keep unlimited amount of legal books in their cell.

Giampetruzzi v. Malcolm, 406 F.Supp.836,842 (S.D.N.Y. 1975).

Inmates may receive legal materials books, etc. subject only to regulations concerning obscenity and institutional security.

Goldsby v. Carnes, 365 F.Supp. 395,404(W.D.Mo.1973) (Consent Judgment)

Prison officials ordered to keep law library open from 8:00 a.m. to 3:30 p.m. daily, and to allow inmates access thereto in conjunction with their regularly scheduled exercise periods.

Hedrick v. Grant, Civil No. S-76-162 (E.D.Ca. Nov. 13,1976)(Findings of Fact, Conclusions of Law and Order),p.3.

Court ordered prison officials to provide each inmate confined for more than 48 hours with a list of all books in the jail and County law libraries and with an informational sheet informing inmates of means of access to the books.

Hedrick v. Grant Civil No. S-76-162 (E.D.Ca., Nov. 13,1976)(Findings of Fact, Conclusions of Law and Order), pp. 6-7.

There will be a law library maintained and provided for inmates which shall include an adequate supply of legal size stationary and typewriters.

Inmates of Allen County Jail v. Bender, Civil No. 71 F32(N.D.Ind., May 19,1975)(Order for Partial Jundment) p.4.

An inmate shall be entitled to receive and possess any legal documents, law books, and other legal materials provided to him, although jail officials may deny an inmate the right to have legal materials in his cell if they present a fire hazard or if jail officials otherwise provide access to the same or similar materials.

Inmates of Allen County Jail v. Bender, Civil No.71 F32(N.D.Ind., May 19, 1976)(Order for Partial Judgment),pp.3-4.

Jail officials must make a reasonable quanity and type of law books available to detainees.

Marion County Jail Inmates v. Broderick, No. 1P 72-C-424(S.D.Ind., March 24,1976)(Memorandum of Decision), p.17.

Immediate steps shall be taken to communicate to inmates and jail personnel the availability of law books in the jail and the provision for notarizing inmates' documents.

Miller v. Carson, No.74-382-Civ-J-S(M.D.Fla., Jan. 31, 1975)(Order and Preliminary Injunction),p.16.

Lack of access to library or any law books contributes to denial of effective assistance of counsel, ability to assist in preparation of defense and to secure witnesses.

Mitchell v. Untreiner, 421 F.Supp. 886,895-96(N.D.Fla. 1976)

Court declines to require purchase of a law library where some access to legal materials is provided.

Moore v. Janing, 427 F. Supp. 567,577(D.Neb.1976)

Absent some alternative provision for legal assistance, indigent inmates must be provided access to a reasonably adequate law library, and the defendants must submit a plan for reasonable access either to lawyers or to a law library. Acceptable alternatives include a legal services program, access to the county law library, or transfer of inmates to state prisons with adequate law libraries(unclear if applicable to detainees).

Padgett v. Stein, 406 F.Supp.287,297-98(M.D.Pa.1975)

Neither county sheriff nor his subordinates required to supply law books.

Page v. Sharpe,487 F.2d 567,569(1st Cir. 1973).

Whether inmates have right to reasonable access to law books not appropriate for preliminary relief.

Palmigiano v. Travisono, 317 F.Supp. 776,790(D.R.I. 1970).

Absence of law library violates Sixth and Fourteenth Amendments.

Rodriguez v. Jimenez, 406 F.Supp. 582,594,(D.P.R.1976).

Detainees in mental health center shall have access to a law library on request. (This judgment not to be cited in New York City litigation).

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 5 (S.D.N.Y.,March 17, 1977).

The fact that inmates are denied access to legal reference material does not establish a per se violation of their right of access to the courts, as such a deficiency may be effectively remedied by adequate access to legal counsel. (Motion for Summary Judgment denied.)

Sandoval v. James, No. C-72-2213 RFP (N.D.Ca., Oct. 3, 1975)(Opinion),p.13.

Defendants shall present an inventory of the law library and a plan for access to it.

Sykes v. Kreiger, Civil Action No. C71-1181(N.D.Ohio, May 15, 1975)(Order),p.22.

Preliminary injunction regarding right to a law library denied because of lack of legal authority in the Circuit, divided authority elsewhere, and availability of lawyers under Gideon and Argersinger

Tate v. Kassulke, 409 F.Supp. 651,658(W.D.Ky.1976)

Failure to provide a law library is permissible where there is access to counsel. (Absent evidence of an uncounselled inmate, such inmate's rights will not be adjudicated)

Wayne County Jail Inmates v. Wayne County Board of Commissions, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971)(Opinion),p.84.

III.B.2. Access to Courts--Law library and law books--Adequacy.

Library shall contain Virgin Islands Code. Court will donate old legal volumes which have been replaced.

Barnes v. Govt. of Virgin Islands, 415 F.Supp.1218, 1234 (D.V.I. 1976).

Inmates to have at least N.Y. and Federal Reporters (Consent Judgment).

Cooper v. Morin, No.74-1411 (Monroe County Sup. Ct., April 21, 1976),p.5.

Defendants shall maintain a law library with contents as specified, including regular and proper updating and supplementation and replacement of missing or damaged volumes. A full-time Legal Services Coordinator shall be employed to supervise and maintain the law library and to provide instruction in basic legal research methodology.

Funches v. Beame, No. 73 Civ. 572, Judgment Granting Permanent injunction at 1-2 (E.D.N.Y., Jan. 20,1977)

Law Library shall contain legal stationery and 2 manual typewriters.

Goldsby v. Carnes, 365 F.Supp. 395, 405 (W.D.Mo.1973) (Consent Judgment)

Required contents of law library listed.
Goldsby v. Carnes, 365 F. Supp. 395,405-06(W.D. Mo. 1973)(Consent Judgment)

Contents of law library listed. Books to be kept current and supplemented.
Goldsby v. Carnes, 429 F.Supp. 370,380 (W.D.Mo. 1977) (Consent Judgment)

Court ordered prison officials to maintain the following books for inmate use: West's Annot. Ca. Penal Code; U.S.C.A.Constitution, Title 42 1891-2010, Title 18, Title 28 2241-2255; Local Federal District Court rules: Black's Law Dictionary; Cohen, Legal Research in a Nutshell; U.S. Law Week or Criminal Law Reporter; West's Federal Rules of Criminal Procedure; Israel and LaFave, Criminal Procedure in a Nutshell; Jailhouse Lawyers Manual; Krantz, Cases and Materials on the Law of Corrections and Prisoners Rights, A Manual on Habeas Corpus for Jail and Prison Inmates; Prison Law Reporter, and How to Use a Law Library: A Short Course for Laymen (on motion for partial summary judgment)
Hedrick v. Grant, Civil No. S-76-162. (E.D. Ca., Nov. 13, 1976)(Findings of Fact, Conclusions of Law and Order),pp.6-7.

The jail law library shall include an adequate supply of legal size stationery, 2 manual typewriters in working order, current state and federal criminal substantive and procedural statutes and rules.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975)(Order for Partial Judgment),p.4.

Jail law library shall be established and contain specified books, kept up to date by supplementation.
Lambert v. Skidmore, No. C2 74-135 (S.D. Ohio, May 30, 1975)(Stipulation and Order),pp.2-3.

A law library must be established (contents listed).
Mitchell v. Untreiner, 421 F. Supp. 886,901(N.D. Fla. 1976)

An adequate law library in a Pennsylvania prison required to contain U.S. Supreme Court Reports beginning with vol. 340; Federal Reporter 2d volume 235; U.S.C.A. Titles 5, 18, 28, 42, U.S. Constitution and the general index; vol. 28 of DFR; Purdon's Titles 12, 17, 18, 19, 42, 46, 60, 61, 71, Pa. Constitution, and general index; Title 37 of Pa. Code; Pa. Supreme Court Reports beginning with vol. 366; Pa. Sup. Ct. Reports beginning with vol. 165.
Padgett v. Stein, 406 F. Supp. 287, 297 n.8 (N.D. Pa., 1975).

III.C. Access to Courts--Inmate legal assistance (jailhouse lawyering)

No inmate shall be segregated or denied privileges because he legally assists or counsels other inmates.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 6.

Inadequacy of legal services provided to indigent inmates may effectively deny them due process of law. State cannot prohibit inmates from helping one another. Inmates have right to use jailhouse lawyers. Rule that bars consultation with jailhouse lawyers where one is not available on inmate's housing side is unconstitutional.

Funches v. Beame, No. 73-572 (E.D.N.Y., July 12, 1974), pp. 11, 13.

Inmates shall be allowed to confer about their cases and prepare legal papers for one another, but no fees shall be charged.

Lambert v. Skidmore, No. C 274-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p.2.

Inmates to be permitted to provide legal assistance to each other (from prior consent judgment quoted in main opinion). "Jailhouse lawyering" may not be prohibited. Prisoners have right to visits from law students and paralegals.

Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975), pp. 4, 37.

Inmates in administrative segregation have the right to jailhouse legal assistance or some other reasonable alternative (i.e. law students), so they can exercise fundamental right of access to the courts.

Wilson v. Beame, 380 F. Supp. 1232, 1242 (E.D.N.Y., 1974)

III. D. Access to Courts--Transportation to Courts.

Defendants should develop a plan for trafficking inmates to court efficaciously to eliminate the five-hour pre-hearing waiting period (4:00 a.m. to 9:00 a.m.).

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 663, 689 (S.D. Tex., 1975).

County's procedure for transporting detainees to court for trial which results in detainees' being denied the opportunity for a reasonable night's sleep before the day of his trial is unconstitutional.

Dillard v. Pitchess, 399 F. Supp. 1225, 1237 (C.D.Ca., 1975).

All anal searches prior to transporting detainees to court have been discontinued. Prison officials to transport detainees to and from courts and apply only necessary security measurers. Detainees to be able to approach the court free of handcuffs.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), p. 3.

III.E. Access to Courts--Bail Projects.

At least two private interview spaces shall be provided for bail project use.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 674-75 (S.D. Tex., 1975).

Bail Appeal Project to be continued and funded by institution and city.

Inmates of the Suffolk County Jail v. Eisenstadt, No. 71-162-G (D. Mass., March 5, 1975), pp. 1-2. aff'd 518 F. 2d 1241 (1st Cir., 1975).

Institution shall inform detainees that bail review petitions are available upon request.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass., 1977).

County officials must maintain a facility in center city capable of providing secure detention for a reasonable period of up to 8 hours for defendants who wish to post bail.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Opinion), p. 26.

III.F. Access to Courts--Notarial Services.

Notarial service shall be provided for detainees who wish to file legal pleadings in court.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo., 1973).

Defendants shall inform all notaries working in the BHD of the provisions of New York Executive Law Section 135-A (2).

Funches v. Beame, No. 73 Civ. 572, Judgment Granting Permanent Injunction at 3 (E.D.N.Y., Jan. 20, 1977).

Free notary service shall be provided.

Goldsby v. Carnes, 365 F. Supp. 404 (W.D. Mo., 1973) (consent judgment)

The institution shall provide free notary service, and notarization shall take place in the inmate's presence.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo., 1977) (consent judgment).

Notarial Services shall be provided free for indigents, and notarized materials shall not be read.

Lambert v. Skidmore, No. C 274-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 2.

Notarial services shall be provided free for indigents, and notarized materials shall not be read.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p.2.

The jail shall provide free notary service to all inmates.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 11.

Provisions for notarizing documents shall be communicated to inmates.
Miller v. Carson, No. 74-382-Civ.-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 16.

Detainees must be provided with notarial services.
Tate v. Kassulke, 409 F. Supp. 651, 659 (W.D. Ky., 1976)

III.G. Access to Courts--Typewriters.

At least one operable typewriter shall be maintained for use in the main law library.
Funches v. Beame, No. 73 Civ. 572, Judgment Granting Permanent Injunction at 3 (E. D. N. Y., Jan. 20, 1977)

Prison may not forbid acceptance of donated typewriters and free provision of repair services, but there is no federally protected right to the use of typewriters.
Funches v. Beame, No. 73-572 (E.D.N.Y., July 12, 1974), p. 15.

Law library shall contain 2 manual typewriters.
Goldsby v. Carnes, 365 F. Supp. 395, 405 (W. D. Mo., 1973) (consent judgment).

Law library shall contain two manual typewriters in good working order.
Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D.Mo. 1977) (consent judgment)

Law library must contain 2 manual typewriters in working order.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 4.

"For so long as the Courts will receive handwritten petitions, there would seem to be no constitutional imperative for legal stationery or typewriters" in jail.
Marion County Jail Inmates v. Broderick, No. IP-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 17.

III.H. Access to Courts--Punishment for Litigation.

Defendants enjoined from threatening the plaintiffs with reprisals for lawsuit.
Brenneman v. Madigan, No. C-70 1911 AJ2 (N.D. Cal., Nov. 16, 1970) (Findings of Fact and Conclusions of Law in Support of Preliminary Injunction)

Defendants ordered to refrain from reprisals against plaintiff for bringing suit, threatening, provoking, or questioning him about the litigation without his lawyer or beating him, depriving him of food, bedding, clean clothes, or mail.

Moore v. Janing, Civ. No. 72-0-223 (D. Neb., April 20, 1972) (Temporary Restraining Order).

Defendants enjoined from taking or threatening reprisals for lawsuit.

Smith v. Carberry, No. C-70 1244 LHB (N.D. Cal., August 5, 1970) (Preliminary Injunction), p. 2.

Defendants shall not take any action to deter inmates from cooperating with plaintiffs' counsel.

Campbell v. Rodgers, No. 1462-71 (D.D.C., Nov. 10,1971) (Consent Order), p.2.

Putting detainee in isolation for informing other inmates of a pending State claim against the jail does not violate Constitution.

Christman v. Skinner, 468 F.2d 723, 725 (2nd Cir. 1972).

Allegation that prison officials subjected detainee-plaintiff to several forms of harassment (strip-searches, denial of exercise, surveillance of attorney visits, and prohibition from associating with other inmates) raises substantial federal question.

Christman v. Skinner, 468 F.2d 723, 726 (2nd Cir. 1972)

In implementing right to contact visits, court does not intend any decrease in the number or length of visits to which detainees are entitled.

Forts v. Malcolm, 76 Civ. 101, Memorandum and Order at 4 (S.D.N.Y., July 6, 1977)

Defendants restrained from taking or threatening reprisals for lawsuit.

Inmates of the Allen County Jail v. Bender, No. 71 F 32 (N.D. Ind., April 6, 1971) (Memorandum and Restraining Order)

Court granted plaintiff's motion for preliminary injunction, enjoining jail officials from retaliating against plaintiffs for complaining about jail conditions and for testifying in proceedings concerning such conditions.

Jones v. Wittenberg, Civil No. C-70-388 (N.D. Ohio, May 14, 1973) (Memorandum), p. 2.

Placement in solitary confinement after demanding the use of a telephone to contact an attorney regarding an emergency might give rise to an Eight Amendment claim based on disproportionality of punishment.

Kimbrough v. O'Neil, 523 F. 2d 1057, 1059 (7th Cir., 1975)

Right to visit and correspond not to be limited as a result of any involvement in a criminal or civil case that is pending.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y Sept. 30, 1976) (Consent Order), p. 4.

IV. MEDICAL CARE

The quality of prison medical care should be comparable to that obtainable by the general public.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1228 (D.V.I., 1976)

Court ordered that jail officials permit a regular audit of the jail's medical care delivery system by a qualified group of medical persons, and that such groups have appropriate access to the facility, the jail staff, and medical records.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), pp. 10-11.

Constitutional rights are violated if prison officials fail to provide medical care to inmates that is reasonably designed to meet their routine and emergency health care needs.

Dillard v. Pitchess, 399 F. Supp. 1225, 1237 (C.D. Ca., 1975)

Court postponed decision as to whether the procedures and facilities for medical diagnosis, treatment and care at county jail were so grossly inadequate as to be violative of constitutional rights until after the County Medical Association conducted a survey as to the sufficiency of the jail's medical facilities and procedures and reported its findings to the court.

Dillard v. Pitchess, 399 F. Supp 1225, 1240 (C.D. Ca., 1975)

There shall be a single administrative chief of medical services.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment)

There shall be a Unit Manager of the Health Service Unit who shall oversee and be responsible for the overall health care program at the jail.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo., 1977) (consent judgment)

Defendants should consult with county health authorities regarding sections of order relating to health problems.
Hamilton v. Love, 358 F. Supp. 338, 348 (E.D.Ark., 1973)

Total inadequacy of medical facilities and attention led to court's finding of constitutional violation. (Totality)
Hamilton v. Schiro, 338 F. Supp. 1016, 1018 (E.D. La., 1970).

Fact that mentally ill inmates are not segregated violates State Statute.
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 241.

Detainees' allegation that Commission of Correction failed to inspect and appraise jails in re matters of health, a duty delegated to it by law, raised §1983 claim against the Commission.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Aug., 26, 1976), p. 11.

The assignment of juvenile inmates to sleep in the Infirmary when such juveniles are not in need of medical care or attention is unconstitutional and in violation of state statutes.
Manney v. Cabell, CV-75-3305-R (C.D. Ca., May 10, 1976) (Findings of Fact and Conclusions of Law), p. 7.

Adequate medical and dental care contributes to the absence of cruel and unusual punishment (Totality).
Padgett v. Stein, 406 F. Supp. 287, 293 (M.D.Fla.)

That pretrial and sentenced inmates are treated by the same physicians does not violate due process.
People v. Von Diezelski, 78 Misc. 2d 69,75 (1974).

Consent decree requires all medical services (medical, psychiatric, dental) to be consolidated.
Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p.7.

Claim that plaintiff was improperly coerced into medical experimentation by jail conditions rejected.
Roach v. Kligman, 412 F. Supp. 521, 526-27 (E. D., Pa., 1976)

Medical care provided for detainees so grossly inadequate as to establish "deliberate indifference" in violation of Fifth, (Eight), and Fourteenth Amendments Extensive fact finding.
Rodriguez v. Jimenez, 409 F. Supp. 582, 594 (D.P.R., 1976), stay pending appeal denied, 537 F. 2d 1 (1st Cir., 1976)

Although individual defects in a jail's system of medical care may not rise to the level of a constitutional deprivation, when the cumulative effect of multiple deprivations indicates that substantial numbers of inmates are subjected to inadequate medical care, the court must intervene.

Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 22.

Detainees shall be informed by members of the medical staff upon intake that medical services are free and strictly confidential.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D.Cal., Dec. 10, 1976) (Order re: Medical Issues), p. 6.

All medical services shall be provided without charge except as provided in the Penal Code; no inmate, relative, or friend of any inmate shall be required to reimburse the County.

Sandoval v. Noren, No. C-72-2213/RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), p. 11.

A committee of doctors will be established to deal with complaints regarding medical treatment at the jail.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 5.

Denial of needed medical attention justifies injunctive relief (dicta).

Tate v. Kassulke, 409 F. Supp. 651, 659 (W.D. Ky., 1976)

IV.A. Medical Care--Coverage by Physicians and Nurses

A physician shall be available on a 24 hour basis. A physician, registered nurse, or other public health trained personnel shall visit the jail at least once a week to have sick call and examine detainees.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977)

Jail officials shall obtain the voluntary, or if necessary, paid services of doctors or medical students to provide medical intake services.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Physicians shall maintain regular hours known to inmates.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1235 (D.V.I., 1976)

Medical personnel shall be available to women inmates at least 16 hours per day, 7 days a week.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), p. 6.

A member of the medical team shall visit each housing unit daily to evaluate complaints.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgments)

There will be one full-time doctor, one R.N. on duty five days a week, and coverage by physician assistants 24 hours, 7 days a week.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W. D. Mo., 1973) (consent judgment).

Inmates in isolation shall be seen by a doctor or psychologist at least twice a week.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo., 1973) (consent judgment).

No inmate shall be denied the privilege of seeing the physician, except with the concurrence of the Unit Manager of the Health Service Unit. There shall be sufficient medical staff to provide a M.D. or D.O. for sick call, twice a week. There shall be sufficient paramedical technicians to provide medical coverage 24 hours a day, 7 days a week.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo., 1977) (consent judgment).

A medical aide shall be on jail premises during evening hours when no other medical personnel are present.

Hamilton v. Landrien, 351 F. Supp. 549, 550 (E.D. La., 1972).

The services of a licensed physician shall be provided 3 times a week for 4 hours per day.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 18.

A registered nurse or licensed practical nurse with a pharmacology certificate and an emergency medical technician or trained paramedic shall be on duty at all times, and a licensed medical doctor shall be available for regular medical treatment at least twice per week and shall be on call for emergencies at all times.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), p. 1.

A sufficient number of medical personnel shall be provided to adequately perform physical examinations and treat sick call and emergency patients including; physician coverage from 8:00 a.m. to 10:00 p.m. daily, physician on call between 10:00 p.m. and 8:00 a.m., nurse coverage 24 hours a day and paramedic coverage 24 hours a day.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), pp. 7-8.

Each jail must employ a full-time doctor to be on duty from 8:00 a.m. to 10:00 p.m., with one or two physicians on call when no doctor is present, and nurses shall be on duty 24 hours a day.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Opinion), pp. 28-29.

Shortage of physicians, nurses, and psychiatrists contributed to finding of constitutional and statutory violation. (Totality).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 223,237.

Jail officials shall increase medical services sufficiently with additional medical staff in order to adequately provide daily sick call and intake examination coverage.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 7.

Jail officials shall explore the development of a paramedic program in conjunction with local university's department of community medicine, in order to supplement and improve prison medical treatment.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 7.

Jail officials ordered to obtain the daily services of a physician.

Joiner v. Pruitt, No. 475-166 (Lake Co. Super. Ct., Indiana, Feb. 21, 1975) (Order), pp. 3-4.

A physician must be available on call at all times.

Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D. Ohio, 1971).

A doctor shall be available for consultation at all times.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

Jail medical services shall be provided by: a licensed physician providing diagnostic and treatment services at the jail at least 4 days per week; a physician on call for emergency cases 24 hours per day; a registered nurse at the jail 5 days per week; and deputies having sufficient medical training assisting physicians and providing emergency services when no other medical staff are present.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 4.

Court found that a full-time physician or 2 half-time physicians and a licensed physician's assistant can adequately staff the jail so long as a physician or physician's assistant is on call at the jail 24 hours a day.

Miller v. Carson, 401 F. Supp. 835, 898 (M.D. Fla., 1975).

Immediate steps shall be taken to obtain the services of a full-time physician or 2 half-time physicians.

Miller v. Carson, No. 74-382-Civ -J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 9. (Affirmed in Order and Permanent Injunction).

Immediate steps shall be taken to provide enough nurses, physicians assistants, or medical technicians to have complete 24-hour coverage in the jail clinic.

Miller v. Carson, No. 74-382-Civ -J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 9. (Affirmed in Order and Permanent Injunction).

Court orders immediate steps to provide for medical care, including a physician on call 24 hours a day, and an efficient communication system between inmates and medical staff.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla., 1976).

A physician or intern shall be present at a fixed time five days a week. A nurse shall be available on an 8-hour basis 7 days a week.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), pp. 32-35.

A doctor will make daily visits to any patient in the clinic who is unable to move to the consultation room.

Rodriguez v. Jiminez, 409 F. Supp. 582, 596-97 (D.P.R. 1976).

Licensed and practicing physician shall be available 24 hours a day. Senior supervising nurse (licensed) shall have continuing responsibility. Person trained to level of licensed nurse shall be present from 8:00 a.m. to 4:30 p.m. daily.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Medical Issues), pp. 5-6.

At least one physician, nurse, or paramedic shall be on duty 24 hours a day, 7 days a week.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 6.

The jail physician shall decide who is admitted to and discharged from the hospital facilities.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 6.

Lack of weekend and holiday medical care violates constitutional requirements.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion), p. 7.

Defendants ordered to submit a plan to remedy inadequacy of medical staff.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 48-54.

IV.B. Medical Care--Communication of Medical Needs (include sick call)

There shall be sick call on a daily basis to determine which detainees require medical care. Untrained officers shall not make final medical decisions regarding whether detainees need care.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Institution of a daily medical complaint form received daily by a nurse, permitting prompt summoning of a doctor, meets constitutional standards.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., August 29, 1974) (Memorandum Opinion and Preliminary Injunction), pp. 22-23.

Jail is constitutionally required to provide inmates with access to sick call.

Collins v. Schoonfield, 344 F. Supp. 257, 277 (D. Md., 1972).

Pattern of delayed treatment, callous disregard of severe physical symptoms, failure to conduct physical examination and general indifference to requests of medical care establish a claim for relief under §1983.

Cooper v. Morin, 50 A.D. 2d 32, 38 (Fourth Dept., 1975).

Women inmates shall have access to regularly scheduled sick call 5 days a week.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), p. 6.

Where the circumstances are clearly sufficient to indicate the need of medical attention for injury or illness, the denial of such aid constitutes the deprivation of constitutional due process.

Fitzke v. Shappell, 468 F. 2d 1072, 1075-76 (6th Cir., 1972).

Inmates in administrative segregation did not establish that their access to medical care was limited to any substantial degree.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y., 1975).

A member of the medical team shall visit each housing unit daily at regular pre-set times to evaluate complaints, perform medical counseling, and schedule follow-up appointments. Each request for medical treatment, whether written or oral, shall be followed up without fail.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo., 1977) (consent judgment).

Where there was no evidence that doctor's failure to see prisoner was due to guards' deliberate indifference to medical needs, there was no constitutional violation.

Hampton v. Holmesburg Prison Officials, 546 F. 2d 1077, 1081-82 (3d Cir., 1976).

Jail officials shall provide a suitable method of arranging sick call, including a box or notebook for sick call requests.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 18.

Untrained personnel shall not screen medical complaints.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), pp. 1-2.

A member of the medical team shall visit each housing unit daily to evaluate complaints, perform medical counseling, schedule follow-up appointments, and forward requests for medical treatment to the licensed medical doctor.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., August 28, 1975) (Order for Final Judgment), p. 1.

No inmate shall be denied the opportunity to request to be examined by the licensed medical doctor except upon the determination of said doctor.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), p. 1.

Inadequacy of sick call procedures contributed to finding of constitutional and statutory violation.

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 223, 240.

Sick call requests shall be screened only by qualified medical or paramedical personnel, not by correctional officers.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 7.

Sick call shall be provided on a daily basis, including weekends, for a sufficient number of hours to assure that all requests are screened by medical or paramedical personnel, and that an inmate receives appropriate treatment on the same day the request is made.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), pp. 7-8.

Guard's denial of prisoner's access to medical care may constitute a §1983 brutality claim.

Johnson v. Glick, 481 F. 2d 1028, 1031 (2nd Cir., 1973).

Inadequate access to medical care, including use of "tier bosses" in screening requests, did not amount to obvious neglect or intentional mistreatment.

Johnson v. Lark, 365 F. Supp. 289, 302 (E.D. Mo., 1973).

Jail officials ordered to make arrangements for screening of medical requests by physicians and for sick call.

Joiner v. Pruitt, No. 475-166 (Lake Co., Superior Ct., Indiana, Feb. 21, 1975) (Order), pp. 3-4.

There must be a daily sick call attended by a licensed physician.

Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D. Ohio, 1971).

No jail employee who is not also a doctor or registered nurse shall screen complaints.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 7.

Defendants shall provide a weekly sick call attended by a doctor and a daily sick call attended by a nurse.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

Every inmate shall be allowed to submit medical complaint cards to the medical staff on a daily basis, and the jail officials assisting the physician shall review all cards, provide minor treatment clearly required, and forward all other complaint cards to the physician, and no inmate having requested an examination regarding a complaint shall be denied such except upon the written determination of a licensed physician.

Marion County Jail Inmates v. Marion, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 6.

Court denied plaintiffs' request that the jail implement a system of direct notification to the medical staff of inmates' requests for medical assistance in absence of any showing that correctional officers were not diligently relaying such requests.

Miller v. Carson, 401 F. Supp. 835, 898 (M.D. Fla., 1975).

Immediate steps shall be taken to institute a system for insuring that inmates are able to notify the medical staff immediately of the need for medical treatment.

Miller v. Carson, No. 72-382-Civ -J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 9. (Affirmed in Order and Permanent Injunction).

Court orders immediate steps to provide for an effective communication system between inmates and medical staff.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla., 1976).

Right to have medical attention without intervention of a lay deputy's discretion is inappropriate for summary judgment.

Powlowski v. Wullich, 81 Misc. 2d 895, 902 (Sup. Ct., Monroe Cty., 1975).

Consent decree ordered that new sick call procedures be established.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 9.

Consent decree orders new procedure for sick call.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 9.

Inmates shall have the right of access to a medical officer once a day and in emergencies.

Rodriguez v. Jiminez, 409 F. Supp. 582, 596-97 (D.P.R. 1976).

Nurse sick call shall be held once a day, seven days a week. Physician sick call shall be held once a day, five days a week. Inmates shall be given a written form request for medical treatment and shall be given a new one every time they submit one. No inmate shall be denied the right to request a consultation with a doctor and no inmate shall be asked why he or she wants to see the doctor except in confidence by a member of the medical staff. Any inmate who asks to see the doctor shall be seen by the doctor the same day, except on weekends when the doctor is not there; then, medical personnel shall telephone the doctor. If an inmate requests immediate attention prior to the next sick call, a member of the medical staff shall conduct a confidential consultation in the medical examination room immediately.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), pp. 6-7.

Prisoners who are sick or injured must get an examination by a licensed physician immediately after the sickness or injury is reported.

Smith v. Sullivan, 553 F. 2d 373, 376, 380 (5th Cir. 1977).

There must be a sick call every day and any inmate requesting assistance must be seen by the doctor, a nurse, or a paramedic. Officers shall notify doctor or nurse upon observing a medical emergency.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 5.

A medical call system wherein an inmate may be denied access to a doctor by another inmate, a guard, or a nurse is not compatible with constitutional requirements.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion), p. 7.

Defendants ordered to submit a plan for a system for screening medical complaints.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Ct. Wayne Co., Mich., 1971) (Opinion), pp. 48-54.

IV.C. Medical Care--Access to outside services (include emergency care, follow-up on appointments, etc.)

There shall be established procedures for handling emergency medical problems on a 24-hour, seven-day basis.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Emergency medical treatment must be available on a 24-hour basis.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1228 (D.V.I., 1976).

Jail is constitutionally required to provide inmates with treatment for special medical problems.

Collins v. Schoonfield, 344 F. Supp. 257, 277 (D. Md., 1972).

Women inmates shall have unfettered access to adequate outside specialists and diagnosticians, especially in the area of gynecology and obstetrics, and jail officials shall study the advisability of using written referral forms which shall be completed by the outside health care provider indicating the treatment rendered, medication prescribed, and necessary follow-up care.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), pp. 9-10.

It is defendants' responsibility to see that doctors' appointments are kept.

Goldsby v. Carnes, 365 F. Supp. 395 406 (W.D. Mo., 1973) (consent judgment).

Any follow-up appointments with doctors made for inmates either while the inmate is at General Hospital or in the jail shall be kept. If for some reason these appointments cannot be kept, it is the health service's responsibility to arrange for a new appointment with the respective doctor, and the jail's responsibility to insure that this appointment is kept.

Goldsby v. Carnes, 429 F. Supp. 370,381 (W.D. Mo., 1977) (consent judgment).

Jail officials shall provide drivers and vehicles to transport inmates to local hospital.

Hamilton v. Landrieu, 351 F. Supp. 549, 550 (E.D. La., 1972).

Jail officials shall provide for: emergency services at all times; consultative services for medical and surgical problems: and transportation to local hospital for persons requiring medical care not available at the jail.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 18.

Follow-up appointments made for inmates shall be kept. If they are missed, it is the jail personnel's job to set up new ones.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment).

Arrangements must be made to meet the needs of prisoners with special medical problems.

Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D. Ohio, 1971).

Inmates may call their own doctors or dentists as long as they pay for them.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order),p. 7.

Arrangements for emergency care shall be made.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

Persons brought to the jail with physical injuries shall be taken to the county general hospital unless proper medical treatment can be provided at the jail, and whenever a physician is not present at the jail and an inmate complains of a serious illness needing attention, all doubts about the true nature of the illness will be exercised in favor of sending the inmate to the county hospital.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 5-6.

No inmate shall be transported between the jail and any hospital in any vehicle other than an ambulance or other adequately equipped emergency vehicle.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10.

Immediate steps shall be taken to obtain arrangements with University or other hospitals for the admission and treatment of inmates on a routine or emergency basis.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 9 (Affirmed in Order and Permanent Injunction).

Any inmate requiring hospitalization due to a potentially infectious or contagious disease, mental illness, or any other ailment requiring hospitalization, shall not be housed in the jail except upon emergency application to the court.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla., 1976).

Emergency facilities shall be available 24 hours a day.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), pp. 32-35.

Consent decree orders specialty care to be made available to inmates.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 8.

A system to assure that inmates actually get to medical appointments will be established.

Rodriguez v. Jiminez, 409 F. Supp. 582, 596-97 (D.P.R. 1976).

If a person is brought to the jail for booking and appears to need emergency care, he or she shall be immediately sent to a hospital and booking deferred, unless the jail physician is physically present and determines that this is not necessary.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), p. 6.

Transportation will be provided for all medical appointments approved by the jail physician.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p.7.

At all times one Deputy Sheriff and one vehicle will be available to take detainees to medical facilities.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., October 2, 1974) (Order), p.2.

Defendants ordered to submit a plan to remedy inadequacy of outside hospital care.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne County, Mich., 1971) (Opinion), pp. 48-54.

IV.D. Medical Care--Access to Own Doctor.

Mail between inmates and their doctors is privileged and can be interfered with only upon a showing by prison officials that such interference is justified by security interests.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary Injunction), p. 5.

"No provision of this Order shall prevent any inmate from obtaining private medical care at his or her own expense."

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), p. 11.

IV.E. Medical Care--Examinations (for special exams for kitchen workers, see Food--Preparation and Storage)

All detainees shall receive a medical screening examination at the time of admission.

Ahrens v. Thomas, 434 F. Supp. 873, 901-02 (W.D. Mo., 1977).

Jail officials shall establish a regular medical intake screening procedure, and no incoming inmate shall be housed in the jail until he has been medically examined and approved.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Fact that arrestes/petitioners were forced to submit to blood tests for no legitimate reason led to finding of constitutional violation.

Anderson v. Nosser, 438 F. 2d 183, 192 (5th Cir., 1971); Anderson v. Nosser, 456 F. 2d 835, 838 (5th Cir., 1972).

A thorough medical exam shall be given to each inmate as part of intake and classification.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1235 (D.V.I., 1976).

Jail is constitutionally required to provide inmates with reasonable medical examination.

Collins v. Schoonfield, 344 F. Supp. 257, 277 (D. Md., 1972).

Jail officials shall study the advisability of giving tuberculosis and audiology tests to women inmates as part of their physical examinations.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), p. 10.

Physical examinations shall be given to woman inmates who so desire after they have been incarcerated for 72 hours. Such examination shall include: measurement of blood pressure, respiratory rate, temperature and pulse; visual inspection for signs of trauma, wounds, drug use and disease; physical assessment of head, ears, nose, eyes, chest, abdomen, genitalia, breasts, and extremities; routine urine tests and blood serology, VD test and PAP smear; and inquiry into headache, allergies, prescribed drug use, chronic health problems, alchohol and drug use; unusual bleeding or discharge, unusual pain and recent injury, lacerations, bruises or itchiness, prior illness and hospitalization, family medical history, menstrual cycle, current use of contraceptives, breast masses or nipple discharge, and pregnancy.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), pp. 6-9.

Each inmate shall have a history taken and an examination upon entering the jail.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

Each inmate upon entering the jail shall have his medical history taken and then be given a screening and physical examination by medical personnel, under the supervision of a physician, and shall have any laboratory test made that may be necessary.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo., 1977) (consent judgment).

Defendants shall provide a medical examinations to all detainees within a week of their incarceration, and shall provide medical inspections and treatment for all prisoners who place their names on sick call or are obviously in need of medical treatment.

Hamilton v. Love, No. LR-70-C-201 (E.D. Ark., June 22, 1971) (Interim Decree), p. 4.

Lack of any medical intake survey upon inmate's arrival at jail contributed to court's finding of constitutional violation. (Totality)

Hamilton v. Schiro, 338 F. Supp. 1016, 1018 (E.D. La., 1970).

Each inmate upon entering the jail shall have his complete medical history taken and then be given a physical examination by a licensed medical doctor within 7 days of incarceration, including any necessary laboratory tests.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), p. 1.

Inmates in segregation or keeplock to be given daily physical by M.D.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 692 (D. Mass., 1973).

Detainees held for over 7 days must be given complete physical examinations.

Inmates of Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 688 (D. Mass., 1973).

Fact that inmates do not receive medical examinations within 48 hours of their admission violated state statute.

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 24.

Jail officials shall implement a program for preventive medical care, including periodic physical examinations for long-term inmates, including pelvic exams and PAP smears for female inmates.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 8.

Inmates shall receive annual physical examinations; for women inmates, this will include pelvic examinations and PAP smears.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 7.

Medical intake procedures, including an adequate examination by a physician, shall be administered to inmates within 48 hours of arrival.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 6.

All incoming inmates shall receive thorough medical examination by a physician within 48 hours of admission and prior to their being released into the general population.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 7.

Inmates confined in maximum security, isolation cells, or their own cells for disciplinary purposes shall be provided with a daily physical exam by the jail medical officer, including examination of temperature, heart, and blood pressure.

Joiner v. Pruitt, No. 475-166 (Lake Cty. Super. Ct., Feb. 21, 1975) (Order), p. 2.

Defendants must submit a plan for physical examinations for all inmates who will be incarcerated more than seven days, and for daily examinations for inmates in solitary cells.

Joiner v. Pruitt, Case No. 475-166 (Lake Cty., Ind., Super. Ct., June 30, 1975), p.4.

Jail officials ordered to provide complete physical exams to all inmates who are to be confined in jail for over 7 days.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order), p. 3.

Entering prisoners must receive a medical examination. Adequate rooms and equipment must be provided.

Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D. Ohio, 1971).

Newly admitted inmates shall receive an examination to determine if they are suffering from communicable diseases, injuries, or illnesses requiring prompt attention.

Lambert v. Skinner, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

All inmates shall have their medical histories taken upon entering the jail.

Marion County Jail Inmates v. Broderick, No IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 5.

At the time an inmate enters the jail, the "Crisis Intervention Sheet" presently utilized shall be completed by medically trained and licensed individuals, such as nurses.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10.

Every inmate must receive a physical examination within 24 hours of admission.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), pp. 32-35.

Detainees to receive physical examination within 24 to 36 hours of admission. An M.D. is to examine all eye ailments. Optometrist to conduct biweekly eye exams.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), pp. 4, 5.

Consent decree orders each inmate to have medical exam upon admission, including x-rays.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 7.

Each inmate must receive a medical examination within 24 hours of admission.

Rodriguez v. Jiminez, 409 F. Supp. 582, 596-97 (D.P.R., 1976).

Every inmate entering the jail for booking shall be seen for a brief, visual screening by a member of the medical staff within one hour of arrival, except that in the absence of any medical staff in the jail, the booking officer shall ask the prisoner if he needs medical attention and shall call the jail physician if he says he does or appears to need attention. Within 24 hours each inmate shall undergo a "Mini-Examination" including certain tests. A complete physical examination shall be given to any inmate in jail for 30 days or more.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Medical Issues), pp. 4-7.

It is not necessary to give every inmate a medical examination within 36 hours of admission unless there are reasonable grounds to believe one is needed.

Smith v. Sullivan, 553 F. 2d 373, 380 (5th Cir. 1977).

Inmates shall receive initial medical examinations within 24 hours of admission, including complete history, chest x-ray and tests.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 4.

Defendants ordered to submit a plan to remedy absence of initial medical examinations.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 48-54.

IV.F. Medical Care--Medication

There shall be an established procedure for controlling and dispensing medication. There shall be a log maintained of medication dispensed.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Fact that arrestee/petitioners were given large quantities of laxatives and were forced to submit to blood tests for no legitimate reason led to court's finding of constitutional violation.

Anderson v. Nosser, 438 F. 2d 183, 192 (5th Cir., 1971); Anderson v. Nosser, 456 F. 2d 835, 838 (5th Cir., 1972).

Jail officials shall study the advisability of separating sick call from the dispensing of medication. Physical examinations of inmates shall include inquiry into the use of prescribed medications and into allergies to medication.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976), p. 7.

At no time are inmates or trustees to assist in dispensing medication.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

A structured system for pharmacy storage and distribution will be established.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

A structured system for pharmacy, storage and distribution shall be established in accord with the medically recognized standards in pharmacy service. Medications will be delivered daily from the hospital. Only limited amounts of medications are to be kept in the jail. At no time are inmates to assist in dispensing medications.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo., 1977) (consent judgment).

At no time are inmates or trustees to assist in dispensing medication.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Partial Judgment), p. 2.

Inmates and trustees shall not assist in dispensing medication.
Inmates of Allen County Jail v. Bender, Civil No. 71-F-32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), pp. 1-2.

A structured system for pharmacy storage and distribution shall be established in accord with medically recognized standards for pharmacy service.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), p. 2.

Fact that physicians do not prescribe medication for sick inmates violated state statute.
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas. April 7, 1972) (Opinion and Decree Nisi), p. 240.

Medication shall be prescribed only by physicians and administered at appropriate times only by qualified medical personnel, and only members of the medical staff shall have access to supplies of medication.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 8.

Medication will be prescribed only by physicians and administered only by qualified medical personnel.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 7.

The jail nurse must not be permitted to prescribe medication of any kind.
Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D. Ohio, 1971).

No one but a doctor or registered nurse shall prescribe medication or administer shots.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 7.

Records will be kept of medicine prescribed and given. The Sheriff shall insure that all medicine prescribed is given at the proper time.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 7.

Jail officials shall establish a system for pharmacy storage and distribution and shall use best efforts to obtain prescribed medications.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 5.

Psychotropic medications shall only be administered pursuant to a prescription by a licensed physician and by properly trained personnel, and no such drugs shall be administered unless the physician has already found no allergenic reaction by an inmate to the drug.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p.7.

Jail officials shall use their best efforts to obtain any medication prescribed by a physician, and no substitutions of medications shall be made without the prescribing physician's approval.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 5.

All medical items and medications which are not on order as of the date of this order and have not been received within a reasonable time, within the opinion of the medical staff, shall be obtained from other sources.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10.

No jail personnel shall administer or handle medication unless duly licensed to do so by all applicable authorities.

Miller v. Carson, No 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10.

No jail personnel shall administer or handle prescribed medication unless duly authorized by all applicable authorities.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla., 1976).

Prescribed medications are to be provided to inmates.

Smith v. Sullivan, 553 F. 2d 373, 376, 380 (5th Cir., 1977).

Medicine shall only be dispensed by a paramedic, nurse, physician, or in emergencies by a specially trained officer. Each inmate must receive all the medicine prescribed for him in the proper amount and at the proper time, even if absent from his housing location or in court.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), pp. 5-6.

IV.G. Medical Care--Qualifications of Personnel

Medical services shall be provided only by appropriately trained personnel.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1235 (D.V.I., 1976).

Jail officials shall study possible improvements in the training, supervision, and evaluation of the jail staff involved in medical intake and the advisability of creating written procedures for all health care personnel within the jail.

Cooper v. Morin, 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), p. 11.

Jail personnel shall be trained to recognize illness.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

As part of the training program, the department shall train jail personnel to recognize acute and/or chronic illness.

Goldsby v. Carnes, 429 F. Supp. 370, 381 (W.D. Mo., 1977) (consent judgment).

Fact that much medical attention is administered by prisoners led to finding of constitutional violation. (Totality).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 223.

Advanced training shall be provided to as many officers as possible that would aid them in recognizing serious medical problems and providing emergency treatment.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 5.

Blood tests shall be performed by qualified medical attendants, not correction officers.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), p. 4.

Consent decree required the institution of a medical training program.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 9.

A duly licensed and practicing physician shall be available 24 hours a day. A senior supervising nurse who is at least a licensed nurse shall run the dispensary. A person trained to the level of licensed nurse shall be present every day. Services of licensed dentists, psychiatrists, optometrists and opthalmologists shall be arranged for.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Medical Issues), pp. 5-10.

Officers shall be trained to recognize emergencies and to render first aid.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 5.

IV.H. Medical Care--Dental Care

A dentist shall be available on call.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1235 (D.V.I., 1976).

Inmates are entitled to curative and preventive dental care.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1235 (D.V.I., 1976).

Jail is constitutionally required to provide inmates with adequate dental care.

Collins v. Schoonfield, 344 F. Supp. 257, 277 (D. Md., 1972).

Adequate dental care shall be provided.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

Dental care shall be provided that will insure good dental care to relieve pain, eliminate infection and the preservation of viable teeth.

Goldsby v. Carnes, 429 F. Supp. 370, 381 (W.D.Mo. 1977) (consent judgment).

Arrangements shall be made to introduce dental care services.

Hamilton v. Landrieu, 351 F. Supp. 549, 550 (E.D. La., 1972).

Dental care shall be provided to relieve pain, eliminate infection, and preserve viable teeth.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), p. 2.

Special diets as prescribed by medical personnel shall be made available to inmates as needed.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 6.

Special diets as prescribed by medical personnel will be available as needed.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 7.

Jail officials shall make arrangements for the provision of proper dental care.

Joiner v. Pruitt, No. 475-166 (Lake County, Indiana Superior Court, Feb. 21, 1975) (Order), pp. 3-4.

The part-time services of a dentist must be made available on call. Facilities for examinations and curative and preventive treatment must be provided.

Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D.Ohio, 1971).

There shall be a bi-weekly dental sick call. Inmates are entitled to treatment which preserves their teeth rather than extraction.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), pp. 6-7.

A complete medical and dental examination must be afforded all detainees immediately after their tenth day of confinement, unless they are at such time already in receipt of a court order for their release or transfer.

Marion County Jail Inmates v. Broderick, No. IP-72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 13.

Detainees who are held more than 10 days are entitled to receive necessary preventative dental care and treatment, such as cleaning, filling of cavities, and the like. Emergency dental treatment shall be furnished regardless of length of stay.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 16.

Emergency dental care shall be provided.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶. 36.

An inmate requiring dentures will receive these at county expense, provided he will be in custody more than 90 days.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), p. 5.

Defendants shall contract with licensed dentists for emergency dental care.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), pp. 9-10.

All inmates shall be treated for dental emergencies.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 7.

Total lack of dental care is not compatible with constitutional requirements.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion), p. 7.

"A man, presumed to be innocent who is suffering acute dental distress is entitled to treatment which preserves his natural body intact, if such treatment would ordinarily be given to members of the free community suffering from similar dental disease, assuming that the prisoner's stay will permit such treatment."

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court Wayne Co., Mich., 1971) (Opinion), p. 49.

IV.I. Medical Care--Eye Care

Physical examinations of inmates shall include assessment of eyes for bruises, jaundice, gross movements, pupil reactivity, and differentiation of pupil size.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976), pp. 8-9.

A physician shall examine all eye ailments, and an optometrist shall conduct bi-weekly eye examinations.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), pp. 4-5.

Defendants shall contract with a licensed optometrist and a licensed opthalmologist for the provision of emergency eye care services.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), p. 10.

IV.J. Medical Care--Special Diets

Detainees shall be furnished special diets as prescribed by their physicians or any other member of the jail medical staff.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Any diet prescribed by a physician must be provided for the patient, and a record of each prescribed diet must be available for cooks and servers.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo., 1973) (consent judgment).

Any diet prescribed by a physician must be provided for the patient. The foods allowed and not allowed for a prescribed diet must be authorized by either a registered dietitian or a physician. All diabetics must have a diet according to the above format (The Basic Four) unless further requirements are ordered by the physician. A record giving the name of the person and the diet he is on must be available for the cooks at all times as well as those serving the modified diets. A list of foods allowed for each of the prescribed diets must also be available for the cooks at all times.

Goldsby v. Carnes, 429 F. Supp. 370, 379 (W.D. Mo., 1977) (consent judgment).

Any diet prescribed by a licensed doctor must be provided for an inmate/patient, and a record giving the name of the person and the diet he is on must be available for cooks and those serving food.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), pp. 10-11.

Pending construction of new facility ordered by court, court will not impose requirement on jail that it provide special diets.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 688 (D. Mass., 1973).

Lack of availability of special diets for medical needs led to finding of constitutional and statutory violation. (Totality).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 223, 240.

Special diets shall be provided for diabetics, for pregnant inmates, and for all other inmates whose medical condition requires a special diet.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 8.

Special diets which have been prescribed by a physician and can be prepared at the jail must be provided for the inmate-patient, and any inmate who requires a special diet which cannot be prepared at the jail shall be taken to the county general hospital.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Order and Partial Decree), p. 7.

Jail inmates shall be furnished with such special diets as prescribed by any member of the medical staff.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10. (Affirmed in Order and Permanent Injunction).

Jail inmates shall be furnished such special diets as prescribed by a physician or any other member of the jail medical staff.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla., 1976).

Any diet prescribed by a physician and approved by the jail physician must be provided. A record of the diet must be made available to the cooks and those who serve the food.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶¶. 43-44.

Detainees who require special medical diets shall receive them.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y. July 11, 1975) (Consent Judgment), p. 5.

Special diet must be provided for diabetics.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 25.

IV.K. Medical Care--Suicide Prevention

Detainees with single-occupancy status may be double-celled for no more than 30 days if suicide watch so necessitates.
Ambrose v. Malcolm, No. 76-190 (S.D.N.Y., Jan.27, 1976) (Order), p. 3.

Clothes, blankets, food, hygienic items and other articles may be removed from an inmate if there is probable cause to believe that said inmate will use such articles to attempt to commit suicide, but only if there is no other practicable way to restrain inmate.
Bolding v. Jennings, No. 765-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal); 3 Prison L. Rptr. 259, 260-261.

Suicidal inmates may not be shackled to beds with metal restraints.
Collins v. Schoonfield, 344 F. Supp. 257, 278 (D. Md., 1972).

The jail is constitutionally required to provide adequate suicide prevention techniques.
Collins v. Schoonfield, 344 F. Supp. 257, 277 (D. Md., 1972).

Within 25 days, jail officials shall submit a plan for the separation of inmates who are suicide risks from the general population.
Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 8.

If an inmate is reasonably believed to be suicidal, items that could be used for suicide may be removed.
Moore v. Janing, Civil No. 72-0-233 (D. Neb., March 9, 1973) (Order and Stipulation), ¶¶ 51.

On motion for preliminary injunction, suicide prevention held insufficient to justify reading detainee's mail.
Vienneau v. Shanks, 425 F. Supp. 676, 680 (W.D. Wis., 1977).

Procedures for suicide prevention, including surveillance, classification, removal of dangerous items, and contact visits, ordered.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Court, Wayne Co., Mich., March 1, 1976) (Opinion Regarding Sheriff's Suicide Prevention Plan).

Classification system ordered according to potential for suicide.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Court, Wayne Co., Mich., March 1, 1976) (Opinion Regarding Sheriff's Suicide Prevention Plan), pp. 10-12.

Inmate's suicide found causally related to violations of prior court orders (extensive factual discussion).
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., Nov. 25, 1975), passim.

Mentally ill or suicidal inmates entitled to contact visits with families for a period of 45 minutes.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Court, Wayne Co., Mich., March 1, 1976) (Opinion Regarding Sheriff's Suicide Prevention Plan), pp. 25-28.

The sheriff will be required to secure prompt psychiatric attention for suicidal inmates and to submit a plan for identifying and caring for them.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 36.

"When, in the space of a little more than a year, two obviously mentally ill inmates commit suicide by hanging with a sheet, and when an inmate, who is obviously suicidal and obviously mentally ill, attempts suicide twice by hanging with a sheet and successfully hangs himself with a sheet in his third effort, one must conclude that the defendant Sheriff is failing to provide for reasonable surveillance of mentally ill and potentially suicidal inmates; is failing to provide mentally ill inmates the reasonable medical care to which they are entitled by law." Therefore, implements that could be used for suicide should be removed from potentially suicidal inmates; these inmates should be vigilantly monitored; inmates should see a psychiatrist within 30 minutes after any attempt or gesture at suicide. Guards shall be trained in the care of mentally ill and potentially suicidal inmates. These inmates shall be permitted contact visits with their families.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Wayne Co., Circuit Court, June 19, 1975) (Interim Opinion), pp. 6, 9-10.

IV.L. Medical Care--Psychiatric Services (includes rights of mentally ill) (see also Discipline--Use of force--Restraint and beating)

There shall be a special housing unit for those who need it for psychiatric or other medical reasons.
Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Screening officer shall inquire as to detainees' need for psychological or counseling care and shall report to the correctional staff.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo., 1977).

Jail officials shall establish a psychiatric screening and examination program, utilizing the services of a volunteer or paid psychiatrist, and shall design new procedures for housing inmates with mental or emotional difficulties.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Psychiatrist to be present at least once a week. Psychiatrist to develop program to help staff deal with inmates' mental problems. Mental status exam to be given as part of intake procedure (unclear if all of above applies to pretrial as well as convicted inmates).

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1235 (D.V.I., 1976).

Inmates certified to be in need of mental observation may be double-celled for a period not to exceed 30 days.

Benjamin v. Malcolm, No. 75-3073 (S.D.N.Y., Nov. 18, 1975) (Order), p. 3.

Mentally disturbed inmates may be placed non-punitively in solitary confinement but may not be denied regular prison privileges and amenities.

Berch v. Stahl, 373 F. Supp. 412, 421 (W.D.N.C., 1974).

Reasonable physical restraint when necessary for medical reasons shall be medically directed and supervised, except that in an emergency, reasonable physical restraint may be used to control a grossly disturbed or violent inmate, but medical review, direction and supervision must be promptly obtained.

Bolding v. Jennings, No. 756-73C2, (W.D. Wash., Sept. 16, 1974) (Agreed Order of Consent).

If a detainee displays unusual behavior suggestive of possible mental illness, such behavior shall be immediately reported to the medical staff. The inmate will be seen by a psychiatrist within 24 hours and if mentally ill will be transferred to an appropriate hospital within 48 hours.

Campbell v. McGruder, 416 F. Supp. 100, 106 (D.D.C., 1975).

Restraints will be used only in a hospital setting or medical authorization, with strict record-keeping and protected from other inmates.

Campbell v. McGruder, 416 F. Supp. 100, 106 (D.D.C., 1975).

No inmate shall for any medical reason be restrained by the use of bare metal handcuffs, leg irons or other bare metal restraining device.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 14.

Inmates with psychological problems may not be shackled to beds with metal restraints.

Collins v. Schoonfield, 344 F. Supp. 257, 278 (D. Md., 1972).

Jail officials shall study the need for improved communications between the Mental Health Team and other health care staff members.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), p. 11.

No prisoner shall be segregated for psychiatric reasons without first being examined by a physician. In an emergency such prisons may be segregated, but must be examined within eight hours. These prisoners must be re-examined at 24-hour intervals.

Garnes v. Taylor, Civil Action No. 159-72 (D.D.C., Dec. 30, 1976) (Memorandum and Order), p. 10.

Inmates displaying behavior suggestion of mental illness shall receive psychiatric examinations within 48 hours, and inmates diagnosed as mentally ill shall be transferred to mental hospitals within 48 hours.

Garnes v. Taylor, Civil Action No. 159-72 (D.D.C., Dec. 30, 1976) (Memorandum and Order), p. 11.

The practice of chaining mentally disturbed inmates shall be stopped immediately. Humane restraints must be provided.

Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La., 1972).

Mentally deranged prisoners shall never be unsupervised or unescorted.

Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La., 1972).

Arrangements shall be made for a program of psychiatric care.

Hamilton v. Landrieu, 351 F. Supp. 549, 550 (E.D. La., 1972).

Fact that disruptive psychotic inmates were sometimes moved into the hallway and shackled to the bars contributed to court's finding of constitutional violation. (Totality)

Hamilton v. Schiro, 338 F. Supp. 1016, 1018 (E.D. La., 1970).

Detainee's allegations of involuntary servitude are without merit where he does not deny that he signed an agreement knowingly and voluntarily, that it is not regarded as binding, and that he can stop working at any time without punishment.

Henry v. Ciccone, 315 F. Supp. 889, 892 (W.D. Mo., 1970), appeal dismissed as moot, 440 F. 2d 1052 (8th Cir., 1971).

Inspection of all mail is necessary to security and maintenance of order among unconvicted persons in federal medical center.

Henry v. Ciccone, 315 F. Supp. 889, 892 (W.D. Mo., 1970), appeal dismissed as moot, 440 F. 2d 1052 (8th Cir., 1971).

Persons who are mentally ill shall not be admitted to the jail unless a certificate required by state law is obtained.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 20.

Short term psychological counseling will be available on request or offered on referral.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 7.

Lack of adequate psychiatric treatment for mentally disturbed prisoners led to finding of constitutional violation. (Totality)

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 223.

As long as inmates with psychiatric problems remain in the county prison system, the administrators of that system have the responsibility to provide adequate treatment for them.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Opinion), p.37.

Jail officials shall submit a plan for the development of a comprehensive program of psychiatric treatment beyond diagnostic, evaluative and crisis intervention services, including psychotheraphy and other programs beyond the current program of chemotherapy.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 10.

Pre-trial detainees in a federal medical center cannot be forced to work because of the prohibition against involuntary servitude.

Johnston v. Ciccone, 260 F. Supp. 553, 556 (W.D. Mo., 1966).

Pre-trial confinement with convicted persons in the U.S. Medical Center for Federal Prisoners is not unconstitutional for persons found to be mentally ill.

Johnston v. Ciccone, 260 F. Supp. 553, 556 (W.D. Mo., 1966).

Mail between inmates and their psychotherapists is privileged and may be interfered with only on a showing that such interference is justified by a compelling security interest.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary Injunction), p. 5.

Physical restraints (chains, tape, handcuffs, etc.) shall not be used except when required to transport an inmate out of the jail or when prescribed by a competent doctor for the inmate's safety.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

Mental health services shall be provided to all inmates in need, and arrangements for these services shall be made with community mental health agencies in the county area.

Marion County Jail Inmates v. Broderick, No. IP 72-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 6.

Psychotropic medications shall be administered only pursuant to a prescription by a licensed physician by properly trained personnel, and no such drugs shall be administered unless the physician has already found that the inmate has no allergic reaction to the drug.

Marion County Jail Inmates v. Broderick, No. IP 72-C 424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 7.

Within 25 days, jail officials shall submit a plan for the separation of inmates who are mentally ill from the general population.

Miller v. Carson, No. 71-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 8.

Immediate steps shall be taken to determine the reasons for delay in transfer of mentally committed inmates from the time of commitment to state mental hospitals.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10.

Waiver signed by detainee held for psychiatric observation cannot effectively authorize opening and inspection of legal mail.

Moore v. Ciccone, 459 F. 2d 574, 579 (8th Cir., 1972) (Concurring Opinion).

No psychiatrist on staff at county jail. There is observation tier which is observed 24 hours a day. Inmates showing irrationality are sent to local Medical Center for psychiatric evaluation. Evaluations completed in 7 days.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), p. 5.

Consent decree ordered that inmates with psychiatric problems be assigned to a full-time program.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 8.

Mentally ill barred from jail.

Rodriguez v. Jiminez, 409 F. Supp. 582, 596 (D.P.R., 1976).

Detainees in mental health center entitled to contact visits on the same basis as other detainees, except that they may be denied on a psychologist's or psychiatrist's judgment that there would be a serious threat of physical danger to the visitor. They are entitled to outdoor recreation five days a week for one hour a day, to various programs and to access to a law library. Defendants will maintain a level of staff "adequate to maintain the life, safety and health of plaintiffs." Detainees will have access to the telephone for at least one call a day. (This judgment not to be cited in New York City litigation).

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment (S.D.N.Y., March 17, 1977).

Jail personnel shall request psychiatric consultation for inmates exhibiting signs of psychiatric disturbances. They shall be given sufficient in-service training to permit them to recognize potential or active psychiatric problems. A mental health worker will hold regular office hours at least 20 hours per week and see inmates who sign up. A mental health worker shall visit the jail and see any inmate within 48 hours of the inmate's request. A sound-proof room shall be made available for psychiatric consultation.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), p. 9.

Defendants ordered to submit plans for psychiatric ward, psychiatric screening and treatment, and training of personnel to deal with psychiatric cases.

Sykes v. Kreiger, Civil Action No. C 71-1181 (N.D. Ohio, May 15, 1975) (Order), pp. 10-11.

Chaining a mentally disturbed inmate to a bed for any protracted length of time would be cruel and unusual punishment (dicta).

Tate v. Kassulke, 409 F. Supp. 651, 654 (W.D., Ky., 1976).

Court ordered that padded cells with hammocks be provided for insane persons.

Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex., 1972).

Regulation that requires permission to be obtained before preparation of manuscripts, restricts their length and circulation, provides for confiscation and censorship, and prevents negotiation for publication, cannot be enforced against an unconvicted inmate in a mental institution unless justified by recognized medical standards.

Tyler v. Ciccone, 299 F. Supp. 684, 688 (W.D. Mo., 1969).

Unconvicted persons in federal medical center may not be subjected to involuntary servitude.

Tyler v. Harris, 226 F. Supp. 852, 855 (W.D. Mo., 1964).

Unconvicted persons can be kept with convicted persons in federal medical center.

Tyler v. Harris, 226 F. Supp. 852, 855 (W.D. Mo., 1964).

Total lack of psychiatric care is not compatible with constitutional requirements.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion), p. 7.

Where previous orders require psychiatric attention be given an inmate, the inmate shall receive an in-person examination by a licensed medical doctor certified in psychiatry.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Court, Wayne Co., Mich., Dec. 1, 1975) (Order Regarding Causal Connection Between Violations of the Judgment and Suicide of Inmate David Fregin), p. 2.

Person acquitted by reason of insanity may not be held at the county jail.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), pp. 16-17.

No punishment shall be imposed on inmates who are obviously mentally ill.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Court, Wayne Co., Mich., Dec. 1, 1975) (Order Regarding Causal Connection between Violations of the Judgment and Suicide of Inmate David Fregin), p. 3.

Wherever an inmate appears to be mentally disturbed and dangerous to himself and others, the Sheriff shall have him placed in a mental health care facility; where a mentally ill person is not dangerous, the Sheriff shall procure psychiatric attention.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Ct. Wayne Co., Mich., Dec. 1, 1975) (Order Regarding Causal Connection Between Violations of the Judgment and Suicide of Inmate David Fregin), pp. 2-3.

Jail required to provide 40 hours a week of psychiatric services, plus emergency services, from persons who do not have the duty of evaluating competency for criminal trials.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), pp. 22-25.

Mentally ill or suicidal inmates entitled to contact visits with families for a period of 45 minutes.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., March 1, 1976) (Opinion Regarding Sheriff's Suicide Prevention Plan), pp. 25-28.

"Civilized standards of elemental human decency require prompt psychiatric attention for prisoners who appear to be mentally ill, but not necessarily dangerous. Such care may be furnished by a staff psychiatrist or by para-professional staff acting under the direct supervision of a staff psychiatrist; or such care may be furnished extramurally by competent psychiatric personnel."

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 46.

IV.M. Medical Care--Drug dependency treatment

Jail officials shall establish a separate diversion program for alcoholic and drug dependent inmates, including hiring a specialist in drug and alcohol withdrawal treatment and developing specially equipped facilities.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Jail officials shall house alcohol and drug-dependent inmates in an incarcerative environment specifically designed and equipped for the treatment of withdrawal problems.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Alcohol and drug rehabilitation program to be introduced (unclear whether applies to pretrial as well as convicted inmates).

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1235 (D.V.I., 1976) (Order).

Inmates suffering from narcotics withdrawal may not be shackled to beds with metal restraints.

Collins v. Schoonfield, 344 F. Supp. 257, 278 (D. Md., 1972).

Women inmates reporting to health care personnel at Monroe County Jail that they are addicts shall be treated as follows:

1) Bona fide participants in methadone program may be transferred to "appropriate" (unclear where) health care facility.
2) Addicts must be given opportunity to attend next sick call.
3) Any statements by inmates in connection with above shall be privileged.

Cooper v. Morin, No. 74-1411 (Monroe County Sup. Ct., April 21, 1976) (Consent Judgment), pp. 4-5.

Women inmates who report to health care personnel that they are addicted to drugs shall be transferred to the appropriate health care facility if they are currently participants in a methadone maintenance program, or shall be given the opportunity to attend the next scheduled sick call where the necessity of transfer to and appropriate health care facility shall be determined.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), pp. 4-5.

Detainees may not be denied methadone if they received it before their incarceration.

Cudnik v. Kreiger, 392 F. Supp. 305, 312-13 (N.D. Ohio, 1974).

Pregnant inmates on methadone maintenance to continue on methadone. (Other policies approved--unclear).

Garnes v. Taylor, Civil Action No. 159-72 (D.D.C., Dec. 30, 1976) (Memorandum and Order), p. 11.

Arrangements shall be made for the introduction of a drug abuse program in the jail.

Hamilton v. Landrieu, 351 F. Supp. 549, 550 (E.D. La., 1972).

Jail officials shall maintain a comprehensive drug treatment program in each institution including: methods for immediate identification of addicts and for maintenance of thorough statistical records; group therapy sessions and other programs for all inmates who request such services; and a comprehensive follow-up program for inmates leaving the jails.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), pp. 9-10.

Lack of proper treatment for drug addicts led to finding of constitutional and statutory violation. (Totality)

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 223, 239.

Intoxicated inmates, allegedly insane insane inmates, and those experiencing delirium tremens or withdrawal from drugs shall be segregated and given close observation.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 4.

Jail officials shall submit a plan for the separation of inmates who are alcoholics or addicted to narcotics.

Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 8.

Absence of drug withdrawal program contributes to finding of unconstitutionality.

Moore v. Janing, 427 F. Supp. 567, 572 (D. Neb., 1976).

Consent decree ordered addicted inmates, upon their consent, to be immediately assigned to a methadone detox program.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 8.

Drug users barred from jail.

Rodriguez v. Jiminez, 409 F. Supp. 582, 596 (D.P.R., 1976).

Medical staff shall pursue the establishment of suitable detoxification center as an alternative to incarceration. All possible use shall be made of detoxification facilities out of the jail. Every effort shall be made to insure that an inmate may continue any alcohol or drug detoxification plans started before incarceration.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), pp. 10-11.

Defendants are required to submit a plan for dealing with inmates suffering from narcotics withdrawal.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich, 1971) (Opinion), pp. 36-37.

IV.N. Medical Care--Physical facilities

Facilities for medical examinations shall be provided.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Alcoholic and drug-dependent inmates shall be housed in an incarcerative enrironment specifically designed and equipped for the treatment of withdrawal problems.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Use of hospital for general housing is unacceptable because it interferes with proper medical operations.

Anderson v. Redman, 429 F. Supp. 1105, 1120-21, 1124 (D.Del., 1977).

Absence of an examining room in the jail does not violate the Constitution.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), pp. 22-23.

There shall be sufficient examining room and short term observation rooms to provide adequate primary medical care.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

There shall be sufficient examining room and short term examining room and short term observation rooms in order to provide adequate primary medical care.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo., 1977) (consent judgment).

Court ordered county officials to immediately construct a new prison hospital-infirmary.

Hamilton v. Landrieu, 351 F. Supp. 549, 550 (E.D. La., 1972).

The Parish Council shall provide a place for the holding of sick call and for medical treatment that will permit examination and treatment to take place with reasonable privacy and provisions for sanitation.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 19.

There shall be a sufficient examining room and short term observation cells to provide adequate medical care.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Partial Judgment), p. 2.

Medical personnel shall work in a clean, safe area, equipped with modern medical apparatus capable of handling all but the most serious and unusual cases, and with an on-site medical laboratory for medical screening, diagnosis, and treatment.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 9.

Adequate facilities for examinations, treatment of emergencies and minor injuries and illnesses, and dental examination and treatment must be provided.

Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D. Ohio, 1971).

A sufficient examining room shall be provided.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 5.

No inmate who is hospitalized shall be chained to his bed while at any hospital for treatment.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10.

Parties agree that proposed medical facilities would constitute an adequate physical plant.

Rhem v. Malcolm, 432 F. Supp. 769, 775 (S.D.N.Y., 1977).

Consent order required reduced capacity at infirmary.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 9.

Clinic shall be repaired, painted and cleaned, and a bed, mattress and bed-clothing shall be provided for each person confined to the clinic.

Rodriguez v. Jiminez, 409 F. Supp. 582, 597 (D.P.R., 1976).

There shall be a suitably equipped infirmary with bed space and storage space for equipment and drugs. A sound proof room shall be made available for psychiatric consultations.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), pp. 8-9.

Court ordered that the capacity of the jail hospital ward for men be increased and that bunks be provided for all patients confined therein.

Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex., 1972).

IV.O. Medical Care--Quarantine

There shall be a special housing unit for detainees who need it for psychiatric, psychological or other medical reasons.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

All persons detected at intake as having communicable diseases or other serious medical problems shall be quarantined to be sent immediately to a local hospital or other medical institution for treatment.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Use of hospital for general housing is unacceptable even when hospital beds are not occupied by patients because of the need for space for emergency medical isolation.

Anderson v. Redman, 429 F. Supp. 1105, 1121, 1124 (D. Dec., 1977).

Persons with contagious diseases should not be left without medical treatment in the midst of other inmates.

Smith v. Sullivan, 553 F. 2d 373, 380 (5th Cir., 1977).

Inmates confined in medical seclusion cells must be provided with: normal toilet facilities; a sink and running water; an adequate, clean and sanitary mattress; essentials of personal hygiene; visits with attorneys, family, and friends; mail privileges and the essentials of communications (i.e. pen, paper, envelopes, stamps); regular meals; access to books, magazines, etc.; and a reasonable amount of physical exercise, and shall be seen by a doctor at least daily and by a nurse or para-medic on weekends.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 5.

Any inmate confined in a solitary or medical seclusion cell shall be seen by a doctor at least daily and by a nurse or para-medic on weekends.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 5.

No prisoner shall be segregated for medical reasons without first having been examined by a physician except in an emergency, and then a segregated prisoner must be examined within eight hours, and subsequently at 24-hour intervals.

Garnes v. Taylor, Civil Action No. 159-72 (D.D.C., Dec. 30, 1976) (Memorandum and Order), p. 10.

Prisoners with infectious diseases must be allowed to serve themselves and must be given disposable utensils.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo., 1973) (consent judgment).

Prisoners being isolated for screening of infectious diseases, such as malaria, must be allowed to serve themselves, and they must be served with disposable utensils. Disposable utensils may be used only one time.

Goldsby v. Carnes, 429 F. Supp. 370, 379 (W.D. Mo., 1977) (consent judgment).

Fact that there is no reliable method of segregating inmates with a disease violates state statute.

Jackson v. Hendrick, No. 71-2347 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 241.

Medical quarantine facilities will be provided.

Jones v. Wittenberg, 330 F. Supp. 707, 718 (N.D. Ohio, 1971).

Inmates with contagious or communicable diseases shall be segregated from other inmates.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9, 1975) (Consent Order and Partial Judgment), p. 4.

Any inmate requiring medical isolation shall be hospitalized until such time as adequate facilities are available in the jail.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 10. (Affirmed in Order and Permanent Injunction).

There shall be separate facilities for inmates who should be separated because of health.

Obadele v. McAdory, Civil No. 72 J-103 (N) (S.D. Miss., June 19, 1973), p. 6.

Medical isolation cells for inmates with contagious diseases shall be established.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 6.

IV.P. Medical Care--Standards of Liability

Where jury found that plaintiff's injuries were severe and obvious, that she was urgently in need of medical care, that defendants deliberately failed to provide it and that harm was proximately caused, but awarded no compensatory damages, judgment vacated on grounds of inconsistent special verdicts.

Fugitt v. Jones, 549 F. 2d 1001 (5th Cir., 1977).

A jail officer's deliberate indifference to an inmate's serious and obvious injuries is tantamount to an intentional infliction of cruel and unusual punishment.

Harris v. Chanclor, 537 F. 2d 203, 206 (5th Cir., 1976).

Denial of medical care to inmate actionable under §1983 only if complaint alleges 1) intent to harm inmate, or 2) an injury obviously requiring medical attention. Mere negligence, unless it shocks the conscience, will not suffice.

Page v. Sharpe, 487 F. 2d 567, 569 (1st Cir., 1973).

Claim for improper medical treatment must rise to the level of an Eighth Amendment violation to be actionable.

Roach v. Kligman, 412 F. Supp. 521 (E.D. Pa., 1976).

Where inmate appeared in need of medical attention but did not get it for a long time, her rights were violated, notwithstanding jury verdict.

Sandlin v. Piersall, 427 F.Supp. 494 (E.D. Tenn., 1976).

Willful denial of medical treatment may constitute cruel and unusual punishment.

Vinnedge v. Gibbs, 550 F.2D 926, 928 (4th Cir.,1977).

IV.Q. Medical Care--Medical records

There shall be an established procedure for maintaining medical records for each detainee and for controlling and dispensing medication. There shall be a log maintained of medication dispensed.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Jail officials shall study the advisability of consolodating the storage of medical records for women inmates, and of utilizing written referral forms to be completed by outside health care providers indicating medication prescribed, treatment rendered, and follow-up care necessary.

Cooper v. Morin, No. 1411/74 (Monroe County Supreme Court, New York, April 21, 1976) (Order), p. 10.

A uniform system of medical records shall be maintained.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

A uniform system of medical records shall be maintained on each inmate who enters the jail for documenting initial health status of inmates, plans, if any, for diagnosis and treatment, and their outcome (follow-up) when instituted for any reason by the medical staff participating in inmate care.

Goldsby v. Carnes, 429 F. Supp. 370, 380 (W.D. Mo., 1977) (consent judgment).

A uniform system of medical records shall be maintained on each inmate.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., Aug. 28, 1975) (Order for Final Judgment), p. 1.

Jail officials ordered to make arrangements for the maintenance of medical records.

Joiner v. Pruitt, No. 475-166 (Lake County, Indiana Superior Court, Feb. 21, 1975) (Order), pp. 3-4.

Records will be kept of all medicine prescribed and given.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 7.

A uniform system of medical records shall be maintained.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 5.

Medical records shall be established and maintained.

Rodriguez v. Jiminez, 409 F. Supp. 582, 597 (D.P.R., 1976).

V. PROGRAMS AND ACTIVITIES

Lack of programs or activities contributes to cruel and unusual punishment and violation of state statute. (Totality)
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 224, 239.

That pretrial and sentenced inmates share same recreational and educational facilities does not violate due process.
People v. Von Diezelski, 78 Misc. 2d 69, 75 (1974).

Permissible population figure reduced to conform to needs of classification system and delivery of services.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motion to Amend Judgment), pp. 4-8.

IV.A. Programs and Activities--Services (include education, art, counseling, etc.) (See also Rehabilitation)

Any group and individual counseling programs which may be established shall be staffed by properly trained professionals. Basic and remedial educational programs may be established in the new facility. Work release, vocational training release, and educational release programs may be established for the new facility. An appropriate crisis intervention program may be established in the new facility.
Ahrens v. Thomas, 434 F. Supp. 873, 903-04 (W.D. Mo., 1977).

County officials shall provide for the maintenance of adequate vocational and education programs.
Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Pre-trial detainees must have opportunities to participate in educational, vocational and recreational programs comparable to those of sentenced misdemeanants.
Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Cal., 1972).

Defendants shall employ a full-time Legal Services Coordinator who will provide instruction in basic legal research methodology. A certificate of achievement shall be issued upon successful completion of the classes.
Funches v. Beame, No. 73 Civ. 572, Judgment Granting Permanent Injunction at 2 (E.D.N.Y., Jan. 20, 1977).

Prison officials must provide educational programs to inmates in administrative segregation similar to those provided for general population, but may do so in separate classes for inmates in administrative segregation only.
Giampetruzzi v. Malcolm, 406 F.Supp. 836, 842 (S.D.N.Y., 1975).

Inmates in administrative segregation (1B) entitled to same volunteer social services that general population inmates get. Services may be offered in an area outside 1B, such as the counsel room.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 842 (S.D.N.Y., 1975).

Counseling, educational and religious programs shall be expanded.

Goldsby v. Carnes, 365 F. Supp. 395, 402 (W.D. Mo., 1973) (consent judgment).

Health assistant training programs for inmates should be provided.

Goldsby v. Carnes, 365 F. Supp. 395, 406 (W.D. Mo., 1973) (consent judgment).

Steps shall be taken to establish a work-study release program, particularly for sentenced inmates.

Goldsby v. Carnes, 365 F. Supp. 395, 402 (W.D. Mo., 1973) (consent judgment).

Crisis counseling—The Department of Corrections shall have at least three caseworker positions who are responsible for crisis intervention, classification recommendations and short term casework. These caseworkers as well as other staff, shall refer inmates to the departmental psychiatrist, group counseling, AA counseling, drug counseling, or other programs as needed. Work/Educational Release Program—The Department of Corrections shall continue to operate a work/educational release program. All sentenced offenders, plus others, are screened for the program with final determination to be made by the courts. Those individuals accepted into the program are tested to be placed on the proper work or educational setting. Employment referral information will be available to inmates upon release when such in requested. Limited group programs will be carried on in the jail when time and resources are available and when the administration can identify a group that can profit from a particular program.

Goldsby v. Carnes, 429 F. Supp. 370, 389 (W.D. Mo. 1977) (consent judgment).

The work-study release program shall be continued. The program Services Unit shall continue group and individual counseling program, and ensure an increase in remedial and basic educational and religious programs.

Goldsby v. Carnes, 429 F. Supp. 370, 375 (W.D. Mo., 1977) (consent judgment).

The work-study release program shall be continued.

Goldsby v. Carnes, 429 F. Supp. 370, 375 (W.D.Mo., 1977) (consent judgment).

Department of Corrections shall operate a screening unit to divert eligible inmates from detention into appropriate programs.

Goldsby v. Carnes, 429 F. Supp. 370, 382 (W.D. Mo., 1977) (consent judgment).

An education program for inmates shall be developed and maintained.
Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La., 1972).

While expanded vocational and rehabilitative programs are desirable, in view of the relatively short terms of confinement, failure to provide them is not unlawful.
Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 17.

An inmate upon arrival at the jail shall be entitled to take advantage of educational programs, counseling services, and work privileges upon written application.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Employment counseling services will be available to inmates just prior to their release date, and educational programs taught by a volunteer teacher, if available, shall be offered to inmates upon request.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D.Ind., May 19, 1975) (Order for Partial Judgment), p. 7.

Counseling and education programs shall be established.
Jones v. Wittenberg, 330 F. Supp. 707, 717 (N.D. Ohio, 1971).

Jail officials will attempt to have educational programs available to inmates such as courses in legal rights, community resources, college preparation and other subjects, and whenever possible interested inmates will be provided with a high school equivalency program and the offering of the GED test at the jail.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D.Ind., June 9, 1975) (Consent Decree and Judgment), p. 3.

Jail officials shall attempt to offer vocational training programs for inmates at least with regard to cooking and baking, and social workers will be available to assist inmates in obtaining employment upon their release.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 3.

Within 60 days, a report shall be submitted containing plans for the establishment of work-study release programs for pre-trial detainees, group and individual counseling programs and basic and remedial reading programs.
Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 13.

Within 30 days, a report shall be submitted describing all volunteer programs and other activities available to jail inmates and se-ting forth the number of inmates participating in each program.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), pp. 13-14.

Counseling, education, and religious programs must be established.

Mitchell v. Untreiner, 421 F. Supp. 886, 901 (N.D. Fla., 1976).

Defendants will develop plans for social service programs as per the requirements of the National Clearinghouse for Criminal Justice Planning and Architecture.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶ 10.

Detainees in mental health center will continue to be provided with art classes, movies, group meetings and community meetings at least once weekly. (This judgment not to be cited in New York City litigation.).

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 5 (S.D.N.Y., March 17, 1977).

Lack of educational programs at jail contributed to court's finding of constitutional violation. (Totality).

Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 8.

Space shall be provided for remedial reading, vocational training, and other educational courses, to be taught to inmates who volunteer for the courses. Social Workers will also be provided.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 8.

Court ordered county officials to provide quarters for educational programs in permanent plan for new facilities.

Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex., 1972).

Absence of educational and vocational programs is a matter of administrative discretion.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 82-83.

Inmates in administrative segregation are entitled to education and art programs offered to the general population.

Wilson v. Beame, 380 F. Supp. 1232, 1242 (E.D.N.Y., 1974).

V.B. Programs and Activities--Recreation (includes exercise)

The total lack of recreation and exercise facilities and programs violates due process.
Ahrens v. Thomas, 434 F. Supp. 873, 898 (W.D. Mo., 1977).

Inmates shall receive at least one hour of recreation five days a week.
Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1233 (D.V.I., 1976).

Recreational opportunities for detainees not a factor in double-celling decision.
Benjamin v. Malcolm, No. 75-3073 (S.D.N.Y., Nov. 18, 1975), p. 4.

Issue of preliminary relief as to exercise privileges put aside because defendant prison officials have represented to the court that they are presently complying with plaintiffs' demands.
Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y., July 11, 1975), p. 5.

Pre-trial detainees must have opportunities to participate in recreational programs comparable to those of sentenced misdemeanants.
Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Cal., 1972).

Detainees have a constitutional right to adequate opportunity for exercise and recreation.
Duran v. Elrod, 542 F. 2d 998, 1000-1001 (7th Cir., 1976).

General rule that inmates in administrative segregation (1B) may attend special shows subject to officials' good faith estimate of the degree of tension at H.D.M. at the time is justifiable security precaution.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y., 1975).

Inmates in isolation shall be permitted to exercise outside their cells daily.
Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo., 1973) (consent judgment).

Jail authorities will sponsor at least eight organized recreational tournaments a year and will award prizes to the winners.
Goldsby v. Carnes, 429 F. Supp. 370, 389 (W.D. Mo., 1977) (consent judgment).

A year-round recreation program shall be maintained in parish prison, which should afford each inmate one hour of recreation off the tier at least 5 days per week, and sufficient security personnel shall be provided so as to enable the program to operate smoothly.
Hamilton v. Landrieu, 351 F. Supp. 549, 550 (E.D. La., 1972).

Recreation is not required every day; all that is required is a reasonable program, conceived and implemented in good faith.
Hamilton v. Love, 358 F. Supp. 338, 343, n.2, 348 (E.D. Ark., 1973).

Prison officials ordered to hire a recreational officer for the male side of jail and a female matron for the female side.
Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), pp. 8-9.

Upon arrival at the jail, an inmate shall be entitled to take advantage of recreational activities and physical exercise programs.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 2.

Defendants must submit a plan to provide daily exercise and recreation.
Inmates of Metro Jail v. Thomas, No. A-5629 (Chancery Ct., Davidson Co., Tenn., July 28, 1975) (Order), p. 1.

Pending construction of new facility ordered by court, court will not impose requirement on jail that it provide adequate exercise.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 688 (D. Mass., 1973).

Lack of at least 2 hours of daily exercise for prisoners violated state statute.
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 242.

Absence of recreational facilities contributes to a finding of cruel and unusual punishment. (Totality).
Johnson v. Lark, 365 F. Supp. 289, 302 (E.D. Mo., 1973).

Defendants must provide a plan for meaningful daily exercise.
Joiner v. Pruitt, Cause No. 475-166 (Lake Cty., Ind., Super. Ct., June 30, 1975), p. 4.

Court ordered jail officials to bring facilities for indoor and outdoor recreation and exercise up to standards comparable to those at state institutions over a period of 3 years time.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 16.

Inmates shall have daily access to recreational areas and equipment, and a comprehensive recreational plan will be developed.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶24-25.

Defendants ordered to submit plan for recreational facilities.
Moore v. Janing, 427 F. Supp. 567, 575 (D. Neb., 1976).

Adequate recreation contributes to the absence of cruel and unusual punishment (Totality).
Padgett v. Stein, 406 F. Supp. 287, 293 (M.D. Pa., 1975).

Issue of right to physical exercise somewhere other than in jail corridor not appropriate for preliminary relief.
Powlowski v. Wullich, 81 Misc. 2d 895 (Sup. Ct. Monroe County, 1975), p. 902.

Consent decree orders roof recreation area at Tombs to be enclosed for year round inmate use.
Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973), p. 3.

The right of a prisoner to reasonable physical exercise is fundamental, and 50 minutes a week does not meet constitutional standards.
Rhem v. Malcolm, 371 F. Supp. 594, 626-27 (S.D.N.Y., 1974), aff'd, 507 F. 2d 333 (2d Cir., 1974).

Constitution does not require one hour of exercise seven days a week, although such is desirable. Constitutional standard met by five 50 minutes periods per week.
Rhem v. Malcolm, 396 F. Supp. 1195, 1198 (S.D.N.Y., 1975).

50 minutes of exercise per week, from October to May, does not meet constitutional standard. Detainees should have minimum of one hour of exercise daily (not constitutional requirement: see 396 F. Supp. 1195, 1198, motion by plaintiff to amend judgment).
Rhem v. Malcolm, 389 F. Supp. 964, 971-72 (S.D.N.Y., 1975).

Failure to provide reasonably adequate facilities for exercise violates due process and equal protection. Extensive fact finding.
Rodriguez v. Jiminez, 409 F. Supp. 582, 594 (D.P.R., 1976).

Court found county under a constitutional duty to provide reasonable facilities and opportunities for exercise and recreation.
Sandoval v. James, No. C-72-2213 RFP (N.D.Ca., Oct. 3, 1975) (Opinion), p. 4.

Where judge's order regarding exercise and recreation required no more than state statutes, it was upheld without reaching Eighth Amendment issue.

Smith v. Sullivan, 553 F. 2d 373, 378 (5th Cir., 1977).

Court ordered jail officials to provide inmates with a program of recreation.

Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex., 1972).

Suitable recreational facilities must be provided.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion).

V.B.1. Programs and Activities--Recreation--Indoor

Appropriate and adequate exercise and indoor recreation shall be permitted each day.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo., 1977).

Both an indoor and an outdoor recreation facility are necessary. A reasonable period of physical exercise should be provided each inmate.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., August 29, 1974) (Memorandum Opinion and Preliminary Injunction), p. 12.

At least one hour of outdoor exercise and two hours of indoor exercise daily are required for all inmates incarcerated for one week.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., January 24, 1975) (Memorandum Opinion), pp. 4-6.

A "more imaginative solution" than television can be found for indoor recreation.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., August 29, 1974) (Memorandum Opinion and Preliminary Injunction), p. 12. (This issue is confused further in the court's Memorandum Opinion of January 24, 1975, at p. 6.)

Fact that lock-out space for 1B inmates (administrative segregation) is restricted to unfurnished narrow corridor 5 feet by 6 feet, among other factors, compels finding that 1B inmates enjoy substantially less freedom of movement than inmates in general population. 1B inmates are limited in their association to seven inmates while general population inmates can mingle with about 150.

Giampetruzzi v. Malcolm, 406 F.Supp. 836, 840 (S.D.N.Y., 1975).

Inmates in administrative segregation are entitled to be furnished with chess and checker material if inmates in general population are so furnished.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y., 1975).

Equipment for indoor recreation listed.

Goldsby v. Carnes, 429 F. Supp. 370, 389 (W.D. Mo., 1977) (consent judgment).

Inmates in isolation shall be permitted to exercise outside their cells daily.

Goldsby v. Carnes, 365 F. Supp. 395, 402 (W.D. Mo., 1973) (consent judgment).

As soon as new prison hospital is completed, an indoor recreation area shall be provided.

Hamilton v Landrieu, 351 F. Supp. 549, 550 (E.D. La., 1972).

Prison officials ordered to allow all male prisoners to use exercise machine and ping pong table 6-8 hours per week and that a ping pong table, paddles and balls be purchased and kept in the sentenced women's tank.

Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), pp. 3-4.

Court ordered that sums of $100 and $100 be spent to purchase additional recreational equipment for the exclusive use of women and male prisoners respectively.

Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), p. 4.

Minimum exercise shall include the normal daytime use of the day room and runway in those cell blocks containing such facilities, and at least 1/2 hour per day outside the cell for those inmates in cells without such facilities.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 7.

Indoor recreation program shall be established.

Jones v. Wittenberg, 330 F. Supp. 707, 717 (N.D., 1971).

Authorities at county jail to make feasibility study for providing indoor recreation.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), p. 2.

Movies and indoor recreation will continue to be provided once a week for detainees in mental health center. (This judgment not to be cited in New York City litigation.)

Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 5 (S.D.N.Y., March 17, 1977).

Checkers, cards and chess sets shall be permitted in living areas.
Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 8.

Proposal for indoor recreation area requiring large-scale renovation rejected on grounds of cost, loss of cell space, etc.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), p. 21.

V.B.1.a. Programs and Activities--Recreation--Indoor--Gymnasium

A facility for indoor exercise and recreation shall be provided.
Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Denial of detainee's access to gym, if done to relatiate against detainee's filing of state claim against the jail, constitutes denial of access to courts.
Christman v. Skinner, 468 F. 2d 723, 726 (2nd Cir., 1972).

Area to be provided for indoor exercise in inclement weather.
Feely v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), p. 1.

Frisks of inmates in administrative segregation (1B) upon going to and from gym activities does not violate due process, equal protection, or the Fourth Amendment.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y., 1975).

Inmates in administrative segregation are entitled to a similar amount of gym time as is afforded to the general population.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y., 1975).

Defendants' proposal for "mini-gyms" fails to provide adequate space for recreation. Standards discussed extensively.
Rhem v. Malcolm, 432 F. Supp. 769, 781-85 (S.D.N.Y., 1977).

V.B.1.b. Programs and Activities--Recreation--Indoor--Day room facilities (include lock-out areas adjacent to cell blocks) (for radio, TV, records, see Communication and Expression--Media--Non-print)

A day room shall be provided that will allow for movement outside the individual cell areas.
Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Demand for utilization of day rooms presented question of first instance and serious factual question of security, so preliminary injunction on the basis of affidavits is denied without prejudice to renewal after an evidentiary hearing.
Ambrose v. Malcolm, 76 Civ. 190 (S.D.N.Y., July 29, 1976) (Memorandum), p. 2.

Detainees to have unlimited access to dayroom.
Feely v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), p. 2.

Detainees must be permitted access to the day room and dining room.
Feely v. Sampson, Civil Action No. 75-171, Opinion at 10 (D.N.H., Sept. 24, 1976).

Inmates in administrative segregation (1B) are entitled by due process to use of a day room during their lock-out period.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y., 1975).

Prison officials ordered relief to submit within 7 days a plan for providing inmates in maximum security confinement with ready access to a day room.
Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), p. 5.

A television set will be placed in the day room of each cell block.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 7.

A television and games such as checkers, chess and cards shall be provided in a general recreation area.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 6.

Walkway area shall be kept open for inmate exercise, and at least one hour of exercise will be provided daily.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 5.

Inmates shall be allowed to engage in physical exercise in the open areas of the cell blocks except during night time lock-in.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 3.

Dayrooms are necessary and intended to provide relaxation space, an area outside of and away from the cells to which inmates can go for change of mood and activity during lock-out hours.
Rhem v. Malcolm, 432 F. Supp. 769, 780 (S.D.N.Y., 1977).

Proposed day rooms on housing floors are inadequate to relieve defendants of requirement of consent decree that recreational space be created on other floors, because the latter would permit inmates to excape the pervasive caged effect created by the omnipresent bars on the housing floors.
Rhem v. Malcolm, 432 F. Supp. 769, 780 (S.D.N.Y., 1977).

Fact that jail had no day room facilities contributed to court's finding of constitutional violation (Totality).
Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), pp. 7-8.

V.B.2. Programs and Activities--Recreation--Outdoor

Absence of regular outdoor exercise constitutes cruel and unusual punishment.
Ahrens v. Thomas, 434 F. Supp. 873, 898 (W.D. Mo., 1977).

An appropriate area shall be provided for outdoor recreation.
Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo., 1977).

Appropriate and adequate exercise and outdoor recreation shall be permitted each day, weather permitting.
Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo., 1977).

Inmates shall receive one hour of outdoor exercise 3 times per week.
Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex., 1975).

Where detainees received five hours of outdoor recreation a week, preliminary injunction granting them the six-hour schedule enjoyed by sentenced prisoners was inappropriate on the basis of affidavits and question would be decided after a hearing or trial.
Ambrose v. Malcolm, 76 Civ. 190 (S.D.N.Y., July 29, 1976) (Memorandum), p. 1.

Absence of outdoor exercise or recreation contributes to a finding of cruel and unusual punishment as to juveniles (Totality).
Baker v. Hamilton, 345 F. Supp. 345, 353 (W.D. Ky., 1972).

Both an indoor and an outdoor recreation facility are necessary. A reasonable period of physical exercise should be provided each inmate.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), p. 12.

At least one hour of outdoor exercise and two hours of indoor exercise daily are required for all inmates incarcerated for one week except in inclement weather. Jackets, hats and gloves should be provided in cold weather. Inmates may be exemptled from exercise periods on their own request or by a doctor.

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Jan. 24, 1975) (Memorandum Opinion),pp. 4-6.

Defendants ordered to provide at least one hour of outdoor recreation daily for each resident of the jail.

Campbell v McGruder, 416 F. Supp. 100, 105 (1975).

Outdoor recreation is feasible for maximum security detainees.

Campbell v. McGruder, 416 F. Supp. 111, 118 (D.D.C., 1975).

Fact that inmates were permitted less than 2 hours per month of outdoor recreation time, and that there were virtually no outdoor recreational facilities available for their use, contributed to court's finding of constitutional violation (Totality).

Dillard v. Pitchess, 399 F. Supp. 1225, 1230, 1235 (C.D. Ca., 1975).

Detainees to be provided access to outdoor exercise yard for a reasonable time every day except in inclement weather.

Feely v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), p. 1.

Detainees must be allowed regular outdoor exercise and access to the day room and dining room.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 10 (D.N.H., Sept. 24, 1976).

Inmates shall be permitted to exercise at least two hours a week, one hour of which shall be outdoors, weather permitting.

Goldsby v. Carnes, 365 F. Supp. 395, 402 (W.D. Mo., 1973) (consent judgment).

The roof outdoor recreation area shall be utilized at least one hour a week during the summer for such sports as soccer, horse shoes, frisbees, etc. If the inmates are receptive to these activities, the outdoor recreation will be for two hours a week.

Goldsby v. Carnes, 429 F. Supp. 370, 389 (W.D. Mo., 1977) (consent judgment).

Fact that inmates received only 2 to 3 hours of outdoor recreation every 20 to 30 days contributed to court's finding of constitutional violation. (Totality)

Hamilton v. Schiro, 338 F. Supp. 1016, 1017 (E.D. La., 1970).

The sheriff shall take whatever steps necessary to affording all prisoners at least 45 minutes of outdoor physical exercise at least 3 times per week.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 19.

An inmate, except for jail security reasons, shall have the opportunity for outdoor physical exercise at least one hour per week.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 7.

Absence of outdoor exercise areas contributes to a finding of cruel and unusual punishment (Totality).

Johnson v. Lark, 365 F. Supp. 289, 302 (E.D. Mo., 1973).

Outdoor recreation program shall be established.

Jones v. Wittenberg, 330 F. Supp. 707, 717 (N.D. Ohio, 1971).

County must provide an out-of-doors exercise program for all inmates Monday through Friday.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., April 30, 1974) (Stipulation for Partial Judgment), p. 2.

Detainees to be given outdoor physical exercise one hour daily. Proper clothing to be provided.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), pp. 1-2.

Detainees who are held more than 10 days must be afforded one hour outdoors per day, 5 days a week; a like period of indoor exercise may be substituted when the weather so requires.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 16.

Outdoor exercise will be provided at least one hour a day.

Martinez v. Board of County Commissioners, No. 75-M-1260 (D. Colo., Dec. 11, 1975) (Consent Judgment), p. 1.

Court ordered jail officials to implement a program of daily outdoor recreation within a year and a 3 day a week program within 180 days.

Miller v. Carson, 401 F. Supp. 835, 893 (M.D. Fla., 1975).

Where convicted prisoners in state prisons are afforded opportunities for outdoor recreation, such programs must be provided to pre-trial detainees in county jails as well.

Miller v. Carson, 392 F. Supp. 515, 521 (M.D. Fla., 1975).

Inmates shall be provided one hour of daily outdoor exercise.
Mitchell v. Untreiner, 421 F. Supp. 886, 901 (N.D. Fla., 1976).

Denial of outdoor exercise is violation of 8th Amendment.
Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., March 5, 1973), p. 12.

Detainees to get daily outdoor exercise, weather permitting.
Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), p. 3.

Confinement for a long period of time without the opportunity for regular outdoor exercise constitutes cruel and unusual punishment.
Rhem v. Malcolm, 371 F. Supp. 594, 627 (S.D.N.Y., 1974), aff'd, 507 F. 2d 333 (2d Cir., 1974).

Detainees are entitled to week day use of outdoor yards during October thru May if such is necessary to bring opportunity for exercise up to constitutional standards.
Rhem v. Malcolm, 389 F. Supp. 964, 972 (S.D.N.Y., 1975), amended judgment, 396 F. Supp. 1195, 1198 (S.D.N.Y., 1975), provided for implementation within certain time period.

Because of lack of correctional manpower on weekends, use of outdoor yards on weekends not contitutionally required. Benefit to inmates outweighed by cost.
Rhem v. Malcolm, 389 F. Supp. 964, 972 (S.D.N.Y., 1975), motion to amend denied, 396 F. Supp. 1195(S.D.N.Y.,1975).

City shall provide warm outer garments to indigent detainees to facilitate outdoor recreation in cold weather.
Rhem v. Malcolm, 396 F. Supp. 1195, 1202 (S.D.N.Y., 1975).

Pre-trial detainees are normally entitled to one hour of outdoor exercise daily. An enclosed rooftop is sufficient for this purpose. However, defendants' proposal does not provide enough space (extensive discussion of standards).
Rhem v. Malcolm, 432 F. Supp. 769, 781-85 (S.D.N.Y., 1977).

Detainees in mental health center entitled to one hour of recreation five days a week except in inclement weather. Warm outer clothing will be provided (This judgment not to be cited in New York City litigation.)
Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 5 (S.D.N.Y., March 17, 1977).

Court ordered jail administrators to renovate rooftop exercise area to provide facilities for recreational sports and games and to permit reasonable recreational use of said facilities by all inmates.
Sandoval v. James, No. C-72-2213 RFP/SJ (N.D. Ca., June 28, 1976) (Amended Order Granting Interim Relief Re: Security and Humane Treatment), p. 4.

Order requiring outdoor area for recreation upheld; timetable left vague.
Smith v. Sullivan, 553 F. 2d 373, 379 (5th Cir., 1977).

Court ordered jail officials to provide an outdoor area for recreation.
Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex., 1972).

Denial of outdoor exercise is unconstitutional.
Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., July 31, 1974) (Memorandum of Decision and Order), p. 18.

Year-round use of outdoor recreation area may be had by permitting inmates to keep warm outer garments, selling them at cost to inmates who can afford them, and giving them to others.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), p. 20.

V.C. Programs and Activities--Cell confinement (see also Food--Dining facilities)

V.C.1. Programs and Activities--Cell confinement--Lock-in time

Holding detainees continually in cells is not the least restrictive alternative for maintaining jail security.
Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Cal., 1972).

Fact that inmates spent an extremely small amount of time outside of their cells contributed to court's finding of constitutional violation. (Totality).
Dillard v. Pitchess, 399 F. Supp. 1225, 1230, 1235 (C.D. Ca., 1975).

Detainees not to be locked in except at nighttime or for discipline or control of emergency.
Feely v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), p. 1.

Detainees shall have the right to leave their cells at least one time a day for recreation and exercise purposes.

Hamilton v. Love, No. LR-70-C-201 (E. D. Ark., June 22, 1971) (Interim Decree), p. 4.

Every day, detainees to have 4 hours free time away from cells, not including time spent at meals.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 691 (D. Mass., 1973).

Locking-in detainees for 16 hours/day where not necessary for security violates due process and equal protection.

Rhem v. Malcolm, 371 F. Supp. 594, 624 (S.D.N.Y., 1974), aff'd 507 F. 2d 333 (2d Cir., 1974).

Inmates may not be locked in their cells for periods longer than actually required or as a pretext for the unjustified imposition of maximum security.

Rhem v. Malcolm, 389 F. Supp. 964, 969 (S.D.N.Y., 1975), explained 396 F. Supp. 1195, 1198 (S.D.N.Y., 1975).

Number of head counts at Rikers H.D.M., during which counts detainees must be locked in, is reasonable and necessary for institutional security. While city has obligation to complete counts and cleaning in a reasonable period of time, court will not fix a specific duration.

Rhem v. Malcolm, 389 F. Supp. 964, 968-69 (S.D.N.Y., 1975).

Inmates may not be locked in their cells for periods longer than actually required or as a pretext for the unjustified imposition of maximum security.

Rhem v. Malcolm, 396 F. Supp. 1195, 1199 (S.D.N.Y., 1975).

Using proper classification procedures, the institution may impose a more restrictive lock-in schedule for inmates determined to be security risks.

Rhem v. Malcolm, 396 F. Supp. 1195, 1201 (S.D.N.Y., 1975).

Institution allowed to lock-in inmates, consistent with least restrictive alternative theory, during following times:

1) Post-breakfast lock-in to provide services for inmates going to court.
2) Lock-in of one side of cell block while other side is eating.
3) Night time lock-in.

Rhem v. Malcolm, 396 F. Supp. 1195, 1198 (S.D.N.Y., 1975).

Fact that unlike other prisoners, plaintiff pre-trial detainees were locked in their cell, unable to walk around the cell block, led to court's finding of constitutional violation.
Sheldon v. Damask, Civil No. 1445-70 (D.N.J., May 22, 1974) (Findings of Fact and Conclusions of Law), pp. 4, 6.

Court denied plaintiffs' claim of excessive confinement where inmates were allowed from 8 to 10 hours outside of their cells per day.
Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., July 31, 1974) (Memorandum of Decision and Order), p. 17.

V.C.2. Programs and Activities--Cell confinement--Optional lock-in

Preliminary relief as to optional lock-in granted since the continuing daily deprivation of constitutional rights to minimal physical conditions of custody is irreparable by definition and plaintiffs have established an overwhelming likelihood of success on the merits.
Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y., July 11, 1975), p. 6, aff'd, 527 F. 2d 1041 (2d Cir., 1975).

Defendants' argument that no preliminary injuction relating to lock-in should be granted because to do so would require definitive expenditures and changes prior to a full scale determination of the issue would ordinarily carry great weight, but such relief is granted because of the historical background of this case.
Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y., July 11, 1975), p. 6, aff'd, 527 F. 2d 1041 (2d Cir., 1975).

Optional lock-out is required by the constitution.
Rhem v. Malcolm, 371 F. Supp. 594, 628 (S.D.N.Y., 1974), aff'd, 507 F. 2d 333 (2d Cir., 1974).

Rikers H.D.M. has option of extending optional lock-in beyond an experimental basis to cover all cell-blocks.
Rhem v. Malcolm, 396 F. Supp. 1195, 1199 (S.D.N.Y., 1975).

Optional lock-in is constitutionally mandated. Court did not err in requiring warden to determine initial scope of optional lock-in program.
Rhem v. Malcolm, 527 F. 2d 1041, 1043 (2nd Cir., 1975).

V.D. Programs and Activities--Work assignments (see also Staffing--Prisoners as staff)

Where detainee signed a form agreeing to work in order to get out of administrative segregation, and where there was no intent on defendant's part to pay wages, there is no implied contract to pay wages under Nebraska law.
Bell v. Wolff, CV 72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), pp. 10-11, aff'd on other grounds, 496 F. 2d 1152 (8th Cir., 1974).

The work-study release program shall be continued.
Goldsby v. Carnes, 429 F. Supp. 370, 375 (W.D. Mo., 1977) (consent judgment).

There shall be no racial discrimination in assigning inmates to work details.
Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973) (Declaratory Judgment), p. 6.

V.D.1. Programs and Activities--Work assignments--Right to Work

Issue as to whether detainees are entitled to access to daytime work release programs or in-jail work assignments not appropriate for summary judgment.
Duran v. Elrod, 542 F. 2d 998, 1001 (7th Cir., 1976).

Work/educational release program shall be continued.
Goldsby v. Carnes, 429 F. Supp. 370, 389 (W.D. Mo., 1977) (consent judgment).

Inmates who have skills in the building and construction trades shall be assigned to assist in performing maintenance work under the guidance and supervision of the maintenance staff.
Hamilton v. Landrieu, 351 F. Supp. 549, 554 (E.D. La., 1972).

An inmate upon arrival at the jail shall be entitled to take advantage of educational programs, counseling services, and work privileges upon written application.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p.2.

Work assignments may be gained through good behavior and shall be made on a non-discriminatory basis, and each inmate shall be paid a reasonable wage for such work.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1976) (Order for Partial Judgment), p. 6.

Unavailability of paid work assignments for inmates violates state statute. To place prisoners in the position of being able to earn money only by submitting to medical experiments is unconstitutional.
Jackson v. Hendrick, No 71-2437 Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 224, 243.

Work release and other work programs shall be established.
Jones v. Wittenberg, 330 F. Supp. 707, 717 (N.D. Ohio, 1971).

Within 30 days, a report shall be submitted containing plans for the establishment of a constructive work program, which shall include, for inmates not presenting security risks, maintenance and other interior work at the jail for remuneration.
Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 13.

Lack of employment opportunities at jail contributed to court's finding of constitutional violation. (Totality).
Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 8.

V.D.2. Programs and Activities--Work Assignments--Duty to work

Detainees not required to work except to keep cell areas clean.
Barnes v. Government of Virgin Islands, 415 F. Supp. 1218, 1233 (D.V.I., 1976).

The Thirteenth Amendment forbids requiring a pre-trial detainee to do work which is not directly and immediately related to meeting the pre-trial detainee's own physical or emotional needs. (Whether work meeting those needs can be required is not decided.) Nor may a detainee be required to choose between working and suffering the violation of other constitutional rights.
Bell v. Wolff, CV 72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), p. 3, aff'd on other grounds, 496 F. 2d 1252 (8th Cir., 1974).

Pre-trial detainees cannot be forced to work or participate in institutional activities and/or programs.
Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Cal., 1972).

Detainees not compelled to work.
Feely v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), p. 2.

Although detainees may not be forced to work, they should be given the opportunity and equipment to sweep and clean their cells more than once a day.
Hamilton v. Love, 358 F. Supp. 338, 347 (E.D. Ark., 1973).

Detainee's allegations of involuntary servitude are without merit where he does not deny that he signed an agreement knowingly and voluntarily, that it is not regarded as binding, and that he can stop working at any time without punishment.
Henry v. Ciccone, 315 F. Supp. 889, 892 (W.D. Mo., 1970), appeal dismissed as moot, 440 F. 2d 1052 (8th Cir., 1971).

Pre-trial detainees in a federal medical center cannot be forced to work because of the prohibition against involuntary servitude.
Johnston v. Ciccone, 260 F. Supp. 553, 556 (W. D. Mo., 1966).

Unsentenced prisoners cannot be required to perform uncompensated labor. (Dicta).
Main Road v. Aytch, 385 F. Supp. 105, 110 (E. D. Pa., 1974), vacated and remanded, 522 F. 2d 1080 (3d Cir., 1975).

Unconvicted persons in federal medical center may not be subjected to involuntary servitude.
Tyler v. Harris, 226 F. Supp. 852, 855 (W.D. Mo., 1964).

V.E. Programs and Activities--Rehabilitation (see also Services)

Absence of rehabilitative efforts constitutes cruel and unusual punishment as to juveniles (totality).
Baker v. Hamilton, 345 F. Supp. 345, 353 (W.D. Ky., 1972).

Detainees to be eligible for rehabilitative programs available to sentenced inmates, but detainees not required to participate.
Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1233 (D.V.I., 1976).

All inmates, including pre-trial detainees, shall be eligible to participate in rehabilitative programs.
Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La., 1972).

Rehabilitative programs shall be immediately established and maintained, and shall be conducted by a professional staff including an Associate Warden for Rehabilitation, trained sociologists and penologists, and volunteers from the community and pretrial detainees shall be eligible to participate in such programs.
Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La., 1972).

Court held that state statute prohibiting "abuse or mismanagement" of prisons imposed a duty on jail officials to provide prisoners with rehabilitative programs.
Jackson v. Hendrick, No. 71-2347 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 239.

Where it can be shown that prison conditions are so bad as to constitute cruel and unusual punishment, the relief to be afforded may properly include an order compelling the provision of basic rehabilitative services and facilities.
Miller v. Carson, 401 F. Supp. 835, 900 (M.D. Fla., 1975).

Pre-trial detainees should not be forced to participate in rehabilitative programs.

Padgett v. Stein, 406 F. Supp. 287, 295 (M.D. Pa., 1975).

Considerations of rehabilitation do not apply to detainees.

Powlowski v. Wullich, 81 Misc. 2d 895, 899 (Supp. Ct. Monroe County, 1975), p. 899.

The sole aim of jail discipline is preserving order; no considerations of rehabilitation exist.

Rhem v. Malcolm, 371 F. Supp. 594, 631 (S.D.N.Y., 1974), aff'd 507 F. 2d 333 (2d Cir., 1974).

The absence of any programs for training and rehabilitation may have constitutional significance where in the absence of such a program, conditions and practices which exist actually militate against reform and rehabilitation.

Taylor v. Sterrett, 344 F. Supp. 411, 419 (N.D. Tex., 1972).

VI. FOOD

(see also Medical Care--Special diets; Religion--Practices--Diet) (includes drinking water)

The advice of a trained dietitian nutritionist, or food director shall be sought regularly to review menus, preparation and service of food. All meals shall meet appropriate minimum nutritional standards, and food shall be served in a reasonable variety and quantity.

Ahrens v. Thomas, 434 F. Supp. 873, 902-03 (W.D. Mo., 1977).

Except where medically contraindicated, food shall be provided on a uniform basis.

Campbell v. Rodgers, No. 1462-71 (D.D.C., Nov. 10, 1971) (Consent Order), p. 2.

There shall be a Food Service Manager who is in charge of food service. This person shall have technical training and experience in food service. This person must have management skills and be given direct authority over the kitchen operation.

Goldsby v. Carnes, 429 F. Supp. 370, 379 (W.D. Mo., 1977) (consent judgment).

VI.A. Food--Nutritional adequacy (for disciplinary restriction of diet, see Discipline and Security--Punishment--Restricted diet)

Inmates entitled to 3 wholesome and nutritious meals per day. Dietitian ordered to be employed on part-time or consultant basis.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1234 (D.V.I. 1976).

Bad quality of prison food and lack of appropriate dietary balance can rise to the level of constitutional deficiency.

Collins v. Schoonfield, 344 F. Supp. 257, 278 (D. Md. 1972).

A dietitian shall plan the menu, which shall include the recommended dietary allowance for food nutriments specified by the Food and Nutrition Board of the National Academy of Science.

Goldsby v. Carnes, 365 F. Supp. 395, 404-05 (W.D. Mo. 1973) (consent judgment).

Inmates in isolation shall receive the same food as other inmates.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

A dietitian should approve the menus. The menu shall include the recommended dietary allowance for food nutrients specified by the National Academy of Science, Food and Nutrition Board. These standards can be met for the adult inmates by following these recommendations. The daily diet must include: 1 serving of milk or cheese, 2 or more servings of meat, fish, poultry, eggs or legumes, 2 servings of fruits and vegetables, and 2 or more servings of breads and cereals.

Goldsby v. Carnes, 429 F. Supp. 370, 379 (W.D. Mo. 1977) (consent judgment).

The jail menu shall be planned by a dietitian and shall include the recommended dietary allowances specified by the National Academy of Science.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 10.

A dietitian shall be hired to assure that meals are nutritionally wholesome and adequate for health and shall plan menus and insure that the planned menu is being served.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 5.

Nutritional inadequacy of food led to finding of constitutional and statutory violation. (Totality).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 223, 237.

Minimum nutritional standards shall be maintained, and food purchasing shall be reorganized to that end.

Jones v. Wittenberg, 330 F. Supp. 707, 716 (N.D. Ohio, 1971).

Adequate and sanitary drinking water must be supplied.

Jones v. Wittenberg, 330 F. Supp. 707, 721 (N.D. Ohio, 1971).

Food shall meet the nutritional standards of the U. S. Dept of Agriculture and menus shall be checked by the county board of health.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), pp. 7-8.

The jail menu shall be planned by a dietitian and the daily menu shall include: 2 servings of milk or cheese; 2 or more servings of meat, poultry, fish, eggs, or legumes; 2 servings of fruits and vegetables; and 2 or more servings of breads or cereals.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 7.

Contents of meals shall be determined and approved by a qualified nutritionist.

Martinez v. Board of County Commissioners, No. 75-M-1260 (D. Colo., December 11, 1975) (Consent Judgment), p.2.

Minimum nutritional standards as recommended by the City Public Health Division shall be maintained by the jail.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 11.

Food shall be fresh and in a reasonable varity and quantity.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla. 1976).

A dietitian, nutritionist, or food director must be hired to review food menus, preparation, and service and to report on the adequacy of kitchen staffing and supervision.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla. 1976).

Menu shall include the recommended dietary allowances of the Food and Nutrition Board of the National Academy of Science. Safeguards shall be instituted so that all inmates are fed and no inmate is deprived of food.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶37.

No menu shall be used unless it has been approved in writing by a nutritionist at a local hospital and made available for public inspection in the Sheriff's office.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), p. 8.

Sanitary and nutritious meals contribute to the absence of cruel and unusual punishment (totality).

Padgett v. Stein, 406 F. Supp. 287, 293 (M.D. Pa. 1975).

Fact that, during their incarceration (ten hours), plaintiff pre-trial detainees were given only 1 meal, consisting of bread and water, contributed to court's finding of constitutional violation. (Totality).

Sheldon v. Damask, Civil No. 1445-70 (D.N.J., May 22, 1974) (Findings of Fact and Conclusions of Law), pp. 4,6.

Order requiring at least one fresh green vegetable, one fresh yellow vegetable, and one service of meat or meat substitute is too restrictive. A well-balanced meal, containing sufficient nutritional value to preserve health, is all that is required.

Smith v. Sullivan, 553 F. 2d 373, 379 (5th Cir. 1977).

Food shall meet nutritional standards of U. S. Bureau of Prisons or comparable professional agency, and Department of Nutrition of local college shall review menus.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 4.

Nutritionally adequate diet must be provided.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 60.

VI.B. Food--Preparation and Storage

All individuals involved in preparation, handling, or service of food shall meet minimum public health standards for restaurant employees. Food shall be stored, prepared, and served fresh at the proper temperature. The jail kitchen shall be inspected monthly by the health department or another agency approved by the court.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

A full-time dietitian or food specialist shall be employed.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677 (S.D. Tex. 1975).

Food must be handled and prepared under conditions which meet the minimum public health standards.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1234 (D. V. I. 1976).

All food handlers must be medically examined at least once every 30 days.

Campbell v. McGruder, 416 F. Supp. 100, 105-06 (D.D.C. 1975).

The county health department should periodically inspect kitchen facilities to insure that they meet ordinary standards.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo. 1973) (consent judgment).

There must be a regular cleaning schedule for all kitchen equipment.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo. 1973) (consent judgment).

Eating utensiles must be sanitized at 170°, or disposable utensils must be used.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo. 1973) (consent judgment).

A trained and experienced Food Service Manager with management skills must be hired and given direct authority over the kitchen operation.

Goldsby v. Carnes, 365 F. Supp. 395, 404 (W.D. Mo. 1973) (consent judgment).

All food items must be covered securely, all food containers must be placed on racks off the floor, and supplies must be rotated so that old stock is used first.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo. 1973) (consent judgment).

In order for storage facilities to meet minimum specifications, the following must be done:

a. All food items must be covered securely.
b. All food containers containing food must be placed on racks off the floor.

There must be a system for the rotation of supplies so that old stock is used first. Food shall not be allowed to sit at room temperature and must be covered while being transported to the living areas.

Goldsby v. Carnes, 429 F. Supp. 370, 379 (W.D. Mo. 1977) (consent judgment).

The jail kitchen must be maintained in a safe and sanitary condition. To insure that this objective is met, the following shall be done: There must be a cleaning schedule for all equipment in addition to the floor, walls and vents. The Jackson County Health Department should conduct periodic inspections of the kitchen facilities to insure that the kitchen meets health and sanitary requirements established for food services that operate within the County. Eating utensils must be made to withstand temperatures to 170° or more in order for them to be sanitized. In the alternative, plastic disposable spoons may be used for each individual meal. Kitchen equipment must be operational and safe for use, and must be adequate to prepare food.

Goldsby v. Carnes, 429 F. Supp. 370, 379 (W.D. Mo. 1977) (consent judgment).

The following steps shall be taken to improve the sanitation of kitchen facilities: (1) Every outstanding health and sanitation code violation shall be corrected and frequent inspections shall be conducted, and (2) a system of careful inspection shall be instituted to assure that spoiled food is not used.

Hamilton v. Landrieu, 351 F. Supp. 549, 553 (E.D. La., 1972).

Unsanitary condition of jail kitchen contributed to court's finding of constitutional violation. (Totality).

Hamilton v. Schiro, 338 F. Supp. 1016, 1017 (E.D. La. 1970).

In order for the jail kitchen facilities to meet minimum requirements: (1) All food items must be covered and stored off the floor; (2) Supplies must be rotated; (3) Food must not be allowed to sit at room temperature; (4) There must be a daily and weekly cleaning schedule for all equipment, floors, walls, and vents; (5) The county health department shall conduct periodic inspections; (6) Eating utensils must be disposable or sanitized between uses; and (7) Food handlers must have health department permits.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), pp. 11-12.

Physicals shall be given to all food handlers.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 688 (D. Mass. 1973).

No person shall be employed in the kitchen in a food service capacity without first being given all appropriate tests, including but not limited to stool cultures and blood serology.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), pp. 7-8.

Jail officials shall take the following steps to assure sanitary food service conditions: food handling equipment and utensils shall be washed after each use; floors, counters, tables and stools shall be washed after each meal; large appliances shall be cleaned on a regular basis; bulk garbage disposal items for sealing garbage shall be used and garbage removed from the kitchen after each meal.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 6.

All food service workers shall have received appropriate tests to detect and prevent infection, including stool cultures and blood serology.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Interim Decree I), pp.5-6.

Clean white clothing and hats or hairnets shall be provided to all food service workers.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 6.

Jail officials ordered to provide complete physical exams to all kitchen workers and food handlers before assignment or reassignment to kitchen or food serving areas.
Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb., 21, 1975) (Order), p. 3.

Serving methods, kitchen, equipment, food storage, sanitation, and health requirements for food service workers shall be the same as for restaurants. The kitchen and food service shall be regularly inspected by public health authorities.
Jones v. Wittenberg, 330 F. Supp. 707, 716 (N.D. Ohio 1971).

Defendants should conform to all public health food service regulations.
Jones v. Wittenberg, 330 F. Supp. 707, 714 (N.D. Ohio 1971).

Serving methods shall meet minimum standards for food service in restaurants, as shall the kitchen, equipment, food storage and sanitation. All persons working in and around the kitchen and food service shall meet restaurant health requirements. The kitchen and food service shall be regularly inspected by public health authorities.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), pp. 7-8.

In order for jail kitchen and storage facilities to meet minimum safety and sanitation requirements: (1) All food items must be covered securely and stored off the floor (2) Old supplies must be used first; (3) Food must be covered while being transfered to the inmate area; (4) There must be a daily cleaning schedule for all kitchen equipment and floors, walls, and vents; (5) County health services shall conduct periodic inspections; (6) Eating utensils must be made to withstand temperatures of 170°; (7) Inmates working in the kitchen must be given a periodic physical examination.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 8-9.

As soon as funds are authorized and available, a food service manager having management skills shall be hired to have authority over kitchen operation and to be in charge of the food service.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 7.

The practice of washing dishes on the jail premises shall be discontinued.

Martinez v. Board of County Commissioners, No. 75-M-1260 (D. Colo., Dec. 11, 1975) (Consent Judgment), p. 2.

The following steps shall be taken to insure that the jail food service meets standards of health and sanitation: (1) All refrigeration equipment not presently operating properly shall be immediately repaired or replaced; (2) All individuals working in food handling functions shall have obtained health certificates or food handlers' certificates; (3) The jail dumpster shall be replaced or repaired; (4) The delivery entrance shall be repaired to prevent the entry of rodents; (5) a routine daily cleaning schedule for the service areas shall be instituted; (6) The jail kitchen and food service shall be inspected monthly by the City Public Health Division, and (6) All beverage containers which can not be properly closed shall be immediately replaced.

Miller v. Carson, No. 74-382-Civ-J-S (M.D.Fla., Jan. 31, 1975) (Order and Preliminary Injunction), pp. 12-13.

Jail kitchen and food service must be inspected by county health department or other court-approved agency and meet same requirements as public restaurants. A routine cleaning schedule shall be established and a qualified person shall be hired to report on the adequacy of the food service area and equipment.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla. 1976).

No one shall handle food in the kitchen without being medically screened and supervised by someone who is also medically screened.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla. 1976).

A dietitian, nutritionist, or food director must be hired to review food menus, preparation, and service and to report on the adequacy of kitchen staffing and supervision.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla. 1976).

Deterioration of kitchen area contributes to finding of unconstitutionality (totality).

Moore v. Janing, 427 F. Supp. 567, 572 (D. Neb. 1976).

The jail kitchen must be kept safe and sanitary. New facilities must be built. All persons working in the kitchen or handling food shall meet health code standards.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶¶38-42.

Jail officials shall make every effort to have inspections made of the kitchen facilities so as to comply with health standards for public facilities, and to have medical examinations of all kitchen workers.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), pp. 8-9.

Sanitary and nutritious meals contribute to the absence of cruel and unusual punishment (totality).

Padgett v. Stein, 406 F. Supp. 287, 293 (M.D. Pa. 1975).

Inmates working in the kitchen or serving food must receive a thorough medical exam.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 3.

Food handlers must be examined by a licensed physician.

Taylor v. Sterrett, 344 F. Supp. 411, 423 (N.D. Tex. 1972).

Trustees, who comprise most of the kitchen staff, should be required to maintain high standards of personal hygiene.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 59.

VI.C. Food--Service

Food shall be served fresh at the proper temperature, in reasonable variety and quantity.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

Food shall always, where appropriate, be served warm or hot, and every reasonable effort shall be made to have food served in a palatable and hygienic manner.

Collins v. Schoonfield, Civil No. 71-500-K (D.Md., July 24, 1972) (Interim Decree), p. 15.

Food shall not be allowed to sit at room temparature and must be covered while being transported to the prisoner area.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo. 1973) (consent judgment).

Food carts with heating units will be provided.

Goldsby v. Carnes, 365 F. Supp. 395, 405 (W.D. Mo. 1973) (consent judgment).

Eating utensils must be made to withstand temperatures to 170° or more in order for them to be sanitized. Alternatively, disposable plastic utensils may be used. Food carts will be provided to keep hot food at the proper temperature.

Goldsby v. Carnes, 429 F. Supp. 370, 379-80, 392 (W.D. Mo. 1977) (consent judgment).

All hot meals shall be delivered to tiers in closed containers to keep food warm and the food shall be served as soon as it reaches the tier.

Hamilton v. Landrieu, 351 F. Supp. 549, 553 (E.D. La. 1972).

Food shall not be left uncovered after preparation, nor left in steam tables unreplenished for more than 30 minutes, and hot food shall be served hot and cold food cold.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Interim Decree I), p. 5.

Food and drink shall be provided inmates according to individual tastes, including coffee or tea with or without milk and sugar, ketchup, mustard, salt, pepper, and drinking water.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I). p. 5.

Procedures shall be instuted to permit inmates, where possible, to have food and drink according to individual tastes, including coffee and tea with or without milk and sugar, and ketchup, mustard, salt, and pepper.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Oct. 9, 1975) (Stipulation of Voluntary Compliance), p. 8.

Fact that coffee was served to inmates with cream and sugar already in it contributed to finding of constitutional violation. (Totality).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 224.

Low quality and temperature of food service contributes to a finding of cruel and unusual punishment (totality).

Johnson v. Lark, 365 F. Supp. 289, 302 (E.D. Mo. 1973).

Food shall be served at the proper temperatures, fresh, and in reasonable variety.

Jones v. Wittenberg, 330 F.Supp. 707, 716 (N.D.Ohio 1971).

Food shall be served at the proper temperatures, fresh, and in reasonable variety. Serving methods shall meet minimum standards for food service in restaurants.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), pp. 7-8.

Food shall be served at the proper temperature, fresh, and in reasonable variety, and immediate steps shall be taken to obtain suitable food service carts.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), pp. 11-12.

Food shall be served at the proper temperatures, and heated, covered food service carts shall be used.

Mitchell v. Untreiner, 421 F. Supp. 886, 900 (N.D. Fla. 1976).

Food shall be served at the proper temperatures, fresh, and in reasonable variety, and serving methods shall meet the City-County Health Code.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), pp. 38-42.

Jail officials shall make every effort to see that food is served as soon as possible after it is prepared.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), pp. 8-9.

Heat carts for service of warm meals must be provided under state regulations.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 60.

VI.D. Food--Dining facilities

Detainees shall be furnished appropriate space for taking meals.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1973).

Meals shall be served in a common dining area for each cellblock; except where inmates require maximum security segregation, no inmate shall be served a meal in his cell.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 677, 689 (S.D. Tex. 1975).

Whether or not detainees are to eat in their cells is a contributing factor to finding that double-celling is unconstitutional.

Benjamin v. Malcolm, No. 75-3073 (S.D.N.Y. Nov. 18, 1975), p. 5.

Fact that jail had no dining hall to accommodate prisoners and that prisoners were thus forced to eat standing up in halls or in their cells, contributed to court's finding of constitutional violation (totality).

Dillard v. Pitchess, 399 F. Supp. 1225, 1229, 1235 (C.D. Cal., 1975).

Detainees to be given clean area with tables and chairs for eating of meals.

Feely v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), p. 2.

Detainees must be permitted access to the day room and dining room.

Feely v. Sampson, Civil Action No. 75-171, Opinion at 10 (D.N.H., Sept. 24, 1976).

Inmates in administrative segregation (1B) are entitled to eat their meals at tables in the day room rather than in their cells.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y. 1975).

Fact that inmates in 1B (administrative segregation) eat in their cells while inmates in general population eat in day room, among other factors, compels finding that 1B inmates are more isolated than inmates in general population.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 840 (S.D.N.Y. 1975).

Jail officials shall study the possibilities for using plastic-ware and regimented vs. unstructured seating.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 7.

Jail officials shall study regimented vs. unstructured seating in dining area.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 7.

Lack of silverware other than spoons led to finding of constitutional violation. (Totality).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 224.

All inmates shall be furnished with adequate table space for taking meals.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 6.

Court requires plan outlining feasibility of serving meals outside cell blocks.

Mitchell v. Untreiner, 421 F. Supp. 886, 901 (N.D.Fla. 1976).

All inmates shall be furnished with adequate table space for taking meals at mealtime (unclear whether in cells or common areas).
Mitchell v. Untreiner, 421 F. Supp. 886, 898 (N.D. Fla. 1976).

A dining hall shall be built.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), pp. 38-42.

Fact that tables in cells where inmates ate their meals was within 12 feet of unenclosed toilet facilities contributed to court's finding of constitutional violation. (Totality).
Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 7.

Requiring detainees to eat in their cells is not unconstitutional. (Dicta).
Valvano v. Malcolm, No. 70-C-1390 (E.D.N.Y., July 31, 1974) (Memorandum of Decision and Order), p. 18, aff'd sub. nom Detainees of the Brooklyn House of Detention for Men v. Malcolm, 520 F. 2d 392, 396, n.3. (2nd Cir. 1975.

Whether or not inmates eat in their cells is a matter of administrative discretion.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 81-82.

VI.E. Food--Schedule of meals

Three daily meals shall be served on a regular basis.
Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

Each inmate shall have the opportunity to have 3 meals daily.
Collins v. Schoonfield, Civil No. 71-500-K (D.M., July 24, 1972) (Interim Decree), p. 15.

Detainees shall be served at least 2 nourishing meals and one snack each day.
Hamilton v. Love, No. LR-70-C-201 (E.D. Ark., June 22, 1971) (Interim Decree), p. 3.

Jail officials shall study possibilities for revising the length of meals and time periods between meals.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 7.

Jail officials shall study the time periods between meals and length of meals.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 7.

Full meals shall be provided to each inmate each day at about 8:00 a. m. and 6:00 p. m., with a snack in the evening.
Martinez v. Board of County Commissioners, No. 75-M-1260 (D. Colo., Dec. 11, 1975) (Consent Judgment), p. 2.

VII. DISCIPLINE AND SECURITY

Prison officials' legitimate concern for security must be given due weight in considering the constitutionality of specific conditions.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 840 (S.D. N.Y. 1975).

The courts should not second guess the assessment of the state of institutional morale if made in good faith by officials authorized to run the institution.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y. 1975).

Although pre-trial detainees may not be punished, conditions that may be viewed as punitive are constitutional if they further the purpose of maintaining custody, security, or internal order and discipline.
Padgett v. Stein, 406 F. Supp. 287, 295 (M.D. Pa. 1975).

The sole aim of jail discipline is preserving order; no considerations of rehabilitation exist.
Rhem v. Malcolm, 371 F. Supp. 594, 631 (S.D.N.Y.), aff'd, 507 F. 2d 333 (2d Cir. 1974).

Detainees, unlike bailees, present problems of escape, destruction of jail property, contraband, etc., and this difference in situation justifies a difference in treatment which reflects reasonable classification, is substantially related to the difference in status or class, and is closely and substantially related to a permissible governmental objective.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Ct., Wayne Co., Mich., 1971) (Opinion), p. 70.

VII.A. Discipline and Security--Managment and operations

A modern special telephone system shall be installed, including provisions for the following functions: count, fire alarm, and emergency alarm, direct dial to police, conference calling, and monitor conversation, and a public address system shall be installed.
Hamilton v. Landrieu, 351 F. Supp. 549, 554 (E.D. La. 1972).

District court did not exceed its authority in directing that a communication system be established.
Smith v. Sullivan, 553 F. 2d 373, 380 (5th Cir. 1977).

VII.A.1. Discipline and Security--Management and operations--Intake

Conditions in receiving room found to violate Eighth Amendment and applicable state law.
Anderson v. Redman, 429 F. Supp. 1105, 1121 (D.Del. 1977).

VII. DISCIPLINE AND SECURITY

Prison officials' legitimate concern for security must be given due weight in considering the constitutionality of specific conditions.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 840 (S.D. N.Y. 1975).

The courts should not second guess the assessment of the state of institutional morale if made in good faith by officials authorized to run the institution.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y. 1975).

Although pre-trial detainees may not be punished, conditions that may be viewed as punitive are constitutional if they further the purpose of maintaining custody, security, or internal order and discipline.
Padgett v. Stein, 406 F. Supp. 287, 295 (M.D. Pa. 1975).

The sole aim of jail discipline is preserving order; no considerations of rehabilitation exist.
Rhem v. Malcolm, 371 F. Supp. 594, 631 (S.D.N.Y.), aff'd, 507 F. 2d 333 (2d Cir. 1974).

Detainees, unlike bailees, present problems of escape, destruction of jail property, contraband, etc., and this difference in situation justifies a difference in treatment which reflects reasonable classification, is substantially related to the difference in status or class, and is closely and substantially related to a permissible governmental objective.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Ct., Wayne Co., Mich., 1971) (Opinion), p. 70.

VII.A. Discipline and Security--Managment and operations

A modern special telephone system shall be installed, including provisions for the following functions: count, fire alarm, and emergency alarm, direct dial to police, conference calling, and monitor conversation, and a public address system shall be installed.
Hamilton v. Landrieu, 351 F. Supp. 549, 554 (E.D. La. 1972).

District court did not exceed its authority in directing that a communication system be established.
Smith v. Sullivan, 553 F. 2d 373, 380 (5th Cir. 1977).

VII.A.1. Discipline and Security--Management and operations--Intake

Conditions in receiving room found to violate Eighth Amendment and applicable state law.
Anderson v. Redman, 429 F. Supp. 1105, 1121 (D.Del. 1977).

New inmates will be assigned to single cells for at least 48 hours until the classification committee can make a living assignment.

Goldsby v. Carnes, 429 F. Supp. 370, 382 (W.D. Mo. 1977) (consent judgment).

Stipulation agreement required that county make necessary alterations to provide an additional "holding cell" for the temporary holding of prisoners in connection with bookings, court appearances, and pre-release.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., April 30, 1974) (Stipulation for Partial Settlement), p. 2.

If a person is brought to the jail for booking and appears to need emergency care, he or she shall be immediately sent to a hospital and booking deferred, unless the jail physician is physically present and determines that this is not necessary.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1976) (Order re: Medical Issues), p. 6.

Upon booking, inmates may be housed in any suitable location pending possible pre-trial release.

Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Classification System), p. 2.

Sheriff required to file a plan for avoiding delay and overcrowding in the reception process.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Court, Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motions to Amend Judgment), pp. 26-27.

VII.A.2. Discipline and Security--Management and operations--Records
(See also Medical Care--Medical records)

Assignment of inmates to jobs where they have access to other inmates' records or information shall be discontinued.

Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La. 1972).

The Chief City Administrator shall install a new and adequate system of records in the prison, and 6 clerks shall be hired to implement it.

Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La. 1972).

No inmate shall have access to any other inmates' records.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 17.

VII.A.3. Discipline and Security--Management and operations--Locks

Each cell shall be equipped with a lock which can be operated and locked by the detainee from inside the cell and also controlled by correctional officers.

Ahrens v. Thomas, 434 F. Supp. 873, 902 (W.D. Mo. 1977).

Broken locks contribute to a finding of cruel and unusual punishment as to juveniles (totality).

Baker v. Hamilton, 345 F. Supp. 345, 353 (W.D. Ky. 1972).

A better system of key identification and key control shall be introduced, and a master set of duplicate keys shall be kept outside the prison.

Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La. 1972).

Cell-locking system must be placed in good working order.

Jones v. Wittenberg, 330 F. Supp. 707, 721 (N.D. Ohio 1971).

VII.A.4. Discipline and Security--Management and operations--Movement (see also Programs and Activities--Cell Confinement)

Confinement of detainees to one tier violates their constitutional right to freedom of movement.

Feeley v. Sampson, Civil Action No. 75-171,Opinion at 9 (D.N.H., Sept. 24, 1976).

Necessary movement shall be evaluated and schedules and routes devised to provide more systematic usage of circulation routes and greater control over movement.

Hamilton v. Landrieu, 351 F. Supp. 549, 555 (E.D. La. 1972).

VII.B. Discipline and Security--Procedural due process

Issue of preliminary relief as to disciplinary procedures put aside because defendants have represented to court they are currently complying with plaintiffs' demands.

Benjamin v. Malcolm, 75 Civ. 3073 (S.D.N.Y., July 11, 1975), p. 5.

Issues of disciplinary due process and the attendant security problems are appropriately decided after an evidentiary hearing and not by summary judgment.

Forts v. Malcolm, 76 Civ. 101 (S.D.N.Y., Feb. 1, 1977) (Memorandum), p. 6.

There shall be no discipline of an entire group of inmates unless all of them participated in the wrongful act.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

There shall be no discipline of a group of inmates unless all of them participated in the wrongful act.

Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

Subjecting inmates to disciplinary proceedings without regard for elementary considerations of fairness is unconstitutional and violative of state statute (totality).

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 224, 237.

There shall be no discipline of a group of inmates unless they all participated in the wrongful act.

Marion County Jail Inmates v. Broderick, No. IP72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 11-12.

Arbitrary and summary discipline by taking of "privileges" from entire cells of inmates without notice and without any opportunity for inmates to be heard denies due process.

Mitchell v. Untreiner, 421 F. Supp. 886, 895 (N.D. Fla. 1976).

For purposes of due process, "discipline" or "punishment" includes: solitary confinement or segregation, the imposition of corporal punishment, and the withdrawal of rights, privileges, or entitlements ordinarily accorded to inmates of the institution; action taken to preserve the safety or security of an inmate shall not be considered discipline or punishment, so long as it is reasonably related to the existing circumstances.

Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), p. 2.

If the facts of a jail rule violation are presented to the prosecutor, the inmate shall not be disciplined or put into isolation, but into a higher security level.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 2.

VII.B.1 Discipline and Security--Procedural Due Process--Rules

Prohibited acts and sanctions listed.

Goldsby v. Carnes, 429 F. Supp. 370, 382-87 (W.D. Mo. 1977) (consent judgment).

VII.B.1.a. Discipline and Security--Procedural due process--Rules--Existence and notice

Each detainee shall receive a copy of all rules and regulations.

Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

Inmates to be provided with written rules and regulations.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1232 (D.V.I. 1976).

All rules, procedures, and other notices in jails should be posted in English and Spanish.

Batchelder v. Geary, No. C-71-2017 RFP (N.D. Ca., April 16, 1973) (Order), 2 Prison L. Rptr. 283, 284.

Court ordered County District Attorney to prepare and submit within 60 days a comprehensive and specific code of all chargeable in-jail offenses by pre-trial detainees, listing the range of potential punishments for each offense.

Bishop v. Lamb, Civil No. LV-1864, (D. Nev., Aug. 24, 1973) (Order), pp. 1-2.

Jail personnel may segregate troublesome disciplinary problems but they must establish and apply appropriate standards for doing so.

Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Ca. 1972).

No inmate shall be denied rights or privileges unless he is accused of violating the law and/or a posted jail rule.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 6.

Women inmates at Monroe County Jail entitled to rules governing discipline and medical care (consent judgment).

Cooper v. Morin, No. 74-1411 (Monroe County Sup. Ct., April 21, 1976), p. 12.

Inmates have right to rules concerning receipt of publications from outside and due process.

Cooper v. Morin, No. 74-1411 (Monroe County Sup. Ct., March 21, 1975), p. 5.

Jail rules should be posted in a legible and widespread manner, and amendments thereto should be promptly and thoroughly publicized.

Dillard v. Pitchess, 399 F. Supp. 1225, 1241 (C.D. Ca. 1975).

Detainees to have copy of rules and regulations rules to cover disciplinary procedures. Rules to be given to detainees upon admission and posted.

Feeley v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), pp. 4-5.

Written rules must be promulgated. "A jail must be run by rules, not by fiat and the whims and vagaries of the personal standards of those in charge."

Feeley v. Sampson, No. 75-171, Opinion at 26-27 (D. N. H., Sept. 24, 1976).

Department of Corrections rules and regulations will be made available in jail law library.

Funches v. Beame, No. 73 Civ. 572, Judgment Granting Permanent Injunction at 2 (E.D.N.Y., Jan 20, 1977).

Prison should be required to supply copies of rules and regulations to inmates.

Funches v. Beame, No. 73-572 (E.D.N.Y., July 12, 1974), p. 16.

No special rule book need exist for inmates in administrative segregation (1B), where rules are the same as for general population.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

Each inmate shall receive a rule book, and no one will be disciplined for any offense not in the handbook or given a punishment not listed in the handbook.

Goldsby v. Carnes, 365 F. Supp. 395, 402 (W.D. Mo. 1973) (Consent Judgment).

Each inmate shall receive a summary listing of rules and regulations. Each living area shall receive a copy of the more complete Inmate Manual, which shall set forth hearing procedures and sanctions. No sanctions will be imposed other than those listed in the manual and inmates will not be sanctioned for any violation not listed in the handbook.

Goldsby v. Carnes, 429 F. Supp. 370, 375 (W.D. Mo. 1977) (consent judgment).

Inmate rules shall be reviewed and revised into a clear, concise form and shall be distrubuted to each inmate upon his committment.

Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La. 1972).

Detainees must be informed of jail rules on entering the jail and a copy of the rules shall remain posted in, or within reading distance of, each cell.

Hamilton v. Love, 358 F. Supp. 338, 345-46, 348 (E.D. Ark. 1973).

The Parish Council shall adopt written jail regulations, and shall post such regulations where they can be read by prisoners, and shall provide a copy of them to each inmate upon his confinement.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 19.

No inmate shall be disciplined unless he has been given prior notice of jail rules and the possible consequences of their violation.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1976) (Order for Partial Judgment), p. 12.

Clearly defined written rules and procedures informing jail inmates of conduct proscribed and possible penalties flowing from violations must be posted or otherwise made available to inmates.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1166 (E.D. Wisc. 1973).

Institution to draft and promulgate rules.

Inmates of the Suffolk County v. Eisenstadt, 360 F. Supp. 676, 692-3 (D. Mass. 1973).

No federal prisoner may be placed in a segregation cell unless the rule or regulation allegedly violated has been clearly communicated in advance.

Johnson v. Lark, 365 F. Supp. 289, 304 (E. D. Mo. 1973).

Jail officials ordered to draft an up-to-date inmate guide including a comprehensive list of rights and privileges of inmates, and explanation of all available programs and services, a set of disciplinary rules and procedures, a set of rules for the filing, hearing and consideration of inmate grievances, and a set of rules for reasonable visitation, to be published in English and Spanish, posted within the jail, and made available to all inmates, and to any attorney, friend or family member of an inmate on request.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order), p. 4.

Jail rules and penalties must be established in advance and made known to all inmates.

Jones v. Wittenberg, 330 F. Supp. 707, 720 (N.D. Ohio 1971).

Rules and regulations to be provided for detainees concerning:

1) use of television
2) right to appeal revocation of visitation rights to Commission of Correction
3) right to appeal censorship of incoming material to Commission
4) educational programs available.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), pp. 2,4,6.

If prison superintendent intends to grant some but not all prisoner requests for press interviews and conferences, he should develop guidelines governing the issuance of permission which delineate precise and objective tests necessary to protect legitimate government interests, and which limit discretion in approving or disapproving such requests.

Main Road v. Aytch, 522 F. 2d 1080, 1091 (3rd Cir. 1975).

Jail regulations should be posted or supplied to inmates in pamphlet form.

Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975), pp. 21, 48.

No inmate shall be disciplined unless she/he has been given actual notice of the jail rules and the possible consequence of their violation prior to the alleged improper conduct.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 14.

Due process requires that inmates be provided with rules specifying prohibited conduct and the range of penalties for their infraction.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 8.

Rules shall be posted in conspicuous places and made available on request.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973), ¶45.

Each incoming detainee must be notified of availability of jail rules, and they must be posted.

Moore v. Janing, 427 F. Supp. 567 (D. Neb. 1976).

Prison officials shall compile comprehensive rules and regulations governing inmate conduct and the operation of the jail which are sufficiently clear and definite to apprise inmates of conduct which constitutes a breach of discipline, the possible penalties and sanctions which may be imposed for such conduct, and a complete statement of the procedure by which such determination shall be made, and said rules shall be posted, distributed and when necessary, explained to inmates. An inmate shall not be punished except for conduct which violates an existing rule or regulation.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), pp. 3-4.

Right to rules is issue inappropriate for preliminary relief.

Powlowski v. Wullich, 81 Misc. 2d 895, 902 (Sup. Ct., Monroe County, 1975)

Placing one copy of the prison regulations in the library does not meet due process requirement of informing inmates of institutional rules.

Rodriguez v. Jiminez, 406 F. Supp. 582, 595 (D.P.R. 1976).

All inmates shall be provided with a written code of prohibited conduct which specifies with particularity the rules and regulations of the institution and the range of penalties for infractions thereof.

Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), p. 1.

Each inmate and visitor shall be provided a copy of the Visiting Rules.

Stanley v. Walker, Civil No. 74-1229 (E.D. Pa., June 4, 1974) (Stipulation), p. 3.

Within 24 hours of admission, inmates shall be notified in writing of jail rules, penalties, and disciplinary procedures.
Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 2.

Inmates must be apprised of what conduct can subject them to discipline, the penalties for infraction, and the hearing procedure.
Taylor v. Sterrett, 344 F. Supp. 411, 423 (N.D. Tex. 1972).

Absence of published disciplinary rules is unconstitutional.
Tyler v. Percich, 74-40-C(2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion), p. 7.

Due process requires notice of the conduct expected, either from jail rules and regulations or from common sense and general knowledge.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 90.

VII.B.1.b. Discipline and Security--Procedural due process--Rules--Vagueness

Rules shall set forth list of specifically defined prohibited conduct and list of disciplinary sanctions.
Ahrens v. Thomas, 434 F. Supp. 873, 904 (W.D. Mo. 1977).

The use of vague language in defining punishable in-jail infractions impinges upon the due process rights of prisoners.
Batchelder v. Geary, No. C-71-2017 RFP (N.D. Ca., April 16, 1973) (Order), 2 Prison L. Rptr. 283, 284.

Inmates may not be punished for conduct of an innocuous or trivial nature under vague and uncertain standards and regulations because such conduct may offend the sensibilities of individual corrections officers where such conduct poses no threat to the security and order of the institution.
Collins v. Schoonfield, 344 F. Supp. 257, 272 (D. Md. 1972).

Fact that jail rules were vague, ineffectively promulgated, and only partially stated in writing constituted violation of 14th amendment.
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), p. 230.

Court found code of jail rules to be constitutionally deficient in that: its authorization of punishment for "disorderly conduct" was unconstitutionally vague; notice of minor infractions included only a statement of recommended disciplinary action to which the supervisor was not bound; and the rules did not prescribe the maximum time period for initiation and completion of disciplinary action.
Sandoval v. James, No. C-72-3312 RFP(N.D. Ca., Oct. 3, 1975) (Opinion), p. 20.

Regulation forbidding "disturbances" is unconstitutionally vague, but other regulations forbidding contraband, disrespect, fighting, destruction of property, escape, assault, sexual assault, and agitating group resistance to authority are acceptable.
Tate v. Kassulke, 409 F. Supp. 651, 659 (W.D. Ky. 1976).

VII.B.2. Discipline and Security--Procedural Due Process--Hearings

Courts can review the merits of disciplinary decisions only to the extent of determining if they are arbitrary and capricious.
Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), p. 10, aff'd on other grounds, 496 F. 2d 1252 (8th Cir. 1974).

Examples of punishments involving "grievous loss" and requiring that the accused inmate be afforded a hearing are: transfer to solitary, prolonged denial of exercise outside the cell, normal telephone use, normal visitation privileges, and "store box" use.
Berch v. Stahl, 373 F. Supp. 412, 423 (W.D.N.C. 1974).

Jail officials shall preserve for at least two years from date of decision all notices, charges, reports, photographs, tape recordings, transcriptions, and evidence and records of any kind used, made or procured, and all findings and decisions made in connection with any disciplinary proceedings.
Berch v. Stahl, 373 F. Supp. 412 (W.D.N.C. 1974).

Detainee placed in "isolation" for three days had no right to hearing since measure was taken to maintain order and not to punish.
Christman v. Skinner, 468 F. 2d 723, 725 (2nd Cir. 1972).

If any inmate is housed in a strip cell for more than 2 hours, the Warden shall so inform the jail board, and a hearing shall be held as soon as possible and in any event within 24 hours if at all possible and a similar hearing shall be held if inmates so confined are denied privileges afforded other inmates.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md. July 24, 1972) (Interim Decree), pp. 4-5.

An inmate can be subjected to loss or curtailment of privileges for less than 7 days without a hearing, if an officer above the rank of lieutenant makes a finding of probable cause and if a written report of such action is made.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 7.

Where plaintiff was placed in segregation without a hearing, he was not deprived of any rights demanding due process.
Cook v. Brockway, 424 F. Supp. 1046, 1052 (N.D. Tex. 1977).

Punishable inmate rule violations should be reviewable with some semblance of due process.
Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La. 1972).

No detainee to be put in segregation without hearing.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 692 (D. Mass. 1973).

Court ordered that no inmate should be confined in isolation or solitary confinement, or maximum security cells, or the inmate's own cell for disciplinary purposes, unless a hearing is held within 24 hours.
Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order), p. 2.

Assignment to administrative tier, as distinguished from segregation, does not require hearing or other due process procedure, if conditions in the administrative tier are not different from those in general population. Denial of right to movies, outside recreation, and group movement to library are significant difference.
Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., March 5, 1973), pp. 11-12.

Due process claim going beyond established law inappropriate for preliminary relief when facts are disputed.
Powlowski v. Wullich, 81 Misc. 2d 895, 900-01 (Sup. Ct., Monroe Cty. 1975).

Consent decree orders N.Y.C. Board of Correction to monitor disciplinary hearings at Tombs for a period of 6 months.
Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., Aug. 2, 1973).

Disciplinary hearings shall be open to members of the bar, bench, news media, appropriate public officials, law students, students of sociology, penology, psychology and related fields, and selected members of the general public, and written reports of disciplinary hearing decisions shall be made public record.
Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), pp. 4-5.

Law requires detainee to be given some sort of hearing before being placed in solitary.
Smith v. Sampson, 349 F. Supp. 268, 270 (D.N.H. 1972).

Hearings may be postponed in an emergency, but only until the emergency has passed.
Tate v. Kassulke, 409 F. Supp. 651, 657 (W.D. Ky. 1976).

Absence of hearings and notice of disciplinary charges is unconstitutional.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion), p. 7.

VII.B.2.a. Discipline and Security--Procedural due process--Hearings--Attributes

Court ordered that inmates facing disciplinary action be afforded the following procedural due process rights: the right to 5 days notice for major infractions and 2 days notice for minor infractions; the right to an impartial hearing board consisting of a local attorney, the chaplain, and the rehabilitation officer; the right to a "counsel-substitute" to advocate in his behalf; the right to cross-examine witnesses; and the right to an interpreter in the case of a non-English speaking inmate.

Batchelder v. Geary, No. C-71-2017 RFP (N.D. Ca., April 16, 1973) (Order), 3 Prison L. Rptr. 283, 284.

Due process requires notice, opportunity to call witnesses, legal assistance, written findings and reasons, and an impartial fact-finder.

Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), p. 10, aff'd on other grounds, 496 F. 2d 1252 (8th Cir. 1974).

In all cases where the possible penalty for a disciplinary infraction involves a grievous loss, the prisoner must be given the opportunity to request a hearing including: an impartial hearing officer; reasonable advance oral or written notice; disclosure at the hearing of the evidence against him; the right to present witnesses and confront his accusers; a short, written statement of the hearing's conclusions.

Berch v. Stahl, 373 F. Supp. 412, 422 (W.D.N.C. 1974).

For every inmate disciplinary infraction which may result in the inmate's loss of privileges or reduction of status, written notification of the offense must be provided the inmate by the charging officer prior to the imposition of punishment.

Berch v. Stahl, 373 F. Supp. 412, 422 (W.D.N.C. 1974).

Court ordered county district attorney to prepare within 60 days a proposed set of procedural guidelines to govern all disciplinary action on pre-trial detainees which provide the essentials of procedural due process, including: timely written notice and a hearing prior to punitive action, including the right to confront witnesses, the opportunity for the pre-trial detainee to be heard, the right to call material witnesses, the right to a hearing and decision by an impartial tribunal, and the right to a summary record of the proceedings.

Bishop v. Lamb, Civil No. LV-1864 (D. Nev., Aug. 24, 1973) (Order), pp. 3-4.

Disciplinary hearings shall include the following attributes: Written notice of charges to the inmate within 24 hours describing the rule allegedly violated, the alleged misconduct, names of witnesses and date of the hearing; a hearing officer who is a lawyer and member of the bar; the right to representation by counsel or counsel-substitute; the right to present evidence and confront and cross-examine the witnesses against him; and a written record of the hearing and decision of the hearing officer.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), pp. 8-10.

Parties stipulated that prior to the confinement of an inmate in isolation, he is entitled to notice, an opportunity to be heard, a fair hearing, an impartial hearing, and a transcript of the hearing but that summary punishment, without a hearing, may be proper if: (1) the inmate's conduct poses a substantial and immediate threat to safety or security; (2) the circumstances demonstrate strong probability of guilt; (3) an appropriate investigation has assured that the punishment is not arbitrary and irrational; and (4) a hearing is held within 24 hours.

Collins v. Schoonfield, 344 F. Supp. 257, 274 (D. Md. 1972).

Actual trial-type procedures are not required in prison disciplinary hearings, but only a minimally fair and rational inquiry into the charges and circumstances.

Collins v. Schoonfield, 363 F. Supp. 1152, 1170 (D. Md. 1973).

Prison officials to conduct disciplinary hearings in conformance with requirements below:

1) written notice to inmate 24 hours prior to hearing.
2) impartial hearer of evidence, written decision.
3) right by inmate to call witnesses.
4) consultation with counsel where inmate is or may be charged criminally.

Cooper v. Morin, No. 74-1411 (Monroe County Sup. Ct., March 21, 1975) (further expanded in an order of April 21, 1976), pp. 3-4).

Disciplinary hearings at Monroe County Jail to be conducted in conformity with following:

1) Advisement of right to attorney where criminal charge may result.
2) Written notice of 5th Amendment rights.
3) Hearings improperly conducted are a nullity.
4) Inmates, if entitled to counsel, can waive right only in writing.
5) Jail official can grant more rights than those mandated by law. (Consent Judgment)

Cooper v. Morin, No. 74-1411 (Monroe County Sup. Ct., April 21, 1976), pp. 2-3.

Detainees must receive advance written notice of charges, not less than 24 hours before hearings. Hearing board must be impartial. Detainee has right to call witnesses. Detainee permitted to retain counsel. Detainee may be allowed to confront and cross-examine witnesses. Written finding of fact to be provided to detainee. Detainee has right of appeal to impartial party.

Feeley v. Sampson, No. 75-171 (D.N.H., Sept. 14, 1976), pp. 5-7.

Detainees are entitled to the procedural safeguards of Wolff v. McDonnell. In addition, they must be permitted to retain counsel or counsel substitutes.

Feeley v. Sampson, No. 75-171, Opinion at 29-32 (D.N.H., Sept. 24, 1976).

Inmates may be placed in administrative segregation only after procedural protections approved by Court in Cardaropoli, 523 F. 2d at 995-99, as modified: a) inmate must get in writing notice of reasons for segregation, description of evidence, and outline of right to hearing; b) inmate may appear at hearing, make a statement, and submit documentary evidence; c) hearing shall be conducted by disinterested person; d) adequate notes must be kept; e) limited right to cross-examine and confront witnesses; f) review of decision of hearing officer within 48 hours; g) review of status every 30 days by warden.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 848-49 (S.D.N.Y. 1975).

Inmates accused of violating rules shall receive notice, a hearing before an impartial body within 72 hours, confrontation, cross-examination, and witnesses, written findings and conclusion. There shall be a right to judicial review.

Goldsby v. Carnes, 365 F. Supp. 395, 402-03 (W.D. Mo. 1973) (consent judgment).

Inmates shall receive written notice of charges of major offenses within 24 hours of the offense and shall have a hearing before an impartial committee of three staff, none of whom were involved in the incident or the investigation. The hearing shall be held within 72 hours and the inmate may have a 48 hour extension. The inmate shall be able to call a reasonable number of witnesses. The inmate may confront his accusor and cross-examine opposing witnesses unless the inmate accusor believes he is in danger of serious physical harm. The committee shall privately review the testimony and guilt shall be found based on substantial reason to believe the inmate committed the alleged infraction. A written record of findings, conclusions and testimony shall be kept for one year. There is a right of appeal to the Director of the Department of Corrections and then to the state courts.

Goldsby v. Carnes, 429 F. Supp. 370, 376-77 (W.D. Mo. 1977) (consent judgment).

In cases of minor violations--those punishable only by loss of privileges for 14 days or less--inmates will receive hearings before a hearing officer, notice within 24 hours, a written disposition, and the right of appeal.

Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

An inmate who is subject to disciplinary action is entitled to written notice of the rule allegedly violated, the specific conduct constituting such violation and the right to a hearing and a hearing including the right to present evidence, to confront and cross-examine accusers and their witnesses, private counsel and a fair and impartial hearing officer or panel.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), pp. 13-14.

Slight deprivations of privileges for minor rule violations by pre-trial detainees did not violate due process where inmates received at least 3 written notices of described violation and opportunity to discuss the matter with the superior officer prior to any loss of privileges.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1166 (E.D. Wisc. 1973).

Before pre-trial detainees may be subjected to loss of privileges for more than one day, there must be: A hearing before an impartial officer; reasonable advance notice of the hearing; general written description of the charges; the right to present witnesses; the right to confront and question accusers; and a short, written statement of the conclusions of the hearing officer, although counsel or counsel substitute are not required.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1166-67 (E.D. Wisc. 1973).

Inmates subject to disciplinary action to be given 1) advance written notice of the charge, 2) right to confront and cross-examine witnesses, 3) written notice of decision, 4) Miranda warnings if offense punishable under penal law.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

Lack of hearings, prior written notice of charges, definite standards for administering rules, counsel at hearings, right to present witnesses and confront accusers and appeal constituted 14th Amendment violation.

Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 230-231

No federal prisoner may be placed in a segregation cell without notice of charges, a hearing, and notice of a decision.

Johnson v. Lark, 365 F. Supp. 289, 304 (E.D. Mo. 1973).

Elaborate procedures for hearing officers, witnesses, and hearing procedures are precluded by the necessity for speedy discipline, but records must be kept of the time and place of infractions and administrative review shall be available.

Jones v. Wittenberg, 330 F. Supp. 707, 720 (N.D. Ohio 1971).

Inmates charged with any violation of jail rules which may result in "grievous loss" shall be afforded: written notice at least 7 days prior to the hearing; counsel substitute; a hearing before an impartial board; an interpreter if the inmate does not understand English; and the right to confront accusers, to introduce evidence, and to cross-examine witnesses; and a written decision containing the facts relied upon; and inmates charged with minor violations shall be afforded: written notice and the opportunity for a hearing; an impartial decision-maker; counsel substitute; an opportunity to cross-examine the complaining officer; and the right to present testimony in defense.

Kindale v. Dowe, Civil No. 73-374 GT (S.D.Ca., Oct. 29, 1974) (Preliminary Injunction), pp. 7-8.

Inmates shall receive notice, a hearing, counsel substitute, the right to call witnesses, and written findings before disciplinary action is taken.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), pp. 9-10.

Inmates charged with infractions of jail rules shall be entitled to: written notice of the charge within 24 hours of the alleged offense; a hearing, within 72 hours, before a panel of 3 persons, during which the inmate will have the right to testify, to present witnesses in his behalf to confront and cross-examine those testifying against him, and to be represented by a lay advocate; and a copy of written findings of fact and conclusions within 24 hours of the hearing.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 14-15.

Due process requires that disciplinary procedures include: adequate notice advising the inmate proceeded against of the allegations comprising the charge against him; a hearing before an impartial fact-finder and decision-maker; provisions for adequately explaining the hearing procedures to the inmate; provisions for granting the inmate immunity in a subsequent criminal prosecution; the right of the inmate to be heard, to present evidence, and to confront his accusers; and the right to an appeal from the initial hearing.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 9 (Affirmed in Order and Permanent Injunction).

Inmates charged with violations that could lead to disciplinary violations shall receive Miranda warnings.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶46.

Defendants ordered to comply with local courts' jail due process rules.

Moore v. Janing, 427 F. Supp. 567, 577 (D. Neb. 1976).

Inmates shall receive notice, a hearing, and a written disposition before disciplinary sanctions are imposed.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶46.

Inmates accused of infractions of rules shall receive written notice of charges 24 hours prior to hearing; a hearing within 72 hours; confrontation and cross-examination; and a written disposition. The person bringing the charge shall not serve on the disciplinary tribunal.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973) (Consent and Judgment), p. 5.

Disciplinary hearings that comport with the requirements of Wolff v. McDonnell satisfy the constitution.

Padgett v. Stein, 406 F. Supp. 287, 294 (M.D. Pa.1975).

Inmates at Tombs may be disciplined following the procedures set forth below:

1) Notice 36 hours prior to hearing.
2) Inmate has right to call, confront, and cross-examine witnesses.
3) Inmate may have counsel or counsel substitute in some circumstances.
4) Hearing officer must be impartial.
5) Inmate gets written findings and reasons within 24 hours of hearings.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., March 22, 1974), pp. i-ii.

In disciplinary proceedings threatening "grievous loss," detainees are entitled to (1) written notice, (2) confrontation, cross-examination, and witnesses, (3) written findings and reasons, and (4) counsel or counsel-substitute in accord with Gagnon v. Scarpelli or in any case where criminal prosecution may result.

Rhem v. Malcolm, 371 F. Supp. 594, 632 (S.D.N.Y. 1974), aff'd, 507 F. 2d 333 (2d Cir. 1974). (These procedures are spelled out at 377 F. Supp. 995, 1001).

Except in situations where an inmate is exhibiting violent and ungovernable behavior, no inmate shall be disciplined unless he is first accorded written notice, delivered sufficiently in advance, describing the alleged offense with particularity; a hearing before an impartial board; an explanation of the charges and procedures, notice of his right to remain silent, to call witnesses and testify in his behalf, to confront and cross-examine his accusers, to use immunity in subsequent prosecution, to be represented by counsel or counsel substitute, and to be furnished with a written stenographic transcript of the proceedings and a written report of the board's decision.

Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), pp. 2-5.

The rules of evidence applicable to administrative proceedings shall apply to disciplinary hearings.

Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), p. 4.

The disciplinary review committee shall consist of not less than 3 persons, selected without regard to race, color, creed, sex, or national origin, and a member of a disciplinary committee shall be disqualified from sitting in any case in which: (1) he has participated as an investigating officer, (2) he will be a witness, (3) he is charged with subsequent review of the decision, (4) he has personal knowledge of any material facts, (5) he has any prior material involvement, or (6) he has any personal interest in the hearing's outcome.

Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), p. 3.

Court found disciplinary scheme adopted by jail officials constitutionally defective in that it permitted isolation for a period of 48 hours without a hearing, it permitted inmates only a conditional right of cross-examination, and it failed to require the disciplinary board to record and communicate their reasons for denying that right.

Sandoval v. James, No. C-72-3312 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 20.

Jail disciplinary procedures must comply with Wolff v. McDonnell.

Smith v. Sullivan, 553 F. 2d 373, 381 (5th Cir. 1971).

Inmates shall be advised of their right to remain silent at hearings on major disciplinary violations.

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 2.

Due process procedures for sentenced prisoners (Wolff) rather than those for parolees and probationers (Morrissey) apply to detainees (extensive discussion).

Sykes v. Kreiger, Civil Action No. C 71-1181 (N.D. Ohio, May 15, 1975) (Order), pp. 11-16.

Due process standards of Wolff v. McDonnell must be observed prior to punitive segregation.

Tate v. Kassulke, 409 F. Supp. 651, 657 (W.D. Ky. 1976).

Due process requires notice, an opportunity to be heard, a fair hearing and an impartial decision maker (i.e., non-custodial staff members) for disciplinary sanctions to be imposed. Counsel, compulsory process, confrontation and cross-examination are not required. The nature of the evidence must, however, be revealed.

Wayne County Jail Inmates, v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 90, 93, 96-97.

5 days in segregation constitutes a substantial punishment which can be meted out only after following minimal due process procedures, especially in light of punishment's effect on inmates' prison record. Prison officials should be required to write out charges against a prisoner and prisoner should be allowed to defend himself. Fact finder should be impartial person. Hearing should be simple and quick.

Wilkinson v. Skinner, 34 N.Y. 2d 53, 58 (1974).

VII.B. 2. Discipline and Security--Procedural due process--Hearings--Pre-hearing sanctions

Inmate not to be locked up on infraction pending hearing unless preliminary meeting with prison official immediately after incident establishes need therefore; if inmate is locked up pending hearing, such hearing must take place within 24 hours unless inmate wishes for more time (not clear if applicable to only convicted inmates).

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1232 (D.V.I. 1976).

Summary punishment of a pre-trial detainee, not preceded by a hearing, may be proper if: (a) the pre-trial detainee's conduct poses a serious, immediate, and substantial threat to the safety others or the security of the institution; and if (b) the circumstances indicate a strong probability of guilt; and if (c) a subsequent hearing is held as promptly as possible.

Bishop v. Lamb, Civil No. LV-1864 (D. Nev., Aug. 24, 1973) (Order), p. 4.

No inmate shall be placed in any solitary, isolation, or seclusion cell without a prior hearing unless (1) the inmate's conduct poses an immediate and serious threat to safety or security, and (2) the circumstances are such as to demonstrate a strong probability of guilt, and (3) there is sufficient inquiry to assure that the action is not arbitrary and irrational.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 8.

No inmate shall be subjected to the curtailment of privileges for more than 7 days without a hearing, and any inmate whose privileges are curtailed for more than 3 days may file a written request for a hearing which shall be held in the discretion of a hearing officer.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 7.

Summary punishment may be proper if: (1) the inmate's conduct poses a substantial and immediate threat to safety or security, (2) circumstances demonstrate strong probability of guilt, (3) an appropriate investigation has assured that the punishment is not arbitrary and irrational; and (4) a hearing is held within 24 hours.

Collins v. Schoonfield, 344 F. Supp. 257, 274 (D. Md. 1972).

Inmates may be placed in administrative separation after offenses, but for no longer than 72 hours, pending a hearing. This procedure is to be used only in cases where the inmate is a danger to himself or others or his acts may or will lead to the destruction of property.

Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

In emergency conditions, disciplinary measures may be imposed for a period of 48 hours without a hearing, but in all other cases, a charged inmate shall be given written notice of the charge and a hearing before some officer other than the accusing officer.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), pp. 19-20.

Although isolation of an inmate may not ordinarily be imposed without complying with procedural due process requirements, in cases of emergency, an inmate may be segregated pending a hearing or criminal prosecution if such is clearly necessary to protect the order or safety of the institution.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1167 (E.D. Wisc. 1973).

Although isolation of an inmate may not ordinarily be imposed as a disciplinary measure without complying with procedural due process requirements, an inmate may be segregated pending a hearing or criminal prosecution if such is clearly needed to protect the order or safety of the institution.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1167 (E. D. Wisc. 1973).

A federal prisoner may be placed in segregation prior to a hearing only if such person's conduct suggests a threat to himself, to others, or to safety and security of the jail.

Johnson v. Lark, 365 F. Supp. 289, 304 (E.D. Mo. 1973).

Court ordered that no inmate should be confined in isolation for disciplinary purposes unless the inmate's conduct presented a serious, immediate, and substantial threat to the health or safety of other inmates or guards, and a hearing is held within 24 hours.
Joiner v. Pruitt, No. 475-166 (Lake Cty. Ind. Super. Ct., Feb. 21, 1975) (Order), p. 2.

Inmates may be segregated prior to notice and a hearing if considered dangerous, but these must be provided on an expedited schedule.
Lambert v. Skidmore, No. C 2 74-135 (S. D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

It is constitutionally permissible for a hearing to follow rather than precede a transfer to segregation where the inmate has threatened harm to staff members or other inmates.
Padgett v. Stein, 406 F. Supp. 287, 294 (M.D. Pa. 1975).

Unless an inmate is exhibiting violent and ungovernable behavior, discipline shall not be imposed without a hearing.
Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), p. 2.

Jail officials may impose discipline or punishment upon an inmate without a prior hearing when, in the good faith exercise of their judgment, it is necessary to the maintenance of institutional security, provided that the duration of such discipline does not excede 48 hours.
Rucker v. Sandstrom, No. 73-350-Civ-PF (S.D. Fla., Nov. 28, 1973) (Stipulation), pp. 2-3.

Custodial staff may remove inmates from assigned housing for safety or security reasons, but classification staff must review the case by the next business day.
Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Classification System), p. 5.

Hearings will be held within 36 hours of imposition of a sanction.
Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 2.

Summary punishment may be imposed prior to and pending a hearing where the inmate's conduct poses a serious, immediate and substantial threat to security or the safety of others.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 88.

VII.B.3. Discipline and Security--Procedural due process--Criminal charges

An inmate charged with a violation that might lead to criminal prosecution shall be given Miranda warnings.
Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

If an inmate is charged with a violation that could also be prosecuted criminally, he shall be advised of his rights. If a case is referred to the District Attorney, internal disciplinary action may still proceed.

Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

Any inmate charged with a violation that could also be prosecuted in a state or federal court shall be given notice of his "Miranda" rights, and if a case is referred to the prosecuting attorney, no internal disciplinary procedure will be held pending the decision of the prosecutor whether or not to charge the accused with a crime.

Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 15.

In serious violation cases which result in reference to the district attorney with a request for criminal prosecution, no administrative disciplinary action may be taken whether or not the district attorney acts on the request.

Inmates of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1167 (E.D. Wisc. 1973).

Any inmate questioned regarding an offense that is criminally punishable must be informed of his rights.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

Any inmate questioned by jail officials regarding the commission of any offense punishable by the criminal law shall first be informed of his "Miranda" rights.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order), p. 3.

In the event that an alleged violation of jail rules would constitute a crime, the matter shall be referred to the district attorney for prosecution, and no action shall be taken pending court action or a decision by the district attorney not to prosecute.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary Injunction), p. 8.

If a case is referred to the prosecuting attorney, no internal disciplinary action, except segregation if necessary for the protection of others, shall be taken pending the decision of the prosecutor whether or not to charge the inmate with a crime.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 16.

VII.C. Discipline and Security--Punishment

Fact that detainees were given large quantities of laxatives and were forced to submit to blood tests for no legitimate reason led to court's finding of constitutional violation.

Anderson v. Nosser, 438 F. 2d 183, 192 (5th Cir. 1971); 456 F. 2d 835, 838 (5th Cir. 1972).

City enjoined from punishing detainees choosing not to be double-celled.

Benjamin v. Malcolm, No. 75-3073 (S.D.N.Y., Nov. 18, 1975) (Order), p. 3.

Punishments "which in the abstract appear to be minor deprivations, may in the context of confinement in prison constitute a very grievous loss to the disciplined prisoner."

Berch v. Stahl, 373 F. Supp. 412, 422 (W.D.N.C. 1974).

Inmates shall not be deprived of their clothes, blankets, food, hygienic items, mail or reading material for the purpose of punishment, provided all articles may be removed if there is probable cause to believe that inmate will use them in a dangerous or destructive manner.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Consent), 3 Prison L. Rep. 259, 260.

Jail officials must have the power to discipline detainees to maintain the order and security of an institution.

Collins v. Schoonfield, 363 F. Supp. 1152, 1169 (D. Md. 1973).

An inmate may not be denied privileges or be segregated from the general population because of: his religious, political or ideological views; his complaints or criticism of jail conditions or administration; the length of his hair or beard; the fact that he seeks counsel, assists or counsels other inmates, or files or pursues any litigation.

Collins v. Schoonfield, No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 6.

Placement in either a "discipline" cell or the "safe-keeping" cell constitutes punishment.

Feeley v. Sampson, No. 75-171, Opinion at 29 (D.N.H., Sept. 24, 1976).

Sentences for similar infractions may not, as a matter of law, be harsher in relation to inmates in administrative segregation (1B) solely because they are 1B inmates.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 843 (S.D.N.Y. 1975).

Punishments for offenses listed.

Goldsby v. Carnes, 365 F. Supp. 395, 411-12 (W.D. Mo. 1973) (consent judgment).

Prohibited acts and sanctions listed.
Goldsby v. Carnes, 429 F. Supp. 370, 382-87 (W.D. Mo. 1977) (consent judgment).

Inmates shall not be denied bedding, clothing or toilet articles as punishment.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

Medical attention shall not be denied as punishment.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶49.

Punitive loss of privileges shall be for a definite period.
Sykes v. Kreiger, Case No. 71-1181 (N. D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 2.

There is no question of the power of jail authorities to discipline inmates.
Taylor v. Sterrett, 344 F. Supp. 411 (N.D. Tex. 1972).

No punishment shall be imposed on inmates who are obviously mentally ill.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, No. 71-173217-CX (Circuit Court, Wayne Co., Mich., Dec. 1, 1975) (Order Regarding Causal Connection Between Violations of the Judgment and Suicide of Inmate David Fregin), p. 3.

Dicta that inmates facing punitive segregation have right to greater procedural guarantees than those given to inmates facing administrative segregation.
Wilson v. Beame, 380 F. Supp. 1232, 1236 (E.D.N.Y. 1974).

VII.C.1. Discipline and Security--Punishment--Punitive Segregation (Includes Keeplock, strip cells).

The confining of inmates in isolation cells shall not be used as punishment.
Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 261.

Jail personnel may segregate troublesome disciplinary problems, but they must establish and apply standards for doing so.
Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Cal. 1972).

Putting detainee in "isolation" for three days did not constitute punishment, but only maintenance of order and discipline, thus no minimal due process was necessary. (Strong dissent).
Christman v. Skinner, 468 F. 2d 723, 725 (2nd Cir. 1972).

Segregated or solitary confinement does not in itself violate the constitution.

Collins v. Schoonfield, 363 F. Supp. 1152, 1166 (D. Md. 1973).

The assignment of inmates of juvenile facility to sleep in the "Intensive Care" Unit when such juveniles have not demonstrated need for discipline or segregation is unconstitutional and in violation of state statute.

Manney v. Cabell, CV-75-3305-R (C.D. Ca., May 10, 1976) (Findings of Fact and Conclusions of Law), p. 7.

5 days in punitive segregation constitutes "substantial punishment" requiring minimal due process procedures. However, confining inmate in segregated cell does not itself constitute cruel and unusual punishment. Time spent in punitive segregation, the underlying offense, the conditions of the cell, and the physical and mental health of the inmate are all factors to be weighed in determining whether an instance of punitive segregation violates 8th amendment.

Wilkinson v. Skinner, 34 N.Y. 2d 53, 58, 59 (1974).

VII.C.1.a. Discipline and Security--Punishment--Punitive Segregation--Length.

Indefinite punitive segregation resulting from the manner in which detainee protested his being unlawfully forced to work, would constitute unreasonable and disproportionate punishment in violation of the Eighth Amendment.

Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), affirmed on other grounds, 496 F. 2d 1252 (8th Cir. 1974).

The use of solitary confinement for punishment is not per se cruel and unusual, but it becomes cruel and unusual if it is imposed for an excessive duration or if the inmate is denied clothing.

Berch v. Stahl, 373 F. Supp. 412, 420 (W.D.N.C. 1974).

It is unconstitutional to confine an inmate in a 5x7 foot unfinished "box" for over 24 hours, in a solid door solitary cell for over 15 days, or in a barred door solitary cell for over 30 days.

Berch v. Stahl, 373 F. Supp. 412, 421 (W.D.N.C. 1974).

Except under extreme conditions, the uninterrupted confinement, for a substantial period of time, of pre-trial inmates in strip cells is unconstitional.

Collins v. Schoonfield, 344 F. Supp. 257, 268 (D. Md. 1972).

Court held that 13 days' solitary confinement of prisoners who had participated in a jail riot and assaulted a guard was not excessive.

Collins v. Schoonfield, 363 F. Supp. 1152, 1168 (D. Md. 1973).

Isolation may not extend beyond fourteen days, unless voluntary or certified in writing by a medical doctor as medically necessary.
Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Isolation may not be used for extended periods of time.
Jones v. Wittenberg, 330 F. Supp. 707, 720 (N.D. Ohio 1971).

An inmate shall not be held in solitary confinement for more than five consecutive days.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

No inmate shall be kept in segregation for more than 30 days for any single instance of misconduct.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 15-16.

Both length and conditions must be considered in Eighth Amendment analysis of conditions in punitive segregation.
Osborn v. Manson, 359 F. Supp. 1107, 1110-11 (D. Conn. 1973).

When inmates are placed in indefinite isolation, the decision must be reviewed every 10 days by officials other than the ones who made the original decision.
Tate v. Kassulke, 409 F. Supp. 651, 662 (W.D. Ky. 1976).

An inmate who is confined in a solitary cell for more than 3 days shall have a hearing, before an impartial board, and no inmate shall be confined in solitary for over 15 days.
Taylor v. Sterrett, 344 F. Supp. 411, 421 (N.D. Tex. 1972).

VII.C.1.b. Discipline and Security--Punishment--Punitive Segregation--Conditions

Solitary confinement is permissible, but not in a cell without bed, chair or toilet facilities.
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Aug. 29, 1974) (Memorandum Opinion and Preliminary Injunction), pp. 15-17.

Solitary confinement is not per se cruel and unusual, but it becomes so if the inmate is denied clothing.
Berch v. Stahl, 373 F. Supp. 412, 420 (W.D.N.C. 1974).

The following types of confinement are unconstitutional: (1) confinement in a 5 x 7 foot unfurnished "box" for a period in excess of 24 hours; (2) confinement in a solid door solitary cell for over 15 days; (3) confinement in a barred door solitary cell for over 30 days; (4) confinement in unsanitary or poorly lit solitary cells; and (5) depriving an inmate of the clothing necessary for warmth and modesty.

Berch v. Stahl, 373 F. Supp. 412, 421 (W.D.N.C. 1974).

Court found constitutional violation where sanitary facilities in 6 foot x 6 foot solitary cell consisted of a small drain in the middle of the floor which trustees flushed "when needed," where inmate was given no soap, towels, or toilet paper and there were no facilities for cleaning himself or his cell, and where inmate was forced to sleep on the concrete floor and had no recreational opportunities.

Campise v. Hamilton, 382 F. Supp. 172, 176 (S.D. Tex. 1974).

Solitary confinement as a mode of punishment for disciplinary infraction is not per se cruel and unusual, but it may become cruel and unusual if it is carried out in a manner that is "inhuman" and "violative of basic concepts of human dignity," specifically, where inmates are denied the basic elements of hygiene.

Campise v. Hamilton, 382 F. Supp. 172, 177-178 (S.D. Tex. 1974).

Unless required by the security of the jail or the safety of one or more persons, no inmate shall be placed in a solitary cell without being allowed: normal toilet facilities; a sink and running water; an adequate, clean and sanitary mattress; essentials of personal hygiene; attorney visits; visits with family and friends, mail privileges and necessities for communication; regular meals; access to a reasonable number of books, magazines, etc.; and a reasonable amount of physical exercise.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 5.

Any inmate confined in segregation shall be seen at least daily by a doctor and on Saturday and Sunday by a nurse or para-medic.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 5.

Strip cells shall no longer be used to house or confine inmates for any period of time unless a severe mass disturbance or similar emergency so requires, and if any inmate is confined in a strip cell for more than 2 hours, the Warden shall inform the jail board, and a hearing shall be held as promptly as possible and in any event within 24 hours.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 4.

Non-suicidal inmates and inmates whose immediate conduct presents no present threat to life, safety, or property, must not be denied, as a means of discipline, toilet facilities, running water, a mattress, essentials of personal hygiene, the opportunity to bathe, attorney visits, clean clothing, regular meals of adequate nutritional value, a periodic review of the necessity of continued solitary confinement, the right to maintain contact with his family, adequate medical attention.

Collins v. Schoonfield, 344 F. Supp. 257, 269 (D. Md. 1972).

Except under extreme conditions, the uninterrupted confinement, for a substantial period of time, of pre-trial inmates in strip cells, without mattresses, clothes, a toilet, running water, medical visits, and access to counsel is unconstitutional.

Collins v. Schoonfield, 344 F. Supp. 257, 268 (D. Md. 1972).

Court found that conditions of plaintiffs' solitary confinement were not unconstitutional where there was adequate heat, light and air in the cells in question which were reasonably clean and free of odor when plaintiffs entered them, and where running water and toilet facilities were rendered inoperative only because of plaintiffs' misconduct.

Collins v. Schoonfield, 363 F. Supp. 1152, 1167 (D. Md. 1973).

Incarceration in isolation under certain circumstances violates 8th amendment (dicta).

Davis v. Lindsay, 321 F. Supp. 1134, 1137 (S.D.N.Y. 1970).

Inmates in isolation shall be permitted to exercise outside their cells daily.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Inmates will be permitted to see religious advisors and possess religious books while in punitive segregation.

Goldsby v. Carnes, 365 F. Supp. 395, 415 (W.D. Mo. 1973) (consent judgment).

Inmates in isolation shall receive all the hygienic articles necessary to keep themselves and their cells clean.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Inmates in isolation shall receive showers as frequently as other inmates.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Inmates in isolation shall receive mattresses.
Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Inmates in isolation shall be seen by a doctor or psychologist at least twice a week.
Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

While in punitive separation inmates shall be permitted to see their religious advisors and to possess books of religious instruction.
Goldsby v. Carnes, 429 F. Supp. 370, 389 (W.D. Mo. 1977) (consent judgment).

Inmates in separation shall receive hygienic articles, the same food and mattresses provided other inmates, access to shower, shave, court, mail, professional visits, legal telephone calls, and personal hygiene Inmates shall be seen by a health worker and caseworker once a day, and shall be allowed to exercise outside their cells daily.
Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

Inmates in isolation to be able to possess reading materials.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

Institution not to confine detainees in "isolation" or "heavy solitary" cells. Detainees in punitive segregation to be given daily exercise outside cell, writing materials, daily shower, daily exam by M.D., and same diet as general population.
Inmates of Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 692 (D. Mass. 1973).

8th Amendment applicable to solitary confinement.
Johnson v. Glick, 481 F. 2d 1028 (2nd Cir. 1973).

Reasonable use of solitary confinement cells with deprivation of clothing and bedding does not constitute cruel and unusual punishment.
Johnson v. Lark, 365 F. Supp. 289, 295, 303 (E.D. Mo. 1973).

Defendants must provide a plan for daily examinations for inmates in solitary cells.
Joiner v. Pruitt, Cause No. 475-166 (Lake Cty. Ind., Super. Ct., June 30, 1975), p. 4.

Inmates confined in isolation or maximum security for disciplinary purposes shall be provided with reading and writing materials.
Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind., Super. Ct., Feb. 21, 1975) (Order), p. 3.

Inmates confined in solitary confinement cells or in their own cells for disciplinary purposes shall be provided: the same diet as furnished to inmates in general; a daily physical exam by the jail medical officer; adequate bedding, lighting, toilet articles; plumbing and clothing; reading and writing material; daily exercise outside of the cell; a daily shower, correspondence privileges afforded other inmates; and visits with attorneys.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind., Super. Ct., Feb. 21, 1975) (Order), pp. 2-3.

Isolation may be used as a disciplinary measure, but only for physically violent prisoners whose behavior jeopardizes the health and safety of other inmates. Facilities must be furnished with proper heat, light, ventilation and sanitary facilities, must not be used for extended periods of time, and prisoners placed in isolation must not be deprived of clothing.

Jones v. Wittenberg, 330 F. Supp. 707, 720 (N.D. Ohio 1971).

Plaintiff's allegations that he was placed in a solitary confinement cell for 3 days without a toilet, mattress, bedding, or water for drinking, that he was forced to eliminate on the floor, that he was denied drinking water, rudimentary implements of personal hygiene, and the right to communicate with his attorney, family, and friends through mail or visits and that he was subjected to water being thrown on him during the night, causing him to contract a severe cold and fever for which he received no medical attention constituted a claim under the 5th, 6th, 8th, and 14th Amendments.

Kimbrough v. O'Neil, 523 F. 2d 1057, 1058 (7th Cir. 1975).

No inmate shall be kept in segregation for more than 72 hours without a hearing, nor for more than a period of 30 days arising out of any single instance of disciplined conduct, and while in segregation, inmates shall be provided the same food, mattress and showers provided other inmates, all hygienic articles necessary for personal cleanliness and the cleanliness of the cell, access to the jail physician or nurse, and one half hour of exercise outside the cell per day. Cells previously used consisting of an unfurnished metal-walled room with a hole in the floor shall not be restored.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 15-16.

Immediate steps shall be taken to remove the "creech tanks" presently located at the jail at the earliest possible date.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 13.

Sanitary cells and personal hygiene shall not be denied as punishment, nor shall clothing or bedding, except that if an inmate is reasonably believed to be suicidal, items that could be used for suicide may be removed.

Moore v. Janing, Civil No. 72-0-233 (D. Neb., March 9, 1973) (Order and Stipulation), ¶¶ 49-51.

No inmate may be confined in disciplinary segregation unless: (1) the inmate receives the same ration of food provided other inmates; (2) the inmate is permitted to wear normal institutional clothing; (3) the inmate is provided with soap, towels, toothbrush, shaving utensils, and adequate bedding, including mattresses, clean sheets, and blankets; and all disciplinary cells be adequately heated, ventilated, and maintained in a sanitary condition.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), p. 5.

Both length and conditions of confinement must be considered in Eighth Amendment analysis of conditions in punitive segregation. The crucial factors in this case are the absence of opportunities for personal hygiene, the failure to permit access to light and air, and confinement under those conditions for 83 days.

Osborn v. Mason, 359 F. Supp. 1107, 1110-11 (D. Conn. 1973).

The use of "strip cells" is unconstitutional. (Dicta).

Padgett v. Stein, 406 F. Supp. 287, 294 (M.D. Pa. 1975).

Inmates in isolation may be deprived of television and commissary (excluding personal hygiene articles), phone calls (except to attorney) and visits (except from attorney, chaplain, and social worker).

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 3.

The use of substandard facilities for punitive segregation and the practice of placing inmates in segregation cells nude are unconstitutional.

Taylor v. Sterrett, 344 F. Supp. 411, 420 (N.D. Tex. 1972).

Court ordered that solitary cells be provided with a bunk, water closet, drinking fountain and lavatory, and be of not less than 40 square feet in dimension.

Taylor v. Sterrett, 344 F. Supp. 411, 422 (N.D. Tex. 1972).

Solitary confinement is not per se unlawful, but inmates must receive bedding, articles of personal hygiene, adequate heat, light, and water. Visits and reading and writing materials may be denied to inmates in punitive segregation, except that materials for writing to attorneys, courts, and public bodies must be provided. Solitary confinement may not be ordered for offenses which do not seriously threaten security and good order.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 98-102.

VII.C.2. Discipline and Security--Punishment--Restricted Diet

Food shall not be used as a form of punishment.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1972) (Interim Decree), p. 15.

Pre-trial detainees' food may be curtailed only in extreme situations, e.g., when a detainee persists in throwing his food in a guard's face.
Collins v. Schoonfield, 344 F. Supp. 257, 278-79 (D. Md. 1972).

Inmates in isolation shall receive the same food as other inmates.
Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Inmates in separation shall receive the same food as other inmates.
Goldsby v. Carnes, 429 F. Supp. 370, 377 (W. D. Mo. 1977) (consent judgment).

Detainees in segregation or otherwise punished to be given same diet as general population.
Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 692 (D. Mass. 1973).

Diet of bread and water plus a noon meal while in segregation does not constitute cruel and unusual punishment.
Johnson v. Lark, 365 F. Supp. 289, 295, 303 (E.D. Mo. 1973).

Inmates confined in maximum security or in isolation cells, or in their own cells for disciplinary purposes shall be afforded the same diet as furnished to inmates in general.
Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind., Super. Ct., Feb. 21, 1975) (Order), p. 2.

Dietary restrictions shall not be imposed as punishment.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

Diet shall not be restricted as punishment.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶49.

Inmates in punitive segregation must receive the same ration of food provided other inmates.
Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), p. 5.

The practice of placing an inmate in punitive segregation on a diet of bread and water is unconstitutional.
Taylor v. Sterrett, 344 F. Supp. 411, 420 (N.D. Tex. 1972).

Limitation of mail and visiting rights while in punitive segregation is not unconstitutional.

Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), p. 8, aff'd on other grounds, 496 F. 2d 1252 (8th Cir. 1974).

Inmates may not be deprived of visits from attorneys, mail from courts and attorneys, telephone calls to attorneys, writing materials of legal papers, nor may they be deprived of correspondence with friends or relatives for disciplinary reasons.

Berch v. Stahl, 373 F. Supp. 412, 423 (W.D.N.C. 1974).

There shall be no additional restraints on inmates' correspondence or visiting for disciplinary or punishment purposes unless the inmate has violated rules as to correspondence, visitation, or contraband, in which case such limitations shall apply for a limited time and shall not apply to attorney-client mail or visits or correspondence with or visits to courts.

Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal); 3 Prison L. Rptr. 259, 260.

Non-suicidal inmates and inmates not presenting an immediate threat to life, safety, or property shall not be denied attorney visits as a means of discipline.

Collins v. Schoonfield, 344 F. Supp. 257, 269 (D. Md. 1972).

Mailing rights not to be limited for disciplinary reasons.

Feeley v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976), p. 3.

Opportunity to receive or make calls to attorneys, courts, physicians, and clergy not to be withdrawn for disciplinary reasons.

Feeley v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976), p. 4.

Denial of visitation rights to detainees held in punitive segregation violates equal protection where sentenced prisoners are not denied visits while in punitive segregation.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 849 (S.D.N.Y. 1975).

Inmates in isolation shall have the same visiting privileges as other inmates.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Correspondence shall not be restricted for punitive reasons unless an inmate has violated rules as to contraband, and even then legal mail may not be restricted.

Goldsby v. Carnes, 365 F. Supp. 395, 404 (W.D. Mo. 1973) (consent judgment).

There shall be no punitive restrictions on correspondence unless the correspondence has violated rules as to contraband; upon a proper showing of such, correspondence may be restricted, but this shall not apply to attorney-client or court correspondence.

Goldsby v. Carnes, 429 F. Supp. 370, 378 (W.D. Mo. 1977) (consent judgment).

Inmates in separation may not be denied access to mail, professional visits, or legal telephone calls. The loss of visiting shall not exceed 30 days.

Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

Detainees in isolation must be able to correspond and have legal visits to same extent as general population.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

Denial of mail and visits while in segregation does not constitute cruel and unusual punishment.

Johnson v. Lark, 365 F. Supp. 289, 295, 303 (E.D. Mo. 1973).

Inmates in solitary or maximum security confinement for disciplinary purposes shall be permitted correspondence to the same extent as other inmates and shall be entitled to visit with attorneys.

Joiner v. Pruitt, No. 475-166 (Lake Cty. Ind. Super. Ct., Feb. 21, 1975) (Order), p. 3.

Visiting privileges may be limited or removed for disciplinary purposes for their abuse.

Jones v. Wittenberg, 330 F. Supp. 707, 717 (N.D. Ohio 1971).

It is unconstitutional to deny an inmate in solitary confinement the right to communicate with his attorney, family and friends by mail or visits.

Kimbrough v. O'Neil, 523 F.2d 1057, 1058-59 (7th Cir. 1975).

Correspondence privileges shall never be withdrawn or limited as punishment.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 1.

Visitation privileges shall not be limited or removed for disciplinary purposes.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 4.

Correspondence privileges shall not be withdrawn or limited as punishment.

Lambert v. Skidmore, No.C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

Right to visit and correspond not to be hindered as a means of punishment.

Lucas v. Wasser, No. 76-1057 (S.D.N.Y., Sept. 30, 1976) (Consent Order), pp. 4-6.

Persons in segregation are to be given the same privileges relative to visits as other detainees.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 15.

Detainees in segregation shall have the same rights as others to send and receive mail.

Marion County Jail Inmates v. Broderick, No IP 72-C-424 (S.D. Ind., March 24, 1976) (Memorandum of Decision), p. 14.

Mail shall not be denied as punishment; visiting, only for serious infractions.

Moore v. Janing, Civil No. 72-0-233 (D. Neb., March 9, 1973) (Order and Stipulation), ¶ 49.

Reasonable limitations may be imposed upon non-legal mail as an appropriate disciplinary measure pursuant to published prison rules.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), p. 2.

Where state minimum standards were incorporated in consent decree, defendants would be ordered to comply with standards and stop denying visits to prisoners in segregation.

Padgett v. Stein, 406 F. Supp. 287, 298 (M.D. Pa. 1975).

Inmates found guilty of institutional infractions may not be denied visitation and mail privileges.

Rhem v. Malcolm, No. 70-3962 (S.D.N.Y., March 22, 1974), p. 2.

Mail privileges may not be limited as punishment to a greater extent than for state prisoners.

Rhem v. Malcolm, 371 F. Supp. 594, 633 (S.D.N.Y. 1974), aff'd 507 F. 2d 333 (2d Cir. 1974).

Visiting privileges may not be limited as punishment to a greater extent than for state prisoners.

Rhem v. Malcolm, 371 F. Supp. 594, 633 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

A detainee may not be denied a visit for the purpose of punishment or discipline.

Rhem v. Malcolm, 396 F. Supp. 1195, 1200-1201 (S.D.N.Y. 1975).

Restrictions of visiting rights shall not be used as a disciplinary measure for unrelated rule infractions. In the event that denial of contact visitation is warranted due to serious infraction of visiting rules by inmates, the inmate may lose his or her right to such visits for a period not to exceed 6 months, during which time the inmate shall retain the right to non-contact visitation.

Stanley v. Walker, Civil No. 74-1229 (E.D. Pa., June 4, 1974) (Stipulation), p. 3.

Inmates must be permitted to correspond with courts, attorneys, and family members while in isolation, but other correspondence may be prohibited.

Sykes v. Kreiger, Civil Action No. C71-1181 (N.D. Ohio, May 15, 1975) (Order), p. 17.

Inmates in isolation may be deprived of phone calls (except to attorney) and visits (except from attorney, chaplain, and social worker).

Sykes v. Kreiger, Case No. 71-1181 (N.D. Ohio, March 18, 1975) (Partial Consent Judgment), p. 3.

VII.C.4. Discipline and Security--Punishment--Restricted exercise

Non-suicidal inmates and inmates not presenting a present threat to life, safety, or property shall not be denied as a means of discipline the opportunity to exercise outside the cell.

Collins v. Schoonfield, 344 F. Supp. 257, 269 (D. Md. 1972).

Inmates in separation may be allowed to use the recreation area once a week after they are in for over 14 days. They shall be allowed to exercise outside their cells daily.

Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

Detainees in keeplock or segregation to be given daily exercise outside of cell.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 692 (D. Mass. 1973).

Inmates confined in isolation or maximum security for disciplinary purposes are entitled to daily exercise outside their cells.
Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order), p. 3.

Inmates in segregation shall be allowed half an hour of exercise outside the cell each day.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), pp. 15-16.

Physical exercise necessary for the well-being of the inmate shall not be denied as punishment; other recreation, only for serious infractions.
Moore v. Janing, Civil No. 72-0-233 (D. Neb., March 9, 1973) (Order and Stipulation), ¶49.

Detainees in punitive segregation must receive one hour a day of exercise outside their cells.
Osborn v. Manson, 359 F. Supp. 1107, 1110-11 (D. Conn. 1973).

VII.D. Discipline and Security--Use of force

Only lawful and reasonable force to the person of an inmate shall be used, and uses of such force, except in the cases of self defense, prevention of escape and prevention of injury or the commission of a crime, shall have prior approval by the senior officer present and shall be recorded in the jail log.
Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 261.

In order to discipline public servants for abuse of inmates, the responsibility must be assessed against particular individuals. Public servant must have been obligated to deal with a particular situation and have failed to do so, if charged with nonfeasance.
In the Matter of the March 1975 Monroe County Grand Jury Report, 382 N.Y.S. 2d 195 (Fourth Dept. 1975).

Detainees are constitutionally entitled to be free of mistreatment by C.O.'s.
Rhem v. Malcolm, 371 F. Supp. 594, 628 (S.D.N.Y. 1974), aff'd, 507 F. 2d 333 (2d Cir. 1974).

VII.D.1. Discipline and Security--Use of force--Restraint and beating (for psychiatric restraints, see Medical Care--Psychiatric Services)

Corporal punishment and physical restraint (i.e. handcuffs, straight jackets, etc.) shall not be used as sanctions, except that in an emergency, reasonable physical restraint may be used to control a grossly disturbed or violent inmate provided that medical review, direction, and supervision are promptly obtained.
Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 260.

Inmates with psychological problems may not be shackled with metal restraints to beds.
Collins v. Schoonfield, 344 F. Supp. 257, 278 (D. Md. 1972).

Court held that in dealing with rioting prisoners known to be violent in nature, jail guards were justified in using physical force and mechanical means to subdue the inmates.
Collins v. Schoonfield, 363 F. Supp. 1152, 1165 (D. Md. 1973).

No inmate shall for any medical reason be restrained by the use of bare metal handcuffs, leg irons or similar restraining devices.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1976) (Interim Decree), p. 14

A supervisory officer is liable under 42 USC §1983 if he refuses to intervene when his subordinates are beating an inmate in his presence.
Harris v. Chanclor, 537 F. 2d 203, 206 (5th Cir. 1976).

The use of physical force as a means of discipline is prohibited.
Inmates of Allen County Jail v. Bender, Civil No. 71 F 32 (N.D. Ind., May 19, 1975) (Order for Partial Judgment), p. 12.

Allegation of brutality by C.O. states §1983 cause of action. Brutality by C.O. violates due process, not 8th Amendment. Protection is less extensive than under tort law. Mere words, however violent, do not amount to assault. Need for application of force, amount of force used, extent of injury, and intent are factors to which the court must look in determing whether use of force constitutes brutality. Denial of medical attention may state cause of action for brutality.
Johnson v. Glick, 481 F. 2d 1028, 1030, 1032, 1033 (2d Cir. 1973).

Corporal punishment of any federal prisoner is prohibited.
Johnson v. Lark, 365 F. Supp. 269, 304 (E.D. Mo. 1973).

Inmate's allegation that while in solitary confinement he was subjected to water being thrown on him by guards after requesting drinking water constituted a claim for constitutional violation.
Kimbrough v. O'Neil, 523 F. 2d 1057, 1058-1059 (7th Cir. 1975).

Physical restraints (chains, tape, handcuffs, etc.) shall not be used except when required to transport an inmate out of the jail or when prescribed by a competent doctor for the inmate's safety.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

Corporal punishment shall never be used.
Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

Brutality and harassment against inmates are forbidden, and only that level of force necessary to control unruly inmate behavior will be used.
Marion County Jail Inmates v. Marion, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 13.

Inmates may not be summarily disciplined; however, jail personnel may summarily restrain an inmate in a reasonable manner and with reasonable force, when the inmate is acting in a manner which endangers the physical well-being of himself or others or which threatens imminent destruction of the physical property of the jail, or if the inmate is attempting to escape.
Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶48.

As a form of punishment, there shall be no beating or striking of any inmate; however, prison officials may take immediate necessary action without excessive force to prevent acts of violence or destruction or escape attempts or to restore order, provided that a complete report of such incident be made.
Obadele v. McAdory, Civil No. 72J-103 (N) (S.D Miss., June 19, 1973), p. 5.

Chaining a mentally disturbed inmate to a bed for any protracted length of time would be cruel and unusual punishment (dicta).
Tate v. Kassulke, 409 F. Supp. 651, 654 (W.D. Ky. 1976).

For a 210-pound guard to throw a 140-pound inmate across a room and onto the bars of a cell would violate the Eighth Amendment (dicta).
Tate v. Kassulke, 409 F. Supp. 651, 655 (W.D. Ky. 1976).

VII.D.2. Discipline and Security--Use of force--Chemical agents

Reflexive use of tear gas by prison guards to deal with a recalcitrant inmate held not to establish an 8th amendment violation against others affected by such gas. To make out an 8th amendment claim against prison officials, plaintiffs must show that defendants acted with deliberate indifference to plaintiffs' well being. There must be more than a common law tort.

Arroyo v. Schaefer, 548 F. 2d 47 (2d Cir. 1977).

Court held that use of chemical mace and a fire hose on rioting inmates who were assaulting a guard was justified.

Collins v. Schoonfield, 363 F. Supp. 1152, 1164 (D. Md. 1973).

Tear gas, chemical mace or similar methods shall not be used except where physical injury to person or property is imminent and reasonably otherwise unavoidable.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

A report shall be submitted to the court indicating the Jail's policy with respect to the use of mace to subdue unruly inmates.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 13.

Where detainee had been maced in the eyes and had not received prompt medical attention, her rights were violated notwithstanding jury verdict.

Sandlin v. Piersall, 427 F. Supp. 494, 496 (E.D. Tenn. 1976).

Evidence offered by the defendants demonstrating that mace was used only for the control of prisoners and not for punishment or other purposes provided sufficient basis for jury verdict for defendants.

Williams v. Hoyt, 556 F. 2d 1336, 1339 (5th Cir. 1977).

VII.E. Discipline and Security--Classification (see also Rights of Particular Groups; for segregation for medical reasons, see Medical care--Quarantine)

The imposition of maximum security confinement of detainees when it is not necessary is unlawful.

Ahrens v. Thomas, 434 F. Supp. 873, 898 (W.D. Mo. 1977).

Jail found to be unconstitutional cannot be used as anything but a pretrial holding facility and no one shall be kept in it for more than seven days unless the length of trial so requires. After seven days, inmates must be transferred to a constitutional facility located within 35 miles of the county.

Ahrens v. Thomas, 434 F.Supp. 873, 901 (W.D. Mo. 1977).

An appropriate classification procedure shall be established and maintained so that detainees shall be classified according to individual needs. Detainees will be screened so that they may be classified by age, sex, record, pre-trial or convicted status, mental or drug problems, or any other classification the screening officer may deem necessary. Information from the pre-admission medical screening must be considered.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

Prisoners are to be classified and segregated on the basis of criteria to be established by the Sheriff's Department, and a sufficient number of classifications officers shall be employed to assure that at least 1 such officer is on duty at all times.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 669, 677 (S.D. Tex. 1975).

Overcrowding found to have caused a breakdown in prison classification system. Pre-trial detainees exempted from population limit based on "classification capacity" because detainees are not classified. However, design capacity never to be exceeded.

Anderson v. Redman, 429 F. Supp. 1105, 1121, 1124 (D. Del. 1977).

State statutes and regulations provide that dormitories must be populated only by inmates selected as suitable to associate with one another in that setting.

Anderson v. Redman, 429 F. Supp. 1105, 1120 (D.Del. 1977).

Court ordered County District Attorney to prepare and submit within 60 days a plan of initial classification for the placement of pre-trial detainees entering the jail which reflects the concept that the only legitimate state purpose for incarcerating pre-trial detainees is to assure their presence at trial.

Bishop v. Lamb, Civil No. LV-1864 (D. Nev., Aug. 24, 1973) (Order), p. 2.

Institutional placement in the nature of classification is peculiarly within the competence of prison officials, and the courts do not interfere absent unusual circumstances.

Brenneman v. Madigan, 343 F. Supp. 128, 131-32 (N.D. Cal. 1972).

Defendants ordered to establish a classification system to determine which detainees require maximum security confinement and which can enjoy contact visits.

Campbell v. McGruder, 416 F. Supp. 100, 105 (D.D.C. 1975).

Classification procedures shall be instituted, and inmates shall be classified according to age, offense, physical aggressiveness, or other criteria which would warrant separate housing arrangements.
Goldsby v. Carnes, 365 F. Supp. 395, 402 (W.D. Mo. 1973) (consent judgment).

New inmates will be assigned to single cells for at least 48 hours until the classification committee can make a living assignment.
Goldsby v. Carnes, 429 F. Supp. 370, 382 (W.D. Mo. 1977) (consent judgment).

Inmates shall be classified according to age, offense, physical aggressiveness, or other criteria which would warrant separate housing arrangements.
Goldsby v. Carnes, 429 F. Supp. 370, 375 (W.D. Mo. 1977) (consent judgment).

A program of admission orientation and classification shall be established and maintained at the prison and shall be supervised and conducted by a professional staff including a Director of Classification and sociologists and penologists who are qualified to act as assistant classification officers.
Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La. 1972).

Defendants shall submit a plan for the classification of inmates.
Hamilton v. Love, No. LR-70-C-201 (E.D. Ark., June 22, 1971) (Interim Decree), p. 4.

Classification system based only on crime charged is inadequate.
Hamilton v. Love, 358 F. Supp. 338, 345 (E.D. Ark. 1973).

A classification officer shall be appointed and shall establish a classification system.
Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 20.

Lack of classification system led to finding of constitutional and statutory violation. (Totality).
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 222, 240-243.

Classification system shall be established.
Jones v. Wittenberg, 330 F. Supp. 707, 717 (N.D. Ohio 1971).

Right to visit or correspond not to be limited by classification as to sex, sexual orientation, race, and age and may be denied only when it is determined by chief administrative officer in writing that detainee's visits will endanger security of institution. Said decision may be appealed to Commission of Correction by inmate.
Lucas v. Wasser, No. 76-1057 (S.D.N.Y. Sept. 30. 1976) (Consent Order), pp. 3-4.

Detainees may be deprived of contact visits only pursuant to a classification system like that in Rhem v. Malcolm.
Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975), p. 32.

Denial to detainees of the privileges of trustees, without a classification system, violates equal protection.
Mitchell v. Untreiner, 421 F. Supp. 886, 895 (N.D. Fla. 1976).

Court orders plan for a classification system separating males from females, felons from misdemeanants, and the mentally ill, alcoholic or narcotic addicts, sex deviates and suicide risks from the general population. (Unclear whether "felons from misdemeanants" refers to detainees or sentenced prisoners).
Mitchell v. Untreiner, 421 F. Supp. 886, 899 (N.D. Fla. 1976).

Where state minimum standards were incorporated in consent decree, defendants would be ordered to comply with standards on classification.
Padgett v. Stein, 406 F. Supp. 287, 299 (M.D. Pa. 1975).

Since imposition of maximum security confinement is unnecessary for some detainees, constitution requires a classification system to determine those who do and those who do not require it.
Rhem v. Malcolm, 371 F. Supp. 594, 624-25 (S.D.N.Y. 1974), aff'd 507 F. 2d 333 (2d Cir. 1974).

Maximum security confinement for inmates not needing maximum security treatment is a violation of due process and equal protection.
Rhem v. Malcolm, 371 F. Supp. 594, 624 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

City's argument that classification system for detainees would have to be based on interviews with inmates, thus requiring inmates to incriminate themselves, is "specious."
Rhem v. Malcolm, 507 F.2d 333, 338 (2nd Cir. 1974).

Failure of jail renovation plan to mitigate maximum security confinement for detainees who do not require it renders plan fatally defective.
Rhem v. Malcolm, 432 F. Supp. 769, 785-88 (S.D.N.Y. 1977).

Lack of classification system, combined with inadequate staffing of guards and admission of mentally deranged and similarly dangerous persons constitutes violation of Fifth, Eighth, and Fourteenth Amendments. Extensive fact finding.
Rodriguez v. Jiminez, 406 F. Supp. 582, 594 (D.P.R. 1976), stay pending appeal denied, 537 F.2d 1 (1st Cir. 1976).

Court found county under a constitutional duty to institute a meaningful classification system, so that detainees would be subjected to no more onerous conditions than necessary.
Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 11.

Classification standards and procedures set out in great detail.
Sandoval v. Noren, No. C-72-2213-RFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Classification System), p. 2.

Classification system must be inaugurated, taking into account security, intergration and status of inmates (pre-trial or convicted).
Taylor v. Sterrett, 344 F. Supp. 411, 423 (N.D. Tex. 1972).

Permissible population figure reduced to conform to needs of classification system and delivery of services.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 18, 1975) (Opinion on Motion to Amend Judgment), pp. 4-8.

VII.E.1. Discipline and Security--Classification--Administrative Segregation (includes security risk classification)

VII.E.1.a. Discipline and Security--Classification--Administrative Segregation--Placement

Solitary confinement facilities can be used non-punitively for security risks, known homosexuals, those "temporarily out of control," overflow from ordinary facilities, new admissions, and the mentally disturbed. However, prisoners in these categories may not be denied regular prison privileges and amenities.
Berch v. Stahl, 373 F. Supp. 412, 421 (W.D.N.C. 1974).

Pre-trial detainees who are troublesome disciplinary problems may be segregated, but there must be appropriate standards for doing so.
Brenneman v. Madigan, 343 F. Supp. 128, 140 (N.D. Cal. 1972).

Detainee put in "isolation" for three days to maintain order and discipline not entitled to hearing.
Christman v. Skinner, 468 F. 2d 723, 725 (2nd Cir. 1972).

Inmates who are reasonably believed likely to be physically or sexually attacked shall be protected by being placed in protective segregation.
Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1971) (Interim Decree), p. 6.

Segregation of juvenile to protect him from assault was not unconstitutional.
Collins v. Schoonfield, 363 F. Supp. 1152, 1168-69 (D. Md. 1973).

Officials authorized to isolate inmates if they constitute threats to safety of inmates, prison personnel or to themselves. That inmate become center of attention to other inmates because of her national fame did not justify putting the inmate in isolation.

Davis v. Lindsay, 321 F. Supp. 1134, 1138-39 (S.D.N.Y. 1970).

Inmates may be placed in administrative segregation only after procedural protections approved by the court in Cardopoli, 523 F.2d at 995-99, as modified: a) inmate must get in writing notice of reasons for segregation, description of evidence, and outline of right to hearing; b) inmate may appear at hearing, make a statement, and submit documentary evidence; c) hearing shall be conducted by disinterested person; d) adequate notes must be kept; e) limited right to cross-examine and confront witnesses; f) review of decision of hearing officer within 48 hours; g) review of status of inmate every 30 days by Warden.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 848-49 (S.D.N.Y. 1975).

If inmate is determined to be improperly placed in administrative segregation, then any reference to such placement must be expunged from Department records.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 849 (S.D.N.Y. 1975).

Lack of facilities for isolation of inmates constituting health or safety risks contributed to court's finding of constitutional violation. (Totality).

Hamilton v. Schiro, 338 F. Supp. 1016, 1018 (E.D. La. 1970).

Inmates held in solitary confinement for non-disciplinary reasons shall be given notice and a hearing.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 10.

The assignment of inmates of a juvenile facility to sleep in the "Intensive Care" Unit when such juveniles have not demonstrated a need for discipline or segregation is unlawful.

Manney v. Cabell, CV-75-3305-R (C.D. Calif., May 10, 1976) (Findings of Fact and Conclusions of Law), p. 7.

Inmates shall be classified and segregated according to, inter alia, the seriousness of their alleged crime and the degree of risk of violence to other inmates.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 4.

Isolated confinement for reasons other than discipline can only take place after the Sheriff has provided written reasons.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), p. 5.

Jail officials shall make reasonable efforts to isolate inmates who have a record of assault and violence on other inmates.

Obadele v. McAdory, Civil No. 72J-103(N) (S.D. Miss., June 19, 1973), p. 7.

There shall be separate facilities for inmates who should be segregated because of previous criminal record.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), p. 6.

Assignment to administrative tier as distinguished from segregation does not require a hearing or other due process procedure, if the conditions in the administrative tier are not different from those in the general population.

Palma v. Treuchlinger, No. 72-1653 (E.D.N.Y., March 5, 1973), pp. 11-12.

Since imposition of maximum security confinement is unnecessary for some detainees, constitution requires a classification system to determine those who do and those who do not require it.

Rhem v. Malcolm, 371 F.Supp. 594, 624-25 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

Maximum, medium and minimum security classifications defined, classification procedures detailed.

Sandoval v. Noren, No. C-72-2213-PFP/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Classification System).

Prisoner must be advised of reasons and given a chance to respond before being placed in administrative segregation.

Tate v. Kassulke, 409 F. Supp. 651, 656 (W.D. Ky. 1976).

Prison officials violated pre-trial detainee's due process right by arbitrarily placing him in administrative segregation.

United States ex. rel. Tyrrell v. Speaker, 535 F.2d 823, 827 (3rd Cir., 1976).

Prisoners may be placed in maximum custody if it is reasonable to believe that it is necessary for their protection, others' protection, or security and order. The inmate has the right to a statement of reasons and to a hearing.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 103-04.

While court did not reach the question of the form of due process required before administrative segregation can be used on inmates not indicted or tried departmentally, dicta suggests that hearing before impartial tribunal, at least to extent of different investigator and hearing officer, is required.

Wilson v. Beame, 380 F. Supp. 1232, 1236 (E.D.N.Y. 1974).

Plaintiffs have no claim under due process, following escape attempt, on transfer to administrative segregation, and subsequent indictment, since the grand jury indictments and the right to prompt trial on the escape charge are adequate protection against unreasonable administrative segregation.

Wilson v. Beame, 380 F. Supp. 1232, 1234 (E.D.N.Y. 1974).

Holding inmates in administrative segregation pending due process conforming hearing on the **appropriateness of such confinement held** not violative of equal protection on rationality test.
Wilson v. Beame, 380 F. Supp. 1232, 1243 (E.D.N.Y. 1974).

Dicta that if plaintiffs threatened with punitive, rather than administrative segregation, fuller procedural due process protections than hearing before impartial officer required.
Wilson v. Beame, 380 F. Supp. 1232, 1236 (E.D.N.Y. 1974).

VII.E.1.b. Discipline and Security--Classification--Administrative Segregation--Conditions

Where administrative segregation unit contained only 18 cells and its inmates did not mix with the general population, problems of identification did not justify restrictions on detainees' head and facial hair styles.
Bell v. Wolff, CV72-L-227 (D. Neb., Nov. 7, 1973) (Memorandum Opinion), p. 5, aff'd on other grounds, 496 F. 2d 1252 (8th Cir. 1974).

Solitary confinement facilities can be used non-punitively for security risks, known homosexuals, those "temporarily out of control," over**flow** from ordinary facilities, new admissions, and the mentally disturbed. However, prisoners in these categories may not be denied regular prison privileges and amenities.
Berch v. Stahl, 373 F. Supp. 412, 421 (W.D.N.C. 1974).

Cells which have washing and toilet facilities, a raised portion for sleeping off the floor, and a natural source of light may be used for isolation for administrative but not for punishment purposes.
Bolding v. Jennings, No. 756-73C2 (W.D. Wash., Sept. 16, 1974) (Agreed Order of Dismissal), 3 Prison L. Rptr. 259, 261.

Outdoor recreation is feasible for maximum security detainees.
Campbell v. McGruder, 416 F. Supp. 111, 118 (D.D.C. 1975).

Inmate in isolation should have all privileges of other inmates except those that involve **mixing** with the general population (showers, exercise, television or radio, food, church, legal visits, etc.). Attorney for inmate in isolation for being security risk must be allowed to confer privately with inmate and other inmates who may be witnesses in his behalf. Outgoing mail of security risk, except mail to public officials and attorney of record may be read to determine whether escape plans are being made. Incoming "legal" mail to be delivered promptly and unopened. Other incoming mail may be inspected for contraband and read to extent necessary to foil escape plans or censor pornography or inflammatory writing.
Conklin v. Hancock, 334 F. Supp. 1119, 1122-23 (D.N.H. 1971).

Incarceration in isolation under certain circumstances violates 8th Amendment (dicta).

Davis v. Lindsay, 321 F. Supp. 1134, 1137 (S.D.N.Y. 1970).

Summary judgment granted requiring that every visit be a contact visit except where a security risk is revealed through an established classification system.

Forts v. Malcolm, 426 F. Supp. 464 (S.D.N.Y. 1977).

Inmates in administrative segregation must be allowed to hold religious services at least once weekly, in an area other than the unfurnished narrow corridor within a few feet of the commodes of the inmates' cells, and at a time when the services do not have to compete with noise from the radio and TV. (First Amendment and Equal Protection).

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 843 (S.D.N.Y. 1975).

During shakedown, inmates in administrative segregation must be permitted to watch the C.O.'s search their cells.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

Closer surveillance of the cells of inmates in administrative segregation (1B) such as cell inspection and shakedown does not violate the Fourth Amendment, equal protection, or due process.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

Strip searching all inmates in administrative segregation (1B) after personal visits, while not doing so to general population, does not violate Fourth Amendment, due process, or equal protection.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

Frisks of inmates in administrative segregation upon going to and from gym activities does not violate due process, equal protection, or the 4th Amendment.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

Exclusion of inmates in administrative segregation from worship with all other members of their faith at HDM is not abridgement of their fundamental First Amendment rights.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

Prohibition of inmates in administrative segregation from visiting commissary and requirement that they secure order only (while general population actually "shops") is reasonable.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

No special rule book needed for inmates in administrative segregation (1B) where rules are the same as for general population.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

Inmates in administrative segregation did not establish that their access to medical care was limited to any substantial degree.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

Inmates in administrative segregation are entitled to a similar amount of gym time that is afforded to the general population.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

Reduced access to law library for inmates in administrative segregation is sufficient because of the smaller number of these inmates.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

Difference between range of books available to general population and to inmates in administrative segregation is a violation of prison's own rules and equal protection.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 846 (S.D.N.Y. 1975).

Use of closed booths for visitation of inmates in administrative segregation (1B) in summer is so intolerable as to constitute a deprivation of visitation rights. Rule that no more than two inmates in administrative may receive personal visits at the same time is justifiable.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 845 (S.D.N.Y. 1975).

Inmates in administrative segregation (1B) are entitled to confer with their attorneys in such numbers as may be shown necessary to assure their right to prepare their defenses for charges for which they are detained.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 845 (S.D.N.Y. 1975).

Testimony on the issue was insufficient to support allegation by inmates in administrative segregation that their personal property has been mishandled or confiscated during cell searches.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 845 (S.D.N.Y. 1975).

Rule that inmates in administrative segregation may attend special shows subject to officials' good faith estimate of the degree of tension at H.D.M. at the time is justifiable as security precaution.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y. 1975).

Sentences for similar infractions may not, as a matter of law, be harsher in relation to inmates in administrative segregation (1B) solely because they are 1B inmates.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 843 (S.D.N.Y. 1975).

Requirement that inmates in administrative segregation submit a request slip before receiving clothing from visitors does not violate constitution.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 842 (S.D.N.Y. 1975).

Inmates in administrative segregation (1B) entitled to same volunteer social services that general population inmates get. Services may be offered in an area outside 1B, such as the counsel room.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 842 (S.D.N.Y. 1975).

Prison officials must provide educational programs to inmates in administrative segregation (1B) similar to those provided for general population, but may do so in separate classes.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 842 (S.D.N.Y. 1975).

Fact that inmates in administrative segregation view movies on a small screen in the narrow corridor outside their cells while general population views them on a large screen does not constitute a difference of constitutional dimension.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y. 1975).

Inmates in administrative segregation are entitled to be furnished with chess and checker material if general population is so furnished.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 841 (S.D.N.Y. 1975).

Fact that lock-out space for inmates in administrative segregation (1B) is restricted to unfurnished narrow corridor 5 feet by 6 feet, among other factors, compels finding that 1B inmates enjoy substantially less freedom of movement than inmates in general population. 1B inmates are limited in their association to 7 inmates while general population inmates can mingle with about 150.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 840 (S.D.N.Y. 1975).

Fact that inmates in administrative segregation (1B) eat in their cells while inmates in general population eat in day room, and have windows so small and dirty that it is difficult to see through them, among other factors, compels finding that 1B inmates are more isolated than inmates in general population. 1B inmates entitled by due process to use of a day room during lock-out period, and are entitled to eat in dayroom rather than in cells. 1B inmates may be limited in the number of non-legal books that can be kept in cell.

Giampetruzzi v. Malcolm, 406 F. Supp. 836, 840-42 (S.D.N.Y. 1975).

Prison officials ordered to submit within 7 days a detailed plan for providing prisoners in maximum security confinement with ready access to telephones, access to privately owned television sets and a day room and provisions for each prisoner to be outside his cell during recreation periods (total 8 hours per week), which are reasonable in light of employment of additional jailors.

Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), p. 5.

Prison officials ordered to allow male prisoners in maximum security to use exercise machine and ping pong table 2 hours 4 days a week.

Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), p. 3.

8th Amendment applicable to solitary confinement.

Johnson v. Glick, 481 F. 2d 1028, 1032 (2nd Cir. 1973).

County must provide outdoor exercise program Monday through Friday for inmates housed in single cells.

Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., April 30, 1974) (Stipulation for Partial Judgment), p. 2.

No inmate shall be placed in an isolation cell except for disciplinary reasons.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 8.

Denial of right to movies, outside recreation, and group movement to library are significant enough differences from privileges of general population to require a hearing before transfer to administrative tier.

Palma v. Treuchlinger, No. 72-1653 (E.D.N.Y., March 5, 1973), pp. 11-12.

Detainees classified as security risks need not receive contact visits.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y. July 11, 1975) (Consent Judgment), p. 1.

Contact visits are required by due process and equal protection for all detainees who, by classification, are shown not to require maximum security custody.

Rhem v. Malcolm, 371 F. Supp. 594, 625-26 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

Limitation of right to contact visits must be justified by a system of classification which excluded only those inmates requiring maximum security.

Rhem v. Malcolm, 389 F. Supp. 964, 968 (S.D.N.Y. 1975).

No detainee in a segregation unit can be denied a visit solely on the grounds of his presence there.
Rhem v. Malcolm, 396 F. Supp. 1195, 1200-1201 (S.D.N.Y. 1975).

Prison officials need not apply to court for permission to deny contact visits to inmates properly classified as security risks.
Rhem v. Malcolm, 396 F. Supp. 1195, 1200 (S.D.N.Y. 1975).

Inmates properly classified as security risks may be subject to a more restrictive lock-in schedule.
Rhem v. Malcolm, 396 F. Supp. 1195, 1201 (S.D.N.Y. 1975).

Inmates in administrative segregation have the right to jailhouse legal assistance or some other reasonable alternative (i.e. law student), so they can exercise fundamental right of access to the courts.
Wilson v. Beame, 380 F. Supp. 1232, 1242 (E.D.N.Y. 1974).

Inmates in administrative segregation entitled to group religious services under less drastic alternatives test.
Wilson v. Beame, 380 F. Supp. 1232, 1238, 1241-2 (E.D.N.Y. 1974).

Inmates in administrative segregation entitled to the same rights and privileges as the general population.
Wilson v. Beame, 380 F. Supp. 1232, 1238 (E.D.N.Y. 1974).

"There is every reason to expect that in being segregated plaintiffs' rights to due process will not be violated. Should this assumption prove unwarranted, federal courts will discharge their duty to protect constitutional rights of these prisoners. (citations omitted) There is no place in this country for any form of Gulag Archipelago."
Wilson v. Beame, 380 F. Supp. 1232, 1236 (E.D.N.Y. 1974).

Inmates in administrative segregation entitled to education and art programs offered the general population.
Wilson v. Beame, 380 F. Supp. 1232, 1242 (E.D.N.Y. 1974).

VII.E.2. Discipline and Security--Classification--Race

Segregation of inmates by race is unconstitutional. (Dicta).
Berch v. Stahl, 373 F. Supp. 412, 424 (W.D.N.C. 1974).

Racial segregation ordered ended by previous order.
Hamilton v. Love, 358 F. Supp. 338, 345 (E.D. Ark. 1973).

Defendants shall submit a plan for the racial integration of the jail.

Hamilton v. Love, No. LR-70-C-201 (E.D. Ark., June 22, 1971) (Interim Decree), p. 3.

All racial discrimination of any kind or nature within the jail must be eliminated, and all administrative measures, cell assignments, and jail rules shall be applied equally without consideration of the race of the inmate.

Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), pp. 14, 17.

No racially discriminatory practices of any nature, including housing assignment, shall occur in the administration of the county jail. (Based on Order, Finding of Facts and Conclusions of Law, Jan. 31, 1975; Affirmed in Order and Permanent Injunction).

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), pp. 7-8.

Racial or ethnic classifications are prohibited.

Moore v. Janing, Civil No. 72-0-223 (D. Neb., March 9, 1973) (Order and Stipulation), ¶9.

Within 6 months, jail officials shall take appropriate steps to completely desegregate the jail, except in isolated instances where prison security and discipline necessitates racial segregation for a limited period, and there shall be no racial discrimination in assigning inmates to work details or in any other practice or procedure. Subject to limitations on space in the jail, no inmate shall be required to share a cell with an inmate of the opposite race over his objection thereto.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973) (Declaratory Judgment), p. 6.

State statutes requiring the segregation of races in county jails are unconstitutional, and although prison authorities may take racial tensions into account in maintaining order and security, such consideration should be made after a danger to security, discipline, and good order has become apparent, and not before.

Wilson v. Kelly, 294 F. Supp. 1005, 1009 (N.D. Ga., 1968).

VII.E.3. Discipline and Security--Classification--Age

Juveniles may not be housed in the jail for longer than it takes to arrange to transfer them.

Ahrens v. Thomas, 434 F. Supp. 873, 901 (W.D. Mo. 1977).

Placement of juveniles (pre-trial and sentenced) in an adult facility without a hearing and without separating them from adults is unconstitutional.

Baker v. Hamilton, 345 F. Supp. 345, 352 (W. D. Ky. 1972).

Inmates shall be classified according to age and other factors.
Goldsby v. Carnes, 429 F. Supp. 370, 375 (M.D. Mo. 1977) (consent judgment).

Juveniles will be housed in living areas separate from adults.
Goldsby v. Carnes, 429 F. Supp. 370, 382 (M.D. Mo. 1977) (consent judgment).

Jail officials shall file a report indicating the number of juveniles housed in the jail, and special arrangements made for such detainees, and advising the court of a terminal date beyond which no juveniles shall be detained in the jail.
Hamilton v. Love, No. LR-70-C-201 (E.D. Ark., June 22, 1971) (Interim Decree), p. 3.

Prison officials shall submit a plan for alternative housing for juveniles, and shall remove all juveniles from the existing institutions within 90 days.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 3.

Jail officials ordered to remove all persons under 18 years of age from county jails regardless of the alleged conduct which caused their detention.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Opinion), p. 19.

Detainees under 18 years of age shall be housed separately from adult inmates.
Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 4.

A child or juvenile remains a child or juvenile for purposes of the type of facility in which he is to be held regardless of the fact that he has been certified to be tried as an adult.
Miller v. Carson, 392 F. Supp. 515, 519 (M.D. Fla. 1975).

No juvenile shall be housed in the county jail.
Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 8. (Based on Order, Findings of Fact and Conclusions of Law, Jan. 31, 1975; Affirmed in Order and Permanent Injunction).

In new jail facilities to be constructed and subject to space limitations in the present jail, there shall be separate facilities for inmates who should be separated because of age.
Obadele v. McAdory, Civil No. 72J-103 (S.D. Miss., June 19, 1973), p. 6.

It is not unconstitutional per se to house disruptive juveniles in adult institutions. The question is whether procedural due process is observed. Where more than brief emergency incarceration is at issue, ex parte procedures might be enough. Where longer terms are involved, notice and a hearing are required.

Osorio v. Rios, 429 F. Supp. 570, 574-75 (D.P.R. 1976).

Juveniles need not be kept in a separate detention center from adults as long as they are provided with separate quarters in the county jail.

Patterson v. Hopkins, 350 F. Supp. 676, 684 (N.D. Miss, 1972), aff'd 481 F.2d 640 (5th Cir. 1973).

VII.E.4. Discipline and Security-Classification-Sex and Sexual Orientation

Women may not be housed in the jail for longer than it takes to arrange their transfer.

Ahrens v. Thomas, 434 F. Supp. 873, 901 (W.D. Mo. 1977).

Order recommends that women in institutional facility be housed elsewhere.

Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1236 (D.V.I. 1976).

Prison officials shall submit a plan for alternative housing for women and shall remove all women from House of Correction within 180 days.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 3.

Court ordered that women inmates be removed completely from county jail.

Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Opinion), p. 23.

Inmates shall be classified and segregated, inter alia, according to sex.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 4.

No female inmate shall be housed in the county jail for a period in excess of 24 hours, and housing for that period shall occur only at the time of initial booking or immediately prior or subsequent to any court appearance. (Affirmed in Order and Permanent Injunction).

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 7.

Court ordered jail officials to submit a plan for a classification system which separates males from females.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 9.

Classification by sex ordered.

Mitchell v. Untreiner, 421 F. Supp. 886, 899 (N.D. Fla. 1976).

"Special consideration" in housing shall be given to homosexuals.
Sandoval v. Noren, No. C-72-2213-RF/SJ (N.D. Cal., Dec. 10, 1977) (Order re: Classification System), p. 5.

VII.E.5. Discipline and Security--Classification--Pre-trial vs. convicted

So far as practicable, pretrial detainees shall not be housed in the same cell with convicted persons.
Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1973).

No pre-trial detainee shall be housed in the same cell or cellblock with any person who has been convicted and sentenced.
Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 678 (S.D. Tex. 1975).

Detainees to be separated from convicted inmates in separate buildings if physically possible.
Barnes v. Government of the Virgin Islands, 415 F. Supp. 1218, 1233, 1235 (D.V.I. 1976).

The alleged need to separate detainees from sentenced persons cannot justify double celling of detainees. There are less restrictive alternatives, such as separating obviously dangerous persons from the general population.
Feeley v. Sampson, Civil Action No. 75-171, Opinion at 8 (D.N.H., Sept. 24, 1976).

Detainees and convicts should be separated.
Hamilton v. Landrieu, 351 F. Supp. 549, 552 (E.D. La. 1972).

Pre-trial detainees shall be separated from other jail inmates.
Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 20.

Pre-trial confinement with convicted persons in the U. S. Medical Center for Federal Prisoners is not unconstitutional for persons found to be mentally ill.
Johnston v. Ciccone, 260 F. Supp. 553, 556 (W.D. Mo. 1966).

Court ordered jail officials to comply with California statute requiring that separate housing be provided for pre-trial detainees and that pre-trial detainees be actually segregated, except in extreme emergencies such as the occurrence of a fire and then only for brief periods of time.
Kindale v. Dowe, Civil No. 73-374 GT (S.D. Ca., Oct. 29, 1973) (Preliminary Injunction), p. 6.

Inmates shall be classified and segregated, inter alia, according to their status as pre-trial detainees or convicted persons.
Marion County Jail Inmates v. Broderick, No. IP-72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 4.

No pre-trial detainee shall be housed in the same cell or cellblock with any person serving a sentence for a conviction. (Based on Order, Findings of Fact and Conclusions of Law, Jan. 31, 1975; Affirmed in Order for Permanent Injunction).
Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 8.

No pre-trial detainee may be housed in the same cell with a convicted person.
Mitchell v. Untreiner, 421 F. Supp. 886, 899 (N.D. Fla. 1976).

Housing of convicts and detainees together contributes to finding of undonstitutionality (totality).
Moore v. Janing, 427 F. Supp. 567, 571 (D. Neb. 1976).

Prison authorities ordered to establish a system in which pre-trial detainees and convicted prisoners are not housed in the same cell, and to the extent possible, in which pre-trial detainees are housed in separate tiers.
Padgett v. Stein, 406 F. Supp. 287, 299 (M.D. Pa. 1975).

Use of same facilities at different times by convicts and detainees does not violate due process.
People v. Von Diezelski, 78 Misc. 2d 69, 75 (1974).

Lack of classification system, resulting in intermingling of convicted and pre-trial detainees in "dungeons," violates equal protection. Extensive fact findings. (Unclear how detainees got into the "dungeons.")
Rodriguez v. Jiminez, 409 F. Supp. 582, 594 (D.P.R. 1976), stay denied pending appeal, 551 F.2d 877 (1st Cir. 1977).

Difference in state interest mandates detainees be treated better than convicts.
Smith v. Sampson, 349 F. Supp. 268, 271 (D.N.H. 1972).

Unconvicted person can be kept with convicted persons in federal medical center.
Tyler v. Harris, 226 F. Supp. 852, 855 (W.D. Mo. 1964).

VII.E.6. Discipline and Security--Classification--Transfers

Inmates transferred from unconstitutional jail must be housed in a constitutional facility within 35 miles of the county.
Ahrens v. Thomas, 434 F. Supp. 873, 901 (W.D. Mo. 1977).

Consent judgment forbidding detainees to be transferred without their consent improper on state law grounds.
Cobb v. Aytch, 539 F. 2d 297, 301 (3d Cir. 1976).

Detainees not to be transferred to other institution without hearing, unless in emergency conditions.
Feeley v. Sampson, No. 75-171 (D.N.H. Sept. 14, 1976), p. 7.

"A detainee must be kept as close to home as is possible, and a transfer out of the county must meet the compelling necessity text."
Feeley v. Sampson, No. 75-171, Opinion at 34 (D.N.H., Sept. 24, 1976).

It is not unconstitutional to house disruptive juveniles in adult institutions, but notice and a hearing are required first except where brief emergency incarceration is involved.
Osorio v. Rios, 429 F. Supp. 570, 574-75 (D.P.R. 1976).

State prison official violated detainee's due process right by transfering him to a state prison where he was kept in administrative segregation.
United States ex. rel. Tyrrell v. Speaker, 535 F. 2d 823, 827 (3rd Cir., 1976).

Inmate's lawyer must be notified 48 hours before transfer to alternate detention facility.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 20, 1975) (Order on Motions to Amend Judgment), p. 5.

The Sheriff shall have discretion to decide which inmates are to be lodged in alternate detention centers.
Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 71-173217-CX (Circuit Ct., Wayne Co., Mich., Nov. 20, 1975) (Order on Motions to Amend Judgment), p. 4.

VII.F. Discipline and Security--Searches

All living units should be checked for contraband at least once a month.
Goldsby v. Carnes, 429 F. Supp. 370, 382 (W.D. Mo. 1977) (consent judgment).

The Fourth Amendment is applicable in a jail context, although not to its fullest extent.
Palmigiano v. Travisono, 317 F. Supp. 776, 791 (D.R.I. 1970).

VII.F.1. Discipline and Security--Searches--Cells

During shakedown, inmates in administrative segregation (1B) must be permitted to watch the C.O. search their cells.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

Closer surveillance of the cells of inmates in administrative segregation (1B) such as cell insepction and shakedowns does not violate the Fourth Amendment, equal protection, or due process.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

"Shakedowns" (searches of inmates, quarters, and physical plant) shall be conducted more frequently and systematically, and shall not be intended to or conducted so as to harass inmates.
Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La. 1972).

Claim that prisoners should be able to watch cell searches **is** inappropriate for summary judgment.
Wolfish v. United States, 428 F. Supp. 333, 341, n. 12 (S.D.N.Y. 1977).

VII.F.2. Discipline and Security--Searches--Person (See also Personal Integrity--Privacy)

Strip and rectal searching after court appearances upheld.
Bell v. Manson, 427 F. Supp. 450, 452 (D. Conn. 1976).

Strip searches after every outside visit, if done in retaliation for starting a state claim against jail, constitute denial of access to courts.
Christman v. Skinner, 468 F. 2d 723, 726 (2nd Cir. 1972).

Frisks of inmates in administrative segregation upon going to and from gym activities does not violate due process, equal protection, or the Fourth Amendment.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

Strip searching all inmates in administrative segregation (1B) after personal visits, while not searching general population, does not violate constitution.
Giampetruzzi v. Malcolm, 406 F. Supp. 836, 844 (S.D.N.Y. 1975).

"Shakedowns" (searches of inmates, their quarters, and the physical plant) shall be conducted more frequently and systematically, and shall not be intended to or conducted so as to harass inmates.
Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La. 1972).

All anal searches prior to transporting detainees to court have been discontinued.

Palma v. Treuchtlinger, No. 72-1653 (E.D.N.Y., July 11, 1975) (Consent Judgment), p. 3.

VII.G. Discipline and Security--Protection from assault (by inmates--for assaults by jail personnel, see Discipline and Security--Use of force) (See also Classification--Administrative Segregation--Placement)

All cells must be supervised 24 hours a day. Personal observation is required; television surveillance is not sufficient.

Ahrens v. Thomas, 434 F. Supp. 873, 901 (W.D. Mo. 1977).

There must be adequate staff on duty to protect detainees against assaults.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

A person during his incarceration has the right to be secure in his person.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 669 (S.D. Tex. 1975).

Plaintiff was not contributorily negligent in not reporting first of two rapes when he did not know he would be removed from the cellblock if he did so.

Doe v. Swinson, No. 76-91-A, Memorandum Opinion and Order at 15-16 (E.D.Va., Nov. 24, 1976).

The jail shall attempt to remove non-participants in the event of mob activity.

Goldsby v. Carnes, 429 F. Supp. 370, 377 (W.D. Mo. 1977) (consent judgment).

Minimally, a detainee ought to have the reasonable expectation that he would survive his period of detainment with his life; that he would not be assaulted, abused, or molested during his detainment; and that his physical and mental health would be reasonably protected during this period.

Hamilton v. Love, 328 F. Supp. 1182, 1194 (E.D. Ark. 1971).

Defendants must provide a plan for protection of inmates from guards and other inmates.

Joiner v. Pruitt, Cause No. 475-166 (Lake Cty., Ind., Super. Ct., June 30, 1975), p. 4.

Protection of inmates from physical assault contributes to the absence of cruel and unusual punishment (totality).

Padgett v. Stein, 406 F. Supp. 287, 293 (M.D. Pa. 1975).

Confinement in jail where violence and terror reign violates rights secured by Fourteenth Amendment (and Eighth Amendment). Extensive findings of fact as to sexual assaults, inadequate protection by guards, and extreme overcrowding.

Rodriguez v. Jiminez, 409 F. Supp. 582, 594 (D.P.R. 1976), stay denied pending appeal, 551 F. 2d 937 (1st Cir. 1977).

Having deprived a man of his liberty, the state has a constitutional obligation to reasonably protect him.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 15, 1974) (Memorandum Opinion), p. 3.

"Under the common law, bailees, including sheriffs, must take reasonable care of the chattels in their custody. No less is required of jailers who have custody of humnn beings.... [T]he common law recognizes a duty on the part of the jailer to give confined persons reasonable protection against assault, suicide and preventable illness."

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), pp. 31-32.

VII.G.1. Discipline and Security--Protection from assault--Surveillance (include specific staffing of particular areas)

Television surveillance is inadequate by itself. "The purpose of personal supervision is to see, to hear, to sense the moods of prisoners, to anticipate dangers, to provide humanness instead of the cold eye of the TV camera, and to be able to react quickly and efficiently."

Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Jan. 24, 1975) (Memorandum Opinion), p. 10.

Violation of generally accepted standard requiring one guard on duty on each jail floor at all times could support sheriff's liability for rape of prisoner.

Doe v. Swinson, No. 76-91-A, Memorandum Opinion and Order at 3 (E.D.Va., Nov. 24, 1976).

Living units should be observed at least every 30 minutes, 24 hours a day, and cells in a tank should be visually checked four times while inmates are locked in at night.

Goldsby v. Carnes, 429 F. Supp. 370, 381-382 (W.D. Mo. 1977) (consent judgment).

Whenever population permits, the last cell in a tank shall be closed due to limited visual access.

Goldsby v. Carnes, 429 F. Supp. 370, 382 (W.D. Mo. 1977) (consent judgment).

Facts that supervision of inmates is totally inadequate to deter physical attacks on inmates and that the deteriorating iron work of the jail provides access to "deadly weapons" contributed to court's finding of constitutional violation. (Totality).

Hamilton v. Schiro, 338 F. Supp. 1016, 1018 (E.D. La. 1970).

"In the end, the court is faced with the fact that it is dangerous to be in jail, although theoretically a jail should be a very safe place to be. Prisoners have a right to safety, and failure to provide maximum possible safety because of administrative or mechanical problems cannot be justified." Therefore defendants are required to arrange for an adequate system of electronic surveillance or to provide two guards on duty all the time.

Incarcerated Men of Allen County v. Fair, Civil No. C 72-188 (N.D. Ohio, May 23, 1973) (Opinion), pp. 2-3.

Defendants shall provide enough guards to keep at least two on each floor at all times, one of whom shall be on patrol in the cell blocks, even if personnel must be re-deployed from police activities.

Jones v. Wittenberg, 330 F. Supp. 707, 715 (N.D. Ohio 1971), aff'd sub nom. Jones v. Metzger, 456 F. 2d 854 (6th Cir. 1972).

Previous order provided that prisoners were to be guarded constantly. "The reason for this is that if they are not, the strong ones will prey upon the weak, the suicidal will kill themselves, and the seriously ill or disturbed will become worse." Until defendants provide continual surveillance of prisoners who need to be watched, they will be in contempt.

Jones v. Wittenberg, 73 F.R.D. 82, 84-85 (N.D. Ohio 1976).

Deputies will patrol and observe each cell block at least once an hour between 8:00 p.m. and 8:00 a.m. and at least every three hours the rest of the time. Television monitors may be used to augment patrols.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Judgment and Partial Judgment), p. 16.

Court found county under a contitutional duty to employ a sufficient number of qualified staff to assure the safety of inmates.

Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 12.

District court did not exceed its authority in directing that a jail guard visit each inmate-occupied area once an hour and one non-inmate guard be present on each jail floor, and that a communication system be established.

Smith v. Sullivan, 553 F. 2d 373, 380 (5th Cir. 1977).

Defendants ordered to submit a plan for reasonably adequate surveillance to guard against assaults and suicides.

Wayne County Jail Inmates v. Wayne County Board of Commissioners, Civil Action No. 173-217 (Circuit Court, Wayne Co., Mich., 1971) (Opinion), p. 37.

VII.G.2. Discipline and Security--Protection from assault--Other means

Inmates who are likely to be physically or sexually attacked should be placed in protective segregation.

Collins v. Schoonfield, Civil No. 71-500-K (D. Md., July 24, 1971) (Interim Decree), p. 6.

Segregation of juvenile to protect him from assault was not unconstitutional.

Collins v. Schoonfield, 363 F. Supp. 1152, 1168-69 (D. Md. 1973).

The jail shall attempt to remove non-participants in the event of mob activity.

Goldsby v. Carnes, 365 F. Supp. 395, 403 (W.D. Mo. 1973) (consent judgment).

Jail officials shall take the following steps to protect inmates from assaults by other inmates: (1) reduce the overcrowding of inmates in a single cell; (2) institute methods to detect and prevent the acquisition and use of weapons by inmates; and (3) make reasonable efforts to isolate inmates who have a record of assaults and violence.

Obadele v. McAdory, Civil No. 72J-103 (N) (S.D. Miss., June 19, 1973), p. 7.

VIII. STAFFING

(for hiring of people with particular technical skills, see relevant subject matter area, e.g. Food--Nutritional adequacy; Medical Care; Programs and Activities, etc.)

Order to increase guards' pay exceeded District Court's authority because it interfered with fiscal authorities' ability to set amount of budget rather than specific allocation of appropriated funds.
Smith v. Sullivan, 553 F.2d 373, 380-81 (5th Cir. 1977).

VIII.A. Staffing--Level

The jail must be supervised by adequately trained officers on a 24-hour basis. There shall be sufficient officers on duty at all times to protect detainees against assault and to permit entry into living areas on a 24-hour basis.
Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977)

The number of jail guards must be increased when additional guards are required for the safekeeping of prisoners and the security of the jail.
Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 669 (S.D. Tex. 1975).

Sufficient jail staff shall be hired to provide one jailer for every 20 inmates.
Alberti v. Sheriff of Harris County, 406 F. Supp. 649, 678 (S.D. Tex. 1975).

Television surveillance is inadequate by itself. "The purpose of personal supervision is to see, to hear, to sense the moods of prisoners, to anticipate dangers, to provide humanness instead of the cold eye of the TV camera, and to be able to react quickly and efficiently."
Bay County Jail Inmates v. Bay County Board of Commissioners, 74-10056 (E.D. Mich., Jan. 24, 1975) (Memorandum Opinion), p. 10.

Violation of generally accepted standard requiring one guard on duty on each jail floor at all times could support sheriff's liability for rape of prisoner.
Doe v. Swinson, No. 76-A, Memorandum Opinion and Order at 3 (E.D. Va., Nov. 24, 1976).

One female staff member must be on duty 24 hours a day.
Hamilton v. Love, 328 F. Supp. 1182, 1196 (E.D. Ark. 1971).

There should be one staff member patrolling on each cell floor in the immediate area of every detainee on a 24-hour basis.
Hamilton v. Love, 328 F. Supp. 1182, 1196 (E.D. Ark. 1971).

Jail officials shall hire enough non-inmate personnel to assure that at least one staff member is assigned to each cell floor to continually patrol 24 hours a day.
Hamilton v. Love, No. LR-70-C-201 (E.D. Ark., June 22, 1971) (Interim Decree), p. 1.

Prison officers shall be placed inside the central corridors and the 5th floor roof facility, and female prisoners being processed through the main prison shall always be accompanied by a matron.
Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La. 1972).

Prison officials shall promptly fill all vacancies in the security staff and, in addition, shall increase security personnel by 110 officers.
Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La. 1972).

Prison officials ordered to hire 6 additional correctional officers within one week.
Hedrick v. Grant, Civil No. S-76-162 (E.D. Ca., Nov. 13, 1976) (Findings of Fact, Conclusions of Law, and Order), p. 9.

Court may order jail authorities to hire staff and public authorities to pay for them where necessary to remedy constitutional violations.
Holland v. Donelon, Civil No. 71-1442 (E.D. La., June 6, 1973), p. 13.

Defendants required to arrange for an adequate system of electronic surveillance or to provide two guards on duty all the time.
Incarcerated Men of Allen County v. Fair, Civil No. C 72-188 (N.D. Ohio, May 23, 1973) (Opinion), pp.2-3.

Shortage of guards led to finding of constitutional and statutory violation (totality).
Jackson v. Hendrick, No. 71-2437 (Pa. Ct. of Common Pleas, April 7, 1972) (Opinion and Decree Nisi), pp. 222, 237.

Jail officials shall fill and maintain sufficient staff positions to assure institutional security and the protection of inmates.
Jackson v. Hendrick, No. 2437 (Pa. Ct. of Common Pleas, Nov. 20, 1976) (Final Decree I), p. 12.

Sufficient guard supervision will be maintained to correct promptly any situation which could result in injury to a federal prisoner.

Johnson v. Lark, 365 F. Supp. 289, 304 (E.D. Mo. 1973).

Jail officials ordered to immediately provide a sufficient number of security officers at county jail.

Joiner v. Pruitt, No. 475-166 (Lake Cty., Ind. Super. Ct., Feb. 21, 1975) (Order), pp. 4-5.

All plumbing leaks must be repaired immediately even if more plumbers have to be hired.

Jones v. Wittenberg, 330 F. Supp. 707, 721 (N.D. Ohio 1971).

Defendants shall provide enough guards to keep at least two on each floor at all times, one of whom shall be on patrol in the cell blocks, even if personnel must be re-deployed from police activities.

Jones v. Wittenberg, 330 F. Supp. 707, 715 (N.D. Ohio 1971), aff'd sub nom, Jones v. Metzger, 456 F.2d 854 (6th Cir. 1972).

The jail population shall be supervised at all times by at least one qualified person whose primary duty shall consist of prisoner supervision.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 11.

At least once a day, a qualified employee of the jail shall enter the jail and visually inspect each jail cell, the walkway, the common area and the toilet facilities.

Lambert v. Skidmore, No. C 2 74-135 (S.D. Ohio, May 30, 1975) (Stipulation and Order), p. 11.

Court have not hesitated to require hiring of more personnel if necessary.

Manicone v. Cleary, No. 74-575 (E.D.N.Y., June 30, 1975), pp. 32-33.

There shall be 24-hour supervision of the jail at all times when it is occupied.

Martinez v. Board of County Commissioners, No. 75-M-1260 (D. Colo., December 11, 1975) (Consent Judgment), p. 1.

Court ordered that jail officials provide 5 supervisory corrections officers per floor from 7:00 a.m. to 11:00 p.m. and 4 officers on the 11:00 p.m. to 7:00 a.m. shift until a sophisticated classification system is implemented, at which time the number of officers may be reduced to 3 per floor.

Miller v. Carson, 401 F. Supp. 835, 897 (M.D. Fla. 1975).

Court orders hiring and training of sufficient correctional officers for proper supervision.
Mitchell v. Untreiner, 421 F. Supp. 886, 901 (M.D. Fla. 1976).

Under-staffing, under the circumstances, does not constitute cruel and unusual punishment (totality).
Padgett v. Stein, 406 F. Supp. 287, 294 (M.D. Pa. 1975).

Where state minimum standards were incorporated in consent decree, defendants would be ordered to comply with standards on staffing.
Padgett v. Stein, 406 F. Supp. 287, 299 (M.D. Pa. 1975).

Defendants directed to comply with visiting schedule in consent decree, even if personnel must be hired.
Padgett v. Stein, 406 F. Supp. 287, 302 (M.D. Pa. 1975).

Where lack of staff causes violations of rights to be free from mistreatment and to be protected from harm, court may order staff increased.
Rhem v. Malcolm, 371 F. Supp. 594, 628 (S.D.N.Y. 1974), aff'd, 507 F.2d 333 (2d Cir. 1974).

Where correctional manpower is depleted on weekends, marginal benefit to inmates of use of outdoor yards on weekends does not justify cost of additional manpower to city to make the yards available to inmates during that time.
Rhem v. Malcolm, 389 F. Supp. 964, 972 (S.D.N.Y. 1975), motion to amend denied, 396 F. Supp. 1195 (S.D.N.Y. 1975).

Inadequacy of the numbers of guards provided, combined with lack of classification system and admission of mentally deranged persons or those with known dangerous propensities is denial of Fifth, Eighth, and Fourteenth Amendments.
Rodriguez v. Jiminez, 409 F. Supp. 582, 594 (D.P.R. 1976).

Mental health center for detainees will maintain a level of professional and correctional personnel "adequate to maintain the life, safety and health of plaintiffs." (This judgment not to be cited in New York City litigation.).
Rosenthal v. Malcolm, 74 Civ. 4854, Final Judgment at 6 (S.D.N.Y., March 17, 1977).

Court found county under constitutional duty to employ a sufficient number of qualified staff to assure safety of inmates.
Sandoval v. James, No. C-72-2213 RFP (N.D. Ca., Oct. 3, 1975) (Opinion), p. 12.

Within 30 days, steps shall be taken to insure that at least 5 corrections officers are on each floor at all times, and within 45 days, steps shall be taken to insure the presence of a specified number of officers for each location in the jail.

Miller v. Carson, No. 74-382-Civ-J-S (M.D. Fla., Jan. 31, 1975) (Order and Preliminary Injunction), p. 14.

There shall be two guards continuously patrolling each housing floor of city jail.

Tyler v. Percich, 74-40-C (2) (E.D. Mo., Oct. 2, 1974) (Order), p.2.

VIII.B. Staffing--Qualifications

Any group and individual counseling programs which may be established shall be staffed by properly trained professionals.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

VIII.B.1. Staffing--Qualifications--Selection (include minority hiring requirements)

Correctional personnel shall be selected on the basis of merit. There must be a matron on call 24 hours daily if women are detained in the new facility.

Ahrens v. Thomas, 434 F. Supp. 873, 903 (W.D. Mo. 1977).

Recruitment program for correction officers ordered.

Barnes v. Government of Virgin Islands, 415 F. Supp. 1218, 1232 (D.V.I. 1976).

All applicants for security positions must meet standards set forth in job descriptions and examination requirement and must be civil service qualified. Recruitment of all minority groups shall be increased.

Hamilton v. Landrieu, 351 F. Supp. 549, 551 (E.D. La. 1972).

Institution ordered to make effort to hire more Spanish-speaking personnel.

Inmates of the Suffolk County Jail v. Eisenstadt, 360 F. Supp. 676, 693 (D. Mass. 1973).

Affirmative action program for hiring minority personnel will be implemented.

Marion County Jail Inmates v. Broderick, No. IP 72-C-424 (S.D. Ind., June 9, 1975) (Consent Decree and Partial Judgment), p. 14.