

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Civil Action No. CV-75-S-666-S
)	
JEFFERSON COUNTY, ALABAMA, et al.,)	
Defendants.)	
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JOHN W. MARTIN, et al.,)	
Plaintiffs,)	
)	
vs.)	Civil Action No. CV-74-S-17-S
)	
CITY OF BIRMINGHAM, ALABAMA, et al.,)	
Defendants.)	

ORDER TERMINATING CONSENT DECREE

Upon consideration of the parties’ “Joint Motion for Termination of the Consent Decree [of Jefferson County, Alabama], With Supporting Memorandum” (doc. no. 2173), the monthly reports submitted by Jefferson County from July 2018 through December 2020, inclusive,¹ the May 4, 2020 “Human Resources Strategic Direction Report” of the Jefferson County Commission’s Human Resources Director and accompanying exhibits (doc. nos. 2166, 2166-1, and 2166-2), and following

¹ See doc. no. 2108 (July 2018); doc. no. 2112 (August 2018); doc. no. 2115 (September 2018); doc. no. 2117 (October 2018); doc. no. 2119 (November 2018); doc. no. 2120 (December 2018); doc. no. 2122 (January 2019); doc. no. 2127 (February 2019); doc. no. 2131 (March 2019); doc. no. 2132 (April 2019); doc. no. 2135 (May 2019); doc. no. 2136 (June 2019); doc. no. 2143 (July 2019); doc. no. 2147 (August 2019); doc. no. 2150 (September 2019); doc. no. 2153 (October 2019); doc. no. 2155 (November 2019); doc. no. 2157 (December 2019); doc. no. 2159 (January 2020); doc. no. 2160 (February 2020); doc. no. 2162 (March 2020); doc. no. 2165 (April 2020); doc. no. 2167 (May 2020); doc. no. 2168 (June 2020); doc. no. 2171 (July 2020); doc. no. 2172 (August 2020); doc. no. 2174 (September 2020); doc. no. 2175 (October 2020); doc. no. 2180 (November 2020); and doc. no. 2184 (December 2020).

consultation with counsel for all parties, this court finds that Jefferson County has substantially achieved the purposes of its consent decree, and demonstrated its ability and commitment to function in compliance with federal law, absent judicial supervision.

Accordingly, it is ORDERED, ADJUDGED, and DECREED that the Joint Motion is GRANTED, and all provisions of the Consent Decree originally entered in these consolidated cases on December 29, 1982 (doc. no. 1832), together with the modifications incorporated by this court on November 12, 2013 (doc. no. 1842),² are

² As explained in, among other places, the pleading entered by this court on November 12, 2013 as doc. no. 1842 (entitled “Jefferson County Consent Decree (as modified November 12, 2013, *nunc pro tunc* October 16, 2013)”), representatives of the plaintiffs, the Jefferson County Commission, and the Sheriff of Jefferson County, Alabama, executed the original “Consent Decree” on December 28 and 29, 1982. In doing so, the members of the County Commission and Sheriff of Jefferson County

expressed their desire to “avoid the burdens and expense of any further litigation in these consolidated actions”; pledged their commitment to ensuring that “any disadvantages to blacks and women that may have resulted from any past discrimination against them are remedied so that equal employment opportunities will be provided to all”; and, affirmed their acceptance of the terms of the agreement “as final and binding among the parties signatory hereto as to the issues resolved herein.” The consent decree was ratified and approved by Judge Sam C. Pointer, Jr., and entered on December 29, 1982.

Doc. no. 1842, at 2 (footnotes omitted). That decree was entered many years prior to this court’s adoption of the “Case Management/Electronic Case Files (‘CM/ECF’)” system, which allows pleadings to be filed and accessed electronically. Hence, for ease of reference to the parties’ pleadings and this court’s orders, the undersigned judicial officer directed that a Xerox copy of the 1982 decree be filed on October 15, 2013 as doc. no. 1832. The parties stipulate that the present motion does not implicate any provisions of the Consent Decree that referenced the obligations of the Sheriff of Jefferson County, who was released from federal judicial supervision on March 23, 2017 by doc. no. 2044. *See* doc. no. 2173 (Joint Motion), at 1 & n.1.

terminated, but upon the following conditions:

A. The provisions of paragraphs 1, 4, 33, and 50–53 of the decree, as amended below (*i.e.*, “the Non-Terminated Paragraphs”), shall remain in effect and be binding upon Jefferson County for a period of approximately eighteen months from the date of the entry of this Order — *i.e.*, until June 30, 2022:

Paragraph 1. The defendant Jefferson County, its officials, agents, employees, and any persons who participate in the hiring, firing, promotion or discharge of employees or applicants for employment are enjoined and restrained from engaging in any act or practice which has the purpose or effect of unlawfully discriminating against any employee of, or applicant or prospective applicant for employment with, Jefferson County because of such individual’s race, color, or sex. The defendant has agreed that all hiring, promotion, upgrading, training, job assignments, discharge or other disciplinary measures, compensation, or other terms and conditions or privileges of employment shall be maintained and conducted in a manner which does not unlawfully discriminate on the basis of race, color, or sex. Further, the County shall not retaliate against, or in any way take adverse action against, any person because that person opposes or has opposed alleged discriminatory policies or practices in Jefferson County, or because of that person’s participation in or cooperation with the investigation and trial of this action, or in any proceeding therein.

* * * *

Paragraph 4. In the event plaintiffs seek to enforce any provision of this Decree, they shall provide notice of their intentions to: County Attorney, Jefferson County, 716 Richard Arrington Blvd. North, Room 280, Birmingham, Alabama 35203. Such notice shall state, with reasonable particularity, the nature of the alleged violation and the relief sought. The parties shall have a period of thirty (30) days within which to resolve the matter informally. If the parties fail to resolve the matter