

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA 01 SEP 25 PM 3:32
NORTHEASTERN DIVISION

U.S. DISTRICT COURT
N.D. OF ALABAMA

JOHNNY MAYNOR, ANTHONY MURPHREE,)
CHRISTOPHER NICHOLS, YVETTE BARBEE,)
JOSEPH BOWIE, JAMES BROWN, KELVIN)
COWAN, McARTHUR GREEN, KRISTY LEIGH)
GRIFFIN, CARRIE JACKSON, CLEVELAND)
OWENS, WILLIE PERRY, ALNAS RUSSELL,)
MAURICE SEARS, BILLY RAY SMITH, MICHAEL)
VAUGHN, individually and on behalf of all present)
and future inmates of the Morgan County Jail at)
Decatur, Alabama,)

Plaintiffs,)

vs.)

MORGAN COUNTY, ALABAMA; STEVE CRABB,)
Sheriff of Morgan County, and MYRA YATES,)
Jail Administrator, in their official capacities;)
LARRY BENNICH, JEFF CLARK, DON STISHER,)
STACY GEORGE, and FAYE SPARKMAN,)
members of the MORGAN COUNTY COMMISSION,)
in their official capacities; DON SIEGELMAN,)
Governor of Alabama, and MIKE HALEY,)
Commissioner of the Alabama Department of)
Corrections, in their official capacities,)

Defendants.)

dc
ENTERED
SEP 25 2001

Civil Action Number
01-0851-NE

**CONSENT DECREE APPLICABLE TO THE PLAINTIFF CLASS
AND THE COUNTY DEFENDANTS**

Based on the Court's careful review of the Proposed Consent Decree between the Plaintiff class and the Defendants Morgan County Sheriff Steve Crabb, Morgan County Jail Administrator Myra Yates, the Morgan County Commission and its members Larry Bennich, Jeff Clark, Don Sisher, Stacy George, and Faye Sparkman ("the County Defendants"), the lack of

45

meritorious objections thereto, and the fairness hearing of this date, the Court finds and concludes that the Proposed Consent Decree is fair, reasonable, and adequate. The Proposed Consent Decree is hereby FINALLY APPROVED.

Accordingly, the following provisions are hereby ORDERED by the Court.

A. Housing and Living Conditions

1. No inmate in the Morgan County Jail (“the Jail”) shall be forced to sleep on the floor or on a table at any time.
2. The cells known as “drunk tanks” shall be equipped to safely house inmates who are intoxicated at the time they are booked into the Jail. These cells shall only be used to house intoxicated inmates until they are sober and can be moved safely to the general population.
3. Recognizing that overcrowding at the Jail affects all aspects of Jail operations, the County Defendants agree to organize a local task force to identify and review alternative programs and methods for reducing the Jail population and to make recommendations regarding the implementation of such programs and methods. The task force shall include, but is not limited to the following officers, if they agree to serve: the sheriff; one or more members of the County Commission; the presiding circuit court judge; the district attorney; the county attorney; a criminal defense attorney; a representative from probation; and at least two community representatives. The task force shall diligently investigate and explore alternative methods for reducing the Jail population, including the creation of a Community Corrections and Punishment Program, as provided for in §15-18-170, et seq., Code of Alabama, 1975; the expansion and development of one or more work release programs as now or hereafter authorized by law; the diversion of inmates to other institutions with available bed space; the release of inmates on their

personal recognizance; and other alternative means of securing their attendance through such other means and methods as may be available. In reviewing the possible alternatives for preventing overcrowding at the Jail, the task force will consult with the Alabama Association of Community Corrections. County Defendants will report to Plaintiffs' counsel each September 15 and March 15, and through other regular communications, regarding local efforts by the task force and others to prevent overcrowding at the Jail.

4. Defendants shall thoroughly and safely clean the entire Jail at least once a month, and shall ensure that the Jail continues to receive monthly pest control services. County Defendants shall respond promptly to pest control problems in the Jail. Defendants shall have the ventilation system at the Jail inspected for dirt, mold, and other growth; and, by December 31, 2001, shall have the air ducts cleaned, replaced or repaired by a qualified firm if the ducts contain levels of vermin, mold growth, dust and/or debris considered unacceptable according to the standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE). County Defendants shall ensure that the air handling unit is on a regular maintenance program and that the air filters are being changed regularly. County Defendants shall have the heating, ventilation, and air conditioning (HVAC) system at the Jail inspected and evaluated regularly by a qualified environmental hygiene specialist, for compliance with ASHRAE standards. The Jail HVAC system shall then be maintained in accordance with the recommendations of the specialist. On a daily basis, inmates shall be provided with cleaning supplies, including brushes for the toilet and the shower, a mop, sponges, and a bucket with clean hot water and detergent. The Class recognizes that Class members are jointly responsible with the Jail staff for cleanliness of the cellblock and maintaining a decent living environment.

5. County Defendants shall furnish all inmates with a clean mattress, sheet, blanket, and towel upon intake, and shall furnish clean sheets, blankets, and towels once a week. All inmates shall be provided with an adequate supply of hygiene products which shall include toothbrush, toothpaste, deodorant, soap, and shampoo free of charge. County Defendants shall provide each inmate two clean uniforms. Mattresses shall be in reasonably good condition, and shall be sanitized and aired between users. Effective October 31, 2001, all inmates shall have access to the jail store at least once per week. County Defendants shall furnish each inmate a pen or some other writing instrument at intake and no less than once every 10 days thereafter. Under no circumstances shall inmates be denied access to over-the-counter medication or hygiene items as a form of punishment.

6. Effective October 31, 2001, County Defendants shall provide an opportunity for no less than one hour per day, three days per week of outdoor exercise for every inmate during daylight hours, except in inclement weather or emergency situations. In the event that the Jail creates a bona fide indoor exercise facility, exercise may be provided in such a facility so long as at least one day of exercise remains outdoors. Denial of exercise shall not be used for punishment, except that those who violate the Sheriff's reasonable rules of behavior may be returned to their cells prior to the end of the exercise period.

7. Effective October 31, 2001, County Defendants shall provide at least five hours of visitation each Saturday or Sunday as determined by the Sheriff, for family and loved ones 14 years of age or older, to visit inmates who have been in Jail for no less than seven consecutive days ("eligible inmates"). County Defendants will assure an orderly and safe visitation period by designating 30 minute periods of one-on-one visitation (i.e. one inmate to each visitation port for

the thirty-minute period) in a fair and equitable manner for all eligible inmates desiring to visit with family and loved ones, and who (and whose visitors) comply with the Sheriff's written reasonable rules and regulations regarding visitation. All inmates shall be allowed at least three visits with family and loved ones each month. Family and loved ones will not be barred from visitation for having been incarcerated at the Jail so long as that incarceration ended more than 12 months prior to the scheduled visitation. No inmate may have more than two visitors per week. Visitors between the ages of 14 and 18 must be accompanied by an adult, and must be a member of the inmate's immediate family.

8. Beginning no later than January 1, 2002, to the extent permitted by the State Fire Marshal, inmates may obtain and keep a reasonable number of soft-cover books and periodicals sent to them directly from the publisher, or otherwise made available to them by jail staff, such as from a book cart or jail library. Sexually explicit or racially inflammatory materials shall be prohibited. All incoming books and periodicals will be screened to determine if they are sexually explicit or racially inflammatory.

9. County Defendants shall keep the Jail temperature between 65 degrees and 85 degrees Fahrenheit, provide adequate ventilation, and maintain adequate lighting in all living areas. Adequate lighting shall be defined to be 25 foot candles in all living areas, including the one-man cells on the third floor of the jail, and shall be implemented no later than December 31, 2001.

10. The County Defendants commit to move diligently to design, construct and occupy a new County Jail facility, and shall immediately begin studies and formulate plans for the funding for construction of the new Jail. The Jail will be designed and constructed so as to

assure that the health, safety, and welfare of the inmates are adequately provided for. The County Defendants commit to have the construction complete and facility certified fit for occupancy on or before October 1, 2005. Nothing provided herein shall prevent the County Defendants from utilizing all or a portion of the existing Jail facility as a portion of the new Jail facility, so long as the facility adequately assures the health, safety, and welfare of the inmates.

B. Health Care and Diet

11. County Defendants shall provide and pay for all constitutionally required health care in a timely manner. This provision does not prevent the Jail from implementing a written co-pay plan, which requires inmates to pay a limited fee, in a pre-set amount, toward the cost of their medical treatment. For example, the plan might provide that inmates will be charged \$3, or some other reasonable amount, toward each 30-day refill of a prescription medication. Payments may be withdrawn from the inmate's Jail store account so long as the Jail store account does not fall below \$20. Under no circumstances shall an inmates' financial status prevent him or her from receiving constitutionally required medical, mental health, and dental care, including necessary medication and hospitalization, in a timely manner.

12. Inmates shall be screened in a face to face interview by officers upon arrival at the Jail, or as soon thereafter as the inmate is physically or mentally able to do so, and before their placement in general population. Officers will be instructed by a qualified health care practitioner on the proper use of the health screening forms before they conduct interviews. The health screening form shall be mutually agreeable to Plaintiffs' and County Defendants' counsel.

13. Intake findings shall be recorded on a Health Screening Form and reviewed within one (1) day by a qualified health care practitioner. The screening form, along with medical

examinations, medication records (which shall include at a minimum the medication prescribed for each inmate, the dosage, and the date of administration), sick call requests, out-patient medical visits, emergency room referrals, treatment and directions for any follow-up, and treatment plans for inmates with chronic medical conditions (including chronic mental illnesses) shall systematically be kept as part of each inmate's confidential medical file.

14. If, during intake screening an inmate indicates that he or she has a chronic or acute medical condition, referral will be made promptly to the medical staff. The medical staff will complete the screening process, gather medical history, and verify any current medication, which the inmate identifies that he or she is taking. The medical staff will request that the inmate sign a release of information to confirm any medication or treatment currently ordered. Medication or ongoing treatment which are credibly verified shall be continued without interruption and shall be referred to the Jail's Medical Director for orders to thereafter continue or alter as deemed appropriate by the medical director. The final decision to continue or discontinue, or modify treatment or medication shall rest with the Medical Director of the Jail, consistent with the community standard of care. The Medical Director's decision to continue, discontinue, or modify the inmate's treatment, and the reasons for this decision, shall be documented in the inmate's medical record.

15. If, during intake screening, an inmate indicates that he or she has a chronic or acute medical condition during such time as the Jail's medical staff is not physically present, the correctional staff will contact promptly the on-call nurse or the Jail's Medical Director to determine what medical care or medication is appropriate, consistent with the community standard of care for the inmate's medical condition, until the inmate may be personally seen by

the jail medical staff the next morning. If, for any reason, correctional officers are unable immediately to contact the on-call nurse or the Jail's Medical Director with regard to any person with an acute or chronic illness and the situation is emergent, the inmate will be transported immediately to the appropriate emergency room for care and treatment.

16. If, during intake screening, an inmate states that he or she is on medication for a chronic or acute illness and the medication cannot be verified within 24 hours of intake, then, within the next 24 hours, the inmate will be seen by a physician who shall continue the inmate's prescription, or in the alternative, order other treatment for the inmate consistent with the community standard of care for the inmate's condition. The inmate shall receive the first dose of the medication prescribed by this physician within the second 24-hour period (in other words, within 48 hours of intake). The physician's decision to continue, discontinue, or modify the inmate's treatment, and the reasons for this decision, shall be documented in the inmate's medical record.

17. Inmates whose constitutionally required treatment includes testing of blood pressure, blood sugar, or any other medically necessary testing, shall be provided such testing in accordance with the standard of care for their medical condition.

18. Inmates who indicate through the intake screening or who appear to be suffering from serious mental illness, including suicidal tendencies, shall be seen promptly by a qualified mental health specialist for diagnosis and appropriate and ongoing treatment. County Defendants shall develop a written plan which ensures that inmates with mental illness are seen promptly by qualified mental health specialists.

19. Each inmate held in the Jail more than fourteen (14) days shall by the fourteenth

day be given a basic physical examination which includes, at a minimum, the taking of vital signs (blood pressure, pulse, height, weight, and temperature), a complete health history, and tests for tuberculosis, HIV, and syphilis. The examination must be conducted by a qualified health care practitioner. County Defendants shall ensure that tuberculosis skin tests are read 48-72 hours after they are implanted, and that anyone with a positive skin test is provided a chest x-ray within 96 hours. County Defendants shall immediately contact local health officials regarding any individual with a suspicion of contagious tuberculosis.

20. If an inmate needs constitutionally required medical treatment or review that cannot be provided at the Jail, including emergency care, County Defendants shall transport the inmate to obtain such treatment in a timely manner. County Defendants shall make arrangements with local health care facilities, including emergency rooms, to ensure that no inmate is refused constitutionally required treatment or care because of inability to pay.

21. County Defendants shall implement a regular sick call to be conducted by qualified health care practitioner at least five (5) times a week. The sick call shall include a simple procedure for inmates to make written requests to be seen at the next sick call in a confidential visit by the qualified health care practitioner. Security personnel shall not have the authority to deny a request for medical, mental health, or dental care. Qualified health care practitioners shall be on call when not available on-site.

22. County Defendants shall provide a nutritionally adequate diet to inmates, and shall consult with a registered dietician to review and approve all menus actually served at the Jail. Food provided to inmates shall not be withheld, reduced, or altered as a form of punishment. County Defendants shall provide therapeutic diets when such diets are prescribed

by a physician or dentist as part of the patient's treatment.

23. County Defendants shall provide safe and medically appropriate detoxification for inmates under the influence of alcohol or drugs or undergoing withdrawal. Inmates experiencing life-threatening intoxication, overdose, or withdrawal shall be immediately transferred to an emergency care facility.

24. Inmates confined in the Jail's observation cell shall be provided with a mattress, bedding, and clothing unless the inmate is at risk of harming himself or herself with those items. Inmates who are deemed to be at risk of harming themselves shall be provided an isolation/suicide cell smock. The observation cell shall be used for suicide watch, detoxification, and to isolate individuals at risk of harming themselves or others. When the cell is to be used for medical observation, including when it is used for detoxification or when a hospital or other medical provider has directed that an inmate's condition be closely watched (such as after the inmate has suffered a head trauma), the inmate must be monitored by a correctional officer in consultation with a qualified health care practitioner. The observation cell shall not be used for punishment. Force, including chemical agents, shall not be used on an inmate confined in an observation cell, except when necessary to protect the inmate from harming himself or herself or others, and then only after other reasonable methods for controlling the inmate have failed. Persons in the observation cell shall be checked every fifteen (15) minutes by trained Jail staff, and such checks shall be documented. Jail staff shall also document when they allow the inmate in the observation cell to shower or use the toilet.

C. Security and Fire Safety

25. Detention officers shall visually inspect each cellblock in the Jail at least once

every thirty minutes. All checks shall be documented. Effective October 31, 2001, at least one officer shall be stationed on each floor of the main Jail and two officers shall be stationed in the control room at all times. One officer shall be stationed at the Annex when any inmates are actually there. In addition, at least two (2) rovers shall be on duty at all times.

26. All officers in supervisory positions shall attend and complete the 80-hour Jail Management Training course conducted by the Alabama Department of Corrections at the Alabama Corrections Academy within the next 6 months, and all other detention officers shall receive at least 12 hours of formal training within the next 6 months.

27. Uses of force by detention officers, including but not limited to the use of chemical agents, shall be reviewed within one (1) day or on the next business day (if the use of force occurs on the weekend) by the Jail administrator or warden, who shall counsel and, when appropriate, discipline any officer who is determined to have used force excessively or improperly. Use-of-force records, including all inmate or staff allegations or complaints regarding use of force and any determinations regarding whether that use of force was appropriate, shall be systematically kept and filed. Force, including chemical munitions, shall not be used except to prevent an inmate from causing bodily harm or physical injury to himself or to another, or to escape, and only when there is no other reasonable means for controlling the inmate. All current staff shall receive training in the proper use of force, including chemical munitions, within two months of entry of this order, and on an annual basis thereafter. All future staff shall receive training in the proper use of chemical munitions within 30 days of their employment with the Sheriff's Department and on an annual basis thereafter.

28. No later than September 1, 2001, County Defendants shall implement an adequate

communication system for use in the Jail. A communication system shall be considered adequate only if it allows inmates, including those in the annex and single-man cells, to immediately notify detention officials of emergencies and the nature of the emergency, and only if officers respond in a timely and appropriate manner.

29. By September 1, 2001, and on an annual basis thereafter, all current staff shall receive training in the recognition of mentally ill and emotionally unstable individuals, including recognition of signs and symptoms of chemical dependency and suicidal tendencies. In addition, by September 1, 2001 and on an annual basis thereafter, all current staff shall receive training in defusing and safely handling volatile situations involving such individuals. All future staff shall receive the training described in this paragraph within 30 days of their employment with the Sheriff's Department, and on an annual basis thereafter.

30. A first aid kit approved by the designated physician shall be available in the Jail. All Jail personnel, within 30 days of employment, and annually thereafter, shall have current training in basic first aid and cardiopulmonary resuscitation (CPR) equivalent to that defined by the American Red Cross. At all times, there shall be at least two Jail staff members on-site at the Jail who have current training in basic first aid and CPR.

31. County Defendants shall repair all non-structural deficiencies described in the September 25, 2000, State Fire Marshal's Report, and shall have the fire alarms, smoke detectors, and manual fire alarm systems in good working order by December 31, 2001. Structural deficiencies will be adequately addressed by the County Defendants when the new Jail is designed, built, and occupied.

D. Access to the Courts

32. County Defendants shall implement by September 30, 2001 a formal grievance procedure that is mutually agreeable to Plaintiffs and County Defendants' counsel.

33. County Defendants shall obtain and make available at least 2 sets of the *Offenses and Defenses in Alabama*, Harrison Co. (3d Ed. 1999), *Alabama Criminal Trial Practice Forms*, Harrison Co. (3d Ed. 1993), the *Georgetown Law Journal Annual Review of Criminal Procedure* (2001), the *Alabama Code Annotated*, Title 13A (Criminal Code), *Legal Research: How to Find and Understand the Law*, Nolo Press (4th edition, 1995), and *Prisoners' Self-Help Litigation Manual*, Ocean Publications, 3rd edition, 1995, and shall, upon request for specifically identified legal materials and the prepayment of the estimated reasonable cost of copying such, supply the inmate with photocopies of the specifically identified legal materials. County Defendants shall also accept donations of legal materials to the Jail received from Plaintiffs' counsel for use by inmates; subject to reasonable limitations on the quantity of such materials. The Class recognizes that Class members are jointly responsible for the proper care of the reference books, and County Defendants shall not be required to replace any of the above legal materials which are damaged by inmates in whole or in part.

E. Attorneys' Fees

34. County Defendants shall pay the reasonable fees and expenses of the Plaintiffs' attorneys and support personnel, subject to the fee limitations contained in the Prison Litigation Reform Act, which, on the date of the signing of this agreement is \$79,043.09. This does not prevent Plaintiffs' counsel from seeking future fees and costs that are directly and reasonably incurred in enforcing the relief ordered for the violation of Plaintiffs' rights under this Consent

Decree, subject to the fee limitations contained in the Prison Litigation Reform Act.

35. If the Court orders payment from State Defendants for fees and expenses that have already been paid for by the County Defendants, Plaintiffs' attorneys shall reimburse County Defendants of such amount.

F. Notice

36. Within ten (10) days of the entry of this order, Defendant Steve Crabbe shall explain the terms of this Consent Decree to all of his agents, servants, representatives, and employees in any way connected with the subject matter of this suit, in order to ensure their understanding of this Consent Decree and the necessity for strict compliance with its terms. County Defendants shall require strict compliance with this Consent Decree by all such persons and their successors. All Jail staff members and other individuals providing services required by this Consent Decree shall read this Consent Decree within ten (10) days of the date of its entry or within ten (10) days of being hired, whichever comes later; and shall acknowledge in writing that they have read and understood what is required of them.

37. The Jail's Inmate Handbook shall advise inmates that the Jail is being operated under the terms of an order entered by the United States District Court for the Northern District of Alabama and that, within a reasonable time after request, any inmate will be afforded the opportunity to read a complete copy of the Consent Decree.

G. Compliance

38. To ensure compliance with this agreement, County Defendants shall provide to Plaintiffs' counsel each month a complete and up-to-date census of the Jail population that lists inmates by location, status (awaiting trial, state convicted, or county convicted), all criminal charges, and length of confinement. County Defendants shall also provide to Plaintiffs' counsel on a quarterly basis a complete and up-to-date security staffing report that includes staff names and assignments.

39. On a monthly basis for the first year after the effective date of this order, and on a quarterly basis thereafter, County Defendants shall provide to Plaintiffs' Counsel the physician sick call schedule for the previous month, including the name of each physician who worked, the actual days he or she was present at the Jail, the actual number of hours he or she spent at the Jail on each of these days, and how many patients he or she treated on each of these days. County Defendants shall provide this information with regard to on-site visits by the psychiatrist and psychiatric social worker and any other specialist who provides care on-site at the Jail, as well. The nursing schedule for the previous month, including the name of each nurse who worked, his or her qualifications (i.e., RN), the days and hours he or she actually worked, and the number of patients he or she saw on each day worked.

40. Plaintiffs' counsel shall have reasonable access to Jail records, Jail inmates, and the Jail facility, including escorted, unannounced walk-through visits of the Jail on a quarterly basis during the first year following the entry of this Consent Decree, and twice a year thereafter. Paralegals working directly with Plaintiffs' counsel shall have reasonable access to Jail inmates and will be accompanied by an attorney during any walk-through of the Jail. Class counsel and

their paralegals may bring experts at their own expense on such walk-through visits. Should class counsel or their paralegals bring a medical expert, the medical expert shall have access to all medical records and charts kept or created by the Jail. This Consent Decree does not prevent County Defendants from changing the medical providers who provide services at the Jail.

41. Prior to filing a motion with the Court for legal enforcement of the Consent Decree, Plaintiffs' counsel will bring any alleged deficiencies to the attention of County Defendants' counsel and allow the County Defendants a reasonable period of time to resolve the issues informally. If the issues cannot be resolved through negotiation, the Court may appoint a qualified, neutral individual with sufficient expertise to evaluate and report to the Court the County Defendants' compliance with part or all of the Consent Decree. The County Defendants shall be entitled to notice and an opportunity to be heard prior to the imposition of sanctions based on such report.

H. Scope of Relief

42. The provisions of the Consent Decree are not binding on the Defendants Mike Haley, Commissioner of the Alabama Department of Corrections, and Governor Don Siegelman ("the State Defendants").

I. Definitions

43. The term "detention officer" refers to any member of the Jail staff, exclusive of kitchen staff and medical staff, who is hired by Morgan County, and charged with the duties of those persons commonly referred to as jailers, guards, or correctional officers (including supervisors). This term includes reserve officers, the Jail administrator, and the warden.

44. The term "qualified health care practitioner" refers to a registered nurse, nurse

practitioner, physician's assistant, or medical doctor.

45. The term "Jail" refers to the main jail attached to the Morgan County Courthouse in downtown Decatur, the "annex" across the street from the main jail, which currently holds approximately 40 male trustees; and any other facility hereafter used by the Morgan County Sheriff for housing Morgan County inmates.

I. Stipulations and Findings.

46. The parties stipulate that the prospective relief concerning the housing and living conditions, as set forth in Paragraphs 1 through 10 of this Consent Decree, is narrowly drawn, extends no further than necessary to correct the violations of plaintiffs' federal rights set forth in their Complaint and is the least intrusive means necessary to correct these violations. The parties agree and stipulate, and the Court hereby finds, that this Consent Decree will not have an adverse impact on public safety or the operation of a criminal justice system. Accordingly, the parties agree and stipulate, and the Court hereby finds, that this Consent Decree complies in all respects with the provisions of 18 U.S.C. §3626(a).


47. The parties agree and stipulate that the prospective relief concerning the safety and security of inmates, as set forth in Paragraphs 25 through 31 of this Consent Decree, is narrowly drawn, extends no further than necessary to correct the violations of Plaintiffs' federal rights set forth in their Complaint and is the least intrusive means necessary to correct these violations. The parties agree and stipulate, and the Court hereby finds, that this Consent Decree will not have an adverse impact on public safety or the operation of a criminal justice system. Accordingly, the parties agree and stipulate, and the Court hereby finds, that this Consent Decree complies in all respects with the provisions of 18 U.S.C. §3626(a).

48. The parties agree and stipulate that the prospective relief concerning the medical care of inmates, as set forth in Paragraphs 11 through 24 of this Consent Decree, is narrowly drawn, extends no further than necessary to correct the violations of Plaintiffs' federal rights set forth in their Complaint and is the least intrusive means necessary to correct these violations. The parties agree and stipulate, and the Court hereby finds, that this Consent Decree will not have an adverse impact on public safety or the operation of a criminal justice system. Accordingly, the parties agree and stipulate, and the Court hereby finds, that this Consent Decree complies in all respects with the provisions of 18 U.S.C. §3626(a).

49. The relief provided for in this Order replaces and supersedes the relief granted by all prior orders in this proceeding, including the relief granted in the Court's Preliminary Injunction of April 17, 2001.

50. The requirements of paragraphs 1, 2, 6, and 7 shall not be in effect whenever more than 25% of the Jail population consists of state-ready inmates, as the term is defined by the Court. However, the opportunity for exercise shall never fall below one day per week for one hour.

Done this 25th day of September, 2001.



Chief United States District Judge
U.W. Clemon