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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT McGRATH, et. al.
Plaintiff,
vs.
NEVADA COUNTY, et. al.,
Defendants.

CASE NO. CV-S-89-1658
EJG-JFM
PRELIMINARY INJUNCTION

1. The State of California Board of Corrections has rated the capacities of the Nevada County jail system as follows:

- a. Nevada County Jail: 63
- b. Nevada County Detention Facility: 48
- c. Truckee Holding Facility: 6

This Injunction shall pertain and apply to the above facilities only.

2. Beds in the hallways shall be removed no later than five days of the date of this injunction.

3. The sheriff shall maintain the above rated capacities. The

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1 count shall be done no later than 12:00 p.m. of each day. Prisoners shall
2 be released to meet the rated capacities commencing with non-violent
3 prisoners closest to release date or pre-trial detainees held for non-
4 violent crimes.

5 4. The population of the Nevada County jails shall not exceed the
6 overall rated capacity after the date of this Injunction. Every inmate
7 shall be provided a bed in the appropriate classification. The jail may
8 exceed the rated capacity of individual sections only twice in any seven
9 day period.

10 5. Every such arrestee shall be processed promptly, normally
11 within 2 hours. Inmates may be held for no more than 4 hours in the
12 holding cells except that an inmate may be held for up to 8 hours
13 pending securing of bail, awaiting transport out of the jail or upon
14 express consent of the facility commander for emergency
15 circumstances or on-going criminal investigations. Reasons for holding
16 over 4 hours must be documented.

17 6. Dental care shall be promptly provided to all inmates including
18 the repair of teeth and the provision or repair of dentures when
19 necessary. Such necessity shall be based on generally accepted dental
20 practices for the community and to allow inmates to eat solid food and
21 maintain good dental health. The Sheriff shall provide dental services
22 in order to avoid unnecessary pain and suffering by the inmates in the
23 jail. The provision of necessary dental and medical care shall not be
24 discouraged in any manner.

25 7. The Sheriff will not hold in the jails any warrantless arrestee
26 who has not been provided with a determination before a judge,
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commissioner or judge pro tem of probable cause for continued detention within 36 hours of arrest.

8. Stephen A. Munkelt, local counsel in Nevada County, shall be permitted unlimited unannounced access to the jail facilities to assess compliance with this Preliminary Injunction. Notice and an opportunity to accompany him shall be provided to County Counsel's office prior to any such visit. This visitation shall be permitted at such times as will not unreasonably interfere with jail operations or security and the number of such visits shall be a reasonable number.

9. Plaintiff's counsel shall be required to meet and confer with counsel for defendants if the visitation referred to in paragraph # 8 above discloses any violation of this Preliminary Injunction prior to bringing any action for enforcement before this Court.

10. As to the matters set forth above, the parties to this matter have agreed to waive their time for objection and this Preliminary Injunction shall become effective immediately upon the signing thereof by a Judge of the United States District Court.

I RECOMMEND THIS ORDER.

March 17, 1990


UNITED STATES MAGISTRATE

IT IS SO ORDERED.

oct 3
March _____, 1990


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CERTIFICATE OF SERVICE

ROBERT McGRATH, et al.

v.

NEVADA COUNTY, et al.

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CIV-S- 89-1658 EJM/JFM

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 3, 1990, I served a copy of the attached **ORDER** by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail at Sacramento, California, or by placing said copy into an inter-office delivery receptable located in the Clerk's Office.

SERVED BY MAIL:

STEPHEN A. MUNKELT
107 Court Street
Nevada City, CA 95959

PAUL T. PERSONS
1834 Arroro Canyon
Chico, CA 95928

RICHARD P. HERMAN
229 Marine Avenue
P.O. Box 328
Balboa Island, CA 92662

PAUL WAYNE COMISKY
1909 6th Street
Sacramento, CA 95814


James A. Curtis
Brian A. Bishop
Harold E. DeGraw
Melanie K. Wellner
Deputy County Counsel
950 Maidu Avenue
P.O. Box 6100
Nevada City, CA 95959-6100

SERVED BY INTER-OFFICE:

EJM

SS/JFM

JACK L. WAGNER, Clerk

By: 
S. Conley, Deputy