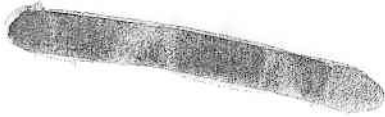


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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY ANDERSON, et al.,
Plaintiffs,
vs.
COUNTY OF KERN, et al.,
Defendants.

No. CIV F-90-0205 REC JFM-P

ORDER

FILED
OCT 2 9 28 PM '90

Plaintiffs' motions for a preliminary injunction came on regularly for hearing August 9, 1990. Paul Persons appeared for plaintiffs. Robert D. Woods, Chief Deputy County Counsel, appeared for defendants. In accordance with the stipulation of the parties as expressed in open court, IT IS HEREBY RECOMMENDED that a preliminary injunction containing the following terms, agreed to by the parties, should issue:

1. The Kern County Jails will have a system-wide prisoner population cap of 2,200 effective August 20, 1990 through February

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1 1, 1991. The rated capacity for each of the following jails is as
2 follows and will not be exceeded:

- 3 a. Kern County Receiving Center: 292 inmates;
4 b. Womens' Minimum Facility: 96 inmates;
5 c. Mens' Minimum Facility: 704 inmates (this figure
6 may be adjusted so long as the total population remains within the
7 overall cap).

8 The Lerdo Pretrial Facility shall single cell its inmates
9 in existing cells except that it may house up to twelve (12)
10 prisoners in the day rooms if at least two cells adjacent to said
11 day rooms are left unoccupied to provide access to toilets and
12 wash basins for those prisoners housed in day rooms.

13 2. From and after February 1, 1991, the population of each
14 of the five facilities comprising the Kern County Jails will not
15 exceed its rated capacity as rated by the Board of Corrections.

16 3. Effective September 10, 1990, no prisoner will be housed
17 in the Kern County Jails who does not receive a bed, bedding and
18 mattress. There will be no prisoners sleeping on the floor.

19 4. All prisoners in the Lerdo Pretrial Facility will be
20 provided with access to the day rooms from at least 6:00 a.m. to
21 11:00 p.m. seven days a week, except for those persons who may
22 legitimately be denied such access due to medical and/or
23 disciplinary segregation.

24 5. Every arrestee shall be processed promptly, normally
25 within two hours, but not exceeding four hours, and provided with
26 a bed, with bedding and mattress, within the appropriate

1 classification. This provision shall not apply to prisoners held
2 for detoxification, to those awaiting bail or to those who,
3 pursuant to statute, cannot be placed in the general population
4 within two hours.


5 6. To meet the population limits set above the sheriff or
6 his designee may release prisoners when the total population of
7 the jails or the population of any housing unit within the jails
8 has reached ninety percent of the population limit, and the
9 sheriff or his designee shall release prisoners when the total
10 population of the jails or any unit thereof reaches one hundred
11 percent of the population limit.

12 7. This preliminary order shall remain in effect until
13 further order of the court. Either party may move to modify this
14 order without prejudice from this stipulation.

15 8. This preliminary order may be entered immediately by the
16 district court. The parties waive the right to file objections to
17 this recommendation.

18 I RECOMMEND ENTRY OF THIS ORDER.

19 DATED: September 24, 1990.

20
21 
22 UNITED STATES MAGISTRATE

23 IT IS SO ORDERED.

24 DATED: September 28, 1990.

25 
26 UNITED STATES DISTRICT JUDGE

/jfm:ca:cw

United States District Court
for the
Eastern District of California
October 2, 1990

* * CERTIFICATE OF SERVICE * *

1:90-cv-00205

Anderson

v.

Kern, County of

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 2, 1990, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Deputy Clerk