

FILED

OCT 8 1992

CLERK OF DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____

FILED
10/8/92

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

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

CIV F-90-205 GEB/JFM P
ORDER AND PERMANENT INJUNCTION

This is a class action suit brought pursuant to 28 U.S.C. § 1983 by the inmates of five Kern County jails: the Central Receiving Facility in downtown Bakersfield, which includes the Inmate Reception Center; the Men's and Women's Minimum Facilities at Lerdo; the Lerdo Pretrial Facility; and the Lerdo Maximum/Medium Facility. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 20, 1992, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within thirty (30) days. On

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1 3. Men's Minimum Facility: 704 inmates (this
2 figure may be adjusted so long as the total
3 population remains within the overall cap);

4 4. Lerdo Pretrial Facility: 1,232, in accordance
5 with the pilot program approved by the Board of
6 Corrections on July 18, 1991.

7 B. To meet the population limits set above, the sheriff
8 or his designee may release prisoners or transfer them to another
9 facility where there is adequate space when the total population of
10 the jails or the population of any housing unit within the jails
11 has reached ninety percent of the population limit, and the sheriff
12 or his designee shall release prisoners or transfer them to another
13 facility where there is adequate space when the total population of
14 the jails or any unit thereof reaches one hundred percent of the
15 population limit.

16 C. Defendants shall not operate the Lerdo
17 Maximum/Medium Facility without a full complement of four
18 correctional staff present at each observation post in the medium
19 custody dormitory sections of the facility.

20 D. Defendants shall provide a Kern County employee,
21 preferably a member of the medical staff serving the jail, to
22 translate for Spanish-speaking inmates during medical and mental
23 health interviews if the inmate so requests.

24 E. Defendants shall develop and file with the court a
25 written policy proposal allowing classification and custody staff
26 at the Kern County jails to exercise discretion to determine which
27 among those prisoners classified as high protective custody
28 inmates, and housed in administrative segregation based on that

1 classification, may safely exercise together and/or have dayroom
2 access together. This proposal shall be filed with the court
3 within 90 days of the date of the permanent injunction. Upon the
4 district court's approval, defendants shall implement the policy
5 forthwith.

6 F. The following provisions of the Offer of Judgment
7 filed with the court on February 21, 1991, shall be incorporated
8 into the permanent injunction:

9 1. Defendants shall supplement their existing law
10 library located in the Lerdo Pretrial Facility to include
11 the following books and publications:

- 12 a. Federal Reporter Second (1960 to date);
- 13 b. Shepards Federal Reporter Second Citator;
- 14 c. Federal Supplement (1960 to date);
- 15 d. Shepard's Federal Supplement Citator;
- 16 e. Federal Civil Procedure Before Trial, the
17 Rutter Group;
- 18 f. California Criminal Procedure, Witkin;
- 19 g. California Evidence, Witkin;
- 20 h. Handbook of Federal Habeas Corpus Manual
21 (2nd edition), Sokol;
- 22 i. Federal Rules, West Publishing;
- 23 j. State Rules, West publishing;
- 24 k. Legal Research in a Nutshell, Cohen;
- 25 l. Legal Research, Writing & Analysis, West
26 Publishing;

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1 m. Criminal Procedure in a Nutshell, Israel &
2 LaFave;

3 n. Prisoner Union Pretrial Legal Materials;

4 o. Prisoner Union Post Conviction Materials;

5 p. Supreme Court Reporter, Volumes 18, 19,
6 25, 26, and 27 (replacements for missing
7 volumes); and


8 q. Black's Law Dictionary (replacement for
9 missing volume).

10 2. Effective immediately, no prisoner will be
11 housed in the Kern County jails who does not receive a
12 bed, bedding, and mattress. There will be no prisoners
13 sleeping on the floor.

14 G. Defendants shall post copies of this judgment
15 throughout the Kern County jails, together with the names,
16 addresses, and telephone numbers of plaintiffs' counsel.

17 IT IS FURTHER ORDERED that in all other respects, plaintiffs'
18 requests for injunctive relief be denied.

19 DATED: October 8, 1992

20 
21 GARLAND E. BURRELL, JR.
22 UNITED STATES DISTRICT JUDGE
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* * 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 8, 1992, 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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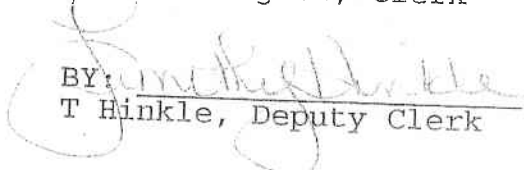
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