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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 JOSEPH WALTER KAISER, )  
12 et al. ) CASE No. CIV S-91-0300 GGH  
13 Plaintiffs, ) PROPOSED CONSENT DECREE  
14 -vs- )  
15 COUNTY OF SACRAMENTO, )  
et al., )  
16 Defendants. )  
17

18 Plaintiffs Joseph Walter Kaiser, et al.; and Defendants  
19 County of Sacramento and Sheriff Glen Craig have mutually  
20 agreed that the following terms may be issued as an  
21 injunctive decree, which shall forthwith be entered as a  
22 full and final judgment in the above captioned matter; and  
23 hereby request that the Court do the same.

24 1. The number of inmates assigned to the living areas  
25 of the Main Jail shall not exceed 2,000. Every inmate  
26 received in the Sacramento Main Jail or the Rio Cosumnes  
27 Correctional Center shall be assigned a bed or bunk without  
28 unnecessary delay. "Living areas" are the locations defined

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2 as living areas in the California Minimum Jail Standards,  
3 section 1006.

4 2. The defendants shall maintain a law library  
5 equivalent to that currently provided, to which inmates  
6 shall be provided access for browsing on reasonable notice,  
7 subject to reasonable rules and regulations governing the  
8 conduct of the inmates therein and operations thereof.  
9 Inmates housed at the Main Jail and the Rio Cosumnes  
10 Correctional Center shall each be notified of the rules and  
11 regulations governing access to legal materials, including  
12 the contents of the library. Notification to inmates of  
13 updates as to contents shall be made at reasonable intervals  
14 and in a reasonable manner.

15 3. Female inmates will be assigned to the Main Jail as  
16 Inmate Workers on a voluntary basis only.

17 4. For the balance of the 1992-93 fiscal year, the  
18 routine staff for receiving screening will be two (2)  
19 Registered Nurses per shift. Subject to paragraph 11  
20 below, in no event will fewer than one (1) Registered Nurse  
21 be provided per shift. In the event that fewer than 2  
22 Registered Nurses are available for a particular shift,  
23 other licensed professional medical staff may perform  
24 receiving screenings.

25 5. Dental services shall be provided at the Main Jail  
26 and the Rio Cosumnes Correctional Center, eight hours per  
27 day, five days per week at each facility. Permanent  
28 fillings and dentures shall be provided when, in the opinion  
of the treating dentist assigned by the Defendants to

1  
2 perform dental services, such services are necessary to  
3 treat the inmate's serious dental needs while incarcerated.

4 6. Inmates in the subacute psychiatric unit of the  
5 Main Jail shall be provided access to exercise and  
6 recreation. On a 90 day trial basis, the exercise and  
7 recreation shall be offered, to the extent possible, in the  
8 outdoor recreation area. In undertaking this project, the  
9 Defendants shall proceed in good faith.

10 7. No psychiatric patient classified for housing in  
11 the General Population and under the care of Outpatient  
12 Psychiatric Services, who is given special housing due to  
13 his or her disruptive behavior, as determined by the Sheriff  
14 in consultation with the medical staff, shall be housed in  
15 the Roger Bauman Facility of the Rio Cosumnes Correctional  
16 Center.

17 8. General Population inmates housed in the East and  
18 West wings of the Roger Bauman Facility shall be permitted  
19 opportunity for exercise and recreation out of their cells  
20 for no less than seven and one-half hours per week, and no  
21 fewer than five days per week, weather permitting.

22 Defendants will make reasonable efforts to maximize inmate  
23 access to exercise at the Main Jail, both outdoor and  
24 indoor, and to dayrooms, during waking hours.

25 9. The Sheriff's Department will consult with Dr.  
26 Edmund Bernauer for no more than eight hours within 60 days  
27 after entry of the Consent Decree, concerning utilization of  
28 the indoor and outdoor recreation areas of the Main Jail.

Any recommendations made shall be the property of the

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2 defendants, and may not be used as any part of the basis of  
3 litigation in any forum on any issue by Plaintiffs or any  
4 Plaintiff. Fees for this consultation shall be paid by the  
5 Defendants, who may accept, adopt or reject any of his  
6 recommendations, at their sole and exclusive discretion,  
7 exercised in good faith. Any alterations made pursuant to  
8 recommendations made by Dr. Bernauer may be paid for out of  
9 the Inmate Welfare Fund.

10 10. The Plaintiffs and Defendants have stipulated that  
11 each and every issue that could have been raised against the  
12 Defendants has been raised in this litigation, that the  
13 Plaintiffs have been fully and adequately represented by  
14 competent counsel, that all relief available by means of  
15 this litigation has been provided, and that any claim not  
16 raised in this lawsuit under any law or statute has been  
17 waived.

18 11. The injunction shall have no force or effect  
19 during an emergency, nor when deviated from temporarily.  
20 Services required under the injunction may be provided by  
21 alternative and equivalent means. This injunction may be  
22 altered or amended upon a showing that a change of  
23 conditions warrants alteration or amendment in a reasonable  
24 manner which does not impair the Constitutional rights of  
25 the inmates. Notice of any Request for Modification of the  
26 injunction shall be personally served or served by  
27 depositing the Notice in the United States Mail, first class  
28 postage pre-paid, to the attorneys for the parties, as  
follows:

FOR PLAINTIFFS:

PAUL COMISKEY  
2308 J Street, Suite C  
P O Box 1019  
Sacramento, CA 95812

FOR DEFENDANTS:

L. B. ELAM, County Counsel  
COUNTY OF SACRAMENTO  
700 H Street, Suite 2650  
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12. It is understood by the Parties that this injunctive order grants relief to the Plaintiffs which may exceed the requirements of the United States Constitution.

Dated: Jan 22, 1993

Paul W. Comiskey  
PAUL COMISKEY, for all Plaintiffs

Dated: January 22, 1993

GLEN CRAIG, Sheriff  
Sacramento County, California

By: Valerian Kobza  
VALERIAN KOBZA, Chief Deputy

Dated: January 22, 1993

L. B. ELAM, County Counsel  
Sacramento County, California

By: Steven Kaiser  
STEVEN KAISER, Deputy, for the County of Sacramento

judgment.pro

IT IS SO ORDERED.

DATED: Jan. 27, 1993

Greg G. Allen  
UNITED STATES MAGISTRATE JUDGE