

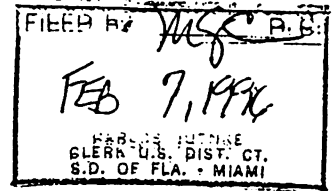
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case Number 76-6086-Civ-Hoeveler

OLLIE CARRUTHERS, et al.,
Plaintiffs,

v.

RON COCHRAN, et al.,
Defendants.



ORDER DENYING DEFENDANTS' MOTION TO TERMINATE CONSENT DECREE

THIS CAUSE comes before the Court on Defendants, Ron Cochran, Sheriff of Broward County, and Susan McCambell, Director of Department of Corrections and Rehabilitation, Motion to Terminate Consent Decree. After hearing arguments of counsel, and testimony from John Tiedeberg and Susan McCambell, the Court DENIES Defendants' Motion to Terminate Consent Decree, and ORDERS that compliance monitoring shall continue.

On July 27, 1994, the Court approved a Consent Decree in the Broward County Jail lawsuit. The Consent Decree states in pertinent part:

- 25. Compliance monitoring shall continue until ACA accreditation or order of the Court.
- 26. Upon Court approval of this stipulation the terms of this agreement shall be incorporated into the Consent Decree. The defendants shall be permanently enjoined from violating the terms of the Consent Decree. Defendants' obligations regarding ACA compliance shall terminate upon defendant's achieving ACA accreditation. The Court shall retain jurisdiction to enforce the terms and conditions of the Consent Decree.

On January 14, 1996, the Sheriff's Department received full American Correctional Association ("ACA") accreditation. Relying on paragraphs 25 and 26 of the Consent Decree, Defendants filed the instant motion seeking an order from this Court: (1) terminating the Consent Decree; and/or (2) discontinuing the compliance monitoring. At the hearing, Defendants seem to concede pursuant to paragraph 26, that the Consent Decree would remain in effect

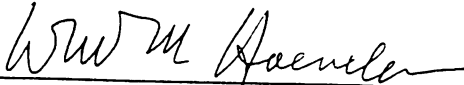
permanently and not be terminated. To the extent the Court misconstrued Defendants' argument, the Court believes the Consent Decree would remain in force even when compliance monitoring is discontinued. Accordingly, the only issue the Court will address is whether compliance monitoring should be discontinued.

Defendants argue as a result of attaining ACA accreditation compliance monitoring should terminate. Plaintiffs argue Defendants have not satisfied all of the required standards contained in the Consent Decree, precluding this Court from terminating compliance monitoring. In sum, the Court agrees with Plaintiffs. Defendants have satisfied many of the standards listed in the Consent Decree, but not all of them. For example, according to Mr. Tiedeberg there are at least 100 inmates sleeping on the floor in violation of the Consent Decree. In a case that has lasted close to two decades, the Court is hesitant to discontinue monitoring at a stage in the proceedings when Defendants' full compliance with the Consent Decree seems to be imminent. Instead, the Court would prefer to continue monitoring and give Defendants a chance to fully comply with the Consent Decree. Accordingly, monitoring shall continue at least until September 16, 1996.

The Sheriff and Director McCambell are to be commended for the progress made and urged, with the assistance of the County, to complete compliance with the Consent Decree.

On September 16, 1996, this Court will hold a hearing to determine whether compliance monitoring should be discontinued. The hearing will be held in Broward County, at 299 East Broward Boulevard, at 10:00 a.m., on September 16, 1996. The courtroom number will be announced at a future date.

DONE AND ORDERED in chambers in Miami, this 7th day of February 1996.


WILLIAM M. HOEVELER
SENIOR UNITED STATES DISTRICT JUDGE

Copies furnished to counsel
of record.