

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 76-6086-CIV-HOEVELER

OLLIE CARRUTHERS, et al.,

Plaintiffs,

v.

AL LAMBERTI, et al.,

Defendants.

ORDER

This Court, having reviewed Plaintiffs' Motion for the Appointment of a Population Management Expert, and for good cause shown, hereby **ORDERS** that Plaintiffs' Motion is **GRANTED**.

This Court **FURTHER ORDERS** that James Austin, Ph.D., is hereby appointed the Court's population management expert pursuant to Fed. R. Evid. 706. Within 180 days of the date of this Order, Dr. Austin shall file a report with the parties and this Court that

(1) identifies and analyzes the County's criminal justice processes and policies that affect the population level at the Broward County Jail (BCJ),

(2) develops strategies and remedies to address those processes and policies so that the population level at BCJ can be reduced without significantly affecting public safety,

(3) includes a baseline ten-year jail population forecast that would advise the County on the impact of current criminal justice trends, and

(4) identifies realistic options that have been successfully implemented in other jurisdictions

that will reduce the need for current and future beds --especially for the pretrial felon population.

This Court **FURTHER ORDERS** that Dr. Austin shall complete this work according to the schedule he has proposed in the Declaration of James Austin, Ph.D., dated August 17, 2010, ¶¶23-30, which is incorporated by reference herein

This Court **FURTHER ORDERS** that Defendants shall provide Dr. Austin with access to any records and personnel with their control that he deems necessary to complete his work, and that they and Special Master Howard Messing shall use their best efforts to ensure that Dr. Austin has access to any other documents or personnel that are not within Defendants' control.

To the extent that any remaining fine monies levied and collected in this action are still available in the Court Registry, Dr. Austin shall be compensated from this fund upon proper motion from either party. The remainder of Dr. Austin's compensation and expenses shall be borne by the Defendants, except they shall not use funds that otherwise have been committed to operations at the Broward County Jail. Dr. Austin's compensation shall be capped at \$40,000.00. However, should Dr. Austin determine that he will exceed the cap during his appointment, then he shall notify the parties. Absent their agreement to provide him with additional funds, Dr. Austin shall have the right to petition the Court for additional funds.

DONE AND ORDERED in chambers at Miami, Florida, this 30th day of September, 2010.



WILLIAM M. HOEVELER
SENIOR UNITED STATES DISTRICT JUDGE