

U.S. COURTS

MAY 04 2010

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ELIZABETH A. SMITH
CLERK, DISTRICT OF IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

AMANDA DAVIS, *et al*,

Plaintiffs,

vs:

CANYON COUNTY, IDAHO, *et al*,

Defendants.

CASE NO. 1:09-CV-00107-BLW

AMENDMENT TO CONSENT DECREE,
ORDER AND JUDGMENT

The parties hereto, by and through their counsel of record, do hereby stipulate and agree that the Consent Decree, Order and Judgment that was approved by the United States District Court, District of Idaho, on November 12, 2009, shall be amended to include new paragraph 48.a. which shall read as follows:

48.a. The County agrees that security checks in the Canyon County Jail shall be performed in accordance with the applicable policies and procedures. A true and correct copy of Policy 10.05, 10.05.01 and 10.05.02 is attached hereto as Exhibit 1. In execution of its duties to perform security checks, Canyon County will do the following:

1. The County has trained and instructed, and will continue to train and instruct, detention officers on the need to comply with the policies and procedures to perform security checks.

2. The County has trained and instructed, and will continue to train and instruct, detention officers to make a radio check each time they enter into and exit from the living units for the purpose of performing security checks.

3. The County has trained and instructed, and will continue to train and instruct, detention officers regarding the proper logging on the computer system of their entry into and exit from living units for the purpose of performing security checks.

4. The County represents that it has revamped and simplified the codes for logging security checks in the computer system, and has trained and instructed, and will continue to train and instruct, detention officers on the proper use of the codes for logging these checks.

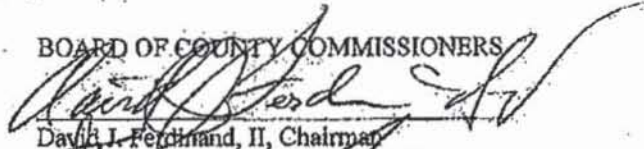
5. The County represents that it has developed a new electronic report that will be provided to jail administration and supervisors each day that will show all security checks in each of the units over the previous twenty-four (24) hours, and which specifically lists the time between each security check.

6. The County has trained and instructed, and will continue to train and instruct, supervisors that they must daily review security check logs and to address and correct deficiencies that are shown by the logs.

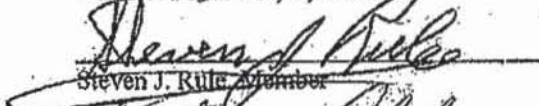
The parties agree that the issues identified above relate to alleged deficient conditions of confinement in the Canyon County Jail and the resolution of those issues. The parties stipulate that the terms of this Amendment to the Consent Decree, Order and Judgment extend no further than necessary to satisfy the requirements of 18 U.S.C. § 3626 (a)(1)(A).

DATED this 5 day of April, 2010.

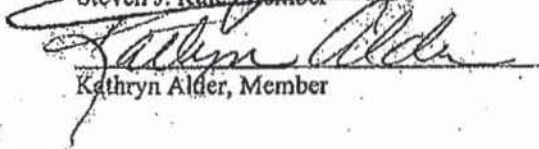
BOARD OF COUNTY COMMISSIONERS


David I. Ferdinand, II, Chairman

David I. Ferdinand, II, Chairman


Steven J. Rute, Member

Steven J. Rute, Member

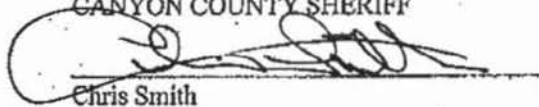

Kathryn Alder, Member

Kathryn Alder, Member

ATTEST: WILLIAM H. HURST, CLERK

By:  4-5-10
Deputy Clerk

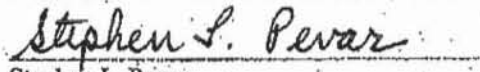
CANYON COUNTY SHERIFF


Chris Smith

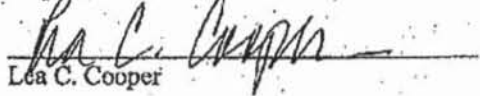
Chris Smith

DATED this 5 day of April, 2010.

AMERICAN CIVIL LIBERTIES UNION


Stephen L. Pevar

Stephen L. Pevar


Lea C. Cooper

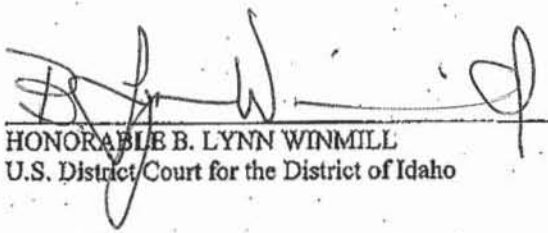
Lea C. Cooper

Counsel for Plaintiff Class

ORDER

The Court hereby approves and adopts this Amendment to Consent Decree, Order and Judgment.

DATED this ~~31st~~ ^{May} day of ~~April~~, 2010.


HONORABLE B. LYNN WINMILL
U.S. District Court for the District of Idaho

No unauthorized person shall be permitted inside the main control center area. Unless assigned relief duty, conducting official Canyon County business or conducting an observance tour, all other deputies shall be considered unauthorized personnel.

The control room door shall remain closed and locked at all times. It is the sole responsibility of the control room operator to maintain the security and integrity of this area at all times.

10.05 Security Checks

To ensure the security, continued safety, and well-being of all inmates, security checks shall be conducted on a regular basis, day and night.

Deputies shall observe all inmates for well-being within thirty minutes, on an irregular schedule. Remote television may be used to assist in routine monitoring, but shall never be substituted for physical well-being checks.

More frequent checks should be made on individuals who are violent, suicidal, mentally ill, intoxicated, or have other issues or needs that warrant closer observation.

10.05.01 Radio Traffic

All deputies are required to call over the radio for security checks every thirty minutes or less. No officer shall enter a unit or start a security check without first notifying control via radio. At the conclusion of the security check, the deputy shall notify control via radio that the security check is complete.

10.05.02 Computer Log

All security checks shall be logged into the in-house computer system. The check shall be logged at the beginning and conclusion of the every security check.

10.05.03 Bunk/Cell Searches

It is necessary to conduct random and unannounced bunk, cell and building searches to locate weapons and contraband and also to identify safety and maintenance issues within the facility. This is to facilitate staff and inmate safety.

Deputies should do as many searches as possible during their daily tour of duty. Although there is no numerical amount of searches to be completed, it is mandatory that all staff conduct daily searches.