

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

U.S. v. Elrod



JC-IL-001-001

UNITED STATES OF AMERICA, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
RICHARD ELROD, et al., )  
 )  
Defendants. )

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CIVIL ACTION NO. 76 C 4768

CONSENT DECREE

The parties to this lawsuit, by and through their respective counsel, stipulate and agree as follows:

1. This Court has jurisdiction over the allegations of racial discrimination and segregation in the Amended Complaint pursuant to 42 U.S.C. §3766(c)(3) and 28 U.S.C. §1345.

2. The defendants in this case, the Sheriff of Cook County, the Executive Director of the Cook County Department of Corrections, and the members of the Cook County Board of County Commissioners are properly named and are before the Court in their official capacities only.

3. The United States of America, in its Amended Complaint, alleged that inmates are assigned to housing units at the facilities operated by the Cook County Department of Corrections (hereinafter Department) on the basis of the inmates' race or color, thereby creating housing units that contain black inmates only.

4. The defendants each deny this allegation and assert that all housing assignments are made on the basis of criteria related to maintaining the security and internal order of the Department.

Now, therefore without trial or adjudication on the merits, and upon the agreement of the plaintiff and all the defendants, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants, their agents, employees, officers, successors in office, and all those in active concert or participation with them hereby agree to establish and implement the following goals:

A. The Defendants shall not discriminate against or segregate any inmate or group of inmates in the operation of the facilities and programs of the Department on the basis of race, color, or national origin.

B. The Defendants shall not employ any criteria or methods of administration in assigning or classifying inmates to housing units\* which have the purpose or effect of discriminating against or segregating inmates on the basis of their race, color, or national origin, consistent with this Decree and with the valid security interests of the Department. A comprehensive plan to implement this goal shall be developed by the National Institute of Corrections.

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\* "Housing Units" means a Division or any component thereof.

C. Pursuant to a comprehensive plan to be developed by the National Institute of Corrections consistent with this decree and the valid security interests of the Department:

(1) The Defendants shall not assign or classify any inmate or inmates to housing units on the basis of race, color, or national origin.

(2) The racial and national origin composition of each Division holding male inmates shall approximate the overall racial composition of the male inmate population and shall not deviate by more than five percent (5%) from the overall composition. \*\*

(3) The racial and national origin composition of each housing unit (male and female) within each Division shall approximate the overall racial composition of the Division population and shall not deviate more than five (5%) from the overall Division composition.

(4) The parties agree that defendants may from time to time establish housing units for inmates with special needs, including, by way of example, but not limited to inmates hospitalized in Cermak Memorial Hospital, homosexual inmates, and inmates participating in the PACE program, and that such housing units are exempted from the provisions of C(2) and (3), above.

\*\* That is, if the overall male population is, for example, 75% black, 18% white, and 7% Hispanic, no Division holding male inmates should be more than 80% nor less than 70% black; no more than 23% nor less than 13% white; no more than 12% nor less than 2% Hispanic.

D. In order to realize the foregoing goals, the defendants shall implement a comprehensive and detailed classification plan which shall be developed by the National Institute of Corrections consistent with the provisions of this Decree.

Within 30 days, or as soon thereafter as possible, the parties shall advise the Court as to National Institute of Corrections projected timetable for developing said plan. Said plan shall:

1) establish a classification system consistent with the provisions of this decree and the security interests of the Department;

2) develop a tiering plan, outlining the rational and objective criteria to be used in assigning inmates to various housing units;

3) propose the establishment, modification, or abandonment of housing units for inmates with special needs as referred to in C(4), above;

4) develop standard operating procedures to assist defendants' employees in the day to day classification process;

5) develop a training program for defendants' employees assigned to classification duties.

E. The Defendants shall keep and maintain for a period of at least twenty-four (24) months from the date of this Decree accurate records reflecting the name of each person admitted to the Department's facilities, the date of admission, the race or national origin of the inmate, the initial housing assignment, and the date of release. Said records shall also reflect any changes in housing assignment, the dates thereof, and the reasons therefor.

Defendants shall continue to maintain for a period of at least twenty-four months from the date of this Decree their computer records reflecting the daily racial and national origin composition on each housing unit.

IT IS FURTHER ORDERED that the classification plan shall be filed, along with any accompanying documents such as a classification manual, as an exhibit and shall go into effect unless objected to by any party within twenty-one (21) days. If the parties cannot resolve the objections, they shall be submitted to the Court for a ruling. The provisions of this Decree shall become effective upon the filing of said classification plan and manual.

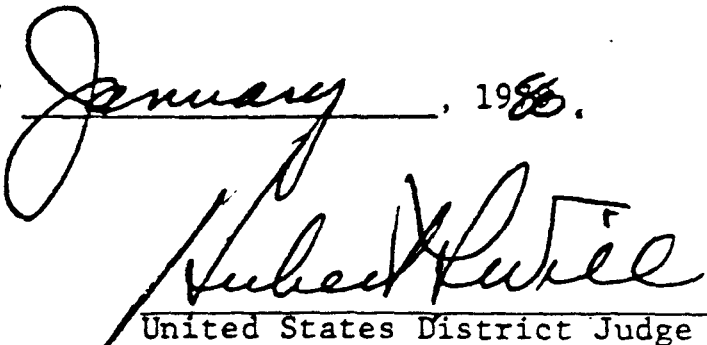
IT IS FURTHER ORDERED that the preliminary injunction against plaintiff heretofore entered by this Court be, and hereby is DISSOLVED.

IT IS FURTHER ORDERED that plaintiff, its authorized agents and employees, shall be granted access upon reasonable notice to defendants to the records specified in paragraph E, above, and other records maintained by defendants in order to monitor compliance with this Decree.

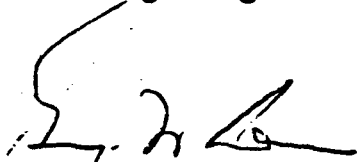
This Court retains jurisdiction over this cause for all purposes.

The United States Marshall shall personally serve a copy of this Decree upon defendants Elrod and Hardiman and shall serve all other defendants by mail.

This 4<sup>th</sup> day of January, 1986.

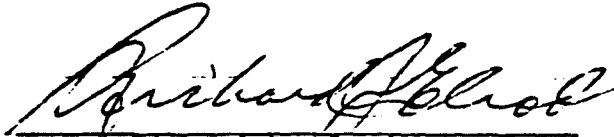
  
United States District Judge

The undersigned agree to the entry of this Decree.



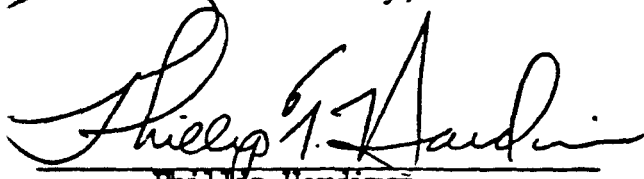
George W. Dunne  
President of the Cook County Board

Drew S. Days, III  
Assistant Attorney General

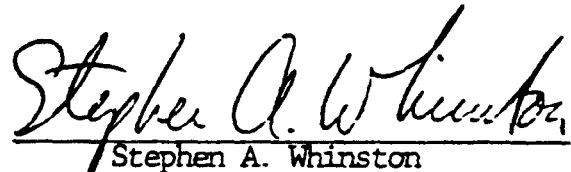


Richard J. Elrod  
Sheriff of Cook County, Illinois

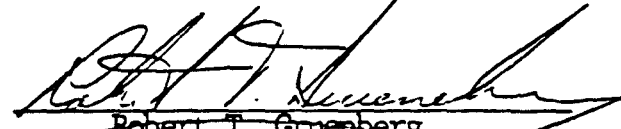
Thomas P. Sullivan  
United States Attorney



Phillip Hardiman  
Executive Director of the Cook County  
Department of Corrections

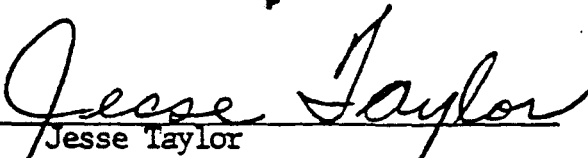


Stephen A. Winston  
Attorney  
U.S. Department of Justice  
Civil Rights Division  
10th & Pennsylvania Avenue, N.W.  
Washington, D. C. 20530



Robert T. Gruenberg  
~~Assistant United States Attorney~~

Witnessed by:



Jesse Taylor  
Midwest Region Mediator  
U.S. Department of Justice  
Community Relations Service

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

DEC 17 1982

STUART CUNNINGHAM  
U. S. DISTRICT JUDGE

UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) CIVIL ACTION NO. 76 C 4768  
)  
vs. )  
)  
RICHARD J. ELROD, et al., )  
)  
Defendants.)

DOCKETED  
DEC 17 1982

NOTICE OF FILING and CERTIFICATE OF SERVICE

TO: JOAN LASER, ESQ.  
United States Attorney General's Office  
219 South Dearborn Street  
Chicago, Illinois 60604

PLEASE TAKE NOTICE that on the 15th day of December, 1982, I filed with the Honorable Hubert L. Will, District Judge, United States District Court for the Northern District of Illinois, Eastern Division, Defendants' Compliance With Consent Decree, Pars. D and E, with supporting documents, true copies of which are attached hereto and herewith served upon you.

RICHARD M. DALEY  
State's Attorney of Cook County

By: Henry A. Hauser  
Henry A. Hauser  
Deputy Chief,  
Civil Actions Bureau  
500 Richard J. Daley Center  
Chicago, Illinois 60602  
443-5460

CERTIFICATE OF SERVICE

I, HENRY A. HAUSER, Deputy Chief, Civil Actions Bureau, hereby certify that I caused copies of the aforementioned documents along with a copy of this Notice of Filing and Certificate of Service to be hand delivered to the person hereinabove specified on the 15th day of December, 1982, before 4:30 p.m.

Henry A. Hauser  
Henry A. Hauser