

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

Jauston Huerta, Durand Randle,)
Carl Sherb, Thomas Bolton, Jr.,)
Curtis Gillie, Derek Hicks,)
Individually And On Behalf Of The)
Present And Future Inmates Of)
Vigo County Jail,)

Plaintiffs,)

vs.)

CAUSE NO. 2:16-cv-00397-JMS-MJD

GREG EWING, Individually)
And In His Official Capacity As)
Sheriff of Vigo County; The)
VIGO COUNTY COMMISSIONERS:)
Brad Anderson, Judy Anderson,)
and Jon Marvel, In Their Official)
Capacity; The VIGO COUNTY)
COUNCIL: Mike Morris, Mark D. Bird,)
Rick Burger, Timothy Curley,)
Kathy Miller, Ed Ping, and Bill Thomas)
In Their Official Capacity,)

Defendants.)

DEFENDANTS' PERIODIC REPORT PURSUANT TO
COURT'S OCTOBER 10, 2018 ORDER

The Defendants, Greg Ewing, Individually and in his official capacity as Sheriff of Vigo County, The Vigo County Commissioners: Brad Anderson, Judy Anderson and Jon Marvel in their official capacity, The Vigo County Council: Mike Morris, Mark D. Bird, Rick Burger, Timothy Curley, Kathy Miller, Ed Ping and Bill Thomas in their official capacity (“Vigo County”), by counsel, were ordered to file reports on steps taken to remedy the constitutional

violations at the Vigo County Jail (“Jail”) as well as progress on the construction of a new facility. Vigo County relies on the following in support of its report:

1. Vigo County Jail Staffing Plan 2013
2. Vigo County Jail Staffing Plan 2018
3. Sheriff/Jail: Full-time Correctional Officers External Position
4. Proposed Project Timeline

The October 10, 2018 order stated in part:

- 3.... The Defendants are **ORDERED** to file a report with the Court specifying:
- (a) the number of staff necessary to comply with the injunctive relief set out in the immediately proceeding paragraph;
 - (b) how the number was determined;
 - (c) how the additional staff will be added; and
 - (d) when the new staff will be added.

The Court further ruled:

4.... Defendants are **ORDERED** to submit a plan to this Court, in writing, detailing the anticipated dates that relevant construction benchmarks will be met, concluding with the opening of the new jail. Additionally, Defendants are **ORDERED** to submit to this Court relevant information including, among other things, the population capacity of the new jail and the staffing numbers that will be necessary in the new jail. These reports shall include any and all documents submitted by architects, contractors, or other relevant persons that detail these dates, population capacity and staffing numbers.

STAFFING OF EXISTING JAIL

Vigo County contracted with Bill Wilson of Jail Services following receipt of the Court’s summary judgment order. Mr. Wilson is familiar with the Jail and prepared a Jail Staffing Analysis in October 2013. [Dkt. 148-1]. Mr. Wilson determined the Jail was understaffed five years ago. [Dkt. 148-1, 17]. Mr. Wilson’s current Vigo County Jail Staffing Plan was issued on October 2, 2018. [Dkt. 148-2].

Mr. Wilson proposed the following to adequately staff the Jail:

Position	Total Staff
Jail Commander	1.00
Matron	1.00
Administrative Sergeant	1.00
Shift Supervisor	4.74
Court Personnel	8.00
Transport	3.00
Recreation	4.74
Jail Officers	47.40
Total	70.88 Full-time staff

Mr. Wilson also reported on the current staffing at the Jail:

Position	Total staff
Jail Commander	1.00
Jail Matron	1.00
Administrative Sergeant	1.00
Shift Supervisors	3.00
Court Personnel	7.00
Transport	1.00
Recreation	0
Jail Officers	29
Total	43.00 Full-time staff

Mr. Wilson proposed an increase of 1.74 full-time jail supervisors, one courtroom personnel employee, two transport personnel, 4.74 recreational staff and 18.4 full-time jail staff. [Dkt. 148-2,17]. Mr. Wilson also determined full-time jail officers be increased from 29 to 47.40. Mr. Wilson recommended 27.88 full-time jail positions be hired. [Dkt. 148-2,16].

The addition of 27 full-time jail personnel will allow intermittent supervision of all inmates to ensure the operation of the jail's services, programs and activities. Additional staffing will also allow consistent and scheduled out-of-cell recreation. Jail officers will also be able to conduct regular health and safety checks and there will be enough qualified and trained staff to conduct inmate transport and court escorts without disrupting routine jail operations. [Dkt. 148-2,22].

FUNDING FOR ADDITIONAL JAIL STAFF

The Vigo County Council (“Council”) appropriated \$41,000.00 on October 9, 2018 to fund three additional full-time jail positions for the remainder of 2018. The Council also discussed hiring an additional seven full-time positions in 2019.

The Council scheduled a special call meeting following issuance of the Court’s October 10, 2018 order for October 22, 2018. The Council voted unanimously to fund 24 additional full-time jail positions and included the positions in the County’s 2019 budget. The Council also passed ordinances transferring \$109,000.00 to the 2018 budget to fund the immediate hiring of new jail staff positions.

That transfer was in addition to the \$41,000.00 the Council approved earlier in the month to hire three additional jail positions. The cost of the additional jail personnel is estimated at \$1.6 million annually. The cost of the additional 27 full-time jail staff will be funded through a public safety tax effective on January 1, 2019. The public safety tax is expected to generate \$2,000,000 in 2019.

HIRING OF ADDITIONAL STAFF

Vigo County advertised for full-time correctional officers on October 23, 2018. [Dkt. 148-3]. Interviews of potential candidates began immediately following the job posting. Full-time positions will also be filled by six or seven part-time staff positions. The Jail Commander anticipates a majority of the interviews and applicant background checks will be completed within the next two weeks. The Jail Commander believes most of the positions will be filled by the end of year depending on the applicant pool. All full-time positions should be staffed by January 2019.

SIZE AND SITE OF NEW JAIL

RJS Services recommended construction of a 527-bed jail. [Dkt. 130-4,96]. The Commissioners have proposed construction of a jail with 484 beds at an estimated cost of \$45-50 million, excluding financing costs. The Commissioners have also selected the site of a former International Paper plant as the location for the new jail on State Road 63 southeast of downtown Terre Haute. [Dkt. 131-2,2]. The site is owned by Vigo County but is inside the city limits of Terre Haute. The Commissioners are seeking a variance from the Vigo County Board of Zoning Appeals to construct the jail on the proposed site. A hearing on the variance is scheduled on November 14.

CONSTRUCTION TIMELINE FOR NEW JAIL

Garmong Construction (“Garmong”) is the construction manager for the new jail. [Dkt. 131-2,1]. Garmong submitted a proposed project timeline to the Commissioners on October 9, 2018. [Dkt.148-4]. The design phase started in October and will take seven months to complete. Site selection is anticipated to be completed this month but will depend on approval of the variance for the International Paper site.

The Commissioners and the City of Terre Haute have also sought an outside legal opinion to determine whether the variance for the Jail is appropriate or if a rezoning petition must be filed and approved by the Terre Haute City Council. The issuance of the third party legal opinion is expected later this month.

The design of the new Jail will be completed by April 2019 with bidding and the awarding of contracts in May and June 2019. Construction of the jail is scheduled to begin in July 2019 with completion in February 2021. The Sheriff’s Department will begin to occupy the facility in March with the jail being fully functional in April 2021. [Dkt.148-4].

STAFFING OF THE NEW JAIL

Staffing of the new Jail was also a concern of the Court. Bill Wilson of Jail Services has been hired to review the design and make staffing recommendations. Mr. Wilson's staffing recommendations will not be made until the jail design is finalized. The design of the jail will be completed by the end of the year.

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FOR ALL DEFENDANTS

By: /s/ David P. Friedrich
David P. Friedrich #15164-84

CERTIFICATE OF SERVICE

The undersigned, attorney for the Defendants, certify that a copy of the foregoing document was served electronically to the following:

Kenneth Falk
Michael Sutherlin
Craig M. McKee
Michael J. Wright

Dated this 6th day of November, 2018.

/s/ David P. Friedrich
Attorney No. 15164-84