



JC-KS-001-024

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 WYANDOTTE COUNTY, KANSAS, et al.)
)
 Defendants.)

CIVIL ACTION NO. KC-3163

PROPOSED ORDER

Upon the basis of the opinion and order of the United States Court of Appeals for the Tenth Circuit entered in the above cause on June 21, 1973 (No. 72-1633) and pursuant to the mandate of the court of appeals filed with this court on July 16, 1973,

IT IS ORDERED, ADJUDGED AND DECREED:

- (1) That the defendants, their successors in office, agents, servants and employees, be permanently enjoined from engaging in any act or practice which has the purpose or effect of discriminating against any prisoner in the operation of the Wyandotte County Jail and any other penal facility or operation in their custody and control, on account of race, color, religion or national origin.

FILED

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ARTHUR G. JOHNSON, Clerk

Signature

(2) That the defendants, their successors in office, agents, servants and employees, design and implement a standard system of prisoner classification and assignment not related to race, color, religion or national origin, so that no prisoner in the Wyandotte County Jail or in any other penal facility or operation under the defendants' control will be assigned to cells, tanks or any other area of the jail or other facilities on the basis of race.

(3) That the defendants, their successors in office, agents, servants and employees, take the necessary and appropriate steps to completely desegregate the county jail and any other penal facility or operation in their custody and control within a period of thirty days from the date of this order.

(4) That the defendant Jess F. Boring, as Sheriff of Wyandotte County, Kansas, or his successor in office, furnish the court within thirty days from the date that complete desegregation of the Wyandotte County Jail has been ordered, a report showing the current cell assignment of all prisoners in the jail. Such report shall list the name, age, race, sex and cell location, i.e., East Tank, West Tank, Northeast Tank, Northwest Tank, juvenile and female areas, etc., for each prisoner. In addition, the report should show the status of

each prisoner including the charge, whether felony or misdemeanor, whether pre-trial detainee or convicted prisoner and whether federal or state prisoner. A copy of such report shall be furnished to the plaintiff United States.

(5) That the defendant Jess F. Boring, as Sheriff of Wyandotte County, Kansas, his successors in office, agents, servants and employees shall prepare and maintain in their files records of all prisoners subsequently incarcerated in the county jail containing the information required in paragraph (4) above, until the further order of this court.

(6) That the plaintiff United States through its agents and employees shall have access to all of the facilities of the county jail at any reasonable time for the purpose of inspecting the facilities and the records required to be maintained by the defendants.

It is furthered ORDERED that personal service of this order be made by the United States Marshal forthwith upon the following defendants at their respective offices: Matthew G. Podrebarac, Chairman of the Board of Commissioners of Wyandotte County, Kansas; James P. Davis and Robert W. Hart, Members of the Board of Commissioners of Wyandotte County, Kansas; Jess F. Boring, Sheriff of Wyandotte County, Kansas and Grover Patton, Deputy Sheriff and Warden of the Wyandotte County Jail. Said parties have succeeded to their present offices since the filing of this suit and have been substituted as defendants replacing defendants named in the complaint.

It is further ORDERED that the costs incurred in this proceeding be and they are hereby taxed against the defendants.

The court specifically retains jurisdiction of this case for all purposes.

CERTIFICATE OF SERVICE

I, Jesse H. Queen, hereby certify that on October 25 , 1973, I served the foregoing Motion For Entry of Judgment, Memorandum in Support of Motion for Entry of Judgment and Proposed Order on the parties to this action by mailing copies thereof by United States Mail, postage prepaid to:

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District Attorney
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Robert J. Foster
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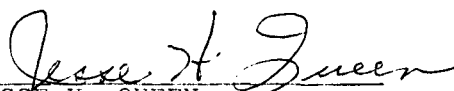
Matthew G. Podrebarac
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JESSE H. QUEEN
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