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FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS.

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RALPH L. DELOACH,
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AT KANSAS CITY, KS.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HELEN D. WOODSON,)
FATHER CARL KABAT,)
FATHER PAUL KABAT,)
CHRISTOPHER UNION,)
SANDRA MITCHELL,)
LARRY CLOUD MORGAN,)
LESLIE A. COTTRILL on behalf of)
all others similarly situated,)
)
Plaintiffs,)

vs.)

Case No. 85-3049

JOHN QUINN, individually and in)
his official capacity as Sheriff)
of Wyandotte County, Kansas, and)
his agents, subordinates and)
employees,)
)
and)
)
THE BOARD OF COUNTY COMMISSIONERS)
OF THE COUNTY OF WYANDOTTE,)
JOE WILHM,)
PATRICK SCHERZER,)
and CLYDE TOWNSEND.)
)
Defendants.)

DEFENDANTS' FOURTH QUARTERLY REPORT

INTRODUCTION

The following report is the fourth quarterly report to the Court by the defendants detailing the progress and status of

providing a new jail facility^{1/} and providing an account of the operation of the current jail facility^{2/} to assure compliance with the United States Constitution and applicable laws. The report covers the 90-day period ending March 31, 1988.

Plaintiffs brought this class action on February 27, 1985, challenging the constitutionality of the conditions of confinement for inmates committed to the Wyandotte County jail in Kansas City, Kansas. The parties resolved the significant legal and factual questions arising from the Wyandotte County jail situation by consenting to the entry of a Judgment and Decree without trial or adjudication on the merits on March 30, 1987.

This Court retained jurisdiction in the matter to govern implementation and to enforce the Consent Judgment and Decree.

I. PROGRESS AND STATUS OF PROVIDING NEW JAIL FACILITY

A. OBTAINING ADEQUATE FINANCING

The defendant Board of County Commissioners of Wyandotte County (hereafter "County Board") is under the order of this Court to take "all appropriate steps within its legal authority to construct, at county expense, a new jail facility [and to] obtain adequate

^{1/} March 30, 1987 Consent Judgment and Decree, p. 7.

^{2/} Ibid, p. 8.

financing for such construction from any federal, state, local or private financing sources [the County Board] deems proper."^{3/}

The County Board outlined its financing plan in the Second Quarterly Report filed with the Court on November 12, 1987.^{4/} Under the plan, the County Board has secured the funds necessary to construct the criminal justice complex that will house the new jail facility. The funds were raised through the sale of Certificates of Participation in the aggregate principal amount of \$52,505,000.

The Certificates of Participation are payable solely from amounts which may be appropriated annually by the County Board. Pursuant to the Judgment herein, the County Board, inter alia, has been ordered "to make sufficient tax levy to finance the construction and operation of the new jail facility"^{5/} and to "appropriate sufficient sums of money to fully comply with all of the provisions of [the Judgment] as they may relate to the annual operating budget of the Wyandotte County jail".^{6/}

Thus, the County Auditor in formulating budget proposals submitted to the County Board will include items for all payments on the Certificates and payment of the operating costs of the

^{3/} Ibid, p. 6.

^{4/} Defendants' Second Quarterly Report filed November 12, 1987, pp. 2-5.

^{4/} March 30, 1987 Consent Judgment and Decree, p. 6.

^{5/} Ibid, p. 9.

jail. Although other sources of revenue may become available to make these payments, the County Board presently anticipates that all payments will be derived from ad valorem taxes to be levied on all taxable tangible property located within the County.

B. LAND ACQUISITION

The County has clear title to all real estate on which the new criminal justice complex is located. The County took possession of all such real estate on December 31, 1987.

C. CONSTRUCTION

Construction of the new criminal justice complex that will house the Wyandotte County jail is on schedule. Grading is complete and construction of foundation piles is underway. Completion of the pilings is projected for mid-May. Actual foundation work will follow. The building should be out of the ground by the middle of June.

II. OPERATIONS OF EXISTING JAIL FACILITY

A. OPERATIONAL PLAN

The defendants have developed a new comprehensive policies and

procedures manual to regulate the operation of the jail as it pertains to inmates. This manual addresses and resolves many of the remaining issues in this case, namely, changing existing policies considered offensive to plaintiffs and/or unacceptable under recognized standards. Adoption of this manual will also be a step toward accreditation of the new jail by the American Correctional Association. The manual is patterned after recognized standards promulgated by the ACA.

After many months of work, including the preparation of numerous drafts following extensive revisions,^{6/} the final draft of the manual was completed and submitted to plaintiffs on February 24, 1988.

Correctional Services, Inc., defendants' well-qualified consultant, and the separate defendants devoted a significant amount of time and effort into the preparation of the policies and procedures manual. When the plaintiffs complete their review of defendants' proposed new policies and procedures manual, defendants will present it to the Court. Upon approval, defendants will formally adopt the manual as their policies and procedures to regulate inmates confined to the Wyandotte County jail.

Even without new policies and procedures, defendants' current operation of the existing jail has alleviated some of the concerns raised by plaintiffs in this case. For example, the subject of

^{6/} See the first three Quarterly Reports, Section II.A.

training for the sheriff's deputies working in the jail is among the issues raised by plaintiffs. Although a formal policy has not been adopted, the defendant sheriff has taken steps to resolve the problem.

The sheriff has entered into an agreement with the state of Kansas to provide training for deputies employed to work in the jail. Under the agreement, the Director of Kansas State Prisons is permitting Wyandotte County sheriff's deputies to enroll in a 200-hour certified Correctional Officers Training course offered every six weeks at a new training facility located at the Kansas State Penitentiary. The course is set up in accordance with standards promulgated by the state of Kansas. Upon completion of the course, graduates will be certified as correctional officers by the state of Kansas. The course includes a one-week on-the-job training component where the deputy will work as a correctional officer at the Kansas State Penitentiary. The defendant sheriff intends to have his entire staff trained through the state program.^{7/}

^{7/} Counsel for defendants have available for inspection and review by plaintiffs or the Court a comprehensive two-volume catalogue describing the programs and curriculums of the Kansas State Penitentiary Training Academy.

B. JAIL POPULATION MANAGEMENT

The Court has prescribed that "no more than a total of 110 adult males may be housed overnight in the [Wyandotte County] jail, except as may be provided for in a plan for population management".^{8/} To comply with the Court's Judgment and Decree, a Jail Population Control Committee has been established. The Administrative Judge for Wyandotte County is chairperson of the Committee. The Committee has a plan approved by order of this Court^{9/} which has been implemented to assist in controlling the jail population.

For 83 days of the 91 days covered by this reporting period, the Wyandotte County jail population was within the Court's prescribed limit. On only eight days did the total adult male population exceed the 110 limit. The average adult male population for the entire quarter was well within the goal of 110 adult male inmates. The jail population figures for this reporting period provide a respite from the constant problem of jail overcrowding. Undoubtedly, some of the relief from jail overcrowding is the result of the jail population control plan. Included in such plan is pre-trial detainee screening and release on recognizance. The statistical details of this aspect of the plan are as follows:

^{8/} Ibid, p. 8.

^{9/} March 14, 1988 Order Establishing Jail Population Control Committee.

PRE-TRIAL SERVICES RELEASE ON RECOGNIZANCE

January, 1988

Inmates interviewed during January, 1988.	37
Inmates denied release during January, 1988	15
Inmates released on recognizance during January, 1988	22
Failure to appear during January, 1988.0
CURRENT INMATES RELEASED ON RECOGNIZANCE.118

February, 1988

Inmates interviewed during February, 1988	30
Inmates denied release during February, 1988.	12
Inmates released on recognizance during February, 1988.	18
Failure to appear during February, 19881
CURRENT INMATES RELEASED ON RECOGNIZANCE.115

March, 1988

Inmates interviewed during March, 1988.	43
Inmates denied release during March, 19888
Inmates released on recognizance during March, 1988	35
Failure to appear during March, 1988.1
CURRENT INMATES RELEASED ON RECOGNIZANCE.139

The detailed jail population is reflected in the following tables.

WYANDOTTE COUNTY JAIL POPULATION1988

<u>Jan.</u>	<u>Federal</u> <u>Men</u>	<u>State</u> <u>Men</u>	<u>Total</u> <u>Men</u>	<u>Federal</u> <u>Women</u>	<u>State</u> <u>Women</u>	<u>Total</u> <u>Women</u>	<u>Juveniles</u> <u>Certified</u> <u>As Adult</u>	<u>Juveniles</u>
1	0	98	98	0	5	5	4	1
2	0	98	98	0	5	5	4	1
3	0	96	96	0	5	5	3	1
4	0	98	98	0	5	5	3	2
5	0	93	93	0	6	6	3	3
6	1	96	97	0	6	6	3	1
7	1	94	95	0	7	7	3	3
8	1	99	100	1	7	8	2	3
9	1	99	100	1	7	8	2	3
10	1	102	103	1	7	8	2	4
11	1	101	102	1	7	8	2	5
12	1	97	98	1	7	8	2	4
13	4	98	102	1	7	8	2	4
14	1	97	98	1	7	8	2	5
15	1	97	98	1	8	9	2	5
16	2	95	97	1	10	11	2	6
17	2	93	95	1	9	10	2	6
18	2	95	97	1	9	10	2	7
19	3	99	102	1	9	10	3	7
20	4	97	101	1	10	11	3	6
21	3	95	98	1	10	11	2	3
22	3	92	95	1	11	12	2	2
23	3	95	98	0	10	10	2	2
24	4	100	104	1	10	11	2	2
25	4	98	102	1	11	12	2	2
26	3	96	99	0	11	12	2	2
27	3	97	100	0	11	11	2	1
28	3	109	112	0	11	11	2	1
29	4	96	100	2	12	14	2	4
30	4	102	106	2	10	12	2	4
31	4	99	103	2	10	12	2	4

High Total MenLow Total MenAverage Total MenAverage Women

112

93

99.5

9.2

WYANDOTTE COUNTY JAIL POPULATION1988

<u>Feb.</u>	<u>Federal</u> <u>Men</u>	<u>State</u> <u>Men</u>	<u>Total</u> <u>Men</u>	<u>Federal</u> <u>Women</u>	<u>State</u> <u>Women</u>	<u>Total</u> <u>Women</u>	<u>Juveniles</u> <u>Certified</u> <u>As Adult</u>	<u>Juveniles</u>
1	4	99	103	2	9	11	2	4
2	4	100	104	2	8	10	2	3
3	4	96	100	2	9	11	2	3
4	4	93	97	3	8	11	2	3
5	4	90	94	2	8	10	2	4
6	5	95	100	2	9	11	2	3
7	5	101	106	2	9	11	2	4
8	5	99	104	2	9	11	2	4
9	0	97	97	2	9	11	2	4
10	0	88	88	2	8	10	2	3
11	3	88	91	2	8	10	2	4
12	0	86	86	2	7	9	2	2
13	0	84	84	3	7	10	2	4
14	0	84	84	3	7	10	2	5
15	0	82	82	3	7	10	2	5
16	0	84	84	3	7	10	2	4
17	0	85	85	3	6	9	2	3
18	0	86	86	3	6	9	2	5
19	0	80	80	3	5	8	2	6
20	0	87	87	3	6	9	2	7
21	0	94	94	3	6	9	2	8
22	0	92	92	3	6	9	2	8
23	0	85	85	3	5	8	2	7
24	0	86	86	3	5	8	2	7
25	3	89	92	3	5	8	2	7
26	1	93	94	3	5	8	2	5
27	2	87	89	3	6	9	2	4
28	1	89	90	3	6	9	2	4
29	1	92	93	3	6	9	2	4

High Total MenLow Total MenAverage Total MenAverage Women

106

80

91.6

9.6

WYANDOTTE COUNTY JAIL POPULATION1988

<u>Mar.</u>	<u>Federal Men</u>	<u>State Men</u>	<u>Total Men</u>	<u>Federal Women</u>	<u>State Women</u>	<u>Total Women</u>	<u>Juveniles Certified As Adult</u>	<u>Juveniles</u>
1	3	87	90	3	7	10	2	4
2	2	93	95	3	6	9	2	6
3	3	90	93	3	5	8	2	4
4	1	84	85	3	5	8	1	4
5	2	82	84	5	4	9	1	3
6	2	88	90	5	5	10	1	2
7	2	92	94	5	4	9	1	2
8	1	93	94	5	5	10	1	3
9	1	94	95	5	6	11	1	3
10	2	94	96	4	6	10	1	3
11	1	89	90	4	5	9	1	4
12	1	93	94	4	5	9	0	3
13	1	94	95	4	4	8	0	3
14	1	93	94	4	4	8	0	4
15	1	91	92	4	6	10	0	4
16	1	94	95	4	5	9	0	3
17	1	97	98	4	6	10	0	3
18	1	101	102	2	5	7	0	3
19	1	106	107	2	5	7	0	3
20	1	108	109	2	5	7	0	4
21	1	107	108	2	6	8	0	4
22	1	105	106	2	6	8	0	4
23	1	106	107	2	7	9	0	4
24	1	106	107	2	7	9	0	2
25	1	111	112	2	9	11	0	2
26	1	111	112	2	9	11	0	3
27	1	112	113	2	9	11	0	3
28	1	110	111	2	9	11	0	3
29	1	110	111	2	11	13	0	3
30	1	115	116	2	10	12	0	3
31	0	112	112	0	10	10	0	2

High Total MenLow Total MenAverage Total MenAverage Women

116

84

100.2

9.4

CONCLUSION

This fourth quarterly report reflects the intent and degree of success with which defendants are complying with the Consent Judgment and Decree. The defendants' actions have been feasible, effective and realistic toward achieving compliance with the Consent Judgment and Decree and improving jail conditions. Accordingly, defendants request that the Court find this report acceptable and enter an order of approval.

Respectfully submitted,

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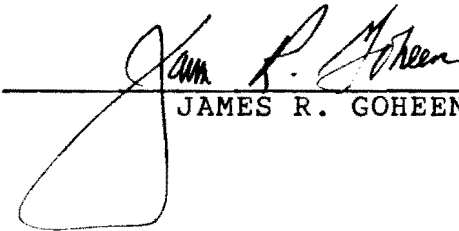
CERTIFICATE OF SERVICE

The undersigned hereby certifies that five copies of the foregoing Defendants' Fourth Quarterly Report were mailed to:

Ms. Claudia J. York of
Shughart, Thomson & Kilroy
Twelve Wyandotte Plaza
120 West 12th Street, 17th Floor
Kansas City, Missouri 64105

Lead Counsel for Plaintiffs

on this 19th day of April, 1988.



JAMES R. GOHEEN