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LOU ALEKSICH, JR., CLERK  
BY: \_\_\_\_\_  
DEPUTY CLERK

7 ATTORNEYS FOR PLAINTIFFS

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF MONTANA, MISSOULA DIVISION

10 HARRY LOZEAU, DOUGLAS MATT, ANGELA )  
11 HAWKINS, REYNALDO THOMPSON and )  
12 WAYNE BROWN, individually and on )  
13 behalf of all other persons similarly situated, )

Cause No. CV95-82-M-~~CGE~~ *RMA*

13 Plaintiffs,

14 v.

CONSENT DECREE,  
ORDER AND JUDGMENT

15 LAKE COUNTY, MONTANA; DAVID STIPE, )  
16 MICHAEL HUTCHIN and BARRY BAKER, )  
17 County Commissioners; and JOE GELDRICH, )  
18 Sheriff. )

17 Defendants.

19 The Court, upon joint request of the parties for the approval and entry of a Consent  
20 Decree in the following form, having reviewed the parties' agreement and finding that it  
21 represents a fair and reasonable resolution of the issues pending among them, hereby approves  
22 the following Consent Decree, Order and Judgment and directs the entry thereof as follows:

23 **A. PRELIMINARY STATEMENT**

- 24 1. The Court has jurisdiction over the parties and subject matter of this action.  
25 2. This action was initiated by five named Plaintiffs, Harry Lozeau, Douglas Matt,  
26 Angela Hawkins, Reynaldo Thompson and Wayne Brown, who brought the action on their own  
27 behalf as well as on behalf of all other persons similarly situated, against Lake County, Montana.

28 CONSENT DECREE, ORDER AND JUDGMENT

1 and the County Commissioners and Sheriff of Lake County, Montana, to remedy certain alleged  
2 illegal conditions and practices in the Lake County Detention Center ["the detention center" or  
3 "the facility"].

4 3. The action was brought as a class action, and sought declaratory and injunctive relief  
5 as well as the recovery of attorney's fees and costs. Monetary damages have not been sought in  
6 the case.

7 4. The parties recognize that certain procedures, practices and resources are required by  
8 constitutional and statutory law in conjunction with confining inmates in the Lake County  
9 Detention Center. These procedures, practices and resources include, but are not necessarily  
10 limited to, those described in this Consent Decree, Order and Judgment ["Consent Decree" or  
11 "Decree"]. The fact that certain legal requirements are set forth in this Consent Decree shall not  
12 be claimed to preclude or limit claims for additional forms of relief which may be made in other  
13 cases in the future involving issues or matters not resolved by this Decree.

14 5. This Consent Decree fully resolves all claims which have been raised in this action by  
15 the named Plaintiffs and the class they purport to represent, with the sole exception of Plaintiffs'  
16 entitlement to recover attorney's fees and costs. The parties anticipate entering into negotiations  
17 with the intent of resolving this remaining issue. In the event a negotiated settlement is not  
18 reached, however, the Court shall retain jurisdiction to decide all aspects of the fees and costs  
19 issue, including Plaintiffs' underlying right to recover fees and costs and the proper amount  
20 thereof. In executing this Consent Decree, Plaintiffs reserve the right to seek an order of the  
21 Court, pursuant to §803(d)(1)(A) of the Prison Litigation Reform Act, declaring that actual  
22 violations of the constitutional rights of Lake County Detention Center inmates have occurred,  
23 and that fees and costs should therefore be awarded. Defendants hereby stipulate that Plaintiffs  
24 shall be afforded the opportunity to make that showing in the event the fees and costs issue  
25 cannot be resolved through negotiations.

26 6. This Consent Decree shall be ongoing in nature, and continue in full force and effect  
27 to legally bind the parties from the date it is approved by the Court, regardless of whether any of

1 the named plaintiffs resides in the detention center at any given time. All current and future  
2 inmates of the detention center are intended beneficiaries of this Consent Decree, with full rights  
3 to petition to enforce its terms. The parties expressly consent to the continuing jurisdiction of the  
4 Court for the enforcement of the terms of this Consent Decree and for the purpose of resolving  
5 issues relating to the recovery of attorney's fees and costs.

6 7. Except as otherwise expressly provided, all of the terms, conditions and requirements  
7 of this Consent Decree shall be implemented by Defendants immediately.

8 8. References in this Consent Decree to the "Montana Jail Standards" shall refer to the  
9 "Montana Jail Standards for Detention Facilities" booklet published by the Montana Sheriffs'  
10 and Peace Officers' Association (2nd edition, 1993), a copy of which is attached as Exhibit 1 and  
11 incorporated herein by this reference.

12 9. In entering into this Decree, Defendants acknowledge that they have carefully  
13 considered (a) the cost of implementing this Decree, and (b) the anticipated needs of Lake  
14 County in the future for jail space.

#### 15 **B. GENERAL REQUIREMENTS**

16 10. Except as otherwise specifically provided in this Consent Decree, the Lake County  
17 Detention Center shall be operated in compliance with the Montana Jail Standards in all respects.  
18 In the event of a conflict between the terms of this Decree and any provision of the Montana Jail  
19 Standards, the terms of this Decree shall prevail.

#### 20 **C. INMATE HOUSING**

21 11. Inmates at the detention center shall be housed in accordance with the standards  
22 established in §18.01 et seq. of the Montana Jail Standards, which standards shall apply and  
23 become enforceable immediately. Specifically, inmates shall be housed in cells which provide at  
24 least sixty (60) square feet of floor space in single occupancy cells, and forty-five (45) square  
25 feet of floor space per inmate in multiple occupancy cells, under the following conditions:

26 a. Single occupancy cells provide at least thirty-five (35) square feet of  
27 unencumbered floor space;

1           b. Multiple occupancy cells provide at least thirty-five (35) square feet of  
2 unencumbered floor space per inmate;

3           c. Inmates are locked in their cells no longer than ten (10) hours per day; and

4           d. Inmates have access to a day room at other times which provides the additional  
5 space necessary to offer inmates access to a total of one hundred (100) square feet of living space  
6 in a combined cell and day room.

7           Each inmate shall be provided with a bed for personal use throughout the period of  
8 incarceration. The number of beds in each cell or cellblock shall equal the maximum number of  
9 inmates which may occupy the cell or cellblock. In the event there are excess bunks in a cell or  
10 cellblock, they shall be immediately removed or, at the option of the detention center, made into  
11 storage space by installing one or more rigid dividers across them, each of which shall be a  
12 minimum of eight (8) inches in height, thereby rendering the bunks permanently unusable as  
13 beds.

14           12. A temporary distribution of population resulting from an emergency or exigent  
15 circumstance occurring as the result of a) the arrest and incarceration of numerous offenders  
16 arising from a single incident; b) the arrest of a violent felon; or c) the incarceration of a violent  
17 person when such person cannot be safely held in an appropriate treatment facility, which results  
18 in a distribution of the population exceeding the requirements of paragraph 11 shall not be  
19 deemed a violation of this Consent Decree provided that the Defendants, within 24 hours or, if on  
20 a weekend, by noon of the next business day, conform the distribution of the population in  
21 accordance with the requirements of paragraph 11. No other exceptions, other than the limited  
22 circumstances described in this paragraph, shall be allowed to change the inmate distribution  
23 requirements as set forth in paragraph 11.

24           13. If any new detention center facilities are constructed or existing facilities are  
25 renovated after the date this Consent Decree is issued by the Court, the standards set forth in the  
26 Montana Jail Standards, including those providing in §19.01 et seq., shall apply to all such new  
27 or renovated facilities and the distribution of inmates housed within them.

1 **D. STAFFING**

2 14. The Lake County Detention Center shall be staffed at all times by qualified, properly  
3 trained personnel, sufficient in number to provide for adequate operation and security of the  
4 facility with respect to inmate safety, comfort, health care, recreation and exercise needs,  
5 visitation, reasonable access to courts and legal counsel, and all other legitimate penal or  
6 detention concerns.

7 15. Notwithstanding the general principle described in paragraph 14, a minimum of two  
8 full-time detention officers shall be on duty and physically present in the facility 24 hours per  
9 day, seven days per week, to exercise immediate supervision over inmates. These individuals  
10 shall be in addition to all administrators, dispatchers or other staff members whose  
11 responsibilities extend beyond the immediate supervision of inmates. Neither detention officer  
12 shall leave the detention center at any time, or engage in duties beyond the immediate  
13 supervision of inmates, without first being replaced by another qualified detention officer,  
14 thereby maintaining the required number of two full-time detention officers supervising the  
15 immediate needs of inmates at all times.

16 16. Defendants shall conduct direct visual surveillance of all inmates throughout the day  
17 and night at irregular intervals which shall not exceed 30 minutes in length. Written records  
18 shall be kept of each round of surveillance. Defendants shall conduct more frequent surveillance  
19 of inmates who have special problems or needs which warrant closer observation.

20 **E. EXERCISE AND RECREATION**

21 17. Inmates shall be allowed the opportunity to participate in reasonable aerobic and  
22 anaerobic exercise activities for a minimum of one hour per day, seven days per week, unless  
23 security or safety considerations dictate otherwise for special management inmates. In the event  
24 a restriction is imposed as a result of such considerations, written records shall be maintained  
25 documenting the nature, extent and purpose of the restriction. The denial of exercise or  
26 recreational opportunities shall occur only in conformity with the provisions of Chapter 8 of the  
27 Montana Jail Standards. Sufficient resources and equipment shall be provided and maintained

1 in adequate working condition at all times to enable the detention center to comply with the  
2 requirements of this paragraph. Exercise equipment shall consist of items which have been  
3 designed for the exclusive purpose of human exercise and/or recreation, and may include such  
4 items as exercise bicycles, rowing machines, universal weight systems and similar equipment.

5 18. In addition to the requirements of the preceding paragraph, which shall be  
6 implemented within 30 days from the date of this Decree, Defendants shall construct and equip a  
7 facility for indoor and outdoor exercise and recreation, which at a minimum shall comply with  
8 the requirements of the Montana Jail Standards, §§18.20-18.22. All funds necessary to complete  
9 the facility shall be included in the 1996-1997 budgetary cycle for Lake County. Construction  
10 shall begin as soon as practicable after November 30, 1996, the date the county receives its  
11 semiannual real property tax revenues, and the facility shall be completed as soon thereafter as  
12 possible but in any event no later than January 1, 1998. Once the new facility has been  
13 completed, each inmate shall be allowed to choose, on a daily basis, whether to take his or her  
14 exercise in it. The detention center may, however, at its option elect to allow exercise in the new  
15 indoor/outdoor facility only during weekdays, with exercise on weekends made available only  
16 within the individual cellblocks themselves.

17 19. A reasonable selection of reading materials and table games shall be available to  
18 inmates. Reading materials shall include items reasonably responsive to the interests and  
19 educational needs of inmates, and shall include a selection of fiction, non-fiction, educational and  
20 reference materials. Television shall be available to inmates during non-lock-down hours,  
21 provided that it need not be made available to inmates who are placed in isolation or who are  
22 subject to disciplinary action. Television sets may be turned off during lock-down times.

#### 23 **F. CLOTHING, LAUNDRY AND BEDDING**

24 20. Inmates shall be provided with clean clothing upon entering the detention center.  
25 Inmate clothing shall be laundered or exchanged for clean clothing at least twice a week, with  
26 substitute clothing provided during the laundering process so that a full set of clothing remains  
27 available at all times.

1 21. Upon entering the detention center, inmates shall be provided with the following  
2 clean and sanitary bedding or personal items: fire-retardant mattress and pillow; pillow case; two  
3 sheets, or one sheet and one mattress cover; sufficient blankets to provide comfort under existing  
4 temperature conditions; and one towel. Pillow cases, sheets, mattress covers and towels shall be  
5 laundered or exchanged for clean items at least twice a week. Blankets shall be cleaned and  
6 sanitized at least monthly. Blankets and mattresses shall be cleaned and sanitized before reissue  
7 to another inmate.

8 22. Defendants shall immediately replace all torn or cracked mattresses, and henceforth  
9 maintain the mattresses, pillows and blankets in clean, sanitary and reasonable condition.

10 **G. SANITATION, HYGIENE AND PERSONAL ARTICLES**

11 23. In the absence of an appropriate written indigency policy, inmates shall be provided  
12 on a daily basis, without charge, with the following articles for the maintenance of personal  
13 hygiene: soap; toothbrush; toothpaste or powder; comb; and toilet paper. Female inmates shall  
14 also be provided with feminine hygiene products. Male inmates shall be provided with razors  
15 and shaving cream to enable them to shave on a daily basis if they so desire. Razors issued for  
16 inmate use shall not be shared.

17 24. In the absence of an appropriate written indigency policy, provisions shall be made  
18 for inmates to receive, without charge, a hair cut at least monthly if they so desire.

19 25. Shower facilities, with adequate supplies of hot and cold water of appropriate  
20 temperatures, shall be made available to allow each inmate to shower every day.

21 26. Hot and cold running water of appropriate temperatures, separate from the shower  
22 facilities, shall be available to inmates at all times.

23 27. Plumbing fixtures shall be maintained in reasonable working order. Leaking or  
24 broken fixtures shall be repaired or replaced without delay.

25 28. The detention center facility shall be kept clean and sanitary, free of insects and  
26 vermin, at all times. Showers and toilet areas shall be cleaned regularly by inmates, and  
27 inspected by a detention officer, so as to avoid the accumulation of soap scum, slime, soft scale

1 and rust. A written housekeeping plan, requiring daily cleaning and regular maintenance, shall  
2 be prepared and followed covering all areas of the detention center's physical plant.

3 29. Tables used for meals shall be washed with hot water and a sanitizing agent both  
4 before and after each such use.

5 30. The detention center's administrator or his designee shall conduct a sanitation and  
6 maintenance inspection of the facility at least weekly. Written records shall be kept of each  
7 inspection.

8 31. The detention center shall be inspected for health and safety concerns by state and/or  
9 local health officials on at least an annual basis. Written records shall be kept of each inspection.

10 **H. LIGHTING, HEATING, VENTILATION, AND NOISE**

11 32. All lighting, heating and ventilation fixtures and equipment shall be maintained in  
12 good working order. Any broken fixture or piece of equipment shall be repaired or replaced  
13 without delay.

14 33. Lighting levels in all inmate housing areas shall be at least 20 foot-candles in  
15 intensity, measured three feet above the floor. Lighting levels in other inmate-occupied areas  
16 shall be appropriate for the type of activities occurring in the area. Night lighting levels shall  
17 permit adequate illumination for supervision, but shall not hinder restful sleep.

18 34. Sustained noise levels within the facility shall not average higher than 70 decibels  
19 during the day, and 45 decibels during sleeping hours.

20 35. Heating and cooling systems shall provide a comfortable and healthful living  
21 environment within the detention center. Temperatures shall be maintained in all indoor inmate  
22 areas between 65 and 80 degrees Fahrenheit at all times. Thermometers shall be installed at  
23 representative locations within the facility and monitored on a regular basis to ensure compliance  
24 with this requirement. Monitoring shall occur at least once during the hours of 2:00 p.m. to 6:00  
25 p.m. and once during the hours of 2:00 a.m. to 6:00 a.m. Written records shall be maintained of  
26 the temperature monitoring.

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1 36. Ventilation systems shall provide circulation in all areas of the detention center  
2 equivalent to at least 10 cubic feet of fresh or recirculated filtered air per minute per inmate  
3 occupant. Excessive condensation, odors, smoke, dust, carbon dioxide and other contaminants  
4 shall be eliminated.

5 37. The lighting, heating, cooling and ventilation systems in the detention center shall be  
6 inspected immediately, as well as on a regular semiannual basis in the future, by appropriately  
7 trained and licensed experts, who shall prepare a written report of their findings regarding the  
8 facility's compliance with the requirements of this section of the Consent Decree. Any  
9 deficiencies in performance shall be corrected immediately.

10 **I. FIRE AND SAFETY PROTECTION**

11 38. Defendants shall prepare and maintain a written policy and procedure addressing the  
12 issues of fire prevention, response and evacuation to ensure the safety of inmates, visitors and  
13 staff.

14 39. The detention center shall be inspected on at least an annual basis by the appropriate  
15 state and/or local fire marshal or other official. Written records shall be kept of each inspection.  
16 Defendants shall take all action necessary to ensure that the facility complies with the current  
17 edition of the National Fire Protection Association's Life Safety Code on a continuing basis.

18 40. The facility administrator shall designate a fire safety officer who is familiar with  
19 applicable fire regulations, inspection requirements and fire prevention practices.

20 41. A written evacuation plan shall be prepared for use in the event of fire or other  
21 emergency. The plan shall be posted throughout the facility so that inmates and staff may  
22 familiarize themselves with its provisions.

23 42. Sufficient smoke alarms, fire suppression equipment and self-contained breathing  
24 apparatus equipment shall be provided for the detention center. They shall be tested regularly  
25 and maintained in good working order at all times. Detention center staff shall be trained in their  
26 use.

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1 43. Fire safety inspections of the entire detention center shall be conducted by jail staff at  
2 least weekly. Written records shall be kept of each inspection.

3 44. Fire drills for the facility shall be performed at least quarterly during all employee  
4 working shifts. Written records shall be kept of each fire drill.

5 45. All cell and cellblock doors shall be maintained in good working order. Any broken,  
6 malfunctioning or inoperable door shall be repaired or replaced without delay.

7 46. All detention center personnel shall be trained on how to operate the security and  
8 locking systems of the facility in order to be able to release inmates immediately in the event of  
9 fire or other emergency. This training shall include the operation of the manual opening system  
10 for all electric doors, the components of which shall be readily available in case of emergency.

11 47. An additional fire exit shall be installed for the facility at the time the indoor/outdoor  
12 exercise and recreation facility is constructed.

#### 13 **J. INMATE SECURITY, CLASSIFICATION AND RULES**

14 48. An audio electronic surveillance and communication system shall be installed and  
15 maintained in good working order at all times, allowing detention center staff to hear and  
16 respond promptly to inmate problems or emergency situations. The system shall enable inmates  
17 to communicate with facility staff at all times throughout the day and night.

18 49. Detention center staff shall respond to oral, electronic or written requests for  
19 assistance from inmates in a reasonably prompt manner. Responses to written requests shall be  
20 made in writing, and copies shall be kept of both the request and the response.

21 50. Appropriate classification and segregation systems shall be developed and  
22 maintained to provide reasonable safety for inmates against the threat of violence by other  
23 inmates. Such systems shall include, at a minimum, the requirements set forth in Chapter 16 of  
24 the Montana Jail Standards.

25 51. Defendants shall maintain written rules of inmate conduct, specifying prohibited acts  
26 within the detention center, disciplinary procedures to be followed, and penalties that may be

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1 imposed for violation of rules. A copy of the rules shall be provided to each inmate immediately  
2 upon admission.

3 52. Policies and practices regarding inmate rules and discipline shall include, at a  
4 minimum, the principles and procedures set forth in Chapter 13 of the Montana Jail Standards.

5 53. Strip searches when admitting an inmate to the detention center shall be limited to  
6 those circumstances, and subject to those conditions and limitations, set forth in §15.05 of the  
7 Montana Jail Standards. Strip searches at other times shall be limited to circumstances when  
8 reasonable suspicion exists that an inmate possesses contraband at the location being searched.  
9 In either event, strip searches shall be conducted in the manner provided in §7.18 of the Montana  
10 Jail Standards.

11 54. Defendants shall maintain a written grievance procedure for inmates which includes,  
12 at a minimum, the requirements set forth in §12.02 of the Montana Jail Standards. Written  
13 grievance forms shall be available to inmates within their cells at all times, and collected on a  
14 daily basis. A written response shall be given to each grievance within a maximum of 24 hours.

15 **K. VISITATION, MAIL AND TELEPHONE**

16 55. Defendants shall maintain a written policy and procedure addressing the issues of  
17 inmate visitation, mail and communications.

18 56. The detention center shall maintain a visitation program with sufficient hours  
19 available each week to fulfill the visitation privileges of all inmates, as those privileges are  
20 defined in this paragraph. Visitation opportunities shall be provided on at least two days each  
21 week, including at least one weekend session. Each inmate, except those restricted as a result of  
22 disciplinary action, shall have the opportunity for at least one hour of total visitation each week.  
23 Visits shall be allowed in time increments of no less than 15 minutes per visit. The facility  
24 administrator or his or her designee shall make special arrangements for individuals to visit an  
25 inmate when such visits cannot reasonably coincide with regular visiting hours. No restrictions  
26 shall be placed on who may visit an inmate, unless the senior officer on duty determines that a  
27 visitor should be excluded for one or more of the following reasons, in which case a written

1 record shall be kept of the attempted visit and the reason for refusal, and the reason explained to  
2 the inmate: a) The visitor refuses to register or show proper identification, consent to reasonable  
3 search, or abide by the visitation rules; b) the visitor represents a clear and present danger to the  
4 detention center; c) the visitor has a past history of disruptive conduct at the facility; d) the  
5 visitor appears to be under the influence of alcohol or drugs; or e) the inmate refuses the visit.

6 57. Mail to and from inmates, and telephone communications by inmates, shall be  
7 allowed and restricted as provided in Chapter 14 of the Montana Jail Standards.

#### 8 **L. INMATE PRACTICE OF RELIGION**

9 58. Inmates shall be allowed to practice the religion of their choice, and to have  
10 reasonable access to clergy or spiritual leaders, religious publications and religious symbols,  
11 subject only to those limitations which are reasonably necessary to maintain the security and  
12 order of the detention center.

13 59. When two or more inmates wishing to practice the same religious faith request to  
14 hold a group religious service, the group service shall be allowed, in addition to individually  
15 performed rituals. Inmates wishing to participate shall be allowed to attend one such service  
16 each week, unless reasonable security or safety considerations dictate otherwise for special  
17 management inmates. In the event a restriction is imposed as a result of such considerations,  
18 written records shall be maintained documenting the nature, extent and purpose of the restriction,  
19 which may be imposed only in conformity with the provisions of Chapter 8 of the Montana Jail  
20 Standards. Group services should be permitted to last up to one hour in length, and may be  
21 extended beyond one hour with the advance approval of the facility administrator. Services shall  
22 be presided over by a recognized religious or spiritual leader approved by the administration.  
23 The burning of small amounts of sweet grass, juniper, sage or incense shall be permitted in  
24 conjunction with religious services as long as such burning is conducted in an approved fire safe  
25 area with adequate ventilation. The indoor/outdoor exercise and recreation facility described in  
26 paragraph 18 shall be constructed and maintained in such a manner as to serve this purpose.

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1 **M. ACCESS TO LAW LIBRARY**

2 60. Inmates shall be provided with reasonable access to the Lake County law library and  
3 the courts in order to assist them in connection with any criminal, civil or administrative legal  
4 matters for which they lack counsel, in accordance with the requirements of *Bounds v. Smith*, 430  
5 U.S. 817 (1977) and *Lewis v. Casey* (U.S.S.Ct.; decided 06/24/96).

6 **N. FOOD SERVICES**

7 61. Meals shall be provided to inmates subject to the requirements set forth in §§9.01 -  
8 9.14 of the Montana Jail Standards.

9 62. Menus shall be posted in advance in conspicuous places within the facility to advise  
10 inmates of the meals which are planned for them. Written records shall be kept of any changes  
11 which are made from the meals described in the posted menus.

12 **O. MEDICAL, DENTAL AND HEALTH CARE**

13 63. Medical, dental and other health care needs of inmates shall be provided in  
14 accordance with the requirements set forth in Chapter 11 of the Montana Jail Standards, subject  
15 to the provisions of the following paragraphs.

16 64. Defendants shall provide health care services to inmates to treat and prevent  
17 immediate pain or suffering, or deterioration of health, as reasonably deemed appropriate by the  
18 health care provider to whom inmates are referred.

19 65. Sick call for inmates shall be scheduled a minimum of twice a week.

20 66. Written forms shall be made available to inmates at all times for requesting health  
21 care evaluation or treatment. Completed forms shall be collected daily and reviewed by the  
22 appropriate staff member or medical personnel within eight hours of the time they are submitted,  
23 or before noon on the following morning if the request is made after 5:00 p.m. The request shall  
24 be referred to the detention center physician or other appropriate health care provider at the next  
25 scheduled sick call. In situations requiring emergency evaluation or treatment, the detention  
26 center physician, other appropriate health care provider or a local hospital shall be contacted  
27 immediately.

1 67. The quality and extent of medical record-keeping shall be consistent with that  
2 required by the Standards for Health Services in Jails published by the National Commission on  
3 Correctional Health Care.

4 68. Detention center staff shall follow the recommendations of health care providers  
5 regarding the treatment, administration of medications for and monitoring of inmates.

6 69. Medical screening forms, written requests for health care evaluation or treatment, and  
7 records relating to the health care provided to inmates (including care given outside the detention  
8 center at the facility's request) shall be maintained at the detention center at all times.  
9 Appropriate provisions shall be made to maintain confidentiality of all health care information.

10 70. Newly admitted inmates shall receive, as part of their orientation to the facility,  
11 written information about the health care services available to them while they are incarcerated.

12 **P. INSPECTIONS AND COMPLIANCE VERIFICATION: INMATE ACCESS TO**  
13 **CONSENT DECREE; ACKNOWLEDGMENT OF SCOPE OF RELIEF**

14 71. Plaintiffs' attorneys, or other designated representatives of the American Civil  
15 Liberties Union, the National Prison Project and the ACLU of Montana, and their experts, shall  
16 be entitled to inspect the detention center at reasonable intervals, and communicate with inmates,  
17 in order to monitor compliance with the terms of this Consent Decree.

18 72. Defendants shall provide, upon request, any information or documentation  
19 reasonably available to enable Plaintiffs to monitor compliance with the terms hereof. All  
20 written records which are required by this Decree to be maintained by the detention center shall  
21 be maintained at the detention center facility itself, or be otherwise immediately available to the  
22 facility's staff for purposes of inspection or production.

23 73. In order to verify compliance with the terms of this Consent Decree, Defendants shall  
24 arrange for an inspection of the detention center to be conducted at their expense by Rickard A.  
25 Ross, or some other qualified representative of the Montana Sheriffs' and Peace Officers'  
26 Association, approximately six months, twelve months, and eighteen months after the date this  
27 Consent Decree is approved by the Court. A written report of each inspection shall be provided

1 to both sets of parties through their respective attorneys. Any deficiencies revealed by the  
2 inspections shall be corrected immediately.

3 74. A copy of this Consent Decree, and the Montana Jail Standards to which it refers,  
4 shall be made available by Defendants for inspection by any inmate upon request.

5 75. The terms and conditions of this Consent Decree, upon approval by the United States  
6 District Court, shall become a final judgment against Defendants, and all expenditures made by  
7 Lake County pursuant to the terms and conditions of the Consent Decree, whether made prior to  
8 or subsequent to the Court's approval hereof, shall be considered as having been made in order to  
9 satisfy the obligations imposed on the County hereunder.

10 76. The parties stipulate, based on the entire record, that the relief set forth herein is  
11 narrowly drawn, extends no further than necessary to address the alleged violations of the federal  
12 and state rights of the plaintiffs, and is the least intrusive means necessary to address the alleged  
13 violations.

14 DATED this 2<sup>nd</sup> day of October, 1996.

15  
16 **FOR PLAINTIFFS:**

17 CONNELL & BEERS  
18 Attorneys for Plaintiffs

19  
20 By 

21 Mark S. Connell

22  
23 AMERICAN CIVIL LIBERTIES UNION  
24 Attorneys for Plaintiffs

25 By 

26 Stephen L. Pevar

27 ///

28 CONSENT DECREE, ORDER AND JUDGMENT

1 FOR DEFENDANTS:

2 LAKE COUNTY, MONTANA

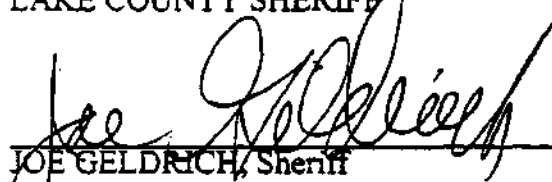
3  
4 By   
5 Chair, Board of Lake County  
6 Commissioners

7 BOARD OF LAKE COUNTY COMMISSIONERS:

8  
9   
10 DAVID STIPE, County Commissioner

11  
12   
13 MICHAEL HUTCHIN, County Commissioner

14  
15   
16 BARRY BAKER, County Commissioner

17  
18 LAKE COUNTY SHERIFF  
19  
20   
21 JOE GELDRICH, Sheriff

22  
23  
24  
25  
26  
27  
28 CONSENT DECREE, ORDER AND JUDGMENT



1 APPROVED AS TO FORM AND CONTENT:

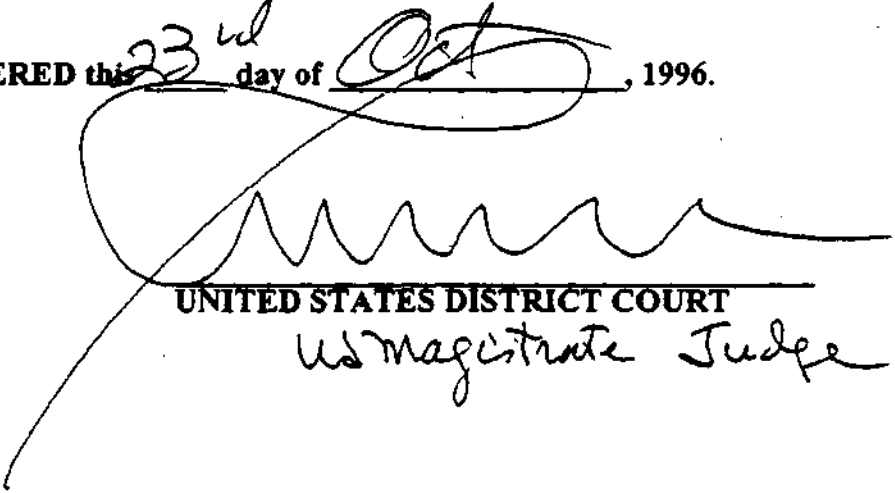
2 GARLINGTON, LOHN & ROBINSON, P.L.L.P.  
3 Attorneys for Defendants

4  
5 By Robert E. Sheridan  
6 Robert E. Sheridan

7 LAKE COUNTY ATTORNEY

8  
9 By Deborah Kim Christopher  
10 Deborah Kim Christopher

11 IT IS SO ORDERED this 23<sup>rd</sup> day of Oct, 1996.

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15 UNITED STATES DISTRICT COURT

16 US Magistrate Judge

Lozeau v. Lake Co.



JC-MT-001-001