

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

FILED

APR 22 1987

47

ESSEX COUNTY JAIL INMATES,  
RUSSEL WATSON, et al's.,

At 8:30 AM  
WILLIAM T. WALSH  
Civil Action No. 82GLR45  
(Harold A. Ackerman, U.S.D.J.)

Plaintiffs,

v.

ALBERT T. COLLIER, Warden,  
et al's.,

SUPPLEMENTAL CONSENT ORDER  
MODIFYING AND AMENDING  
CONSENT JUDGMENT OF OCTOBER 14, 1982

and

WILLIAM H. FAUVER, Commissioner,  
New Jersey Dept. of Corrections

Defendants.

ENTERED

on  
THE DOCKET  
4-24-87  
WILLIAM T. WALSH, CLERK  
By *[Signature]*  
(Deputy Clerk)

WHEREAS, the parties to this case recognize that the Essex County Jail is presently housing prisoners in excess of a cap of 594 inmates ultimately contemplated by the October 14, 1982 consent judgment as modified by subsequent consent orders; and

WHEREAS, the parties wish to reach an amicable agreement as to achievement of the 594 cap; and

WHEREAS, the County defendants and the plaintiffs have agreed to the following steps to adjust their present differences; and

WHEREAS, the following provision shall be binding upon the parties and shall be enforceable as such; and

WHEREAS, the aforesaid consent judgment and consent orders shall remain in full force and effect, except as modified herein;

NOW THEREFORE, it is on this day of September 1986,

ORDERED as follows:

1. The county executive shall no later than September 30, 1986 execute for consideration by the Board of

Freeholders a contract for the provision to the county of at least 100 spaces in residential drug treatment programs in New Jersey to which prisoners sentenced to the Essex County Jail Annex may be resentenced by the Superior Court of New Jersey. The county executive shall seek to have the Essex County Board of Chosen Freeholders act on said contract at its meeting of September 24, 1986 or October 1, 1986. After any approval of such a contract by the Board of Freeholders, the county defendants will use their best efforts to assist the attorneys for county sentenced prisoners who may qualify for said placement in making motions to be resentenced to those centers and in expediting the consideration of those matters. Places opened at the Jail Annex by the placement of said prisoners in the drug treatment programs referred to herein shall be filled by transfer of prisoners from the Essex County jail in order to directly reduce the number of prisoners presently housed at the jail.

2. The County defendants presently contemplate that "Relocateable Confinement Facilities" ("RCFs") presently being constructed at the Jail Annex for 96 prisoners will be completed between November 1, 1986 and November 15, 1986. Upon the completion of those RCFs, they shall be filled on a priority basis by prisoners from the County Jail to assist in reducing the Jail cap to 594. To the extent the new RCFs do not result in a reduction of the Jail population to 594, the County's obligations shall be governed by paragraph 3 hereof.

3. Should the County house more than 594 inmates at the Essex County Jail subsequent to December 31, 1986, prospective sanctions shall automatically attach to such non compliance. At

that time the Special Masters assigned by the Court to oversee the implementation of the Orders entered in this case may recommend, or a party may apply, to the Court for the imposition of such prospective sanctions against the County for any non-compliance with the Jail's maximum capacity which continues after December 31, 1986. In the event that such a recommendation is made by the Masters, or application is made by a party, pursuant to this paragraph, the County defendants waive any right to be heard on whether or not sanctions should be imposed, but reserve the right to be heard concerning the appropriateness of any specific sanction.

4. The Order to Show Cause entered on the docket on September 17, 1986 in this case is withdrawn.

Date:


4/22/87

  
HAROLD A. ACKERMAN  
United States District Judge

The undersigned hereby consent to the form and entry of the within Order.

Date:

9/23/86

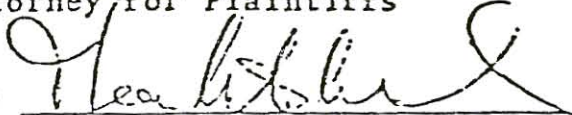
  
DAVID H. BEN-ASHER  
Essex County Counsel  
Attorney for County Defendants

ALFRED A. SLOCUM  
New Jersey Public Advocate-Defender  
Attorney for Plaintiffs

Date:

9/23/86

By:

  
T. Gary Mitchell, Director  
Office of Inmate Advocacy