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**ENTERED**

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Newark, N.J. 07102  
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Attorney for Defendants  
Essex County Executive and Administrative Officials

AUG - 11 - 90

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

OR  
THE DOCKET  
9-11-1990  
WILLIAM T. WALSH, CLERK  
By *W. Walsh*  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ESSEX COUNTY JAIL INMATES, et al.,	:	CIVIL NO. 82-1945
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
NICHOLAS AMATO, Essex County Executive, et al.,	:	
	:	
and	:	
	:	
WILLIAM H. FAUVER, Commissioner, New Jersey Department of Corrections,	:	
	:	
Defendants.	:	
	:	
and	:	
	:	
ESSEX COUNTY JAIL ANNEX INMATES, et al.,	:	CIVIL NO. 87-871
	:	
Plaintiffs,	:	CONSOLIDATED CONSENT ORDER MODIFYING BAIL FUND ORDER OF
	:	JULY 28, 1989 AND
v.	:	CONSOLIDATED CONSENT ORDER
	:	ENTERED JANUARY 5, 1990.
NICHOLAS AMATO, Essex County Executive, et al.,	:	PURSUANT TO <u>FED.R.CIV.P. 7(b)</u> ,
	:	60(b) AND 65.1
	:	
and	:	
	:	
WILLIAM H. FAUVER, Commissioner, New Jersey Department of Corrections,	:	
	:	
Defendants.	:	

THIS MATTER being opened to the Court by Anthony P. Sciarrillo, Essex County Counsel (By: Harry J. Del Plato, Assistant County Counsel), attorney for Defendants Essex County

Executive and Administrative Officials, and Joseph Brennan, Chief Deputy Counsel, attorney for Defendants Essex County Board of Chosen Freeholders, seeking an Order pursuant to Fed. R. Civ. P. 7(b), 60(b) and 65.1, modifying the July 28, 1989 Order Establishing Overcrowding Bail Fund and paragraph 21 of the Consolidated Consent Order of January 5, 1990, by permitting use by the County of a voucher system in lieu of cash to post bails; and the Special Masters' Report on the County Defendant's Motion for Implementation of a Voucher System to Fund the Bail Programs and Recommendations to the Court ("Masters' Report and Recommendations") having been issued on July 13, 1990, which Report and Recommendations approves, in part, and disapproves, in part, the relief sought by the County officials; and T. Gary Mitchell, Deputy Public Defender, attorney for Plaintiffs having Consented to the entry of this Order; and no objections to the Masters Report and Recommendations having been filed by any party hereto; and for good cause shown; the Bail Fund Order of July 28, 1989 and the Consolidated Consent Order entered January 5, 1990 are modified and amended as follows:

1. The Essex County defendants may, consistent with the Masters' Report and Recommendations, prospectively substitute County of Essex vouchers, backed by the general revenues of the County of Essex, for the Bail Fund Administrator's checks deposited with the Essex County Clerk for those inmates who are bailed in lieu of cash bail deposits, including cash bails

currently upaid, except for the \$18.00 per person Essex County Clerk's cash fee for each bail posted.

2. The Essex County defendants may, upon the execution of this Order, withdraw all monies on deposit with the Essex County Clerk deposited since July 13, 1990, representing cash bails posted by the Bail Fund Administrator, which bails have not been revoked nor cases adjudicated, and shall substitute County of Essex vouchers for all such monies withdrawn; funds so withdrawn are to be paid over by the Essex County defendants to the Bail Fund Administrator to replenish the Bail Fund up to the \$250,000.00 level.

3. The Essex County defendants may, consistent with the Masters' Report and Recommendations, apply in the future to the Court for a release of those funds deposited prior to July 13, 1990, representing cash bails posted by the Bail Fund Administrator, which bails have not been revoked nor cases adjudicated, for a specific purpose directly related to compliance with the Court's Orders.

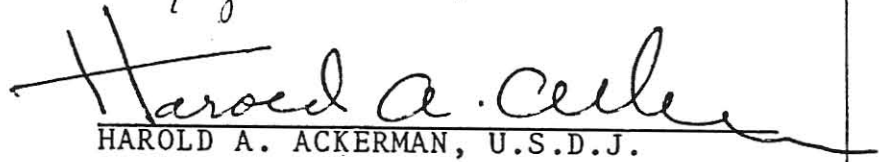
4. The Essex County defendants shall, consistent with the Masters' Report and Recommendations, maintain the Administrator's Fund with a \$250,000 ceiling and a floor of \$175,000. When the balance in the Fund falls below \$175,000 the County shall replenish the Fund to the \$250,000 level within (7) days after receipt of a written request for funds from the Bail Fund Administrator.

5. To the extent monies are available in the Bail Fund, the Bail Fund Administrator shall continue to pay all administrative fees and expenses of the Bail Fund, including the \$18 per person

Essex County Clerk's fee for each bail posted.

6. Except as otherwise provided herein, all other procedures for the Bail Fund as set forth in this Court's Bail Fund Order of July 28, 1989 and Consolidated Consent Order entered January 5, 1990 and as implemented shall remain in effect.

IT IS ON THIS *7th* DAY OF *August* 1990, SO ORDERED:

  
HAROLD A. ACKERMAN, U.S.D.J.