

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Nathaniel Roberts, et al.,	*	
	*	
Plaintiffs,	*	CASE NO. 4:03 CV 2329
	*	
v.	*	
	*	
County of Mahoning, Ohio, et al,	*	
	*	
Defendants.	*	
	*	

SECOND REPORT OF THE SPECIAL MASTER
April 19, 2005

In its order of April 7, 2005, the Court directed the special master to file reports to the court during the process that order required the defendants to implement. This report will advise the Court of the extent to which the defendants complied with its preliminary injunction prohibiting layoffs of staff planned for April 10, 2005 and April 17, 2005. It also will apprise the court of the reduction in population the defendants have achieved pursuant to the emergency overcrowding release policy approved by the Court of Common Pleas of Mahoning County.

Planned Layoffs

Upon inquiry by the special master, counsel for the defendants informed the special master that the layoffs scheduled for April 10, 2005 and April 17, 2005 did not occur. Thus, the defendants complied fully with numbered paragraph 1 of the Court's order of April 7, 2005

Population Levels

Commencing on April 8, 2005, the agents of the defendant Sheriff began to provide the special master and counsel with copies of daily population reports for the Justice Center facility. These reports reflect the following daily population levels:

DATE	POPULATION
April 8, 2005	339
April 9, 2005	323
April 10, 2005	338
April 11, 2005	340
April 12, 2005	334
April 13, 2005	286
April 14, 2005	280
April 15, 2005	278
April 16, 2005	285
April 17, 2005	294
April 18, 2005	293
April 19, 2005	294

Thus, the defendants achieved a population level of fewer than 296 prisoners on April 13, 2005. This is the number the parties have agreed is the maximum capacity of the North Tower of the Justice Center facility. See First Report of the Special Master Pursuant to the Court's Order of March 28, 2005, finding number 13. The total inmate population in the jail has not exceeded that number since that date. In order to achieve these reductions, the defendants have released prisoners in categories 1 through 13 of the emergency overcrowding release policy approved by the Mahoning County Court of Common Pleas. See First Report of the Special Master Pursuant to the Court's Order of March 28, 2005, Exhibit A.

Closure of the South Tower

As a result of these populations reductions the defendants were able to close the South Tower of the Justice Center facility at 11:40 a.m. on April 15, 2005, and they did so. The South Tower has remained closed since that date.

Conclusion

The defendants have moved promptly to comply with the Court's order of April 6, 2005 and to implement the emergency overcrowding release policy approved by the Mahoning County Court of Common Pleas. The special master will next meet with counsel for the parties and with representatives of the defendants shortly after the May 3, 2005 election, which will offer the voters of Mahoning County an opportunity to approve a one-half cent addition to the existing county sales tax.

Respectfully submitted,

/s/ Vincent M. Nathan
Special Master