



JC-PA-0009-0001

(39)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

INMATES OF THE BUCKS COUNTY PRISON, et al., : CIVIL ACTION NO. 79-1785

JUN 13 1983

VS.

ANDREW WARREN, et al., :
By MICHAEL J. KUNZ, Clerk :
Dep. Clerk CLASS ACTION

CONSENT DECREE

Since the law suit was filed in May, 1979, the parties to this suit have reviewed and discussed all aspects of the operation of the Bucks County Prison. Partly as a result of this action, the Defendants have substantially increased the funds available to the prison system in Bucks County, and have already instituted changes and additions to the programs and physical conditions which are the concerns of the Plaintiff class.

The Plaintiffs recognize the commitment of Defendants to improvement of the conditions of the Bucks County Prison, both through current practices and their progress toward construction of a new facility which will eliminate the physical drawbacks of the current jail.

The parties hereto, being mutually desirous of disposing of as many of the issues raised by this suit as possible without further litigation, do hereby willingly consent to the entry of the following Judgment which shall be an Order of this Court.

Definitions

1. All references to the Bucks County Prison refer to that correctional

facility located at 138 South Pine Street, Doylestown, Bucks County, Pennsylvania and to any housing units that are subsequently constructed within the walls of that current facility.

2. "Inmates" refers to all those persons who are or will be incarcerated or held at the Bucks County Prison.

3. "Modular Units" are units of housing, office or storage spaces which are purchased in pre-constructed sections for on-site assembly.

4. "Long Line" is that men's cell block which is part of the original building and contains cells number 15 through 36.

5. "Short Line" is that men's cell block which is part of the original building that contains cells number 1 through 14.

6. "Administrative Segregation Wing" (also known as Seg Wing) is that men's cell block which is part of the original building containing 3 cells.

7. "Old Women's Wing" is that cell block which is part of the original building and contains four cells, immediately adjacent to the Administrative Segregation Wing, which were used, prior to this Consent Decree, for housing women inmates.

8. "Holding Cells" are those cells used for the temporary housing of newly admitted inmates prior to receiving their cell assignment.

9. "Cell Assignment" refers to the process of determining which cell or modular unit an inmate would be housed in after he or she has been screened.

10. "Screening" is the process of interviewing a newly admitted inmate and consulting with other persons to determine with which other inmates the newly admitted inmate could most safely be housed.

Population Maximums

11. No cell in the Bucks County Prison may house more than four inmates at any one time except for holding cells.

12. No inmate may be kept in any holding cell or cells for longer than a cumulative total of 12 hours.

13. No less than three cells in the men's cell blocks (excluding the men's modular unit) shall be designated by the Warden for double occupancy and shall house no more than two inmates per cell at any time.

14. No less than two cells in the men's cell blocks (excluding the men's modular unit) shall be designated by the Warden for single occupancy and shall house no more than one inmate per cell at any time. These two single occupancy cells shall be in addition to the three double occupancy cells set forth in paragraph 13.

15. The five (5) cells designated for single or double occupancy by paragraph 13 and 14 shall be used solely for inmates with psychiatric problems or in need of observation.

16. There shall be no more than two modular units constructed, erected, assembled or installed within the walls of the Bucks County Prison.

17. No more than 28 inmates may be housed in the men's modular unit.

18. No more than 16 inmates may be housed in the women's modular unit.

19. Temperatures in the modular units shall be maintained between 65 degrees and 85 degrees fahrenheit throughout the year.

20. Except for the two modular units mentioned in paragraph 16, no new housing units may be constructed, erected, assembled or installed within the walls of the Bucks County Prison.

Conditions for Women Inmates

21. No woman inmate on work release shall be housed in or on the grounds of the Bucks County Prison. All women inmates on work release shall continue to be housed under conditions that are equal in freedom and privileges to similarly situated male inmates at the Bucks County Rehabilitation Center.

22. All women inmates shall be housed in a modular unit or other dormitory type setting. Special provisions shall be made for housing women inmates separate and apart from other women inmates where necessary for the medical or physical safety of the inmate being isolated or the safety of other inmates.

23. Women inmates shall have equivalent access to recreational programs and equal access to all other services and programs available to male inmates and specifically to the Adult Education Programs.

Physical Conditions

24. All violations cited by the Bureau of Occupational and Industrial Safety, Pennsylvania Department of Labor and Industry, shall be corrected as of the effective date of this Consent Decree.

25. No less than five cells within the currently existing cell blocks (excluding the modular units) shall be maintained at temperatures of 85 degrees fahrenheit or less at all times.

26. All male inmates fitting one or more of the categories below shall be housed in those five cells mentioned in paragraph 24 or in the men's modular unit during those times when temperatures in the other cells exceed 85 degrees.

- a) Inmates who are suspected or confirmed diabetics; or
- b) Inmates taking daily dosages of a phenothiazine derivative drug including but not limited to Compazine, Stelazine, Thorazine, and Vesprin,

unless a licensed physician shall certify in writing that housing a given inmate who fits one of these categories in a regular cell is not medically contraindicated; and

c) Inmates for whom constant temperatures of above 85 degrees are medically contraindicated and this is certified by a licensed physician or registered nurse.

27. Except for the modular housing units, all cells in the Bucks County Prison shall be provided with an operating electric fan during summer months.

Medical Services

28. Direct physician services shall be provided no less than 18 hours per week, 52 weeks per year, to inmates in the Bucks County Prison. The completion of reports and other paperwork and the supervision of nursing staff shall not count toward the 18 hour weekly requirement.

29. A registered nurse shall be present and on duty at the Bucks County Prison 24 hours a day, 7 days a week, except for the midnight to 8:00 a.m. shift. A licensed practical nurse shall be present and on duty 7 days a week from midnight to 8:00 a.m..

30. Medicines and prescriptions shall be distributed to inmates only by a physician or registered nurse. If State regulations permit, the licensed practical nurse on the midnight to 8:00 a.m. shift may also distribute medicines and prescriptions. In any event, procedures shall be developed to insure that inmates needing medicines or prescriptions after midnight will continue to receive them during that shift.

31. Initial intake medical screening shall be performed on all inmates within 48 hours of admission. This screening shall include such procedures as are necessary to detect common communicable diseases and other common diseases that may be life threatening and to detect alcohol or drug dependency or withdrawal or any condition for which housing in temperatures of 85 degrees or more is medically contraindicated. The screening shall be performed by a physician or registered nurse.

32. Gynecological or obstetrical examinations shall be provided to every woman inmate upon request within 3 months of their admission to the Bucks County Prison and annually thereafter except for emergency situations for which examinations shall be provided immediately.

33. Initial gynecological or obstetrical examinations may be conducted by a prison physician. If a further examination is indicated it will be conducted by a licensed physician specializing in obstetrics or gynecology.

34. All women inmates shall be informed in writing upon their admission of the policy as to gynecological or obstetrical examinations as outlined in the foregoing paragraphs.

35. Nothing in the proceeding paragraphs is intended to limit the obligation of the Bucks County Prison to provide prompt, competent medical services to any inmate who needs such services.

36. No inmate with a suspected or confirmed communicable disease shall be housed in general population or in the modular units unless a physician certifies in writing that housing the inmate in general population poses no significant health risks to other inmates.

Staffing

37. There shall be no less than one female and eight male correctional officers on duty at all times at the Bucks County Prison.

38. There shall be no less than one correctional officer on duty and physically present in the Long Line cell block during all hours when inmates are locked in their cells.

39. There shall be no less than one correctional officer on duty and physically present in the Short Line cell block at all times.

40. There shall be no less than one correctional officer on duty in the Administrative Segregation Wing and Old Women's Wing during all hours of lock-up.

This officer shall patrol both cell blocks.

41. There shall be no less than one correctional officer on duty and physically present in each modular unit during all hours when the units are occupied by inmates.

Classification

42. The Warden shall continue to institute a thorough classification system which is to be used in making all cell assignments for inmates. This classification system shall be for the purpose of ensuring the safety of all inmates and has been put in writing and made part of the staff manual.

43. There shall continue to be at least one prison staff member on each shift, weekdays and weekends, who has responsibility for classification. Staff officers so designated shall continue to have responsibility for making all cell assignments.

44. All Classification Officers shall continue to receive at least 8 hours annual instruction by a licensed psychologist or psychiatrist or other professionally trained practitioner in psychological screening techniques.

45. The Classification Officer shall continue to interview and screen all inmates prior to their cell assignment.

46. Nothing in the preceding paragraph shall restrict the Shift Commander, Shift Supervisor or their supervisor from making immediate cell transfers to ensure the immediate safety and security of the jail or of individual inmates or staff. All such emergency cell assignments or reassignments shall be promptly recorded along with the reason therefore in the report book referred to in paragraph 48. If any written reports are prepared as a result, copies shall be supplied to Plaintiffs' attorney.

47. Referrals for psychological services shall be made on the basis of need, Inmates shall be informed in writing upon their admission that they may

request psychological services and shall further be informed of the manner in which such requests can be made.

48. If, in the opinion of any Classification Officer, psychologist or psychiatrist, an inmate should be kept separate from any other inmate or inmates or should be kept under special observation, in accord with current practice, a written notation of that recommendation and the reasons therefore must be put in a report book and signed by the person making the recommendation. The aforementioned report shall be available to all correctional officers and shall be consulted prior to any cell reassignment.

Pre-Trial Procedures

49. Cash bail shall continue to be accepted at the Bucks County Prison during those hours and on those days when the Clerk's Office of the Criminal Division is closed.

50. Defendants shall institute a reliable method by which paperwork shall be transmitted in less than 24 hours between all District Justices in Bucks County and between the District Justices and the Prison.

51. Defendants shall institute, from the entry of this Consent Decree, additional programs or studies directed specifically toward the needs of those inmates awaiting trial. The goal of such programs shall be to provide access to bail for those inmates whose presence may reasonably be assured for trial. Defendants shall fund, at an annual level of \$45,000 in additional monies, such programs designed to meet this goal as they shall select, subject to review by this Court. If studies are performed, any written reports shall be made available to counsel for Plaintiffs.

Transfers

52. The provisions of this Consent Decree concerning transfers shall apply

only to those prisoners who are awaiting trial or sentencing.

53. No inmate may be transferred except upon writ or warrant, before having consulted an attorney unless the inmate declines to consult an attorney.

54. All persons incarcerated in the Bucks County Prison awaiting trial will have the right at any time during their incarceration to petition the Bucks County Court of Common Pleas to prevent their transfer to another prison before trial in order to facilitate the preparation of their defense at trial. All inmates awaiting trial may be transferred in accordance with the transfer policy in effect at the time of the signing of this Consent Decree subject to an order prohibiting their transfer or any other order issued by the Bucks County Court of Common Pleas.

55. Any prisoner transferred by the Bucks County Prison shall be returned to the Bucks County Prison no less than 7 days prior to his/her trial date unless the prisoner requests otherwise or was transferred upon writ or warrant to a jurisdiction where the prisoner had outstanding charges or detainees.

56. Any prisoner transferred from the Bucks County Prison has the right to petition the Bucks County Court of Common Pleas to be returned to the Bucks County Prison more than 7 days prior to his/her trial date if his/her attorney believes that an earlier return is necessary for the preparation of the prisoner's defense.

57. All convicted prisoners awaiting sentencing shall be returned to the Bucks County Prison at least seven (7) days prior to their sentencing.

Distribution of this Consent Decree

58. A complete copy of this Consent Decree bearing the names and addresses of attorneys for Plaintiffs will be distributed to every current or future member of the Joint Participation Council at the Bucks County Prison.

59. Complete copies of this Consent Decree shall be posted in the cafeteria, the Women's Day Room and all cell blocks and modular housing units and

be re-posted as often as necessary so long as the present facility is used to house prisoners.

60. Two complete copies of this Consent Decree bearing the names and addresses of attorneys for Plaintiffs shall be maintained at all times in the Law Library of the Bucks County Prison.

61. Four additional complete copies of this Consent Decree shall be kept at the regular library of the Bucks County Prison. These copies in the regular library shall be available to be taken out by inmates pursuant to the standard lending policy of the library.

62. Two complete copies of this Consent Decree shall be provided to the Bucks County Law Library located in the Bucks County Courthouse.

Monitoring

63. Defendants shall mail to the Bucks County Legal Aid Society the housing charts at the Bucks County Prison for every Monday and Friday for each week, for six months from the effective date of this Decree. These charts shall be mailed by the Tuesday following the week to which they pertain.

64. After six months, Defendants shall mail the housing charts for Monday to the Bucks County Legal Aid Society for such remaining period of time as the facility at 138 South Pine Street, Doylestown is used to house inmates. These charts shall be mailed by the Thursday of the week to which they pertain.

65. Defendants shall mail any other housing chart or charts to attorneys for Plaintiffs upon their request.

66. Counsel for Plaintiffs or their designee shall be given escorted access to the Prison for the purpose of monitoring compliance with this Consent Decree. Access shall include physical access to all parts of the Prison used by inmates and

shall be permitted between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday without prior notice and on any other day or at any other time upon 24 hours advance notice to the Warden or his designee.

67. The access of Counsel for Plaintiffs or their designee to the Prison shall not depend upon the request of any inmate for a visit.

68. Counsel for Plaintiffs or their designee shall also have access to speak in person and in private with any inmate except those inmates who do not wish to be interviewed.

69. Counsel for Plaintiffs shall receive copies of any and all written material of general application given to all new or present inmates.

70. In accordance with present practice, Counsel for Plaintiffs shall have access to the medical records (kept by the Prison) of any inmate from whom they have a signed release form.

71. Counsel for Plaintiffs shall, upon request, receive copies of any staffing rosters for the Prison.

72. Counsel for Plaintiffs shall, upon request, receive copies of those financial records showing the expenditure or failure to expend funds as outlined in paragraph 51 of this Consent Decree.

Implementation

73. All provisions of this Consent Decree shall go into effect on the date on which this Consent Decree is approved by the Court, except for paragraph 25 which will take effect on June 1, 1983.

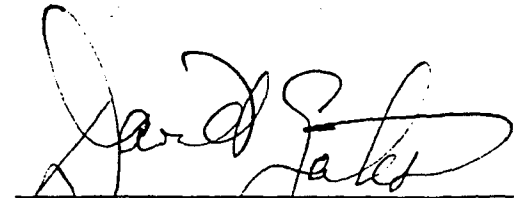
74. It shall be the duty of the Defendants to implement all provisions of this Consent Decree including the allocation of such funds as may be necessary to carry out its terms.

Signatures

For the Plaintiffs:

3-25-83

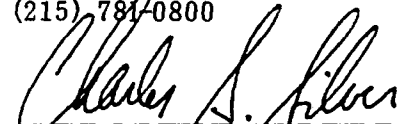
Date



David Gates, Esquire
Attorney for Plaintiffs
Bucks County Legal Aid Society
One Pond Street
Bristol, PA 19007
(215) 781-0800

March 28, 1983

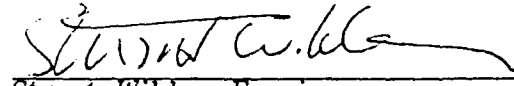
Date



Charles S. Silver, Esquire
179 North Broad Street
Doylestown, PA 18901
(215) 348-1666

March 30, 1983

Date



Stuart Wilder, Esquire
Attorney for Plaintiffs
Office of the Public Defender
Bucks County Courthouse
Doylestown, PA 18901
(215) 348-2911


Signatures

For the Defendants

4/13/83
Date


Elaine P. Zettick, Chairman
Bucks County Commissioner

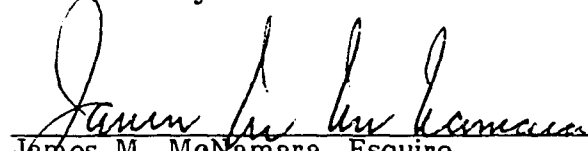
4/13/83
Date


Andrew L. Warren
Bucks County Commissioner

4/13/83
Date


Carl F. Fonash
Bucks County Commissioner

April 13, 1983
Date


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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INMATES OF THE BUCKS COUNTY PRISON, et al., **FILED** : CIVIL ACTION NO. 79-1785

vs.

JUN 13 1983

ANDREW WARREN, et al.,

MICHAEL E. KUNZ, Clerk CLASS ACTION
By Dep Clerk

O R D E R

AND NOW, this 13th day of June, 1983, the Court, having conferred with counsel for Plaintiffs and Defendants, having reviewed all aspects of this case to date, having fully considered the desirability of disposing of the matters contained in the attached Consent Decree by means of a Consent Decree, having given members of Plaintiff class an opportunity to review this Consent Decree and make their comments or objections known to this Court and upon determining that the attached Consent Decree has been freely agreed to by Plaintiffs and Defendants as evidenced by their signatures and/or the signatures of their counsel, does hereby ORDER, ADJUDGE, and DECREE that the attached Consent Decree be entered as the Final Judgment and Order of this Court in the above captioned matter.

BY THE COURT:

Clifford Scott Green
Clifford Scott Green, J.

6-14-83
Copy to
David Bates
Richard Fink
James McManus
Mestredig noon: 6/13/83

[Handwritten initials]