



JC-PA-0009-0003

Agreement

Preamble

Under the direction of the United States District Court Magistrate Judge Diane M. Welsh, who is a member of the Judiciary United States District Court for the Eastern District of Pennsylvania, in which Court this matter was filed and, to which jurist this matter was assigned, it was agreed by all parties that a Task Force would be formed to look into the conditions at the Bucks County Correctional Facility.

That Task Force was assembled and drafted a report of some length, which report is dated December 5, 2001.

By reason of the Agreement entered into by and between the parties to this cause of action, the County of Bucks was given time within which to reply to the Task Force Report. A timely response was drafted and filed.

Subsequent to the filing, there have been Agreements entered into by and between the parties through counsel for various parts of this Task Force recommendation. The Court has entered Orders to resolve issues in dispute.

This Agreement, is intended to become a Consent Decree and replace the Consent Decree of June 13, 1983 ("Consent Decree of 1983"). While the County of Bucks does not agree that such Decree is still effect, this Agreement will, in any event, render the Consent Decree of 1983 moot

All references to the Department of Corrections of Bucks County and its facilities in this Agreement refer to the Bucks County Correction Facility, Women's Community Corrections Center, Men's Community Center and related structures located on Easton Road in Doylestown Township, Bucks County, Pennsylvania.

I. PHYSICAL PLANT

- A. The physical plant of the Bucks County Correctional Facility will be modified:
1. Restricted Housing Unit (RHU) cells for women will be constructed.
 2. Mental Health Unit (MHU) cells for women will be constructed.
 3. Exercise yard facilities for women in RHU/MHU will be available.
 - a. Substantial completion of the modification of the Bucks County Correctional Facility for the above-noted units is expected to be in December 2003. A substantial completion projection date will be extended if issues arise from Doylestown Township in the approval process for the construction or unforeseen circumstances such as labor strife, weather, etc.

4. Space will be allocated for men and women in the reception area so that female and male commitments will be searched, and will shower and dress with privacy.
 - a. Reception is defined as the holding area for new commitments as well as discharged inmates from the facility.
5. The Department will explore other options for future growth of offender population.
6. The facility will be maintained to be safe, secure and sanitary.
7. Medical isolation cells are available for inmates who are in need as the determined by medical protocol. These inmates are single celled.

B. Modifications will be consistent with the municipal requirements of Doylestown Township and any other governmental requirements.

II. AUTOMATION

- A. The Department will develop and maintain a management information system with the cooperation of Information Systems.
 - a. An expected completion date for this management information system is December 2003.
- B. A Jail Management System (JMS) will be developed and maintained that will coordinate:
 1. Booking Information;
 2. Mugshots;
 3. Criminal records information;
 4. Classification;
 5. Case management;
 6. Fiscal records;
 7. Inmate tracking;
 8. Activity cues;
 9. Discharge verification.

III. PROGRAMS

- A. All programs will be developed and maintained to meet the criminogenic needs of the offenders. These programs will be provided using proven methods of responsivity and shall remain state of the art. All programs will meet the principles of risk, need and responsivity.
 1. Religious programming will be available for all offenders.
 2. Drug and alcohol programs will be responsive to the identified needs.
 3. Community resources will be sought to meet the needs of offenders utilizing appropriate community based agencies, which may include

- NOVA, A Woman's Place, The Bucks County Drug and Alcohol Commission, Inc., etc.
4. Pre-trial options will be explored and developed with the Court.
 - a. As the new classification system is initiated, this option will be trialed in cooperation with the Court of Common Pleas.
 5. Visiting practices will be liberal with attention to the security and safety of the institution and all those who work and reside within.
 6. The Department will continue to explore the further expansion of institutional jobs for females.
 7. Mental Health services will be reviewed on a regular basis.
 8. Classification will be the most current available which meet the needs of the organization.
 - a. All offenders entering the Correctional Facility will have an LSI-R or LSI-SV completed by April 1, 2003.
 9. Case Management will be established to identify the needs of offenders and track the services provided to address those needs.
 - a. All offenders will be participating in the development of a case plan commencing on April 1, 2003 based on the areas targeted by the classification instrument.

IV. TREATMENT TEAM

- A. A treatment team was established to target criminogenic needs and coordinate efforts to address those identified needs. This team includes representatives of medical, mental health, drug and alcohol and correctional administration. The team will function ongoing.
 1. The treatment team has adopted the title of "Forensic Behavioral and Medical Health Services" in order to solidify the collaborative nature of the components listed above. The team acts a quality assurance group identifying the trends and needs of the offender population.

V. TRAINING

- A. Staff will be trained in state of the art methods and practices of corrections. Staff will be updated on practices of handling special needs offenders.

VI. BUCKS COUNTY PRISON OVERSIGHT BOARD

By reason of the Court Order of July 9, 2002, there is in place a Bucks County Prison Oversight Board ("Oversight Board"). The Court Order provides for membership of the three (3) County Commissioners, the President Judge of Bucks County, the Bucks County District Attorney, the Bucks County Public Defender, the Chief Probation Officer of Bucks County Adult Probation and Parole Department, the Bucks County Sheriff, the Bucks County Controller and, three (3) citizens of the County. Pursuant to the Order of July 9, 2002, the three (3) citizens have been selected and have agreed to serve. The Court modified its Order of July 9, 2002 on

September 25, 2002 and removed the District Attorney from the Board. "Prison" shall refer to the existing Bucks County Correctional Facility situated at 1730 S. Easton Road, Doylestown, Pennsylvania.

The Order of July 9, 2002 provides that the powers and duties of the Oversight Board shall include:

1. The Oversight Board shall oversee the operation of maintenance of the Prison and all alternative housing facilities, oversee the health and safe keeping of inmates and, confirm the County Commissioner's selection of the Warden.
2. The Oversight Board shall insure that the living conditions within the Prison and alternative housing facilities are healthful and otherwise adequate.
3. The Oversight Board shall, at least twice a year, conduct an unannounced inspection of the Prison's physical plant. During such inspections, the Oversight Board shall interview a cross-section of inmates, out of the presence of the Warden and his agents, to determine the conditions within the Prison and the alternative housing facilities. After each inspection, the Oversight Board shall prepare a written report setting forth its findings and determinations, which shall be available for public inspection.
4. The Oversight Board shall insure that the Prison is being operated in accordance with the Prison's Regulations, the Constitution, the laws and regulations of Pennsylvania (including but not limited to Title 37), the Constitution of the United States and any applicable laws of the United States.
5. The Oversight Board shall investigate allegations of inadequate Prison conditions and improper practices occurring within the Prison and may make other investigations and review of Prison operation and maintenance. The books, papers and records of the Prison, including, but not limited to, the papers and records of the Warden and those relating to individual inmates shall at all times be available for inspection by the Oversight Board.
6. The Oversight Board shall promulgate such rules, regulations and forms as it deems necessary for the operation and maintenance of the Prison and the alternative housing facilities.

7. The Oversight Board shall review all existing written policies required by 37 Pa. Code Section 95.141 through Section 95.248 and, if the Oversight Board deems necessary, it shall amend or rewrite the local written policies.
8. The Oversight Board shall receive an annual written report from the Warden, which shall contain information on the populations, conditions and practices in the Prison and other matters as specified by the Oversight Board. The Warden's annual report shall be available for public inspection.

The Oversight Board shall meet at least once a month and shall keep regular Minutes of its proceedings which shall be open for public inspection. The Oversight Board shall promulgate such rules, regulations and forms it deems necessary for the proper administration of the Oversight Board.

VII. MONITORING

Monitoring of this Agreement/Consent Decree shall be performed by the Oversight Board as referenced in the Court Order of July 9, 2002, as amended September 25, 2002 which powers and duties of the Oversight Board are referenced, above, in full.

The County Oversight Board shall, as part of the Court Order, be the final source of administrative remedy within the meaning of the Prison Litigation Reform Act of 1995 18 U.S.C. 3626 and 42 U.S.C. § 1997 *et. seq.* ("PLRA"). Exhaustion of remedies as contemplated by the PLRA shall require final review by the Oversight Board.

VIII. IMPLEMENTATION

All provisions of this Agreement/Consent Decree shall go into effect on the date on which the Consent Decree is approved by the Court.

It shall be the duty of the County government to implement this Consent Decree, including the allocation of such funds as reasonably may be necessary to carry out its terms.

IX. PRIOR DECREE

To the extent, if any, the Consent Decree of 1983 has any applicability to the Bucks County Correctional Facility, the Consent Decree of 1983 is moot and superceded by this Agreement.

This Consent Decree shall remain in force and have effect for two (2) years after signing by the Court. The Decree, or any part thereof, maybe extended by the Court after request and, such extension will be granted upon showing of good cause, only.

Anita F. Alberts, Esquire
Attorney for Plaintiffs

James A. Downey, III, Esquire
Attorney for Defendant

Martha Sperling, Esquire
Attorney for Plaintiffs

Comm. Michael G. Fitzpatrick, Esq.
Chairman

Comm. Charles Martin

Comm. Sandra Miller