

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

FILED

JAN 6 - 1983

CLERK  
U.S. DIST. COURT  
MIDDLE DIST. OF AL  
BY *mer*

N. H. NEWMAN, ET al.; )  
JERRY LEE PUGH, ETC.; )  
WORLEY JAMES, ET al., )  
 )  
Plaintiffs, )  
 )  
UNITED STATES OF AMERICA; )  
JOHN BELL, Etc.; )  
THE NATIONAL PRISON PROJECT, )  
Etc.; ET al., )  
 )  
Amici Curiae, )  
 )  
-vs- )  
 )  
STATE OF ALABAMA, ET AL.; )  
JOSEPH HOPPER, Etc.; Et Al., )  
 )  
Defendants. )

CIVIL ACTION NO. 3501-N  
CIVIL ACTION NO. 74-57-N  
CIVIL ACTION NO. 74-203-N

CONSENT AGREEMENT

1. The Receiver and the Defendant Hopper contend that through the allocation of increased revenue to the corrections system by the Alabama Legislature, additional inmate housing, and the institution of firm policy and strong management, all conditions within the prison system that violated the Eighth Amendment prohibition against cruel and unusual punishment have been eliminated. They further contend that they have developed educational and work release programs, meaningful industrial and agricultural work and training, and

Pugh v. Sullivan



PC-AL-010-006

300

a policy of discipline and compassion--all designed to achieve permanent rehabilitation. They further contend that they have provided the means and increased the capacity for incarcerating convicted criminals in a constitutional manner and thus have better protected the citizens of Alabama.

2. The plaintiffs maintain that although improvements have been made in the prison system since the Receiver was appointed, there are still substantial and serious failures to comply with the court orders and the Eighth Amendment to the Constitution both in the state facilities and because of the continuing back up of prisoners in the county jails.

3. The Receiver, the Commissioner, the United States and the plaintiffs agree that this is an appropriate time to institute a different and more effective procedure to assure continuing improvements in the prison system while at the same time extracting the court from the day to day superintendence of the prison system.

4. Therefore, the Receiver, Commissioner, Attorney General, United States and the plaintiffs agree that the Court enter an order as follows:

A: Continue the current hearing set for January 3, 1983, indefinitely unless it is reinstated under the procedures provided for hereunder.

B: Establish an Implementation Committee of four people to monitor compliance with the orders of the Court. The committee members would initially be M.R. Nachman, Jr., Ralph I. Knowles, Jr. or John Carroll, and two members to be nominated by the first two and approved by the Court, each to be appointed for a two (2) year term. In the event that any member of the committee has to resign, or otherwise cannot serve, that member will suggest a replacement to be approved by the Court. In the event of the death of a member of the committee, the remaining three (3) members shall agree upon a replacement. In the event there is no agreement, replacement shall be appointed by the Court.

C: The Committee is charged with the responsibility of working with the Governor, the Commissioner of Corrections, and all other relevant state officials in monitoring and assuring implementation of the Court's orders in the most expeditious and fiscally sound manner possible. The Commissioner will render such reports to the Committee on the status of compliance as the Committee shall from time to time require. The Committee will have the authority to state priorities and timetables to move toward compliance. The Committee will evaluate as a priority matter and at the request of the plaintiffs the following areas: 1) state prisoners in county jails; 2) mental health care to inmates in need thereof; and 3) conditions in segregation. The Committee will from time to time note and recommend that the Court recognize those areas wherein the state has achieved compliance with its orders.

D: The Committee will have access to all staff and records of the Department at all reasonable times. They will also have access to all facilities and prisoners and to the records of all other relevant state agencies accessible to the Governor or Department of Corrections.

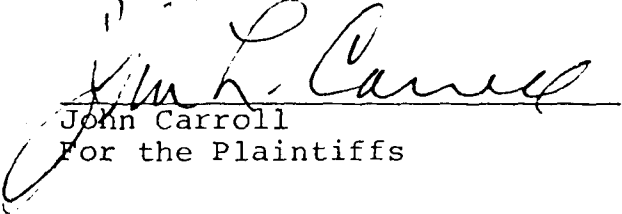
E: In the event it is deemed necessary, the Committee may hire experts to evaluate compliance. Reasonable fees and expenses of the Committee members and any experts they might hire will be paid by the Department of Corrections on a monthly basis. If the Commissioner objects to any expenditures he may submit such objections to the Court within 10 days of the submission of statements to the Department.


F: If a majority of the Committee determines that the defendants are not or cannot for any reason make expeditious progress in fully meeting the orders of the court in all facilities housing state prisoners, it will report that to the Court with a recommended course of action for the Court to follow. This, however, should be a course of last resort to be utilized only after the Committee has done everything within its powers to work with the Commissioner to achieve compliance without intervention of the Court.

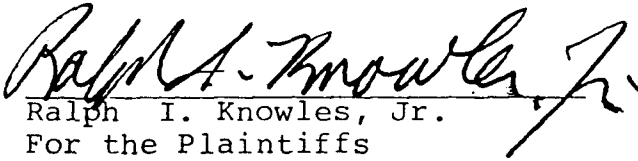
G: The Committee will make such reports as it deems necessary or as requested by any party or the Court.


H: Nothing contained herein will prevent any party from filing with the Court motions to dissolve the Committee if it believes its rights are being jeopardized by the actions or inactions of the Committee in which case the Court will take whatever actions are necessary to assure compliance with the orders.

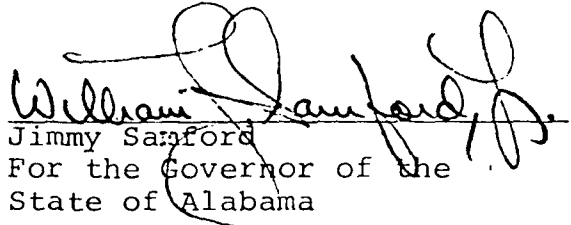
Signed this the 5th day of January, 1983.

  
John Carroll  
For the Plaintiffs

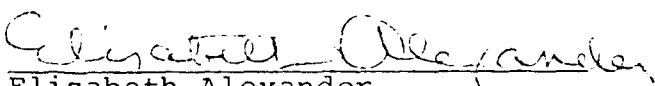
  
M. R. Nachman  
For the Governor of the  
State of Alabama

  
Ralph I. Knowles, Jr.  
For the Plaintiffs

  
W. Scears Barnes  
For Joseph Hopper, Commissioner of the  
Department of Corrections

  
Jimmy Sanford  
For the Governor of the  
State of Alabama

Stephen A. Whinston  
For the United States of America

  
Elizabeth Alexander  
For the National Prison Project

Mitchell W. Dale  
For the United States of America

Terry Smyly  
For the Attorney General of Alabama