



PC-ID-002-002

U. S. DISTRICT COURT  
DISTRICT OF IDAHO  
Filed at \_\_\_\_\_ M

IN THE UNITED STATES DISTRICT COURT      MAY 26 1983

FOR THE DISTRICT OF IDAHO

JERRY L. CLAFF, Clerk  
By \_\_\_\_\_ Deputy

LOIS WITKE, et al.,	)	
Plaintiffs,	)	CIVIL NO. 82-3078
	)	
v.	)	
	)	
C. W. CROWL, et al.,	)	ORDER CERTIFYING
Defendants.	)	CLASS ACTION
_____	)	

On February 3, 1983, plaintiffs moved this court to certify the above-entitled cause as a class action. Defendants do not oppose this certification. After carefully reviewing the file, the court finds that the plaintiffs can establish the prerequisites as set out in Rule 23(a), Fed.R.Civ.P. The court further finds that the action is maintainable as a Rule 23(b)(2) action.

IT IS, THEREFORE, ORDERED that plaintiffs' Motion for Class Certification should be, and the same is hereby, GRANTED. The certification of this class is conditional and may be altered or amended before the decision on the merits. The class shall consist of all women presently incarcerated at the North Idaho Correctional Institution and those women who will be incarcerated there in the future. Since the action is maintainable under Rule 23(b)(2), notice to the

ATTACHMENT A

ORDER CERTIFYING CLASS ACTION

respective class members will not be required at this time.

DATED this 31 day of May, 1983.



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HAROLD L. RYAN  
UNITED STATES DISTRICT JUDGE

## APPENDICES

### I. Vocational Training

(A) Women will be afforded opportunities in vocational training comparable to those afforded to male inmates within the Idaho Department of Corrections. All monies received for the purpose of providing such opportunities, including monies received from the federal government, will be fairly allocated between women and men to assure comparability in programming.

(B) Vocational training for women shall include:

1. encouragement and training in non-traditional occupations comparable to that offered to men;
2. training which includes training in technical and skilled areas designed to lead to higher paying jobs upon release, as is provided to men;
3. training which includes both classroom and on-the-job components;
4. training designed to allow women to work in their acquired trades while still incarcerated;
5. training designed to lead to certification of acquired skills.

(C) Women who meet security requirements for community custody status shall be afforded opportunities to participate in community vocational education programs.

(D) Vocational training programs will include employment and placement counselling prior to release from incarceration.

(E) All women will be provided with vocational and aptitude testing and counselling.

(F) Women and men inmates working in Idaho correctional facilities will receive equal pay for equal work.

II. Education

(A) Women shall be afforded academic opportunities comparable to those afforded to men. All monies received for the purpose of providing such opportunities, including monies received from the federal government, will be fairly allocated between women and men to assure comparability in programming.

(B) Educational testing, evaluation and counselling shall be available to all women.

(C) GED preparation and testing shall be available to all women. Women also will be afforded the opportunity to participate in classes to achieve high school diplomas, as are men. Adult Basic Education will be available to all women.

(D) Should the opportunity to participate in college level courses or programs be provided to men, comparable opportunities will be made available to women.

(E) The Defendants agree to make good faith efforts to assure that educational programs are available to all women. Good faith efforts will be made to schedule programs at times outside working hours for women who have jobs. Women will have the same opportunity to complete programs as men.

III. Work Assignments

(A) Women shall be allowed to participate in a range of work assignments comparable to those of men, and for equal pay. The Defendants agree that women shall have the opportunity to engage in meaningful work.

(B) Opportunities to work in all areas of institutional maintenance will be provided to women of appropriate security classifications.

(C) Women who meet security requirements shall be allowed to participate in community work programs, as are men.

(D) Defendants agree to make good faith efforts to provide women with work assignments related to educational and vocational goals.

IV. Prison Industries

Women shall be afforded the opportunity to participate in prison industries programs comparable to those of men. Industries available to women shall be comparable in content, quality and earning potential to those of men.

V. Recreation

(A) Women shall be afforded a range of physical exercise and leisure time activities comparable to that of men. Adequate and appropriate supervision, instruction and equipment will be provided for such activities.

(B) Recreational programs will be scheduled to afford each woman the opportunity to participate regularly in physical exercise and leisure time activities.

(C) Religious activities shall not be restricted except by legitimate institutional necessity.

(D) Women who meet security requirements shall be allowed to participate in community recreational activities.

VI. Passes and Furloughs

(A) Regulations governing passes and furloughs shall apply system-wide without regard to gender. Women shall have equal access to passes and furloughs as men, as described in the attached appendix relating to passes and furloughs.

(B) The Defendants agree to make good faith efforts in the promulgation of policies regulating passes and furloughs to take into consideration the proximity of facilities to urban areas. Mileage restrictions shall take into account the need for all incarcerated persons to have access to relatively urban areas when released on passes or furloughs.

VII. Parole

(A) Policies and procedures regulating dress, transportation, counselling, housing and any other matters relating to the appearance of inmates before the parole board, shall be standardized and applied equally to all inmates regardless of gender, as described in the attached appendix relating to parole.

(B) Policies regarding the submission of information by Defendant's employees to the Parole Board shall be standardized and shall be applied without regard to gender.

VIII. Commissary

(A) Women will be provided equal access to the commissary and commissary items as men. Prices will be standardized system-wide.

(B) Profits from the commissary will go into the welfare and recreation fund for use in the facility in which the commissary is located.

IX. Telephone

Policies regarding the use of telephones shall be standardized to assure that women have equal access to telephones as men, as described in the attached appendix relating to telephones.

X. Mail

Policies regarding mail shall be standardized to assure that women have equal access to mail as men, as described in the attached appendix relating to mail.

XI. Personal Property

Policies regarding personal property, including photographs, shall be standardized to assure that women have equal access to property as men, as described in the attached appendix relating to personal property.

XII. Visitation

(A) Policies regarding visitation shall be standardized to assure women comparable access to visitation as men, as described in the attached appendix relating to visitation.

(B) The Defendants agree to make good faith efforts in scheduling visitation to accommodate women incarcerated at ICIO.

XIII. Physical Facilities

(A) Physical facilities will meet American Correctional Association (ACA) standards, as well as requirements of state law, in areas of health and fire safety. Regular inspections will be done by state health inspectors and fire marshalls.

(B) Food will be prepared and served in accordance with ACA standards and requirements of state law. Food will be adequate in quantity and nutritional content. Food will never be denied as punishment.

XIV. Medical, Dental, Psvchiatric and Psychological Services

Medical, dental, psychiatric and psychological services, including screening, testing, evaluation, counselling and preventive services will be provided in accordance with ACA standards. Women shall be provided services equal to those provided to men.

XV. Personal Hvgiene Supplies

Policies regarding the dispensing of personal hvgiene supplies shall be standardized department-wide. Hvgiene



supplies will be limited to those in the appropriate custody classifications. Women shall have supplies which are comparable to the men at the same custody classification.

XVI. Classification

(A) Defendants agree to promulgate and implement an objective, risk-based system of classification based upon rational, objective criteria. One system of classification shall be utilized system-wide without regard to gender, as described in the attached appendix relating to classification.

(B) Security classification shall be based upon the use of an objective behavioral evaluation instrument.

(C) Intra-institutional program classification shall be based upon rational, objective criteria. Defendants agree to implement a system-wide internal monitoring system to assure that classification decisions are based upon objective criteria. Re-classification of each inmate shall occur on a regular basis, and at least every six months. Defendants shall implement a system which allows women to petition for re-classification with regard to jobs, housing or program decisions.

(D) Classification shall be separate and distinct from the disciplinary system. Classification shall not be utilized as punishment.

(E) Women shall be afforded all due process protections including notice, hearing, presentation of evidence, and appeal in all classification decisions.

XVII. Discipline

(A) Disciplinary rules, regulations, policies and punishments shall be standardized system-wide without regard to gender, as described in the attached appendix relating to discipline.

(B) Defendants agree to implement an internal system-wide monitoring system to assure that women are treated equally to men with regard to disciplinary decisions.

(C) Women shall be afforded all due process protections including notice, hearing, presentation of evidence, confrontation and cross-examination of witnesses, and appeal in all disciplinary decisions, according to constitutional requirements.

XVIII. Grievance System

Defendants agree to promulgate and implement a meaningful, effective, standardized grievance system, as described in the attached appendix relating to the grievance system.

XIX. Staffing

Defendants agree to provide staff adequate in numbers and training to assure the safety and security of inmates. Qualifications, numbers, training and deployment of staff shall meet recognized standards of the ACA or National Institute of Corrections (NIC).

XX. Access to Counsel and Courts

(A) Women shall be provided with sufficient access to law library, legal materials, law clerks and lawyers to meet constitutional requirements.

(B) Women shall have access to lawyers by mail or telephone. Legal mail and telephone calls shall be privileged and confidential. Legal phone calls shall be made via the "blue phone" or through other means for collect calls.

(C) Women shall be afforded the opportunity for training and jobs as law clerks comparable to that provided to men.

XXI. Censorship

Women shall be afforded access to mail and publications free of censorship as required by constitutional law. In no case shall women be subjected to censorship more restrictive than that imposed upon men.

XXII. Good Faith

It is intent of the Department of Corrections to provide affirmative and positive programming as aids to rehabilitation. This agreement shall not be construed as an instrument that is intended to reduce the amount of services to male inmates.

BY DEFENDANTS:

\_\_\_\_\_  
Jim Jones  
Attorney General  
State of Idaho

\_\_\_\_\_  
*Robert R. Gates*  
Robert R. Gates  
Deputy Attorney General  
Corrections Section

\_\_\_\_\_  
A. I. Murphy  
Director of Corrections  
State of Idaho

BY PLAINTIFFS:

\_\_\_\_\_  
*Claudia Wright*  
Claudia Wright  
ACLU National Prison Project

\_\_\_\_\_  
*Stephen Pevar / cw*  
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