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CLERK, U. S. DISTRICT COURT
DISTRICT OF NEVADA
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF NEVADA

10 ---o0o---

11 ROBBIE CRAIG and CHARLES HAYTER,)
12 et al.,) CV-R-2662 BRT
13 Plaintiffs,)
14 vs.) CONSENT DECREE
15 CARL HOCKER, Warden, Nevada State)
16 Prison, et al.,)
17 Defendants.)

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21 Craig v. Hocker



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12 et al.,)
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14 vs.)
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17 Defendants.)

CV-R-2662 BRT

CONSENT DECREE

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18 I.

19 ADMINISTRATIVE SEGREGATION, GENERAL PROVISIONS

20 A. Living Conditions.

21 1. Within ninety (90) days of the Order herein, the
22 institutional psychologist will complete a meaningful evaluation
23 of each inmate confined in administrative segregation to deter-
24 mine if there are persons confined there who have serious
25 mental health needs which are not being met. Upon identifica-
26 tion of such persons, they will be immediately removed from
27 their living area and confined in appropriate housing where they
28 will have an opportunity to receive all needed mental health
29 care.

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1 2. By October 1, 1981, any person housed in a living
2 area for more than ten (10) hours a day shall be provided with
3 at least eighty (80) square feet of living space within that
4 area. The defendants, however, shall be permitted to use the
5 existing cells in administrative segregation until said date,
6 provided that they comply with the remaining terms of this Order.
7 In the event that problems occur creating the possibility the
8 defendants may fail to meet the deadline of October 1, 1981,
9 the defendants shall immediately notify counsel for plaintiffs
10 in writing of all the reasons therefor and if the parties are
11 unable to agree upon an extension of time to complete the work
12 necessary to bring the living space into conformity with the
13 size as prescribed in this paragraph, the defendants may petition
14 the Court for additional time to complete the provisions of
15 this paragraph.

16 3. The defendants shall provide lighting throughout
17 the administrative segregation unit of at least thirty foot-
18 candles. Additionally, the defendants shall provide task oriented
19 lighting in each cell for reading, writing and other activities.
20 Lighting in the cells shall be both occupant and centrally
21 controlled. Natural lighting shall also be available from a
22 source within twenty (20) feet of each room or cell in the unit.
23 The necessary changes to effectuate the terms of this paragraph
24 shall be completed by October 1, 1981.

25 4. Each cell or room in administrative segregation
26 will comply with Section 4143, American Correctional Association
27 Standards for Adult Correctional Institutions, August, 1977
28 Edition. The Standards and Comments, Exhibit A, are incorporated
29 herein and a copy attached hereto. The defendants shall also
30 provide adequate heating and cooling to provide temperatures
31 within the normal comfort range. The steps necessary to effectuate
32 the terms of this paragraph shall be completed by October 1

1 5. Every inmate in administrative segregation shall
2 be provided with a sanitary mattress and two (2) sheets, two
3 (2) blankets, a pillow and pillowcase. Linen shall be exchanged
4 at least weekly and blankets, pillow and mattress shall be
5 cleaned on a routine basis and maintained in a sanitary condition.
6 Mattress and mattress covers will be disinfected and cleaned
7 before re-issuance.

8 6. All inmates in administrative segregation shall be
9 provided clothing that is properly fitted, climatically suitable
10 durable, economical, easily laundered and repaired and present-
11 able. The clothing will include outer garments, undergarments,
12 shoes and socks. Accordingly, all inmates in administrative
13 segregation shall be provided sufficient clothes at least three
14 (3) times per week except for coats, jackets and shoes. Addi-
15 tional clothes may be provided for work and recreation.

16 7. The storage of clothing, linen, and bedding shall
17 exceed that required for the unit's population. Inmates shall
18 not be left without clothing while clothes are being laundered,
19 cleaned, or mended.

20 8. Each inmate shall be provided with adequate amount
21 of necessary personal hygiene items and two clean towels which
22 are exchanged at least twice per week. Cigarettes and/or tobacco
23 may be provided indigent inmates in administrative segregation,
24 with the use of inmate store funds (ISF) upon approval by the
25 Inmate Committee which administers the use of those funds. Inmate
26 shall also be permitted to purchase cigarettes and/or tobacco with
27 the use of their own funds.

28 9. A written routine daily housecleaning plan will
29 be executed which includes at least the areas to be cleaned and
30 the procedure for cleaning said areas, the frequency of cleaning
31 each area in maximum housing, the specific person or persons
32 assigned to clean each area, and a procedure for procurement and

1 maintenance of housekeeping equipment and supplies.

2 10. A qualified person familiar with health and
3 safety standards and practices will oversee health and sanita-
4 tion conditions in the administrative segregation unit.

5 11. Cleaning activity will be supervised at all times
6 by a particular, assigned civilian staff.

7 12. A written check list will be utilized for a
8 daily inspection to be done of all areas in the administrative
9 segregation unit by a specific employee to ensure that all areas
10 are clean and sanitary. The employee will sign the document
11 certifying that he/she conducted the inspection and that the
12 report is accurate.

13 13. Screens will be maintained on all windows. Window
14 panes will be continually maintained in all areas. Structural
15 defects which allow rodents to enter the unit will be cured and
16 an effective vermin and pest control program will be implemented
17 by October 1, 1981.

18 14. By December 15, 1980, a comprehensive, written
19 maintenance manual and inspection check list for the inspection
20 and maintenance of equipment systems within the administrative
21 segregation unit, will be prepared and utilized.

22 15. A comprehensive fire safety plan will be drafted
23 for the maximum housing unit by October 1, 1980. The plan shall
24 include specific provisions for adequate fire protection service
25 the specific equipment, such as extinguishers and fire hoses, to
26 be located at specific appropriate places within the institution
27 and inspection and preventative maintenance schedules for said
28 equipment, the specific responsibilities of staff and prisoners
29 in the event of fire, and the training to be given staff and
30 prisoners in fire safety. The plan shall be certified by the
31 State Fire Marshal or other qualified authority as adequately

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1 providing for the safety of inmates in the administrative segre-
2 gation unit. Further, the necessary equipment to ensure com-
3 pliance with the plan shall be purchased and deployed by a date
4 set by the parties.

5 16. An inspection of the administrative segregation
6 unit shall be conducted on a regular and periodic basis by the
7 safety committee, or its designate, to ensure that the unit meet
8 fire safety and prevention standards including those provided by
9 the Life Safety Code (1976, National Fire Protection Association
10 Document No. 101, or any superseding standards promulgated by
11 that Association).

12 17. The unit will be inspected at least twice a year
13 by the State Fire Marshal or other qualified fire safety expert
14 who shall prepare a written report of the fire safety inspection
15 including any findings and recommendations for corrections. If
16 the unit in any way does not meet the fire safety standards or
17 the standards of the Life Safety Code, curative actions shall
18 be immediately taken.

19 18. Regular fire drills will be conducted at least
20 once every six (6) months involving all staff assigned to the
21 unit. A written handbook shall be provided the inmates contain-
22 ing explicit instructions approved by the State Fire Marshal for
23 prompt evacuation of the unit in the event of fire or other such
24 catastrophe. Each inmate shall have explained to him the conten
25 of the handbook and evacuation routes shall be painted on the
26 floor of the cellhouse. Prison officials shall develop an
27 evacuation plan which will establish as its goal, the prompt
28 evacuation of the unit in a safe manner.

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1 19. Any exposed electrical wiring and water leakage
2 problems will be forthwith cured. In addition, the unit shall
3 meet the standards required by state and local law and the
4 Underwriters Electrical Code.

5 20. Mattresses and trash containers will be made of
6 materials which meet fire safety standards.

7 21. No cross-connections will exist between the
8 potable and non-potable water systems.

9 B. Administrative Segregation; Classification Proce

10 1. Administrative segregation classification is use
11 when inmates require closer supervision and separate housing
12 from the general population. (Every effort shall be made to
13 return administrative segregation inmates to the general popul
14 tion as soon as practical, but some inmates may spend relative
15 extensive periods of time in this status.) Administrative segr
16 gation classification is not for the purpose of punishment,
17 This policy statement has no application to those inmates
18 confined in disciplinary segregation.

19 2. The defendants hereby adopt Standard 4201 from t
20 Manual "Standard" for Adult Correctional Institutions, August 1
21 Edition and the Comments thereto. A copy of the Standard and
22 Comments, Exhibit B, are attached hereto and incorporated
23 herein by reference as if set forth fully below.

24 3. Consistent with Section 4377 of the Manual of
25 Standards for Adult Correctional Institutions of the American
26 Correctional Association, August 1977 Edition, the defendants
27 shall submit by August 1, 1980, Defendants' written plan for
28 classification. Said plan shall set forth all the criteria
29 which may result in the transfer of inmates to administrative
30 segregation. Said criteria shall be drafted with sufficient
31 specificity to give inmates forwarning of all the conduct or
32 behavior which could result in such a transfer.

1 4. Sections II and III of Administrative Segregation
2 Model, the Model Correctional Rules and Regulations of the
3 American Correctional Association Correctional Project, revised
4 edition October 1979, shall hereby be adopted and followed by the
5 defendants. A copy of said procedures, Exhibit "C", is attached
6 hereto and fully incorporated herein by reference.

7 5. The institution's psychologist shall sit on and be
8 a member of each classification hearing involving a transfer or
9 a review of status in administrative segregation.

10 6. The classification committee shall reach a decision
11 based upon information presented at the meeting and shall provide
12 the inmate with a written decision which states the reasons and
13 basis for the committee's decision and which summarizes the
14 information presented to and considered by the committee. The
15 decision shall be based on substantial, credible information
16 which demonstrates the necessity for segregation. The decision
17 shall also state the reasons for the committee's decision excluding
18 the testimony of any witness offered by the inmate.

19 7. A classification committee shall review the status
20 of each inmate at least every seven (7) days for the first two
21 months and at least every thirty (30) days thereafter. More
22 frequent reviews may be scheduled based on the request of the
23 case manager or the inmate. At each review, the classification
24 committee shall determine whether there is substantial evidence
25 to indicate that the initial reasons for classification into
26 administrative segregation still exist. If they do not, the
27 inmate shall be reclassified out of administrative segregation
28 status. The inmate shall be permitted to appear before the
29 classification committee at each review and make a statement.
30 In cases where the inmate refuses to appear, the committee
31 chairman shall sign the classification sheet and the specific

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1 reasons for the inmate's absence and make an evaluation for the
2 inmate's classification/institutional file.

3 8. In each case of an inmate classified to administ
4 tive segregation involuntarily for over sixty (60) days, the
5 classification committee shall establish a set schedule of
6 personal and program objectives involving gradual reintegration
7 into the general population, the completion of which shall res
8 in the inmate's reclassification from administrative segregati
9 within an additional sixty (60) days. However, if the classif
10 tion committee documents substantial evidence that reclassific
11 tion from administrative segregation would produce serious inj
12 to the inmate or others or substantially threaten the security
13 of the institution, then reintegration is not required.

14 9. Paragraph IX of the Administrative Segregation
15 section of the Model Correctional Rules and Regulations of the
16 Correctional Project, American Correctional Association, revis
17 edition October 1979, are adopted and shall be followed with t
18 additional following amendments:

19 a. Paragraph IX.B. shall require that the instituti
20 and segregation unit disciplinary rules shall be in writing;

21 b. For Paragraph IX.B. 1., the term "substantial"
22 shall be deleted;

23 c. An additional paragraph to Section IX. shall be
24 added as follows:

25 "C. Whenever property is removed from the inmates,
26 removal will be documented in writing and the proper
27 will be stored in a safe place and an inventory main
28 tained to ensure its return to the inmate. Where
29 property shall be removed for a long period of time,
30 arrangements will be made for the inmate to ship the
31 property out of the institution."

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1 d. A copy of Paragraph IX., Exhibit "D" is attached
2 hereto and incorporated herein, as modified above.

3 10. Prisoners classified to administrative segregation
4 may be denied or removed from programs, jobs, activities, includ
5 ing hobby craft, canteen privileges and activities in accordance
6 with the provisions in Paragraphs 8 and 9, above. Notwithstand
7 those provisions, however, every inmate in administrative segreg
8 tion shall receive an opportunity for educational opportunities
9 including a GED degree, high school classes, and a high school
10 diploma. College correspondence courses shall be made available
11 at the inmate's expense. The inmates in administrative segregat
12 ion shall also be provided the opportunity for vocational devel
13 opment consistent with their status in administrative segregation,
14 according to a plan to be developed by the defendants herein.

15 Inmates shall be afforded the opportunity for work
16 within the administrative segregation unit. The defendants shall
17 develop a written plan providing for such work opportunities
18 within the confines of the administrative segregation unit. In
19 the interim, good faith efforts will be made to provide addition
20 al programmed activities including educational, vocational, and
21 employment opportunities for the inmates housed in the administr
22 ative segregation unit.

23 11. Inmates in administrative segregation shall be
24 provided a minimum of eight (8) hours per week of outdoor exercise
25 absent inclement weather, with ten (10) hours of outdoor exercise
26 per week established as a goal.

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1 12. A reasonable amount of recreational equipment
2 shall be made available in each exercise area. At the time the
3 renovation of the cellhouse is completed, the defendants shall
4 have expanded the exercise area to provide that each exercise
5 area shall be at least 50 feet by 50 feet.

6 13. Sections 4223 through 4236 of the Manual of
7 Standards for Adult Correctional Institution, American Correc-
8 tional Association, August 1977 Edition, and the Comments
9 thereto are hereby adopted as minimum standards for compliance.
10 Further, whenever, in the Standards and Comments, terms such as
11 can, should or may, and the like are used, each must be read as
12 "shall" and thus, the term "shall" is to be substituted therefo
13 in each instance. A copy of Exhibit "E" of the Standards and
14 Comments are attached hereto and fully incorporated herein.

15 14. Inmates in administrative segregation shall also
16 be provided the following:

- 17 a. Correspondence as provided to the general
18 population;
- 19 b. Showers and shaving five (5) times per week;
- 20 c. Hair grooming and barbering;
- 21 d. A minimum of two (2) hours visitation per week; (
- 22 e. Access to legal counsel shall be the same as for
23 inmates in the general population. Access to other legal
24 resources for the inmates in administrative segregation will be
25 provided similar to the access accorded inmates in the general
26 population:

27 (i.) There shall be a law clerk assigned to the
28 maximum housing unit who shall visit the unit, four
29 (4) times per week, to assist inmates and make law
30 books and legal supplies available to them upon request.

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1 15. Provision will be made for prisoners in admini
2 tive segregation status to have access to the general library
3 a library cart to check out as many as five (5) books at leas
4 every seven (7) days.

5 16. Inmates in administrative segregation status w
6 be allowed to retain in their personal living area a maximum
7 of five (5) law books and all legal papers.

8 17. A caseworker or counselor shall be assigned to
9 the administrative segregation unit of the prison who will vi
10 the unit five (5) days per week and will be available to help
11 each inmate whodesires assistance or information.

12 18. A representative of the medical staff, e.g. at
13 least at the level of licensed practical nurse, shall make
14 rounds through the administrative segregation unit on a daily
15 basis. A physician shall conduct sick call in the administrat
16 segregation unit, at least once a week. A record of all visit
17 by medical personnel shall be maintained. Should an inmate in
18 administrative segregation complain of or exhibit an apparent
19 medical/dental or psychological problem at times other than th
20 medical staff member's visit, the officer in charge of the
21 administrative segregation unit shall be notified and shall
22 immediately notify the medical staff. Such notifications and
23 actions shall be recorded.

24 19. A qualified clinical psychologist or psychiatri
25 shall interview in person and complete a meaningful evaluation
26 the status of each person classified to administrative segrega
27 tion within thirty (30) days of assignment to that unit. Ther
28 after, said evaluation shall be completed for the inmates ever
29 ninety (90) days.

30 20. Visitation by religious personnel to inmates
31 assigned to administrative segregation will be encouraged and
32 allowed.

1 2. Every effort shall be made, however, to return
2 the inmate to the general population as soon as practical but
3 some inmates may spend relatively extensive periods of time in
4 this status. The assignment to protective custody is not for
5 the purpose of punishment.

6 3. An inmate may be placed in this section of the
7 prison on a voluntary basis if the inmate believes that housing
8 in the general population places the inmate in jeopardy of
9 serious bodily harm and requests placement in protective custody.
10 Inmates requesting assignment to protective custody may be
11 required to sign a written request slip, stating their desire
12 for assignment to such housing or classification. Inmates
13 requesting assignment to protective custody may be placed there
14 immediately without waiting for any formal hearing before a
15 classification committee.

16 4. Any inmate who has voluntarily placed himself in
17 protective custody will be classified within five (5) working
18 days of a request to be reclassified. Upon reviewing a reclassification
19 request, the inmate may be required to remain in
20 protective custody in accordance with the procedures and
21 standards, below.

22 5. Where an inmate is involuntarily placed or retained
23 under protective custody, the procedural safeguards prescribed
24 for the transfer or classification of inmates to administrative
25 segregation shall be followed. Where an inmate is involuntarily
26 transferred in the first instance into protective custody, the
27 classification committee shall make a finding based upon
28 clear and convincing evidence that an inmate is a victim of a
29 violent act and there is clear and convincing evidence that if
30 he remains in the general population he will be subjected to an
31 additional violent act or the inmate's safety is jeopardized by
32 an immediate life-threatening conflict with other inmates in

1 the general population requiring temporary separation from the
2 general population because he cannot otherwise be provided with
3 adequate protection. Where an inmate is being required to
4 remain in protective custody, the inmate may be retained in
5 protective custody only upon a finding by the classification
6 committee based upon a preponderance of the evidence, that the
7 inmate will be subjected to additional violent acts or the inmate's
8 safety will otherwise be jeopardized by an immediate life-
9 threatening conflict with other inmates in the general population
10 requiring continued separation from the general population
11 because the inmate cannot otherwise be provided with adequate
12 protection if he were returned to the general population.

13 6. Generally, the policies and practices of protective
14 custody build upon those in administrative segregation set forth
15 in Paragraph I.B. above. Consistent with those policies and
16 procedures set forth in that section and in addition thereto,
17 conditions in protective custody must include:

18 a. At least eight (8) hours minimally of outdoor
19 exercise, weather permitting, with a goal of ten (10) hours
20 per week of outdoor exercise. In the event of inclement weather
21 a good faith effort shall be made to provide inmates with alternative
22 indoor exercise.

23 b. Educational, vocational, hobby craft, recreational
24 and employment opportunities similar to that in the general
25 population must be made available to inmates in the protective
26 custody unit.

27 c. Opportunity to shower and shave, as in the general
28 population.

29 d. Correspondence identical to the general population

30 e. Visitation identical to that provided to the
31 general population, unless security dictates other provisions
32 be made, i.e., a different time or place.

1 f. Access to legal resources and legal counsel
2 identical to the general population, unless security dictates
3 other provisions be made, i.e., other time, place, etc.

4 g. Inmates classified protective custody may retain
5 their personal property as permitted in the general population

6 h. As a general rule in all other respects conditic
7 in protective custody shall approximate a replication of con-
8 ditions and policies in the general population of the prison.

9 III.

10 INMATE CORRESPONDENCE.

11 A. Policies and Procedures Governing Inmate
12 Correspondence.

13 1. The defendants' mail regulations, a copy, Exhibi
14 "F", of which is attached hereto, are to be amended as describ
15 below. Any mail regulations which the defendants might adopt
16 in the future must also include the following:

17 a. Paragraph 2(e)(1) shall be amended as follows:
18 Censorship of mail includes the reading of mail, excepting the
19 which is seen during the course of the inspection of the mail.

20 b. Paragraph 2(d) shall be amended as follows:
21 Inspection refers to the checking of the outside of an envelop
22 for proper return address and name of addressee and the openin
23 of mail for contraband as set forth in a written list prepared
24 of all contraband. Items in the mail may be removed and
25 observed to the minimum extent possible to ascertain the
26 character of the enclosures.

27 c. Paragraph 4 of the defendants' regulations shall
28 read as follows: "Incoming general correspondence may be
29 censored if it is found that the contents, taken as a whole or
30 in significant part, fall into one of the following categories

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1 d. Paragraph 7(b) of the defendants' mail regulations
2 shall be deleted. In its place shall be adopted the A.B.I.
3 of the Correspondence Model of the Model Correctional Rules
4 and Regulations, American Correctional Association, revised
5 edition October 1979. A copy, Exhibit "G", of the Rule is
6 attached hereto and incorporated herein fully by reference.

7 e. The defendants shall add the following paragraph
8 as 7(e) to their mail regulations: "Reading, opening or inspecti
9 of outgoing mail from inmates shall be prohibited unless prisor
10 officials have probable cause documented in writing and sub-
11 mitted to the superintendent of the institution that the letter
12 contains evidence of a crime."

13 f. Paragraph 8(c) of the defendants' regulations
14 shall be amended to provide that neither the Superintendent nor
15 Director shall have been involved in the initial decision to
16 censor the correspondence.

17 g. A new section shall be added as 8(d) of the
18 defendants' mail regulations. This addition is as follows:
19 If a letter is censored, a written notice, signed by the
20 official authorizing the censorship and stating the reason(s)
21 for censorship shall be given the sender and the inmate, advisi
22 also, of the right to appeal the censorship decision.

23 h. Paragraph 11(a) of the defendants' regulations
24 shall be amended to provide that publications received through
25 the U. S. Mail or from an approved vendor, may be excluded only
26 where they present a clear and present danger to the security
27 of the institution, or would cause severe psychiatric or
28 emotional disturbance to the inmate as certified by a psychiatr.
29 or psychologist.

30 Paragraph 2(a)(5) shall be amended by substituting
31 "a" for the word "the" so that the phrase reads "a state bar
32 association."

1 IV.

2 ACCESS TO THE JUDICIAL PROCESS.

3 A. Written Policies and Procedures.

4 1. Section 4280 of the Manual of Standards for Adult
5 Correctional Institutions and the Comments thereto, of the
6 American Correctional Association, August 1977 edition, shall
7 hereby be adopted. The term "should" in the Comments, however,
8 shall be deleted and the term "shall" substituted therefor.
9 A copy, Exhibit "H", of the Standard and Comments are attached
10 hereto and incorporated herein by reference.

11 2. The defendants' rules and regulations on legal
12 services shall be further amended, as per below. Said regulati
13 Exhibit "I", are attached hereto.

14 a. Paragraph 2 and Paragraph 5(a) of the regulations
15 and in all other appropriate places, said regulations shall be
16 amended to add the term "paralegal" as a part of the definition
17 of an attorney's authorized representative(s).

18 b. Paragraph 5(c) of the Defendants' regulations sha
19 be amended as follows: "An attorney shall be required to furnis
20 proper identification for visits by presenting evidence he/she
21 is a member of a state bar. If prior to the initial meeting
22 between an attorney and inmate, prison officials, for some
23 articulable and justifiable reason, believe that the visit by
24 said attorney was not requested by the inmate, his/her family,
25 or a person acting for and on behalf of the inmate, prison
26 officials may require a showing that the visit was so requested
27 Any of the following will be deemed sufficient to make a showin

28 1. A written confirmation by the inmate of the requre

29 2. Production of the part of a written document of t
30 inmate making the request for the visit.

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1 3. Any other credible information which would
2 establish that the attorney has responded to a request for a
3 visit by the inmate, his or her family, a person acting for
4 the inmate and on his behalf."

5 c. Paragraph 5(e) of defendants' regulations shall
6 amended by deleting the phrase, "so far as possible".

7 d. Section 5 of the defendants regulations on leg.
8 services shall be amended by adding a new section, 5(f) which
9 shall read as follows: "Any inmate has the right to consult
10 an attorney of his or her own choosing under reasonable regu
11 tions providing for the security of the institution and the
12 safety of the inmate population and staff."

13 e. Whenever the term "attorney" is used in the
14 defendants' legal services regulations or the provisions here
15 the term shall be read as including the attorney's authorized
16 representative(s).

17 f. The defendants' legal services regulations shall
18 be amended to add the following paragraph: "It shall be the
19 decision of the inmate whether or not to conduct an attorney,
20 client interview. Where an attorney and/or the attorney's
21 authorized representative or agent requests to see an inmate
22 and an inmate refuses the attorney/client interview, that fact
23 will be communicated to the attorney and/or authorized repre-
24 sentative or agent in writing, signed by the inmate, immediat
25 upon the refusal, upon a form provided by prison officials
26 which shall include an indication that the inmate was aware
27 that an attorney/client interview had been requested, that he
28 understood, by name, the person requesting the attorney/clier
29 interview with the inmate, and a statement that the inmate
30 refused the visit."

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V.

MISCELLANEOUS/IMPLEMENTATION OF THIS CONSENT DECREE.

A. If any provision of this Decree causes a result unintended by the parties or causes an ambiguous interpretation the aggrieved party shall notify the other party by mail of the unintended result or ambiguous interpretation. The parties shall have thirty (30) days after the date of such letter to resolve the problem among themselves. If the parties are unable to reach agreement within such time, the issue may be submitted to the Court for resolution.

B. This Decree shall continue in full force and effect for a period of two (2) years from and after the date of the final approval hereof by the Court. The Decree shall terminate upon the filing of an order of dismissal with prejudice by the defendants after expiration of this two (2) year period unless plaintiffs show good cause upon motions served and filed.

C. Insofar as possible, each and every provision of this Consent Decree shall be forthwith implemented by the defendants, except where otherwise noted. In addition, for each instance when the defendants are to submit written plans for implementation of the terms, herein, in all cases, they shall be filed with the Court and served upon counsel for the plaintiffs. Counsel shall thereafter have sixty (60) days to file any objections counsel might have, to the written plan as filed and submitted by defendants.

D. In addition to and as a part of any plan(s) referred to in the preceding paragraph C, as to any provision of this Consent Decree which the defendants may claim is impossible to implement, the defendants shall submit to the Court and counsel for plaintiffs within sixty (60) days subsequent to the effective date hereof, a written report setting forth the following

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- 1 1. The precise provision or provisions of this
- 2 Consent Decree which cannot be immediately implemented.
- 3 2. The reason or reasons why said implementation
- 4 cannot immediately take place.
- 5 3. A detailed plan for the implementation of any
- 6 provision as soon as possible.
- 7 4. An estimate of the time necessary to fully imple-
- 8 ment any such provision.
- 9 5. If it is contended that any such provision of
- 10 this Consent Decree cannot under any circumstances be implement
- 11 in the facility, the reason why full implementation of any such
- 12 provision is impossible, and
- 13 6. Thereafter if any plan for implementation previou
- 14 ly approved by the Court becomes manifestly impossible to
- 15 perform due to circumstances beyond the control of the defendan
- 16 and which could not have reasonably been foreseen at the time
- 17 of the Court's approval of said plan, the defendants may seek
- 18 appropriate relief from the Court. Any such application for
- 19 relief shall be accompanied by an alternative plan for implemen
- 20 tation which shall be subject to approval by the Court.
- 21 E. Good faith efforts to comply with the provisions
- 22 of this Decree are the standards of compliance for this Decree
- 23 except where the law provides for a higher standard.

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VI.

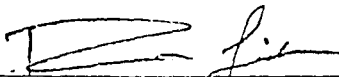
EFFECTIVE DATE OF THIS DECREE.

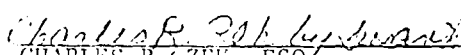
A. The effective date of this Consent Decree is the date on which it is approved by this Court.

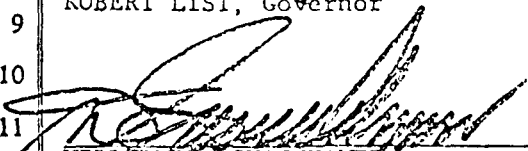
DATED this 18th day of July 1980.

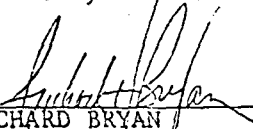
FOR DEFENDANTS:

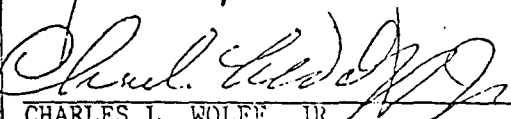
FOR PLAINTIFFS:



ROBERT LIST, Governor


CHARLES R. ZER, ESQ.
WASHOE LEGAL SERVICES


WILLIAM D. SWACKHAMER
Secretary of State

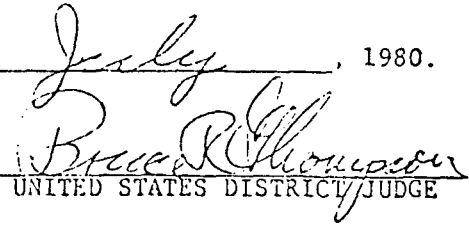

RICHARD BRYAN
Attorney General


CHARLES L. WOLFF, JR.
Director


ERNEST ADLER
Deputy Attorney General

IT IS SO ORDERED.

DATED this 18 day of July, 1980.


UNITED STATES DISTRICT JUDGE