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7 Attorneys for Defendants
8 COUNTY OF FRESNO, SHERIFF STEVE MAGARIAN

APR 15 1993
CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 B. CRUZ, JOSEPH Q. KRUKOWSKI,)
12 ROBERT D. CRUZ, DOUG MURPHY, JOHN)
13 BOLE, TIM PENDERGAS, MANUEL BERTAO,)
14 ROGER D. HAUSMAN, CHARLES WILCOX,)
15 REBECCA MONTERO-SALCEDO, ANTHONY)
16 SHERWOOD, RICHARD RUIZ, EDWARD)
17 CONTRERAS, and all other similarly)
18 situated,)

19 Plaintiffs,)

20 v.)

21 COUNTY OF FRESNO, STEVE MAGARIAN,)
22 as SHERIFF,)

23 Defendants.)
24)
25)
26)
27)
28)

No. F-93-5070 REC JFM

STIPULATION AND ORDER RE:
PRELIMINARY INJUNCTION

29 On March 18, 1993, plaintiffs' application for a temporary
30 restraining order in the above matter came on for hearing before
31 U.S. Magistrate John Moulds in Courtroom No. 8 of the above-
32 entitled Court. Plaintiffs were represented by Paul W.
33 Comiskey, attorney at law. Defendants were represented by J.
34 Wesley Merritt, Chief Deputy County Counsel, Fresno County,
35 California.

36 The parties, through their respective counsel, stipulated
37 that the Court order the following:

1 1. A hearing on plaintiffs' application for a preliminary
2 injunction will be held on May 28, 1993, at 9:00 a.m., in
3 Department 8 of the above-entitled Court.

4 Not later than May 28, 1993, defendants agree to do the
5 following:

6 1. Add 144 beds to the North Annex facility.

7 2. Staff five additional correctional officers to the
8 North Annex facility when the 144 beds are occupied.

9 3. Continue to insure that no inmate will be forced to
10 sleep on the floor of the South Annex facility.

11 4. Propose to this Court specific criteria of inmates for
12 court ordered release to insure that the average daily
13 population does not exceed the number of beds in each of
14 defendants' three facilities, i.e., the Main Jail, North Annex,
15 and South Annex.

16 5. Provide one hour daily exercise for inmates in the
17 North Annex facility upon the additional staffing of five
18 correctional officers to that facility.

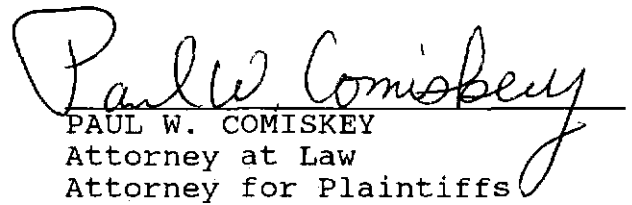
19 6. Permit plaintiffs' exercise expert to visit the
20 defendants' three facilities, and with input from defendants'
21 recreational therapist, make recommendations for use of the day
22 rooms for exercise in the day rooms of all housing floors in the
23 Main Jail. Exercise facilities will be installed per
24 recommendations so long as economically feasible and so as not
25 to jeopardize security and safety as determined by defendants.

26 7. Continue the existing exercise schedule in the Main
27 Jail and South Annex as described in the Declaration of
28 Lieutenant Doug Papagni dated March 10, 1993.

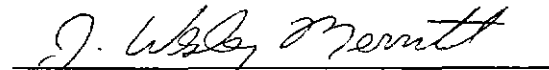
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IT IS SO STIPULATED.

DATED: March 25, 1993

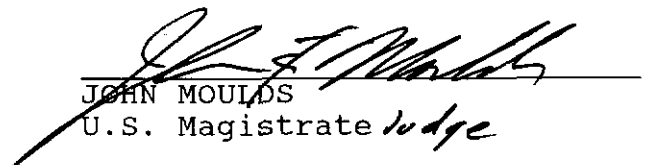

PAUL W. COMISKEY
Attorney at Law
Attorney for Plaintiffs

DATED: March 19, 1993


J. WESLEY MERRITT
Chief Deputy County Counsel
Attorney for Defendants

IT IS SO ORDERED.

DATED: ~~March~~ April 13, 1993


JOHN MOULDS
U.S. Magistrate Judge

A:Stip.Cruz

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DECLARATION OF SERVICE BY MAIL

I declare that I am over the age of eighteen years and not a party to the within cause; my business address is 2308 J Street, Sacramento, California.

On the date reflected below I served the attached STIPULATION AND ORDER RE: PRELIMINARY INJUNCTION in the United States mail at Sacramento, California, addressed as follows:

J. Wesley Meritt
Deputy County Counsel
County of Fresno
2220 Tulare Street
Fresno, CA 93721

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 26, 1993 at Sacramento, California.



Laurel Fryer-Smith

1 PHILLIP S. CRONIN, COUNTY COUNSEL
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Fresno, CA 93721

4 Telephone: (209) 488-3479

5 Attorneys for Defendants
6 County of Fresno, Sheriff Steve Magarian

FILED

MAR 15 1993

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

7
8 IN THE UNITED STATES DISTRICT COURT
9
10 EASTERN DISTRICT OF CALIFORNIA

11 JOHN B. CRUZ, JOSEPH Q. KRUKOWSKI,)
12 RUBEN D. CRUZ, DOUG MURPHY, JOHN)
13 COLE, TIM PENDERGAS, MANUEL BERTAO,)
and all others similarly situated,)

14 Plaintiffs,)

15 vs.)

16 COUNTY OF FRESNO, STEVE MAGARIAN,)
17 as SHERIFF,)

18 Defendants.)

NO. F-93-5070 REC JFM

DECLARATION OF DOUG
PAPAGNI RE: APPLICATION
FOR TEMPORARY RESTRAINING
ORDER

Date: March 18, 1993
Time: 9:00 a.m.
Courtroom: No. 8

19 I, DOUG PAPAGNI, declare:

20
21 1. I am a Lieutenant employed in the Jail Division of the
22 Fresno County Sheriff's Department. I have been employed in the
23 Jail Division since July 7, 1972, and I have held the positions
24 of Correctional Officer and Correctional Sergeant prior to being
25 promoted to Lieutenant on July 30, 1982. I hold certification in
26 both STC and POST Basic Intermediate and Advanced levels. I am
27 currently part of the California State Board of Corrections,
28 1993 Title 15 Standards Review Task Force.

1 2. I have reviewed and am familiar with the pleadings and
2 application for a temporary restraining order in the above
3 matter. Summarily, the plaintiffs by this action are alleging
4 unconstitutional overcrowding in our downtown jail system,
5 insufficient exercise, and insufficient law library access.

6 3. The downtown Fresno jail system is comprised of three
7 facilities with the following State Board of Corrections ratings
8 and actual number of beds:

	<u>Board of Corrections</u> <u>Rating</u>	<u>Actual Number</u> <u>of Beds</u>
1. Main Jail	424	1160
2. South Annex	511	845
3. North Annex	288	288

13 Attachment "A" shows inmate populations on a daily basis taken
14 at 0001hrs. This population accounting is broken down by
15 facility.

16 4. The South Annex is a four-floor facility as to which
17 the third and fourth floors are presently being remodeled. The
18 remodeling project commenced in January of this year and is
19 scheduled for completion in January 1994. During this project,
20 it was necessary to vacate approximately 434 inmates from the
21 third and fourth floors and relocate them to one of the two
22 remaining downtown detention facilities, namely the Main Jail
23 and North Annex. It was also necessary to temporarily close the
24 rooftop exercise area since the remodeling project makes it
25 impossible to safely and securely transport inmates up through
26 the third and fourth floor construction areas to the roof.

27 5. I have reviewed the 11 inmate declarations originally
28 filed in support of the application for temporary restraining

1 order. Eight of the eleven declarants allege overcrowding in
2 the South Annex. I admit that the number of inmates in the
3 South Annex exceeded the number of beds available both before
4 and after the commencement of remodeling. However, since
5 February 7, 1993 inmates have not been forced to sleep on the
6 floor in the South Annex Jail. Inmates in excess of beds
7 available have been moved to other facilities.

8 6. At the time of this declaration, the number of inmates
9 in the Main Jail and North Annex exceeds the number of beds
10 available in both facilities. Prior to commencement of this
11 lawsuit, arrangements had been made to triple bunk the North
12 Annex, which presently is only double bunked. (The majority of
13 the cells in the Main Jail have been triple bunked since
14 September 1991). This would add 144 beds and further relieve
15 the problem of inmates being forced to sleep on the floor. By
16 this application for temporary restraining order, plaintiffs
17 seek a court order prohibiting such triple bunking or otherwise
18 adding any additional beds to our system. Therefore, we have
19 delayed proceeding. However, upon order of this Court so
20 permitting, we will proceed promptly to triple bunk the North
21 Annex.

22 7. In addition to triple bunking the North Annex, we would
23 stipulate to an order by this Court to release inmates from
24 custody in specified criteria analogous to orders from the
25 Fresno County Superior Court in the mid-1980's in Case Nos.
26 286040-1, 316580-0, and 308318-5. Specifically, we would
27 stipulate to an order by this Court that as is necessary to
28 insure that no inmate is forced to sleep on the floor, the

1 Sheriff's Department Jail Division shall release inmates in the
2 following categories:

3 1. Release sentenced inmates up to 5 days early
4 provided that the number of days that release is
5 accelerated shall in no case exceed 10% of the
6 inmate's original sentence, prior to the application
7 thereto of any other credits or benefits authorized by
8 law. (See California Penal Code Section 4024.1)

9 2. Release sentenced inmates up to 3 days early
10 for family emergencies or for purposes preparatory to
11 the inmate's return to the community. (See California
12 Penal Code Section 4018.6)

13 3. Release pre-trial inmates accused of
14 misdemeanor violations with or without warrants whose
15 bail is \$2,000 or less. Such inmates shall sign a
16 promise to appear as set forth in California Penal
17 Code Section 853.6.

18 4. Release pre-trial inmates accused of non-
19 violent felony offenses not against persons with bail
20 of \$2,000 or less. Such inmates shall sign a promise
21 to appear as set forth in California Penal Code
22 Section 853.6.

23 5. Release inmates accused of parole violation
24 who have no open local charges and who have been in
25 the Sheriff's custody for at least five full court
26 days.

27 6. Release sentenced misdemeanants who have 10
28 days or less remaining on their sentence who have

1 served at least one-half of their sentence.

2 7. Release sentenced felons convicted of non-
3 violent offenses not against persons, who are serving
4 a local sentence and have 10 days or less remaining on
5 their sentence and who have served at least one-half
6 of their sentence.

7 8. Release sentenced misdemeanants who have 30
8 days or less remaining on their sentence who have
9 served at least one-half of their sentence.

10 9. Release sentenced felons convicted of non-
11 violent offenses not against persons who have 30 days
12 or less remaining on their sentence and who have
13 served at least one-half of their sentence.

14 10. Release sentenced misdemeanants convicted of
15 non-violent offenses not against persons who have 60
16 days or less remaining on their sentence and who have
17 served at least one-half of their sentence.

18 11. Release sentenced felons convicted of non-
19 violent offenses not against persons, who are serving
20 a local sentence and have 30 days or less remaining on
21 their sentence and who have served at least one-half
22 of their sentence.

23 The above eleven (11) release criteria have been tailored
24 to work with the triple bunking of the North Annex Jail. If
25 both elements are not possible it will be difficult or
26 impossible to achieve the goal of no floor sleepers in any of
27 the Fresno County Detention Facilities.

28 We further seek a provision in such order that if

1 exhaustion of the above criteria results in inmates still being
2 forced to sleep on the floor, the plaintiffs or defendants may
3 petition for modification of the order to expand the criteria.

4 8. By triple bunking the North Annex and releasing inmates
5 under the scheme described above, we will be able to insure a
6 bed for every inmate in our system.

7 9. The average length of stay for inmates in our downtown
8 jail system is 25.34 days. Therefore, it is less burdensome on
9 inmates that our jail population exceeds State Board of
10 Corrections ratings.

11 10. We offer an exercise program for inmates in the
12 downtown jail system. Inmates in the North Annex visit a
13 gymnasium twice weekly for one and one-half hours each visit.
14 Active recreation is available in this facility which includes
15 access to weight equipment, basketball facilities, ping pong
16 and recreational reading material. This facility allows direct
17 access to sunlight and the outer atmosphere via secure louvers
18 located on the exterior wall.

19 Inmates in the Main Jail visit an indoor gymnasium once
20 weekly and a rooftop exercise area once weekly for one and one-
21 half hours each visit. The gymnasiums allow access to weight
22 equipment, game tables, and recreational reading material. The
23 rooftop exercise area also has weight equipment, basketball
24 facilities and ping pong tables.

25 Inmates in the South Annex visit an indoor gymnasium twice
26 weekly for two hours each visit because the rooftop exercise
27 area is temporarily closed during the remodeling project
28 described above in paragraph 4. That gymnasium allows access

1 to weight equipment, ping pong tables, and recreational reading
2 material.

3 The Fresno County Sheriff's Department employs three (3)
4 full time recreational therapists. They are responsible for
5 establishing recreational activities for the inmates, purchase
6 and maintain equipment, direct and advise inmates in physical
7 and recreational activities, and providing the Sheriff's
8 Department with professional recommendations in the area of
9 inmate recreational needs.

10 11. The inmate law library for the downtown jail system is
11 located on the second floor of the South Annex. It has an
12 ample inventory of California and federal statutory and case
13 law as well as treatises and other texts directly suitable for
14 inmate use. A law librarian is available to assist inmates.
15 There are typewriters, a copy machine, and writing supplies
16 available.

17 Inmates may request access to the law library by completing
18 a request slip and are thereupon provided one hour per week.
19 If inmates desire additional time, they must complete another
20 request slip indicating how much additional time they desire
21 and why additional time is requested. The librarian schedules
22 additional time for inmates based upon comparative need and
23 within the library schedule. Inmate declarants Bertao, John
24 Cruz, Ruben Cruz, and Krukowski all complain about inadequate
25 law library access. To date, these inmates have not used any
26 administrative remedies (inmate grievance, writ of habeas
27 corpus, verbal petition to the court of jurisdiction) to
28 address their individual complaints as they relate to access to

1 the inmate law library.

2 12. While the adequacy of medical and dental care is not
3 raised in the Second Amended Complaint, some of the inmate
4 declarants allege slow and/or inadequate response to such
5 inmate needs. Without specific information, we cannot
6 investigate such general allegations. However, the Fresno
7 County Health Department operates complete medical and dental
8 facilities in our downtown system. Inmates may request medical
9 and dental visits by completing a "medical" inmate request
10 slip, indicating thereon whether they consider the matter an
11 "emergency". Thereupon, inmates are seen in the Jail Infirmary
12 in order of priority. Problems of a more serious nature are
13 treated at the County hospital, Valley Medical Center.

14 I have personal knowledge of the foregoing facts and if
15 called as a witness I can competently testify thereto.

16 I declare under penalty of perjury that the foregoing is
17 true and correct. Executed this 10th day of March, 1993, at
18 Fresno, California.

19 
20 DOUG PAPAGNI, Declarant

21 A:Papagni.dec
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FILED

MAR 19 1993

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY CLERK

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2 2308 J Street
3 P.O. Box 1019
4 Sacramento, CA 95812-1019
5 (916) 442-6868

6 RICHARD P. HERMAN (Bar No. 53743)
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10 MICHAEL D. LONG (Bar No. 149475)
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13 Sacramento, CA 95816-9354
14 (916) 448-1708

15 Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN B. CRUZ, et al., and all those)
similarly situated,)

Plaintiffs,)

vs.)

COUNTY OF FRESNO, STEVE MAGARIAN,)
as SHERIFF,)

Defendants.)

NO. F-93-5070 REC JFM

DECLARATION OF
EDWARD CONTRERAS
IN SUPPORT OF
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ANCILLARY
RELIEF

Date: March 18, 1993
Dept. 8

I, Edward Contreras, swear as follows:

I am a prisoner in the Fresno County Jail, North Annex. I was
arrested on February 6, 1993. I was booked in this facility. I

1 am presently housed in the New Jail 2-F-1. This pod has two
2 dormitory spaces. There are seven rooms of four bunks on the
3 bottom. Each bunk has two beds. About fifteen prisoners are
4 sleeping on the floor. They sleep between the bunks, behind the
5 bunks and behind the stairway. From the time I got here until last
6 night I slept on the floor. It is too crowded in the jail. People
7 have to stand in line to get their food and to be counted. People
8 have a tendency to get in front because of the crowding. When I
9 slept on the floor I was kept aware at night by people going
10 upstairs to use the restroom. One section of the pod is the
11 dayroom. There are for places at each table and twelve tables.
12 There is not enough space at the tables.

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VERIFICATION

I declare under penalty of perjury that the foregoing is true
of my own personal knowledge and that I could testify to these
facts at trial.

Dated 2-19-93, 1991 at Fresno, CA California

Colonel A. C. C. C.

FILED

MAR 18 1993

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY CLERK *[Signature]*

PAUL W. COMISKEY (Bar No. 65510)
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Sacramento, CA 95816-9354
(916) 448-1708

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN B. CRUZ, JOSEPH Q. KRUKOWSKI,)
RUBEN D. CRUZ, DOUG MURPHY, JOHN)
COLE, TIM PENDERGAS, MANUEL BERTA0,)
ROGER D. HAUSMAN, CHARLES WILCOX,)
REBECCA MONTERO-SALCEDO, ANTHONY)
SHERWOOD, RICHARD RUIZ, EDWARD)
CONTRERAS, and all others similarly)
situated,)

Plaintiffs,

vs.

COUNTY OF FRESNO, STEVE MAGARIAN,
as SHERIFF,

Defendants.

NO. F-93-5070 REC JFM

EXHIBIT IN SUPPORT OF
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ANCILLARY RELIEF

Date: March 18, 1993
Time: 9:00 a.m.
Courtroom: No. 8

12

DECLARATION

I, W. Raymond Nelson, swear as follows:

1. I am a criminal justice consultant specializing in jails who has been retained as the plaintiff's corrections expert.
2. On Thursday, March 4, 1993, I toured the South Annex, the Main Jail and the North Annex of the Fresno County Jail system.

SOUTH ANNEX

3. The South Annex is a grossly overcrowded obsolete facility that I understand was built in 1946 and was later expanded in the 1960ies. Its California Board of Corrections rated capacity of 511 is based on the standards in effect in 1963. The third and fourth floors are presently being renovated and are not in use thus reducing the board rated capacity by 298 to 213 for the duration of the renovation. This renovation activity also prevents access to the exercise space on the roof. Because of the design deficiencies characteristic of that period, inmate supervision is intermittent and in my opinion inadequate. The appropriation of public funds to perpetuate the existence of this obsolete and inadequate detention facility demonstrates a deliberate indifference by county decision makers to the safety of both staff and inmates. Because of basic design inadequacies and the outdated 1963 standards being applied to arrive at the facilities rated capacity, I believe that none of the housing components of this facility should exceed board rated capacity. While I am not certain what kind of conditions would shock the public conscience, the gross overcrowded conditions of some of the housing areas that I observed in the South Annex shocked my conscience, a conscience jaded by over 35 years working in and observing a large number of American and European jails.

MAIN JAIL

4. The Main Jail, which was opened in 1989, was contemporarily designed to improve the staff's observation of inmates. The large 96 square feet "medium security" cells in the general population pods are equipped with three bunks and the 80 square feet "maximum security" cells are equipped with one bunk. During my visit I observed four inmates in a "medium security" cell and two inmates in a "maximum security" cell. On the day I visited the main jail there were approximately 1,203 prisoners (1:00 AM count 3/4/93) in custody. This population is 284% of its 424 board rated capacity. This excessive degree of overcrowding seriously impedes the ability of the limited staff deployed in this jail to effectively supervise the inmates housed there-in. The capacities established by the California Board of Corrections are established to protect the safety of both staff and inmates. It is reasonable to anticipate that as the degree of non-compliance with these standards increases the safety of staff and inmates are proportionately jeopardized. While I do not know any more than the news paper accounts of a prisoner being strangled to death by his cell mate in one of these "medium security" cells in April 1992 and an officer being

injured by inmates taking his keys during a disturbance in February 1993, such occurrences are not inconsistent with the kind of incidents that the state standards were intended to prevent. Because of the improved design of the Main Jail in contrast to the South Annex, I believe that the current board rated capacity could be exceeded by as much as 100% in the "medium security" cells. However, inmates placed in "maximum security" cells because of their aggressive behavior should not be housed in the same cell with another inmate. A 200% of board rated capacity limitation on the main jail is, in my opinion, a reasonable accommodation of the defendants housing needs and the safety needs of staff and inmates.

NORTH ANNEX

5. The North Annex consist of six 48 bed dormitory pods that are continuously observed by an officer in a glass enclosed observation tower and by two officers supervising the inmates. On the night shift, only one officer is assigned in addition to the tower officer. This facility was recently opened in January 1993 with a board rated capacity of 288. If population is to be added to the system the design of this building will accommodate it the best. However, I do not believe it is reasonable to expect the same number of staff to supervise an additional 144 inmates. Each inmate placed in these housing areas generates an incremental number of supervisory tasks that the housing officer should perform to maintain safe secure custody. The officer in the housing tower is limited to observing, opening doors, answering telephones, and operating the PA system. Under current conditions, this leaves only two officers to supervise 144 inmates per officer in three different pods. This current ratio of 1:144 on the day and evening shifts already exceeds the limits of reasonable supervision. To add 144 inmates without increasing the staff by at least one housing officer post per shift would, in my opinion, be a reckless disregard for the safety of the staff and inmates in the North Annex.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my personal knowledge and belief; and that, if called upon to testify, I would testify to the same.

Declared this 17th day of March, 1993 in Denver, Colorado.



W. Raymond Nelson

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15 Attorneys for Plaintiffs

16 IN THE UNITED STATES DISTRICT COURT
17 EASTERN DISTRICT OF CALIFORNIA

18 JOHN B. CRUZ, JOSEPH Q. KRUKOWSKI,)
19 RUBEN D. CRUZ, DOUG MURPHY, JOHN)
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22 REBECCA MONTERO-SALCEDO, ANTHONY)
23 SHERWOOD, RICHARD RUIZ, EDWARD)
24 CONTRERAS, and all others similarly)
25 situated,)

26 Plaintiffs,)

vs.)

COUNTY OF FRESNO, STEVE MAGARIAN,)
as SHERIFF,)

Defendants.)

NO. F-93-5070 REC JFM

PROPOSED TEMPORARY
RESTRAINING ORDER

LODGED

MAR 18 1993

JACK L. WAGNER, CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

1 1. All prisoners admitted to the South Annex, Main Jail or
2 North Annex of the Fresno County Jail system shall be assigned a
3 permanent bunk within a reasonable period of time after entry into
4 that facility.

5 2. The Sheriff is forbidden to cause any prisoner in this
6 facility to sleep on the floor.

7 3. The population of the South Annex is limited to 213
8 prisoners on the first and second floors. When the third and
9 fourth floors are remodeled the total population shall be limited
10 to the Board rated capacity of 511. The limits on individual
11 housing units shall be the Board rated capacity for each of those
12 particular units.

13 4. The population of the Main Jail shall be limited to 848
14 prisoners. There shall not be more than one prisoner housed in
15 each of the maximum security cells in the Main Jail.

16 5. The North Annex of the Fresno County Jail shall be
17 limited to a population of 144 inmates. There shall be no
18 additional bunks added to the North Annex during the pendency of
19 this action. Defendants, however, may add an additional 144 bunks
20 to this facility provided that they add an additional staff person
21 to each shift to supervise the prisoners.

22 The Sheriff may release prisoners when the population of
23 any one of these facilities reaches ten percent of the capacity set
24 by this court, and the Sheriff shall release prisoners when the
25 population exceeds this capacity.

26 Prisoners shall be released in accordance with the

1 following criteria:

2 1. Release sentenced inmates up to five days early provided
3 that the number of days that release is accelerated shall in no
4 case exceed ten percent of the inmates original sentence, prior to
5 the application thereto of any other credits or benefits authorized
6 by law. (California Penal Code Section 4024.1)

7 2. Release sentenced inmates up to three days early for
8 family emergencies or for purposes preparatory to the inmates
9 return to the community. (California Penal Code Section 4018.6)

10 3. Release pre-trial inmates accused of misdemeanor
11 violations with or without warrants who's bail is \$2000 or less.
12 Such inmates shall sign a promise to appear as set forth in
13 California Penal Code Section 853.6.

14 4. Release of pre-trial inmates accused of non-violent
15 felony offenses not against persons with bail of \$2000 or less.
16 Such inmates shall sign a promise to appear as set forth in
17 California Penal Code Section 853. 6.

18 5. Release inmates accused of parole violation who have no
19 open local charges and who have been in the Sheriff's custody for
20 at least five full court days.

21 6. Release sentenced misdemeanants who have ten days or less
22 remaining on their sentence have served at least one-half of their
23 sentence.

24 7. Release sentenced felons convicted of non-violent
25 offenses not against persons, who are serving a local sentence and
26 have ten days or less remaining on their sentence, and who have

1 served at least one-half of their sentence.

2 8. Release sentenced misdermeanants who have thirty days or
3 less remaining on their sentence, and who have served at least one-
4 half of their sentence.

5 9. Release sentenced felons convicted of non-violent
6 offenses not against persons who have thirty days or less remaining
7 on their sentence, and who have served at least one-half of their
8 sentence.

9 10. Release sentenced misdermeanants convicted of nonviolent
10 offenses not against persons who have sixty days or less remaining
11 on their sentence, and who have served at least one-half of their
12 sentence.

13 11. Release sentenced felons convicted on non-violent
14 offenses not against persons who are serving a local sentence, and
15 have thirty days or less remaining on their sentence, and who have
16 served at least one-half of their sentence.

17 The Sheriff is ordered to release prisoners in accordance with
18 these criteria from any of the facilities in the Fresno County Jail
19 system in order to achieve the population limits on the South
20 Annex, Main Jail and North Annex.

21 If the population of the South Annex, Main Jail and/or North
22 Annex exceeds the limits set by this Order at anytime, the Sheriff
23 shall apply within fifteen days to this court for an Order for
24 additional release criteria to effect the population limits of this
25 Order.

26 12. During the pernancy of this action no beds shall be added

1 to the South Annex, Main Jail and North Annex with the exception
2 of the possibility of adding bunks to the North Annex as long as
3 the additional staff is added.
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5 Dated:
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10 _____
11 UNITED STATES MAGISTRATE JUDGE
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