



JC-AL-002-001

FILED

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

FEB 21 1977

JANE P. [Signature], CLERK

RONALD PAUL ADAMS, et al.,	*	
Plaintiffs,	*	
UNITED STATES OF AMERICA	*	CIVIL ACTION NO. 74-70-S
Plaintiff-Intervenor	*	<u>PARTIAL CONSENT DECREE</u>
V.	*	
NATHAN MATHIS, et al.,	*	
Defendants	*	

The plaintiffs and the plaintiff-intervenor, United States of America, having filed their complaint and complaint in intervention herein, and the plaintiffs, plaintiff-intervenor and defendants Clark, Mathis, Bond, Raley, and Whiddon having stipulated and agreed that:

1. This is a civil action brought pursuant to the provisions of 42 U.S.C. §1983 by a class of plaintiffs consisting of all persons who were confined in the Houston County Jail or committed to the custody of the Sheriff of Houston County at any time subsequent to the filing of this complaint on November 18, 1974, or who will be so confined or committed in the future.

2. The United States intervened in this matter pursuant to 28 U.S.C. §517, Rule 24 of the Federal Rules of Civil Procedure, and the Government's authority to intervene in actions involving alleged widespread deprivations of constitutional rights of its citizens.

3. This Court has jurisdiction of this action under 28 U.S.C. §§1343(3) and (4) and §1345.

4. Defendant A. B. Clark is the Sheriff of Houston County, Alabama. Defendant Nathan Mathis is the Chairman and Defendants W. G. Bond, H. E. "Pat" Raley, and Charles Whiddon are the members of the Houston County Board of County Commissioners (hereinafter "defendants").

5. The plaintiffs and the United States alleged in their complaint and complaint in intervention that conditions of confinement at the Houston County Jail violate the Eighth and Fourteenth Amendment rights of persons incarcerated therein.

6. Among the conditions of confinement so alleged, are:

a) physical overcrowding;

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MIDDLE DISTRICT
OF ALABAMA

- b) failure to separate adult and juvenile prisoners;
- c) failure to provide proper facilities for persons held awaiting civil commitment;
- d) failure to provide facilities and equipment necessary to maintain personal hygiene and sanitary surroundings;
- e) failure to classify inmates;
- f) failure to provide adequate fire safety measures;
- g) failure to provide an adequate diet;
- h) failure to provide disciplinary procedures consonant with due process;
- i) failure to provide access to legal materials;
- j) failure to protect inmates from harm;
- k) failure to provide medical care to inmates, including those with psychiatric, emotional or alcohol related conditions;
- l) failure to provide indoor and outdoor exercise and recreation.

7. Defendants hereby admit the allegations contained in paragraph 6 above and agree that the provisions of this decree are necessary to assure that inmates who are or will be placed in the custody of the Sheriff of Houston County will not be deprived of their constitutional rights.

NOW THEREFORE, upon consent of the parties, it is hereby ORDERED, ADJUDGED, AND DECREED, that the defendants A. B. Clark, Nathan Mathis, W. G. Bond, H. E. "Pat" Raley, and Charles Whiddon together with their agents, employees, successors in office, and all persons in active concert and/or participation with any of them, are hereby permanently enjoined from depriving any inmate of the Houston County Jail or any other person committed to the custody of the Sheriff of Houston County of his or her constitutional rights.

IT IS ORDERED that the provisions of this decree shall be implemented in three stages. The first stage shall consist of a time period lasting until thirty (30) days from the entry of this Order. The second stage shall terminate two hundred ten (210) days from the entry of this Order or on the completion of the renovation of the Houston County Jail, whichever shall come first. The third stage shall terminate two years from the entry of this Order or on completion of a new facility for the confinement of members of the plaintiff class, whichever shall come first.

IT IS FURTHER ORDERED that within thirty (30) days of the entry of this Order, defendants shall take the following steps to assure the immediate protection and safety of plaintiff inmates.

1. The population of the Jail shall be limited to its designed capacity of 82. No cell shall house inmates in excess of its designed capacity. Day-rooms shall not be used for housing purposes.

2. No juveniles shall be held in the Houston County Jail. Any facility

used for housing juveniles shall meet the standards set by this decree.

3. No person being held for Probate Court proceedings or for transfer to a mental health institution shall be held in the Houston County Jail.

4. No person under the influence of alcohol shall be housed in the Houston County Jail.

5. Each cell or room housing inmates shall be equipped with the following items:

- a) a bed, off the floor, for each inmate;
- b) a normal detention-type toilet, flushable from the inside;
- c) running water;
- d) a clean fire-retardant mattress with clean sheets, to be laundered at least weekly.

6. Upon admission to the Houston County Jail, or other holding facility, each inmate shall be furnished with:

- a) personal hygiene items, including a toothbrush, toothpaste, soap, shampoo, and combs;
- b) at least one change of clothing, including underwear, if not supplied by the inmates;
- c) clean bedding, including a mattress and sheets, said bedding to be in an adequate state of repair and fire-retardant;
- d) stationery, stamps, pen and pencil for two letters, to be renewed at least weekly (pre-trial detainees only).

7. Defendants shall implement a non-racial classification system designed to separate violent from nonviolent inmates, pre-trial detainees from convicted persons and which will minimize the risk of harm to any inmate.

8. A written emergency evacuation plan shall be designed and monthly fire drills shall be conducted.

9. A strict program of vermin control shall be instituted.

10. Three (3) wholesome and nutritious meals per day which meet the requirements of the National Research Council shall be served at the proper temperature with proper eating and drinking utensils. All food shall be properly prepared under the direction of a qualified food service supervisor. A registered dietician shall participate in the planning, preparation, and purchase of food and in the proper sanitation of the food service area. All persons involved in food preparation shall be given in-service training.

11. In addition to such visits as are already permitted, inmates shall be permitted one contact visit per week of one hour's duration at a time accessible to visitors who may work during the day. Visitors shall not be limited by age. A private room shall be provided for attorney-inmate conferences at all times.

12. Upon admission, each inmate shall be advised in writing of the institution rules relating to correspondence, visiting, exercise, medical care, and legal services. Each inmate shall further be advised of the institution's disciplinary rules and regulations, setting forth with specificity each prohibited act, the possible penalty, and a description of the hearing procedure. No inmate shall be separated or disciplined except as described in such rule book.

13. Sufficient jailers shall be on duty at the Jail so that there is a minimum of two male guards on the third floor and one male guard on the second floor at all times. No such guard shall be used for office work or dispatching while on duty on the second or third floor. Said guards shall receive adequate training. No auxiliaries shall be used for guard duties.

14. No female shall be housed in the Houston County Jail.

15. Trustee inmates shall have prescribed duties; however, no inmate shall have any duties involving medical care, correspondence, or supervision of other inmates. No inmate shall be used contrary to the laws of the State of Alabama.

16. Each new inmate, within forty-eight (48) hours of his admission and each present inmate shall be given a health assessment by a qualified health professional. This health assessment shall include tests for venereal disease.

17. A regular program of medical care shall be instituted. The Jail shall be visited daily by a licensed health professional (such as a nurse, physician's assistant, etc.) who shall ascertain any medical complaints from the inmates. A physician shall be provided to examine and treat all such inmates in need thereof. Hospital and emergency ambulance transportation shall be made available as required.

18. Any institution to which the defendants propose to transfer or hold any member of the plaintiff class shall be disclosed at least five (5) days before any such incarceration. If plaintiff or plaintiff-intervenor objects to such a transfer, the question shall be presented to the Court. Pending the Court's ruling, the proposed alternate facility shall not be used.

IT IS FURTHER ORDERED that upon completion of the scheduled renovation or within 210 days of the entry of this Order whichever shall come first that the defendants will ensure and provide:

1. A minimum of sixty (60) square feet of living space per inmate per cell, except that the existing four single cells on the third floor with less than sixty (60) square feet may be used.
2. A ventilation system adequate to provide ten (10) cubic feet of fresh air per inmate per minute. Windows shall be screened. Temperature shall be maintained within the normal comfort range.
3. That each cell within the Houston County Jail shall be equipped with:
 - a) sink with hot and cold running water;
 - b) sufficient light to provide 30 foot/candles of illumination during both day and night.
4. Regular access to the resources of the Houston County law library.
5. A comfortable, sheltered area for visitation. Each pre-trial detainee shall be allowed daily contact visits of at least one hour duration. Each convicted inmate shall be allowed weekly contact visits of at least one hour's duration. Visiting hours shall be scheduled at such hours as to allow access by visitors who work during the day.
6. Female inmates may be housed on the first floor of the Jail under the constant supervision of a matron at all times. Said matrons shall have no other duties.
7. The provisions of paragraph 13 of the first phase of this decree shall continue in effect. In addition, a guard shall be on duty in the basement housing area whenever said area is occupied.
8. Inmates shall be provided with one hour outdoor recreation daily, weather permitting, in an area of sufficient size and utility.
9. The provisions of the first phase shall continue in effect with the exceptions of paragraphs 1, 11, and 14.
10. Defendants shall instruct and inform their employees concerning the provisions of this decree.

IT IS FURTHER ORDERED that within two years from the entry of this decree a new facility shall be opened for the confinement of the plaintiff class.

Defendants shall report to the Court, with copies to counsel for

plaintiff and plaintiff-intervenor, concerning each paragraph of this decree thirty (30) days from the entry of this decree and every ninety (90) days thereafter.

Costs shall be taxed against the defendants accordingly.

The Court retains jurisdiction over this matter for the entry of such further orders as may be appropriate to secure the constitutional rights of the members of the plaintiff class and to enforce the provisions of this decree.

The United States Marshall shall serve a copy of this order upon each defendant.

SO ORDERED, this 21st day of February, 1977.

[Signature]
United States District Judge

The undersigned agree to the entry of this Order.

[Signature]
Dere C. Segrest
Attorney for Defendants

[Signature]
Joel M. Nonberg
Attorney for Plaintiff
Class, as designated

[Signature]
Ira DeMent
United States Attorney

[Signature]
Sheriff A. B. Clark
Defendant

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Commissioner Nathan Mathis
Defendant

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Commissioner W. G. Bond
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