

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

104  
**FILED**

MAY 11 1999

ESSEX COUNTY JAIL ANNEX  
INMATES, et als.,

Plaintiffs,

v.

JAMES TREFFINGER, County  
Executive, and WILLIAM H. FAUVER,  
Commissioner, et als.,

Defendants.

CIVIL NO. 87-871 (HAA)

AT 8:30 M  
WILLIAM T. WALSH, CLERK

Hon. Harold A. Ackerman, U.S.D.J.

Frederic K. Becker, Special Master  
Bennet D. Zurofsky, Special Master

**ENTERED**

on  
THE DOCKET  
on 5-12-99  
WILLIAM T. WALSH, CLERK  
By W  
(Deputy Clerk)

ESSEX COUNTY JAIL INMATES, et  
als.,

Plaintiffs,

v.

JAMES TREFFINGER, County  
Executive, and WILLIAM H. FAUVER,  
Commissioner, et als.

Defendants.

CIVIL NO. 82-1945 (HAA)

Hon. Harold A. Ackerman, U.S.D.J.

Frederic K. Becker, Special Master  
Bennet D. Zurofsky, Special Master

**SUPPLEMENTAL ORDER ON POPULATION AND HOUSING**

WHEREAS, this Supplemental Order on Population and Housing is intended to supplement the rights and obligations of the Second Consolidated Consent Order ("SCCO") entered on August 8, 1995;

WHEREAS, in recognition that the facilities at the Essex County Jail (ECJ) and the Essex County Jail Annex (ECJA) continue to be inadequate to meet some of the terms of the SCCO, the Essex County defendants have commenced planning and construction of a new County Correctional Facility that is anticipated to be completed in September 2000, and fully occupied and operational within six months thereafter;

WHEREAS, upon the opening and full operation of the new County Correctional facility, the Essex County defendants plan to close both the ECJ and ECJA as jail facilities; and,

WHEREAS, the Essex County defendants recognize that the terms of the SCCO or any subsequent order shall continue to apply, in whole or in part, to the detention of plaintiff class members until the defendants achieve and maintain timely compliance continually for a period of one year and adopt policies and procedures to prevent a reoccurrence of noncompliance with the programs and services provided for in the SCCO or any subsequent order, regardless of the physical facilities, whether existing or to be constructed, in which the County houses detainees awaiting trial and sentenced prisoners, and for good cause shown,

IT IS HEREBY STIPULATED AND AGREED on behalf of plaintiffs and the Essex County defendants in the above consolidated matters, as follows:

I. POPULATION AND HOUSING AT THE ECJ

A. Maximum Capacity

1. The maximum capacity of the ECJ is increased from 594 to 654 inmates.
2. ECJ Housing Unit Capacities shall be modified as follows:

Floors	Type of Housing Area	Inmate Capacity
2	South Dorm	70
	North Dorm	60
3	Cells	40
4/5	Cells	108
6/7	Cells	108
8/9	Cells	108
10/11	Cells	108
12	Quiet Cells	3
12	Disciplinary Cells	9
12	Civil Area Dorm	20
12	Infirmary F	6
12	Main Infirmary	14
Total		654

3. Single Cell Housing: ECJ cells shall continue to house no more than one inmate in each of the cells on the third through eleventh floors.

4. Duration of Stay Monitoring Requirement for Dorm Housing Units: The County shall monitor on a weekly or more frequent basis the duration of stay for all inmates housed in dormitory living conditions on the second floor of the ECJ, and shall not house inmates other than voluntary workers in this area for longer than 45 days without notice to plaintiff's counsel. Such notice shall be effected by providing plaintiff's counsel with a report showing duration of stay for all inmates in such dorms as of Monday of each week, both prior to and after transfers. Housing inmates in excess of 45 days shall not be prohibited per se, but counsel for the plaintiff class shall be entitled to object to the housing of class members in such units for periods in excess of 45 days and, for good cause shown, the County shall be required to provide alternative housing to individual class members held in excess of such 45 day periods.

5. Emergency Capacity: The authority to house an additional 35 inmates above the maximum capacity of the ECJ is eliminated.

6. Continued Effect of Other Provisions: Other terms of the SCCO, including specifically, but not limited to, requirements governing dayroom use, mattresses, and cots shall remain in effect.

## II. POPULATION AND HOUSING AT THE ECJA

### A. Maximum Capacity

1. The maximum capacity of the ECJA is increased from 729 to 1,756 inmates, consisting of up to 1,4<sup>5</sup>~~7~~6 male inmates and 300 female inmates. This capacity may not be exceeded and the County shall not admit inmates in excess of the maximum capacity at any time unless application is first made to the Court on notice to plaintiff's counsel.

2. ECJA Housing Unit Capacities shall be modified as follows:

Unit	Area	Cells	Dorms	Bunks	Capacity
West Wing	Cell block A/B	36		72	72
	Cell Block C/D	36		36	36
	Cell Block E/F	36		72	72
	Cell Block G/H	36		36	36
West Wing Subtotal		144		216	216
East Wing	Dorms		6	180	180 <sup>1</sup>
Satellite 1 (RCF's)	A	-	-		
	B	12		24	24
	C	12		24	24
	D	12		24	24
	E	-	4	24	24
	F	12		24	24
	G	12		24	24
	H	12		24	24
	K	12		24	24
Satellite 1 Subtotal		84		192	192
Satellite 2	Old Women's Bldg	102		204	204
Satellite 3	Lower MIU		9	108	108
Satellite 4	Upper MIU		7	84	84
Satellite 5	MHU	104		208	208 <sup>2</sup>
Satellite 6 & 6A	Workers' Units			116	116
Satellite 7	New Women's Unit	252		252	252 <sup>3</sup>
Hospital Down			1	8	8
Hospital Up	(not in use as infirmary unit)		1	40	40
Total					1608
Male Emergency Capacity in Satellite 5 (see footnote 2 below)					100
Female Emergency Capacity in Satellite 7 (see footnote 3 below)					48
GRAND TOTAL ECJA CAPACITY					1756

<sup>1</sup> This capacity recognizes that there shall be a waiver of the living space and dayroom space requirements in this unit, but only for the duration of and so long as there is compliance with this supplemental order.

<sup>2</sup> This capacity may be increased as may be necessitated by construction, repair projects or increases in male inmate population by housing up to 25 inmates in the dayroom of each 4 quads, provided that inmates housed in such areas are rotated out after seven days.

<sup>3</sup> This capacity may be increased as may be necessitated by an overflow of women inmates by housing up to 12 inmates in the dayroom of each 4 quads, provided that inmates housed in such areas are rotated out after 14 days.

3. Continued Effect of Other Provisions: All other provisions of the SCCO, including but not limited to provisions governing the maintenance and terms of the ECJA's maximum capacity, shall remain in effect, except to the extent that the housing unit capacities set forth above authorize double-bunking in certain housing units or are otherwise expressly waived by the terms of this supplemental order.

4. Duration of Stay Monitoring Requirement for Certain Housing Conditions:  
The County shall monitor on a weekly or more frequent basis the duration of stay for all inmates housed in dayroom space as may be authorized for limited periods in the ECJA.

a. Notice Requirement: The County shall not house inmates under such conditions in the above mentioned areas for the period of stay fixed in this supplemental order, without notice to plaintiffs' counsel. Such notice shall be effected by providing plaintiffs' counsel with a report showing duration of stay for all inmates in such affected housing units as of Monday of each week, both prior to and after transfers.

b. Durational Limit: Housing inmates under such conditions in the above mentioned areas in excess of the period of stay fixed in this supplemental order shall be prohibited per se, but the County shall be entitled to continue the housing of class members in such conditions in these units for additional 30 day periods upon consent by plaintiffs' counsel or, if objection thereto is made by plaintiffs' counsel, on application to and approval by the Special Masters for good cause shown. If plaintiffs' counsel objects to such continued housing, and if the Special Masters do not approve the County's application for authority to continue such housing, then the County shall be required to provide alternative housing to individual class members held in such conditions in excess of the periods applicable to the particular housing unit..

### III. SUPPLEMENTAL ORDER TO SERVE AS AN INTERIM REMEDY

A. Condition of Supplemental Order: This supplemental order shall be considered an interim measure which shall remain in effect and shall govern the gradual phase-out of the ECJ and ECJA, provided that the County defendants continue the County's investment in constructing new facilities, in making improvements to Satellite 5 at the ECJA, and in maintaining existing facilities in which class members are or will be housed.

B. Information to be Provided to Counsel for Plaintiff Class:

1. Existing Facilities: In recognition that the current facilities suffer from deep-rooted deficiencies due to age, size and design which cannot be fully remedied to provide housing for the number of inmates detained or sentenced in Essex County, the County agrees that counsel for the plaintiff class shall be kept fully and regularly informed of the status of inmates housed in existing facilities, including, but not limited to the following: weekly duration of stay reports for inmates housed in the ECJ's second floor dorms and 12th floor Civil Area, and in any ECJA dayroom areas.


2. New Facilities: In recognition of the commitment of the County defendants to avoid where possible any such deficiencies with regard to its new facilities and to achieve compliance at a minimum with the provisions of the SCCO, the County agrees that counsel for the plaintiff class shall be kept regularly informed of the status of construction of the County's new correctional facility and all projects planned as interim measures to improve current facilities, which shall be achieved by the County providing plaintiff's counsel with a copy of the monthly status report issued by the project construction manager to the Essex County Improvement Authority and the Essex County Administration.

The undersigned hereby consent to the form and substance of the above Order:

For ECJ and ECJA Plaintiff Classes

Dated: April 1, 1998

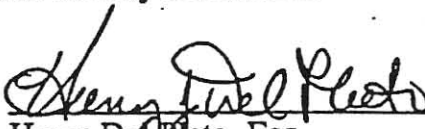
By:

  
T. Gary Mitchell, Esq.  
Hill Wallack  
202 Carnegie Center  
Princeton, NJ 08543

For Essex County Defendants


Dated: March 30, 1999

By:

  
Harry Del Plato, Esq.  
Assistant County Counsel

SO ORDERED:

Dated:

May 10, 1999   
HAROLD A. ACKERMAN, U.S.D.J.