

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

STEPHEN M. LECCLIER, et al.,

Plaintiffs,

v.

EVAN BAYH, Governor, et al.,

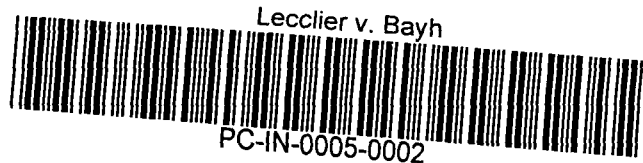
Defendants.

NO. IP 90-1460-C

AGREED ENTRY

The parties, having agreed that settlement of this class action is in the best interests of all concerned, but without admitting or acknowledging that the defendants are liable or that existing conditions at the Reception Diagnostic Center violate the Eighth Amendment, hereby submit to the Court the following terms which shall constitute the judgment of the Court in this action:

The terms of this Entry shall apply to the defendants in their official capacities, their officers, agents, agencies, employees, successors in office, and all those acting in concert or participation with them. This Entry applies only to the facility known as the Reception Diagnostic Center (hereinafter "RDC"), operated by the Indiana Department of Correction, in Plainfield, Indiana.



I.

HOUSING AND ACTIVITIES FOR LONGER-TERM RESIDENTS

1. The use of open ranges or any other noncell areas for the housing of offenders shall be discontinued no later than July 1, 1991.

2. Within 30 days after the open beds have been eliminated, offenders who have been at RDC for more than 45 continuous days (except as specified elsewhere herein) shall be assigned to cells on the first-floor ranges and given expanded privileges as set forth below. RDC shall be required to set aside no more than 51 cells (102 offenders) for this purpose. In the event that the number of eligible offenders exceeds 102, the program shall be extended to the 102 eligible offenders who have been at RDC the longest; provided, however, that the program shall always be available to offenders who have been at RDC for 60 or more continuous days.

3. Offenders shall not be eligible for assignment pursuant to paragraph 2 above if they have been charged with a conduct violation, if they are on disciplinary or administrative segregation status, or if they are under investigation for possible violations against the security or well-being of the institution.

4. Offenders assigned to the first-floor ranges pursuant to paragraph 2 above shall be permitted not less than two hours per day, six days per week (exclusive of holidays), to spend out of their cells on the range, except when, in the

judgment of the officer in charge, an emergency situation exists during which the presence of a group of offenders on the range would threaten the security of the institution or endanger the lives or safety of staff or offenders. The two hours shall include other out-of-cell time only if the other activities (such as showers or recreation time) are scheduled at the same time; however, the two hours shall never be scheduled to coincide with meals. In the event that the number of eligible offenders falls to the point where they can all be confined on one range, the number of hours shall be increased to no less than four.

5. Any first-floor range housing offenders eligible under paragraph 2 above shall be equipped with exercise and recreational materials, such as tables, newspapers, magazines, board games, exercise bicycles, and chinning bars. However, the equipment shall be consistent with the security of the institution as determined by the superintendent.

6. RDC shall retain the right to refuse to replace equipment which is repeatedly subject to destruction, vandalism, or misuse by the offenders, who shall be deemed to have waived their right to the use of such equipment by such actions.

## II.

### TELEPHONE PRIVILEGES

7. RDC shall continue its policy of providing access to telephones to all offenders for approved attorney-client

calls and emergency calls with family members.

8. In addition, those offenders assigned to the first-floor ranges pursuant to paragraph 2 above shall be permitted at least one telephone call every ten days to a verified family member or attorney on a pre-approved list.

### III.

#### LAW LIBRARY

9. The materials in the existing law library will be updated. A full-time offender law clerk will continue to be assigned to RDC to assist offenders on a first-come first-served basis, with the understanding that most of the offenders at RDC arrive with recent convictions and still have attorneys representing them, and that most of the offenders at RDC are reassigned to permanent institutions relatively soon.

### IV.

#### SAFETY AND SECURITY

10. RDC shall develop and implement a written policy by which incoming offenders are evaluated, based on available information, and given cell assignments on the basis of their potential for violent behavior. Offenders identified as potential victims of predatory behavior shall be celled alone or with other potential victims.

11. Nothing in this Entry shall be construed to require that RDC be programmed or designated as a time-building institution, and the parties agree that RDC's purpose and

programming should be consistent with its use as a classification center.

12. RDC shall continue to set aside a sufficient number of observation cells, either equipped with remote video cameras or positioned in close proximity to an officer's station, for the purpose of monitoring the activities of offenders identified by professional medical staff as requiring such monitoring based on their mental or physical condition.

## V.

### RECREATION

13. All RDC inmates shall be given an opportunity to exercise outdoors at least three times per week for a period not less than 90 minutes. Equipment such as basketballs, softballs, and gloves shall be provided unless it is vandalized or destroyed on a regular basis.

14. Paragraph 13 shall not apply to inmates who for legitimate security or medical reasons cannot be permitted to mingle with other inmates or go outdoors. It shall also be inapplicable on days when inclement weather prevents comfortable outdoor recreation, such as during periods of rain or when the air temperature falls below 45 degrees Fahrenheit, unless in the judgment of the officer in charge comfortable recreation would be possible. In the event that a group of inmates is denied recreation due to inclement weather at the time that their recreation was scheduled, the defendants shall not be required to "make up" that denial by providing unscheduled

recreation for that group when the weather improves.

## VI.

### MISCELLANEOUS

15. The following issues are not considered by the Court or the parties to have been litigated in this action, or ruled upon by the Court: visitation and medical care.

16. The Court shall retain jurisdiction of this case and implementation of this Entry for a period of two years after the date this Entry is approved by the Court. On or before July 1, 1991 the defendants shall file a report with the Court, setting out the details of their compliance with the provisions of this Entry. Should the plaintiffs object to that report, or disagree with the representations made therein, they shall have 15 days after service of the report to file objections.

17. The plaintiffs' attorneys and paralegals shall be given access to inspect the RDC facilities and pertinent documents, and to interview RDC personnel and offenders upon reasonable notice to the Superintendent of RDC, in order to monitor compliance with this Entry. In lieu of such inspections, the plaintiffs may submit to the defendants a form on which objective information may be provided on a regular basis so that the plaintiffs' attorneys can monitor such items as population levels and average length of stay.

19. At any time before the Court relinquishes jurisdiction, the plaintiffs may petition the Court for relief

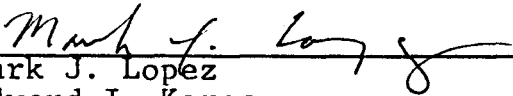
from alleged noncompliance with the provisions of this Entry, or the defendants may petition the Court for modification of the Entry based on the existence of changed circumstance. In either event, the moving party shall first notify the opposing party of its intent to allege noncompliance or seek modification, and a good faith attempt shall be made to resolve such matters without intervention by the Court.

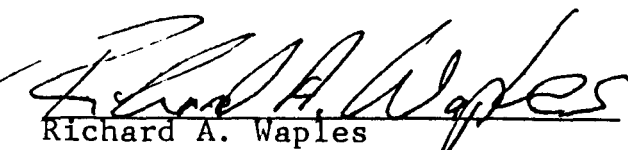
20. In the absence of any petition for relief or modification during the two-year period set forth in paragraph 19 above, the case shall be closed.


ENTERED: JUL 05 1991

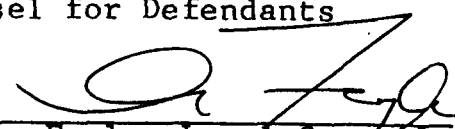
Larry J. McKinney  
United States District Judge  
Southern District of Indiana

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