

JUL 09 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JEROME DUVALL, et al.,

Plaintiffs,

v.

Civil Action No. K-76-1255

WILLIAM DONALD SCHAEFER, et al.,

Defendants

* * * * *

1993 REVISED CONSOLIDATED DECREE

I. PREAMBLE

A. History of cases

This is a consolidation of two separate class action suits initiated by inmates involving the conditions of confinement at the Baltimore City Jail, now known as the Baltimore City Detention Center. The first suit, Collins v. Schoonfield, Civil No. 71-500-K, was filed in 1971 and related to the conditions of confinement in the Jail. On May 15, 1972, the Court issued an opinion, reported at 344 F. Supp. 257 (D. Md. 1972), finding that many of the conditions shown at trial involved violations of the inmates' constitutionally protected rights. Interim Decree I was entered on July 27, 1972, setting forth specific standards of confinement with respect to various areas of Jail administration. The standards with respect to the delivery of medical services were covered in Interim Decree II entered on December 13, 1972.

Duvall v. Glendening



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The second suit, originally captioned Duvall v. Lee, Civil No. K-76-1255, was filed in 1976 and related to overcrowding and its effect on the conditions of confinement in the Jail. The Duvall case first resulted in a "Partial Agreement Among the Parties", approved by the Court on November 23, 1977, which was a short term plan for the immediate reduction of the Jail's population. Subsequently, the parties entered into Consent Agreement II, which was approved by the Court and adopted as its decree on July 13, 1978. Consent Agreement II (a) set a capacity limit of 957 prisoners in the Male Detention Center by requiring the elimination of double-celling in its 828 cells and by setting 60 square feet per inmate as the standard in P and Q dormitories, (b) prohibited using certain areas for housing, (c) required preventive maintenance, and (d) provided for numerous other inmate services, including psychiatric services, recreation, library, supplies for indigent inmates, visitation, food service, fire safety and suicide prevention.

After the City moved for modifications, the provisions of the decrees in the two cases, with some changes, were combined into a single Consolidated Decree which was entered by the Court with the consent of the parties on April 24, 1981. In 1984, some new changes in the decree were made by consent. See, the parties' Letter of Understanding of December 1, 1983. These changes were incorporated into the Modified Consolidated Decree entered by the Court on March 23, 1984. Most importantly, these changes permitted limited double-celling in the Male Detention Center and set a separate capacity limit for each housing section

in the Jail, including all sections not covered by the 1981 decree. In addition, a number of suits by individual inmates were consolidated with the class actions.

On June 23, 1986, the parties agreed to additional modifications of the capacity limits, including an amended page 4 of the Modified Consolidated Decree and an Amended Appendix A. See the parties' Supplemental Letter of Understanding of the same date and the Plaintiffs' attorney's letter to the Court dated August 6, 1986. On June 30, 1987, the parties agreed to the terms of a Consent Order, entered by the Court, which was intended to resolve allegations of non-compliance with a variety of provisions of the 1984 decree, to supplement the existing decree and to provide for such matters as new housing space, a contingency plan for overcrowding, long range building plans, and certain inmate services.

The parties agreed to a revised decree in 1988 which was intended as a replacement for the 1984 decree and was designed to reorganize and simplify the decree's provisions and to bring all previous decrees and agreements together into one document.

B. State assumes control

On July 1, 1991, the State, pursuant to House Bill No. 1059, 1991 Laws of Md. Ch. 59, created the Division of Pre-Trial Detention and Services and assumed the control, regulation and administration of the Baltimore City Jail under the name The Baltimore City Detention Center. The revisions set forth in this 1993 Decree incorporate the modifications requested by the State

in recognition of the State's assumption from Baltimore City for the day to day operation and administration of the Baltimore City Detention Center.

C. Interpretation and duration.

1. This revised decree is intended as a replacement for the 1988 decree.

2. Where the revised decree authorizes someone to act, that authority may be delegated in accordance with the law, regulations and policies governing the agency involved, unless the decree explicitly prohibits such delegation.

3. Whenever the Detention Center is to give notice or to send reports or other information to the Court, such notice shall be in writing and copies shall be served on the attorneys for the Plaintiffs.

4. Whenever the Detention Center gives notice of a proposed action under and consistent with a provision of this Decree, the other parties shall have fifteen (15) days to file objections with the Court, unless the Court shortens or extends the time. If no objections are filed, the Detention Center may thereafter proceed with the proposed action. However, this provision is not intended to bar a subsequent motion to compel the Detention Center to alter an action.

II. DEFINITIONS

A. Parties

1. Plaintiffs - The "Plaintiffs", sometimes referred to as the "inmates", "residents" or "prisoners", consist of that class of persons, whether men or women, adults or

juveniles, pretrial detainees or convicts, who are now or who will in the future be confined to the Baltimore City Detention Center.

2. Defendants - The "Defendants", sometimes collectively referred to as the "State", are the persons holding the following Maryland state offices: Governor, Secretary of Public Safety and Correctional Services, Commissioner of Pretrial Detention and Services, Commissioner of Corrections, and the Warden of the Detention Center.

B. Housing and Other Space

1. The Baltimore City Detention Center - Appendix B is a detailed description of the housing and program space within the buildings that constitute the Baltimore City Detention Center, sometimes referred to as "BCDC" or the "Detention Center". All references to specific housing spaces, including the capacity limitations in Appendix A, refer to the spaces described in Appendix B.

2. Other housing space - Any housing space not described in Appendix B is not part of the Detention Center, and persons detained in housing outside the Detention Center shall not be considered as inmates for purposes of this Decree.

3. Program Space - "Program space" refers to the non-housing space required to accommodate the needs of the inmates, including, for example, space for health and food services, education, recreation, visiting, attorney visits and religion.

C. Emergency

1. An "emergency" is a civil disorder, riot, natural disaster, fire, flood, blizzard, act of war, or any sudden, unexpected, and unforeseen occurrence affecting the Detention Center, as determined by the Commissioner of Pretrial Detention and Services, whether occurring inside the Detention Center or anywhere in Baltimore City, the State of Maryland or elsewhere.

2. An increase in the population at the Detention Center not caused by the enumerated events is not an emergency for purposes of this Decree unless one of the state courts is closed, for whatever reason, for one or more weekdays not including State holidays or regular judicial conferences.

D. Courts

1. "State courts" means the District Court of Maryland for Baltimore City and/or the Circuit Court for Baltimore City.

2. "The Court" or "federal court" means the United States District Court for the District of Maryland.

E. Miscellaneous Terms

1. "Indigent Inmate" is an inmate who does not have enough money to pay for an indigent kit, as described in Para. III. I. 1. d. on p. 16.

2. A "juvenile" is a person under the age of 18 years.

3. "Inmate Council" refers to the Inmate Council for the Detention Center with representatives from each housing

unit. The existence and role of the Inmate Council, as representative of the inmates of the Detention Center, is recognized by the Defendants.

4. "Special project diminution credits" are credits against one's sentence earned pursuant to the Annotated Code of Maryland. They are not revocable and shall be honored by the Defendants in computing the prisoner's sentence.

5. "High risk inmates" are those charged with violent offenses against the person or those charged with offenses which demonstrate violent or assaultive propensities or those for whom there is a reasonable basis for believing that they are likely to be perpetrators of homosexual or any other physical assaults.

6. "Triage" is the process whereby qualified medical personnel evaluate, and treat where applicable, medical complaints based on their personal examination of the patient.

RELIEF

In order to eliminate and to prevent overcrowding the Detention Center and to ensure that the inmates are not subjected to living conditions, the totality of which can reasonably be expected to violate the standards of human decency required by the Eighth Amendment or by any other provision of the Constitution of the United States, the Defendants are hereby ORDERED AND ENJOINED to comply with the following:

III. HOUSING

A. Capacity Limits

1. Requirement to Comply with the Capacity Limits

a. Each housing unit in the Detention Center shall have the capacity set forth in Appendix A to this Decree. In addition, each housing unit shall be designated for a particular classification of inmate.

b. Except in an emergency, the State shall not house more inmates in any housing unit than the capacity set forth in Appendix A.

c. The Defendants shall take appropriate steps to ensure that the Detention Center has adequate staff and space (including program space) to provide all of the inmates with the housing and services to which they are entitled under this Decree and any subsequent orders of this Court relating to the conditions of confinement in the Detention Center.

2. Suspension of Capacity Limits

Notwithstanding any other provision of this decree, during an emergency, the Defendants may temporarily suspend one or more of the provisions of this Decree, but only to the extent of the emergency and only for as long as the duration of the emergency, provided that the Defendants shall promptly notify the Court of the emergency, submitting a written report (a) describing the available facts which constitute the emergency and (b) specifying the provisions of the Decree to be suspended (including the specific housing sections and numbers of inmates affected). The Defendants shall also exercise their best efforts

to notify the Inmate Council of the emergency. For as long as the emergency continues, the Defendants shall submit to the Court timely periodic reports (at least weekly) describing: (a) the status of the emergency, (b) estimates of its duration, and (c) its effect on the Detention Center's population, including housing conditions and service delivery.

3. Modifications of Capacity Limits

The capacity limits of the Detention Center's housing units shall not be modified, except as follows:

a. Whenever proper facilities cannot be provided, the affected cells or beds shall be declared "deadlined" and shall not be used.

b. The Detention Center may modify or remodel any existing housing space to alter its capacity or may redesignate a housing section for a different classification of inmates. Before such changes are made, the Detention Center shall notify the Court, providing proposed amendments to Appendices A and B.

c. The State shall notify the Court and parties when it is utilizing additional space not identified in the decree within thirty (30) days of use of any facility.

4. Miscellaneous Provisions

a. Under no circumstances and for no period of time shall any inmate be housed in any area of the Detention Center other than the housing units listed in Appendix A, except in an emergency.

b. If at any time the number of inmates assigned to a housing section exceeds the capacity limits, then all inmates housed in BCDC shall earn five "special project diminution credits" per month for the period of time that the unit is overcrowded. Any inmate who is double-celled on any section shall earn such credits.

c. Inmates legally committed to the Division of Corrections shall promptly be transferred from BCDC to a Division of Correction facility to the fullest extent possible.

B. Contingency Plans

1. The Defendants shall have in effect at all times a Contingency Plan which will ensure, absent an emergency, full compliance with the capacity limits provided for in this Decree in the event the population should rise more quickly than new space can be acquired. The plan shall include separate contingency provisions for each residential classification.

2. The Detention Center's current Contingency Plan is Appendix C to this decree. If the Defendants choose to revise that plan, then they shall notify the Court, submitting a proposed amended Appendix C.

3. Except for juvenile housing, at any time that the Contingency Plan is in effect for more than seven consecutive C shifts, the Commissioner shall begin making a daily report to the Court explaining what unusual population fluctuations have occurred and what special steps are being taken to reduce the population until the Contingency Plan ends.

C. Population Reports

The Defendants shall provide this Court and the Plaintiffs with a monthly report (or reports) reflecting (a) the number of inmates housed in each section on the date of the report, (b) the number of inmates housed outside BCDC, (c) the number of new commitments and releases during the preceding month, (d) the number and percentage of inmates in each offense category, and (e) the number of inmates in each court status by length of time in status.

D. Classification

1. Intake Interview

a. A classification intake interview of each inmate shall be carried out by qualified, trained and properly supervised interviewers within forty-eight (48) hours of the inmate's admission.

b. The goals of the intake interview process are: (1) to provide the basis for classifying and housing inmates appropriately, (2) to allow for the detection, diagnosis, and treatment of inmates having special needs, and (3) to provide Defendants with useful statistical information concerning the inmate population.

c. At a minimum, the classification system shall include separation and protective custody, where appropriate, of the following: (1) homosexuals, (2) sexually vulnerable inmates, (3) youthful inmates, (4) inmates vulnerable to assault, (5) inmates incarcerated for the first time, (6) inmates held for trial on minor charges such as traffic

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violations, (7) mentally ill inmates, and (8) medically ill or defective inmates.

d. Appropriate mental health treatment shall be afforded to each inmate who suffers from mental illness.

2. Housing Assignments

a. Generally - Housing assignments shall be made with a view toward minimizing assaults and suicides. Each housing section shall be limited to inmates who have been properly classified to such section unless bed-space needs dictate otherwise. Such classification standards shall be articulated in the Division of Pre-Trial Detention and Services Classification Directives.

b. Juveniles - Juvenile residential sections shall only house inmates up to eighteen (18) years of age. No juveniles shall be housed with adult prisoners. Every reasonable effort shall be made to keep juveniles separate from adult prisoners in all activities, except that juvenile and adult inmates may participate together in self-help programs, if their placement is voluntary and is approved by the Warden or designee.

c. High Risk Inmates - High risk inmates shall not be housed in a cell or in a dormitory area and with any other inmate or inmates, unless the Warden or designee approves such assignment.

d. Protective Custody - Inmates who the Warden or designee reasonably believes likely to be attacked, physically or sexually, shall be protected to the fullest extent reasonably possible. If such inmates are separated for their own

protection, the conditions of their confinement and their privileges shall be as similar as reasonably possible to those of inmates in the general population.

e. Mentally Ill Patients - Inmates who demonstrate serious mental disorders shall not be housed in a cell or a dormitory with any other inmate or inmates unless authorized in writing by a psychiatrist or psychologist.

f. Suicide Risks - Inmates who are identified as potential suicide risks shall be (1) transferred to a hospital for the mentally ill or (2) confined for observation in the Detention Center hospital or on a medical section or other specially designated section. They shall not be released to the general population until a psychiatrist or psychologist reasonably believes the inmate is no longer a suicide risk.

E. Double Celling

1. Inmates may be double-celled (a) in Receiving, and (b) when a housing unit is closed for repairs, as provided for below Para. III. H. 2. this Decree.

2. There shall be no other double-celling except that inmates may be double-celled on K and N sections until ninety (90) days after the opening of the new centralized booking facility which is expected to take place in 1995.

3. Inmates who are double-celled shall be permitted out of cell time a minimum of eight (8) hours daily except when the Shift Commander has ordered a section lockdown because of a disturbance or for other cause or when the inmate is being disciplined under Paragraph VIII. of this Decree.

F. Sanitation

1. The Detention Center shall meet the standards of the appropriate state codes relating to health, sanitation, and safety with regular inspections conducted as required by State law and regulation. Every effort shall be made at all times to provide appropriate hygiene and reasonable cleanliness in all areas of the Detention Center.

2. Hot and cold water, soap or cleaning substitutes, and appropriate facilities, shall be made available to inmates to keep themselves, their clothing, and their living space clean.

G. Fire Safety

1. Mattresses

Polyurethane mattresses are prohibited. Mattresses shall be made of material which does not produce toxic fumes or gasses upon ignition.

2. Fire Safety Compliance

a. The Detention Center shall comply with the State Fire Code, and with the fire retardant and fire safety provisions of the appropriate state codes.

b. A Fire safety inspection shall be conducted of the entire Detention Center at least once each year.

H. Maintenance

1. A preventive maintenance program shall be conducted on a regular basis in all areas of the Detention Center, including reasonable efforts to ensure that the following are kept in good condition and working order at all times: (1)

plumbing, including sinks, toilets and showers; (2) painted surfaces; (3) lighting fixtures; (4) windows, fans and other means used to increase ventilation; and (5) the heating and hot water systems.

2. When the maintenance of a cell section or a dormitory requires the temporary removal of inmates, the inmates assigned to the areas may be involuntarily double celled with other inmates in the general population or may be double bunked with other inmates on P and Q Sections, provided that the temporary assignments shall not exceed one week, absent an emergency and that special project credits are awarded to all inmates of housing sections which are over capacity.

I. Required Facilities and Provisions

1. All inmates at the Detention Center are entitled to appropriate and adequate lighting, ventilation, water supply, bedding, clothing, toilet facilities and general hygiene. The Detention Center shall exercise all reasonable efforts to:

a. Comply with the applicable State standards for light, heat and ventilation.

b. Provide inmates with sanitary toilet facilities, drinking water and showers, sinks and other facilities for cleaning themselves, their living space and their clothing, and an adequate supply of clean running water of proper temperatures for these purposes.

c. Supply to each inmate, without charge, soap and other appropriate cleaning supplies, toilet paper, a towel, an adequate clean and sanitary mattress, a sheet, and one or more blankets, as reasonably required because of illness or room temperature.

d. Upon arrival at the Detention Center, any inmate designated as an indigent inmate, shall be provided upon request and without charge, a kit containing the following hygienic items and materials for correspondence: toothpaste, toothbrush, a maximum of six (6) sheets of paper, a maximum of (5) stamped first class mail envelopes, and one (1) pencil. In addition, each indigent inmate shall be provided upon request and demonstrated need with appropriate clothing and shaving supplies. All indigent inmates shall be entitled, once every two weeks, to receive any needed replacements of toothpaste, paper, and a maximum of five (5) first class mail stamped envelopes upon request.

e. Each inmate who is not indigent shall be permitted to purchase a toothbrush, toothpaste, shaving supplies and other hygienic and health necessities, unless a doctor orders otherwise for medical reasons.

2. Any inmate who intentionally destroys or misuses any of the items mentioned in subparagraphs c. and d., above, will not be entitled to an immediate replacement. The Detention Center may establish reasonable rules with regard to the possession of shaving and all other items.

IV. INMATE SERVICES

A. Food Service

1. Nutrition - Each inmate shall have the opportunity to have three (3) appropriate meals daily, served in a palatable manner. The diet shall consist of food of adequate nutritional value. A state licensed dietitian (Health Occupations 4.5-301, Annotated Code of Maryland) shall review and approve the Detention Center's menus.

2. Feed Up - Except for inmates who are determined by a physician to be medically unable to eat in the designated eating area and inmates in special confinement areas (i.e., segregation unit, hospital and mental health unit, or bullpens), meals shall not be served in their cells or sleeping areas of dormitories. As is customary, the food will be served, warm, hot, or cold, as appropriate. Food temperatures shall meet minimal health standards. Time shall be allowed for each inmate to consume each of his or her meals.

3. Sanitation - Sanitation in the kitchen, food service and designated eating areas shall be inspected in accordance with and shall comply with all of the applicable State health codes and with the Standards for Health Services, referred to in Paragraph IV. B., below.

4. Special Diets - Every inmate who is determined by medical personnel to require a special diet shall be provided with such a diet.

B. Health Care Services

1. Health care services, staffing and facilities at the Detention Center shall, at a minimum, comply in all respects with the current standards for health care services and health care facilities in jails and with the evaluations and recommendations of the National Commission on Correctional Health Care (NCCHC). A review the health care delivery system in the Detention Center shall be done by NCCHC on a regular basis. A copy of the current standards shall be available to the inmates in the Detention Center library.

2. A triage team will visit each housing area each day, Monday thru Friday.

C. Counselors

Counselors (at least one of whom shall be assigned to the Women's Detention Center (WDC)) shall, in part, be responsible for providing the following services:

1. Addictions counselling for those inmates with alcohol, drug or other substance abuse problems;

2. Counseling, in conjunction with the part-time psychiatrist and full-time psychologist, for those inmates who are mentally and emotionally disturbed;

3. Engaging in other social work programs and activities, including aiding prisoners in dealing with family problems, such as child care, arranging for public assistance, etc.

D. Library and Publications

1. An inmate may possess and receive any book, magazine, newspaper, or other literary publication, subject to limitations set forth below, and subject to the right of any Detention Center official to inspect physically each such item for physical contraband and, if necessary, to detach any hard cover which could be used to house physical contraband and/or to constitute a danger to any other inmate or member of the Detention Center staff.

2. No publication or any portion thereof may be taken or kept from an inmate because of its content unless the Commissioner or designee determines that such content presents a clear and present danger to the security of the Detention Center and notifies the inmate of the withholding in writing.

3. Every inmate, except those confined to the hospital, on segregation or in protective custody, shall be allowed to visit the Detention Center's library for at least one hour weekly. Except for those on punitive segregation, all inmates not permitted library visits shall have a library cart brought to their housing unit each week or shall, upon request, be provided with legal assistance.

4. Inmates on punitive segregation shall be visited by a representative from the library at least once per week to obtain law library requests.

E. Recreation - Every inmate shall receive at least one hour of recreation per day in the gymnasium or (weather permitting) in the yard, except for the inmates housed (1) in

Receiving for less than 72 hours, (2) in the Work Release facilities, (3) in the segregation units, and (4) in the hospital.

F. Religious Services - No inmate shall be denied the right to participate in the practices and services of the religion of his or her choice, unless such denial is required by the security of the Detention Center.

G. Non-Discrimination - No inmate shall be denied any inmate services nor be discriminated against in receiving such services, because of race, sex, national origin, or religion.

V. COMMUNICATIONS

A. Visits

1. Family and Friends

Each inmate is entitled to receive at least (1) one hour of visitation per week with a friend or family member. The Warden or designee may exclude a particular visitor for security reasons.

2. Religious Visits

Visits by ministers, priests, rabbis, or other spiritual advisers shall be permitted, at the request of an inmate on a private basis to the fullest extent reasonably possible.

B. Mail

1. Correspondence - Any inmate may correspond with whom he or she pleases and there shall be no limit on the amount of mail an inmate may receive or may send at his or her own expense.

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2. Censorship of Mail

a. All outgoing mail may be sealed in an envelope by the inmate and such envelope shall be mailed without opening or any attempt to read or inspect its contents, except as provided in subparagraph c., below.

b. All incoming mail may be opened by a Mail Censor to inspect for physical contraband, cash, and checks, but may not be read, except as provided in subparagraph c., below. If the incoming mail shows on its envelope that it is from an attorney, it may be opened for inspection only in the presence of the inmate.

c. In cases in which reading or inspecting mail are not authorized by subparagraphs a. and b., above, the inspection or reading by a Mail Censor may be authorized by the Commissioner or designee, if he or she concludes after appropriate investigation that there is reasonable suspicion to believe that the contents of an envelope must be inspected or read to prevent the violation of a law or regulation.

C. Telephones

1. Upon arrival at the Detention Center each inmate shall be allowed to make a reasonable number of calls as needed to arrange for legal representation, bail, and to notify the inmate's family.

2. After intake processing, each inmate shall be allowed to make a reasonable number of telephone calls.

3. Each indigent inmate shall be allowed, through a counselor or appropriate staff, to make at least one free local telephone call per week.

4. Subject to a counselor's determination, an inmate who is undergoing a crisis situation (such as, a family death, eviction, etc.) shall be allowed to make a reasonable number of free local telephone calls to deal properly with the situation.

VI. ACCESS TO COURTS

A. Commitment Records

1. All inmates, upon request, shall be provided with available information concerning the basis for their commitment to the Detention Center, including the charges and detainers outstanding against them, and the dates of any scheduled court appearances known to the Detention Center personnel.

2. The Detention Center shall develop and implement policies and procedures to ensure to the fullest extent reasonably possible that inmates are not held without a valid commitment.

B. Trial Preparation

1. The Detention Center shall provide the inmates with appropriate facilities and adequate opportunities for confidential interviews with their defense counsel (or counsel-substitute).

2. No inmate shall be denied reasonable access to available legal materials.

VII. GRIEVANCES

A. Complaints of Individual Inmates

Procedures for processing grievances shall be established in the Division of Pre-Trial Detention and Services Directives and shall be published in the Inmate Handbook.

B. General Complaints

The Inmate Council may request that the Commissioner or designee intervene to resolve a grievance of general application or a dispute with respect to the interpretation of or the manner of implementing provisions of this Decree.

VIII. DISCIPLINE

A. Written Rules and Written Charges

1. No inmate may be punished for his or her behavior in the Detention Center unless charged, in writing, with violating the criminal law or a posted Detention Center Rule. The current Rules shall be published in the Inmate Resident Handbook.

2. The Detention Center Rules may proscribe, and an inmate may be charged with, engaging in conduct which constitutes a danger to the security of the Detention Center, including urging others to engage in such conduct.

3. There shall be no Detention Center Rule against, and an inmate shall not be charged with nor punished because of, (a) his or her present or pre-commitment religious or political views, ideas or philosophies, (b) his or her complaints or criticisms, verbally or in writing, about Detention Center conditions, administration, or any other circumstances of

Detention Center life, or (c) his or her having filed a grievance or having pursued any litigation in any court or otherwise having sought assistance from any public agency or because of assisting or counseling other inmates in those regards, unless an inmate shall attempt to utilize such right so as to create a clear and present danger to the security of the Detention Center.

4. Written notice of charges shall be given at least twenty-four (24) hours before a hearing is held, unless such time period or hearing is waived by the inmate involved. The notice shall identify the law or Detention Center Rule allegedly violated, describe the alleged act(s) of misconduct, name complaining witnesses to the fullest extent possible consistent with the security of the Detention Center, and state whether the infraction is major or minor.

B. Authorized Punishments

An inmate found guilty of violating the criminal law or the Detention Center Rules may be punished by the Detention Center administration only as follows: (1) confined to his or her cell or dormitory, (2) placed on a disciplinary lock-up section, (3) barred or restricted from an activity, such as recreation, commissary, movies, non-law library, non-attorney visits; non-attorney telephone calls, dayroom use, and special events, (4) forfeit good time credits and/or (5) required to pay restitution for stolen, damaged or destroyed property. Reprimands, warnings and counselling are also appropriate dispositions of disciplinary charges.

C. When Hearing Required

1. Except as provided in the next paragraph (C.2., below), a hearing shall be held before an inmate is punished for an alleged infraction of the criminal law or the Detention Center Rules.

2. An inmate may be confined after being charged and before a hearing is held, provided: (a) the inmate's conduct poses a serious, immediate and substantial threat to the safety of others or to the security of the Detention Center and (b) the Shift Commander has conducted an investigation and has determined that there is probable cause to believe that the inmate violated a criminal law or Detention Center Rule and that confinement would be an appropriate punishment. In all such cases, the inmate shall be entitled to a copy of the disciplinary charges and to a hearing within 96 hours, unless extended by a Hearing Officer for good cause.

D. Type of Hearing Required

1. Informal Disposition: For any category III or category IV rule violation, as defined in Pretrial Detention and Services Directive 105-1, the Shift Commander or other staff as directed by the Commissioner, may offer the inmate an informal disposition of the infraction. The following informal dispositions may be offered to the inmate: (1) a temporary restriction to the inmate's housing area to preclude participation in leisure time activities such as recreation or organized activities, for a period not to exceed 24 hours, or; (2) a temporary work assignment of not longer than 2 days, or;

(3) any other informal disciplinary action that is approved by the Warden; however, the Warden may not approve any of the following informal disciplinary measures: (a) loss of dimunition credits; (b) confinement for longer than 4 days, or (c) loss of any privileges for more than 4 days.

2. The inmate may, at the time it is offered, exercise the right to reject any offer of informal disposition and elect an adjustment hearing.

3. Formal Disposition: Formal hearings shall be held whenever an inmate is charged with a Category I or Category II institutional rule violation and whenever either the Shift Commander or designee or the inmate reject an offer for informal disposition of a Category III or Category IV charge.

4. A formal hearing shall be conducted by a Division of Correction Hearing Officer in accord with the Division of Correction regulations.

IX. MONITORING COMPLIANCE

A. Director of Court Compliance

The Commissioner shall designate a Director of Court Compliance who shall monitor the implementation of this Decree and ensure that reference of the Decree is contained in the Resident Handbook and that copies of the Decree are available to inmates.

B. Inmate Council

The Inmate Council shall also monitor compliance with the provisions of this Decree and are encouraged to bring problems to the attention of the Director of Court Compliance.

X. CONSENT OF THE PARTIES

The parties have moved this Court to sign and enter this 1993 Revised Consolidated Decree, to which they consent both as to its form and substance. The Court, in so doing, is satisfied that the provisions of this Decree satisfy the requirements of the Constitution of the United States and are appropriate, in view of the present age and present structure of the Detention Center. However, this Court is specifically not ruling that each of the provisions of this Decree is per se required by the Constitution of the United States. Thus, while many of the provisions of this Decree are identical with, or modify provisions included in previous decrees appropriately entered by this Court in the Collins and Duvall cases, it is noted that the Plaintiffs may not be entitled, as a matter of law, to obtain the precise relief embodied in each of the Decree's provisions.

Furthermore, it should be noted that, while the Defendants have agreed to the entry of this Decree, they do not admit to violating any constitutional or other rule, standard, or law.

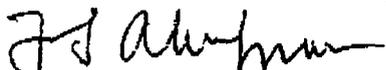
All of parties have agreed that this 1993 Decree sets forth a code of conduct which they desire to apply prospectively in connection with the operation of the Detention Center, subject to further Order of this Court. No party waives any right in the future to petition to vacate or modify this Decree at any time. Further, the parties herein stipulate for purposes of this 1993 Decree that on one side the State preserves the right to use the assumption by the State of the administration of the Baltimore

City Detention Center from the City of Baltimore on July 1, 1991, to establish a significant change in factual conditions and in State law, and that on the other side the Plaintiffs preserve the right to seek a reduction in the rates for local telephone calls including preserving their right to assert that the changes in telephone services already implemented by the Baltimore City Detention Center are not justified by the changed circumstances. Both parties thus make these preservations as if the 1993 revisions had not been entered. Both sides wish to preserve these antecedents should either party file motions for modifications in the future.

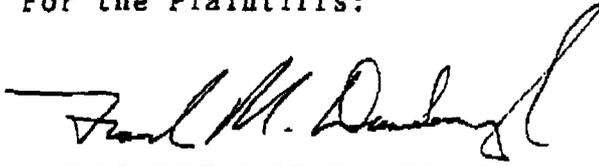
The entry of this Decree settles all outstanding requests on behalf of the plaintiff class for equitable relief. Any claims for damages based on alleged past violations of this Court's orders in this litigation shall not be barred by the entry of this Decree, but must be presented to the Court by the allegedly injured individual members of the plaintiff class in separate civil actions, subject to all appropriate defenses.

The parties, through their undersigned counsel, hereby stipulate to the entry of the foregoing "1993 REVISED CONSOLIDATED DECREE".

So ORDERED, this 9th day of July, 1993, at Baltimore, Maryland.


FRANK A. KAUFMAN
United States District Judge

For the Plaintiffs:



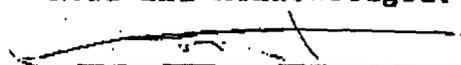
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Read and Acknowledged:



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Division of Pre-Trial Detention
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401 East Eager Street
Baltimore, Maryland 21202

A/CLA/DECREE-1