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FILED

NOV 2 1993

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

Attorneys for Defendants  
COUNTY OF FRESNO, SHERIFF STEVE MAGARIAN

LODGED

OCT 21 1993

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

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN B. CRUZ, et al.,

Plaintiffs,

v.

COUNTY OF FRESNO, et al.,

Defendants.

No. F-93-5070 JFM [P]

STIPULATION RE PERMANENT  
INJUNCTION; ORDER

The parties hereby agree and stipulate to the following  
Permanent Injunction:

Defendants shall limit and control the population level  
within the Fresno County Main Jail as follows:

1. Defendants are enjoined from bedding inmates on the  
floor in the Main Jail.
2. Defendants shall operate the Main Jail under the Pilot  
Project approved by the California Board of Corrections with

1 sixteen "general population" housing pods which are triple  
2 bunked [768 beds] and operated as dormitories; eight "special  
3 handling" pods which are double bunked [256 beds] with special  
4 handling inmates having controlled dayroom access; and forty  
5 "administrative segregation" cells which will be operated for  
6 single occupancy housing [40 beds].

7 3. Defendants shall implement the transition to the  
8 housing configurations set forth in paragraph 2 under the time  
9 phased "Pilot Project Staffing and Capital Project Transition  
10 Plan" set forth in Exhibit A which is incorporated by reference  
11 into this Stipulation. Specifically, this Transition Plan  
12 establishes the timing of the addition of staff [seven  
13 Correctional Sergeants, seventeen Correctional Officers, and one  
14 Office Assistant]; the addition of one shower in each general  
15 population housing pod; the addition of isometric exercise  
16 equipment, etc.

17 4. Defendants shall implement their plan to reduce the  
18 noise levels in the Main Jail by providing acoustical treatment  
19 for the ceilings of the Main Jail as set forth in the Transition  
20 Plan.

21 5. Plaintiffs' counsel Paul Comiskey shall be provided  
22 reasonable access to the Main Jail during the Pilot Project  
23 period to monitor the transition as described above. Defendants  
24 shall provide Paul Comiskey with copies of those reports  
25 required by the Board of Corrections during the pilot period.  
26

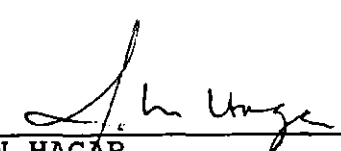
1 Should for any reason the Board of Corrections disapprove the  
2 Pilot Project, or recommend modifications of the operation of  
3 the Main Jail during the pilot period, defendants shall notify  
4 plaintiffs' counsel in writing within ten [10] days of receiving  
5 such notification from the Board of Corrections. In the event  
6 of disapproval or modification of the Pilot Project during the  
7 pilot period, either party may seek to change the terms of this  
8 injunction pursuant to the standards set forth in Rufo v.  
9 Inmates of Suffolk County Jail, \_\_\_ U.S. \_\_\_, 112 S.Ct. 748  
10 (1992).

11 6. In the event that an emergency threatens the Sheriff's  
12 ability to comply with these orders, counsel for defendants will  
13 notify counsel for plaintiffs no later than the next business  
14 day.

15 7. At this time the parties reserve for trial the issues  
16 of adequacy of exercise and law library access.

17  
18 **IT IS SO STIPULATED:**

19  
20 DATED: September 17, 1993

  
\_\_\_\_\_  
JOHN HAGAR  
Attorney for Defendants

21  
22 DATED: Oct. 15  
~~September~~ \_\_\_, 1993

  
\_\_\_\_\_  
J. WESLEY MERRITT  
Attorney for Defendants

23  
24 DATED: Oct. 12  
~~September~~ \_\_\_, 1993

  
\_\_\_\_\_  
PAUL COMISKEY

Attorney for Plaintiffs

ORDER

IT IS SO ORDERED.

DATED: October 29, 1993


  
HONORABLE JOHN F. MOULDS  
Chief United States  
Magistrate Judge  
Eastern District of California

EXHIBIT A.

DATE: September 15, 1993

TO: Captain T. Gattie

FROM: Lt. D. Papagni

SUBJECT: Pilot Project Staffing and Capital Project Transition Plan  
(Revised 9-14-93)

**CAPITAL PROJECT**

It will be necessary to vacate an entire housing floor of the Main Jail to install new showers in each pod and apply the acoustic material to the ceiling. This will require the relocation of 250 inmates for approximately six months.

This can be accomplished by moving the female inmates from the 6th floor of the Main Jail to the 3rd floor of the South Annex Jail. The showers and acoustics would be installed simultaneously on the 6th floor. When complete inmates from the 5th floor would be relocated to the 6th and so forth until the project was complete.

Relocation of an entire floor is felt to be the best alternative for three reasons;

1. Construction could be accomplished without security concerns of a partially occupied housing area.
2. Construction would be quicker and more efficient.
3. This plan would not require any additional staff, or the release of inmates.

The Main Jail project cannot begin until the asbestos removal is complete on the 3rd floor of the South Annex Jail. Estimates are the asbestos removal will not begin until October of this year and fully completed until January of 94. I suggest that the project be done in phases (3rd floor phase I and the 4th floor phase II). This will allow for earlier occupation of the 3rd floor.

## STAFFING/RENOVATION TRANSITION PLAN

The pilot project requires the addition of 17 Correctional Officers 7 Correctional Sergeants and 1 Office Assistant.

The following represents the phased plan by which the Jail Division would commit to perform the functions and assign adequate staffing. Vacancies will be filled via the normal hiring and promotion process. Until which time the newly created vacancies are filled, vacant positions and staff shortages will be covered by current staff and on overtime.

**\*August 30, 1993;** Board of Corrections to conduct full inspection of the following facilities;

1. Main Jail
2. South Annex
3. North Annex
4. Satellite Jail
5. Branch Jail

Confiirm data collection format with BOC.

Begin data collection.

**\*October/3, 1993;** Board of Supervisors, modify 3410 salary resolution to include the following;

### Population Management Team

One (1) Correctional Sergeant

Four (4) Correctional Officers

One (1) Office Assistant

The Sheriff's Jail Division shall fill all Population Management Team Positions

### Supervision

Seven (7) Correctional Officers Watch I

Six (6) Correctional Sergeants

Asbestos removal 3rd Floor South Annex Jail Complete

Vacate 6th Floor Main Jail/ transfer inmates to 3rd Floor South Annex

Begin Phase "A" renovations; installation of showers and acoustics on 6th Floor Main Jail

**\* November 16, 1993;** Board of Supervisors, modify 3410 salary resolution to include the following:

**Meal Break Relief**

Three (3) Correctional Officers Watch I

Three (3) Correctional Officers Watch III

**\*December 1, 1993**

Phase "A" renovation of 6th Floor Main Jail complete

Relocate inmates from 5th Floor Main Jail to 6th Floor Main Jail

Phase "A" Pilot Project begins on 6th Floor Main Jail (cap. 266 inmates)

Fill additional fixed post on 6th Floor Main Jail Watch I

(2) Correctional Officers

Fill additional fixed post meal relief officers on Watch I and Watch III

(6) Correctional Officers

Fill additional Supervisory positions on Watch I

(2) Correctional Sergeants

Begin Phase "B" renovations; installation of showers and acoustics on 5th Floor Main Jail

**\*January 15, 1993**

Board of Corrections to conduct an on site facilities inspections and monitor Pilot Project Progress.

**\*February 1, 1994**

Phase "B" renovation of 5th Floor Main Jail complete

Relocate inmates from 4th Floor Main Jail to 5th Floor Main Jail

Phase "B" Pilot Project begins on 5th Floor Main Jail (cap. 266 inmates)

Fill additional fixed post on 5th Floor Main Jail Watch I

(2) Correctional Officers

Fill additional Supervisory positions on Watch II

(2) Correctional Sergeants

Begin Phase "C" renovations; installation of showers and acoustics on 4th Floor Main Jail



### **\*April 1, 1994**

Phase "C" renovation of 4th Floor Main Jail complete

Relocate inmates from 3rd Floor Main Jail to 4th Floor Main Jail

Phase "C" Pilot Project begins on 4th Floor Main Jail (cap. 266 inmates)

Fill additional fixed post on 4th Floor Main Jail Watch I

(2) Correctional Officers

Fill additional Supervisory positions on Watch III

(2) Correctional Sergeants

Begin Phase "D" renovations; installation of showers and acoustics on 3rd Floor Main Jail

Board of Corrections to conduct an on site facilities inspections and monitor Pilot Project Progress.

### **\*June 1, 1994**

Phase "D" renovation of 3rd Floor Main Jail complete

Relocate inmates from 3rd Floor South Annex to 6th Floor Main Jail

Phase "D" Pilot Project begins on 3rd Floor Main Jail (cap. 266 inmates)

Fill additional fixed post on 3rd Floor Main Jail Watch I

(1) Correctional Officer

Pilot Project in full effect, facility capacity 1064, begin monitoring and reporting to BOC

### **\*June 15, 1994**

Board of Corrections to conduct an on site facilities inspections and monitor Pilot Project Progress.

### **\*July 1, 1994**

NIC (National Institute of Corrections) to be contacted to begin the applications process for Main Jail Staffing Study.

Present status report to Board of Corrections on progress of the pilot project.