

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT HADIX, et. al.,

Plaintiffs,

v.

PATRICIA CARUSO, et al.,

Defendants.

No. 4:92-cv-110

Honorable Robert J. Jonker

**STIPULATION TO TERMINATE PROSPECTIVE
RELIEF REGARDING HEAT ABATEMENT**

The parties, through counsel, stipulate to the following to resolve the heat and temperature issue in this litigation:

RGC's Cool Dome Operations

1. RGC – Charles E. Egeler Reception and Guidance Center (RGC) Operating Procedure entitled “Cool Dome Operations”, OP-RGC-03.04.100-A, (Stipulation Attachment 1) has been modified effective May 9, 2012 to have language consistent with the modified form and rules used in the RGC Cool Dome operation. The form and rules are attachments to OP-RGC-03.04.100-A and are included with this Stipulation as Stipulation Attachment 1-a (Notification of Heat Alert Conditions - Prisoner Choice) and 1-b (Cool Dome Prisoner Rules).

2. The Defendants have modified the form used to record a High Risk of Heat Related Illness (HRHRI) prisoner's choice to go to the Cool Dome or stay in the cell block during a heat alert, so that the form is entitled “RGC Prisoner Notification of Heat Alert Conditions, Prisoner Choice” (instead of “RGC Prisoner Notification of Conditions, Prisoner Waiver”).

3. The Defendants have added the phrase “including inhalers” to the list of items that may be taken to the Cool Dome by a HRHRI prisoner choosing to go to the Cool Dome during a heat alert. The Cool Dome prisoner rules have also been modified to ensure that if a prisoner’s disabilities prevent him carrying his prescribed medications or personal hygiene items to the Cool Dome, those items will be transported for him to the Cool Dome.

4. The Defendants have confirmed, by memorandum dated May 10, 2012 (Attachment 2), that RGC HRHRI prisoners who choose to go to the Cool Dome during a heat alert shall not be terminated from any assignment they may have or receive any assignment demotion or other assignment sanction.

5. The term of this Stipulation shall be two years from the date it is entered by the Court.

6. During the period of time the agreement is in effect, the Plaintiffs may continue to monitor the Defendants’ compliance with order(s) relating to heat and temperature. However, the Defendants shall not be responsible for Plaintiffs’ attorney fees and Plaintiffs’ costs, including Plaintiffs’ expert costs and fees, related to Plaintiffs’ monitoring of Defendants’ compliance with order(s) relating to heat and temperature.

7. During the term of this Stipulation, the MDOC shall maintain the Cool Dome as a continuous place of refuge during heat alerts, defined as the time during which one or more galleries in one or more cell blocks of RGC register a Heat Index (HI) of 90 or higher, and shall otherwise comply with the terms of this Stipulation.

8. The parties agree that this Court's June 5, 2007 Opinion (Dkt. No. 2466) and Order (Dkt. No. 2467) shall be terminated and of no further prospective effect as of the expiration of this Stipulation.

AGREED TO AS TO FORM AND CONTENT:

/s/ Patricia A. Streeter, with consent

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/s/ Elizabeth Alexander, with consent

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/s/ A. Peter Govorchin

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Corrections Division
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(517) 335-7021

/s/ Daniel S. Korobkin, with consent

Daniel S. Korobkin (P72842)
American Civil Liberties Union of Michigan
Co-Counsel for Plaintiffs
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Detroit, Michigan 48201
(313) 578-6824

Dated: June 22, 2012

IT IS SO ORDERED.

Dated: _____

Honorable Robert J. Jonker
United State District Court Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

EVERETT HADIX, et. al.,

Plaintiffs,

No. 4:92-cv-110

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HONORABLE ROBERT J JONKER

PERRY M. JOHNSON, et. al.,

Defendants.

Attachment 1

RGC Operating Procedure 03-04-100-A

MICHIGAN DEPARTMENT OF CORRECTIONS RGC - Charles E. Egeler Reception and Guidance Center OPERATING PROCEDURE	EFFECTIVE DATE 05/09/2012	NUMBER 03.04.100-A
	SUPERSEDES OP-RGC-03.04.100-A (03/16/2009)	
SUBJECT COOL DOME OPERATIONS	AUTHORITY OP-CFA-03.04.100-E (05/21/01)	
PAGE 1 OF 5		

OBJECTIVE:

To establish a procedure of prisoner placement in the Cool Dome.

AUDITING:

The Warden has responsibility for ensuring this procedure is complete and accurate. This responsibility includes: 1) ensuring the procedure complies with all applicable Department administrative rules, policies, DOMs and procedures; 2) reviewing the procedure at the time of annual review; 3) submitting draft revisions when the procedure needs updating; and, 4) auditing staff compliance.

FORMS:

Notification of Heat Alert Conditions - Prisoner Choice – Attachment A
Order – Everett Hadix, et al. v. Patricia Caruso, et al. Case No. 4:92-CV-110
Cool Dome Prisoner Rules – Attachment B

INFORMATION:

Prisoners who are designated as High Risk for Heat Related Illness (HRHRI) will be afforded the opportunity to move to the Cool Dome during periods of a declared heat alert.

Prisoners in the Special Management Housing Unit (SMHU) for medical reasons and who are on the HRHRI list will be escorted to Duane Waters Health Center (DWHC).

Showers will be provided to prisoners in the Cool Dome after evening meals.

When the Cool Dome is occupied, prisoners will be released to Food Service as a unit.

Cool Dome staff will ensure intake processing takes place without interruption.

A medical kit box will be provided. Medical professional, nursing call-outs and medication lines will be conducted as normal.

Each housing unit will monitor heat index readings during regular rounds (at least hourly). The Heat Index reading (example: Heat Index 80) will be recorded in the respective logbook at the same time the round is noted.

The portable Heat Index Monitor shall remain set to alert staff whenever the Heat Index reaches 90 degrees. Whenever staff notes a Heat Index of 90 degrees or higher, the control center shift commander will be contacted. The reporting unit staff member should note in the logbook the time of notification and who was contacted.

When not in use, the portable Heat Index Monitor will be secured in the officer's station cutter box.

Housing unit staff shall account for the Heat Index Monitor and its working condition at the beginning of each shift in the same manner as keys, radio and cutter knives.

PROCEDURE:

DOCUMENT TYPE RGC - Charles E. Egeler Reception and Guidance Center Operating Procedure	EFFECTIVE DATE 05/09/2012	NUMBER 03.04.100-A	PAGE 2 OF 5
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WHODOES WHATControl Center
Staff

1. Monitors the National Weather Service and declares a heat alert when the Heat Index (combination of temperature and humidity) is 90 or above.

Housing Unit
Staff

2. Monitors the Heat Index temperature recording devices in the housing units and notifies the Control Center when the Heat Index reaches or exceeds 90 degrees in the unit.

Shift Command

3. Notifies Warden and Health Care staff when a heat alert is issued in the block.
4. Notifies each housing unit of heat alert and directs housing unit staff to contact all prisoners who have been designated HRHRI.
5. Instructs designated staff to report to the Cool Dome to prepare for prisoner arrivals.

Housing Unit
Staff

6. Advises prisoners on the HRHRI that a Heat Alert has been declared.
7. Instructs the prisoner(s) that he may proceed to the Cool Dome and remain there during the Heat Alert period and presents prisoner with *Notification of Heat Alert Conditions - Prisoner Choice* form.

Prisoner

8. Accepts/rejects Cool Dome placement and signs *Notification of Heat Alert Conditions - Prisoner Choice* form.

Housing Unit
Staff

9. Signs *Notification of Heat Alert Conditions - Prisoner Choice* form as witness and provides prisoner with a copy of the Opinion and Order, Everett Hadix, et al. v. Patricia Caruso, et al., Case No. 4:92-CV-110.

Prisoner

10. Exits cell and proceeds to Cool Dome, taking authorized property items only.

Housing Unit
Staff

11. Secures prisoner's housing unit cell (toplock or padlock) and personal property. Padlock will be provided for locker if the toplock mechanism malfunctions if prisoner does not have a padlock.

or

Prisoner

12. Declines Cool Dome placement and signs *Notification of Heat Alert Conditions - Prisoner Choice* form.

Housing Unit
Staff

13. Signs declined *Notification of Heat Alert Conditions - Prisoner Choice* form as witness and provides prisoner with a copy of the Opinion and Order, Everett Hadix, et al. v. Patricia Caruso, et al. Case No. 4:92-CV-110.

14. Forwards all completed *Notification of Heat Alert Conditions - Prisoner Choice* forms to the Housing/Intake Deputy Warden's Secretary.

15. Contacts Cool Dome staff with the number of prisoners being sent and logs

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information.

Housing/Intake Deputy
Warden's Secretary 16. Retains a copy of each *Notification of Heat Alert Conditions - Prisoner Choice* form and forwards the originals to the Region III Litigation Unit, 4000 Cooper St., Jackson, MI 49201.

Cool Dome Staff 17. Assigns bed, lockable Gortex box and issues Cool Dome rules.

NOTE: The lockable Gortex box and padlock are loaned to the prisoner for use only while in the cool Dome and secured at the bed which the prisoner has been assigned. Padlock combinations will not be provided to prisoners; padlocks will be returned to the officers prior to prisoners returning to their housing units.

18. Logs the prisoner name, number and housing unit.

SMHU PRISONERS/HEAT ALERT CONDITIONS

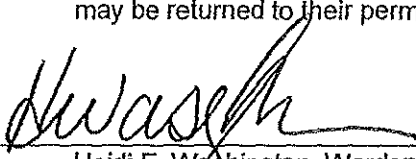
One Block Staff 19. Escorts HRHRI prisoner to DWHC.

Control Center
Staff 20. Continues to monitor National Weather Service reports.

Shift Command 21. Declares heat alert conditions are no longer in effect when the Heat Index drops below 85.

22. Advises all units that heat alert conditions are no longer in effect and prisoners may be returned to their permanent housing units.

APPROVED:


Heidi E. Washington, Warden

5-18-12
Date

PREPARED BY:

DW

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Attachment 1-A

**RGC Operating Procedure 03-04-100-A
Attachment A – Notification of Heat Alert Conditions**

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ATTACHMENT A

NOTIFICATION OF HEAT ALERT CONDITIONS -
PRISONER CHOICE

On _____ at _____ hours, HEAT ALERT conditions were declared for the Charles Egeler Reception and Guidance Center.

_____ After being advised by staff of my option of moving to the Cool Dome, I am accepting the option of moving during the Heat Alert Period.

_____ After being advised by staff of my option of moving to the Cool Dome, I am declining the option of moving during the Heat Alert Period and choose to remain in my current housing cell.

Prisoner (Print):

Name Number Lock

Prisoner Signature:

Date

Staff Witness:

Name Employee ID Date

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Attachment 1-B

**RGC Operating Procedure 03-04-100-A
Attachment B – Cool Dome Prisoner Rules**

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ATTACHMENT B**COOL DOME
PRISONER RULES**

The Cool Dome is a specialized unit equipped to hold prisoners during periods of Heat Alert conditions. Prisoners will remain assigned to the Cool Dome only while Heat Alert conditions are in effect.

ALL RGC Housing Unit Rules apply unless otherwise noted here.

Prisoners may take the following articles into the Cool Dome with them as long as they are able to carry them:

- ✓ Reading materials
- ✓ Necessary medications
- ✓ Daily hygiene items
- ✓ Legal/writing materials
- ✓ One Pair Underwear
- ✓ One Pair Socks
- ✓ Inhaler

- Prisoners must remain in their assigned area while in the Cool Dome unless otherwise authorized by staff.
- Prisoners must have authorization from staff to use the bathroom facilities.
- Prisoners may leave the Cool Dome for meals, yard and other activities as authorized.
- Prisoners shall remain on their assigned bunk during count times.

When Heat Alert is cancelled, prisoners shall report directly back to their assigned housing unit. All property must be taken back to the prisoner's cell.

No personal property shall be stored in the Cool Dome when the prisoner returns to his cell after the heat alert is cancelled.

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Attachment 2

May 10, 2012 Memo from Heidi Washington

MICHIGAN DEPARTMENT OF CORRECTIONS

"Expecting Excellence Every Day"

MEMORANDUM

DATE: May 10, 2012

TO: Curtis Beard, Classification Director

FROM: Heidi E. Washington, Warden
Charles E. Egeler Reception and Guidance Center

SUBJECT: HRHRI Prisoners

Please be reminded that eligible HRHRI prisoners who elect to utilize the Cool Dome during a heat alert shall not be terminated from any assignment they may have or receive any assignment demotion or other assignment sanction.

HW:cmj

cc: Deputy Warden Kim Cargor
Deputy Warden Dewayne Burton
File