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SEP 14 1994

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

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and SHERIFF ARTHUR R. BRANDWOOD

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMPSEY W. HALLER, et al.)
)
Plaintiffs,)
)
vs.)
)
THE COUNTY OF SUTTER, et al.)
)
_____)

No. CIV-S-93-1256 DFL JFM (P)
AMENDED
SETTLEMENT AGREEMENT

26

The parties hereby stipulate to settlement of the issues remaining in this case as follows:

A. Clothing Exchange: Defendants will provide Jail inmates with clothing upon intake, and periodic clothing exchanges pursuant to Title 15, section 1260, 1261, 1262, 1263, and 1264. All references to Title 15 in this agreement are to Title 15 as amended in 1994.

B. Recreation: Defendants will provide Jail inmates with outdoor recreation pursuant to Title 15, section 1065. Defendants will make best efforts to provide Main Jail inmates with outdoor recreation five times per week. In addition, defendants will provide, subject to security considerations, the following recreation equipment in the Jail's outdoor recreation yards [both male and female]: portable basketball hoops, volleyball nets and balls, handballs, and one Santa Clara County Hermo II exercise machine.¹

C. Food: Defendants will complete the Jail's kitchen remodel project by September 1, 1994. Thereafter, defendants will comply with Title 15 standards, specifically sections 1240, 1241, 1242, 1243, 1245, 1246, 1247, 1248, and 1249 concerning food preparation in the Jail.

D. Law Library: Defendants will participate in an experiment to provide CD-Rom law library materials to Jail inmates effective September 1, 1994. There will be a CD-Rom library for inmates in the Jail.

¹A Hermo II is also provided to inmates housed in the Jail Dormitory housing unit.

1. All inmates will be provided with access to the CD-Rom library and hardbound law library regardless of sentenced or presentenced status, regardless of whether the inmate is represented by counsel.

2. CD-Rom library and hardbound law library access will be subject to reasonable security, staffing and time restrictions. Inmates facing court deadline and inmates proceeding "in pro per" in local courts will be afforded priority access.

3. Inmates who request access to the CD-Rom or hardbound law library will be provided direct access without staff present and will be allowed to browse among the available CD disks and law books and to work on their legal cases within the law library.

4. The Jail CD-Rom West Publishing inventory is attached as Exhibit A. The Jail hardbound book law library is attached as Exhibit B.

5. Inmates working with the CD-Rom legal system will have access to a computer, CD drive, dot matrix printer and written instructions explaining how to access CD-Rom materials will be provided by plaintiffs' counsel.

6. The above-referenced experiment will continue for at least a period of twelve [12] months. Counsel for the parties will communicate at least every six months concerning the status of this experiment. At the conclusion of this period the parties shall meet and confer in good faith concerning the long term use of CD-Rom and hardbound law books.

E. Medical Care: Defendants will modify their delivery of medical services system to provide medical, mental health, and dental care to the plaintiff class as set forth below, the implementation of which service systems will be commenced immediately and will be completed on or about January 1, 1995.

1. Intake Screening: Jail medical intake screening shall be performed by a Sheriff's custody staff trained in screening procedures by County medical and mental health personnel. The intake screening form shall meet the criteria established by Title 15 of the California Code of Regulations and the California Medical Association. Jail medical staff shall review all intake screening forms as soon as possible, in most cases the same day as booking, but in no event later than the next shift when nursing staff is available.

2. Staffing: Jail medical staffing is the responsibility of the County's Human Services Department and shall consist of at least one registered nurse on site during either the day shift or the evening shift seven days per week, and either one registered nurse or one LVN on site during the other day shift or evening shift as appropriate, seven days per week. Supplementing this nursing coverage shall be on-site visits by a nurse practitioner or physician's assistant two days per week for a total of approximately four hours per week, and on-site visits by a physician twice per week for approximately five hours. Excluding weekends and county holidays, there will be an on-site visit by either a nurse practitioner, physician's assistant, or a physician not less frequently than every other day. Further

supplementing this coverage shall be on-site visits by a County mental health staff crisis counselor for approximately 18 hours per week, for no less than 3 separate visits each week. On-site visits for physicians and mental health workers will take place, whenever possible, on established days and hours. Clerical support will be provided the Jail nurses as appropriate.

3. Sick Call: There shall be a screening process concerning inmate medical problems and complaints conducted by the Jail nursing staff or a nurse practitioner or a physician's assistant. To access sick call, inmates shall utilize a Jail Sick Call Request form. The triage for sick call slips shall take place daily, formal sick call shall be available five days per week.

4. Pill Call: Medications shall be distributed to Jail inmates by County medical and/or Jail staff based upon protocols established and approved by the County Department of Human Services. All medications shall be distributed the appropriate number of times per day deemed medically necessary by County medical/mental health staff.

5. Inmate Medical Records: Inmate medical/mental health/dental records shall be maintained in a confidential manner and in a secure setting. The Jail's medical staff shall maintain records on site at the Jail which document inmate medical problems and which include the information and documents deemed necessary by established protocols based upon Title 15 Minimum Jail Standards.

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6. Access to Specialized Clinics: Inmates shall have access to specialized clinics and care as deemed appropriate by County medical, dental, and mental health providers.

7. Inmates With Acute Illnesses: Inmates with acute illnesses shall be transferred to alternative sites for care as deemed appropriate by County medical and/or mental health staff.

8. Detoxification: The Jail shall maintain written detoxification procedures which are utilized by both Sheriff's and County medical staff. These procedures shall comply with the standards set forth in the Title 15 "Minimum Standards" for Local Detention Facilities in the California Code of Regulations.

9. Communicable Diseases: The Jail shall maintain its plan to detect, control, and treat inmates with priority communicable diseases. The program to detect, control and treat inmates with communicable diseases will describe how the identification, treatment, control, and follow-up management of inmates with communicable diseases will occur. Priority communicable diseases will include TB, HIV/AIDs, STD's, Hepatitis A and B, Rubella, Measles and other diseases identified by Jail staff and the Sutter County Public Health Officer.

10. Standardized Practices: The Jail's medical personnel shall follow established written treatment protocols prepared by the County's Department of Human Services. These treatment protocols, and the medical policies and procedures utilized by Jail medical staff shall be completely revised and approved by all of the involved County agencies. Jail policies, procedures, and treatment protocols shall follow the format established by the California Medical Association.

11. Suicide Prevention: The Jail shall maintain a suicide prevention program which includes instruction by County mental health staff [both classroom and video training] for Sheriff's personnel working with the Jail.

12. Dental Care: Inmates requiring dental care shall be referred to a private provider who shall provide the appropriate care necessary to alleviate pain, prevent infections, and treat emergency dental needs. Dental care shall be timely depending upon the pain and seriousness of the dental problem. Dental care shall not be limited to extractions, however, the dental care provided to Jail inmates is not intended to deal with years of personal neglect.

13. Management of Pharmaceuticals: Pharmaceutical practices will comply with section 1216 of the Title 15 Minimum Standards for Local Detention Facilities.

14. Sick Call Forms: The Jail's sick call form, including the form necessary to request mental health care, shall be printed in English, Spanish, and Punjabi. Inmates who request that a staff member act as a translator during the sick call or intake screening process shall be provided with language assistance as deemed appropriate by Jail staff. Access to forms shall include access to information concerning how to obtain medical, mental health, and dental care within the Jail.

15. Quality Assurance: The responsible County physician for the Jail under Title 15, section 1202 shall establish a mechanism to assure that the quality and adequacy of medical, dental, and mental health care is annually assessed. The plan

shall include a means for the correction of identified deficiencies of the medical/dental/mental health and pharmaceutical services provided and shall include the statistical gathering set forth in Title 15. In addition, and as part of this plan, monthly meetings shall be held between the Jail's custody and medical/mental health staff.

16. Informed Consent: The Jail has established procedures which conform to Title 15, section 1214 of the California Code of Regulations.

17. Food Handlers: The responsible physician shall develop procedures for medical screening of food handlers prior to working in the facility kitchen. Additionally, there shall be written procedures for education and ongoing monitoring and cleanliness of food service workers in accordance with section 27605 of the Health and Safety Code, California Uniform Retail Food Facilities Law.

18. Jail Medical Office: The Jail's medical office shall be renovated by March 1, 1995.

19. Training: Jail custody staff shall receive periodic update training in First Aid, CPR, intake screening, blood borne pathogens, and suicide prevention.

20. OSHA: The Jail will implement a program to address the OSHA blood borne pathogen requirements.

21. Women's Rights: The Jail will post as necessary the pregnancy related rights of female inmates as set forth by the California Penal Code.

22. HIV Testing: HIV testing will be provided in the Jail upon request. Pre and post test counselling will be provided.

F. Either party may seek to change the terms of this SETTLEMENT AGREEMENT pursuant to the standards set forth in Rufo v. Inmates of Suffolk County Jail, 502 U.S. ____, 112 S.Ct. 748 (1992).

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

H. Defendants shall pay to plaintiffs' counsel attorney fees in the amount of \$17,500 at the time of the filing of the Final Judgment.

I. The parties have previously stipulated to a permanent injunction filed on September 15, 1993 relating to any and all population issues, a copy of which is attached hereto and incorporated herein by reference as Exhibit C. This SETTLEMENT AGREEMENT is intended to resolve all matters not covered by the permanent injunction referred to above.

Upon the execution of this SETTLEMENT AGREEMENT, the parties request a dismissal of all matters not covered by the permanent injunction referred to above.

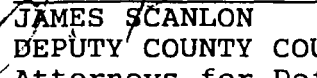
J. The parties stipulate and agree that the Magistrate Judge and District Court Judge assigned this case will issue any and all orders necessary for the dismissal of this action, including but not by way of limitation any orders deemed

necessary regarding posting of this agreement and any Fairness Hearing deemed necessary.

IT IS SO STIPULATED:

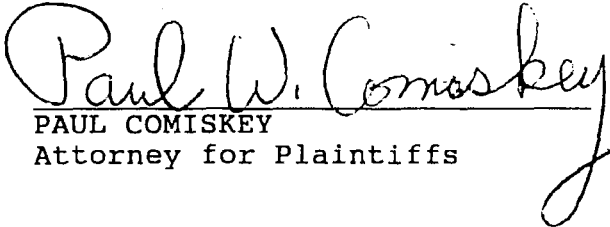
DATED: August 16, 1994

DARRELL W. LARSEN
SUTTER COUNTY COUNSEL



JAMES SCANLON
DEPUTY COUNTY COUNSEL
Attorneys for Defendants

DATED: August 17, 1994



PAUL COMISKEY
Attorney for Plaintiffs

EXHIBIT A -- CD-ROM LIBRARY

1. The system will provide access to the following legal authorities:

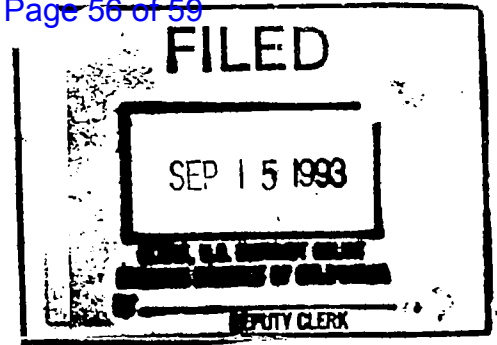
- (a) Reported cases of the United States Supreme Court
- (b) Federal 2d and Federal 3d Reporters
- (c) All available California reported cases
- (d) Annotated California Codes

2. The computer hardware system which will include a single work station terminal shall be selected by the Sutter County Sheriff with the concurrence with plaintiffs' counsel.

EXHIBIT B -- LAW LIBRARY - BOOKS

In addition to computerized legal research, the law library shall consist of at a minimum the following bound authorities or their substantial equivalents:

1. West California Rules of Court, State - latest edition
2. West California Rules of Court, Federal - latest edition
3. West Federal Rules of Civil and Criminal Procedure and Evidence - latest edition
4. Black's Law Dictionary - latest edition
5. Deerings California Penal Code - latest edition
6. Deerings California Civil Practice Code - latest edition
7. Federal Habeas Corpus - 2nd edition (Michie Company)
8. California Criminal Law
 - Book No. 1
 - a. Introduction to Crimes
 - b. Elements of Crime
 - c. Defenses
 - d. Crimes Against the Person
 - Book No. 2
 - a. Crimes Against Property
 - b. Crimes Against Decency and Morals
 - c. Crimes Against Public Peace and Morals
 - d. Crimes Against Governmental Authority
 - Book No. 3
 - a. Punishment for Crimes



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(213) 626-2089

EXHIBIT C

Attorneys for Defendants COUNTY OF SUTTER
and SHERIFF ARTHUR R. BRANDWOOD

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMPSEY W. HALLER, et al.)	NO. CIV-S-93-1256 DFL PAN (P)
)	
Plaintiffs,)	STIPULATION RE POPULATION
)	LIMITS, ORDER
vs.)	
)	
THE COUNTY OF SUTTER, et al.)	
)	
Defendants.)	

7

1 The parties hereby agree and stipulate to the following
2 injunctive orders:

3 1. This action shall proceed as a class action pursuant to
4 Federal Rules of Civil Procedure, Rule 23b.

5 2. Defendants are enjoined from bedding inmates on the floor.

6 3. The maximum assigned bed capacities for each housing unit
7 of the Sutter County Jail are set forth below:

8 Unit I - 8 beds

9 Unit MPS - 24 beds*

10 Unit MS - 24 beds*

11 Medical Sheltered Living - 3 beds

12 Kitchen Trustee Unit - 8 beds

13 FPC - 4 beds

14 FPS - 6 beds*

15 FS - 10 beds*

16 FJ - 4 beds

17 Jail Dormitory - 62 beds*

18 4. Defendants may operate, if conditions warrant, housing
19 units MPS, MS, FPS, and FS at two beds above the capacity defined
20 in paragraph 3. Defendants may operate, if conditions warrant, the
21 Jail Dormitory with as many as six beds above the capacity defined
22 in paragraph 3. Defendants shall not house inmates in MPS, MS,
23 FPS, FS, and the Jail Dormitory above the capacities agreed to in
24 paragraph 3 unless beds of like classification are not available in
25 other housing units. In the event units MPS, MS, FPS, FS, and the
26 Jail Dormitory are operated above the capacity set forth in
27 paragraph 3, outdoor recreation will be provided for those units
28

1 operating above the capacity set forth in paragraphs 3 for at least
2 one hour per day, five days per week. In no event will any housing
3 unit operate above its paragraph 3 capacity for more than 14
4 consecutive days and, in no event will the total Jail bed capacity
5 exceed by 14 beds the total capacity set forth in paragraph 3,
6 except that except that Defendants may operate the Jail Dormitory
7 at its existing bed capacity of 88 beds until the Minimum Facility
8 presently under construction is operational.¹

9 5. The prohibition against floorsleepers is effective
10 immediately. The population limits set forth in paragraphs 3 and
11 4 shall be effective forty five [45] days from the date that this
12 Order is approved by the District Court.

13 6. Defendants are enjoined from adding beds to the Main Jail
14 in each and every housing unit which exists on the date that this
15 stipulation is executed.²

16 7. The Sheriff of Sutter County is authorized by this order
17 to release inmates from the Sutter County Jail whenever the Sutter
18 County Jail, or any specific housing unit therein, is within ten
19 percent [10%] of being filled. The Sheriff shall release inmates
20 or refuse to accept newly-committed inmates whenever all beds in
21 the Jail are filled, or whenever any specific housing unit within
22 the Jail is filled.

23 _____
24 1. "Operational" is defined, for the purposes of this stipulation,
25 as being 50% occupied under the rated capacity assigned by the
California Board of Corrections.

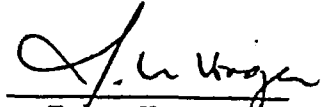
26 2. This stipulation does not encompass any additional jail
27 structures to be built in the future, whether contiguous or
28 attached, that are not presently within the physical confines of
the presently constructed Jail. This stipulation does not limit
the capacity of the Minimum Facility presently under construction.

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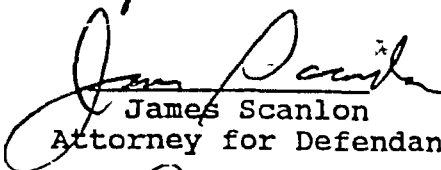
8. Either party may seek to modify or terminate this stipulation pursuant to the standards set forth in Rufo v. Inmates of Suffolk County Jail, ___ U.S. ___, 112 S.Ct. 748 (1992).

IT IS SO STIPULATED:


DATE: 9/8/93


John Hagar
Attorney for Defendants

DATE: 9/13/93


James Scanlon
Attorney for Defendants

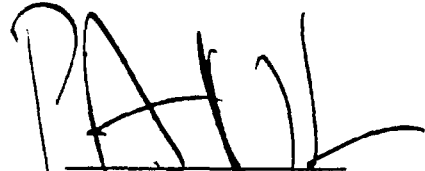
DATE: 9/9/93


Paul Persons
Attorney for Plaintiffs

ORDER

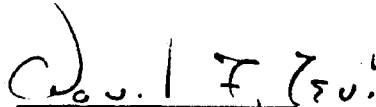
It is so recommended.

DATE: 9-15-93


Honorable Peter A. Nowinski
United States Magistrate Judge
Eastern District of California

It is so ordered.

DATE: 9-15-93


Honorable David F. Levi
United States District Judge
Eastern District of California