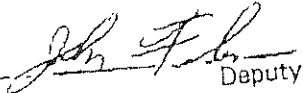


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2 ALAN K. MARKS [State Bar # 45597]  
County Counsel  
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Attorneys for Respondents

FILED-Central District  
SUPERIOR/MUNICIPAL COURTS  
SAN BERNARDINO COUNTY

APR 15 1998

5 JOHN HAGAR [State Bar # 80139]  
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7 P.O. Box 86935  
Los Angeles, CA 90086-0935  
8 (213) 626-2089  
Attorneys for Petitioners

BY  Deputy

9 SUPERIOR AND MUNICIPAL COURTS OF CALIFORNIA  
10 COUNTY OF SAN BERNARDINO  
11

12 JANILLE L. HAAS and PAUL L. SMITH, )  
13 Petitioners, )

Case No. *WHC 4010*

14 vs. )

STIPULATION; ORDER THEREON  
~~PROPOSED~~

15 BOARD OF SUPERVISORS OF SAN )  
16 BERNARDINO COUNTY; THE COUNTY )  
17 OF SAN BERNARDINO; GARY )  
18 PENROD, Sheriff of San Bernardino )  
County, )

19 Respondents. )

20 The parties, through their respective counsel, hereby stipulate as follows:

21 1. Petitioners are inmates confined to a San Bernardino County  
22 Type II detention facility. Petitioner Haas is a pre-trial detainee. Petitioner Smith is a  
23 sentenced county inmate. Petitioners have filed a petition for writ of habeas corpus  
24 pertaining to the conditions of confinement in the San Bernardino County jail system.

25 2. The Sheriff shall manage the population levels in each of the San  
26 Bernardino County Type II jails so as to remain within the population levels set forth  
27 below.  
28

1                   3.     The population levels of the Type II jail facilities: the Glen Helen  
2 Facility, North Glen Helen Correctional/Custodial Facility (NGHCF), Glen Helen  
3 Women's Correctional Center (GHWCC), and the West Valley Detention Center are  
4 set forth in Exhibit "I" to this Stipulation and Order ("MOU").

5                   4.     When the inmate populations at the jail facilities or any housing  
6 unit therein approach ninety percent (90%) of the capacities established in Exhibit "I",  
7 the Sheriff of San Bernardino County may discharge inmates by placing sentenced  
8 inmates on work release or other release programs; or may cite arrestees, detainees  
9 or inmates to court upon a written promise to appear, according to the priorities that  
10 he shall establish. When the inmate populations at the jail facilities reach the  
11 capacities established in Exhibit "I", or if classification problems occur that prevent full  
12 use of the specified capacities, the Sheriff of San Bernardino County shall manage all  
13 facilities to remain within the specified capacities by discharging inmates by placing  
14 sentenced inmates on work release or other release programs; or shall cite arrestees,  
15 detainees or inmates to court upon a written promise to appear, according to the  
16 priorities that he shall establish.

17                   5.     All inmates will be provided with an elevated bed upon which to  
18 sleep.

19                   6.     The foregoing paragraphs do not act as a limitation upon the  
20 respondents' discretion to alter the use or structure of facilities and surrounding land,  
21 or to close, reopen or build additional facilities and thereby affect the total population  
22 capacities described above. Respondents agree to notify the undersigned  
23 petitioners' counsel of any proposed future alterations to increase or decrease the  
24 population capacities and to discuss such prior to making any such changes.  
25 Additionally, the foregoing paragraphs do not act as a limitation on the respondents'  
26 ability or discretion to add housing units to any jail site and thereby increase the  
27 housing capacity of that facility, or to close housing units at any jail site and thereby  
28 decrease the housing capacity of the facility.

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7. As to the Type II facilities, the following shall apply:

a. Inmates will continue to be provided with food pursuant to Title 15 standards;

b. Inmates will continue to be provided with recreation pursuant to Title 15 standards;

c. Each inmate shall receive not less than two (2) thirty (30) minute visiting periods or the equivalent visiting time each week with visiting times on at least two (2) days of each week. If more than two (2) visiting periods are provided, inmate visiting period shall last at least twenty (20) minutes. Minor children age twelve (12) and over shall be permitted to visit inmate parents unaccompanied by an adult.

d. Inmates shall have the opportunity to exchange undergarments and socks twice each week and exchange outer garments once each week.

e. Inmates shall have an opportunity to receive a haircut after thirty (30) days of confinement and at thirty (30) day intervals thereafter except for inmates who jeopardize institutional security or are medically/mentally unfit. Haircut requests will be made on the routine request slip. A reasonable fee may be charged for haircuts at the discretion of the Sheriff except that no charge will be made for indigent inmates.

8. With regard to health care at the jail facilities, the following shall apply:

a. County shall continue to implement the three-year health-care staffing phase-in plan recommended by Bonnie Norman in her February 14, 1995 study (at pages 35-36). Phase-in shall be completed by the end of the fiscal year 97-98.

1                   b.     The County will maintain both a medical and custody  
2 liaison for problem cases. All judges and public defenders will be informed about the  
3 liaison program.

4                   c.     County will hold periodic meetings concerning  
5 implementation of the phase-in plan and other jail operation issues (as raised by the  
6 parties) with the program administrator, responsible CAO staff, Sheriff's staff, and  
7 petitioners' counsel. Written minutes will be kept of each meeting.

8                   d.     Respondents shall pay petitioner's reasonable attorney's  
9 fees every six months. Either party may dispute fee "reasonableness." In the event  
10 of a dispute, the parties agree to seek court resolution. Each party shall bear its own  
11 costs.

12                 9.     The parties agree that due to changed circumstances or  
13 problems it may be necessary, useful or appropriate in the future to change the terms  
14 and conditions of this Stipulation. Therefore, the parties, through their undersigned  
15 counsel, agree to meet and confer in good faith to consider changes to this  
16 Stipulation upon the request of either party.

17                 10.    In the event that the Sheriff or his authorized representatives  
18 have reasonable cause to believe that there exist facts showing a serious imminent  
19 threat to the security of the facilities covered by this lawsuit or the safety of any  
20 persons therein that would occur if any of the provisions of this Stipulation were  
21 followed and there is insufficient time to seek a formal modification or exception to  
22 such provisions, the Sheriff or his authorized representatives may temporarily  
23 suspend such of the provisions of this Stipulation as may be necessary to overcome  
24 or reduce such threat for a period not to exceed five (5) days, provided he submits a  
25 statement in writing to petitioners' undersigned counsel setting forth what he has  
26 done and why he has done it.

27                 11.    When any inmate has information that he or she believes to  
28 disclose a violation of this Stipulation, he or she may set forth that information in

1 writing to the Commander of the involved facility, who shall cause an investigation  
2 thereof to be made as soon as reasonably practicable, and in any event within ten  
3 (10) days following receipt of such written statement. Promptly following the  
4 completion of the investigation, the Commander shall deliver a written reply to the  
5 inmate indicating the results thereof and what, if any, action has been taken  
6 concerning the inmate's complaint and what, if any, action has been taken to prevent  
7 violations of this Stipulation. No motion, petition or lawsuit shall be filed regarding an  
8 area or areas where respondents fail to comply with a provision or provisions of this  
9 Stipulation until the inmate first complies with this administrative procedure.

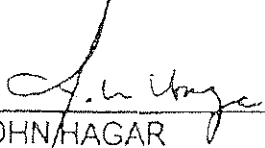
10           12. It is hereby agreed that counsel for petitioners (John Hagar and  
11 Diane Shapiro) may engage in compliance monitoring of this Stipulation.

12           13. It is agreed that this stipulation and the order thereon shall  
13 remain in effect until modified by further order of the court. The court shall retain  
14 jurisdiction to monitor compliance with this order. Either party may seek modification  
15 of this order upon the filing of a duly-noticed motion and a showing of good cause.  
16 The court may notice a hearing concerning modifications to this stipulation and order  
17 on its own motion.

18 IT IS SO STIPULATED:

19                           JOHN HAGAR  
20                           DIANE S. SHAPIRO  
21                           LAW OFFICES OF JOHN HAGAR

22 DATED: April 15, 1998


23 By:  \_\_\_\_\_  
24                           JOHN HAGAR  
25                           Attorneys for Petitioners

26 [signatures continued on next page]

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ALAN K. MARKS  
County Counsel

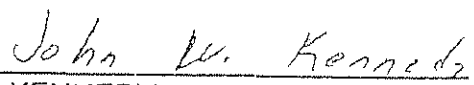
DATED: April 25, 1998

By:   
KEVIN L. NORRIS  
Deputy County Counsel  
Attorneys for Respondents

ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

DATED: APR 15 1998

  
JOHN W. KENNEDY  
Presiding Judge, Superior/Municipal Courts

KLN/124103

EXHIBIT "I"  
WEST VALLEY DETENTION CENTER

<u>HOUSING UNIT</u>	<u>POPULATION CAPS</u>
# 1 GP Felony	192 - 19
# 2 GP Felony	192
# 3 GP Felony	192
# 4 GP Felony	192
# 5 SMU	192
# 6 GP Felony	192
# 7 GP Felony Misdemeanor	288 - 29
# 8 GP Felony Misdemeanor	288
# 9 Female/Inmate Workers	192
# 10 Female GP Felony	192
# 11 PC/PC Seg	192
# 12 Inmate Workers	192
# 13 GP Felony Misdemeanor	288
# 14 GP Felony Misdemeanor	<u>288</u>
<b>TOTAL</b>	<b>3,072</b>

The 3,072 inmate population cap excludes beds that are not rated by the California Board of Corrections, including those beds in the infirmary, medical unit, and the administrative segregation cells. The caps set forth above shall be reduced in appropriate circumstances to reflect the approximately 10 percent of inmates who require single cells.

///

EXHIBIT "I"

GLEN HELEN REHABILITATION CENTER

<u>MAXIMUM UNIT</u>		<u>POPULATION</u>
<u>BLOCK</u>		<u>CAPS</u>
A-1	Protective Custody	20
A-2	Protective Custody	22
B-1	GP Felony/Misdemeanor	60
B-2	GP Felony/Misdemeanor	60
C-1	GP Felony/Misdemeanor	10
C-2	GP Felony/Misdemeanor	10
D-1	GP Felony/Misdemeanor	10
D-2	Bathrooms for J-Tank	0
E-1	Discipline	12
E-2	Special Housing Unit	12
	Infirmary - Max I/M Workers	20
	Medical Isolation - Max I/M Workers	4
	Medical Isolation - Max I/M Workers	4
F-1	(Padded)	0
F-2	(Padded)	0
G-1	Special Housing Unit	1
G-2	Special Housing Unit	1
H-1	Special Housing Unit	1
H-2	Special Housing Unit	1
J-Tank	GP Felony/Misdemeanor	<u>56</u>
	TOTAL	304



EXHIBIT "I"

GLEN HELEN REHABILITATION CENTER

MINIMUM UNIT (M-1)

<u>DORM</u>	<u>CAPACITY</u>
1	90
2	90
3	90
4	<u>90</u>
TOTAL	360

MINIMUM UNIT (M-2)

<u>DORM</u>	
5	90
6	90
7	90
8	<u>90</u>
TOTAL	360

MAXIMUM	304
MINIMUM 1 AND 2	<u>720</u>
OVERALL TOTAL	1,024

Minimum Unit M-1 shall be utilized at least 50 percent for sentenced inmates.

Minimum Unit M-2 shall be utilized 100 percent for sentenced inmates.

EXHIBIT "I"

GLEN HELEN WOMEN'S CORRECTIONAL CENTER

F1	90
F2	90
F3	90

GLEN HELEN NORTH (VERDEMONT)

100

TOTAL Glen Helen Rehabilitation Center 1,394

GRAND TOTAL - PROPOSED INMATE POPULATION CAP 4,468