

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ALABAMA
 SOUTHERN DIVISION**

JOHN MASON, IV, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:11-CV-03155-TMP
)	
MIKE HALE, <i>et al.</i>,)	
)	
Defendants.)	
)	

JOINT STIPULATION REGARDING PROPOSED CLASS SETTLEMENT

COME NOW all parties and jointly stipulate to the following regarding the notice, terms, and implementation of the proposed settlement reached in this matter:

1. On April 15, 2014, the parties filed a Joint Motion for Approval of Class Settlement [Doc. 71], which included a proposed settlement agreement reached by the parties to resolve all pending claims [Doc. 71-1] and a contemplated procedure for notifying inmates at the Jefferson County Jail at Birmingham (the “Birmingham Jail”) about the settlement [Doc. 71-2].

2. With regard to notifying inmates at the Birmingham Jail about the settlement, the parties stipulate to the following:

a. Birmingham Jail personnel posted the Notice of Proposed Class Action Settlement [Doc. 71-2] in the day space area of all inmate housing units by April 24, 2014. The notice remained posted for approximately 5 weeks.

b. All inmates have access to a day space area at least once a day. This includes inmates who are housed in segregation for medical or disciplinary reasons since those inmates are brought to a day space area to bathe once a day. The notice in those particular day space areas was posted near the shower facilities.

3. The proposed settlement agreement set forth certain specified actions relative to the Birmingham Jail and the Jefferson County Jail at Bessemer (the “Bessemer Jail”). Those specified actions have been taken, or are in the process of being taken. With respect to the Birmingham Jail and the Bessemer Jail, the parties stipulate to the following:

a. Sheriff Mike Hale (“Sheriff Hale”) maintains two jails: the Birmingham Jail and the Bessemer Jail. In or around October of 2009, Sheriff Hale stopped housing inmates at the Bessemer Jail in the wake of reductions to his funding. From in or around October of 2009 until December of 2013, all inmates in Sheriff Hale’s custody were housed in the Birmingham Jail.

b. Sheriff Hale resumed housing inmates at the Bessemer Jail in December of 2013; those inmates having formerly been housed in the Birmingham Jail. As of February 1, 2014, between 100 and 125 inmates that had formerly been housed at the Birmingham Jail had been transferred to the Bessemer Jail. As of June 1, 2014, approximately 225 inmates that had formerly been housed at the Birmingham Jail had been transferred to the Bessemer Jail.

c. Current inmate housing in both the Birmingham Jail and the Bessemer Jail is generally limited to no more than two inmates per cell. On occasion, classification requirements (e.g., not housing males and females together, not housing violent offenders and non-violent offenders together, providing separate housing for inmates with pressing medical needs, etc.) and the fixed design limitations of both jails will result in three inmates being housed in a cell. Personnel in both jails are now able to minimize the amount of time that occurs following the resumption of inmate housing at the Bessemer Jail.

d. To facilitate the resumption of inmate housing at the Bessemer Jail, Sheriff Hale recently created a new civilian employment position: the control room operator. The control room operator’s job is to man the control booths that exist in the inmate housing blocks, from

which inmates are monitored by video and line of sight. The control room operator does not have direct interaction with inmates. Instead, the control room operator frees-up deputies to have that interaction since the control booths must be manned at all times and since the control booths would otherwise have to be manned by one or more deputies.

e. In June of 2013, before the resumption of inmate housing at the Bessemer Jail, 102 deputies and no control room operators were assigned to the Birmingham Jail. Currently, 113 deputies and 24 control room operators are assigned to the Birmingham Jail; an increased amount of staffing even though the Birmingham Jail has approximately 200 fewer inmates than it did in June of 2013.

f. Prior to the resumption of inmate housing, 5 deputies were assigned to the Bessemer Jail. As of February 1, 2014, following the resumption of inmate housing, 27 deputies were assigned to the Bessemer Jail. Currently, 34 deputies and 8 control room operators are assigned to the Bessemer Jail.

g. Qualified inmates are currently provided access to recreational activities; they were not before the resumption of inmate housing at the Bessemer Jail.

h. Maintenance issues involving inmate housing are currently resolved much faster than they were before the resumption of inmate housing at the Bessemer Jail.

i. Inmates are currently provided with clean linens and laundry at least once a week, and more often if necessary.

j. Inmates are currently provided with tooth brushes and tooth paste at booking and thereafter as necessary.

4. Based on the foregoing, the parties believe that the class members were given adequate notice of the settlement, that the terms of the settlement adequately resolve all claims in

this matter, and that no class member has raised an objection which warrants the Court's denial of the parties' proposed settlement. Given that, and the fact that the Defendants have substantially complied with the terms of the proposed settlement agreement [Doc. 71-1] relative to the Birmingham Jail and the Bessemer Jail, the parties respectfully request that the Court approve the proposed settlement agreement [Doc. 71-1].

Respectfully submitted,

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