

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
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UNITED STATES OF AMERICA,  
Plaintiff  
v.  
DOOLY COUNTY, GEORGIA, et al.,  
Defendants.

5:98-cv-1-4(HL)

CONSENT DECREE

Filed at 4:30 P M  
Date Jan. 12, 1998  
*Chris Brook*  
DEPUTY CLERK, U. S. DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

U.S. v. Dooly Co.



JC-GA-011-003

(2)

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## I. INTRODUCTION

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345.

2. Venue in the Middle District of Georgia is appropriate pursuant to 28 U.S.C. § 1391(b).

3. The United States has met all pre-filing requirements stated in the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 et seq.

## II. DEFINITIONS

4. "Plaintiff" shall refer to the United States of America.

5. "Defendants" shall refer to Dooly County, Georgia, the Sheriff of Dooly County, in his official capacity, the members of the Dooly County Board of Commissioners, in their official capacities, and their agents and successors in office.

6. The term "Dooly County Jail" (Jail) includes the existing Jail facility as well as any other Dooly County institutions built, leased, or otherwise used, to replace the current Jail or Jail components.

7. The terms "inmate" or "inmates" shall refer to one or more individuals sentenced to, incarcerated in, detained at, or otherwise confined at either the existing Dooly County Jail or any institution that is built or used to replace the Jail or any part of the Jail. The term "special needs inmates" shall refer to those inmates who are suicidal, mentally ill, mentally

retarded, intoxicated, or otherwise a danger to themselves or others.

8. "Qualified professional" shall refer to an individual qualified to render the requisite and appropriate care, treatment, judgment(s), training and service, based on credentials recognized in the specific field.

### III. BACKGROUND

9. The Defendant Dooly County owns and operates the Jail, located in Vienna, Georgia.

10. The Defendant Sheriff is responsible for the day-to-day operation of the Jail. In his official capacity, the Sheriff has the custody, rule, and charge of the Jail and Jail inmates.

11. On December 1, 1994, United States Department of Justice attorneys and their consultants in the fields of penology, correctional health care, and environmental health and safety, toured the Jail pursuant to the Civil Rights of Institutionalized Persons Act. 42 U.S.C. § 1997 et seq. On June 1, 1995, the United States issued a findings letter regarding conditions of confinement at the Jail based upon the Justice Department's investigation and expert tour of the facility.

12. The United States' findings letter was sent to the Defendants. This document detailed numerous constitutional deficiencies including the absence of policies and procedures regarding many correctional matters, inadequate staffing,

inadequate medical care, unsanitary living conditions, and inadequate fire safety.

13. The parties to this Consent Decree (Decree or Order) recognize the constitutional rights of inmates confined in the Jail. These rights include, but are not limited to, the right to: (1) adequate staffing and supervision to ensure reasonable inmate safety, (2) adequate medical and mental health care, (3) a safe and sanitary physical plant which does not pose an unreasonable threat to safety, (4) reasonable opportunity for exercise, and (5) access to the courts including meaningful access to counsel and law materials.

14. In order to avoid protracted litigation regarding the constitutionality of conditions of confinement at the Jail, the parties agree to the provisions set forth in this Consent Decree.

15. The parties agree that the provisions of this Consent Decree are a reasonable, lawful, and fundamentally fair resolution of this case.

#### IV. SUBSTANTIVE PROVISIONS

##### NEW JAIL

16. By September 1, 1999, Defendants shall house all Dooly inmates at a facility that meets constitutional standards. By this date, Defendants will either have - a) completed construction of a new jail and moved all Dooly inmates into the new facility, or b) made long-term, contractual arrangements with another county to house Dooly inmates at a neighboring jail which meets constitutional standards.

17. By September 1, 1999, Defendants will no longer be operating the current Dooly County Jail facility as a jail. Defendants anticipate that it may be converted to civilian office space. In the event a new, regional jail is completed by September 1, 1999, the Defendants retain the option to operate the "new side" of the existing Jail facility as a 48 hour, temporary holding facility to house those newly arrested awaiting pickup and delivery to the regional jail or those inmates brought from the regional jail for court sessions. If the "new side" remains in operation for these limited purposes, Defendants must ensure that it is operated in a constitutional manner, and shall complete any necessary renovations to ensure compliance with state and county building codes, the National Fire Protection Association's Life Safety Code, and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq., and associated ADA regulations. Additionally, Defendants must ensure that the 48 hour holding facility is adequately staffed and

supervised by qualified jailers, operated in compliance with appropriate jail policies, and properly maintained. Inmates at the holding facility shall have access to adequate medical care provided by qualified staff (e.g., inmates shall have access to emergency care; regional jail medical staff shall make appropriate provisions if an inmate with a medical problem which requires medication or other treatment is housed at the holding facility; special needs inmates who cannot be appropriately housed at the holding facility shall not be housed there; and mechanisms shall be in place so staff can contact and obtain the assistance of the medical provider at the regional jail).

18. By October 1, 1997, Defendants will hold a referendum to obtain voter approval for a new jail. Defendants anticipate offering voters the options of supporting either a purely local jail or a regional jail. If voters reject the new jail proposals, Defendants will submit a new plan for obtaining funding for a new jail to the Court and the United States.

19. By June 1, 1998, Defendants will make a final decision on whether they intend to proceed with plans to build a new jail, or instead, contract out their jail operation to another county for the foreseeable future, and will have notified the Court and the United States of this decision. Upon notification that Defendants will not be proceeding with plans to build a new jail, the Defendants shall be required to close the current facility and contract out their jail operation by no later than



September 1, 1998. Defendants recognize that they will be bound by any decision to proceed with a new jail after the notification date.

20. If the Defendants transfer inmates to a facility at another County, the United States shall be given reasonable opportunities to inspect the alternate facility to ensure that it meets constitutional standards.

21. If the Defendants decide to build a new jail, the new jail must meet the following standards in effect when renovation or construction is completed: the National Fire Protection Association's Life Safety Code and state and county building codes. Defendants shall also ensure that any new jail plans comply with American Correctional Association standards and that any new Jail is constructed in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. and associated regulations. Any construction shall be done by qualified personnel. Defendants shall consult with the United States during the design of any new Jail as to the appropriate services and staffing needed.

#### CORRECTIONAL ISSUES

##### **A. Policies and procedures.**

22. Defendants shall develop and implement comprehensive policies and procedures for Jail operations which meet appropriate standards and cover all necessary areas of Jail operations. The Defendants shall ensure that the Jail is operated according to such policies and procedures. As part of

this continuing policy development process, Defendants have submitted a new set of policies and procedures to the United States. See, Exhibit A. These policies are acceptable, but must be properly implemented and updated as appropriate in order to ensure adequate Jail conditions. All staff shall have access to a copy of a staff manual containing Jail policies and procedures and shall sign a statement indicating that they have read and understood the provisions of the manual. Jail policy and procedure manuals shall be reviewed annually and updated by the Defendants as necessary.

**B. Inmate Handbook.**

23. Inmates shall receive an inmate handbook upon arrival summarizing policies applicable to them including, but not limited to: 1) Jail rules, 2) visitation and exercise schedules, 3) a statement that a copy of this Decree is available to the inmates, 4) a description of the process for obtaining bond and an attorney, 5) a description of the disciplinary procedure, 6) an explanation regarding how to access sick call, medications, and emergency assistance, 7) a list of all legal materials available to inmates, and 8) the requirements of this Decree.

**C. Turnkey Fee.**

24. Defendants have stopped requiring payment of a "turnkey fee" ("lockup fee") for release of inmates.

**D. Classification.**

25. Inmates shall be classified and housed based upon sound professional, penological principles. The classification policies and procedures shall classify inmates in accordance with the level of custody (i.e., level of inmate supervision and custodial management issues) and the level of security (i.e., dangerousness and nature of offense) required.

**E. Training.**

26. Defendants shall develop an adequate training program which includes at least 40 hours of in-service training every year and which, in addition, requires all jailers to complete the state jailer school program within one year of employment. Staff shall be trained on deescalation techniques and the use of force, including the use of chemical agents. Training shall be given to staff on the use of tasers should Defendants purchase and utilize same. Staff shall be adequately trained to carry out the terms of this Order.

**F. Security and supervision.**

27. All use of force, including the use of chemical agents, shall be adequately documented. Adequate documentation includes the use of incident reports and summaries. The use of force shall be reviewed by Jail supervisors, and to the extent appropriate, staff will be disciplined for violations of use of force policies. Force may only be used in situations in which an inmate is in imminent danger of harming others and all other

reasonable alternative means of control have been tried. The Defendants shall identify all persons for whom chemical agents pose a danger to health, and chemical agents shall not be targeted at such persons. Persons subjected to chemical agents shall be afforded the opportunity to cleanse themselves of the chemical agent and shall be provided with prompt medical attention, if necessary. Weapons will not be allowed in the Jail unless there is an emergency and the highest ranking officer on duty at the Jail specifically authorizes distribution of the weapons during the emergency.

28. The Defendants shall ensure that there are at least two staff members on-site per shift. During the day and evening shifts, both staff must be qualified jailers. During the night shift, at least one of the staff members must be a jailer who does not have dispatch functions. Rounds will be conducted at least once every half hour at irregular intervals (e.g., 20, 25, 30, 15 minutes), and shall include a logged, visual inspection of all housing areas.

**G. Exercise.**

29. Inmates shall be given outdoor exercise five hours per week, weather permitting. Outdoor exercise will be given three or more days per week.

**H. Reading materials and access to the courts.**

30. At their own expense, inmates may receive by mail direct from the publisher, a reasonable number of periodicals, legal research materials, newspapers, books and other reading

materials which may be kept in an inmate's cell so long as such materials do not create a fire hazard.

31. The Defendants shall provide inmates with prompt access to legal materials consisting of the materials on Exhibit B, attached hereto, or comparable materials.

32. The above listed legal materials shall be available for use by inmates no less than five days per week between 9:00 a.m. and 4:00 p.m. The Defendants may, at their option, construct or establish a room where inmates can be taken to use the legal materials, or may keep the materials in a Jail office and allow inmates to request that materials be delivered to their cells. In any case, inmate requests for access to legal materials shall be honored within two working days after receipt of the request, or earlier if the inmate faces a specific court deadline. Inmates may be required to pay the County for any legal materials they damage, steal, or destroy.

33. Library procedures shall ensure that inmates are provided with sufficient time in the library or provided with sufficient time with the books for a reasonable opportunity to conduct legal research. In the event that an inmate is facing a specific court deadline, the Defendants shall make reasonable efforts to allow the inmate additional access to legal materials upon request.

#### **I. Use of trustees and runarounds.**

34. Jailers are responsible for the care and supervision of inmates. Those duties shall not be delegated to inmates, and no

inmate shall have authority over other inmates. No inmate shall be involved in providing medical or mental health care for other inmates. No inmate shall serve as the conduit for transmitting inmate requests for assistance to jail staff.

#### MEDICAL, DENTAL, AND MENTAL HEALTH CARE

The Defendants shall provide, in-house or through contractual agreement with a medical health care provider, medical, dental, and mental health care in accordance with the following:

##### **A. Medical policies and procedures.**

35. Defendants shall implement medical policies and procedures that include, but are not limited to, provisions regarding: 1) initial screening and health assessments, 2) communicable disease testing and control, 3) access to medical care and sick call, 4) pill call and medication management, 5) medical records, 6) staff training, 7) mental health care, 8) dental care, 9) emergency medical care and transport.

##### **B. Medical staffing.**

36. Defendants shall enter into a written contractual relationship with the following medical and mental health personnel: (1) a part-time physician or a registered nurse under the supervision of a licensed physician who is also under written contract with the County, to serve as the Responsible Healthcare Authority (RHA) overseeing all aspects of health care at the Jail, including (a) initial screenings, (b) routine health assessments, (c) communicable disease screening, (d) sick call services which are conducted on-site a minimum of once a week,

(e) physician on-call medical coverage, (f) admissions to local hospitals when necessary, (g) arrangements for mental health or other specialty care when necessary; (2) a qualified mental health professional (e.g., local psychiatrist, psychologist, psychiatric registered nurse, or masters level mental health professional) to provide mental health sick call services as needed in addition to other routine and emergency services; and (3) a local dentist to provide dental care services to inmates. The Defendants shall ensure that inmates who are referred to subspecialty medical providers by a physician or registered nurse shall receive medical evaluation and medical care from such specialists. The RHA shall have adequate space, supplies and equipment. Jail officials shall not overrule medical decisions made by medical staff.

**C. Intake screenings.**

37. Receiving screening shall include screening for alcohol abuse, mental health problems, and communicable disease screening. The screening form should be separate from, but part of, a comprehensive screening process. The initial screening forms shall be reviewed daily by the Responsible Health Authority (RHA) discussed in ¶ 36 above.

**D. Health assessment.**

38. Within two weeks of intake, Defendants must also give each inmate a health assessment which includes taking an initial medical history and identification of any known allergies, and a physical examination consisting of blood pressure, pulse,

temperature, and respiration tests. The health assessment results must be recorded on a standardized form that is placed in the inmate's medical record along with the inmate's intake screening form.

**E. Communicable disease screening.**

39. The Defendants shall develop a communicable disease testing, monitoring, and treatment program. All inmates at the Jail for more than 7 days shall be tested for tuberculosis no later than 14 days after arrival. In the event a communicable disease, such as tuberculosis, is identified by the Jail's communicable disease screening program, the County will notify the relevant public health authorities about the incident.

**F. Sick call.**

40. Defendants shall develop a sick call policy and procedure that includes, at a minimum, the following:

(1) written sick call request slips; (2) a collection method with no inmate trusty involvement where the request slips go directly to a qualified health professional i.e., registered nurse, physician, or licensed practical nurse (LPN); (3) logging procedures to record each request for sick call services; (4) review of inmate requests by a registered nurse or physician on a daily basis to determine urgency of the need to be examined; (5) a sick call clinic held at least once per week conducted by a licensed physician, or RN or LPN under the supervision of a licensed physician; and (6) a policy requiring medical staff to record the results of sick call in an inmate's record.



41. Defendants shall permit illiterate inmates to orally access the system by requesting access through a correctional officer who must fill out a request slip for the inmate within a reasonable time after the oral request.

**G. Staff medical training.**

42. Staff shall be adequately trained to identify inmates with special mental health needs, identify medical emergencies, give first aid, give CPR, and administer medication.

**H. Emergency care.**

43. Inmates requiring emergency medical care shall receive such care immediately. Inmates must be able to contact an officer for assistance on a timely basis.

**I. Mental health care and suicide prevention.**

44. The Defendants shall provide adequate mental health services to the inmates. To that end, Defendants shall ensure that the contracted, qualified mental health professional referred to above in ¶ 36 shall provide 24-hour on-call consultation as well as in-person intervention and evaluation. Furthermore, mentally ill inmates shall be housed in an appropriate environment that facilitates staff supervision and personal safety. Inmates with special mental health needs shall be evaluated by a qualified mental health professional within twenty-four hours. Inmates requiring psychiatric hospitalization shall be promptly transferred to adequate psychiatric hospital facilities.

45. Defendants shall ensure that suicide prevention measures are in place at the Jail and shall also develop and implement written policies and procedures on suicide prevention and the treatment of special needs inmates. See, Suicide Prevention Plan at Exhibit C. Such policies shall include procedures to ensure the safe housing and supervision of inmates based on the acuity of their mental health needs.

**J. Medication management and pill call.**

46. All medications shall be appropriately managed and securely stored at the Jail pursuant to a medication management policy. To that end, medication orders must be reviewed by a physician or pharmacist, distribution of medications shall be properly logged, and staff shall be trained regarding medication side effects and pill call procedures. Staff will periodically sweep the Jail for hoarded medications and other contraband. Medication logs must be co-signed by inmates.

**K. Medical records.**

47. Defendants shall ensure that the RHA has adequate medical records and that the records are kept at the Jail, separate from the inmate record. To ensure continuity of care, reports and other records shall be obtained from and sent to outside medical providers when inmates are sent out of the Jail for medical care. So long as the Defendants can provide routine medical services at the Jail, the RHA is not required to regularly keep a separate, comprehensive medical record for each inmate in the RHA's private office. Access to individual inmate

medical records shall be restricted to medical personnel and medical information shall be shared with jail officers only when the RHA believes this is necessary.

**L. Dental care.**

48. Inmates with emergency dental needs shall receive such care immediately, and such care shall not be limited to extractions.

**ENVIRONMENTAL HEALTH AND SAFETY**

**A. Environmental health and safety policies and procedures.**

49. Defendants shall develop and implement environmental health and safety policies and procedures which include, but are not limited to, provisions regarding: 1) fire safety and drills, 2) general housekeeping plan, 3) maintenance plan, 4) safe use of cleaning agents, 5) food handling and nutrition, and 6) inmate laundry, mattresses and personal hygiene.

**B. General housekeeping and maintenance.**

50. Within 60 days after entry of this Decree, Defendants will thoroughly clean, paint, and fumigate the existing Jail facility. Afterwards, Defendants shall regularly clean and maintain any Jail facilities pursuant to a general housekeeping plan. Inmates shall be provided cleaning materials on a daily basis, but the Defendants are ultimately responsible for the Jail's cleanliness and physical condition. Any new Jail or renovated Jail must also be kept clean and in good physical condition.

**C. Pest extermination.**

51. Defendants shall contract for professional exterminator services for the Jail or provide pest control through a state certified exterminator employed by the county. If contracted, a copy of this contract shall be retained as part of the compliance monitoring requirements of Section V below.

**D. Fire and electrical hazards.**

52. Defendants shall eliminate fire and electrical hazards (e.g., exposed wiring, excessive flammable debris, missing fire hoses and extinguishers, improper storage of hazardous chemicals), install and maintain an adequate fire alarm and smoke detection system, service all extinguishers, conduct fire drills, develop a fire evacuation plan with the assistance of a qualified fire safety consultant (e.g., fire chief), ensure that keys are properly marked and organized for ready use during emergencies, and eliminate foam mattresses from the existing facility within 30 days after entry of this Order. The Defendants shall ensure that the Jail, including any new facility, is inspected every six months by a qualified fire safety inspector and meets the National Fire Protection Association's Life Safety Code and all state and local fire safety codes. Copies of any fire marshal or inspector reports and corrective actions taken in response shall be provided to the United States as part of the compliance monitoring process in Section V. Staff shall receive adequate fire emergency and disaster preparedness training and drills.

**E. Plumbing.**

53. Defendants shall repair any leaking or inoperative plumbing fixtures in the current Jail facility. Defendants shall ensure that the water supply to living areas is adequate and that water temperatures meet health and safety standards.

**F. Lighting.**

54. Defendants shall provide inmates with lighting adequate for working, reading, security, and health.

**G. Ventilation.**

55. Defendants shall clean the existing Jail's air vents. Defendants shall ensure that inmates receive an adequate supply of fresh air and heating.

**H. Food sanitation.**

56. Food transported from outside establishments must be kept at safe temperatures in insulated, heated, or cooled transport containers. Prepared food shall be delivered promptly.

**I. Mattresses, sheets, towels, and personal hygiene items.**

57. The Defendants shall continue to provide each inmate with a mattress, mattress cover, sheets, pillow, blanket, washcloth, and a towel. The Defendants shall provide any inmate who does not have a clean change of clothes with a set of such clothing at least once per week (e.g., for indigent and out-of-town inmates). All bed linen, towels, washcloths, inmate clothes and uniforms shall be cleaned at least once per week.

58. Defendants shall ensure that all inmates have an institutional standard fire-resistant mattress. The Defendants shall replace all torn mattresses with institutional standard fire-resistant mattresses and shall maintain them.

59. The Defendants shall provide inmates with an adequate supply of soap, hair shampoo, toothbrushes, toothpaste, toilet paper, combs, deodorant, feminine hygiene items, and shaving equipment.

**J. Training and chemical cleaners.**

60. Defendants will provide Jail staff with adequate training regarding environmental health and safety policies.

61. All hazardous chemicals shall be removed from housing areas. Chemical cleaning agents shall be safely stored, used, and mixed. Inmates provided cleaning agents shall receive training on the safe storage, use, and mixture of chemical agents.

62. Defendants will continue to provide inmates with 3 nutritionally adequate meals per day. The menus of all meals served at the Jail must be approved by a trained dietician as meeting generally accepted nutritional guidelines. Nutritionally adequate, equivalent substitutions in the menu can be made.

**V. CONSTRUCTION, IMPLEMENTATION, AND TIMING OF COMPLIANCE**

63. This Order shall be applicable to and binding upon all parties, their officers, agents, employees, assigns, and their successors in office.

64. The Court shall retain jurisdiction for all purposes under this Order until the Defendants have fully and faithfully implemented all provisions of this Order and the judgment is discharged. If Defendants fail to comply with the requirements of this Order in a timely manner, the United States has the right to seek additional relief from the Court.

65. Except where otherwise specifically indicated, the Defendants shall complete implementation of all the provisions of this Order within one hundred and eighty (180) days of the entry of the Order.

66. The Defendants shall submit quarterly compliance reports to the United States and the Court, the first of which shall be filed within sixty (60) days after the entry of this Order. Thereafter, the reports shall be filed fifteen (15) days after the termination of each quarter continuing until the Order is terminated. The reports shall describe the actions the Defendants have taken during the reporting period to implement this Order and shall make specific reference to the Order provisions being implemented.

67. Defendants shall submit records or other documents to verify that they have taken such actions as described in their compliance reports (e.g., census summaries, staffing summaries, contracts, bills, incident reports) and will also provide all documents reasonably requested by the United States. This compliance reporting requirement is not expected to be burdensome

and is not intended to require more than a reasonable number of documents each quarter.

68. All parties shall bear their own costs, including attorney fees.

69. Defendants shall keep such records as will fully document that the requirements of this Order are being properly implemented and shall make such records available at the Jail at all reasonable times for inspection and copying by the United States.

70. During the period in which the Court maintains jurisdiction over this action, the United States and its attorneys, consultants, and agents shall have unrestricted access to the Jail, Jail inmates, Jail staff, and documents as reasonably necessary to address issues affected by this Order. No person reporting conditions which may constitute a violation of this agreement or the law shall be subjected to retaliation in any manner for so reporting. Nothing in this Order prohibits discovery pursuant to the Federal Rules of Civil Procedure.

71. The Defendants shall immediately explain the terms of this Order to all persons connected with the Jail, including Jail and medical contractor staff, in order to ensure their understanding of the requirements of this Order and the necessity for strict compliance with the Order. All Jail staff members and other individuals responsible for implementing this Order shall sign a statement indicating that they have read and understood this Order. Such statements shall be retained by the Defendants.



The Defendants shall require strict compliance with this Order by their respective employees, agents, assigns, or successors.

72. Within ten (10) days of the signing of this Order, the Defendants shall provide continuous notice of this Order to all inmates through the distribution of inmate handbooks as described in paragraph 23.

**VI. STIPULATION PURSUANT TO THE PRISON LITIGATION REFORM ACT, 18 U.S.C. § 3626.**

73. For purposes of this lawsuit only and in order to settle this matter, the Defendants stipulate that this Decree complies in all respects with the provisions of 18 U.S.C. § 3626(a). The parties further stipulate and agree that the prospective relief in this Decree is narrowly drawn, extends no further than necessary to correct the violations of federal rights set forth in the Complaint, is the least intrusive means necessary to correct these violations, and will not have an adverse impact on public safety or the operation of a criminal justice system. Accordingly, the parties agree and represent to the Court that the Decree complies in all respects with the provisions of 18 U.S.C. § 3626(a), and may serve as the factual and legal basis for a court order issued pursuant to those provisions.

74. The issue of liability has not been litigated. The parties ask the Court to approve this Decree without a full hearing on the merits, on the basis of the United States' Complaint and the above stipulation.

75. This Decree is not intended to have any preclusive effect except between the parties. Should the issue of the preclusive effect of this Decree be raised in any proceedings other than this civil action, the parties agree to certify that this decree was intended to have no such preclusive effect.

#### **VII. TERMINATION**

76. Consistent with the requirements of law, the Court shall maintain jurisdiction in this case to ensure that all Consent Decree provisions are fully implemented and maintained until - 1) one year after a new jail facility is occupied and the Court finds that the Defendants have fully and faithfully implemented all terms of this Order, or 2) one year after the Defendants notify the Court and the United States that they have closed the existing Dooly County Jail facility and have transferred Dooly inmates to a constitutional outside facility. See, paragraphs 16-21.

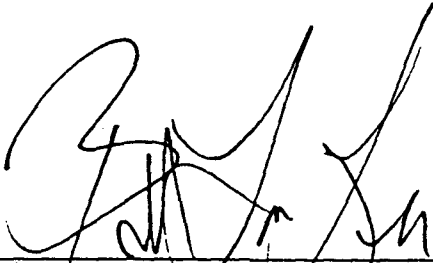
77. In the absence of a Joint Motion to Terminate agreed upon by both parties, Defendants must file a Motion in order to terminate this Order. Defendants shall not file a unilateral Motion to Terminate unless one year has passed since entry of this Order. Defendants shall send a copy of the Motion they intend to file to the United States at least ninety (90) days before the filing date. If the United States objects in writing to termination, the Court shall hold a hearing on the Motion consistent with law. If the Court grants the Motion to Terminate, the judgment shall be discharged, the injunctions

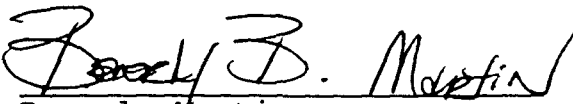
shall be dissolved, jurisdiction shall terminate, and the case shall be closed and dismissed with prejudice.

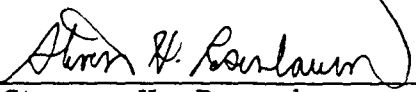
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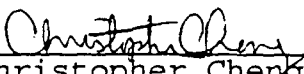
COUNSEL FOR THE UNITED STATES:

Date: December 1997  
31,

  
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Acting Assistant Attorney General  
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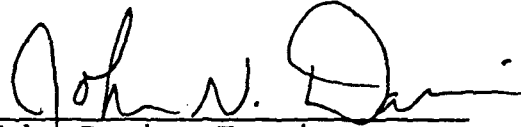
  
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Date: July 10, 1997



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