

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED 1989
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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY _____

UNITED STATES OF AMERICA,
Plaintiff,

File No. G84-63

STATE OF MICHIGAN,
JAMES J. BLANCHARD, Governor of Michigan,
MICHIGAN CORRECTIONS COMMISSION;
GIVEN ANDREW, Chairman, Michigan
Corrections Commission,
THOMAS EARDLEY,
G. ROBERT COTTON,
DWAYNE WATERS,
DON LE DUC, Members, Michigan
Corrections Commission,
MICHIGAN DEPARTMENT OF CORRECTIONS,
PERRY M. JOHNSON, Director, Michigan
Department of Corrections,
ROBERT BROWN, JR., Deputy Director,
Michigan Department of Corrections,
DALE FOLTZ, Regional Administrator, State
Prison of Southern Michigan,
JOHN JABE, Warden, Michigan Reformatory,
EDDORE KOEHLER, Warden, Marquette
Branch Prison,
JOHN PRELESNIK, Administrator, Reception
and Guidance Center, State Prison of
Southern Michigan,
and
MICK BERGMAN, Administrator, Michigan
Intensive Programming Center,

Defendants.

U.S. v. Michigan



PC-MI-0007-0005

ORDER

In accordance with the bench opinion of April 21, 1989;

IT IS HEREBY ORDERED that defendants' Motion to Modify Section I L(3) of the State Plan for Compliance is GRANTED. The defendants shall provide one shower for every fifteen (15) inmates, except at A-Block at Marquette Branch Prison, which shall be required to have only four (4) showers;

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IT IS FURTHER ORDERED that defendants' Motion to Eliminate Weekly Compliance Reporting on the occupancy of the Reception and Guidance Center and the populations of the consent decree facilities is GRANTED. Defendants shall include the information previously required by these reports in their semi-annual compliance reports. Further, the defendants shall immediately notify the Court and the parties of any instance of non-compliance with these provisions of the May 27, 1987 Order and the Consent Decree.

IT IS FURTHER ORDERED that the defendants shall let the contract for building trades inspections by June 1, 1989, and shall complete the inspections by October 1, 1989;

IT IS FURTHER ORDERED that, pursuant to Section IV H(1) of the State Plan for Compliance, the defendants shall develop indoor recreation facilities at each consent decree institution, except Central Complex at SPSM, and that these facilities shall have sufficient staff and equipment to provide each general population inmate with one hour of large muscle exercise, five (5) days per week.

IT IS FURTHER ORDERED that the practice of assigning protective custody inmates to job assignments inside disciplinary segregation units at Five Oaks at SPSM violates section IV B of the State Plan for Compliance.

IT IS FURTHER ORDERED that, within sixty (60) days of the date of this order, defendants shall complete a survey of all food preparation areas to assess ventilation requirements and to determine whether existing exhaust systems need to be repaired to replaced. Within an additional sixty (60) days, defendants shall submit a plan, pursuant to section K of the Consent Decree, to repair any defective ventilation unit identified by this survey;

IT IS FURTHER ORDERED that the Out-of-Cell Activity Plan, required by section IV H(2) of the State Plan for Compliance and modified by this Court's order of March 31, 1988, is further modified as follows:

1. The operational definition of access shall require that aggregate activities maintain a participation level of at least 33%, based on a quarterly participation census conducted by the defendants. If a program has a participation level of less than 33% for three consecutive quarters, the amount of capacity counted toward aggregate hours must be proportionately reduced.

2. Defendants shall demonstrate that at least six (6) hours of the required 45 hours of out-of-cell activity each week are aggregate activities.

3. Individual work and program assignments shall be counted as thirty (30) hours per week for full-time assignments, and fifteen (15) hours per week for part-time assignments.

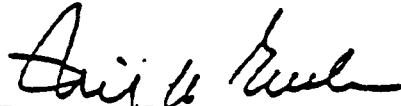
4. For each consent decree facility, the defendants shall identify the number of teachers, recreational supervisors, librarians, chaplains, craft supervisors and other program employees authorized as of January 4, 1985. By January 1, 1990, the defendants will achieve and maintain at each facility actual employees in comparable job classifications, equal in number to not less than 80% of the 1985 authorization.

IT IS FURTHER ORDERED that the Governor's Office monitor for fire safety construction projects established by this Court's Order of January 29, 1987, shall assume responsibility for monitoring the progress of sanitation construction and repair projects. Within thirty (30) days of the entry of this order, the defendants shall report to the Court the status of remaining sanitation projects and their completion schedules;

IT IS FURTHER ORDERED that the Knop amici's Motion to Strike is DENIED.

DATED in Kalamazoo, MI:

April 24, 1989



RICHARD A. ENSLEN
U.S. District Judge