

FILED

APR 13 1983

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE

DISTRICT OF TENNESSEE

NASHVILLE DIVISION

CLERK

BY _____
DEPUTY CLERK

*Exhibit # 30 State
Zagerski
11/30/95*

SAMUEL E. DOUGLAS,)
ET. AL.)
v.)
TED EMERY,)
ET. AL.)

No. 81-3826

JUDGE WISEMAN

FILED
SEP 12 1996
Clerk of the Courts
Rec'd By _____

DEFENDANTS EMERY, WEST AND SUTER'S FIRST SET OF
STIPULATIONS

Sheriff Ted Emery, Chief Deputy P.R. West, and Jailer Ricky Suter stipulate to the following facts which may be used as evidence in the case of Douglas, et.al. v. Emery, et.al. No. 81-3826, as pertinent to both the original complaint and the intervenor's complaint:

1. The Robertson County Jail is located in Springfield, Robertson County, Tennessee. (hereinafter referred to as the jail.)

2. The jail was constructed in 1967. It serves as the local detention and penal facility as well as the offices of the Sheriff's department.

3. The physical structure has remained essentially unchanged since 1967.

4. The jail is a two story structure. The first floor consists of an attorney interview room, a booking room, the central control area for the jail, the visiting area, several offices, one cell block and two drunk tanks. The second floor

of the jail consists of the sheriff's offices, the jail kitchen, and a cell block.

5.) The first floor of the jail is underground on the front side of the jail. It is above ground only at the back of the jail.

6.) The two drunk tanks are identical. They each measure 12-1/2 feet by 8 feet. There is a continuous sheet of metal on three walls of the cell, used as bunks. There is no window or other access of natural light into the cell. The door to the cell is solid metal with only a small window in the door through which one can look into the cell.

7.) There is no shower in either of the drunk tanks. Each drunk tank has a toilet and sink. The toilet is directly below the sink.

8.) Persons incarcerated in the drunk tank must be taken out of their cell, and walked through the jail to the showers. They are permitted to shower once a day.

9.) In addition to holding inebriated persons, the drunk tanks also house juvenile boys and girls, and inmates being segregated from general population. Additionally, if there are more than two women incarcerated in the jail, they must be housed in the drunk tank.

10.) The drunk tanks are separated from each other by sight but not by sound.

11.) The cell blocks on the first and second floor are identical, each measuring 56-1/4 feet by 28-1/4 feet. The second floor cell block is, in fact, directly above the first floor cell block. Each cell block consists of 9 cells, 8 feet

by 8 feet each, a central hall, a dayroom and a shower. The cells have four metal planks which serve as bunks, double bunked on each side of the cell, and a toilet and sink. The sink is directly on top of the toilet. In addition, there is a drain in the center of the floor.

12.) Around the entire cellblock is a walk.

13.) There are no solid walls within the cell block or between the cell block and the walk (with the exception of the women's cell). All divisions are made with barred walls or doors.

14.) The first cell on the right side of the cell block is different than the other cells in the block. There are only two bunks, double bunked, in each of these cells. In addition, each of these cells has a small metal table with two metal benches and a shower. On the first floor, this cell is surrounded by barred walls and doors, similar to every other cell, and for purposes of cell assignment, it is used interchangeably with the other cells. The cell on the second floor is the Women's Cell. It has solid metal walls on the side of the cell which abuts the hallway and on the side which abuts a male cell. One wall which abuts the outside walkway is totally barred. The other wall abutting the walkway is partially barred and partially solid metal.

15.) The women's cell is separated by sight but not by sound from the men's cells.

16.) The "day room" has two metal tables with metal benches. All of these are bolted to the floor. There is no other furniture in the day room. The day room is 8 feet by 24 feet.

17.) There is no natural light in the cell blocks.

18.) The doors to the individual cells within the cell block were, at one time, controlled by an electric door lock system. That system is now broken and totally inoperative. The doors to all the cells within the cell block are, therefore, kept open 24 hours per day. All residents of the cell block, with the exception of those in the women's cell, have 24 hour access to all the other cells in the cell block, with the exception of the women's cell. The cell designed identically to the women's cell in the first floor cell block is kept open 24 hours per day and is in all other respects, treated as a general population cell.

19.) There is only one door exit from each of the cell blocks. This door is operated by a manual door lock. There is no other means of exiting the cell block.

20.) The plumbing in the jail is old. Water is turned on and off by means of push buttons rather than twist faucets. It is very difficult and time consuming to obtain parts to repair it.

21.) The plumbing fixtures are frequently broken, causing water to back up in the cell and creating a problem of standing water in the cell.

22.) To the extent possible, male pretrial detainees are housed in the first floor cell block and male convicted prisoners are housed in the second floor cell block.

23.) When an individual is booked into the jail, the jailer determines whether the individual fits within one of seven classifications. These include: pretrial detainee, sentenced offender, juvenile, female, and inebriate. The in-

dividual is classified to a cell area according to this list. Within any given classification, however, cell placement is done on a random basis. Thus, for instance, a male pretrial detainee may share a cell with any other male pretrial detainee.

24.) There is likewise, no system for assigning cells for convicted prisoners.

25.) Women, both pretrial detainees and convicted prisoners, are housed in the second floor women's cell. There is room only for two women in that cell at any time. If there are more than two women in the jail, the additional women must be housed in a drunk tank.

26.) Juveniles are assigned to the Women's Cell if there are no incarcerated women. If there are incarcerated women, juveniles are placed in the drunk tank. If there are both juvenile boys and juvenile girls incarcerated at any one time, juvenile boys are assigned to one drunk tank and juvenile girls are assigned to the other. When there are women, juvenile boys and juvenile girls in the jail, there is no place in which to house drunks or other prisoners who need to be segregated from the general population for their own protection or for disciplinary purposes.

27.) If there are women and either juvenile boys or juvenile girls in the jail, there is no room to house drunks and other persons who need to be segregated.

28.) Persons who are being segregated, either for their own protection or for disciplinary purposes are single celled in the drunk tank.

29.) When juveniles and/or drunks are present, they have

first priority to the drunk tank. Therefore, if both drunk tanks are needed for juveniles and/or drunks, the persons who have been segregated for disciplinary purposes or for their own protection must be returned to the general population.

30.) An inmate may be segregated for any one of four reasons: 1) at his or her own request and for his or her own protection; 2) because the jail staff feels the person should be segregated for his or her own protection; 3) as punishment for violation of a disciplinary rule, or 4) for administrative purposes.

31.) If there is an assault in a cell block, the person who was the victim of the assault may be put into segregation for his or her protection.

32.) If an inmate voluntarily goes into segregation for his or her own protection, he or she will be moved out of segregation when the drunk tank is needed for drunks, juveniles, or added women. A male may then be transferred to the other cell block. If he has problems in the second cell block, there is no place to send him. A female must go back to the women's cell.

33.) There are no on site visits by any medical professionals - doctors, nurses, paramedics or physicians' assistants. The only medical training which the jailers have is that each jailer has passed the Red Cross First Aid course. The lieutenant responsible for the jail is an emergency medical technician.

34.) The only means for an inmate to get medical attention is to complain to the jailer or to the lieutenant in charge of the jail. The jailer, or the lieutenant, then decides whether there is an emergency which requires immediate attention, whether

the person should go to sick call or whether the inmate's complaint should be ignored.

35.) Sick call is a referral to a local doctor for medical attention. Inmates who have requested medical attention and who the jailer or lieutenant has determined need to be seen by the doctor are brought in a group to the doctor's office for sick call. Sick call occurs one time per week.

36.) Although the jail has standard first aid supplies, there is no other emergency medical equipment in the jail, e.g. defibrillator, oxygen masks.

37.) When a jailer determines that there is a medical emergency, he makes the decision whether to contact the nearest Sheriff's Department vehicle or whether to call for an ambulance. If the lieutenant is at the jail, he will make this decision rather than the jailer.

38.) There is no room in the jail designed for medical examinations or treatment.

39.) Medication is kept in the central control area of the jail. It is dispensed by the jailers.

40.) No medication is dispensed, even that brought in by the inmate on arrival, until one of the doctors on contract with the jail authorizes the dispensation of the medication.

41.) There are a total of six persons employed to run the jail. Five are jailers. There is never more than one jailer on duty at the jail at one time. There is also a lieutenant who is in charge of operation of the facility. He is usually on the premises during the day shift. On the evening and night shift, there is only one person - a jailer - who staffs the jail.

42.) The jailer has responsibility for booking people into the jail, releasing all persons who are scheduled to be released, handling medical problems, arranging telephone calls, supervising visitation, taking persons from the drunk tank to the shower, and in all respects, running the jail and supervising the inmates.

43.) The number of times which a jailer can walk through the cell blocks depends on the amount of time needed for all of these other duties.

44.) There is no prescribed number of times or specific times at which the jailer must make rounds of the cell blocks.

45.) The jailer is normally stationed at the central control area.

46.) There is no way you can see the cell blocks or drunk tanks from the central control area. There is no visual electronic surveillance equipment.

47.) In the central control area, there are speakers through which the person on duty can theoretically listen to the cell blocks. As a practical matter, it is virtually impossible to hear anything above the din of the radios and television. There is no speaker in the central control area through which the person on duty can hear the drunk tanks.

48.) If there is violence between inmates in a cell, the jailer or lieutenant would only know about it if he happened to be walking through the jail or if he could overhear the noise from the central control area or from any other place in which he happened to be carrying out his duties.

49.) If the jailer who is alone on duty hears a disruption

or violence in the cell block, he is expected to investigate. If the situation is such that he cannot control it, he secures and locks off the cell block and returns to the central control area to call the Sheriff's patrol cars or the Springfield Police Department.

50.) The only means available for a jailer alone on duty to stop a disturbance or assault in a cell block is for the aggressor or aggressors to voluntarily agree to desist, for the jailer to enter and lock himself into the cell block and to physically attempt to stop the problem, or to lock off the cell block and call for help.

✓ 51.) None of the inmates receive any supervised or structured exercise, either indoors or outdoors.

✓ 52.) There is no facility for indoor exercise. There is currently no space for outdoor exercise.

✓ 53.) Pretrial detainees remain in the cell block 24 hours per day, unless they go to court, use the telephone, have a visit, or go to the doctor.

54.) People in the drunk tank spend 24 hours per day in their cell, except for their daily shower, unless they go to court, use the telephone, have a visitor, or go to the doctor.

55.) Women also spend 24 hours per day in their cell with the exceptions noted in ¶53.

56.) Convicted prisoners have the opportunity to work outside the jail. On March 29, 1983, 8 of 15 convicted persons worked outside the jail.

57.) There are no supervised or structured activities at all for pretrial detainees. There are no supervised or structured activities other than work for the convicted prisoners.

58.) Visitation is conducted Wednesday and Sunday, for three hours on each day.

59.) There are no contact visits or visits at times other than visiting hours except in emergency situations. The jail staff on duty determines whether there is an emergency.

60.) Visitation is conducted in a two sided visiting booth. The visitor sits in a stool in one room and the inmate sits in a stool in an adjoining room. There is a small glass plate between the rooms through which the inmates and visitor see each other.

61.) Two visits are conducted simultaneously. The two visitors and the two corresponding inmates sit approximately one foot from each other. There is no opportunity for privacy.

62.) Visits last between five and fifteen minutes, depending on the number of visitors waiting to see inmates. The jailer attempts to permit every visitor to see the inmate for whom he or she is waiting.

63.) There is no legal material provided by the jail or Sheriff's Department for the inmates of the jail, either pre-trial detainees or convicted persons.

64.) If an inmate wishes to speak with his or her lawyer, s/he must ask the jailer to call the lawyer for him or her.

65.) Trustees are selected by the chief deputy and the sheriff and are usually contract prisoners from the Department of Correction

66.) Trustees are responsible for all the food preparation in the jail.

67.) There is no automatic or electric dishwasher in the jail. All eating and cooking implements must be washed by hand.

This task is done by the trustees.

68.) The kitchen has never been inspected by any official from any local or state department of health.

69.) There is no automatic sprinkler system in the jail. There are no oxygen masks to be used in an emergency.

70.) In the event of a fire or other emergency which required evacuation, inmates in the first floor cell block would have to go through the manual lock door to the cell block and two other electric lock doors. Inmates in the second floor would have to go through the manual lock door to the cell block and at least one other electric or manual lock door.

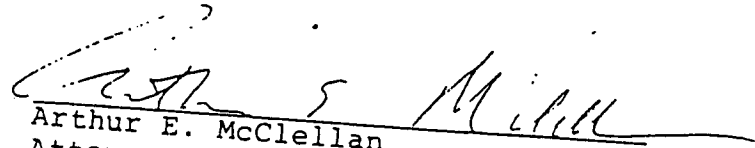
71.) If the one manual lock exit from the cell block is blocked for any reason during a disaster which requires evacuation, all persons in the cell block would be trapped.

72.) For persons to be evacuated from the women's cell during an emergency, someone would have to enter the cell block through the only exit and manually open the door to the women's cell.

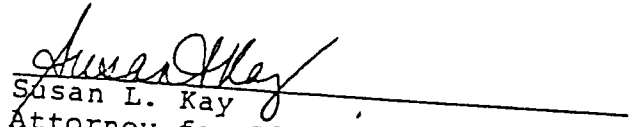
73.) The staff of the jail is insufficient to evacuate the building as swiftly as necessary in an emergency. The jailer would have to contact either the Sheriff's patrol or the Springfield police department for additional manpower.

74.) The dispatcher who is on duty in the Sheriff's department has no correctional training and is not considered by the Sheriff's department to be part of the jail staff.

Approved for entry:



Arthur E. McClellan
Attorney for Defendants
Emery, West, and Suter



Susan L. Kay
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been delivered to William O'Bryan on this 13 day of April, 1983.

