

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

WAYNE COUNTY JAIL INMATES, MICHAEL
HARRIS, JAMES JOHNSON, LAWRENCE
ROBERT PLAMONDON, NORMAN RICHARDSON,
CAROLYN TRAYLOR and NORA WARE,
individually and on behalf of all
other persons similarly situated,

Plaintiffs,

vs

JUDGE VICTOR J. BAUM
P 10556

JUDGE JOHN D. O'HAIR
P 18432

JUDGE THOMAS J. BRENNAN
P 11173

WAYNE COUNTY BOARD OF COMMISSIONERS,
ROSCOE L. BOBO, Chairman of the Board;
WILLIAM LUCAS, Sheriff of Wayne County;
FRANK WILKERSON, Administrator of the
Wayne County Jail; TED MORZOWSKI, LEONARD
D. PROCTOR, RICHARD T. KELLY, Members of
the Wayne County Board of Auditors and
LOUIS H. FUNK, Wayne County Treasurer,

Defendants.

ORDER RELATIVE TO CIVIL CONTEMPT
CHARGES AGAINST DEFENDANT
SHERIFF WILLIAM LUCAS

At a session of said Court held in the
City-County Building, Detroit, Michigan
on January 30, 1976.

PRESENT: HON. VICTOR J. BAUM, HON.
JOHN D. O'HAIR, HON. THOMAS J.
BRENNAN, Circuit Judges

Plaintiffs having instituted post-judgment proceedings
to have, inter alia, the defendant William Lucas, as the Sheriff
of Wayne County, adjudged guilty of continuous acts of civil

contempt of court that occurred from September 24, 1974, through February 11, 1975, for alleged disobedience of the injunctive provisions of the court's heretofore entered Second Interim Order and First Interim Declaratory Judgment, dated May 18, 1971, the Judgment, dated March 24, 1972, and the Order dated December 19, 1974, as they relate to jail overcrowding, jail sanitation, medical services and facilities, methadone detoxification, jail rules, vermin control, plumbing maintenance, unlocked cells and inmate towels, clothing and bedding;

And, after conducting evidentiary hearings and having considered counsels' briefs and oral arguments, the court filed a written opinion on January 24, 1976, setting forth its findings of fact and conclusions of law as to such charges of civil contempt against defendant William Lucas;

NOW, THEREFORE,

IT IS ORDERED AND ADJUDGED:

1. That the defendant William Lucas is guilty of civil contempt of court for his culpable violation of paragraph 2 of the court's Judgment, dated March 24, 1972 (the "Judgment"), which enjoined him from accepting after September 24, 1974, more than 799 inmates for confinement in the Wayne County Jail at 525 Clinton Street, Detroit (the "jail"), and is hereby fined \$250 for his contemptuous conduct; provided, defendant Lucas may purge himself of said contempt by promptly complying with

this court's Judgment and Orders relative to jail population; provided, further, that the aforesaid fine is to be suspended if defendant Lucas advises the court in writing within five days of this order that he will not henceforth accept, or allow personnel of the Sheriff's Department to accept, any additional prisoners for confinement in the Wayne County Jail until the inmate population thereof is reduced to below the jail's lawful inmate capacity of 720, and that he will not thereafter allow the inmate population to exceed the jail's lawful capacity.

The aforesaid fine will become absolute five days from the date of this order if the defendant Lucas does not advise the court within said period of time of his intent to purge himself of his aforesaid contempt. If the defendant Lucas does so advise the court, the fine will become absolute upon the first breach of defendant Lucas' promise.

2. That until the inmate population at the Wayne County Jail is reduced to 719 inmates, or less, all persons having notice or knowledge of the provisions of this order shall not admit, or participate in the admission of, any inmate to be housed overnight or longer in said facility.

The defendant Sheriff, the defendant Jail Administrator and all persons having knowledge or notice of the provisions of this order shall not admit or participate in the admission of

any inmate to be housed overnight or longer, if such admission would cause the inmate population of the jail to exceed 720.

A determination by any court monitor or monitor's assistant that the inmate population of the jail is 720 shall be final and binding on any defendant when such determination is communicated to such a defendant, and such determination shall be final and binding upon all other persons who have notice of the provisions of this order, when such determination is communicated to such persons.

The defendants and all persons having notice or knowledge of this order shall not threaten, intimidate, annoy, harrass, molest, disturb, assault, or interfere with a court monitor or monitor's assistant in the performance of his duty.

The defendant Sheriff, the defendant Jail Administrator, and all persons having notice or knowledge of the provisions of this order, shall cooperate with the court monitors and their assistant or assistants in the performance of their duty.

The defendant Sheriff shall forthwith cause true copies of this order to be delivered to every member of his staff.

The defendant Sheriff shall cause a true copy of this order to be sent forthwith by ordinary mail to the Chief of Police and to the chief executive officer of every municipality within Wayne County.

The Sheriff shall forthwith cause this order to be personally served on the Police Chief of every municipality in Wayne County, and shall cause a proof of service thereof to be filed with the court, and shall cause copies of such proof of service to be delivered to all of the parties herein.

3. That the defendant William Lucas is guilty of civil contempt of court for his culpable violation of paragraphs 17 and 18 of the Judgment, which directed him to utilize his best good faith efforts to immediately procure the full-time services of a medical director or medical administrator for the Wayne County Jail, and is hereby fined \$250 for his contemptuous conduct; provided, the aforesaid fine is suspended for a period of 150 days, and during said period of time, defendant Lucas may purge his contempt by employing a qualified medical director or administrator or by entering into a contract whereby a university medical school, or duly licensed or accredited hospital, becomes responsible for providing medical, dental and psychiatric services to persons who are in the Sheriff's custody on criminal process.

4. That the defendant William Lucas is guilty of civil contempt of court for his culpable violation of paragraph 19 of the Judgment, which ordered him to establish, maintain and adequately staff a medical or convalescent ward in the Wayne County Jail within one year from the date of the court's Judgment,

and he is hereby fined \$250 for his contemptuous conduct; provided, the fine is suspended for 150 days and defendant Lucas may purge himself of contempt by the establishment of a medical or convalescent ward as required within 150 days from the date of this order. So long as said ward remains operational the payment of the aforesaid fine is deferred.

5. That the defendant William Lucas is guilty of civil contempt of court for his culpable violation of paragraphs 29 and 30 of the Judgment, relative to the timely establishment of a methodone detoxification program at the Wayne County Jail for inmates experiencing the symptoms of drug withdrawal, and is hereby fined \$250 for his contemptuous conduct; provided defendant Lucas may purge himself of contempt by continuing the recently established methodone detoxification program within the Wayne County Jail in conformity with federal and state regulations, and so long as said program remains operational the payment of the aforesaid fine is deferred.

6. That the defendant William Lucas is guilty of civil contempt of court for his culpable violation of the court's Second Interim Order of May 18, 1971, which ordered the Sheriff to provide to incoming inmates to the jail necessary towels and bedding and to provide for their replacement at reasonable intervals, and is hereby fined \$250 for his contemptuous conduct; provided, the aforesaid fine is suspended for a period of ninety

days, and the defendant William Lucas may purge himself of contempt within said period of time by presenting to the court evidence that a workable procedure for the distribution of linens within the jail has been established, including a means for promptly identifying and correcting shortages, and that the procedure has been effectively operational for at least sixty days. So long as said procedures remain operational the payment of the aforesaid fine is deferred.

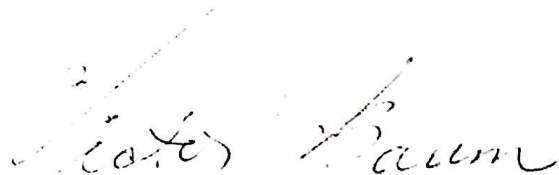
7. That the defendant William Lucas is guilty of civil contempt of court for his culpable violation of paragraph 28 of the Judgment, relative to the locking of inmate cells at specified times as an assault prevention and safety measure, and is hereby fined \$250 for his contemptuous conduct; provided, the defendant Lucas may purge himself of contempt and the aforesaid fine will be deferred, if within five days of the date of this order, he advises the court in writing that there will be immediate, continued and full compliance with paragraph 28 of the Judgment. If defendant Lucas does so advise the court, the fine will become absolute upon the first breach of his promise.

8. That the defendant William Lucas is not guilty of civil contempt of court, for reasons stated in the court's opinion, as to plaintiffs' charges relating to inmate sick call or medical rounds, plumbing maintenance, vermin control, dis-

tribution of jail rules and the treatment of inmate Eric Mason.

9. That the plaintiffs' request for the appointment of a commissioner to consider claims by individual inmates for actual losses or injuries allegedly sustained as a result of the defendant William Lucas' contemptuous conduct is denied.

IT IS ORDERED FURTHER that no costs are to be awarded, public questions being involved in these proceedings.



VICTOR J. BAUM



JOHN D. O'HAIR



THOMAS J. BRENNAN

Dated: January 30, 1976
Detroit, Michigan

A TRUE COPY
JAMES R. KILLEEN
CLERK

BY  DEPUTY CLERK