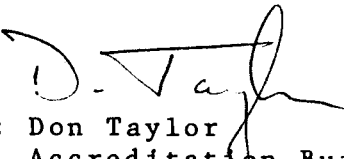


MEMORANDUM

TO: THOSE LISTED BELOW

DATE: April 08, 1987


FROM: Don Taylor
Accreditation Bureau

SUBJECT: SETTLEMENT AGREEMENT
Florida Department of
Corrections v. Dade County

Please find attached a copy of the recent "Stipulation and Settlement Agreement" of the lawsuit filed by the State Department of Corrections against Dade County.

dlt

Attachment

cc: Sara Heatherly
Jerry Meece
Tim Murray
Jose Torano
Ervie Wright

Rolando Escalante
Willie Hueston
Charles McRay
Ann Vendrell
Joe Zappia

Lois Spears
Jim Wilson

MEMORANDUM

103.01-14

TO Fred Crawford
Corrections

DATE March 26, 1987


FROM Robert A. Duvall
Assistant County Attorney

SUBJECT

Florida Department of Corrections,
Louie L. Wainwright, Secretary v.
Dade County, and The Board Of County
Commissioners Of Dade County
Cir.Ct.No. 85-51454

Enclosed please find a copy of the Stipulation And Settlement Agreement
in the above-styled case.

RAD/ann
Enclosure


Assistant County Attorney

METRO DADE
CORR. & REHAB
DIRECTOR'S OFFICE
1987 MAR 30 AM 9:45

METRO DADE
CORR. & REHAB.
ACCREDITATION BUREAU
1987 APR -3 PM 5:15

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 85-51454

FLORIDA DEPARTMENT OF CORRECTIONS,
LOUIE L. WAINWRIGHT, Secretary,

Plaintiff,

vs.

DADE COUNTY, and THE BOARD
OF COUNTY COMMISSIONERS OF
DADE COUNTY,

Defendants.

STIPULATION AND SETTLEMENT AGREEMENT

THIS AGREEMENT, entered into this 17th day of
March, 1987, by and between the FLORIDA DEPARTMENT OF
CORRECTIONS, RICHARD L. DUGGAR, Secretary, herein referred to as
the "Department"; and DADE COUNTY and THE BOARD OF COUNTY COMMISS-
SIONERS OF DADE COUNTY, herein referred to as the "Defendant".

W I T N E S S E T H:

WHEREAS, the parties to this Stipulation are currently
involved in litigation in the above-styled cause; and

WHEREAS, this action was instituted by the Department
to seek compliance with the rules and regulations contained in
Chapter 33-8, F.A.C., as they relate to the conditions in
Metro-Dade County's correctional system; and

WHEREAS, the Defendant has corrected many of the
deficiencies alleged in the Complaint; and

WHEREAS, many of the remaining deficiencies alleged by
the Department are the result of and/or related to crowding
within Dade County's jail system; and

WHEREAS, the Defendant is in the process of initiating
construction on new county jail facilities; and

WHEREAS, the Defendant has agreed to correct the
remaining deficiencies set forth herein and to maintain or

improve the existing level of compliance with Chapter 33-8, F.A.C.; and

WHEREAS, it is in the best interest of justice to amicably resolve the issues in this action and that the resolution of such issues, concerning the conditions in the Dade County Jail System, will resolve all remaining matters in this action; and

WHEREAS, the parties have negotiated in good faith;

NOW THEREFORE, it is stipulated that:

1. Defendant agrees it will complete construction or installation (if trailers are used) of a new four hundred and fourteen (414) bed jail facility on or before October 17, 1987. Further, Defendant shall complete construction of a new one thousand (1,000) bed facility on or before June 1, 1988 and agrees to be in full compliance with the authorized population capacity for its county jail facilities on or before July 1, 1988. The Department agrees to provide any and all lawful assistance, including technical review and comments on construction plans and designs.

2. Defendant agrees to immediately commence upgrading the fire safety system at the Pretrial Detention Center. This corrective action project shall include the following elements:

a) Location: Throughout Facility

1. Wing to wing smoke compartmentation and fire sprinkler system will be provided. Ref. 4A-28.15, N.F.P.A. 101, Chapter 15, Section 15-3, Paragraph 15-3-8.1, 1981 Edition.

2. Room face to corridor separation shall be made fire rated in resident housing spaces. Ref. 4A-28.15, N.F.P.A. 101, Chapter 15, Section 15.3, Paragraph 15-3-8.1, 1981 Edition.

3. Smoke barriers will be constructed to divide every story used by residents for sleeping or any story having an occupant load of 50 or more persons into at least two compartments. Ref. 4A-28.15, N.F.P.A. 101, Chapter 15-3, Paragraph 15-3.7, Subparagraph 15-3.7.1, 1981 Edition.

4. An approved smoke detection system will be installed in all sleeping areas and areas not separated from sleeping areas by fire resistive construction. Ref. 4A-28.15, N.F.P.A. 101, Chapter 15, Section 15-3, Paragraph 15-3.4.5, 1981 Edition.

b) Location: Floors 1 through 6

1. A manual, electrically supervised fire alarm system will be installed. Ref. 4A-28, N.F.P.A. 101, Chapter 15, Section 15-3, Paragraph 15-3.4.2, 1981 Edition.

2. The air conditioning system will be retro-fitted as follow: a duct smoke detector will be installed in the main supply duct on the downstream side of the filters to automatically stop the fan, and the return air stream, prior to exhausting from the building or being diluted by outside air, to automatically exhaust the smoke laden return air or stop the fan. Ref. 4A-28.15, N.F.P.A. 101, 1981 Edition, Chapter 15, Section 15-5, Subparagraph 15-5.2.1, N.F.P.A. 90A 4-2, 4-3.

The parties acknowledge that the above corrective actions call for a major retro-fitting construction project which must be completed with the facility occupied and operational. Equipment and materials will have to be removed from the Pretrial Detention Center at the end of each day, thereby increasing both the time and cost for completing the project.

While the exact cost and time to complete the project presently cannot be determined, it is estimated that the project will cost \$3.2 million dollars and construction process completed according to the following schedule:

present to 11/87	pre-construction design phase
9/87	Advertise for bid for project construction
1/88	Construction contract awarded and construction begins
8/89	Construction completed

The Department acknowledges the good faith efforts taken by the Defendant to date in order to expeditiously complete the above-described project. In this regard, the Defendant has appropriated 1.2 million dollars, a sum sufficient to cover all pre-construction costs, and already has begun the basic design work. This corrective action program shall be subject to review and approval by a fire safety inspector certified by the State Fire Marshall's Office.

3. On or before April 1, 1987, Defendant agrees to the following:

A. Pre-Trial Detention Center:

1. Policy and procedure directives in use will be revised to adequately address prisoner property and in-cell belongings in accordance with Rule 33-8.04(6)(j), F.A.C.
2. Supervision and monitoring of juveniles will conform to the requirements of Rule 33-8.04(4), F.A.C., including physical, documented checks by correctional officers at intervals not to exceed every fifteen minutes.
3. Supervision of special prisoners shall conform to the requirements of Rule 33-8.05(5) including regular, documented physical site checks by correctional officers or medical staff persons at intervals not to exceed every fifteen minutes.
4. All lavatories that do not provide cold and either hot or tempered running water will be replaced with units that do provide cold and hot or tempered water during the course of any future and appropriate renovations at the facility. Rule 33-8.05(9)(a)1 and (b)5
5. Each prisoner will be provided with toothpaste, toothbrush and two clean towels, which shall be exchanged at least once per week. Rule 33-8.05(9)(c)
6. Each prisoner will be given a health appraisal including a physical examination by qualified health personnel designated by the facility's physician within seven days after admission to the facility. Rule 33-8.07(5)
7. All valuable items purchased by prisoners from the facility commissary will be marked for identification and added to the prisoner's personal property list. Rule 33-8.10(1)(a)
8. Prisoners accused of infractions who face disciplinary actions will be notified in writing at least twenty-four hours prior to the hearing of the charges against them, and given that time to prepare their defense. Rule 33-8.13(6)
9. Disciplinary hearings will be held no later than five days after an incident. Rule 33-8.13(7), F.A.C.
10. All prisoners will be furnished a mattress, pillow, pillow-case, and two towels. Rule 33-8.08(1 & 3)
11. All prisoners will be provided the opportunity to have a minimum of one hour of outdoor exercise three times weekly, weather permitting. Rule 33-8.10(2)(a)

B. Women's Detention Center:

1. Visitation records will reflect the length of visits and the visitors relationship to the prisoner. Rule 33-8.02(7)(a)
2. The supervision and monitoring of juveniles will conform to the requirements of Rules 33-8.04(4) and 33-8.05(3), F.A.C., including physical, documented checks by Correctional Officers at intervals not to exceed every fifteen minutes.
3. Supervision of special prisoners will be in accordance with Rule 33-8.05(5), F.A.C., including regular, documented physical site checks by Correctional Officers or medical staff persons at intervals not to exceed every fifteen minutes.
4. All lavatories that do not provide cold and either hot or tempered running water will be replaced with units that do provide cold and hot or tempered water during the course of any future and appropriate renovations at the facility or whenever individual units need to be replaced. Rule 33-8.05(9)(a)1 and (b)5
5. Any walls in need of paint or repair will be painted or repaired as needed. Rule 33-8.12(1)
6. Any prisoner accused of infractions facing disciplinary actions will be notified in writing at least 24 hours prior to the hearing of the charges against her and given that time to prepare her defense. Rule 33-8.13(6), F.A.C.
7. All disciplinary hearings will be held within five calendar days after the incident. Rule 33-8.13(7)
8. The Officer-in-charge or his designee will see and talk with each prisoner in disciplinary or administrative confinement at least once each morning and once each afternoon. At each of these times the prisoner's general condition and attitude will be ascertained and noted in writing, signed, and placed in the prisoner's file. Rule 33-8.13(15)
9. Each prisoner will be given a health appraisal in accordance with Rule 33-8.07(5), F.A.C., including a physical examination by qualified health personnel designated by the facility's physician within seven (7) days after admission to the facility.
10. The facility physician will perform a monthly inspection of the first-aid supplies. Rule 33-8.07(8), F.A.C.
11. All prisoners will be provided the opportunity to have a minimum of one hour of outdoor exercise three times weekly, weather permitting. Rule 33-8.10(2)(a)

C. Training and Treatment Center:

1. All lavatories that do not provide cold and either hot or tempered running water will be replaced with units that do provide cold and hot or tempered water during the course of any future and appropriate renovations at the facility or whenever individual units need to be replaced. Rule 33-8.05(9)(a)(1) and (b)(5)

2. Each prisoner will be given a health appraisal in accordance with Rule 33-8.07(5), F.A.C., including a physical examination by qualified health personnel designated by the facility's physician within seven (7) days after admission to the facility.

D. Interim Central Detention Center:

1. Permanent records pertaining to confinement showers shall be maintained in accordance with Rule 33-8.02(7)(d).

2. All prisoner housing will be integrated in accordance with good correction's practice. Rule 33-8.05(8), F.A.C.

3. All safety cell lavatories that do not provide cold and either hot or tempered running water will be replaced with units that do provide cold and hot or tempered water during any future and appropriate renovations at the facility or whenever an individual unit needs to be replaced. Rule 33-8.05(9)(a)(1) and (b)(5), F.A.C.

4. All decisions reached by the Disciplinary Committee will be based solely upon the evidence presented at the hearing, and a statement to this effect, including the reason for the decision. Rule 33.8.13(19)(f), F.A.C.

5. Prisoners in Disciplinary or Administrative Confinement will be required to bathe at least twice weekly. Rule 33-8.13(14), F.A.C.

6. Each prisoner will receive a health appraisal in accordance with Rule 33-8.07(5), F.A.C., including a physical examination by qualified health personnel designated by the facility's physician within seven (7) days after the admission to the facility.

7. All health appraisals shall be performed in accordance with Rule 33-8.07(5)(a-j), F.A.C.

8. Each prisoner will be furnished a bed. Rule 33-8.08(1)

In addition, Defendant shall maintain the existing levels of compliance with Chapter 33-8, F.A.C., or improve them during the interim period from the signing of this agreement

until the completion of the construction of the additional jail facilities described herein.

4. During the interim period from the signing of this agreement until the completion of the construction of the additional jail facilities the Defendant shall use all available means to achieve full compliance with the provisions of Chapter 33-8, F.A.C., including the reduction of inmate population, at its jail facilities to the state authorized capacity; provided, however, that the capacity at the Pre-trial Detention Center is as established by the Federal Court in the case of Bridges v. Crawford, Case No. 74-994-CIV-WMH.

5. During the interim period, nothing contained in this stipulation shall be construed to require the Defendant to refuse to accept into custody, or to require the Defendant to release from its jails, any person who reasonably appears to present a potential danger to the physical safety of others or his or her own safety.

6. The agreements set forth above are done so for the purpose of settlement only and do not constitute any admission by Defendants of violations of any law. Nor may this agreement be used in any other proceeding wherein the Defendants are a party.

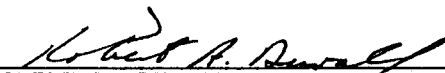
7. This agreement shall be construed to promote and insure the operation of the Dade County Jail in a manner consistent with Florida Statute Section 951.23 and Chapter 33-8, F.A.C. Nothing contained herein shall be construed to prevent the Department from initiating any enforcement action to remedy violations which arise after the date of execution of this agreement. Furthermore, the Department expressly reserves the right to renew enforcement action pursuant to this agreement and Florida Statute §951.23, to alleviate the overcrowding, after the evaluation of the nature of that overcrowding and of the classification of the inmates. This cause shall not be subject to dismissal for failure to prosecute during this interim period.


8. The parties agree and desire that this Court approve this stipulation and enter an appropriate order requiring all parties and their successors in office to comply with the provisions of this stipulation, until further order of court.

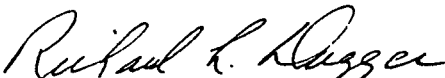
9. All parties agree and desire for the court to retain jurisdiction over the provisions of this agreement and to enter such orders as are necessary to enforce compliance with this agreement.

10. Nothing contained herein shall preclude the modification of any provision or time period set forth in this agreement with court approval and for good cause shown.

WITNESS our hands and seals the day and year first above written.


ROBERT A. DUVALL
Attorney for Dade County and
The Board of County Commissioners


MICHAEL P. BYST
Attorney for Florida Department
of Corrections


RICHARD L. DUGGAR, Secretary
Florida Department of
Corrections

ORDER

THIS CAUSE having come on to be heard on the above Stipulation and Settlement Agreement, and the court being fully advised in the premises, it is therefore

ORDERED AND ADJUDGED that

1. The above Agreement is approved and is adopted and incorporated into this Order as if fully set out herein. All parties (and their successors in office) shall be bound by and shall comply with the provisions of this Agreement, until relieved therefrom by further order of this Court.

2. This Court retains jurisdiction of this action for the entry of such further Orders as it shall deem appropriate.

DONE AND ORDERED in Chambers this _____ day of _____, 198__.

JOHN GALE
Circuit Court Judge

Copies Furnished To:

MICHAEL P. BIST
ROBERT A. DUVALL

MEMORANDUM

103.01-14

TO Fred Crawford
Corrections

DATE March 26, 1987


SUBJECT

FROM Robert A. Duvall
Assistant County Attorney

Florida Department of Corrections,
Louie L. Wainwright, Secretary v.
Dade County, and The Board Of County
Commissioners Of Dade County
Cir.Ct.No. 85-51454

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in the above-styled case.

RAD/ann
Enclosure


Assistant County Attorney

REC'D - DADE
CORR. & REHAB
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IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 85-51454

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LOUIE L. WAINWRIGHT, Secretary,

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vs.

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DADE COUNTY,

Defendants.

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THIS AGREEMENT, entered into this 17th day of March, 1987, by and between the FLORIDA DEPARTMENT OF CORRECTIONS, RICHARD L. DUGGAR, Secretary, herein referred to as the "Department"; and DADE COUNTY and THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, herein referred to as the "Defendant".

W I T N E S S E T H:

WHEREAS, the parties to this Stipulation are currently involved in litigation in the above-styled cause; and

WHEREAS, this action was instituted by the Department to seek compliance with the rules and regulations contained in Chapter 33-8, F.A.C., as they relate to the conditions in Metro-Dade County's correctional system; and

WHEREAS, the Defendant has corrected many of the deficiencies alleged in the Complaint; and

WHEREAS, many of the remaining deficiencies alleged by the Department are the result of and/or related to crowding within Dade County's jail system; and

WHEREAS, the Defendant is in the process of initiating construction on new county jail facilities; and

WHEREAS, the Defendant has agreed to correct the remaining deficiencies set forth herein and to maintain or

improve the existing level of compliance with Chapter 33-8, F.A.C.; and

WHEREAS, it is in the best interest of justice to amicably resolve the issues in this action and that the resolution of such issues, concerning the conditions in the Dade County Jail System, will resolve all remaining matters in this action; and

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1/88	Construction contract awarded
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The Department acknowledges the good faith efforts taken by the Defendant to date in order to expeditiously complete the above-described project. In this regard, the Defendant has appropriated 1.2 million dollars, a sum sufficient to cover all pre-construction costs, and already has begun the basic design work. This corrective action program shall be subject to review and approval by a fire safety inspector certified by the State Fire Marshall's Office.

3. On or before April 1, 1987, Defendant agrees to the following:

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2. Supervision and monitoring of juveniles will conform to the requirements of Rule 33-8.04(4), F.A.C., including physical, documented checks by correctional officers at intervals not to exceed every fifteen minutes.
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8. Prisoners accused of infractions who face disciplinary actions will be notified in writing at least twenty-four hours prior to the hearing of the charges against them, and given that time to prepare their defense. Rule 33-8.13(6)
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D. Interim Central Detention Center:

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4. All decisions reached by the Disciplinary Committee will be based solely upon the evidence presented at the hearing, and a statement to this effect, including the reason for the decision. Rule 33.8.13(19)(f), F.A.C.
5. Prisoners in Disciplinary or Administrative Confinement will be required to bathe at least twice weekly. Rule 33-8.13(14), F.A.C.
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8. Each prisoner will be furnished a bed. Rule 33-8.08(1)

In addition, Defendant shall maintain the existing levels of compliance with Chapter 33-8, F.A.C., or improve them during the interim period from the signing of this agreement

until the completion of the construction of the additional jail facilities described herein.

4. During the interim period from the signing of this agreement until the completion of the construction of the additional jail facilities the Defendant shall use all available means to achieve full compliance with the provisions of Chapter 33-8, F.A.C., including the reduction of inmate population, at its jail facilities to the state authorized capacity; provided, however, that the capacity at the Pre-trial Detention Center is as established by the Federal Court in the case of Bridges v. Crawford, Case No. 74-994-CIV-WMH.

5. During the interim period, nothing contained in this stipulation shall be construed to require the Defendant to refuse to accept into custody, or to require the Defendant to release from its jails, any person who reasonably appears to present a potential danger to the physical safety of others or his or her own safety.

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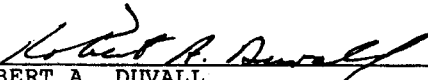
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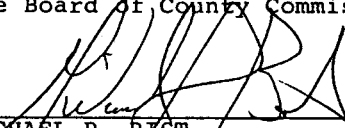
8. The parties agree and desire that this Court approve this stipulation and enter an appropriate order requiring all parties and their successors in office to comply with the provisions of this stipulation, until further order of court.

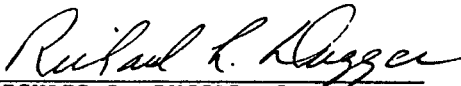
9. All parties agree and desire for the court to retain jurisdiction over the provisions of this agreement and to enter such orders as are necessary to enforce compliance with this agreement.

10. Nothing contained herein shall preclude the modification of any provision or time period set forth in this agreement with court approval and for good cause shown.

WITNESS our hands and seals the day and year first above written.


ROBERT A. DUVALL
Attorney for Dade County and
The Board of County Commissioners


MICHAEL P. BYST
Attorney for Florida Department
of Corrections


RICHARD L. DUGGAR, Secretary
Florida Department of
Corrections

ORDER

THIS CAUSE having come on to be heard on the above Stipulation and Settlement Agreement, and the court being fully advised in the premises, it is therefore

ORDERED AND ADJUDGED that

1. The above Agreement is approved and is adopted and incorporated into this Order as if fully set out herein. All parties (and their successors in office) shall be bound by and shall comply with the provisions of this Agreement, until relieved therefrom by further order of this Court.

2. This Court retains jurisdiction of this action for the entry of such further Orders as it shall deem appropriate.

DONE AND ORDERED in Chambers this _____ day of _____, 198 .

JOHN GALE
Circuit Court Judge

Copies Furnished To:

MICHAEL P. BIST
ROBERT A. DUVALL

The Board of ...

...

THIS COURT having ...

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