

Associated Press Newswires
c) 2004. The Associated Press. All Rights Reserved.

Thursday, August 26, 2004

Judge denies request to end jail consent decree

BALTIMORE (AP) - A federal judge on Wednesday denied a state motion to terminate the 11-year-old consent decree concerning conditions at Baltimore's aging jail. After hearing arguments, U.S. District Judge J. Frederick Motz ruled that lawyers for inmates at the pretrial detention complex, the Baltimore City Detention Center, should have the chance to conduct discovery before he makes a final decision.

"I'm persuaded that discovery is going to be necessary," Motz said after 90 minutes of argument. "I'm confident the plaintiffs have made sufficient allegations of ongoing constitutional violations."

Lawyers for the Department of Public Safety and Correctional Services will have to wait until discovery is completed before renewing their motion to terminate the consent decree, which has been in effect since 1993.

The state wants to terminate the case against the jail under the provisions of the 1996 Prison Litigation Reform Act, which was designed by Congress to relieve the burden of prison litigation on federal courts.

However, lawyers for the inmates, including the American Civil Liberties Union and Baltimore's Public Justice Center, are claiming that civil rights violations concerning health care and other issues still exist.

"We certainly believe ... that we will be able to put on a strong case that conditions continue to be unconstitutional in the jail," said Elizabeth Alexander, director of the ACLU's National Prison Project, after arguing on behalf of the plaintiffs Wednesday.

Stuart Nathan, principal counsel for the Department of Public Safety and Correctional Services, said he was confident the ACLU and its allies will find no evidence of constitutional violations.

"Discovery will show the tremendous amount of progress the department has made," he added.

The state has said that there is room for improvement at the jail.

Assistant Attorney General Stephanie Lane-Weber said during the hearing that the state has allocated \$3.5 million to improve medical treatment at the facility, which houses inmates before trial.