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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

RALPH COLEMAN, et al.,

Plaintiffs,

v.

EDMUND G. BROWN JR., et al.,

Defendants.

2:90-cv-00520 KJM DAD PC

**STIPULATION AND ORDER
MODIFYING THE AUGUST 11, 2014
ORDER WITH RESPECT TO POLICY
REVISIONS ON THE USE OF
EXPANDABLE BATONS**

On April 10, 2014, this Court ordered Defendants to revise policies and create plans related to the use of force and segregated housing of *Coleman* class members. (Order at 72-74, ECF No. 5131, Apr. 10, 2014.) On August 1, 2014, Defendants filed several of the plans and policies contemplated by the April 10, 2014 Order, including the revised expandable baton policy. (Defendants' Plans and Policies Submitted in Response to April 10, 2014 and May 13, 2014 Orders, ECF No. 5190 at 11, 25.) On August 11, 2014, the Court approved the plans and policies submitted by Defendants on August 1, 2014. (Order, ECF No. 5196, Aug. 11, 2014.)

Defendant California Department of Corrections and Rehabilitation (CDCR) now seeks to further clarify its expandable baton policy and proposes a revision to its Use of Force policy set forth below.

Section 51020.5 of CDCR's Use-of-Force policy will be revised to allow escorting officers to use discretion, where circumstances warrant, carrying batons in the extended position when escorting an inmate in restraints. The following revision shows the proposed change to the policy:

51020.5 Use of Force Options

Hand-held batons: The baton is normally issued to custodial staff assigned to positions with direct inmate contact. The baton should not be carried in the extended position unless it is being utilized for the protection of the inmate and/or staff. ~~During the escort of an inmate in restraints, the baton shall be carried in the extended position for the protection of the inmate and staff.~~

CDCR presented Plaintiffs with several variations on the proposed revised language to the policy. The final version, set forth above, is approved by Plaintiffs and the Special Master. As a result, the parties, with the concurrence of the Special Master, stipulate as follows:

STIPULATION

1. The proposed revision to Section 51020.5 of CDCR's Use of Force policy is approved.
2. Defendants shall continue, under the guidance of the Special Master, to implement the plans and policies approved by the Court's August 11, 2014 order, as modified by the proposed revision to Section 51020.5 of CDCR's Use of Force policy identified herein.

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1 3. Implementation of the plans and policies approved by the August 11, 2014 order and
2 this order shall continue to be monitored by the Special Master in accordance with his monitoring
3 and reporting duties in this action.

4 Dated: October 19, 2015

Respectfully submitted,

5 KAMALA D. HARRIS
6 Attorney General of California
7 DANIELLE F. O'BANNON
8 Supervising Deputy Attorney General

9 */s/ Elise Owens Thorn*
10 ELISE OWENS THORN
11 Deputy Attorney General
12 *Attorneys for Defendants*

13 */s/ Michael W. Bien*
14 MICHAEL W. BIEN
15 *Attorney for Plaintiffs*

16 **ORDER**

17 Pursuant to the foregoing stipulation, IT IS SO ORDERED.

18 DATED: October 27, 2015

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20 UNITED STATES DISTRICT JUDGE
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