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8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

12  
 13 **RALPH COLEMAN, et al.,**

2:90-cv-00520 KJM DAD PC

14 Plaintiffs,

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

15 v.

16 **EDMUND G. BROWN JR., et al.,**

17 Defendants.  
 18

19 On April 10, 2014, this Court ordered Defendants to revise policies and create plans related  
 20 to the use of force and segregated housing of *Coleman* class members. (Order at 72-74, ECF No.  
 21 5131, Apr. 10, 2014.) On August 1, 2014, Defendants filed several of the plans and policies  
 22 contemplated by the April 10, 2014 Order, including the revised expandable baton policy.  
 23 (Defendants' Plans and Policies Submitted in Response to April 10, 2014 and May 13, 2014  
 24 Orders, ECF No. 5190 at 11, 25.) On August 11, 2014, the Court approved the plans and policies  
 25 submitted by Defendants on August 1, 2014. (Order, ECF No. 5196, Aug. 11, 2014.)

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

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

5 **51020.5 Use of Force Options**

6 Hand-held batons: The baton is normally issued to custodial staff  
7 assigned to positions with direct inmate contact. The baton should  
8 not be carried in the extended position unless it is being utilized for  
9 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.~~

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

13 **STIPULATION**

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

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

Dated: October 19, 2015

Respectfully submitted,  
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*/s/ Elise Owens Thorn*  
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**ORDER**

Pursuant to the foregoing stipulation, IT IS SO ORDERED.

DATED: October 27, 2015

  
UNITED STATES DISTRICT JUDGE