

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID ROSENTHAL, DOLPH ROSOFF, WILLIE	:	
LYNCH, FELIX RIVERA, RAMON MONAGAS,	:	
CLIFFORD WILSON, NATHANIEL BELL, SANTOS	:	STIPULATION AND
CEPEDA, GREGORY CHURCHILL and JOE	:	ORDER
EDMONSON, JR., individually, and on behalf:	:	
of all other persons similarly situated,	:	74 Civ. 4854
	:	(MEL)

Plaintiffs,

-against-

BENJAMIN J. MALCOLM, Commissioner of Cor-	:
rection of the City of New York; JACK	:
BIRNBAUM, Deputy Commissioner of Correc-	:
tion of the City of New York; LOWELL E.	:
BELLIN, Health Commissioner and Health	:
Services Administrator of the City of New	:
York, individually and in their official	:
capacities,	:
	:
Defendants.	:

Defendants.

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A Stipulation and Order in this case, dated March 30, 1984, contained a modification in the provision governing Lock-In/Lock-Out in the Supplemental Final Judgment By Consent. Since that time the Office of Compliance Consultants (OCC) has investigated compliance with the lock-in provision. OCC determined that inmates in certain areas of the Adult Mental Health Center were being unnecessarily confined to their cells in the evening for the purpose of receiving medication. Based upon their observations and discussions with the parties, OCC recommended a medication

procedure that would eliminate the use of additional, involuntary lock-in time. In accordance with this recommendation, it is

STIPULATED between the parties, subject to approval of the Court, that paragraph (1) of the Lock-In/Lock-Out Time provision of the Supplemental Final Judgment By Consent be modified to read as follows:

1. Defendants shall not require any detainee to be confined to his cell except during the following periods:
 - a. at night for no longer than 8 hours, beginning no earlier than 11 p.m.;
 - b. during the day, only when essential for institutional business which can be carried out only while detainees are locked in their cells, and in no event for more than two hours in any 24 hour period.

Dated: New York, New York
May 23, 1986


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SO ORDERED:
May 10, 1986

John

Marvin Staser
United States District Judge

"W"