

Receiving Room Order
May 3, 1989

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES BENJAMIN, et al.,

Plaintiffs,

-against-

75 Civ. 3073 (MEL)

RICHARD KOEHLER, et al.,

Defendants.

-----X
CHARLES FISHER, et al.,

Plaintiffs,

-against-

83 Civ. 2128 (MEL)

RICHARD KOEHLER, et al.,

Defendants.

-----X
ERNESTO MALDONADO, et al.,

Plaintiffs,

-against-

76 Civ. 2854 (MEL)

WILLIAM CIUROS, JR., et al.,

Defendants.

-----X
DETAINÉES OF THE QUEENS HOUSE OF
DETENTION FOR MEN, et al.,

Plaintiffs,

-against-

79 Civ. 4914 (MEL)

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

-----X
IOLA FORTS, et al.,

Plaintiffs,

-against-

76 Civ. 101(MEL)

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X
GUY ZEPH AMBROSE, et al.,

Plaintiffs,

-against-

76 Civ. 190(MEL)

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X
DETAINEES OF THE BROOKLYN HOUSE
OF DETENTION FOR MEN, et al.,

Plaintiffs,

-against-

79 Civ. 4913(MEL)

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

LASKER, D.J.

Plaintiffs having brought these actions challenging certain conditions of confinement and practices in the New York City jails as violative of their rights under the United States Constitution; the parties having entered into detailed Stipulations in settlement of numerous issues in each of these cases; a Partial Final Judgment by Consent, incorporating the terms of the parties' Stipulation, having been entered in

these cases in the United States District Courts in the Southern and Eastern Districts of New York; the plaintiffs having sought relief from overcrowding in jails on several occasions; the Court having issued an Order dated April 13, 1981 prohibiting the defendants from housing any member of the plaintiff class, or having them sleep, in non-housing areas; plaintiffs having brought on April 7, 1989, a motion to hold defendants in contempt for violating this Court's Order of April 13, 1981; the parties having submitted papers in support of and in opposition to plaintiffs' motion for contempt; this Court having heard on April 19, 1989, from the parties on the aforementioned motion; there being no dispute that defendants have violated this Court's Order of April 13, 1981; and this Court having concluded that the members of the plaintiff class have been subjected to degrading, dangerous, unhealthy and unconstitutional conditions; it is hereby

ORDERED, ADJUDGED and DECREED that defendants are found to have violated the Order of April 13, 1981, in that they have had members of the plaintiff class in court pens, receiving rooms, gymnasiums and other non-housing areas for as long as days at a time; and it is further

ORDERED, ADJUDGED and DECREED that:

1. Defendants are prohibited from confining members of the plaintiff class in Department of Correction ("Department") court pens, receiving rooms, gymnasiums, dayrooms or any other non-housing areas, in any one area or combination

of areas, for a period exceeding 24 hours before they are placed in an appropriate housing area.

2. Inmates who have been processed and placed in a housing area and who are subsequently transferred for housing at another Department facility shall be placed in appropriate housing without delay after they have been removed from their original housing location and defendants shall use their best efforts to accomplish such transfer within 12 hours.

3. To ensure compliance with this order, the defendants shall carry out the actions represented to be taken in the Affidavit in Opposition of Richard J. Koehler sworn to April 17, 1989, including, but not limited to, the following:

- a) Institute a department-wide tracking system to ensure compliance with this order;
- b) Establish an admission control center;
- c) Acquire and operate 24 buses and 11 rally wagons;
- d) Add staff to court pens and receiving rooms;
- e) Expand medical services and medical monitoring;
- f) Increase bail expediting staff.

4. The defendants shall cooperate with the Office of Compliance Consultants so as to facilitate monitoring by that office of the defendants' compliance with this order.

5. On or after May 17, 1989 either plaintiffs or defendants may apply to the Court for modification of this

order in the light of the experience for the period April 17
through May 17, 1989.

Dated: New York, New York
May 3, 1989

Wendell Cox

U.S.D.J.