

200-105

ORDER OF
Nov 9, 1990

EDNA LOFTS, et al.,

Plaintiffs,

76 Civ. 190 (MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

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

Plaintiffs,

76 Civ. 190 (MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

Plaintiffs having brought these actions challeng-
ing 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' Stipulations, 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

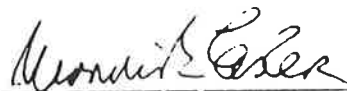
defendants from housing any member of the plaintiff class, or having them sleep in non-housing areas; the Court having issued an Order on May 3, 1989 (1) prohibiting defendants from confining plaintiffs in non-housing areas for more than 24 hours after their admission to Department of Correction custody and (2) requiring that inmates who are transferred from one Department of Correction facility to another ("overloads") be placed in appropriate housing without delay after they have been removed from their original housing location with defendants using their best efforts to accomplish such transfer within 12 hours; plaintiffs having moved by order to show cause on November 2, 1990 for an order adjudging defendants in contempt of the 1989 Order, alleging inter alia that: (a) significant numbers of plaintiffs are being confined in receiving room pens, and in some cases gyms, without unmediated access to operable toilet facilities and sinks; (b) even greater numbers of plaintiffs have been subjected to conditions in violation of their rights under the 1989 Order; and (c) plaintiffs are entitled to an award of damages to compensate them for the injuries they have sustained as a consequence of defendants' contempt; and defendants having submitted papers in opposition to plaintiffs' motion for contempt but not disputing the contention that plaintiffs were and are being held in receiving room pens which lack operable toilets and sinks; it is hereby

ORDERED, ADJUDGED and DECREED that defendants are prohibited from confining for any length of time members of the plaintiff class in any court pens, receiving room pens, gym-

nasiums, dayrooms or any other areas which lack an operable toilet and sink; and it is further

ORDERED that defendants maintain a daily list of all members of the plaintiff class by name and book and case number who (1) are confined in a non-housing area for more than 24 hours after admission into DOC custody, including the total length of time they remain in non-housing areas before they are actually housed; or (2) are confined in non-housing areas for more than 12 hours while being transferred from one housing area or facility to another, including the total length of time they remain in non-housing areas before they are housed. Such list shall indicate for each inmate the location(s) and nature of the non-housing areas (i.e., the names(s) of the institution(s) and whether they were in gyms, holding pens or other non-housing areas).

Dated: New York, New York
November 9, 1990



U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

75 Civ. 3073
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.
-----X

ERNESTO MALDONADO, et al.,

Plaintiffs,

76 Civ. 2854
(MEL)

- against -

WILLIAM CIUROS, JR., et al.,

Defendants.
-----X

ORDER

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

Plaintiffs,

79 Civ. 4913
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.
-----X

DETAINEES OF THE QUEENS HOUSE OF
DETENTION FOR MEN, et al.,

Plaintiffs,

79 Civ. 4914
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.
-----X

-----X

IOLA FORTS, et al.,

Plaintiffs,

76 Civ. 101
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

GUY ZEPH AMBROSE, et al.,

Plaintiffs,

76 Civ. 190 (MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

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' Stipulations, 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; the Court having issued an Order on May 3, 1989 (1) prohibiting defendants from confining plaintiffs in non-housing areas for more than 24 hours after their admission to Department of Correction custody and (2) requiring that inmates who are transferred from one Department of Correction facility to another ("overloads") be placed in appropriate housing without delay after they have been removed from their original housing location with defendants using their best efforts to accomplish such transfer within 12 hours; plaintiffs having moved by order to show cause on November 2, 1990 for an order adjudging defendants in contempt of the 1989 Order, alleging inter alia that: (a) significant numbers of plaintiffs are being confined in receiving room pens, and in some cases gyms, without unmediated access to operable toilet facilities and sinks; (b) even greater numbers of plaintiffs have been subjected to conditions in violation of their rights under the 1989 Order; and (c) plaintiffs are entitled to an award of damages to compensate them for the injuries they have sustained as a consequence of defendants' contempt; and defendants having submitted papers in opposition to plaintiffs' motion for contempt but not disputing the contention that plaintiffs were and are being held in receiving room pens which lack operable toilets and sinks; it is hereby

ORDERED, ADJUDGED and DECREED that defendants are prohibited from confining for any length of time members of the plaintiff class in any court pens, receiving room pens, gym-

nasiums, dayrooms or any other areas which lack an operable toilet and sink; and it is further

ORDERED that defendants maintain a daily list of all members of the plaintiff class by name and book and case number who (1) are confined in a non-housing area for more than 24 hours after admission into DOC custody, including the total length of time they remain in non-housing areas before they are actually housed; or (2) are confined in non-housing areas for more than 12 hours while being transferred from one housing area or facility to another, including the total length of time they remain in non-housing areas before they are housed. Such list shall indicate for each inmate the location(s) and nature of the non-housing areas (i.e., the names(s) of the institution(s) and whether they were in gyms, holding pens or other non-housing areas).

Dated: New York, New York
November 8, 1990

/s/ Morris E. Lasker

U.S.D.J.