

DISTRICT COURT, COUNTY OF EL PASO, STATE OF COLORADO

Civil Action No. 84C906, Division 8

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DEFENDANTS' SIX-MONTH COMPLIANCE REPORT

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JUDY RENALDE, et al.,

Plaintiffs,

vs.

CHASE RIVELAND, et al.,

Defendants.

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The following report addresses the specific issues contained in the Stipulation and Consent Decree dated February 14, 1986 and details the steps that have been taken to ensure compliance with the terms of said Stipulation and Consent Decree.

SPECIFIC PROVISIONS

II. - A. Separation of Inmates. Defendants stipulate that at all times they will keep healthy inmates, inmates recovering from surgery, and new arrivals not yet medically screened, housed separately from one another.

Compliant. CWCf Procedure 304-9 has been enacted and adhered to.

II. - A. Overcrowding in Infirmary Area. Two cells are located on the Infirmary Wing for use as a medical segregation area. During the period covered by this Stipulation, defendants stipulated that no more than eight (8) inmates will be assigned to the remainder of the Infirmary Wing at any one time. Under emergency conditions, any individual inmate may be housed in the Infirmary Wing for no more than five (5) consecutive days, not to exceed forty-five (45) days for all inmates during the twelve-month (12-month) period following the Court's approval of this Stipulation.

Compliant. Defendants have complied with the terms of this provision. No more than eight (8) inmates have been assigned to the Infirmary Wing at any one time. No emergency conditions have arisen to require an inmate to be assigned to the Infirmary Wing for more than five (5) consecutive days.

IV. - A. All inmates, regardless of housing assignment, shall be afforded reasonably, adequate, secure storage for their property.

Compliant. All inmates have been provided reasonably adequate, secure storage for their personal property.

Renalde v. Riveland



PC-CO-006-003

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V. - A. Inmates at Colorado Women's Correctional Facility shall be afforded medical, dental and mental health treatment and services and facilities substantially equal to those afforded to male inmates within the Canon Correctional Complex.

Compliant. The Health Services Plan has been implemented at CWCF.

V. - B. Defendants stipulate that inmate medical complaints and requests for medical attention will be documented in the inmate's file, and a written copy of each such complaint or request shall be furnished to the inmate on request.

Compliant.

V. - C. Defendants stipulate that outside professional medical recommendations shall be documented in the inmate's file. If such medical recommendations are not followed, Department of Corrections' medical staff will document the reason any such recommendation was not followed.

Compliant.

V. - D. Defendants stipulate that emergency medical care shall be available with at least a physician's assistant on 24-hour call, access to 16-hour on-site nursing care and 24-hour nursing care, and a staff member at the Colorado Women's Correctional Facility 24 hours a day who has completed a professionally recognized course of study in advanced first aid and cardiopulmonary resuscitation (CPR).

Compliant. All Shift Commanders at Colorado Women's Correctional Facility have a current CPR card.

V. - E. Defendants stipulate that, prior to the construction of the new infirmary upon the premises of the Colorado Territorial Correctional Facility, the Department of Corrections will see that space is made available for female inmates from beds which have been allotted to the Department of Corrections at the Colorado State Hospital. This will be done on an as-needed basis. If space at the Colorado State Hospital becomes unavailable, before the completion of this new infirmary, defendants will see that other suitable accommodations are made including placement and/or contracts for 24-hour nursing services.

Compliant.

VI. - A. Defendants will provide Plaintiffs with substantially the same levels of activities as are made available to male inmates within the penal facilities subject to the consent decree in Ramos v. Lamm, No 77-K-1093 (D. Colo.).

Compliant.

VI. - B. Defendants stipulate that the State of Colorado has commissioned a study which will include women's correctional programming and facilities. This study is expected to be completed in about March, 1986. Defendants agree to furnish a copy of such study to the Plaintiff's counsel once such a study has been completed.

Compliant. A copy of the Nakata master plan accompanies this report.

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VI. - C. Defendants will establish a Trades Council Advisory Board for Vocational Education. This Board will make recommendations concerning the type of vocational classes which should be offered to female inmates based on community needs for those services in the market place. Defendants stipulate to make these recommendations available to Plaintiffs when they are completed.

Compliant. Copies of the minutes of the meetings of the Trades Council Advisory Board accompany this report.

VII. - A. A handicapped-accessible housing area has been constructed by Defendants which meets applicable State building codes and which provides housing for four women inmates with special needs.

Compliant.

VII. - B. Defendants stipulate that disabled women inmates will not be excluded from activities involving non-disabled women inmates, except on the basis of bona fide qualification(s) inherent to the activity in question or instructions from medical staff.

Compliant.

VII. - C. Defendants will construct a door to the handicapped access area for the purpose of providing adequate security to those inmates housed therein and will provide keys to those inmates so housed. Defendants will also install an intercom system in the handicapped access room and a defuser on the present ventilation system leading to that room.

Compliant.

VIII. - A. Codes. All existing buildings at C.W.C.F. shall meet the provisions of the Uniform Building Code, the Colorado Technical Plumbing Code, and the National Electrical Code which were in effect as of the date each building was constructed, if applicable. New buildings and improvements shall meet all applicable provisions of the foregoing codes in effect at the time of construction. Defendants hereby agree to request all appropriate state and local officials having responsibility for enforcing these codes inspect C.W.C.F. within ninety (90) days from the date of this stipulation. If any deficiencies are revealed by the inspections, the deficiencies will be eliminated pursuant to Paragraph (D) below and all necessary repairs made within six (6) months from the date of notice of the deficiency.

Compliant.

VIII. - B. Food Service. The Department of Corrections shall comply with state law and the rules and regulations governing sanitation of food service establishments promulgated by the Colorado Department of Health. C.W.C.F. will be inspected by the Colorado Department of Health every six (6) months to ensure compliance with these standards. Any deficiencies shall be corrected promptly and, in no event, later than three (3) months after the first inspection noting the deficiency. Reports of all such inspections shall be furnished to Plaintiff's counsel.

Inconclusive. An inspection was conducted by Bill Taylor of the Colorado Department of Health on July 24, 1986, but no report has yet been received by defendants.

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VIII. - C. Fire Safety. All buildings of C.W.C.F. in which members of the plaintiff's class are housed shall meet applicable fire safety and prevention standards. Defendants shall request that the local fire marshall inspect the facility and the procedures utilized for fire safety every six (6) months and consistent with the results of the inspections and recommendations made by the fire marshall, adequately provide for the safety of inmates in case of fire. Reports of these inspections shall be furnished to plaintiffs' counsel.

Compliant. A copy of the fire inspection report accompanies this report.

VIII. - D. Code Compliance. Whenever under Paragraphs (A), (B), or (C) above, an inspection reveals a code violation or whenever plaintiffs notify defendants in writing of an alleged code violation, defendants, within thirty (30) days of learning of the alleged violation, may seek a court order excusing them from rectifying the violation. The Court may excuse the violation if defendants, by a preponderance of the evidence, establish that the violation does not affect the health, safety and general welfare of the inmates and the existence of the violation does not otherwise contravene in the provisions of the United States Constitution.

Compliant. Defendants have rectified deficiencies identified by inspections referred to in paragraphs (A), (B), and (C).

VIII. - E. Heating. Defendants agree to provide adequate heating to inmates housed at C.W.C.F.

Compliant.

VIII. - F. Lighting. Defendants agree to provide an adequate supply of desk lamps for purchase at the inmate's canteen and to purchase desk lamps for all inmates who are indigent under the regulations of the Department of Corrections.

Compliant.

XI. Within thirty (30) days of the court's approval of this Stipulation and Consent Decree the defendants agree to fully implement at C.W.C.F. any and all changes to their grievance system to have it conform to the grievance system in effect or as modified at the D.O.C. penal facilities which are the subject of the pending action in Ramos v. Lamm, No. 77-K-1093 (D. Colo.).

Compliant.

603-11