

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D. N.Y.  
\* SEP 10 1975 \*

-----x  
RALPH VALVANO, et al.,

Plaintiffs.

-against-

BENJAMIN MALCOLM, et al.,

Defendants.

-----x  
-----x  
DETAINEES OF THE BROOKLYN HOUSE OF  
DETENTION, et al.,

Plaintiffs,

-against-

BENJAMIN MALCOLM, et al.,

Defendants.

TIME A.M. ....  
Docket No. 70 C 1390

Docket No. 73 C 261

INTERIM JUDGMENT

*On Remand*

-----x  
These actions came on to be tried before the Court,  
Honorable Orrin G. Judd, District Judge, presiding, and the Court  
having made and filed findings of fact and conclusions of law in  
a Memorandum of Decision and Order dated July 31, 1974, and the  
Court having entered a final judgment on October 2, 1974 and  
defendants having appealed to the United States Court of Appeals  
for the Second Circuit, and that Court having affirmed the District  
Court's findings of fact and conclusions of law that the overcrowd-  
ing and double celling of detainees at the Brooklyn and Queens  
Houses of Detention create an unconstitutional deprivation of their  
due process and equal protection rights and that Court having  
remanded this case to the District Court for the purpose of fash-  
ioning a remedy, and the Court having held a conference at which  
all parties were present and both parties having made suggestions  
as to the final relief that would be appropriate in light of the

Court of Appeals opinion in this case, and the Court determining that pending entry of a Final Judgment, an interim Judgment on the issue of overcrowding should be entered, it is hereby

ORDERED, ADJUDGED and DECREED that defendants shall submit to the Court and counsel for plaintiffs within sixty (60) days of entry of this Judgment a comprehensive and detailed plan for the immediate elimination of all overcrowding and double-celling at the Brooklyn and Queens Houses of Detention and that pending the submission of said plan and the entry of final Judgment herein, it is further

ORDERED, ADJUDGED and DECREED that defendants, their agents, servants and employees are enjoined from confining more than one detainee in a cell with another detainee at the Queens House of Detention without the voluntary written consent of both persons and it is further

ORDERED, ADJUDGED and DECREED that defendants their agents, servants and employees are enjoined from confining any detainee at the Brooklyn House of Detention in a cell with another detainee for a period longer than ~~the first~~ thirty (30) days ~~of his confinement~~ unless on the voluntary written consent of both persons and it is further

ORDERED, ADJUDGED and DECREED, that involuntary confinement with another detainee at the Brooklyn House of Detention and Queens House of Detention shall be permitted in the following instances:

(a) In the case of a person in need of mental observation due to depression and/or potential suicidal tendencies certified in writing by a staff psychiatrist, for a period not to exceed thirty days;

(b) In the case of emergencies certified by the Commissioner of Correction, for a period not to exceed ten days, and it is further

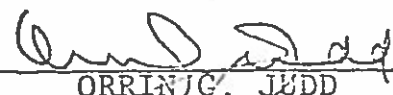
ORDERED, ADJUDGED and DECREED that defendants are enjoined from imposing any burdens upon detainees who choose to occupy a single cell under this Interim Judgment such as retaliatory transfers or relinquishment of any previously enjoyed right or privilege and it is further

ORDERED, ADJUDGED and DECREED that defendants shall maintain a written record of all instances wherein more than one person is confined to a cell; the record shall disclose the name and cell location of the person so confined, the date of confinement, the reason for confinement and the date when such confinement ceased; and the record shall be made available monthly for inspection and copying by plaintiffs' attorneys, and it is further

ORDERED, ADJUDGED and DECREED that if compliance with this Order requires a reduction in detainee population of either institution, the Commissioner of Correction and the respective Wardens are directed to release on his own recognizance the persons held in default of the lowest amount of bail, and among persons held in the same amount of bail the ones who have been confined for the longest time; provided that any New York court of competent jurisdiction may specify a different method of selecting the persons to be released; and it is further

ORDERED that this court retains jurisdiction to pass on the plan above mentioned and the method of permanent relief from unconstitutional overcrowding.

Dated: Brooklyn, New York  
September 9, 1975.

  
ORRIN G. JUDD  
United States District Judge

