

21-07-068  
Box # 281

*Laster J.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

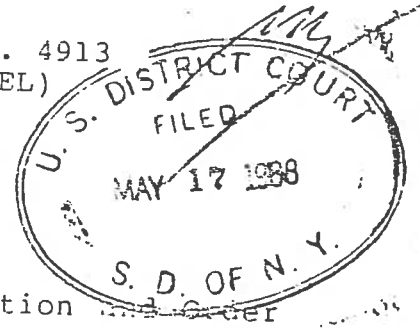
-against-

BENJAMIN MALCOLM, et al.,

Defendants.  
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STIPULATION AND ORDER  
ON ENHANCEMENT OF PROGRAM  
ACTIVITIES

79 Civ. 4913  
(MEL)



The parties entered into a Stipulation and Order in September, 1986, that required, inter alia, that in lieu of fines payable to plaintiffs because of defendants' failure to meet the court-ordered deadline for replacement of windows at the Brooklyn House of Detention ("BHD"), defendants would devote substantial additional resources, beyond those already allocated to the institution, to enhance the recreational, educational and other programmatic activities available to the plaintiff class. The parties hereby agree to the entry of an Order requiring that the following measures be undertaken to enhance activities at the Brooklyn House of Detention:

1. The Department of Correction will purchase and install for use at BHD the items listed in Appendix A to this Stipulation. As to those items not yet received, defendants shall make all reasonable efforts to expedite their purchase and installation and shall provide a monthly update on the progress of their procurement.

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2. Defendants shall maintain at least the current level of organized instructional programs available at BHD, which include Basic Education, English as a Second Language, GED preparation, pre-College and a Diagnostic Assessment and Testing Center. Defendants shall continue to train and utilize inmate tutors to assist inmates with their academic work and correspondence and to work in a drop-in Literacy Assistance Center. Academic counseling and recruitment for academic programs shall be ongoing.

3. Effective July 1, 1988, the vendor(s) hired by the Department of Correction to provide inmate educational services at BHD will be required to supplement the existing education program at the jail with additional educational programs utilizing the video technology available at the facility. These additional educational programs may be instructional, e.g., such general education courses as CUNY's GED and Learn to Read videos, or may be less traditionally academic material, e.g., VEL's Video History of the 20th Century. The Department will report in writing on a monthly basis to OCC and plaintiffs' counsel on its plans for complying with this overall commitment to enhance educational programs at BHD.

4. The supplemental educational videos will be incorporated into the chapel and general library education programs and courses and will be available to interested inmates according to the schedules attached as Appendix B.

5. Defendants agree that detainees enrolled in any educational programs at BHD will not be transferred to other facilities on "overloads" or otherwise, unless and until all other inmates eligible for transfer have been exhausted, or unless such transfer is justified by articulable security concerns specific to the inmate being transferred. If an inmate enrolled in an educational program is transferred he shall be permitted to enroll in an ongoing educational program at the receiving facility if space exists; if that is not possible he shall be given priority in enrolling in the next available school program.

6. The Department will make its best efforts to air-condition the BHD Chapel by June 30, 1988, and in any event it shall be air-conditioned no later than July 15, 1988. The Chapel will be used to provide supplemental educational programs, as discussed above; for the showing of video movies and special programs and sporting events received through the satellite dish; and for live special shows.

7. The Department will show movies, sports and other special programs in the air-conditioned chapel daily during the evening hours, pursuant to the schedule contained in Appendix B. Housing areas shall be rotated to different evenings from week to week.

8. Defendants will run a recreation recall period daily during the evening hours. However, if the number of detainees attending evening activities in the chapel reaches

65, recreation recall may be cancelled. There will be no limit placed on the number of inmates attending evening chapel activities from a housing floor. However, when both the chapel and recreation recall are running simultaneously, limits may be placed on the number of inmates attending recreation recall so that no more than 100 inmates total will be on the eleventh floor of the institution.

9. The parties agree that after the chapel and recreation recall program have been in operation for two months, they will re-evaluate, with the assistance of OCC, whether greater numbers of inmates can be accommodated in these programs.

10. The Department will fix the satellite dish to be installed on the roof of BHD on the Satcom 4 satellite which will be capable of receiving a variety of programs, including: Home Sports Entertainment; New England Sports Network; MSG Network; Sports Channel.

The television sets in the Chapel and facility day rooms will be connected to the satellite dish.

The satellite dish will be capable of receiving at least four channels simultaneously. Each television will be capable of independently selecting from one of the four channels programmed for reception at any given time.

11. Defendants shall make every reasonable effort to build a video library of movies and sporting events for future inmate viewing using the existing facility video

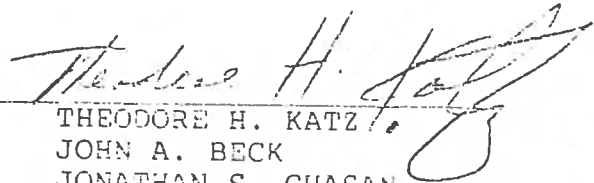
resources as well as videos purchased pursuant to this agreement.

12. Until the new air-conditioned general and law libraries are opened, defendants shall, during warm weather, have at least two operating fans in both the law and general libraries in order to improve ventilation.

13. All of the equipment being purchased pursuant to this agreement shall be properly maintained and repaired promptly as necessary.

14. Notice shall be provided to all BHD inmates of the availability of the programs described in this agreement.

Dated: May 12, 1988



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By:   
LEONARD KOERNER

-5- *Asst Cap Counsel*

~~Assistant Corporation Counsel~~

So Ordered.

*Morris E. Lasker*

HONORABLE MORRIS E. LASKER  
United States District Judge

Dated: *5/16/88*

*5-13-88 #3*

APPENDIX A

The Department of Correction agrees to purchase the following items:

Item

- 1) Chapel Air Conditioning System
- 2) Fixed Satellite Dish
- 3) (2) 45" Wide Screen T.V.'s  
for Chapel
- 4) 1 VHS VCR
- 5) (28) 25" Color T.V.'s
- 6) (3) 500 LCD  
5 gal. Cambros
- 7) 400 lb. Set Olympic free weights
- 8) Universal Gym
- 9) (4) Exercise Cycles
- 10) (4) Volleyball Nets
- 11) (10) Volleyballs
- 12) (8) Tables - Roof Recreation
- 13) (32) Chairs - Roof Recreation

APPENDIX B





2/11/79

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
7:15PM-10:45PM	SCHOOL 9AM-10AM & GENERAL LIBRARY	SCHOOL 9AM-10AM & GENERAL LIBRARY	SCHOOL 9AM-10AM & GENERAL LIBRARY	SCHOOL 9AM-10AM & GENERAL LIBRARY	SCHOOL 9AM-10AM & GENERAL LIBRARY	CLOSED	CLOSED
7:15PM-10:45PM	SCHOOL 1PM-3PM & GENERAL LIBRARY	SCHOOL 1PM-3PM & GENERAL LIBRARY	SCHOOL 1PM-3PM & GENERAL LIBRARY	SCHOOL 1PM-3PM & GENERAL LIBRARY	SCHOOL 1PM-3PM & GENERAL LIBRARY	CLOSED	CLOSED
12:40PM-3:15PM	EDUCATIONAL VIDEO 8:30PM to 10:45PM	EDUCATIONAL VIDEO 8:30PM to 10:45PM	CATHOLIC BIBLE CLASS 7:30PM to 9:30PM	ST. VINCENT DEPAUL 7:30PM to 9:30PM	PHARMACOLOGY FOR 7PM-8:30PM EDUCATIONAL VIDEO 8:45PM-10:45PM	ALCOHOL ABUSE 7PM-8:30PM	CLOSED

= NEW PROPOSED SERVICE

NOTICE OF ENTRY

Sir: Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 19

Dated, Yours, etc.,

Attorney for Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir: Please take notice that an order of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on 19

at M.

Dated, Yours, etc.,

Attorney for Office and Post Office Address

To

Attorney(s) for

Index No. 79 Civ. 4913 (MEL) Year 19 88

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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-against-

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STIPULATION AND ORDER ON ENHANCEMENT OF PROGRAM ACTIVITIES

PHILIP L. WEINGSTEIN

Attorney for plaintiffs Office and Post Office Address, Telephone

THE LEGAL AID SOCIETY PRISONERS RIGHTS PROJECT

13 PARK ROW - 7TH FLOOR

NEW YORK, NEW YORK 10008

(212) 577-5530

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for