

'75 DEC 3 PM 2:46

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID ROSENTHAL, et al., :

Plaintiffs, :

-v- :

BENJAMIN MALCOLM, et al., :

Defendants. :

COUNTER
ORDER

74 Civ. 4854
(R.J.W.)

'75 NOV 17 PM 5:00

CITIZENSHIP

-----X

The plaintiffs, having moved this Court for an order to hold defendants in contempt of the Court's order dated November 21, 1974, and the Court having read the affidavits filed by both parties and having heard oral testimony on the motion on August 25, 26, 28 and November 3, 1975, and having determined that the plaintiffs' motion shall be denied on condition that the order of this Court dated November 21, 1974 be resettled in conformity with this Court's decision of November 3, 1975,

IT IS HEREBY ORDERED, that plaintiffs' motion to hold defendants in contempt of court is denied, and it is further ORDERED that numbered paragraph one (1) of this Court's Order of November 21, 1974 is hereby amended to add the following:

a) Upon admission to the Adult Mental Health Center at C-71, each detainee shall be informed of his right to request a contact visit by having the following notice read to him; ~~and a copy thereof given to him~~

R.J.W.
S

~~Detainees at this facility~~ ^{You} are allowed to have contact visits with ~~their~~ ^{Your} friends and relatives unless it is decided that such a visit would be harmful to you or to your visitors. If you wish to apply for a contact visit, fill out an interview slip, which you can get from the mental

health workers or the correction officers on your housing unit. Write down that you want a contact visit, and the names and addresses of the person or persons you wish to have visit you. Sign and date the interview slip. Then, give it to the ~~mental health worker~~ ^{OFFICER STATIONED} on your housing unit. If you have any trouble doing this, ask the mental health worker to help you. You will be informed ~~in writing~~ within one week whether your application for a contact visit has been granted or denied.

R.W.
~~_____~~

b) Upon receipt of ~~a contact visit request~~ ^{AN INTERVIEW SLIP, THE OFFICER} ~~the mental health worker~~ shall submit it to the captain assigned to the Mental Health Program. The captain, after conferring with the mental health ~~staff~~ ^{INITIATE TEAM LEADER OR WORKER}, shall ~~inform~~ ^{PERSONALLY INTERVIEW} the detainee ~~in writing~~ ^{AND INFORM HIM} whether or not his request has been granted and if denied, shall state the reasons for the denial. Decisions on contact visit requests shall be made no later than seven days from the date the inmate requests a contact visit and provides the name and address of the visitor. In the absence of the captain, another staff person shall be designated to fulfill this function.

R.W.
~~_____~~

c) ~~Nothing herein shall prohibit the adoption of further implementing rules and procedures~~ ^{to the extent that they are not inconsistent with the foregoing.} And it is further ~~ordered~~ ^{ORDERED} that numbered paragraph three (3) of this Court's

R.W.
~~_____~~

Order of November 21, 1974 is amended ~~to add the following:~~ ^{AS FOLLOWS:} (3) The following programs and services ~~shall be and~~ ^{ARE NOW, AND SHALL CONTINUE TO BE AVAILABLE} currently ~~are provided~~ ^{are provided} to detainees at the Adult Mental

R.W.
~~_____~~

Health Center at C-71:
a) ~~Five days a week~~ ^{FIVE DAYS A WEEK:}
→ Outdoor recreation, at least one hour a day, ~~five days a week, year round, weather permitting;~~

b) Gymnasium at least one hour each weekday that the weather does not permit outdoor recreation;

c) Occupational therapy; ~~five days a week~~
1) AT LEAST ONE DAY A WEEK; EACH OF THE FOLLOWING:

a) Art classes; ~~twice a week~~

e) Music; ~~(per)~~

f) Group meetings; ~~(per)~~

g) Community meetings; ~~(per)~~

C) ACCESS TO LIBRARIES AND LIBRARY MATERIALS:

* Mini law library on a daily basis;

THROUGH A LIBRARY COORDINATOR,
* Access to a main law library on request;

* Access to a general reading library ~~(per)~~ MATERIALS LOCATED ON THE HOUSING UNITS, and it is further

ORDERED that this order does not constitute an adjudication of the merits of any of the issues in this litigation, and it is further

ORDERED that this order is subject to further modification BY ORDER OF THIS COURT.

Robert J. Ward
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
November 28, 1975

ORDERED THAT IN THE EVENT OF AN EMERGENCY AFFECTING SECURITY AT THE ADULT MENTAL HEALTH CENTER, ANY OR ALL OF THE FOREGOING PROGRAMS AND SERVICES MAY BE SUSPENDED DURING THE PERIOD OF THE EMERGENCY, WHICH SUSPENSION SHALL NOT EXCEED TEN (10) DAYS UNLESS EXTENDED BY ORDER OF THIS COURT, AND IT IS FURTHER

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Motion granted to the extent that the order of November 28, 1975 is amended to substitute the word "movies" for the word "music". The order is supplemented to provide that "in the event defendants are unable to permit C-71 inmates to utilize the gymnasium facility more than twice per week, defendants shall permit one hour of outdoor recreation each remaining weekday throughout the year." In all other respects, the motion is denied.

It is so ordered.

Dated: December 23, 1975

Robert J. Wood

U. S. D. J.

OFFICE OF CORPORATION COUNCIL
'75 DEC 31 PM 12:00
LAW OFFICES
CITY OF NEW YORK

*Robert Daly
Legal Director
Dept of Correction
Dec. 31, 1975*

*135-HU^{2m}
12/31/75*

*W. J. ...
C-71
12/31/75*