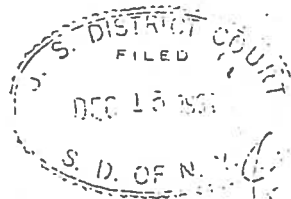


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
JAMES BENJAMIN, MIGUEL GALINDEZ, BRUCE :  
HAYES, JOSE SALDANA and ROBERT ESCHERT, :  
detainees of the New York City House of :  
Detention for Men, individually and on :  
behalf of all other persons similarly :  
situated, :

STIPULATION AND ORDER  
REGARDING MEDICAL CARE

75 Civ. 3073  
(MEL)

Plaintiffs, :

-against- :

BENJAMIN J. MALCOLM, Commissioner of Cor- :  
rection of the City of New York; ARTHUR :  
RUBIN, Warden, New York City House of :  
Detention for Men; GERARD BROWN, Deputy :  
Warden, New York City House of Detention :  
for Men; and ABRAHAM D. BEAME, Mayor of :  
the City of New York, individually and in :  
their official capacities, :

Defendants. :

-----X  
Plaintiffs having moved for relief from overcrowding and  
having sought, inter alia, the opening of a second medical clinic  
in the House of Detention for Men (HDM)/Anna M. Kross Center  
(AMKC), in order to meet plaintiffs' basic medical needs; and  
defendants having acknowledged that as a result of overcrowding  
there developed difficulties in meeting plaintiffs' basic medical  
needs in the areas of sick call, emergency care and follow-up  
examinations;

IT IS HEREBY STIPULATED by and between the undersigned attor-  
neys for the parties herein, that the following measures will be  
implemented and that the terms of this Stipulation will be sub-  
mitted to the Court for its approval and entry as an order of  
the Court:

1. Medical clinics shall be operated in both HDM and AMKC.  
The HDM clinic shall be refurbished, staffed and in operation no  
later than April 1, 1982. By January 2, 1982, defendants shall

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report to the Court and plaintiffs' counsel on the status of the implementation of the HDM clinic and shall set forth a schedule of the steps to be taken, along with their projected completion dates, in order to open the HDM clinic by no later than April 1, 1982.

2. The HDM clinic shall be adequately staffed to provide, inter alia, routine sick call access for at least eight hours each day, Monday through Friday. The routine sick call hours of the AMKC clinic shall be maintained to provide at least the level of services currently being provided.

3. Properly trained medical personnel shall be present in the clinics in both HDM and AMKC, 24 hours per day, seven days per week, in order to provide, inter alia, emergency medical services.

4. All inmates in HDM/AMKC shall be given access to routine sick call screening and treatment by trained medical personnel on a minimum of five days per week. Such access to the clinic shall be regularly scheduled for all housing areas in a manner designed to minimize a conflict in schedules with other activities which would inhibit access. Access to sick call shall not be withheld or obstructed on the basis of medical determinations by non-medical personnel. Plaintiffs shall have access to emergency medical services seven days per week.

5. Sufficient staffing levels of correctional personnel shall be made available in order to provide necessary escort and other security arrangements so that inmate access to the clinics and medical personnel is not obstructed or unreasonably delayed.

6. Defendants shall assure that inmates scheduled for follow-up visits at the clinic are seen on the scheduled date, except where the inmate's own conduct makes this impossible. If

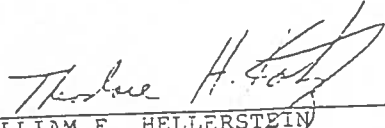
an inmate is unavailable because of a legitimate conflict with another activity, such as a court appearance, defendants shall inform medical personnel and shall assure that the inmate is produced for a follow-up visit on the date rescheduled by medical personnel.

7. By February 15, 1982, defendants shall, as an interim measure, have properly trained medical personnel on duty in HDM, 24 hours per day, seven days per week, at least to respond to medical emergencies which arise.

8. This stipulation shall not be construed as a resolution of the general issue of the adequacy of the medical care provided to plaintiffs, nor shall it preclude plaintiffs from litigating that issue in the future, if necessary.

9. For a period of 6 months after the opening of the HDM clinic, defendants shall make available to plaintiffs' counsel, on request, information relating to medical services being provided pursuant to this stipulation, including but not limited to: housing area sick call schedules, clinic schedules and staffing patterns, and clinic logs.

Dated: New York, New York  
December 10, 1981

  
\_\_\_\_\_  
WILLIAM E. HELLERSTEIN  
THEODORE H. KATZ  
JONATHAN S. CHASAN  
Attorneys for Plaintiffs  
The Legal Aid Society  
Prisoners' Rights Project  
15 Park Row - 19th Floor  
New York, New York 10039  
(212) 577-3530

ALLEN G. SCHWARTZ  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street  
New York, New York 10007

By: Leonard Koerner  
Leonard Koerner, Esq.  
Assistant Corporation Counsel  
in Charge of Appeals Division

SO ORDERED.

Dated: New York, New York  
December 11, 1981

Merrick B. Ober  
UNITED STATES DISTRICT JUDGE