

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X

JAMES BENJAMIN, et al., :
 :
 Plaintiffs, :
 :
 -against- : ORDER
 : 75 Civ. 3073
 BENJAMIN J. MALCOLM, et al., :
 : (MEL)
 Defendants. :
 :
 -----X

Defendants having made an application to the Court for suspension, on an emergency basis, of the Court's overcrowding orders and having claimed that as a result of the strike of Legal Aid attorneys that the number of detainees in their custody has risen and that adherence to this Court's orders has had the effect of reducing overall capacity because of the displacement of sentenced inmates by detainees; and plaintiffs having opposed this application and having requested from defendants data regarding the Department's census both as it applies to the immediate application before the Court as well as the ongoing issue of compliance with the Partial Final Judgment By Consent in this and related cases; and the Partial Final Judgment By Consent providing that in order to monitor compliance with the Judgment plaintiffs' counsel shall be entitled to any relevant, non-privileged information; it is hereby

ORDERED, that defendants shall provide to plaintiffs' counsel daily information which indicates for each day the following:

1) the overall departmental census, indicating separately the number who are detainees and the number who are sentenced misdemeanants or others;

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2) the capacity of each of defendants' facilities and, for those facilities containing dormitory areas, the capacity of each of those dormitory areas and the square footage per inmate at capacity;

3) the total number of inmates in each facility, indicating separately the number who are detainees and the number who are sentenced misdemeanants or others;

4) for each facility containing housing areas other than just cells, the census of all inmates housed in cells and the census for each dormitory or other non-cell area, indicating for each area whether the inmates are detainees, sentenced misdemeanants or others.

Dated: New York, New York
November 12, 1982

S/MEL
United States District Judge