

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUY ZEPH AMBROSE, et al.,

Plaintiffs,

76 Civ. 190

-against-

BENJAMIN J. MALCOLM, et al.,

Defendants.

MEMORANDUM

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APPEARANCES:

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THE LEGAL AID SOCIETY

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LASKER, D.J.

By memorandum dated May 6, 1976, plaintiffs' motion for a preliminary injunction affording detainees/at the ^{contact visits} Bronx House of Detention was granted and the defendants were ordered to submit a plan for providing such contact visits. To comply with this order the City submitted a plan for a temporary facility, which they propose will provide space for thirteen visits at a time and which will take approximately ninety days to construct. The plaintiffs object to the plan on the grounds that (1) the area set aside for an interim contact visiting facility can house twenty rather than thirteen visits at a time; (2) the defendants could utilize an open space immediately adjacent to the proposed area for additional contact visiting room; and (3) the glass partitions in the existing non-contact visiting facility can be knocked out to provide complete contact visitation rights to all inmates at BxHD immediately.

The court visited BxHD on July 6, 1976 for the purpose of making findings as to the soundness of defendants' proposed interim plan and as to the feasibility of plaintiffs' alternative suggestions.

After thoughtful consideration of the plaintiffs' suggestions and the City's objection that such plans would create a security problem, we find that plaintiffs have not established that knocking out the glass partitions would

not create a security risk. Like the glass partitioned visiting facilities at the House of Detention for Men at Rikers Island, the long, straight, narrow corridors which the booths at BxHD form, dotted at regular intervals with seats for detainees on one side and visitors on the other, are constructed so that vision is severely limited when the facilities are in use with the result that security governance would be difficult in the extreme if the partitions were removed. Moreover, the security problem at BXHD is complicated by the fact that large steel supporting beams, spaced at close intervals in the corridor obstruct visibility, even more than is the case at HDM.

Nor have the plaintiffs established the invalidity of the evaluation by Correctional Officers at BxHD that utilizing the empty room outside the proposed interim facility might jeopardize security particularly because a stairway leads directly from the room to the street level. Furthermore, even if this obstacle were eliminated by the erection of a barrier between the room and stairway, severe space problems would be caused by trying to house within the first floor visiting area the visitors who now await a call for visits on the second floor.

Despite these observations, however, plaintiffs are entitled to contact visits as soon as possible. The defendants are, therefore, ordered to commence a temporary

contact visitation program no later than September 15, 1976, which will afford to members of the plaintiff class at least one contact visit per week.

In addition, the defendants are ordered (a) as soon as practicable to submit a plan for the creation of a permanent facility which will insure that every visit at BxHD will be a contact visit as soon as possible and in any event, no later than May 15, 1977, and (b) to provide contact visits on all visiting occasions as soon as such permanent facility is completed.

Submit order on notice.

Dated: New York, New York
July 13, 1976.

MORRIS E. LASKER
U.S.D.J.