

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURT HOUSE  
NEW YORK, N. Y. 10007

ORDER - 93/7  
DSNG - 93/4  
CTCR - 93/9

CHAMBERS OF  
JUDGE MORRIS E. LASKER

February 8, 1993

TO: Kenneth Schoen, Esq.  
Ms. Mary Jo Mullan  
Leonard Koerner, Esq.  
Robert Daly, Esq.  
John Boston, Esq.

RE: Benjamin v. Abate  
75 Civ. 3073 (MEL)

On January 19th, I wrote to you stating in part that "I am holding for further action the "ORDER CONCERNING SUBMISSION OF WORK PLANS AND COMPLETION OF THE COMPLIANCE PROCESS' submitted under cover of OCC's letter of January 13, 1993."

I said that I was holding it so that Mr. Koerner could arrange a meeting with OMB relating to the question of drafts being submitted to OCC and Legal Aid at the same time they are submitted to OMB.

I have now been advised by Mr. Koerner that OMB and the parties have agreed on the subject. Accordingly, I am today signing and filing the order concerning submission of work plans, etc.

Very truly yours,

*Morris E. Lasker*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JAMES BENJAMIN, et al.,

Plaintiffs,

- against -

CATHERINE M. ABATE, et al.,

Defendants.

75 Civ. 3073  
(MEL)

-----X

ERNESTO MALDONADO, et al.,

Plaintiffs,

- against -

CATHERINE M. ABATE, et al.,

Defendants.

76 Civ. 2854  
(MEL)

ORDER CONCERNING  
SUBMISSION OF WORK  
PLANS AND COMPLETION  
OF THE COMPLIANCE  
PROCESS

-----X

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

Plaintiffs,

- against -

CATHERINE M. ABATE, et al.,

Defendants.

79 Civ. 4913  
(MEL)

-----X

DETAINEES OF THE QUEENS HOUSE OF  
DETENTION FOR MEN, et al.,

Plaintiffs,

- against -

CATHERINE M. ABATE, et al.,

Defendants.

79 Civ. 4914  
(MEL)

-----X

-----X

IOLA FORTS, et al.,

Plaintiffs,

76 Civ. 101  
(MEL)

- against -

CATHERINE M. ABATE, et al.,

Defendants.

-----X

GUY ZEPH AMBROSE, et al.,

Plaintiffs,

76 Civ. 190 (MEL)

- against -

CATHERINE M. ABATE, et al.,

Defendants.

-----X

It is undisputed that the Partial Final Stipulations for Entry of Final Judgment in the above entitled cases, although entered in 1979, have never been fully complied with. Since 1982, the compliance process has been supervised by the Office of Compliance Consultants (OCC), a monitoring agency created and maintained by a series of court orders, most recently the order of July 12, 1991. The court approved on June 2, 1987 a negotiated plan for the withdrawal of OCC from active monitoring as compliance is achieved by the defendants ("Disengagement Plan"); no part of that plan has been implemented to date.

In order to achieve full compliance with the Consent Judgments within a reasonable period of time, the parties have agreed that it is appropriate to set deadlines for the submission of

work plans setting out schedules for achieving compliance with certain provisions of the Consent Judgments as well as an overall plan and schedule for achieving compliance with all aspects of the Consent Judgments. Accordingly, it is ORDERED:

1. Substantial compliance with all aspects of the Consent Judgments shall be achieved by March 15, 1996, except that substantial compliance with all the food service provisions of the Consent Judgments shall be achieved by March 31, 1997, and steps toward compliance in this area shall continue to be governed by the Revised Food Service Work Plan adopted by the court on July 10, 1992. The parties and the Office of Compliance Consultants shall explore means of achieving substantial compliance at an earlier date with as many of the relevant provisions as practicable.

2. The compliance process shall be governed by the schedule and the deadline set out in Attachment I to this order, as follows:

a. The column in Attachment I labelled "Submission of Draft" consists of deadlines for the submission by defendants to OCC and plaintiffs' counsel of draft work plans for achieving substantial compliance in particular areas of the Consent Judgments. OCC and the parties shall then negotiate a final work plan.

b. The column in Attachment I labelled "Submission of Final Plan" refers to the deadline for submission by defendants to OCC and plaintiffs' counsel of final work plans following negotiations. Because the final draft represents the joint work

product of the parties and OCC, it is understood that defendants shall not be held responsible for delays resulting from circumstances beyond the City's control.

c. The column in Attachment I labelled "Submission of Plan to Court" refers to the deadline for submission to the court of a final work plan after negotiations and final review by OCC.

d. The column in Attachment I labelled "Last Work Plan Activity Date" refers to the latest date for which any item in the work plan may be scheduled.

e. The column in Attachment I labelled "Full Imple. Date" refers to the dates on which all items in the respective work plans are to be fully implemented.

f. The column in Attachment I labelled "Substantial Compliance" refers to the dates on which defendants shall have accomplished substantial compliance with all terms in the relevant sections of the Consent Judgments.

3. With respect to the Consent Decree provisions concerning inmate property, Attachment I provides that substantial compliance shall be achieved by September 30, 1993 but provides for work plan activity dates extending to June 30, 1995. The latter date refers to the implementation of further measures in the jails required to ensure that compliance with the relevant Consent Decree provisions shall be maintained after September 30, 1993.

4. The last row of Attachment I, concerning the Compliance Monitoring Plan and Schedule, refers to a plan and schedule for achieving compliance with the relevant provisions of every sec-

tion of the Consent Judgments not specifically referred to in Attachment I, and for monitoring compliance with all provisions of the Consent Judgments. This plan and schedule shall also address the outstanding issue of disciplinary due process, which is presently the subject of negotiations between the parties with the assistance of OCC, and which has been incorporated by agreement in the court-approved Disengagement Plan.

Dated: New York, New York  
January \_\_\_\_, 1993

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U.S.D.J.

# ATTACHMENT I

## SCHEDULE FOR ACHIEVEMENT OF CONSENT JUDGMENT COMPLIANCE

WORKPLAN NAME	SUBMISSION OF DRAFT	SUBMISSION OF FINAL PLAN	SUBMISSION OF PLAN TO COURT	LAST WORK PLAN ACTIVITY DATE	FULL IMPL. DATE	SUBSTANTIAL COMPLIANCE
INMATE PROPERTY	N/A	Submit Final Plan to OCC 11/30/92	Plan Signed 12/31/92	6/30/95	6/30/93	9/30/93
FOOD SERVICES	N/A	IN PROGRESS	ON-GOING	9/30/96	12/31/96	3/31/97
CLASSIFICATION	N/A	Submit Final Plan to OCC 11/30/92	Plan Signed 1/31/93	12/31/94	3/31/94	7/29/94
ENVIRONMENTAL HEALTH/ SANITATION	2/1/93	Submit Final Plan to OCC 4/30/93	Plan Signed 5/31/93	11/30/93	11/30/93	3/31/94
MAINTENANCE AND PREVENTIVE MAINTENANCE	4/30/93	Submit Final Plan To OCC 6/30/93	Plan Signed 7/30/93	6/30/94	9/30/94	6/30/95
FIRE SAFETY	1/29/93	Final Plan to OCC 2/26/93	Plan Signed 3/31/93	6/30/95	9/29/95	12/29/95
COMPLIANCE MONITORING PLAN AND SCHEDULE	3/31/93	Final Plan and Schedule to OCC 6/30/93	7/31/93	N/A	9/30/93	N/A

**FOR COMPARISON PURPOSES ONLY**  
**--SUPERSEDED BY ATTACHMENT I TO PROPOSED ORDER--**

**PROPOSED DOC WORKPLAN IMPLEMENTATION SCHEDULE 11/92**

WORKPLAN NAME	SUBMISSION OF DRAFT	CURRENT STATUS	NEXT WORK PLAN STATUS	LAST WORK PLAN ACTIVITY DATE	FULL IMPL. DATE	SUBSTANTIAL COMPLIANCE	OCC VERIF.
INMATE PROPERTY CURRENT SYSTEMS		Submit Final Plan to OCC 11/92	Plan Signed 12/92	6/1/95	6/1/93	9/1/93	11/30/93
FOOD SERVICES		IN PROGRESS	ON-GOING	9/30/96	12/30/96	3/1/97	4/1/97
CLASSIFICATION		Submit Final Plan to OCC 11/92	Plan Signed 12/92	3/1/94	3/1/94	7/1/94	1/1/95
* ENVIRONMENTAL HEALTH/ SANITATION		Submit Final Plan to OCC 4/93	Plan Signed 5/93	11/93	11/93	3/94	6/94
* MAINTENANCE AND PREVENTIVE MAINTENANCE		Submit Final Plan To OCC 6/93	Plan Signed 7/93	6/94	9/94	6/95	9/95
FIRE SAFETY		Final Plan to OCC 2/93	Plan Signed 3/93	6/95	9/95	12/95	3/96
* COMPLIANCE MONITORING PLAN AND SCHEDULE		Final Plan and Schedule to OCC 6/93	6/93	N/A	6/93	N/A	6/93