

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JAMES BENJAMIN, et al., :
Plaintiffs, :
-against- :
BENJAMIN J. MALCOLM, et al., :
Defendants. :
-----X

75 Civ. 3073
(MEL)

-----X
ERNESTO MALDONADO, et al., :
Plaintiffs, :
-against- :
WILLIAM CIUROS, Jr., et al., :
Defendants. :
-----X

76 Civ. 2854
(MEL)

-----X
DETAINEES OF THE BROOKLYN HOUSE :
OF DETENTION FOR MEN, et al., :
Plaintiffs, :
-against- :
BENJAMIN J. MALCOLM, et al., :
Defendants. :
-----X

79 Civ. 4913
(MEL)

PROPOSED ORDER

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DETAINEES OF THE QUEENS HOUSE :
OF DETENTION FOR MEN, et al., :
Plaintiffs, :
-against- :
BENJAMIN J. MALCOLM, et al., :
Defendants. :
-----X

79 Civ. 4914
(MEL)

-----X
IOLA FORTS, et al., :
Plaintiffs, :
-against- :
BENJAMIN J. MALCOLM, et al., :
Defendants. :
-----X

76 Civ. 101
(MEL)

Plaintiffs having moved by order to show cause for relief
from overcrowding in aid of this Court's jurisdiction to enforce
a) partial final judgments in the above-captioned cases, b) this
Court's September 3, 1980 Order reducing the population in the

[REDACTED]

House of Detention for Men on Rikers Island ("HDM"), and c) the orders eliminating double-celling in each of the City's pre-trial detention facilities, and in order to prevent further deterioration of conditions which are at issue in the above-captioned lawsuits; and this Court, having considered the memoranda of law and supporting affidavits submitted by both parties and having heard argument by counsel for both parties at a conference held on March 25, 1981, and having found that overcrowding in the subject facilities is causing violations of the above orders; and having issued an oral opinion on March 25, 1981, in which plaintiffs were found entitled to relief from the overcrowding; it is hereby

ORDERED

that defendants shall:

1) cease having any member of the plaintiff classes sleep or otherwise be housed in non-housing areas, including but not limited to, dayrooms, receiving rooms, gymnasiums, and other program areas, in any facilities maintained by defendants, by April 6, 1981:

2) open, staff and utilize,

a. a kitchen in C-95/C-71, by April 10, 1981;

b. a visiting room in C-95/C-71, to be used by the inmates of that housing complex, by ~~April 10~~ ^{May 1}, 1981;

c. a law library in C-95/C-71, for use by the inmates in that housing complex, by ~~May~~ ^{June} 1, 1981;

d. a second mental health counselling unit in either HDM or C-95/C-71 to service the increased population in the HDM complex, by May 1, 1981;

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e. ~~a medical clinic in C-95/C-71, by~~
June 1, 1981;

f. a commissary in C-95/C-71, by ~~May~~ June 1, 1981;

WLC
3) reduce and maintain population levels in each dormitory in all of the Department of Correction's facilities in order to provide each detainee housed in a dormitory with at least 75 square feet of space, by April 27, 1981; and it is further

ORDERED, that if compliance with this Order requires a reduction in detainee population, the Commissioner of Correction is directed to release on their own recognizance the persons held in default of the lowest amount of bail, and among persons held in the same amount of bail the ones who have been confined for the longest time; provided that any New York court of competent jurisdiction may specify a different method of selecting the persons to be released; and it is further

ORDERED, that defendants shall provide the Court and plaintiffs' counsel, each week, with information identifying in each facility housing members of the plaintiff classes, each non-cell area in which, during the course of the week, any members of the plaintiff classes were housed (or required to sleep), and setting forth the number of persons housed or required to spend a night in each such area.

Nothing in this Order shall be construed as relieving defendants of their obligation to provide essential services and to maintain conditions other than those referred to above, required by existing Court orders; moreover, compliance with this Order shall not preclude plaintiffs from moving to enforce pre-existing orders; further,

Nothing in this Order resolves the question of whether or not defendants shall be permitted to use, on a temporary basis, prefabricated housing units to serve as annexes to existing institutions on Rikers Island or whether an additional medical clinic shall be established to service the population at HDM as well as C-95/C-71 and if so, by what date; or whether population levels in each dormitory shall be reduced so that each detainee housed in the dormitory shall be provided with at least 75 square feet of space and if so, as of what date.

Dated: New York, New York
April 13, 1981


U.S.D.J.