

FILED

39

JUL 26 1989

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ESSEX COUNTY JAIL ANNEX
INMATES, et als.,

Plaintiffs,

v.

NICHOLAS AMATO, County
Executive, et als.,

and

WILLIAM H. FAUVER, Commis-
sioner, New Jersey Depart-
ment of Corrections,

Defendants.

CIVIL NO. 87-871

Hon. Harold A. Ackerman
U.S.D.J.

Robert DelTufo, Special Master
Bennet D. Zurofsky, Special Master

SCHEDULE OF SANCTIONS FOR
NONCOMPLIANCE UNDER PARAGRAPH
11c OF THE SECOND CONSENT ORDER

WHEREAS the parties in this matter have agreed in paragraph 11c of the Second Consent Order that the Special Masters shall recommend a schedule of sanctions for noncompliance with the requirements for certifications, programs, services and procedures specified in the Second Consent Order, and

WHEREAS all parties have been provided an opportunity to present a proposed schedule of sanctions under paragraph 11c of the Second Consent Order, and for good cause shown,

IT IS ON THIS ^{6th} DAY OF ^{July}, 1989, ORDERED;

1. Pursuant to paragraph 11c of the Second Consent Order in this matter, the amount to be imposed as sanctions for non-

ENTERED

ON
THE DOCKET
ON 7-10-89
WILLIAM T. WALSH, CLERK
BY [Signature]

compliance with the requirements for certifications, and programs, services and procedures specified in the Second Consent Order, shall be determined in accordance with the following schedule listing sanctions for each requirement.

2. The schedule in this Order shall constitute the basis on which the Masters' may recommend imposition of sanctions under paragraph 11 of the Second Consent Order.

3. In accordance with paragraph 11c of the Second Consent Order, the schedule herein set forth shall be incorporated by reference in the Second Consent Order.

SCHEDULE OF SANCTIONS FOR NONCOMPLIANCE
WITH REQUIREMENTS FOR CERTIFICATIONS, PROGRAMS, SERVICES AND
PROCEDURES UNDER PARAGRAPH 11c OF THE SECOND CONSENT ORDER

<u>SCO</u> <u>Para. [1]</u>	<u>Due</u> <u>Date</u>	<u>Requirement</u>	<u>Sanction Formula</u> <u>Amount Per [2]</u>	
<u>Construction of Modular Unit</u>				
2a	5/7/89	Hire engineering and other consultants	\$1000	Day
2b	6/6/89	Let contract for purchase of 100 cells	\$1000	Day
2c	7/6/89	Submit site plan	\$1000	Day
2d	8/5/89	Complete design & building plan, modify site plan	\$2500	Day
2e	10/4/89	Let contract for building purchase & construction	\$2500	Day
2f	3/23/90	Occupancy of replacement modular facility	\$5000	Day
<u>Women's Building</u>				
7c(1)	Immed. [3]	Transfer of female state sentenced inmates to ECJ	\$100	Inmate/Day
7c(2) (a)	Immed.	Renovate female cellblock	\$500	Day
7c(2) (b)	Immed.	Renovate basement units	\$500	Day
<u>Intake & Reception Processing</u>				
8	5/22/89	Plan for establishment of intake units	\$1000	Day

1. SCO refers to the Second consent Order. SA refers to the November 1987 Settlement Agreement.

2. Per "inmate" shall be used to mean per individual inmate deprived of an intended benefit, procedure, service, program, etc. Per "all" means the sanction amount is to be multiplied by the total number of all inmates at the ECJA or held in an affected housing unit on date of deprivation. Per "day" means each day that a requirement is violated or otherwise not met.

3. "Immed." is used to mean that requirement was to take effect immediately.

Health Care Services

9a(1)	6/1/89	Appoint medical director	\$1000	Day
9a(1)	6/1/89	Appoint medical administrator	\$1000	Day
9a(1)	6/1/89	Appoint mental health director	\$1000	Day
9a(2)	6/1/89	Approval of clinic facilities & Equipment	\$1000	Day
9a(3) (a)	6/1/89	Initial medical screening upon admission	\$100	Inmate/Day
9a(3) (b)	6/1/89	Physical exam within 72 hours of admission	\$100	Inmate/Day
9a(3) (b)	6/1/89	Diagnostic tests on admission	\$500	Inmate/Test
9a(3) (c)	6/1/89	Housing classification after exam	\$100	Inmate/Day
9a(4) (a)	5/1/89	Proposal for physician coverage	None	
9a(4) (a)	7/1/89	Four medical doctors, 6/hrs/day, 5/days/week	\$5000	M.D./Week
9a(4) (a)	7/1/89	10 hours daily on site physician coverage	\$1000	Day
9a(4) (a)	7/1/89	OB/GYN 30 hours per week on site coverage	\$1000	Day
9a(4) (a)	7/1/89	Weekend doctor coverage 4 hours/day	\$1000	Day
9a(4) (a)	7/1/89	Weekend sick call list & doctor notification	\$1000	Day
9a(4) (b)	7/1/89	24 hour on site nursing coverage	\$1000	Day
9a(4) (c)	6/1/89	CPR certifications for health care staff	\$1000	Day
9a(4) (c)	6/1/89	CPR certifications for 10 COs per shift	\$1000	Day
9a(5) (a)	6/1/89	Daily collection/processing of sick call requests	\$1000	Day
9a(5) (a)	6/1/89	Access to medical staff within 24 hrs. of request	\$100	Inmate/Day
9a(5) (a)	6/1/89	Access to medical staff immediately in emergency	\$200	Inmate/Hour
9a(5) (a)	6/1/89	Filing of sick call request slips and lists	\$100	Day
9a(5) (b)	6/1/89	Any triage to be based on clinical assessment	\$500	Inmate
9a(5) (b)	6/1/89	Filing of clinical assessment from triage	\$500	Inmate
9a(5) (c)	6/1/89	Daily sick call list with notations	\$100	Day
9a(6)	6/1/89	Implementation of follow-up system	\$100	Day

9a(7)	(a)	6/1/89	Maintenance of Appointment Log	\$100	Day
9a(7)	(b)	6/1/89	Transporting inmates to scheduled appointments	\$250	Inmate/Appt
9a(7)	(c)	6/1/89	Physician review within 24 hours of consultation	\$250	Inmate
9a(8)		6/1/89	Maintenance of infirmary for males & females	\$5000	Day
9a(8)		6/1/89	24 hour infirmary nursing coverage	\$1000	Day
9a(8)		6/1/89	Daily bedside physician or PE infirmary visits	\$250	Inmate/Day
9a(8)		6/1/89	Area in infirmary to treat and evaluate	\$1000	Week
9a(9)		6/1/89	AIDS diagnostic/counseling/treatment services	\$1000	Week
9a(9)		6/1/89	Medications for AIDS & chronic illnesses	\$1000	Inmate/Day
9a(10)		6/1/89	Confidentiality procedures for medical records	\$500	Incident
9a(11)		6/1/89	Creation of medical record at intake	\$250	Inmate
9a(11)		6/1/89	Following record-keeping procedures	\$100	Incident
9a(12)		6/1/89	Distribution of medication by non-qualified staff	\$500	Incident
9a(12)		6/1/89	Maintenance of medication records	\$500	Inmate
9a(13)		6/1/89	Surgical scheduling	\$5000	Inmate/Week
9a(14)		6/1/89	Dental screening to all new admissions	\$100	Inmate
9a(14)		6/1/89	Scheduling of dental exam upon request or referral	\$100	Inmate
9a(14)		6/1/89	Emergency dental care	\$500	Inmate/Day
9a(14)		6/1/89	Required time frames for	\$500	Inmate/Week

Sleeping conditions

9b		6/1/89	Certification of Compliance with SA 22 and 23	\$1000	Day
9b(1)		6/1/89	Provide sheets, blankets, pillow and pillow case	\$50	Inmate/Day

Maintenance & Repairs

9c	4/1/89	Commit sufficient numbers of skilled workers	\$1000	Day
9c(1)	5/1/89	Certification of Compliance with SA ¶¶ 37e and q	\$1000	Day
9c(1) (a)	5/1/89	Eliminate cross-connections	\$2500	Day/Connect
9c(1) (a)	5/1/89	Install backflow preventers	\$2500	Day/Item
9c(1) (a)	5/1/89	Cap or vent for sewer lines	\$2500	Day/Item
9c(2)	6/1/89	Certification of Compliance with SA ¶ 55	\$1000	Day
9c(2) (a)	6/1/89	Implement daily ECJA physical plant inspections	\$1000	Day
9c(3)	6/1/89	Certification of Compliance with SA ¶ 42	\$1000	Day
9c(3) (a)	6/1/89	Implement/submit preventive maint. plan & report	\$1000	Day
9c(4)	9/1/89	Certification of compliance with SA ¶ 43	\$1000	Day
9c(4)	9/1/89	Certification of formal commitment for new jail	\$1000	Day
9c(4) (a)	9/1/89	Submit comprehensive physical plant repair plan	\$1000	Day
9c(5)	7/1/89	Certification of Compliance with SA ¶ 47	\$1000	Day
9c(5) (a)	7/1/89	Submit maint. staffing analysis, plan & schedule	\$1000	Day
9c(6)	5/1/89	Certification of Compliance with SA ¶ 36	\$1000	Day
9c(6) (a)	5/1/89	Submit short term maintenance plan	\$1000	Day
9c(7)	5/1/89	Certification of Compliance with SA ¶ 36d	\$1000	Day
9c(7) (a)	5/1/89	Eliminate use of cells without working toilets	\$250	Inmate/Day
9c(8)	5/1/89	Certification of Compliance with SA ¶ 36f	\$1000	Day
9c(8) (a)	5/1/89	Eliminate use of cells without working sinks	\$250	Inmate/Day
9c(9)	7/1/89	Certification of Compliance with SA ¶¶ 36g & 28a	\$1000	Day
9c(9) (a)	7/1/89	Meet ratios on toilets and sinks, except West Wing	\$50	All/day
9c(9) (a)	4/1/90	Meet ratios on toilets and sinks in West Wing	\$100	All/day
9c(10)	8/1/89	Certification of Compliance with SA ¶¶ 36g & 37j	\$1000	Day

9c(10) (a)	8/1/89	Eliminate broken/missing window panes & screens	\$10	All/Day
9c(11)	7/1/89	Certification of Compliance with SA ¶ 37i	\$1000	Day
9c(11) (a)	7/1/89	Install and/or clean shower curtains	\$10	All/day

Housekeeping

9d	8/1/89	Certification of Compliance with SA ¶¶ 48 & 54	\$1000	Day
9d(1)	8/1/89	Submit housekeeping and cleaning plan	\$1000	Day

Storage

9e	7/1/89	Certification of Compliance with SA ¶ 56	\$1000	Day
9e(1)	7/1/89	Submit storage plan	\$1000	Day

Eating Areas & Dayrooms

9f	6/1/89	Certification of Compliance with SA ¶ 33	\$1000	Day
9f(1)	6/1/89	Submit plan to renovate eating areas	\$1000	Day
9f(1)	8/1/89	Complete renovations to eating areas	\$10	All/day
9f(2)	6/1/89	Submit plan to renovate dayroom areas	\$1000	Day
9f(1)	4/22/90	Start dayroom renovations	\$10	All/day
9f(1)	5/22/90	Complete dayroom renovations	\$50	All/day

Control & Elimination of Infestation

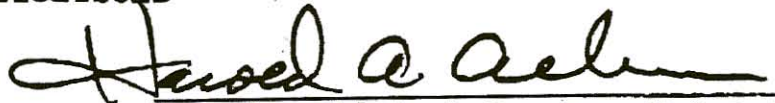
9g	8/1/89	Certification of Compliance with SA ¶ 65	\$1000	Day
9g(1)	8/1/89	Submit plan on required extermination practices	\$10	All/day

Food Service

9h	8/1/89	Certification of Compliance on SA ¶¶ 69-71 & 73	\$1000	Day
----	--------	---	--------	-----

9j(1) (c)	9/1/89	Clean sheets and pillow cases weekly	\$25	Inmate/day
9j(1) (d)	9/1/89	Clean blankets monthly	\$25	Inmate/day
9j(1) (e)	9/1/89	Sanitize mattresses before issue	\$25	Inmate/day
9j(1) (e)	9/1/89	Clean blankets before issue	\$25	Inmate/day
9j(1) (f)	9/1/89	Issue required garments to each inmate weekly	\$25	Inmate/week
9j(1) (g)	9/1/89	Laundry underwear & socks every two days	\$25	Inmate/day
9j(1) (h)	9/1/89	Laundry outerclothing twice per week	\$25	Inmate/week
9j(1) (j)	9/1/89	Laundry inmate personal clothing in central fac.	\$10	All/day
9j(2)	6/1/89	Quarterly Mattress survey	\$1000	
9j(2)	7/1/89	Quarterly replacement of torn, ripped mattresses	\$50	Inmate/day
9j(2) (b)	6/1/89	Storage, marking and cleaning of mattresses	\$50	Inmate/day
Exercise & Recreation				
<u>9k</u>	4/1/89	Submit schedule to comply with SA ¶¶ 85 & 86	\$1000	Day
9k(1)	5/1/89	Provide daily hourly opportunity for exercise	\$100	Inmate/Day
9k(2)	6/15/89	Obtain quantity of exercise equipment & supplies	\$10	All/day
9k(3)	6/15/89	Repair w/i 2 days / order replacement w/i 5 days	\$500	Item/day
Staffing				
<u>9l</u>	6/1/89	Certify compliance progress with SA ¶ 93-95	\$1000	Day
9l(1)	6/1/89	Submit outside, professional staffing analysis	\$1000	Day
9l(2)	7/1/89	Submit staffing plan based on staffing analysis	\$1000	Day
9l(2)	7/1/89	Submit schedule to implement plan by 1/1/90	\$1000	Day
9l(2)	1/1/90	Implement staffing plan	\$5000	Day
Visitation				
<u>9m</u>	6/1/90	Submit plan for compliance with SA ¶¶ 82-84	\$1000	Day
9m(1) (a)	9/1/90	Begin non-contact visits in renovated visit areas	\$25	All/day
9m(1) (b)	9/1/90	Visit schedule for 5 day per week	\$1000	Day

9m(1) (b)	9/1/90	Minimum 30 minute visits, 5 times per week	\$25	All/day
9m(2)	4/23/89	Daily visitation logs for each unit	\$100	Day/unit
<u>Law Library</u>				
9n	1/1/90	Certify compliance with SA ¶¶ 87-89	\$1000	Day
9n(1) (a)	1/1/90	Law library operation 40 hours per week	\$1000	Week
9n(1) (a)	1/1/90	Five 2-hour periods per week per inmate	\$100	Inmate/week
9n(1) (b)	1/1/90	Designate qualified law library staff person	\$500	Day
9n(1) (c)	11/23/89	Obtain full contents of recommended book list	\$1000	Day
<u>Supplementary Requirements</u>				
13		Quarterly supplemental certifications	\$1000	Day



Hon. Harold A. Ackerman, U.S.D.J.

Date:

July 6, 1989