



PC-DC-008-014

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
DEC 14 1989
CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

TWELVE JOHN DOES, <u>et al.</u> ,)
)
Plaintiffs,)
)
v.)
)
DISTRICT OF COLUMBIA, <u>et al.</u> ,)
)
Defendants.)

C.A. No. 80-2136
(June L. Green, J.)

ORDER

Upon consideration of Plaintiffs' Motion for Finding of Contempt, and Imposition of Sanctions, on Environmental, Medical, and Mental Health Issues, the memorandum in support thereof, the opposition thereto, the reports of the Special Officer of the Court and of the entire record in this case, it is

ORDERED that the Special Officer's Reports be and hereby are adopted by the Court as the Court's Findings of Fact on Environmental Health and Sanitation, Medical Services and Mental Health programs at Lorton Central.

Accordingly, it is

FURTHER ORDERED that the Special Officer of the Court and defendants, in collaboration with such consultants or assistants as they may require, shall promulgate and implement a workable housekeeping plan and a preventive maintenance plan. It is

FURTHER ORDERED that the Special Officer of the Court and defendants, in collaboration with such consultants or assistants as they may require, shall establish and implement a training program for the aforementioned housekeeping and preventive maintenance programs. Defendants shall make their staff available for such training at reasonable times as required by the Special Officer or her agents. The Special Officer will periodically inspect and evaluate the effectiveness of the housekeeping, preventive maintenance and training programs. It is

FURTHER ORDERED that defendants shall, within 30 days from the date of this Order, present to the Court a plan for doubling the number of man-hours that are currently spent on housekeeping and maintenance at the Central Facility. Defendants shall give consideration to the use of inmate workers in achieving the aforementioned man-hour increase. Such plan shall be fully staffed and implemented within 60 days from the date of this Order. Failure of defendants to present such a plan within 30 days, or to implement it within 60 days, shall be subject to fines of \$500 for every day that defendants are late in submitting or implementing the plan. It is

FURTHER ORDERED that within 45 days of this Order defendants shall correct the OSHA violations in the prison industries areas as noted in the Environmental Health and Sanitation Report filed by the Special Officer of the Court on July 25, 1989, and in the report of Dr. Bailus Walker attached

thereto. After the 45 day period has passed, the Special Officer is ordered to cause the industries areas to be inspected for compliance with OSHA regulations, at intervals of her choosing. For further OSHA violations in the specific areas identified by the Special Officer and Dr. Walker, defendants shall pay a fine of \$500.00 for each violation found by the Special Officer during reinspection or by the D.C. Department of Consumer and Regulatory Affairs ("DCRA") during regular inspections. It is

FURTHER ORDERED that defendants shall increase the illumination provided in the control cells to meet the standards set by Article VI.A.12. of the Consent Decree within 45 days. After the 45 day period, the Special Officer or her agents shall inspect the lighting in the control cells for compliance. For failure to provide required levels of illumination in the control cells after the 45 day period, defendants shall pay fines of \$250 per day until the required levels of illumination are provided. It is

FURTHER ORDERED that the Special Officer of the Court and defendants, in consultation with such experts and consultants as they may require, will submit a plan to the Court to improve the ventilation throughout the Central Facility on both a short-term and long-term basis. Such a plan shall contain firm deadlines for achieving the improvements in ventilation. It is

FURTHER ORDERED that the Special Officer of the Court and defendants, in conjunction with such experts and

consultants as they may require, shall design and implement a training program to implement the fire and accident plan. Defendants shall make their staff available for the training programs at reasonable times as required by the Special Officer and/or her agents.

The Court specifically finds that defendants have failed to achieve a satisfactory level of compliance with the Decree in the matters of medical services. The Court finds that defendants have not honored the staffing and other provisions of the Consent Decree regarding medical personnel and treatment. It is therefore

ORDERED that within 30 days of this Order, the Special Officer of the Court and defendants, with the assistance of such experts as they may require, shall develop a plan with firm deadlines but not longer than 90 days to hire additional medical doctors and 120 days to hire licensed physician's assistants to perform clinical duties at Health Services Unit #2, up to the number required in the Consent Decree. The Court authorizes the Special Officer to make arrangements to contract out, at the District's expense, for medical services equivalent to the services of any of the full-time physicians or licensed physician's assistants identified in the plan, whom the District fails to hire in accordance with the dates established in the submitted plan. It is

FURTHER ORDERED that the Special Officer of the Court and defendants, in consultation with any experts whom

they may require, shall design and implement a quality assurance program for medical services at Central, including the training of staff. Defendants will make their staff available for such training at reasonable times as required by the Special Officer or her agent. It is

FURTHER ORDERED that defendants shall remove all expired drugs from the Infirmary and other dispensaries at the Central Facility forthwith, and shall certify to the Court that they have done so within 7 days of this Order. Defendants are also ordered to present a plan to the Court within 45 days to reform the pharmaceutical procurement process and/or take other measures designed to ensure that the problem of expired drugs will not reoccur. The Special Officer, or her agents, shall be authorized to inspect the Infirmary pharmacy, and any other dispensaries at Central, at intervals of her choosing, in addition to the regular pharmacy inspections conducted by DCRA. Defendants shall pay a fine of \$1,000.00 for every instance on which an inspection by the Special Officer or DCRA henceforth discloses expired drugs in the Infirmary pharmacy or other dispensaries at Central. It is

FURTHER ORDERED that, within 90 days of this Order, defendants shall install hand washing facilities in the isolation rooms, and within 120 days of this Order, defendants shall (i) replace or repair the Infirmary roof and (ii) alter the ventilation system in the Infirmary's isolation rooms so that the air in the isolation rooms vents to the outdoors.

For failure of defendants to complete the forementioned three requirements within the time allotted, defendants shall pay a fine of \$250 per day, per unfinished requirement, provided that if within such 120 day period defendants make a showing that they have taken irrevocable action to replace the existing Infirmary with a modern infirmary facility within a year, such fines shall not be imposed. It is further provided that if there are days where work on the Infirmary roof is impossible because of weather, fines will not be imposed for those days.

The Court further finds that defendants have failed to achieve compliance with the provisions of the Consent Decree, as amended, concerning mental health services. It is therefore

ORDERED that, within 120 days of this Order, defendants shall hire one full time, board certified psychiatrist and six full time psychologists as staff at Lorton Central. If defendants fail to certify within 120 days that the aforementioned positions are filled, then the Special Officer shall be authorized to procure equivalent mental health services at defendants' expense. It is

FURTHER ORDERED that the Special Officer and defendants, in consultation with such experts as they may require, shall design and implement a comprehensive mental health program for the Central Facility, such plan to be submitted within 90 days. The program should respond to the entire range of mental health needs of the inmates at the

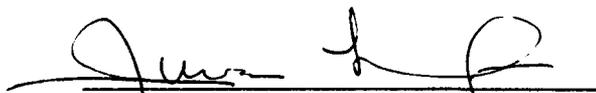
Central Facility, as discussed in the Special Officer's report on mental health programs. It is

FURTHER ORDERED that where the Court has ordered that the Special Officer of the Court and defendants are jointly to develop plans or programs, the Court further directs the Special Officer to submit her own proposed plans or programs to the Court, in a prompt and timely manner, if the Special Officer concludes that after reasonable effort it is not possible to reach an agreement with defendants on such plans or programs.

FURTHER ORDERED that the full expenses of all of the foregoing measures shall be borne by the District of Columbia, in accordance with the Court's Order appointing Ms. Monaco as Special Officer, where applicable. It is

FURTHER ORDERED that the defendants shall pay plaintiffs' counsel their reasonable attorneys' fees and costs associated with this motion.

The Court makes no findings at this time as to whether defendants are or are not in compliance with aspects of the Consent Decree not specifically addressed herein.



June L. Green
United States District Judge

Dated: Dec. 14, 1989