

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WOMEN PRISONERS OF THE DISTRICT OF)	
COLUMBIA DEPARTMENT OF CORRECTIONS,)	
<u>et al.</u> ,)	
)	
Plaintiffs,)	Civil Action
)	No. 93-2052 JLG
)	
v.)	
)	
DISTRICT OF COLUMBIA,)	
<u>et al.</u> ,)	
)	
Defendants.)	
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[REVISED PROPOSED]
ORDER FOR DECLARATORY AND INJUNCTIVE RELIEF

Based upon the Court's findings of fact and conclusions of law, it is hereby ORDERED that,

1. Defendants' actions and inactions violated and continue to violate the Plaintiff class members' rights under the Fifth and Eighth Amendments to the United States Constitution, 42 U.S.C. § 1983, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (1988), and the District of Columbia Code §§ 24-442 and 24-425; and

2. Defendants are enjoined from engaging in any action or conduct, or from failing to act in any way, that violates the Plaintiffs' above-mentioned rights; and

3. Plaintiffs are awarded the costs of this suit, and reasonable attorneys' fees; and

4. Defendants are ordered to take all action necessary to remedy and prevent the violations of the Plaintiffs' above-mentioned rights. Defendants are ordered to

take the following specific measures in the areas of sexual misconduct, medical care, programs and opportunities, and environmental and fire safety. All measures shall be completed and in effect within 6 months of the date of this Order, unless otherwise specified.

I. SEXUAL MISCONDUCT

Department Order

✓ 5. Within 60 days, Defendants shall write and follow a Department Order prohibiting sexual harassment and sexual misconduct involving District of Columbia Department of Corrections (DCDC) employees and women prisoners. Defendants shall post and circulate the Department Order in accordance with departmental policy.

✓ 6. Under this policy the Department of Corrections has the obligation to take appropriate steps to prevent and remedy sexual harassment and sexual misconduct committed by its own employees] its contractors, and by other inmates.

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7. [Defendants shall appoint one person to monitor allegations of sexual harassment and sexual misconduct at each facility in which women prisoners are housed, subject to approval by Plaintiffs' counsel. The monitor shall log in each allegation of sexual harassment or sexual misconduct, monitor the investigations of the allegations, and keep records of the resolution, including disciplinary actions, of such claims. The monitor shall submit monthly reports

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containing this information to the Administrator of the facility.

8. Prohibited conduct under the policy shall be defined as:

✓ a. Sexual harassment and sexual misconduct, including:

(1) all sexual activity between an employee and an inmate including any act of sexual intercourse, oral sex, or sexual touching and any attempt to commit these acts, regardless of whether the conduct is unwelcome by the inmate;

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(2) all sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by any DCDC employee, regardless of whether the conduct is unwelcome by the inmate; and

(3) all unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by another inmate.

b. Gender-based harassment, including:

(1) verbal or physical conduct by either DCDC employees or other inmates that denigrates, shows hostility or aversion toward an inmate because of her gender, including: epithets; slurs; negative stereotyping; hostile or intimidating acts that relate to gender; and

(2) written or graphic material that denigrates or shows hostility or aversion toward an individual

or group because of gender and that is placed on walls, bulletin boards, or otherwise publicized within the correctional environment.

✓ c. Invasions of women prisoners' privacy by male employees, including the failure of any male employee to announce his presence when entering a female housing unit.

✓ d. Retaliation for reporting complaints of, assisting any individual in making a report of, or cooperating in an investigation of sexual harassment or sexual misconduct, regardless of the merits or the disposition of the underlying complaint. Retaliatory conduct includes:

(1) disciplining, changing work or program assignments of, transferring to another facility of, or placing under involuntary protective custody any inmate; and

(2) any breach of confidentiality by any employee concerning any report of sexual harassment or sexual misconduct.

e. Any interference with investigations of sexual harassment or sexual misconduct.

9. Penalties for prohibited conduct under the policy shall be administered as follows:

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a. A written record of each disciplinary action taken pursuant to this policy will be placed in the offending employee's personnel file and will also be sent to the monitor and to the Administrator of the facility. A

written record of each allegation shall also be sent to the monitor and to the Administrator of the facility.

b. An employee's first alleged violation of this policy will result in non-disciplinary oral counseling, as recommended by Defendants' expert penologist.

c. An employee's first proven offense of actual or attempted sexual contact with an inmate will result in permanent dismissal.

d. Discipline for successive violations, other than actual or attempted sexual contact with an inmate, shall be progressive in that each separate instance of proven sexual harassment or sexual misconduct by the offending employee shall result in increasingly severe disciplinary action.

e. An employee's commission of acts of gender-based harassment, invasions of privacy, or acts of sexual harassment or misconduct other than actual or attempted sexual activity will result in a written warning, suspension without pay, or permanent discharge upon the first proven offense, depending on the nature and severity of the misconduct, and suspension without pay or permanent discharge upon the second proven offense.

f. Any form of retaliation or interference with investigation will result in suspension without pay or permanent discharge upon the first proven offense, depending

on the nature and severity of the retaliatory acts, and permanent discharge upon the second proven offense.

g. In the event that reinstatement is required by law, under no circumstances shall the reinstated employee be assigned to any facility that houses women.

10. Women prisoners shall be able to report instances of sexual harassment or sexual misconduct through the existing Inmate Grievance Procedure (IGP). Defendants shall strictly adhere to the Inmate Grievance Procedure and shall establish an Inmate Grievance Advisory Committee (IGAC) as specified in Department Order 4030.1D.

11. Women prisoners shall also be able to submit IGPs or complaints concerning sexual harassment or sexual misconduct in any form, orally or in writing, to any DCDC employee, who must submit the information, in writing, to the monitor and to the Administrator of the facility within 24 hours of receiving the information. Women prisoners may also submit IGPs or complaints to an inmate representative to the IGAC.

12. Defendants shall establish a confidential hotline, under the supervision of the monitor, through which women prisoners can report allegations of sexual harassment or sexual misconduct. Anonymous complaints, regardless of how they are reported, will be taken seriously and investigated.

13. Defendants shall arrange for an Inmate Advocate System to assist women prisoners in all stages of reporting

and investigating allegations of sexual harassment or sexual misconduct. The Inmate Advocate shall be a person or agency with experience representing inmates such as the Prisoners' Rights Program of the Public Defender Service. The Inmate Advocate System shall be implemented subject to the approval of Plaintiffs' counsel.

✓ 14. Each employee shall be required to report any information, from any source, concerning sexual harassment or sexual misconduct, in writing, to the Administrator of the facility and to the monitor within 24 hours of receiving the information. { Employees are required to report all information concerning sexual harassment or sexual misconduct regardless of whether an inmate or another employee files an independent report. } If an inmate so requests, the inmate shall be treated as an anonymous informant. Failure to report any suspected incident of sexual harassment or sexual misconduct by any employee shall subject the employee to discipline.

15. The monitor shall ensure that each reported violation of the policy is thoroughly investigated and documented. { If the monitor determines that an outside investigation is warranted, and in all instances alleging actual or attempted sexual contact, the allegation shall be referred to a fact finding committee comprised of three trained outside investigators within 24 hours of receipt of an allegation. The members of the fact finding committee may be selected from the external investigators used by the

Department to investigate sexual harassment of employees. In the event that an outside investigation does not occur, the monitor must state, in writing, the reasons for using an internal investigation. The allegation must then be fully investigated by a department employee who has received training in the investigation of sexual misconduct. Both internal and outside investigations must comply with the following procedures:

a. All investigators shall conduct a thorough investigation, including interviewing the accuser, the accused, all potential witnesses, and anyone who may have knowledge of the incident. All persons contacted in the course of an investigation shall be informed of the confidentiality of the investigation and the penalty for breach of confidentiality. All investigations shall include detailed documentation, including written witness statements or written transcripts or summaries of witness interviews.

b. All investigators shall consider any past allegation of sexual harassment or sexual misconduct against the employee.

c. The committee shall consider any medical or physical evidence in appropriate cases. The absence of medical or physical evidence or corroborating witnesses in no way relieves the committee of its duty to investigate.

d. During the course of any investigation, the accused employee shall be ordered to have no contact of

any kind with the complaining woman prisoner. In all allegations of actual or attempted sexual contact, the accused employee shall have no contact of any kind with any women prisoners.

e. The committee shall submit a final written report, which shall include factual findings by each member, to the monitor and to the Administrator of the institution no later than 14 days after receipt of the allegation. The final written report will include a finding of whether it is more likely than not that the alleged conduct occurred. An investigator in an internal investigation shall also submit a written report.

✓ f. The monitor will determine, based upon the facts as found by the committee or the investigator, whether it is more likely than not that a violation of the policy occurred. The monitor shall forward the committee report or the investigative report and her/his conclusion regarding whether the policy was violated to the Administrator of the institution. The Administrator shall take appropriate action as detailed in the schedule of penalties.

✓ g. The complaining woman prisoner shall be informed, in writing, of the outcome of the investigation, within 48 hours of the monitor's findings.

16. Upon receipt of any allegation of an act of sexual intercourse or any allegation of nonconsensual sexual touching, the monitor must notify the proper law enforcement

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agency. This reporting in no way relieves the institution of their duty to investigate internally.

a. The monitor shall have responsibility for communicating with the law enforcement agency concerning the status of any external investigation. The monitor must make weekly inquiries into the status of the investigation, and document these status findings in writing at weekly intervals.

b. A determination by the law enforcement agency not to bring charges shall not be a determinative factor in the internal investigation of whether it is more likely than not that the Department Order has been violated.

17. The identity of the target of the alleged contact shall be revealed only to those who have an immediate need to know, including the fact finding committee, the alleged harasser(s) or retaliator(s) and any witnesses. All parties contacted in the course of an investigation will be advised that any retaliation, reprisal, or breach of confidentiality is a separate actionable offense as provided in the schedule of penalties.

18. Any inmate who is dissatisfied with any investigation or resolution of an allegation of sexual harassment or sexual misconduct may appeal to the Director of the Department of Corrections within 15 days of receiving written notice of the outcome of an investigation. The Director must respond within 15 days.

Training

19. Within 60 days, Defendants shall choose a trainer from the National Institute of Corrections (NIC), mutually agreed upon by the parties, to conduct mandatory training on sexual harassment and sexual misconduct for DCDC employees. Within 90 days of selection, the NIC trainer shall commence training on sexual harassment and sexual misconduct for all DCDC employees who work with women prisoners.

a. The training shall include education concerning the Defendants' policies regarding reporting, investigating, and preventing sexual harassment and sexual misconduct, and the consequences for violating any policy concerning sexual harassment and sexual misconduct.

b. In addition to roll call training, formal training sessions on sexual harassment and sexual misconduct shall be conducted on a monthly basis for the first year succeeding entry of the consent decree, and on a quarterly basis in all years thereafter that this decree shall remain in effect.

c. Defendants must maintain a minimum number of trained investigators, to be determined by the monitor, throughout each institution in which women are housed. Investigators will attend additional full-day training seminars conducted annually by the trainer.

20. Within 60 days, Defendants shall choose an outside consultant, mutually agreed upon by the parties, to

conduct training on sexual harassment and sexual misconduct for women prisoners. Within 90 days of selection, the trainer shall develop a training program and materials and commence training to inform and educate women prisoners about how to recognize and report sexual harassment and sexual misconduct.

a. The training materials must be included in the orientation that each woman receives upon intake or classification at each facility.

b. Formal training sessions for women prisoners on sexual harassment and sexual misconduct shall be conducted on a monthly basis for the first year succeeding entry of the consent decree, and on a quarterly basis in all years thereafter that this decree shall remain in effect.

Task Force

21. Within 60 days, Defendants shall establish a Task Force at each institution in which women prisoners are housed to review and investigate all outstanding allegations of sexual harassment or sexual misconduct. The members of the Task Force must be comprised of trained outside investigators and may be selected from the external investigators used by the Department to investigate sexual harassment of employees. The Task Force shall make every effort to resolve each outstanding allegation of sexual harassment or sexual misconduct, and shall submit a report on each allegation to the monitor, to the Administrator of the facility, and to the Director of the D.C. Department of Corrections.

Recruitment and Employment

22. Defendants' employee recruitment and selection process shall include background checks on all prospective employees to ensure that no one with a background of sexual harassment or sexual misconduct is hired by the Department of Corrections.

Privacy

23. Defendants shall make necessary alterations at both the Correctional Treatment Facility and the Minimum Security Annex within 60 days to ensure that women have privacy in their living, sleeping and shower areas. These steps include providing shades, curtains or special coating for outside windows at CTF to prevent male inmates from seeing into women's cells.

II. OBSTETRICAL AND GYNECOLOGICAL CARE

General

24. Defendants shall hire within 60 days:

✓ a. a nurse midwife in a half-time position who shall provide clinical and health educational services to the entire female inmate population.

b. an additional nurse practitioner or physician's assistant with special training in obstetrics and gynecology to provide clinical services to women prisoners at CTF.

✓ 25. The CTF OB/GYN Clinic shall maintain its current regularly-scheduled hours.

✓ 26. Defendants shall establish a prenatal clinic at CTF for women who receive their primary prenatal care at CTF. This clinic shall operate at least one half-day each week. Pregnant women shall not be required to make appointments for the prenatal clinic through the sick-call process, but rather, shall have scheduled appointments for the clinic. A pregnant woman may also receive prenatal care in addition to care received in a scheduled appointment.

✓ 27. Defendants shall maintain statistics on the number of pregnant women and the birth outcomes of infants whose mothers delivered while incarcerated.

Intake Screening

28. In addition to the general health interview and observation performed for male prisoners, the intake screening for all women prisoners shall include specific inquiry about her use of contraceptives or intrauterine devices, history of pregnancy, last known menstrual period, current likelihood and history of sexually transmitted diseases (including syphilis, gonorrhea, chlamydia, vaginitis, herpes, and HIV), and pattern of drug use, including injection drug use.

✓ 29. In accordance with Department of Corrections policy, Defendants shall inform all women prisoners of the procedure to access health services while incarcerated.

30. Women shall be informed of pregnancy test results in a confidential manner by appropriate medical personnel and provided with access to information and counseling about the options for carrying the pregnancy to term or for termination. Routine prenatal care shall be initiated immediately for pregnant women.

31. Pregnant women who are chemically addicted to narcotics or barbiturates shall be evaluated by an obstetrician trained in the treatment of pregnant women with addictions. Treatment of the chemical dependency shall not be undertaken without informing the woman of the medical risks that such treatment may pose to her health, the maintenance of the pregnancy, and to the fetus and obtaining her informed consent.

Health Appraisal

✓ 32. In addition to the health appraisal conducted for male prisoners, Defendants shall conduct a gynecological examination, including a pelvic examination and evaluation, a breast examination accompanied by patient education, a Pap smear, a chlamydia and gonorrhea culture, and a serology for syphilis. [Any unusual vaginal discharge shall be examined microscopically at this time.] In accordance with the CTF Operations manual and National Commission on Correctional Healthcare (NCCHC) and American Correctional Association (ACA) standards, this health appraisal shall occur within fourteen (14) days of admission into the Department of Corrections,

unless there is documentation of a complete and comparable health appraisal within the previous 90 days.

✓ 33. Defendants shall develop an appropriate health appraisal form to correspond with the aspects of the health appraisal for women noted in paragraph 32.

Routine Gynecological Care

34. Defendants shall develop and implement within 90 days protocols concerning routine and follow-up care for common gynecological problems including syphilis, gonorrhea, chlamydia, and pelvic inflammatory disease; pap tests; pelvic examinations; breast examinations; education in family planning, including information regarding the advantages and disadvantages of contraceptive techniques; and mammography for high-risk women, in accordance with standards of the American College of Obstetrics and Gynecology (ACOG).

✓ 35. Defendants shall provide medical care in accordance with existing gynecological protocols that satisfy ACOG standards.

✓ 36. Defendants shall provide gynecological care within the time frames and in a manner consistent with a gynecological protocol unless a physician determines that in his or her medical judgment it is not medically appropriate for such care to be provided in accordance with the protocol, in which case the reasons for this determination shall be entered into the patient's medical record.

37. At a minimum, the protocol concerning the provision of gynecological care shall provide that Defendants shall offer and make available pap tests to all high-risk women at CTF every 6 months.

38. Defendants shall maintain a list of abnormal pap results and, within 7 days of receipt of an abnormal pap result, shall notify the patient of the abnormal result and develop and initiate a course of treatment.

39. All women who receive an abnormal pap test result shall be scheduled for a repeat pap test at three-month intervals until the pap test results are normal. Once the pap test results are normal, a pap test shall take place every 6 months. If a colposcopy is required, it shall be performed in a manner and within time frames accepted as appropriate by ACOG standards.

40. Defendants shall implement within 60 days a tracking system to insure that all women receive appropriate preventative gynecological care at regular intervals.

41. Defendants shall make available all forms of FDA-approved contraception to women prisoners at CTF as long as CTF remains a co-correctional facility. Defendants shall educate women receiving such contraception regarding the benefits, side effects, and effectiveness of various contraceptive devices.

Pregnancy

42. If a pregnancy test reveals that a woman is pregnant, Defendants will provide her with information and non-directive counseling regarding the full range of options including carrying the pregnancy to term and abortion. Defendants may provide this counseling themselves or may contract with outside agencies with expertise in this area to provide these services.

43. In accordance with Department of Corrections policy, if a woman expresses interest in obtaining an abortion, Defendants shall immediately make counseling available to her either directly or through referral to family planning services provided in the community.

44. Defendants shall ensure that access to family and friends is available to women who desire consultation on a course of action related to their pregnancies.

45. Defendants shall offer a woman prisoner seeking an abortion assistance in making arrangements for the abortion in timely fashion. The assistance shall include transportation to and from the site of the abortion.

46. Defendants shall provide pregnant women with the same access to educational and vocational education programs, industries, work training, work details, recreation, religious and other services as it allows to other women prisoners.

✓ 47. Defendants shall develop and implement a protocol concerning restraints used on pregnant and postpartum women which provides that a pregnant prisoner shall be transported in the least restrictive way possible consistent with legitimate security concerns. Specifically, the protocol shall provide:

✓ a. Defendants shall use no restraints on any woman in labor, during delivery, or in recovery immediately after delivery.

b. At all other times Defendants shall use no restraints when transporting a pregnant woman prisoner unless the woman has demonstrated a history of assaultive behavior or has escaped from a correctional facility, in which case handcuffs only shall be allowed.

c. Under no circumstances shall shackles, leg irons or waist chains be used for postpartum women within six weeks of delivery or later if medically indicated.

48. Because of the logistical difficulties in transporting prisoners, D.C. General Hospital must keep all pregnant women at D.C. General Hospital who have started labor and who have been referred to D.C. General Hospital by qualified medical personnel.

Prenatal Care

✓ 49. Defendants shall prepare a detailed written prenatal protocol for women who receive their primary prenatal care at CTF in accordance with ACOG standards. The protocol

shall also provide guidelines to define "high risk pregnancy." High risk pregnancies shall be considered to include at a minimum those women with histories of alcohol and drug abuse, sexually-transmitted diseases, diabetes or anemia, older women, women with poor obstetrical histories, and women expecting multiple births.

50. Women who are deemed to have a high risk pregnancy shall within 10 days of arriving at CTF be referred to the D.C. General Hospital prenatal high-risk clinic and shall receive their primary prenatal care at D.C. General Hospital.

51. Defendants shall arrange for each pregnant woman prisoner to see an obstetrician at monthly intervals during the first two trimesters of her pregnancy, bimonthly during the seventh and eighth months, and weekly during the ninth month. Defendants shall arrange for women who are experiencing high risk pregnancies to see an obstetrician at shorter than routine intervals until it is determined that the pregnancy is progressing normally.

52. Defendants shall implement a tracking system to insure that all pregnant women are regularly scheduled and seen for prenatal and postpartum care, including those who receive their primary prenatal care at D.C. General Hospital.

53. Pregnancy diets shall be provided to a woman prisoner as soon as it is determined that she is pregnant.

54. Special medical diets, such as those required for pregnant diabetics, shall be provided within 72 hours of diagnosing the medical condition for which a special diet is needed.

55. Pregnant prisoners shall receive prenatal vitamins in two-week dosages and shall be allowed to keep their vitamins in their rooms.

56. Defendants shall permit a woman prisoner to feed her baby at D.C. General Hospital while the woman remains at D.C. General Hospital.

57. The Defendants shall develop a routine visiting program for women whose children remain in D.C. General Hospital. These women shall be allowed to visit their children at D.C. General Hospital every day.

Postpartum Counseling

58. Within two days of delivery, Defendants must determine whether postpartum counseling is needed. If needed, counseling shall begin immediately.

59. Defendants shall provide postpartum counseling in all cases where there has been a still-birth, death of a child shortly after birth, or when a child is critically ill.

Social Services

60. In accordance with Defendants' Department Order, pregnant women prisoners shall receive counseling regarding child placement as soon as the pregnancy is known.

61. Defendants shall designate a representative who shall develop and maintain contacts with licensing child placing agencies including the Department of Human Services. Defendants shall provide training to its social workers on the range of options available for child placement including third-party placement with family or friends, foster care placement, and adoption. No one method of placement shall be preferred over the other. Rather, each woman shall be given information about each of the options and encouraged to make the choice that meets her needs and resources.

62. Defendants shall designate a representative who shall attend meetings of the Boarder Baby Project which is coordinated by the Child and Family Services Division of the Department of Human Services. The Defendants shall use the services of the project to prevent or shorten the time during which children of incarcerated women board at D.C. General Hospital.

63. Defendants shall designate a representative who shall develop referral relationships with programs that provide residential treatment for pregnant women, such as St. Ann's Infant Home and New Expectations. The Defendants shall refer appropriate pregnant prisoners to these programs in a timely manner.

64. If a woman is arranging for placement for her child, Defendants shall permit the mother-to-be one leave,

either by furlough or with escort, to inspect the site in advance of birth.

65. Within 6 months, Defendants shall develop a comprehensive family visiting and counseling program at CTF which provides for structured visitations, developmentally appropriate activities for children of different ages, family counseling, individual counseling, case management and appropriate referrals. Defendants shall consider using existing models such as the PRISON MATCH, TALK, and Community MATCH programs.

Health Education

66. The nurse midwife shall implement within 90 days a health education program that satisfies American Public Health Association (APHA) and NCCHC standards, including but not limited to health education concerning sexually-transmitted diseases, and breast and cervical cancer. Education shall consist of written material, audio-visual material, and lectures. Education material should also be made available in the CTF library.

67. Defendants shall maintain adequate documentation on the program so that it can be evaluated by the Court 60 days after implementation.

Emergency Care

68. Defendants shall have at least one medical personnel available at CTF twenty-four hours each day.

✓ 69. CTF medical personnel shall have telephone access to the OB/GYN physician at CTF during evening and weekend hours.

✓ 70. If a woman prisoner is in need of emergency obstetrical or gynecological care during evening or weekend hours, she shall be taken immediately to the emergency area in the OB/GYN clinic at D.C. General Hospital, unless employees providing obstetrical and/or gynecological care at D.C. General Hospital determine that the main emergency room at D.C. General Hospital would be more medically appropriate.

Continuity of Care

✓ 71. Defendants shall provide each woman prisoner who is discharged from custody with the following:

a. a supply of essential medications that is sufficient for several days or until she may be reasonably expected to be able to obtain necessary follow-up in her community;

b. referrals to services in the community to insure continuity of care.

✓ 72. If a woman is released prior to the time that results of any gynecological or obstetrical are received by CTF medical personnel, Defendants shall forward the test results to her at her last known mailing address.

Transportation

✓ 73. Defendants shall provide sufficient resources to insure that prisoners are transported to medical

appointments in a timely fashion, including a sufficient number of security staff to transport prisoners, appropriate and sufficient transport vehicles, and appropriate waiting areas.

✓ 74. Defendants shall modify their transportation procedures so that prisoners are not required to wait for more than one hour at D.C. General Hospital before receiving medical care. *6/12/01
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✓ 75. If a woman prisoner misses a medical appointment for any reason, Defendants shall reschedule the appointment for the earliest available date. Defendants shall use best efforts to insure that the rescheduled appointment occurs no later than two weeks after the originally scheduled but missed appointment, and sooner if medically necessary.

Coordination of Care

✓ 76. Defendants shall comply fully with all provisions of the Memorandum of Understanding between the Department of Corrections and D.C. General Hospital.

77. At least one member of the medical staff at CTF shall participate in seventy-five percent of the obstetrical/gynecological grand rounds conducted at D.C. General Hospital.

✓ 78. Defendants shall assign a physician, or a member of the medical staff at CTF, who provides obstetrical or gynecological care, to serve as a liaison between CTF medical personnel and D.C. General Hospital.

79. Defendants shall explore the possibility of sending all cultures for pap smears taken at CTF directly to D.C. General Hospital for evaluation rather than to an outside contractor.

Implementation and Tracking of Physician Orders

80. Defendants shall maintain the content of each medical record in an orderly and confidential manner.

Defendants shall use a "problem list" or "flow sheet" to document medical problems and course of treatment.

81. For all pregnant women prisoners, Defendants shall maintain a medical chart on the POPRAS form pregnancy chart, or an equivalent form, together with a regular medical chart. All medical visits to or by the responsible physician or primary healthcare provider, orders for laboratory tests, laboratory test results and other notes and orders relating to the medical care of pregnant women prisoners shall be recorded on the POPRAS form or shall be reduced to a consult form.

82. Defendants shall develop a new consultation form that provides adequate clinical information to D.C. General Hospital and insures that adequate information is provided by D.C. General Hospital to CTF medical personnel.

83. Defendants shall institute, maintain and follow a system to coordinate the implementation and tracking of physician orders so that gynecological and obstetrical care will be provided within the time ordered and in any event in a timely fashion. Such orders include outside consultations,

specialty care, inpatient stays, x-rays, and diagnostic and laboratory tests and procedures, regardless of whether these orders are to be filled inside or outside the facility. This system shall be reflected in written procedural guidelines, a copy of which shall be provided to counsel for Plaintiffs within 60 days. Orders for medication are not to be tracked under this system.

84. Defendants shall implement procedures to insure that medical and administrative staff follow the advice of D.C. General Hospital medical personnel and that each woman prisoner receives all medications, therapies, and follow-up care as prescribed by D.C. General Hospital medical personnel.

85. Documentation shall be required whenever medical staff elects not to follow the instructions of a consulting physician at D.C. General Hospital or elsewhere. This documentation should include the justification for not providing the therapy ordered. Only medically-based justifications shall be permissible.

86. For all prisoners who are discharged from D.C. General Hospital or other medical facilities to CTF, CTF medical personnel shall promptly obtain a discharge summary and maintain the summary in the prisoner's medical record.

87. The Chief Medical Officer of CTF or physician designee must review all medical paper work which accompanies a woman prisoner back from an outside medical trip, and all results of lab tests or other records of ordered care on the

date that they arrive at CTF. If the Chief Medical Officer or the designee determines that review by the physician who ordered the care is necessary before the next scheduled appointment with this physician, then this physician must review and initial these papers on his or her next day in the facility. If indicated by the results, the Chief Medical Officer or designee shall take immediate action.

88. Defendants shall develop and implement a mechanism for CTF medical personnel and D.C. General Hospital medical personnel to communicate when necessary via telephone to clarify questions concerning a patient's history, condition, or treatment.

89. Inmates shall receive notice of results of laboratory or diagnostic tests which are of no clinical significance within seven calendar days of the receipt in the facility of the results of such test.

90. In the case of non-emergency abnormal laboratory or diagnostic tests results of clinical significance, the inmate will be seen by the ordering physician, or if that physician is unavailable, by the Medical Officer, within 24 hours of the time the facility receives the results of such test. At such time the physician will explain the result to the patient and order such follow-up care as is appropriate.

91. Defendants shall modify the procedure by which a woman prisoner refuses medical care. Specifically,

Defendants shall require that a woman prisoner who refuses medical care do so in the presence of licensed medical personnel who can answer the patient's questions and counsel the patient concerning the consequences of a refusal. In accordance with Department of Corrections policy regarding quality assurance, the reasons for refusal shall be analyzed regularly as part of a comprehensive and up-to-date quality assurance program. This quality assurance activity shall be documented.

III. PROGRAM EVALUATION

92. Defendants shall conduct a needs assessment of all women prisoners to determine their needs, interests, and requirements for increased programs and opportunities in academic education, vocation, work, religion, recreation, parenting, and medical care.] The procedure for the needs assessment shall be done by an approved scientific method, and shall be subject to outside consultant auditing.]

93. Defendants shall provide diagnostic evaluations for women prisoners similar to those currently provided for men in the Reception and Diagnostic Unit at CTF to determine the needs and interest of women. These evaluations shall be completed within 30-45 days of a female inmate's transfer to CTF or to any other facility where women are initially incarcerated after sentencing. The evaluations shall include educational testing, vocational testing, psychological

testing, and child care placement counseling. Defendants shall provide women with the appropriate programming called for by this evaluation within 60 days of their arrival at the facility.

94. Defendants shall coordinate the scheduling of academic educational classes, higher education classes, vocational training, recreation time and activities, law library hours, substance abuse treatment, psychological services and work in prison details for women in such a manner as to maximize women prisoners' participation in as many areas as possible simultaneously.

95. Defendants shall provide sufficient program space so that women prisoners can participate in equal and adequate programs and services as compared to men prisoners. Defendants shall provide at least 2 additional trailers at the Annex (with sanitary facilities) to allow for additional programming activities including but not limited to vocational programs, religious programs, visiting, and parenting classes.

96. Defendants shall develop and implement a quality assurance programs for monitoring program delivery to ensure the continued provision of equal and adequate programs to women prisoners.

W/in 30 days, D's may submit for the Court's consideration an alternative to the ordered rules

IV. PROGRAMS -- STAFFING

✓ 97. Defendants shall increase the number of staff posted or detailed at the women's unit at CTF and at the Annex to ensure that women prisoners are escorted to programs, recreation, employment, and medical care on time as scheduled. Sufficient staff shall be provided so that adequate escorts are provided without detracting programming staff from their responsibilities.

98. Within 30 days, Defendants shall employ an outside consultant to conduct a custody staffing pattern analysis for both the women's unit at CTF and the Annex to determine the appropriate number of security and program staff necessary to provide equal and adequate programs and services to the women prisoners. Defendants shall implement the staffing pattern recommended by the outside consultant, unless the Court otherwise orders.

V. ACADEMIC EDUCATION.

✓ 99. Defendants shall provide women prisoners with a range of academic education programs in parity with those provided to men prisoners of similar custody status.

✓ 100. Women prisoners at any facility shall be provided with the opportunity for full-time (5 hours per day 5 days per week) basic education to include ABE, GED, and Special Education classes offered both during the day and in the evening to accommodate the maximum number of students.

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✓ Defendants shall immediately provide 2 full-time basic education teachers for ABE, GED, and Special Education classes during the day at the Annex. Defendants shall provide 1 part-time evening teacher for ABE and GED classes in order to allow women who participate in work training, work details, community action squads or industries to complete basic education instruction.

✓ 101. Women prisoners at any facility shall have access to on-site higher education programs which shall include a four-year B.A. and/or B.S. degree program, an A.A. degree program, a certification program, and a precollege program. The bachelor and associate programs shall be offered in a variety of fields, and at a minimum shall each offer 3 different areas of study leading to a degree.

✓ 102. Defendants shall offer women prisoners financial arrangements for these education programs that are the same as those arrangements available to ^{men} ~~men~~ prisoners. *See 8.1 d*

✓ Within 90 days, Defendants shall make the University of the District of Columbia B.A. and A.A. programs available to women prisoners at CTF.

103. Defendants shall immediately provide women prisoners at CTF with at least 40 hours of access per week to the Atlantic Union computers. Women shall be scheduled to access the computer during educational program time and during free time, including evenings and weekends. Women prisoners shall be provided with an equal number of computers as the men

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107. Defendants shall provide women prisoners with 2 prevocational programs each to be at least 6 weeks in duration. Prevocational programs include those courses which teach personal development skills, living skills, and/or

employment skills and includes such DOC programs as Employment Techniques, Awareness and Preparation (ETAP) and Lifeskills.

✓ 108. Defendants shall provide women prisoners ^{at or} with a minimum of 4 vocational education programs, including the one program currently in place (DocuTech). These programs shall be available to female inmates of all custody levels. A 12 vocational education program is any program of 6 to 24 months of duration that teaches employable skills and contains both a classroom component and an on-the-job-training component. Two programs shall be operative within 120 days of the entry of this Order.

109. Defendants shall also maintain the 3 vocational skill-building courses currently in place at CTF in the areas of sewing, computer literacy, and typing. These courses do not satisfy the definition of a vocational education program and shall not qualify as one of the mandatory programs required in ¶ 119.

110. Defendants shall provide women prisoners with non-traditional vocational education programs that are in an occupational area traditionally served by men.

✓ 111. Defendants shall provide women prisoners ^{at or} with at least 2 apprenticeship programs as defined by department order.

✓ 112. All prevocational programs, vocational programs, and apprenticeships added for women prisoners shall have the potential for providing women with job skills

marketable in the local labor market. One consideration for program selection shall be the wage-earning capacity upon completion of the program.

✓ 113. Defendants shall conduct affirmative outreach to women during the enrollment period for vocational training. This outreach shall entail DCDC staff meeting with women at least 1 month before the deadline for program enrollment to inform the women that the new programs are available and to offer a full description of the available program. The staff member shall inform the women of any applicable criteria for participation, the work hours, the wage status, the certificate eligibility, and the good time credits that can be earned. The staff shall encourage and motivate women to participate in all vocational education programs.

✓ 114. Defendants shall ensure that all contractual programs used to provide services to women prisoners are compatible with and fulfill the provisions of this Order.

VII. WORK OPPORTUNITIES

✓ 115. Defendants shall provide women prisoners with a range of work opportunities in parity with those provided to men prisoners of similar custody status.

✓ 116. Defendants shall employ ^{capable} women prisoners on all work details available at the facility where women prisoners are housed. These details shall include maintenance and trades such as plumbing, carpentry, and electrical.

*Amber - Jan.
C/F - Oregon
Central Prison*

117. Defendants shall increase industrial opportunities for women prisoners at the Annex by employing women equally in the Furniture Repair shop, the Upholstery shop, and the industries available at Minimum such as agriculture. In addition, Defendants shall maintain women prisoners' employment in the Garment Shop and Print Shop.

118. Defendants will provide at least 3 employment opportunities for women at CTF that pay an industrial wage.

119. Defendants shall revise the guidelines and practices for work training eligibility within 30 days to take into account the different sentence structure of female offenders and to permit women's maximum participation in work training.

120. Defendants will immediately provide a work training program to all women prisoners who are eligible under the revised guidelines, including those who are housed at CTF as stated in the CTF Operations Manual.

121. Defendants shall immediately increase the number of women participating in work training so that every eligible woman prisoner is participating in the program.

122. Within 30 days of entry of this Order, Defendants shall complete and submit work training packets for each woman prisoner eligible for work training under current Departmental Order 4920.3C and expedite the approval process.

123. Within 120 days, Defendants shall develop a tickler system for each woman prisoner identifying critical

dates for eligibility for programs, halfway house release, and parole. Defendants shall provide each women prisoner with a form at initial classification identifying these dates.

✓ 124. Defendants shall submit required paperwork for work training approval 45 days prior to a woman prisoner's eligibility date in order to complete the process by the date of eligibility. In the event that a woman arrives at the institution with less than 45 days until she is eligible for work training, Defendants shall expedite the paperwork.

✓ 125. Defendants shall not deny a woman prisoner the opportunity to participate in work training based on her arrival at the Annex or classification to minimum custody status within the last 90 days or because of her impending eligibility for halfway house placement or parole.

✓ 126. Defendants shall provide adequate staff, including case managers and vocational development specialists, to enable the women prisoners to be informed of their work training eligibility and to complete the necessary paperwork in the required time frame.

(v) 127. Defendants shall increase the number of vocational development specialists at the Annex from 1 to 2 full-time positions. One of these specialists shall serve as an on-site coordinator who conducts testing, classes, counseling, and completes necessary paperwork. The second specialist shall serve as an off-site coordinator and shall be responsible for developing jobs, including non-traditional

→ Δ's shall be - sufficient # of vocational devel. specialists at the Annex

employment, and transporting women to interviews. Defendants shall provide the off-site coordinator with an appropriate vehicle for transporting women for job interviews and for performing job development activities.

128. Workshops will be conducted for all those eligible for work training to assist women prisoners in their employment pursuit. The workshops will provide information on barriers to employment, motivation, interviewing techniques, resume preparation, and job retention.

VIII. RECREATION

*Answer - from
CTF - Occoquan, Freedom
Central*

(V) 129. Defendants shall provide women prisoners with recreation in parity with that provided to men prisoners of similar custody status.

✓ 130. Defendants shall immediately provide all women prisoners, including pregnant prisoners subject to medical approval, with recreation 7 days per week for at least 5 hours per day. Women shall have the option of going outside or to indoor recreation facilities during this time period. This recreation schedule shall be effective at CTF within 30 days of this Order.

131. Women shall be given access to the same variety of recreation activities as are available to men, including large group events [like revivals, family days, and holiday events; regularly scheduled intermurals [in at least 3 sports; and concerts and drama presentations] Women shall be given

access to arts and crafts activities during the hours of recreation. Defendants shall provide women prisoners with drama activities, such as the Renaissance Drama Troupe currently available to men.

132. Defendants shall schedule recreation time for women when it will allow for the maximum number of women to participate, and at least 2 of the hours shall be afterschool/afterwork hours to provide as much recreation time as possible to all women.

133. Defendants shall immediately open the recreation trailer at the Annex for at least 8 hours per day, 7 days a week. At least 3 of these hours shall be during unscheduled work or program hours. Correctional officers shall open and supervise the trailer when the recreation specialist is off duty. The recreation specialist shall not be assigned or pulled away from her duties as a recreation specialist for the women at the Annex, except in the case of an emergency.

134. Defendants shall improve the Annex grounds by adding a basketball court, volleyball pit, and outdoor tables to accommodate the recreational needs of the women at the Annex.

135. Defendants shall improve the recreation yard at CTF by adding a volleyball pit, outdoor tables, and other recreational equipment in order to provide increased recreational opportunities for women prisoners.

136. Defendants shall provide women prisoners with the same smoking privileges as are provided to men prisoners of similar custody status.

IX. RELIGIOUS SERVICES AND PROGRAMS

137. Defendants shall provide women prisoners with a range of religious programs and services in parity with that provided to men prisoners of similar custody status.

138. Within 60 days, Defendants shall provide full-time chaplaincy services to all women prisoners 5 days per week through a staff chaplain, volunteer chaplain, or a combination of staff. Chaplain hours shall include evening hours during the week to accommodate those women working on details, industry, or in the community.

139. Defendants shall adhere to the Department Order which requires that the chaplain deliver all notices of death or family illness to the women.

140. The women at each facility shall have the same range of different religious services available to them as are provided to male inmates of similar custody levels. This requires that the women at the Annex immediately be provided with Muslim religious services and additional religious study, and be permitted to fully participate in all group religious activities such as revivals or mass communions.

X. ENVIRONMENTAL HEALTH

The Annex

✓ 141. Within one year, Defendants shall reduce the population of Dormitory 6 and Dormitory 7 so that no more than 90 women are housed in the two dormitories combined.

✓ 142. Within one year, Defendants shall repair or replace the roofs of Dormitory 6 and Dormitory 7 and retain them in a watertight condition.

✓ 143. Within ninety days, Defendants shall make the necessary repairs to make the Annex dormitories resistant to entry and refuge of vermin and shall conduct a vermin eradication program to eliminate the present infestation of vermin. Defendants shall thereafter promulgate and follow an effective vermin eradication program.

✓ 144. Within sixty days, Defendants shall provide each woman prisoner housed in the Annex dormitories at least one vertical locker and one footlocker.

✓ 145. Within thirty days, Defendants shall replace all torn mattresses and pillows with clean, untorn, fire-retardant mattresses and pillows. Defendants shall conduct a weekly inspection of all mattresses and pillows on the day when bedding is removed for laundering and shall at that time immediately replace any mattresses that are torn.

✓ 146. For sanitary purposes, the bed linen provided to all women prisoners, wherever they are housed, shall include a washable mattress cover.

✓ 147. For as long as the Annex dormitories are double-bunked, Defendants shall provide a minimum of 30 foot candles of inmate-controlled light to each bunk for reading purposes.

✓ 148. Effective immediately, Defendants shall ensure that all housing units are issued a timely, adequate and appropriate amount of cleaning supplies, laundry detergent, sanitary napkins, and toilet paper.

✓ 149. Within sixty days, Defendants shall connect the toilets and handsinks in ^{every} the Annex trailers used for recreation and the substance abuse program.

✓ 150. Defendants shall continue their current policy of providing sufficient and readily accessible sanitary facilities for women in the industries at Central.

[151. Effective immediately, Defendants shall provide the women working at Central industries with a sanitary location separate from their work station for eating meals.

✓ 152. Defendants shall promulgate and follow a written preventive maintenance plan for the Annex dormitories, the Annex trailers, and the Annex grounds.

✓ 153. Not less frequently than quarterly, ^{3x/yr} Defendants shall cause the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) to inspect the Minimum Security Annex for compliance with the requirements of environmental sanitation and maintenance and food service delivery (at the main Minimum compound). The first such inspection shall be

conducted within 45 days of the date of this Order. Following each quarterly inspection, DCRA shall submit its findings within 30 days to the Administrator of the Minimum Security Facility. The Administrator shall within 30 days thereafter repair, clean, or otherwise remedy any unsanitary, unsound, or unsafe practice or condition identified by DCRA, provided that, following the first inspection, Defendants shall repair all deficiencies noted by DCRA within 30 days if feasible, but in no event later than 90 days following the receipt of the DCRA report. In subsequent reports, DCRA shall note whether any unsanitary, unsound, or unsafe practice or condition previously identified by DCRA remains unremedied, and shall make such recommendations to the Administrator as shall aid the Administrator in improving environmental health and sanitation at the facility.

CTF

✓ 154. Within ninety days, Defendants shall hire a qualified air balancing contractor to service the air handling system so that it provides fresh or recirculated filtered air to all areas of the facility inhabited by inmates and complies with the ANSI/ASHRAE Standard 62-89, as updated.

155. In the event that the air balancing fails to reduce the noise level produced by the air handling system to an acceptable level, Defendants shall propose to the Court remedial measures to be taken with respect to such noise. ✓

✓ 156. In the event that the air balancing and other recent repairs to the heating system fail to maintain a minimum cell temperature of 65°F in every cell, measured at the perimeter wall, Defendants shall immediately:

- a. cease housing women in the end cells of each tier;
- b. provide each woman prisoner with 2 extra blankets, 2 pairs of thermal underwear, and 2 pairs of wool socks; and
- c. explore means of insulating or heating the perimeter walls of the cells, and report back to the Court. ✓

[157. Defendants shall continue their efforts to maintain a temperature of 100° or higher for the hot water at CTF.

158. Defendants shall maintain their efforts to install metal skirting under the doors in the stairwells at CTF to prevent rodents from travelling from the stairwells to the housing units.

159. Effective immediately, Defendants shall ensure that all housing units are issued a timely, adequate and appropriate amount of cleaning supplies, laundry detergent, sanitary napkins, and toilet paper.

160. For sanitary purposes, the bed linen provided to all women prisoners shall include a washable mattress cover.

✓ 161. Defendants shall use cart liners or disposable or washable laundry bags to transport laundry between CTF and the Jail.

✓ 162. Effective immediately, Defendants shall monitor the food temperature and delivery times of all foods, including special diet meals, delivered to the satellite kitchens.

✓ 163. Defendants shall promulgate and follow a written preventive maintenance plan for the CTF that includes maintenance of structures, systems, and equipment.

✓ 164. Defendants shall ensure that the correctional officers inspect all plumbing fixtures on each shift, and shall ensure that any plumbing fixture that requires repair will be reported immediately upon discovery, and repaired within 24 hours in all but exceptional cases, and in any event within 48 hours. Defendants shall maintain logs demonstrating compliance with this requirement. 304

✓ 165. Defendants shall cause the District of Columbia DCRA to conduct quarterly inspections of the CTF for compliance with the requirements of environmental sanitation, maintenance and food service delivery. The first such inspection shall be conducted within 45 days of the this Order. Following each quarterly inspection, DCRA shall submit its findings within 30 days to the Administrator of the CTF. The Administrator shall within 30 days thereafter repair, clean, or otherwise remedy any unsanitary, unsound, or unsafe

practice or condition identified by DCRA, provided that, following the first inspection, Defendants shall repair all deficiencies noted by DCRA within 30 days if feasible, but in no event later than 90 days following the receipt of the DCRA report. In subsequent reports, DCRA shall note whether any unsanitary, unsound, or unsafe practice or condition previously identified by DCRA remains unremedied, and shall make such recommendations to the Administrator as shall aid the Administrator in improving environmental health and sanitation at the facility.

XI. FIRE SAFETY

The Annex

✓ 166. Within 120 days, Defendants shall install and maintain a fire alarm system and fire detection system at the Minimum Security Facility, including Dormitories 6 and 7. Said system shall conform with the requirements of the National Fire Protection Association Standards No. 101. This would include:

- a. a manual fire alarm system;
- b. a fire detection system with smoke detectors in all sleeping and dayroom areas, and either smoke or heat detectors in all other areas, including offices, bathrooms, boiler rooms, etc.;

c. an automatic retransmission of the above systems to a constantly attended location outside of the dormitory buildings; and

d. repair or replacement of the fire alarm system in the kitchen, dining room, and gymnasium at the main compound.

167. Defendants have the option of installing sprinklers in the Annex dormitories. If Defendants choose to install sprinklers, they shall also provide a 20-minute fire-rated enclosure of storage rooms located in both dormitories. If Defendants choose not to install sprinklers, they shall:

a. provide a 20-minute fire-rated enclosure of the offices located in both dormitories;

b. provide a 1-hour fire-rated enclosure of the storage rooms in both dormitories;

c. remove any storage lockers containing cleaning and paper supplies from the sleeping and dayroom areas to the storage room; and

d. remove all wood panelling and planking used as interior finishes on the walls of the dormitory buildings.

168. Defendants shall ensure that all bed linens, blankets, and curtains or draperies in the dormitories are of fire-retardant material.

169. Effective immediately, Defendants shall maintain clear aisles of at least three feet in width between the sleeping areas and the exits of the dayroom.

170. Defendants shall maintain the exit doors in the gymnasium in good working condition.

171. Effective immediately, in each dormitory building, Defendants shall conduct fire drills twelve (12) times per year, four (4) times per shift, and shall keep written documentation of all such drills.

172. Defendants shall develop and document mandatory semi-annual training on fire safety procedures for all correctional officers.

173. Effective immediately, and in accordance with Minimum Division Operation Procedure (DOP) No. 2910.1, Defendants shall:

- a. conduct weekly inspections of all building and grounds for fire hazards, and document such inspections;
- b. conduct monthly inspections of all fire safety equipment, and document such inspections;
- c. ensure that the Department Fire Marshal conducts quarterly inspections of the Facility.

174. Effective immediately, and in accordance with Department Order No. 2920.1A, the District of Columbia Fire Department shall conduct fire safety inspections of the Minimum Security Annex not less frequently than every twelve months. The Fire Department shall furnish its report to the

defendant Administrator of the Facility and Plaintiffs' counsel within 10 days. Thereafter the Administrator shall cause any fire safety deficiencies identified in the Fire Department's report to be remedied within 30 days, or shall provide a report to the Fire Department as to why the deficiency cannot be so remedied and provide a plan to remedy the deficiency within a further period of time not to exceed 90 days.

CTF

✓ 175. Within thirty days, Defendants shall repair the water leakage from rain, particularly in the vicinity of the high-voltage electrical conduit in the culinary storage room located in the CTF basement.

✓ 176. Defendants shall maintain the storage in the culinary storage room at ~~least eighteen (18) inches below the sprinkler heads.~~ *To a manner that does not prevent the sprinkler heads from functioning adequately*

17. Test sprinkler heads 2.12 from 11/1/2016
177. Defendants shall institute and carry out a testing and maintenance program for the standpipe, sprinkler system, and fire pump at CTF, in accordance with the National Fire Protection Association Standard No. 25 ("Inspection, Testing, & Maintenance of Water-Based Extinguishing Systems").

✓ 178. Defendants shall conduct fire drills twelve (12) times per year, four (4) times per shift, and shall keep written documentation of all such drills.

179. In all other respects, Defendants shall maintain their current fire safety program and fire evacuation procedures, as set forth in CTF DOP No. 2910.1A.

XII. REPORTING

180. Defendants shall file monthly reports with the Court concerning compliance with the foregoing ordered measures.

181. The Court may request that Defendants provide special reports or information concerning compliance with this Remedial Order, and Defendants shall provide such information promptly within 10 business days.

182. This Order shall continue in full force and effect, absent modification by the Court, until all provisions have been complied with for 5 years.

SO ORDERED THIS _____ DAY OF _____, 1994.

June L. Green
United States District Judge



PC-DC-0011-0001