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County Agrees to Upgrade Jail Facilities

11,478. Kinale v. Dowe, No. 73-374-GT (S.D. Cal., April 30, 1974). Plaintiffs represented by Ronald Albu, Barbara Fix, Bruce Greene and William Lamb, California Indian Legal Services, 1860 S. Escondido Blvd., Box 1868, Escondido, Cal. 92025, (714) 746-8941; John Echohawk and Roy Haber, Native American Rights Fund, 1506 Broadway, Boulder, Colo. 80302, (303) 447-8760. [Here reported: 11,478D Stipulation for Partial Judgment (3pp.). Previously reported at 7 CLEARINGHOUSE REV. 501 (December 1973).]

The county defendants in this action brought by inmates in the county jail to protest the conditions and practices within the jail, have agreed to (1) limit the number of inmates housed in the individual cells and tanks; (2) reduce overcrowding in the facilities currently used to house women inmates; (3) make personal hygiene articles available to all inmates; (4) issue clean undergarments twice weekly, outer garments weekly and clean linen weekly in compliance with the State Board of Correction's regulations; and (5) provide an out-of-doors exercise program for all inmates, including those housed in single cells each Monday through Friday. The county has also agreed to make the necessary alterations to provide an additional "holding cell" for pre-trial detainees, and has already completed alterations to allow for additional fresh air and sunlight to enter this tank. The cell will be maintained in a clean and healthful manner. With regards to the maximum capacity limitation, the county has reserved the right in the event of a riot, major labor disturbance, or similar occurrence where there may be a large number of arrests, to exceed the capacity limitation, but the period for exceeding the limitation shall not exceed 72 hours.

Court Grants Preliminary Injunction Expanding Rights of Pre-Trial Detainees

12,354. Wilson v. Beame, No. 74 Civ. 208 (E.D. N.Y., June 7, 1974). Plaintiffs represented by John Gray, Paul Gulielmetti, Brooklyn Legal Services, Corporation B, 152 Court St., Brooklyn, N.Y. 11201; William Hellerstein and Daniel Pochoda, Legal Aid Society, Prisoners' Rights Project, 119 Fifth Avenue, New York, N.Y. 10003. [Here reported: 12,354D Decision and Order (32pp.). Previously reported at 8 CLEARINGHOUSE REV. 60 (May 1974).]

The court has granted a preliminary injunction ordering defendant city officials to permit plaintiff pre-trial detainees to: (1) participate in religious services and to observe religious holidays with the general inmate population; (2) consult with jailhouse paraprofessionals unless other equivalent assistance is provided; and (3) participate in educational and arts and crafts programs available to other inmates. The court found no sufficient state interests to justify the significant interferences with prisoners' personal liberties involved in these deprivations.

Plaintiffs also challenged the imposition of penal and punitive segregation within the Brooklyn House of Detention for Men without due process. The court held that the question of lack of due process in assigning plaintiffs to administrative segregation was moot. The court also rejected plaintiffs' equal protection and cruel and unusual punishment arguments.

Court Details Procedures for Destruction, Removal or Deletion of Unconstitutional Prison Records

11,723. Leonard v. Mississippi State Probation and Parole Board, No. GC-73-46-S (N.D. Miss., May 3, 1974). Plaintiffs represented by David Lipman, Mississippi Prisoners' Defense Committee, 233 N. Farish St., Jackson, Miss. 39202. [Here reported: 11,723D Judgment (11pp.). Previously reported at 7 CLEARINGHOUSE REV. 758 (April 1974).]

In conformity with its opinion of February 21, 1974, the court has enjoined the defendant probation and parole board and prison officials from relying on or referring to discipline records previously held unconstitutional, when determining eligibility for parole, work-release, educational and vocational training and inmate classification. The court has set deadlines on the destruction, deletion or removal by black overmarking of the offending records, and ordered the reconsideration or reclassification of all members of plaintiffs' class whose rights to parole, work release and other benefits had been adversely affected by defendants' practices. The court reserved ruling on costs, expenses and attorney's fees.

Visitation Rights of Pretrial Detainees Expanded

12,932. Stanley v. Walker, No. 74-1229 (E.D. Pa., June 4, 1974). Plaintiffs represented by Richard Fishman and Joan Weiner, Delaware County Legal Assistance Ass'n, Inc., Six N. 9th St., Darby, Pa. 19023, (215) 534-5400; Robert Plotkin, Technical Assistance Project, National Legal Aid & Defender Ass'n, 1601 Connecticut Ave. N.W., Washington, D.C. 20009, (202) 462-4254; David Scholl, Ten E. 5th St., Chester, Pa. 19013. [Here reported: 12,932A Complaint (11pp.); 12,932B Pretrial Order (8pp.); 12,932C Memorandum in Support of Motion for TRO (15pp.); 12,932D Trial Brief (29pp.); 12,932E Stipulation (4pp.).]

The parties to this action have stipulated that the following regulations shall govern the visitation rights of pretrial detainees at the Delaware County Prison: (1) indoor and outdoor facilities will be provided for contact visitation; (2) visitation hours are to be scheduled on four days with evening hours on three of them; (3) the inmate is permitted to have contact visitation with all the members of his immediate family and with three other persons; (4) visitations shall not be limited in duration, but when the visiting area is overcrowded and there are further visitors waiting, prison officials may ask those in the visiting room to limit their visit to one hour in order to accommodate the waiting visitors; (5) no more than six visitors may visit an inmate at one time, but exceptions to this shall be freely granted for family members; (6) any visitor who is found to have violated the visiting rules shall thereafter not be permitted to enter the prison for an indefinite period of time; (7) inmates shall not be denied contact visits as punishment unless the reason for the denial is a serious violation of the visiting rules by the inmate; (8) in the event that a denial of contact visitation is warranted, the inmate shall retain the right to have non-contact visitation; and (9) restriction of visiting rights shall not be used as a disciplinary measure for unrelated institutional rule infractions.