

Inmates of Occoquan v. Barry



PC-DC-003-003

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

THE NATIONAL PRISON PROJECT

December 14, 1989

Clerk of the Court
U.S. District Court for the
District of Columbia
U.S. Courthouse
3rd & Constitution Avenue, NW
Washington, DC 20001

Re: Inmates of Occoquan v. Marion Barry
C.A. No. 86-2128

Dear Sir or Madam:

Enclosed for filing in the above-captioned case, please find the original and one copy of plaintiffs' Proposed Plan for Implementation of the Court's June 30, 1989 Order along with a certificate of service upon opposing counsel.

Thank you for your attention.

Sincerely,


Adjoa A. Aiyetoro

Enclosures

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DISTRICT OF COLUMBIA
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INMATES OF OCCOQUAN, et al.,)
)
 Plaintiffs,)
)
 v.) C.A. No. 86-2128
)
 MARION BARRY, MAYOR, AND.)
 WALTER RIDLEY, DIRECTOR)
 DEPARTMENT OF CORRECTIONS,)
)
 Defendants.)

PROPOSED PLAN FOR IMPLEMENTATION OF THE
COURT'S JUNE 30, 1989 ORDER

Plaintiffs submit this document to comply with the agreement reached with the Court and defendants at the December 4, 1989 status conference. This document was faxed in sections to defendants' attorney, Richard Love, December 13 and 14, 1989. Most of the provisions were recommended by plaintiffs in their findings of fact and conclusions of law filed in March 1989. Many of these recommendations were also incorporated in the responses filed by plaintiffs to defendants' submissions filed pursuant to the Court's June 30, 1989 Order.

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A. ENVIRONMENTAL HEALTH¹1. Hygienic Facilities

*² a. The following hygienic facilities shall be provided in dormitory housing: one water closet per eight prisoners with up to one-half substitution with urinals; one lavatory (sink) per eight prisoners; and one shower per fifteen prisoners. (Defendants' August 29, 1989 submission supplemented by September 18 and November 30, 1989 production of documents submitted to plaintiffs). Each cell shall be equipped with a toilet and lavatory.

* b. No two dormitories shall share hygienic facilities, even during renovations. (Braxton Deposition, December 4, 1989, at page 24-25) (Only a one time occurrence for only one day).

* c. The defendants shall repair or replace all inoperative and leaking plumbing and maintain hygienic facilities in operable condition. (September 18, 1989 document submissions and documents submitted pursuant to the Court's October 4, 1989 Order).

* d. Dormitories shall be inspected daily by officers, a checklist completed and any inoperative or leaking hygienic fixtures reported to maintenance immediately. (Defendants' August

¹ Refer to Ward Duel's December 13, 1989 Declaration, Attachment A.

² * indicates that defendants have agreed to this provision, at least in concept, in their submissions in response to the Court's June 30, 1989 Order or in deposition testimony of Mr. Braxton, December 4, 1989.

29, 1989 submission, supplemented by their September 18, October and November 30 submissions).

d. Maintenance staff shall respond immediately and repair inoperable or malfunctioning fixtures within twenty-four hours of notification. An inventory of parts shall be maintained to allow for the expeditious repair of fixtures. Reasons for being unable to repair fixtures within twenty-four hours of notification shall be documented. (Defendants recommend forty-eight hours to repair fixtures in their October 1989 submission. Due to the serious shortages of fixtures, plaintiffs recommend that the repair time be within twenty-four hours with documentation of reasons for delay).

e. Hygienic facilities shall be available for use in dormitories twenty-four hours per day where there are fewer fixtures than required by the standard adopted by the defendants. See 1.a. above.

e. Defendants shall install devices or otherwise repair fixtures to control water temperatures in showers and lavatories to prevent the temperatures from rising to scalding levels.

f. Defendants shall submit detailed plans by April 1, 1990 for renovations of dormitories to provide for additional hygienic facilities based on the population of the dormitories. These plans shall include timetables for initiating and completing each project on an expedited basis. A request to expedite the process shall be made by defendants to the appropriate agency or

official, if such request is necessary to meet the April 1 deadline.

2. General Sanitation

* a. Defendants shall implement their housekeeping plan throughout the facility and maintain cleaning supplies adequate in type and amount to maintain a clean and sanitary environment. (Defendants' August 29, 1989 submission).

b. Defendants shall develop and implement an effective pest control program.

* c. Defendants shall repair all windows and repair and install window screens. (Defendants' September 18, 1989 document submission).

d. Defendants shall develop and implement a preventive maintenance program.

e. Defendants shall remove all peeling paint and repair all damage to the facility caused by inoperative and leaking plumbing as well as roof leaks.

f. Defendants shall repair or replace all torn and dirty dayroom furnishings.

* g. Defendants shall replace all dirty and torn mattresses and pillows with clean, plastic covered mattresses and pillows that comply with fire safety requirements.

h. Defendants shall revise their housekeeping checklist to specify in more detail items to be inspected, e.g., existence of mold, slime and soap scum on the shower walls.

i. Defendants shall provide prisoners with 20 foot candles of light in the living areas, including prisoners in the lower bunks of double bunks.

j. Defendants shall repair or replace all broken or malfunctioning lights.

3. Ventilation

Defendants shall submit plans by April 1, 1990 for the renovation of the ventilation system in all living areas to provide 60 cubic feet of air per prisoner. By February 1, 1990, the defendants shall provide at least three feet between bunks or present a plan for assuring that sleepers are protected from unnecessary risks of contracting an airborne disease.

4. Asbestos

Defendants shall provide certification by January 15, 1990 that there is no asbestos in the facility or that any asbestos in the facility is contained or treated so as to not be harmful to occupants. Defendants shall provide certification by December 18, 1990 that the asbestos found by Ward Duel in 1988 in Dorm 16 (Dorm 5 during the December 1988 proceedings) has been removed or contained.

B. FIRE SAFETY³

1. Defendants shall submit a comprehensive Fire Evacuation plan by January 15, 1990 that incorporates the recommendations made

³ Refer to Tom Jaeger's, December 11, 1989 Declaration, Attachment B.

by Tom Jaeger. See Tom Jaeger Declaration, December 11, 1989, pages 2-3, ¶a-j.

2. Defendants shall provide certification to the Court that each living area has an operating fire alarm system. The system shall include the following:

a. Transmission of the signal to the control center as well as sounding in the unit;

b. Emergency power activated when any living area is without power and to which the smoke detectors and alarm systems are connected; and,

c. Operative smoke detectors that are connected to the fire alarm system and electrically supervised.

3. Smoke detectors shall be tested regularly to determine if they are operational. A log shall be maintained reflecting the testing.

4. The defendants shall maintain three foot aisles and corridors in each dormitory.

* 5. All prisoners immediately shall be provided fire resistant lockers for their belongings. (Defendants' August 29, 1989 submission).

6. Defendants shall provide a schematic of each dormitory by January 15, 1990 depicting the placement of all furnishings so as to maintain required aisles and corridors.

* 7. Defendants shall enforce the no smoking policy in the dormitories. (Defendants' submission in response to October 4, 1989 Court's order and Defendants' November 30, 1989 submission).

8. Defendants shall provide adequate dayroom space in each dormitory to accommodate smoking prisoners.

* 9. Defendants shall immediately correct the swing of all exit doors such that they swing in the direction of exit travel. (Defendants' August 29, 1989 submission).

* 10. Defendants shall immediately supply all prisoners with mattresses and pillows that meet current standards for fire resistance.

11. Defendants shall correct the problems outlined by Tom Jaeger in his December 11, 1989 Declaration, ¶8, a-i.

* 12. Keys for unlocking exit doors must be color-coded and appropriately notched.

* 13. Defendants shall submit plans by February 1, 1990 to renovate the Adjustment Unit locking system to enable easy and safe removal of prisoners in the case of an emergency. (Defendants' August 29, 1989 submission).

C. HEALTH CARE⁴

1. Medical Care

a. Defendants shall develop a system for ensuring the medical follow-up of chronic medical conditions. A manual process shall be immediately developed pending the development of a computerized system.

⁴ Refer to Braslow Declaration, December 4, 1989, Attachment C.

* b. Defendants shall no longer use Medical Technical Assistants (MTAs) in the provision of primary care. (Defendants' August 29, 1989 submission).

* c. Defendants shall provide on-site medical coverage during each of the three shifts, seven days a week. (Defendants' September 18, 1989 submission).

d. The health care positions for all shifts and weekends shall not be filled with people working overtime.

* e. The medical and dental staff shall consist of the 26 full-time positions outlined in Dr. Braslow's December 4, 1989 Declaration, par. 9. Defendants shall use their best efforts to fill all vacant positions.

f. Defendants shall develop a system to monitor specialty clinic appointments to ensure that prisoners are seen in a timely fashion.

* g. Defendants shall develop a system to ensure that each prisoner is tested for syphilis and tuberculosis and results are placed in the prisoner's medical file in a timely fashion. (Defendants' August 29, 1989 submission).

h. Defendants shall ensure the confidentiality of HIV test results.

* i. Defendants shall develop a system to ensure that medical records accompany the prisoner to the facility. (Defendants' August 29, 1989 submission).

2. Mental Health Care⁵

* a. Defendants shall not assign prisoners to the Adjustment Unit for mental observation except for a brief period of time, no more than 24 hours, to facilitate placement of the prisoner in an appropriate facility. (Braxton Deposition, December 4, 1989, at page 14).

b. Defendants shall provide adequate and sufficient mental health trained staff to interview each prisoner at intake to determine appropriateness of the facility assignment.

* c. Defendants shall maintain a staff of six psychologists (one chief and five psychologists) to provide mental health services at the Occoquan facility. (November 30, 1989 submission; Braxton Deposition, December 4, 1989, page 21).

d. The defendants shall increase the number of hours a psychiatrist and mental health coordinator provide services at the facility such that each prisoner receives an acceptable level of care, medical record entries can be thorough and adequate, and no prisoner is subjected to unacceptably long follow-up intervals.

e. The Forensic Services Screening/Consultation Form shall be eliminated and psychiatrists required to write notes in keeping with professional standards.

* f. Defendants shall develop a systematic tracking and recall system for prisoners seen in the psychiatric clinic. (Braxton Deposition, pages 16-17).

⁵ Refer to Dr. Rundle's December 13, 1989 Declaration, Attachment D.

g. Defendants shall conduct a needs assessment survey of their current population to determine the adequacy of the Correctional Treatment Facility planned for completion in November 1991. The defendants shall also develop interim plans for the housing and treatment of prisoners with mental health problems pending the completion of the Correctional Treatment Facility.

h. The defendants' medical screening form shall be revised to list other items such as depression, anorexia, impaired concentration, past psychiatric hospitalizations and/or out-patient treatment and current and past psychotropic medications. See Rundle Declaration, page 7.

i. Defendants shall develop a plan to coordinate the delivery of mental health services to prisoners and specifically address the recommendation for a full-time Director of Mental Health Services.

j. Defendants shall revise their medical records to assure that information is readily accessible.

D. PERSONAL SAFETY⁶

1. Defendants shall discontinue housing protective custody prisoners in the Adjustment Unit in such a manner that other segregation prisoners are allowed access to them. Specifically, defendants shall develop a plan to provide exercise and showers to all prisoners in a manner that prevents administrative and disciplinary segregation prisoners from walking in front of the protective custody prisoner's cell.

⁶ Refer to Eugene Miller's Declaration, Attachment E.

2. Defendants plans for a 52 cell unit shall include a plan to separate protective custody prisoners from other prisoners and provide program opportunities for protective custody prisoners. Defendants shall submit these plans to the Court and plaintiffs by April 1, 1990.

* 3. Defendants shall hire the 100 additional correctional officers to complete their staff complement of 500. (Braxton Deposition, page 23).

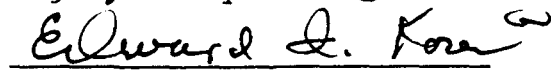
4. Defendants shall provide at least two officers in each dormitory when occupied with up to 100 prisoners, and three officers when occupied by more than 100 prisoners.

E. STAFFING

Defendants shall develop and implement a staff recruitment and retention plan to employ needed health care staff, including medical and mental health, as well as case managers and custodial staff.

Respectfully submitted,


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Dated: December 14, 1989