

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
1989
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INMATES OF OCCOQUAN, et al.,)
)
Plaintiffs,)
)
v.) C.A. No. 86-2128
)
MARION BARRY, MAYOR, AND)
WALTER RIDLEY, DIRECTOR)
DEPARTMENT OF CORRECTIONS,)
)
Defendants.)

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

The parties submit this document to comply in part with the June 30, 1989 Court's Order requiring defendants to submit a plan to correct the constitutional violations found by the Court. This Agreed Plan excludes several of plaintiffs' proposals submitted on December 14, 1989. Defendants will submit their objections or proposed substitutes to these proposals on January 24, 1990. Plaintiffs will respond to defendants' objections within ten days.

A. ENVIRONMENTAL HEALTH

1. Hygienic Facilities

a. The following hygienic facilities shall be provided in dormitory housing: one water closet per ten prisoners with up to one-half substitution with urinals; one lavatory (sink) per ten prisoners; and one shower per eight prisoners. Defendants shall submit a plan by April 1, 1990 to renovate the dormitories to comply with this standard. Each cell shall be equipped with a

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toilet and lavatory.

b. No two dormitories shall share hygienic facilities, even during renovations, except on a one time basis for no longer than one day.

c. The defendants shall repair or replace all inoperative and leaking plumbing and maintain hygienic facilities in operable condition.

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

e. Maintenance (either civilian or prisoner) staff shall respond immediately and attempt to repair inoperable or malfunctioning fixtures within twenty-four hours, but no later than forty-eight hours, of notification. Reasons for being unable to repair fixtures within twenty-four hours of notification shall be documented.

f. 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 parties. See 1.a. above. Once defendants are in compliance with this standard, toilets and sinks will continue to be available twenty-four hours per day.

g. 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. This shall be done in conjunction with bathroom renovations, the plans

for which shall be provided to plaintiffs by April 1, 1990. Pending completion of the renovations, defendants shall develop methods to decrease the likelihood that a prisoner will be scalded.

h. 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.

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.

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

c. Defendants shall repair all windows and repair and install window screens.

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 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.

4. Asbestos

Defendants shall provide certification by January 2, 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 SAFETY

1. Defendants shall submit a comprehensive Fire Evacuation plan by January 15, 1990 that incorporates the recommendations made by Tom Jaeger. See Tom Jaeger Declaration, December 11, 1989, pages 2-3, ¶a-j, Attachment A.

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

4. The defendants shall maintain three foot aisles and corridors leading to an exit or entrance in each dormitory. Dormitories 12, 13, 14 and 15 with bunks with lockers attached to the foot of the beds that prevent the maintenance of three foot aisles, will be brought into full compliance with this provision by May 1990.

5. All prisoners shall be provided fire resistant lockers for their belongings by March 15, 1990.

6. Defendants shall enforce the no smoking policy in the dormitories.

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

8. Defendants shall immediately correct the swing of all exit doors such that they swing in the direction of exit travel.

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

10. Defendants shall provide plans to the plaintiffs by April 1, 1990 to correct the problems outlined by Tom Jaeger in his December 11, 1989 Declaration, ¶8, c-1, e, f, and i¹. The parties agree that the problems identified in ¶8e will be corrected by the renovations that are scheduled to begin in February 1990. No prisoners will be housed in Dormitory 18 from March 1, 1990 until the completion of the renovations.

¹ The parties were unable to agree on ¶8b, c-2, d, g and h of Mr. Jaeger's declaration.

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

12. Defendants shall submit plans by April 1, 1990 to renovate the Adjustment Unit locking system to enable easy and safe removal of prisoners in the case of an emergency.

C. HEALTH CARE

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.

b. Defendants shall no longer use Medical Technical Assistants (MTAs) in the provision of primary care.

c. Defendants shall provide on-site medical coverage during each of the three shifts, seven days a week.

d. The health care positions for all shifts and weekends shall be filled by overtime staff only while recruiting staff or in case of short-term absences or other emergencies.

e. The medical and dental staff shall consist of the 26 full-time positions outlined in Dr. Braslow's December 4, 1989 Declaration, ¶9, Attachment B. 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.

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.

2. Mental Health Care

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. A prisoner may remain in mental observation in the Adjustment Unit for up to 72 hours if a psychologist certifies within twenty-four hours of placement that the behavior necessitating separation has ceased but further observation is necessary to assure the psychologist or psychiatrist that there is no need for reassignment to a treatment facility. A prisoner held in mental observation shall be seen by a psychologist on the second shift Monday through Friday. Logs shall be maintained of all prisoners placed in the Adjustment Unit for mental observation.

b. Defendants shall maintain a staff of six psychologists (one chief and five psychologists) to provide mental health services at the Occoquan facility. They shall use their best efforts to recruit and retain this staff.

c. Defendants shall develop a systematic tracking and

recall system for prisoners seen in the psychiatric clinic.

d. 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.

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

D. PERSONAL SAFETY

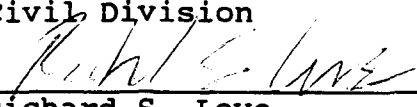
1. Defendants shall discontinue housing protective custody prisoners in the Adjustment Unit in such a manner that other segregation prisoners are allowed access to them. Specifically, defendants shall develop a plan to provide exercise and showers to all prisoners in a manner that prevents administrative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

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 additional correctional officers to complete their staff complement of 500. Defendants will use best efforts to recruit and retain correctional staff.

Respectfully submitted,


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ORDER

This Court, having reviewed the parties' Agreed Plan for Implementation of the Court's June 30, 1989 Order, and understanding that there remain some plans for implementation of the June 30, 1989 Order that need to be agreed upon by the parties and any disagreements resolved by the Court

HEREBY ORDERS

the entry of this Agreed Plan as partial satisfaction of the Court's requirement that defendants submit a plan to remedy the unconstitutional conditions found by the Court.

United States District Court Judge

Dated:

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