

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

FILED

SEP 27 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

LARRY BERKE)
)
 Plaintiff,)
 v.)
)
 FEDERAL BUREAU OF PRISONS, and)
 CHARLES E. SAMUELS, JR.,)
 in his official capacity as Director of)
 the United States Bureau of Prisons)
)
 Defendants.)
 _____)

Case No. 1:12-cv-1347-ESH

STIPULATION AND ORDER

The parties hereby stipulate and agree that the BOP is providing Mr. Berke with the following accommodations:

1. Mr. Berke has been reassigned from the federal correctional complex in Florence, CO ("FCC Florence") to the federal correctional complex in Tucson Arizona ("FCC Tucson"). Specifically, Mr. Berke will be assigned to the Satellite Prison Camp, Tucson ("SPC Tucson"). The reassignment allows Mr. Berke to be closer to his wife and minor children.

2. Mr. Berke will be provided the following specific accommodations at SPC Tucson:

a. Unit assignment: Staff will coordinate and leave a bed space open for Mr. Berke so that he does not have to be diverted to the FCI pre-trial unit.

b. Televisions: Staff will program all of the television units (oversized flat screens) in the housing unit with the closed-caption feature. A universal remote will be provided to ensure that the closed-caption feature remains fixed.

c. Inmate Disability Helper: Staff will assign an inmate to be a helper to Mr. Berke for unscheduled movements, programs, and activities.

d. TTY Phone: Staff will provide Mr. Berke with access to a TTY phone with which he can use to place telephone calls pursuant to FCC Tucson's policy for an inmate's access to telephone service, which applies to all inmates. He will be advised, via an interpreter, on how to use this phone system. Due to the fact that TTY calls take longer than traditional calls, Mr. Berke will be provided a reasonable amount of additional time for his phone use. A log book with the date and time of use, and tape of conversation, will be maintained. Mr. Berke will schedule his TTY calls with Unit Team. FCC Tucson expects to provide Mr. Berke daily access to a TTY machine, unless prevented by an institutional emergency. Currently, FCC Tucson is allowing a deaf inmate to utilize a TTY machine without direct supervision from a staff member once a call has been placed.

e. Interpreters:

i. Live Interpreter: Mr. Berke will be provided access to an interpreter during medical and disciplinary-related events/activities. Mr. Berke will be provided with access to an interpreter for educational activities/events if he requests an interpreter in advance, and provided that the educational activity/event is not a computer-based learning event/activity that does not require an interpreter. Also, Mr. Berke will be provided with an interpreter for other programs/activities as needed. Specifically, once the self-surrender date/time is confirmed, staff will have an outside interpreter assist during the intake screening process with staff (medical, receiving and discharge ["R&D"]), psychology, Special

Investigative Service ([“SIS”]) and his Unit Team). Staff, through the interpreter, will inform Mr. Berke on daily living issues at the Satellite Camp, use of TTY, Trust Fund Limited Inmate Computer System (“TRULINCS”), use of the visual alarms, etc. Staff will determine when an outside interpreter will be used for communication with Mr. Berke.

ii. Video Remote Interpreter: Staff will establish a connection to the Camp's medical office for the use of a video remote interpreter service. Such a service may be used for medical appointments, disciplinary hearings, Unit Team meetings, and for other occasions where immediate access to an interpreter is needed.

f. Visual Alarms: In addition to fire alarms already installed in the Camp, staff will install two emergency lights - one in the housing unit and one outside the door of the housing unit - which will be visible in the Camp's outdoor recreation area. The visual alarms will provide immediate notification of emergencies to Mr. Berke, which will require him to return to the housing unit and/or to his cell.

g. TRULINCS: Access to inmate email will be provided through the TRULINCS system, which will include access to public notices/messages from department heads, Executive Staff and the BOP Director.

h. Dry erase board and pens: Staff will provide this to Mr. Berke upon his arrival.

i. Admission and Orientation (“A&O”): Staff will schedule two interpreters for A&O, first team meeting, and for a physical exam with a physician. During Mr. Berke's medical appointment, medically necessary care and/or treatment will be evaluated on this date or

shortly thereafter. The physician may recommend additional accommodations to include an appointment with an audiologist. If a hearing aid (or aids) is medically indicated, and Mr. Berke chooses to wear a hearing device, the equipment and batteries will be provided without cost to him.

Respectfully submitted,

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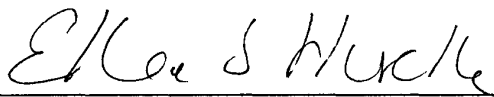
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Date: September 26, 2012

It is this 27 day of September, 2012, hereby SO ORDERED.



Ellen S. Huvelle, District Judge