

Compliance

DATE FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

NICHOLAS A. PALMIGIANO, et al.,)

v.)

J. JOSEPH GARRAHY, et al.)

THOMAS R. ROSS, et al.,)

v.)

J. JOSEPH GARRAHY, et al.)

C.A. No. 74-172

C.A. No. 75-032

ORDER

On November 19, 1984, the Court entered an order which inter alia set forth certain further compliance requirements and reporting and compliance deadlines with respect to the Court's remedial decree of August 10, 1977. The defendants have continued their compliance efforts since November 19, 1984 and have periodically reported on same to the Court and to the plaintiffs.

On June 24, 1985, the Court reactivated the Special Master to conduct an assessment of the defendants' success in meeting the terms of the November 19, 1984 Order. On July 22, 1985, the Special Master filed his Findings And Recommendations which inter alia found that the defendants had not complied with certain important provisions of the November 19, 1984 Order and that although they had the plans and resource to comply with some of those provisions, they clearly were unable to do so under the current compliance deadlines.

On September 17, 1985, a status conference was held in chambers and appearing there with the Court were the Special Master, the defendant John Moran and certain of his subordinates,

ATTACHMENT B

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Assistant Attorney General David Prior, counsel for the defendants, and Alvin J. Bronstein, counsel for the plaintiffs. At this status conference, the defendants reported on recent compliance efforts and also made oral motions to amend existing compliance requirements and compliance and reporting deadlines, which motions were not opposed by the plaintiffs. Counsel for the plaintiffs advised the Court that plaintiffs agreed that the defendants would be in compliance with the Court's orders with respect to housing and all environmental health and safety issues at the Maximum Security Facility by November 1, 1985 and, in light of the substantial compliance made by the defendants in those areas, the Court will grant those motions.

At the September 17, 1985 status conference, the Court also considered the July 22, 1985 Findings and Recommendations of the Special Master and heard from the parties with respect to the current state of overcrowding and idleness at the Medium Security facility and the Intake Service Center and the impact of said overcrowding and idleness on the basic housing, health, environmental and safety standards which the defendants are required to meet under the prior orders of the Court. The Court determined that an evidentiary hearing was necessary at the earliest possible time to examine these issues and to determine whether further remedial relief is required to protect the constitutional rights of the plaintiffs as set forth in the earlier decrees of this Court.

It is therefore the order, judgement and decree of this Court that:

1. The defendants' motion to permit the use of the infirmary isolation cells at the Maximum Security Facility for short term disciplinary purposes, that is for no more than thirty (30) days, is granted provided, however, that the defendants within sixty (60) days from the date of this Order submit to the Court and to the plaintiffs a written description of their plan for the use of these cells and a description of steps taken to ensure that the abuse which characterized their earlier use will not recur.

2. The defendants' motion to extend their time to complete the renovations at the Old Maximum Security facility to November 1, 1985 and to thereafter continue to use the facility for the housing of prisoners indefinitely so long as they maintain that facility in compliance with the minimum standards set forth in the August 10, 1977 order is granted. A report detailing the status of these renovations shall be filed with the Court and plaintiffs by November 15, 1985.

3. By November 30, 1985, the defendants shall provide the Court and plaintiffs with a formal report which details all plans, either in place or prospective, together with funding sources and timetables, for providing meaningful vocational and industrial programming in each facility of the Adult Correctional Institutions.

4. This matter be set for an evidentiary hearing commencing Monday, December 16 1985 at 9:30 a.m. The Court will take

evidence on the current state of overcrowding and idleness at the Medium Security Facility, including its protective custody population, and the Intake Service Center and the impact of said conditions on the basic housing, health, environmental and safety standards which the defendants are required to meet under the prior orders of the Court.

5. The Court is willing to consider a reasonable modification of the dates in this Order provided an application for modification is submitted to the Court within one week of this Order.

By Order,

Cynthia R. Quinn
Clerk

Richard J. Rott
Senior Judge

September 30, 1985