

## PALMIGIANO v. GARRAHY

United States District Court for the District of Rhode Island

November 19, 1984, Decided

C.A. 74-172, C.A. 75-032

**Reporter:** 1984 U.S. Dist. LEXIS 21917

NICHOLAS A. PALMIGIANO v. J. JOSEPH GARRAHY, ET AL; THOMAS R. ROSS v. J. JOSEPH GARRAHY, ET AL

**Judges:** [\*1] Pettine

**Opinion by:** RAYMOND J. PETTINE

### Opinion

#### ORDER

On January 25, 1984, the Court entered a comprehensive order which *inter alia* detailed the progress made by the defendants in complying with the Court's remedial decree of August 10, 1977 and which set forth certain further compliance requirements and reporting and compliance deadlines. The defendants have continued their compliance efforts since January 25, 1984 and have periodically reported on same to the Court and to the plaintiffs.

On September 25, 1984, a status conference was held in chambers at which time the defendants and plaintiffs reported on the status of renovations at the Old Maximum Security facility and where the Court also had the benefit of the views of plaintiffs' environmental health expert as well as several of defendants' experts and the plaintiffs expert, Theodore Gordon, has now filed with the Court a written report of his inspection of the Maximum Security facility.

At the September 25, 1984 status conference, the defendants also made oral motions to amend existing compliance and reporting deadlines, which motions were not opposed by the plaintiffs, and which the Court will grant in light of the substantial [\*2] compliance efforts made by the defendants. The Court believes it is now appropriate to incorporate all the existing remedial requirements for compliance with the August 10, 1977 order into one new order and the parties have agreed to its terms at the status conference.

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

1. The defendants' motion to extend their time to complete the renovations at the old Maximum Security facility to June 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 provided, however, that the defendants incorporate in their renovation and operating plans for this facility the recommendations of the environmental health expert with respect to kitchen waste disposal, kitchen ventilation, food service staff training and general preventative maintenance. Furthermore, the June 1, 1985 deadline for the completion of renovations will not apply to the Industries Building. A report detailing the status of these renovations shall be filed with the Court and plaintiffs by July 1, 1985.

[\*3] 2. The defendants shall be required to carry out the following other specific tasks to comply fully with the August 10, 1977 order:

- a. Provide meaningful programming for pretrial detainees in the Intake Services Center, especially for those whose stay at the detention facility exceeds 45 days by July 1, 1985;
- b. Provide meaningful vocational programming opportunities in each facility of the ACI by July 1, 1985;
- c. Increase industrial programming throughout the ACI, particularly in the High Security Center, Maximum Security and Medium Security by July 1, 1985;
- d. Expand mental health and medical services to keep pace with population increases;
- e. Reduce the number of protection custody prisoners in B-Dormitory in Medium Security or develop other protective custody housing and increase the number of jobs available for protective custody prisoners by July 1, 1985.
- f. Reduce the number of prisoners in Medium Security or begin planning to increase the availability of medium-custody bedspace at the ACI through conversion or construction by July 1, 1985.

3. By November 15, 1984, the defendants shall provide the Court and plaintiffs with [\*4] a formal report which

details all plans, either in place or prospective, together with funding sources for the accomplishment of the tasks set forth in paragraph 2, above. In addition, the defendants shall provide the Court and plaintiffs with formal progress reports on accomplishing these tasks on February 15, 1985, May 15, 1985 and August 1, 1985.

/s/ Raymond J. Pettine

Senior Judge

November 19, 1984

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