



PC-VI-002-003

IN THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF THE VIRGIN ISLANDS: DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CIVIL ACTION: 86-265
	:	
v.	:	
	:	
THE VIRGIN ISLANDS: JUAN LUIS, Governor, :	:	
EDWIN POTTER, Director, Bureau of Cor- :	:	
rections; ISIDORE BELL, Warden, Golden :	:	
Grove Adult Correctional Facility,	:	
	:	
Defendants.	:	

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 CLERK OF THE
 DISTRICT COURT
 ST. CROIX, V.I.

AMENDED IMPLEMENTATION PLAN

The collective Defendants have had the benefit of Plaintiff's views and objections to the Implementation Plan originally filed on or about February 2, 1987. From Plaintiff's Objections to Implementation Plan, defendants gleaned Plaintiff's general objections to be the lack of detailed explanations of the institutional procedures to be employed, the failure to establish (realistic) deadlines and the unwarranted conclusion that the Plan includes provisions that may increase the risk of harm to persons confined to the prison. Plaintiff has also provided a series of specific objections that again substantially relate to procedure while the immediate priority to Defendants was substance, the prompt correction of identifiable problems.

It is not now submitted that these considerations are mutually exclusive and the Consent Decree does indeed require a series of Plans to be fully implemented by June of 1988. The defendants, however, have marshalled their efforts toward the **elimination** of those things that diminish the prospects of Constitutional conditions of confinement and the acquisition of items that promote its existence. To the extent that Plaintiff wishes to prioritize plans and procedures that will facilitate the maintenance of a Constitutional system once Defendants are reviewed and certified to have one, Defendants welcome the expertise developed by Plaintiff in this area and would greatly appreciate Plaintiff's recommendations and submissions of plans from other penal institutions previously approved to determine whether those procedures could be integrated into our system; this would expedite the objectives of all parties by

avoiding an extended "plan-objection" process.

The Golden Grove Adult Correctional Facility operates on a series of daily procedures that will be reduced to writing and submitted as plans to address the varied requirements delineated in Section III of the Consent Decree. These routines evolved from years of experience and practice; they will be more formally implemented and submitted to Plaintiff on or before November 1, 1987 in the plan format.

THE AMENDED IMPLEMENTATION PLAN

I. Purposes and Objectives:

Defendants believe they have complied or substantially complied with the categorical goals listed under this section in the Consent Decree.

1. All obvious fire hazards have been identified and eliminated. Fire safety items have been obtained or ordered (Exhibit "B"); an institutional fire team is now in place and fire service training is part of the curriculum for correctional officers (Exhibit "C");

2. The existing staff at the Golden Grove Adult Correctional Facility is adequate in both number and training to provide inmates with protection from wanton and reckless physical violence from other inmates or staff, but Defendants continue to improve in both respects. The corrections budget submitted for the approaching fiscal year (October 1st) included additional staff positions. The correctional officers are also required to regularly participate in training exercises that enhance their ability to provide the requirements of this subsection (Exhibits "D₁, D₂").

3. The facility is cleaned six days a week by inmate crews under the supervision of security officers. Inspections for purposes of sanitation and maintenance are conducted at least four times a day and logged for corrections and clean-up a minimum of twice a day with review at every shift change. Additional equipment has been ordered and/or installed (Exhibits "E₁, E₂").

4. Medical care is provided each day to all inmates requiring or requesting such assistance. A nurse is on duty Monday through Friday from 9:00 AM to 8:30 PM and weekends from 9:00 AM to 1:00 PM and 4:00 PM to 8:30 PM. A doctor is on duty from 4:30 PM to 6:30 PM, Monday through Friday and available on the weekends. The public address system announces when the nurse and doctor arrive and the general inmate population is free to go to them at any time. Those inmates on restriction must request permission through the dormitory officer.

Mentally ill patients are initially screened by a professional counselor and then referred to a psychiatrist; extreme cases are further referred to the

Fredericksted Clinic which may result in commitment. The counselor is on duty Monday through Friday from 8:00 AM to 5:00 PM and the psychiatrist is available seven days a week.

II Conditions Requiring Immediate Correction:

As the Court may ascertain from the Compliance Report dated July 31, 1987, the Conditions Requiring Immediate Correction outlined in Section II of the Consent Decree have been eliminated already:

(1) All fire hazards have been removed from the inmate cells* and each cell is reviewed at each shift change to insure that no new hazard is introduced;

(2) At least one guard is on duty at all times and present in each inmate living unit; and

(3) All living units do have an adequate means to safely evacuate inmates in case of emergency as evidenced by the attached Emergency Procedures Manual (Exhibit "A").

III Plans:

Defendants reiterate their request for Plaintiff's expertise and assistance in devising acceptable procedures for each subsection.

1. Defendants have an emergency evacuation plan exhibited herein at "A"; Defendants' institutional fire team will obtain and devise procedures for subsections 1(b)(c) and (d) on or before October 15, 1987.

2. Defendants' Compliance Team** will draft procedures and identify equipment to be used to provide adequate security within Golden Grove on or before November 15, 1987.

3. Defendants' counsel, with the assistance of designated individuals from the Department of Health of the Government of the Virgin Islands, will develop procedures to provide adequate sanitary conditions in the food service area on or before November 1, 1987.

4. Defendants' Compliance Team will draft procedures to provide the medical care described in subsections 4(a) and (b) on or before November 15, 1987.

5. Defendant Edwin Potter will provide a written Memorandum of the staffing strategies to implement the plans envisioned above on or before December 1, 1987 and with due regard to budget contingencies.

* Counsel has information that all ninety fire retardant mattresses have been received, but can only confirm that thirty are in place as of this writing.

** The Compliance Team is to include representatives from the Departments of Justice, Health and Fire Services together with a Corrections Supervisor and a Corrections Guard. This Team has never met to the best of Counsel's knowledge and belief nor have the individual members been designated.

IV Plaintiff's Specific Objections:

The majority of Plaintiff's objections to the Implementation Plan concern the lack of clearly defined procedures and concomitant deadlines for implementation, but two require directly responsive clarification.

The Defendants do not propose to remove guards from the living areas. Rather the proposal is to structurally join two dormitories, place two guards in that elevated structure, and encourage the guards to make rounds together. It is extremely difficult for one guard to break up a disturbance and call for help.

The Virgin Islands has no intention to use inmates in supervisory roles.

V Governmental Considerations:

Departmental requisitions for this fiscal year concluded on September 18, 1987 and no further funds may be spent unless previously encumbered. Our new fiscal year begins October 1, 1987, but no budget has been submitted to and approved by the Legislature.

The timetable proposed should not be effected given its planning and policy objectives, but implementation by the Executive branch of the Virgin Islands Government may at some point hinge on whether the Legislature makes appropriate funds available.

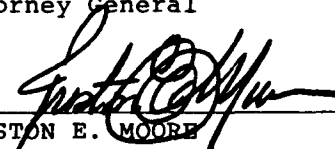
CONCLUSION

Defendants have demonstrated a willingness to comply with any and all measures that will insure adequate conditions of confinement at the Golden Grove Adult Correction Facility. Defendants welcome Plaintiff's proposal for a meeting in a good faith effort to resolve our differences.

Respectfully submitted,

GODFREY R. de CASTRO
Attorney General

Dated: September 22, 1987


TRESTON E. MOORE
Principal Asst. Attorney General
Department of Justice
Attorneys for Defendants
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St. Thomas, VI 00801
809/774-5666

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that exact copies of the foregoing Amended Implementation Plan were served, as follows:

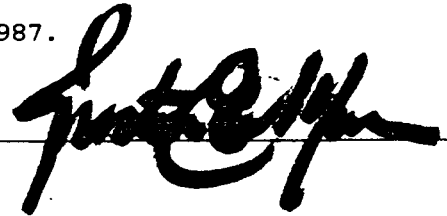
By Express Mail: William Bradford Reynolds, Esq.
Civil Rights Division
U. S. Department of Justice
P. O. Box 37076
Washington, D.C. 20066

V. Colleen Miller, Esq.
Civil Rights Division
U. S. Department of Justice
P. O. Box 37076
Washington, D.C. 20066

By Regular Mail: Edwin Potter, Director
Bureau of Corrections
P.O. Box 1100
Kingshill, St. Croix
U.S. Virgin Islands 00850

Paul Samuel, Acting Warden
Golden Grove Adult Correctional Facility
P. O. Box 1100
Kingshill, St. Croix
U. S. Virgin Islands 00850

Postage prepaid, on this **22** day of September, 1987.



A handwritten signature in black ink, appearing to read "Edwin Potter", is written over a horizontal line.