

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES BENJAMIN, et al.,

Plaintiffs,

-against-

VINCENT SCHIRALDI,

Defendant.

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**ORDER RE: RESTORATION
OF DOHMH
ENVIRONMENTAL
INSPECTIONS**

75 Civ. 3073 (LAP)

WHEREAS, by orders dated January 9, 2001 and March 22, 2001, District Judge Harold Baer, Jr. found “current and ongoing” violations of the plaintiff class’s federal constitutional rights with regard to certain environmental conditions in Defendant’s correctional facilities;

WHEREAS, by order dated April 26, 2001 (“Order on: Environmental Conditions,” or “Environmental Order”), the Court ordered Defendant to undertake various measures, including weekly and monthly inspections, to abate the conditions described in the Court’s January 9, 2001 and March 22, 2001 orders;

WHEREAS, paragraph “6” of the Environmental Order requires the New York City Department of Health and Mental Hygiene (“DOHMH”) to conduct its own monthly inspections at Defendant’s correctional facilities;

WHEREAS, in light of the COVID-19 emergency in March 2020, DOHMH wished to dispatch its inspection workforce to other areas of the City to deal with the COVID-19 outbreak and temporarily suspend its inspections in the City jails;

WHEREAS, on March 23, 2020, Defendant sought – and on March 24, 2020, received – this Court’s permission to suspend DOHMH’s inspection obligations “during the current public health crisis”;

WHEREAS, in the March 24, 2020 order, the Court directed Defendant to notify Plaintiffs when DOHMH would be willing to resume inspections of the City jails;

WHEREAS, on June 24, 2021, then-New York State Governor Andrew Cuomo declared an end to the State’s disaster emergency regarding the COVID-19 pandemic;

WHEREAS, on October 6, 2021, Defendant’s counsel notified Plaintiffs’ counsel in writing that DOHMH intended to resume its inspections on October 18, 2021;

WHEREAS, on October 15, 2021, Defendant’s counsel notified Plaintiffs’ counsel in writing that it would consent to Plaintiffs’ motion to restore paragraph “6” of the Environmental Order.

IT IS HEREBY ORDERED:

- 1) Paragraph “6” of the Court’s April 26, 2001 Order on Environmental Conditions is hereby restored;
- 2) The Court finds that finds that the above-ordered relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

Dated: October 29,
2021 New York, New
York

SO ORDERED.



HON. LORETTA A. PRESKA, U.S.D.J.