



PC-DE-001-008

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

RANDOLPH DICKERSON, et al.,

Plaintiffs,

v.

C.A. No. 10256

THOMAS R. CARPER, Governor
of the State of Delaware,
et al.,

Defendants.

STIPULATED ORDER

The parties, by and through their respective counsel, hereby stipulate and agree to the following interim measures as a temporary resolution of State defendants' Motion for Declaratory Relief and/or Relief From Judgment ("Motion") pursuant to 10 Del. C. Chapter 65 and Chancery Court Rule 60:

1. In order to alleviate the serious overcrowding in the Booking and Receiving Area at the Multi-Purpose Criminal Justice Facility ("Gander Hill"), the State defendants propose to house up to 90 inmates each in areas located at Gander Hill designated as Shell Dormitory Spaces I and II for a total of 180 inmates. The parties recognize that this requested arrangement is temporary and will not continue without Court approval beyond May 31, 1995, approximately six months after Shell Dormitory Space II opened.

2. The physical lay-out for Shell Dormitory Spaces I and II are diagramed in State defendants' Motion and incorporated herein by reference.

3. The State defendants further propose that the housing of the 180 inmates, 90 inmates in Shell Dormitory Space I and 90 inmates in Shell Dormitory Space II shall be pursuant to the following terms and conditions:

(a) Temporarily vacating four (4) pods of 160 sentenced inmates and twenty (20) other inmates and housing them in two (2) minimum security dormitories using the "shell space" of the prison industries areas. The vacated pods will be used to house pre-trial detainees. Inmates assigned to the Shell Dormitories who are eventually released from custody will have their places taken by other minimum security inmates.

(b) Installing ten (10) sinks, toilets and showers in each Shell Dormitory and maintaining them in proper working order.

(c) Installing and maintaining six (6) telephones in each Shell Dormitory.

(d) Installing and maintaining two (2) televisions in each Shell Dormitory.

(e) Ensuring that all inmates housed in the Shell Dormitories have standard institutional beds and fire retardant mattresses.

(f) Ensuring that all programs, activities or other services including but not limited to recreation, medical care, education, visits, phone calls, showers, clothing changes and law library use will be unaffected by assignment to the Shell Dormitories and will be equal to those of all sentenced inmates in Gander Hill.

(g) Maintaining current security staff.

4. Plaintiffs' counsel shall be permitted to monitor defendants' compliance with this stipulation.

5. The State defendants agree to continue examining the Gander Hill population for inmates sentenced to Level IV but held at Level V pending an available bed, who are eligible for SENTAC Rule #28 Release. Once an eligible inmate is found, the State defendants agree to promptly refer the inmate for a Level III placement.

6. Plaintiffs continue to maintain that defendants' practice of housing inmates in the areas designated as Shell Dormitory Spaces I and II, as well as the current housing of inmates in the Booking and Receiving Area at Gander Hill, violates the Settlement Agreement in this case and the Stipulation for Dismissal of the second Motion for Order to Show Cause.

7. Plaintiffs nonetheless specifically stipulate that the housing of inmates in the Shell Dormitory Spaces I and II under the conditions set forth in this Stipulation is preferable to housing these inmates in the Booking and Receiving Area under current conditions.

8. If the defendants maintain the Shell Dormitory Spaces I and II in compliance with the provisions set forth in this Stipulation, plaintiffs will not challenge the propriety of such use until June 1, 1995.

9. This Stipulation does not affect the status of plaintiffs' pending motion for an order to show cause.

STATE OF DELAWARE

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SO ORDERED this 9th day of February, 1995.

William B. Chandler III

Vice Chancellor William B. Chandler, III