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FOR IMMEDIATE RELEASE

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SETTLEMENT REACHED IN SOLITARY CONFINEMENT LAWSUIT

The Delaware Department of Correction (DOC), Community Legal Aid Society, Inc. of Delaware (CLASI) and the American Civil Liberties Union Foundation of Delaware (ACLU) are pleased to announce an agreement has been approved by United States District Judge Gregory Sleet on September 1, 2016, concerning the treatment of inmates in Restrictive Housing Units, with a particular focus on those in maximum security with mental illness. The DOC has agreed to significantly limit the length of time that can be served in disciplinary housing at all DOC prisons. The DOC also has agreed to increase the amount of unstructured recreation time made available to inmates in certain maximum security settings. Increased structured therapeutic activities, likewise, will be made available to individuals with mental illness in those areas. The proposed agreement contemplates increased behavioral health, additional security staffing and the creation of a new treatment center at James T. Vaughn Correctional Center in Smyrna. Implementation will take place in stages and will be monitored by CLASI. This agreement resolves a federal lawsuit filed by CLASI on August 6, 2015. DOC Commissioner Rob Coupe says, "I appreciate that the ACLU and CLASI were willing to work together with the DOC to resolve this matter through meaningful and productive dialogue without going to trial. The resulting agreement is consistent with the DOC's ongoing efforts to maintain safe and secure facilities while improving conditions of confinement in a way that will increase treatment options and improve the chances of successful reentry for our offenders when they return to the community. The agreement also places the Delaware DOC in line with the restrictive housing reforms that are taking place in corrections nationwide."

One year ago there were almost 400 maximum security inmates in restrictive housing in Delaware prisons. Many of those inmates are confined to their 8 ft. x 11 ft. cells for up to 72 hours at a time and are granted only 3 hours of out-of-cell time each week for exercise and showers. They receive meals in their cells. When fully implemented, inmates in restrictive housing will be offered 17.5 hours or more of out-of-cell time per week.

CLASI's executive director, Daniel Atkins, notes that "[a]fter over a year of investigation and two years of advocacy, I am thrilled that we have been able to achieve a comprehensive settlement that for all intents and purposes ends solitary confinement of individuals with mental illness as we know it. The settlement agreement guarantees treatment and time out of cell that dramatically changes the conditions of confinement for individuals who previously had been left alone in their cells for 24 hours a day most days of the week. The DOC's commitment to this change is a reflection of the parties listening to the experts about what makes more sense from both penological and rehabilitative interests. There is already a strong consensus around the country that solitary confinement is inhumane and counterproductive. The fact remains that, sadly, DOC is the largest provider of mental health services in the state of Delaware. Now DOC will be developing programming, buildings, and staff, to improve the care and treatment it is providing. Most inmates in solitary confinement will eventually be released

from prison. It is far better for them, and for the public, to provide them treatment and care, rather than to make them sicker and more dangerous. CLASI is extremely grateful to the ACLU and its Legal Director Richard Morse, and Pepper Hamilton and its lead partner Joanna Cline, for their partnership in this case. This great result could not have been achieved without their skill, commitment, and resources."

"The many changes Commissioner Coupe and DOC have voluntarily agreed to make will produce safer, more humane and more effective prisons. That is important in every state, but especially in Delaware, which has one of the highest incarceration rates in the country. We are gratified that DOC has agreed to these progressive changes, and are hopeful that even more progress will be realized as Delaware moves forward," said Rich Morse, ACLU-DE legal director.