

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CORRI DITTIMUS BEY, MELVIN
CLARK, MARK ELLIOTT and DONALD
RUDD on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

CAMDEN COUNTY CORRECTIONAL
FACILITY, CAMDEN COUNTY
DEPARTMENT OF CORRECTIONS,
CAMDEN COUNTY, WARDEN ERIC
TAYLOR, DEPUTY WARDEN FRANK
LOBERTO, and JOSEPH RIPA.

Defendants.

CIVIL ACTION NO. 05cv0063

~~PROPOSED~~ ORDER APPROVING
INTERIM CONSENT DECREE AND
STAYING LITIGATION FOR A
PERIOD OF 120 DAYS

THIS MATTER having come before the Court on Plaintiffs' Unopposed Motion for Approval of an Interim Consent Decree and for a 120-day stay of this litigation, and the Defendants having consented to Plaintiffs' Motion, and the parties' having entered into an Interim Consent Decree, and the Court having considered the papers and for good cause shown;

IT IS ON THIS 22nd day of January, 2008, ORDERED:

1. Plaintiffs' Motion is GRANTED and the Interim Consent Decree, attached hereto as Exhibit A, is hereby approved; and
2. The terms of the Interim Consent Decree are fair, reasonable and adequate. They are narrowly tailored to address the claims asserted in the Amended Complaint and are in the best interests of the Class.

3. This action shall be stayed for a period of 120 days from the date of this Order to allow the two Criminal Justice Planning firms, specifically identified in the Interim Consent Decree, to conduct their initial assessment and analysis of the Camden County Correctional Facility.


Honorable Jerome B. Simandle, U.S.D.J.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CORRI DITTIMUS BEY, MELVIN	:	CIVIL ACTION NO. 05cv0063
CLARK, MARK ELLIOTT and DONALD	:	
RUDD on behalf of themselves and all others	:	Hon. Jerome B. Simandle, U.S.D.J.
similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
CAMDEN COUNTY CORRECTIONAL	:	
FACILITY, CAMDEN COUNTY	:	
DEPARTMENT OF CORRECTIONS,	:	
CAMDEN COUNTY, WARDEN ERIC	:	
TAYLOR, DEPUTY WARDEN FRANK	:	
LOBERTO, and JOSEPH RIPA.	:	
	:	
Defendants.	:	

INTERIM CONSENT DECREE

This Interim Consent Decree is entered into as of the 17th day of December, 2007, by Plaintiffs Corri Dittimus Bey, Melvin Clark, Mark Elliott and Donald Rudd, as representatives of the Class, as defined below, and Defendants Camden County Correctional Facility, Camden County Department of Corrections, Warden Eric Taylor, Deputy Warden Frank Loberto and Joseph Ripa (collectively "Defendants"), by and through their respective undersigned counsel. This Interim Consent Decree is intended only to provide for the retention of two criminal justice planning firms by Defendants, for the purposes and reasons detailed more fully below. This Consent Decree is not intended to fully, finally, or forever resolve, discharge or settle any and all claims against the Defendants.

WHEREAS, on January 6, 2005, nine *pro se* complainants incarcerated at the Camden County Correctional Facility, located in Camden, New Jersey (“the Jail”) filed a class action complaint (“Complaint”) under 42 U.S.C. §1983 alleging violations of the Sixth, Eighth, and Fourteenth Amendments of the Constitution by various municipal defendants. *See generally* PACER Docket Entry No. 1. The Complaint alleged, among other things, that these inmates were forced to live in overcrowded conditions at the Jail, which included up to four individuals living in a cell designed for a single inmate. *See id.*

WHEREAS, on November 4, 2005, the Court granted Plaintiff Corri Dittimus-Bey’s Motion for the appointment of counsel under 28 U.S.C. § 1915(e). *See* PACER Docket Entry No. 35. In this same Order, the Court appointed Lisa Rodriguez of Trujillo, Rodriguez and Richards, LLC to represent Plaintiffs. *See id.*

WHEREAS, on March 31, 2006, Plaintiffs, through their newly appointed counsel, filed an Amended Class Action Complaint (“Amended Complaint”) against Defendants. *See* PACER Docket Entry No. 60. In their Amended Complaint, Plaintiffs alleged that the policies and practices of Defendants have created unconstitutional conditions that both pretrial detainees and convicted prisoners are forced to endure while incarcerated at the Jail. *See generally id.* at ¶¶ 13-35. These include, *inter alia*, overcrowded cells, inadequate sleeping arrangements, insufficient medical and dental care, unsanitary meal service, understaffed maintenance personnel, and inadequate laundry service and cleaning supplies. *Id.* Plaintiffs sought both declaratory and injunctive relief. *Id.*

WHEREAS, by Order dated July 31, 2007, this Court certified a class pursuant to Federal Rule of Civil Procedure 23(b)(2), consisting of:

all individuals incarcerated at [the Jail], either as pretrial detainees or as convicted prisoners, from the inception of this lawsuit on January 6, 2005 until its termination.

See PACER Docket Entry No. 80; and

WHEREAS, the Jail is grossly overpopulated with a current population that far exceeds its current rated capacity of 1267, resulting in the triple and quadruple bunking of cells; and

WHEREAS, the parties recognize that the Jail can not, by statute, refuse admission to any inmate regardless of the Jail's current population levels; and

WHEREAS, the parties recognize that the Jail does not operate in a vacuum and any long-term, effective remedy to the overcrowding population must involve the criminal justice system as a whole;

WHEREAS, Plaintiffs' overcrowding expert, Steve Martin, opined in his June 29, 2007 report:

It cannot be overemphasized that the conditions of confinement that currently exist at [the Jail] are a manifestation of larger more systemic problems related to the county criminal justice system. While there certainly may be short term strategies that provide some reduction of the overcrowding, such as temporary or fast-track housing in combination with maximizing/expanding existing diversion and release mechanisms, the magnitude of such systemic problems that face county officials will require a total systems approach from professional criminal justice planners for long term solutions.

See Exhibit B, p. 16, attached to the Declaration of Nicole M. Acchione ("Acchione Cert."), filed herewith. Mr. Martin rendered a Supplemental Report dated September 28, 2007 in which he specifically recommended the retention of a criminal justice planner. *See* Exhibit C to the Acchione Cert.

WHEREAS, subject to the approval of the Court, the parties wish to effect an interim compromise in the form of an Interim Consent Decree, providing for the retention of two criminal justice planning firms, described in greater detail below;

WHEREAS, Class Counsel represent that they have conducted a thorough study and investigation of the law and the facts relating to the claims asserted, and have consulted extensively with their overcrowding expert, and have concluded, taking into account the substantial benefits that the Class members, and future inmates of the Jail, will receive as a result of the terms of the Interim Consent Decree, and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that the parties have agreed to the following interim relief, subject to the approval of the Court pursuant to Federal Rule of Civil Procedure 23, upon and subject to the following terms and conditions:

1. The parties will submit to the Court an order (the "Interim Consent Decree Approval Order") substantially in the form attached hereto as Exhibit A which, among other things,
 - (a) preliminarily approves the terms of this Interim Consent Decree as being fair, reasonable, and adequate to the Class; and
 - (b) stays this litigation for a period of 120 days, or until the two criminal justice planning firms, described below, render their reports and recommendations.
2. Defendants have agreed, pursuant to two November 15, 2007 Resolutions approved by the Camden County Board of Chosen Freeholders, to retain the following two criminal justice planning firms: Carter Goble Lee and Pulitzer Bogard & Associates, LLC (hereinafter "CJP firms") at Defendants' sole expense.
3. Carter Goble Lee has been retained for the purpose of providing an analysis and improvement plan for managing the population at the Jail, including analyzing and preparing a

comprehensive population management growth plan; describing Camden County's case flow and arrest process and identifying interim solutions for immediate needs at the Jail to effectively reduce the population. The study will focus on determining what improvements or changes in criminal process and what changes or expansions in criminal offender diversion programs may be feasible to implement in order to reduce the demand for secure adult pretrial detention and/or the use of the County Jail as a sanction for convicted offenders. For a more detailed explanation, *see* Exhibit D to Acchione Cert. filed herewith.

4. Pulitzer Bogard & Associates, LLC has been retained for the purpose of determining capacity and staffing needs at the Jail. For a more detailed explanation, *see* Exhibit F to Acchione Cert. filed herewith.

5. It is anticipated that both CJP firms will render reports and recommendations in the next several months. At that time, and if appropriate, the parties will again seek the Court's approval of a Second Consent Decree to authorize the approval and implementation of the CJP firms' recommendations with the ultimate goal of effectively reducing the population at the Jail.

6. Plaintiffs' counsel shall be provided with regular status updates from, and access to, both CJP firms. Plaintiffs' expert, Steve Martin, is expressly permitted to confer with both CJP firms.

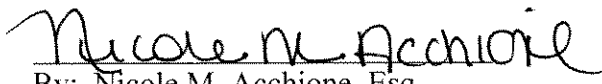
7. It is expressly agreed and understood that this Interim Consent Decree does not constitute an admission by any party and may not be admitted in evidence in any action involving any party except an action to enforce the terms hereof.

8. The Parties and their respective counsel agree to cooperate fully with one another in seeking court approval of this, and related future, Consent Decrees and agree to work in good faith to prepare any additional documents that may be required otherwise to effect the timely

consummation of the Interim Consent Decree and the Order Approval Interim Consent Decree contemplated herein.

9. This Interim Consent shall be governed by the laws of the State of New Jersey.

IN WITNESS WHEREOF, the Parties hereto, through their respective attorneys and intending to be legally bound, have executed this Agreement.



By: Nicole M. Acchione, Esq.
Class Counsel for the Plaintiffs

By: Howard Goldberg
Assistant County Counsel
Counsel for Defendants