



U.S. Department of Justice

Civil Rights Division

JMS:CT:pjc
DJ 168-15-16

*Special Litigation Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

December 31, 2012

Via Electronic and First Class Mail

Carl C. Danberg, Esquire
Commissioner of Correction
State of Delaware
Department of Correction
245 McKee Road
Dover, DE 19904

RE: Amended Memorandum of Agreement between the United States Department of Justice and the State of Delaware regarding the James T. Vaughn Correctional Center, the Howard R. Young Correctional Institution, and the Sussex Correctional Institution

Dear Commissioner Danberg:

We have concluded that the State of Delaware is in substantial compliance with the Amended Memorandum of Agreement regarding the James T. Vaughn Correctional Center, the Howard R. Young Correctional Institution, and the Sussex Correctional Institution and that the State is entitled to termination of the agreement. We commend the State for the efforts that it has taken to address our concerns regarding the conditions of confinement in these prisons.

From the beginning of the investigation in March of 2006, the State provided an unprecedented level of cooperation. The State immediately sought to uncover problems, and hired its own team of medical experts to audit medical and mental health care conditions in the prisons. As a result of the State's efforts, on December 29, 2006, we were able to quickly resolve our concerns and enter into a settlement.

For the three-year duration of the MOA, the State continued to progress toward full compliance, enabling the parties to release all four facilities from further monitoring on several provisions. The State then willingly entered into an Amended MOA ("AMOA") which contained far fewer provisions than the original MOA. Further, because of the State's progress in creating and institutionalizing comprehensive self-monitoring policies and procedures, the parties agreed that the State would move from an independent monitoring model to a self-monitoring model.

Since December 29, 2009, when the AMOA was signed, the State continued toward achieving substantial compliance with its terms. In addition, the State made clear its

commitment to improving health care for inmates by establishing the Bureau of Correctional Healthcare Services, which, with DOJ's input, designed and implemented an excellent Continuous Quality Improvement program which has become a sought-after model among other states and municipalities. The State also created the Adult Correction Healthcare Review Committee, an independent entity to conduct oversight of the Bureau of Correctional Healthcare Services and its vendors. The State's initiative and diligence in addressing our concerns were instrumental in bringing this investigation to a close.

Should you have any questions or concerns, please feel free to contact Cathleen Trainor, the attorney who has been handling this matter, at (202) 616-9009.

Sincerely,



Jonathan M. Smith
Chief
Special Litigation Section