

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

244

IMPRISONED CITIZENS UNION, : CIVIL ACTION  
et al. : FILED

v.

NOV 22 1973

NOS. 70-2545  
70-1054  
71-513  
71-1006

file

HILTON SHAPP, et al. JOHN J. WOODING, Clerk

By \_\_\_\_\_ Mrs. Clerk

STIPULATION

It is hereby stipulated by and between the above  
entitled parties, by their respective attorneys, that:

1. In Section VI, A (re: Mail) of the proposed  
Consent Decree at pp. 4 - 5 the amendment of Administrative  
Directive 803 as stated therein will be revised to strike the  
words, "libelous or" from line 2 and to strike the entire  
last sentence.

2. Section VII, D(1)(d) (re: Publications) of  
the proposed Consent Decree at p. 8 will be stricken.

3. Appendix D of the proposed Consent Decree,  
page 1, will be amended at Section A, last sentence, to read,

"Mace may also be used in situations  
where the use of force is permissible  
as provided in paragraph IX of the  
Consent Decree so long as there is  
imminent danger of bodily harm or  
of substantial property damage."

4. Paragraph III of the proposed Consent Decree,  
page 4, (Minor Infraction Procedure) will be stricken with  
the following specific understandings:

(a) Administrative Directive 801 (Rev. 2-77)  
will provide a uniform level of due process for all misconduct  
proceedings in lieu of Paragraph III, page 4 of the proposed  
Consent Decree.

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(b) Pre-hearing confinement under Administrative Directive 801 is not to be routine but utilized only upon approval of the warden officer in charge of the institution based upon his assessment of the situation and the need for control.

(c) The only pre-hearing confinement possible for an inmate charged under Administrative Directive 801 with a Class 2 Misconduct is confinement in that inmate's cell and an inmate confined to his cell will continue to enjoy use of his personal property such as his own television, radio, etc., except when the alleged misconduct involves the misuse of an item of personal property.

(d) An inmate will receive a misconduct report as soon as possible and no later than three hours after being placed in pre-hearing confinement and a hearing on the misconduct charge as provided in Administrative Directive 801 will be held not less than 24 hours after the inmate's receipt of the misconduct report and no later than the sixth calendar day following the inmate's pre-hearing confinement.

Stipulated this 15<sup>th</sup> day of May, 1978.

103/78  
[Handwritten notes and signatures]

Approved by the Court

[Signature]  
Joseph S. Long, III, Ch. J.

[Signature]  
John D. Shavel, Attorney for Class Plaintiffs  
1210 Spruce Street  
Philadelphia, PA 19107

[Signature]  
Robert P. Kane, Attorney General  
Commonwealth of Pennsylvania

[Signature]  
J. Andrew Spitzer, Director, Gen. Inv. Div., Office of Criminal Law  
PA Department of Justice  
Attorneys for Defendants  
Office of the Attorney General  
Commonwealth of Pennsylvania  
Harrisburg, PA 17100

SERVICE WORK ORDER

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J.N. -

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PROBLEM:

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SOLUTION

PARTS:

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DATE: 9/22/88

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