

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:14cv601-MHT
	)	(WO)
JEFFERSON S. DUNN, in his	)	
official capacity as	)	
Commissioner of	)	
the Alabama Department of	)	
Corrections, et al.,	)	
	)	
Defendants.	)	

PHASE 2A ORDER AND INJUNCTION ON SEGREGATION REMEDY
(PRE-PLACEMENT, MENTAL-HEALTH ROUNDS, PERIODIC
EVALUATIONS)

On April 26, 2018, the parties submitted a second set of stipulations to the court regarding segregation remedy, specifically as to the issues of pre-placement assessments, mental-health rounds, and periodic assessments. In open court on April 27, 2018, they agreed that the stipulations should be reduced to an enforceable order and further agreed to some clarifications of the stipulations. In addition, the parties subsequently submitted a revised mental-health

assessment form (doc. no. 1810-1), and the defendants submitted a clarification on the monitoring and accountability process when clinicians indicate that segregation placement is contraindicated (doc. no. 1811). Accordingly, it is the ORDER, JUDGMENT and DECREE of the court as follows:

- (1) The stipulations (doc. no. 1798), as clarified in open court on April 27, 2018, as modified in subsequent submissions (doc. nos. 1810 & 1811), and as attached to this order, are approved.
- (2) Defendants Jefferson Dunn and Ruth Naglich are ENJOINED and RESTRAINED from failing to comply with the attached provisions, as clarified in open court on April 27, 2018, and as modified in subsequent submissions (doc. nos. 1810 & 1811).

DONE, this the 3rd day of May, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE

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Defendants.	)	

ATTACHMENT

The parties agree that the below stipulations resolve all of the issues related to the screening of inmates at the time of placement in restrictive housing, mental health rounds in restrictive housing and periodic mental health assessments in restrictive housing. In the event that the Court accepts these stipulations, the Alabama Department of Corrections will implement the terms of this stipulation no later than 60 days from the date of the Court's entry of an order reflecting these terms.

I.Restrictive Housing Pre-Placement Screening:

- a. Prior to placement in restrictive housing, each person shall be screened by an RN or LPN who has been trained in the screening process and is supervised by an RN.
- b. The screening shall include an assessment of:

- 1.whether the inmate has been flagged as seriously mentally ill
- 2.whether the inmate is at imminent risk of suicide or serious self-harm
- 3.whether the inmate exhibits debilitating symptoms of a serious mental illness; and
- 4.whether the inmate requires emergency medical care

c. The results of the screening shall be used to determine:

- 1.Whether the inmate can be placed into restrictive housing or must be diverted to another location, such as placement on crisis status and placement in an infirmary or other diversionary placement
- 2.Whether the inmate requires a medical and/or mental health referral

d. The screener shall use and document the assessment on the form that is submitted as Exhibit A, Segregation Admission Screening form. The Form may be altered in format, but not in substance without agreement of the parties.

II. Mental Health Rounds:

a. Mental health rounds in restrictive housing are conducted in each restrictive housing unit at least weekly and occur between the hours of 8:00 AM and 4:00 PM.

b. Mental health rounds are conducted by a QMHP. A QMHP is defined as, a licensed MHP, a licensed psychological associate, a psychologist, a mental health CRNP or a psychiatrist.

c. Mental Health Rounds include:

1. A review of duty post logs and segregation unit record sheets for information about inmates' participation in recreation, showers, meal consumption and sleep patterns;
2. Discussion with the post officer(s) as to whether they have noticed any behavior changes of any inmate;
3. Walking through the restrictive housing unit, stopping at every cell and making visual contact with the inmate(s) inside the cell;
4. Verbal communication with the inmate including a brief inquiry into how the inmate is doing, whether he/she needs to talk to mental health privately or has any other mental health need; and
5. Briefly viewing the condition of the inmate's hygiene, behavior, affect, physical condition and the condition of the cell (neat and orderly, trash, food, bodily fluids, smoke, etc.).

d. Documentation of Mental Health rounds include:

1. Notation of QMHP date and time of entry and exit from the restrictive housing unit in the CO duty post log; and
2. A brief notation about each inmate in restrictive housing on the mental health rounds form and if there has been any significant change in the inmate's condition or additional mental health follow-up is indicated, a brief progress note will also be entered in the specific inmate's medical record.

e. The mental health rounds forms shall be chronologically filed and maintained by the mental health manager.

f. The QMHP shall use the Mental Health Rounds Form submitted as Exhibit B. The Form may not be materially altered without agreement of the parties.

III. Periodic Mental Health Assessments

a. Within 7 days of placement in restrictive housing, each person will be assessed by a QMHP.

b. The assessment shall include a review of the person's past response to having been in restrictive housing and inquiry into:

1. whether the offender has a present suicide ideation;
2. whether the offender has a history of suicidal behavior;
3. whether the offender is presently prescribed psychotropic medication;
4. whether the offender has a current mental health complaint;
5. whether the offender is being treated for mental health problems;
6. whether the offender has a history of inpatient and outpatient psychiatric treatment; and
7. whether the offender has a history of treatment for substance abuse.

Mental status examination including:

1. general appearance and behavior;
2. evidence of abuse and/or trauma; and
3. current symptoms of psychosis, depression, anxiety, and/or aggression

Disposition of offender:

1.no mental health referral;

2.referral to mental health care service; or

3.referral to appropriate mental health care service for emergency treatment

c. If assignment to restrictive housing continues beyond 30 days, a behavioral health assessment by QMHP is completed at least every 30 days for offenders with a diagnosed behavioral health disorder and more frequently if clinically indicated.

d. For offenders without a behavioral health disorder, an assessment by QMHP is completed every 90 days and more frequently if clinically indicated.

e. The 7-day and subsequent periodic assessments are conducted out-of-cell, in a space offering sound confidentiality.

f. Offenders confined in restrictive housing continue to minimally receive the same treatment interventions they received prior to placement in restrictive housing and more frequent or intensive interventions if clinically indicated.

g. Mental health staff have the authority to have an inmate removed from restrictive housing if it is determined that continued placement in restrictive housing is contraindicated as evidenced by changes in the inmate's mental state and functioning. In these instances, the inmate must be removed from restrictive housing within 72-hours or sooner if the QMHP determines the need for removal is more urgent or an emergency. The inmate shall be placed into a mental health setting that is appropriate to the level of care he/she requires.

h. The QMHP shall use the Mental Health Assessment/Report Form submitted as Exhibit C. The

Form may be altered in format, but not in substance
without agreement of the parties.

EXHIBIT 1

SEGREGATION: MENTAL HEALTH ASSESSMENT/REPORT

☐ Initial assessment☐ 30-day☐ 90-day

Inmate Name	Number	SMI flag YES NO	Date placed in seg:	Date of Assessment
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In accordance with ACA Standards: All inmates placed in segregation shall be interviewed by a QMHP to assess the offender's basic mental health condition within 7 days of placement. The mental health assessment is completed every 30 days for inmates with a diagnosed behavioral health disorder remaining in segregation and at 90 day intervals for offenders without a behavioral health disorder who remain in segregation – unless more frequent assessments are clinically indicated. Mental health assessments are conducted out-of-cell, face-to-face and in an area that provides sound confidentiality unless the clinician determines it is unsafe to do so. The reasons the assessment is not confidential shall be clearly documented on the back of this form.

Mental health screening questions (Answer all questions)

	YES	NO	
1			Current thoughts of suicide or plan
2			History of suicide attempts/behaviors
3			Current prescription psychotropic medication
4			History of inpatient mental health treatment (psychiatric hospitalization)
5			History of treatment in RTU
6			History of outpatient mental health treatment
7			History of substance abuse treatment
8			Current mental health complaint
			If yes, describe:

Behavioral Observations (Check all that apply)

- | | | | |
|-------------------------------------|--|--|------------------------------------|
| ☐ Aggressive | ☐ Hallucinating | ☐ Lethargic | ☐ Passive |
| ☐ Agitated | ☐ Hyperactive | ☐ Loose associations | ☐ Withdrawn |
| ☐ Anxious | ☐ Irrational | ☐ Manipulative | ☐ Tearful |
| ☐ Delusional | ☐ Labile | ☐ Paranoid/suspicious | |

Mental Status Examination (Write in brief description in each category)

Appearance:
Mood:
Affect:
Speech:
Thought form & content:
Intellectual functioning:
Orientation:
Concentration:

Memory:
Other:

Assessment:

- Disposition: ☐ No mental health referral
- (check all that apply) ☐ Routine mental health referral to be seen within 3 days by QMHP
- ☐ Psychotropic medication referral
- ☐ Emergency mental health referral to be seen within the hour
- ☐ Medical referral
- ☐ Custody referral
- ☐ Administration referral for removal from segregation
- ☐ Conduct mental health assessment at higher frequency: every ____ days

Signature, printed name and discipline of person completing this assessment:
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