

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
(STOPGAP MEASURES FOR REMOVING INMATES WITH SERIOUS
MENTAL ILLNESS FROM SEGREGATION)

On May 30 2018, the parties submitted a stipulation to the court regarding segregation remedy, specifically as to the issue of removing inmates with serious mental illness from segregation. During an on-the-record conference on June 1, 2018, they agreed that the stipulation should be reduced to an enforceable order, and that the stipulation represents a "stopgap" or "interim" measure, such that the issue of a systemic, long-term remedy is still before the court for

resolution as part of the segregation remedy. The parties also agreed to other clarifications of the stipulation. Accordingly, it is the ORDER, JUDGMENT and DECREE of the court as follows:

- (1) The stipulation (doc. no. 1855), as clarified during an on-the-record conference on June 1, 2018, and as attached to this order, is approved.
- (2) Defendants Jefferson Dunn and Ruth Naglich are ENJOINED and RESTRAINED from failing to comply with the attached provisions, as clarified during an on-the-record conference on June 1, 2018.

DONE, this the 4th day of June, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE

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Defendants.	)	

ATTACHMENT

Defendants JEFFERSON DUNN ("Commissioner Dunn") and RUTH NAGLICH ("Naglich" and, collectively with Commissioner Dunn, "the State") hereby agree to the following steps for the near-term removal of inmates with serious mental illness from restrictive housing, consistent with the priority list attached as Exhibit A (the "List") (filed under seal), and avoiding the placement of inmates with a serious mental illness ("SMI") in restrictive housing in the future.

I. Movement of Prisoners

The Alabama Department of Corrections ("ADOC") has moved, and will continue to move, inmates on the List from restrictive housing to alternative housing placements. For example, ADOC can confirm the movement of C.G. and L.H. from restrictive housing at the Tutwiler Prison for Women, and of D.G. from restrictive housing at the Kilby Correctional Facility.

All inmates on the List will be moved out of restrictive housing based on their priority as stated on the List no later than July 9, 2018. The highest priority designation is A; the lowest is C.

Starting on May 24, 2018, ADOC will move inmates on the List to general population, the Structured Living Unit ("SLU") at Donaldson Correctional Facility as beds become available—including filling any existing capacity in the SLU, or Residential Treatment Units or Stabilization Units, if clinically appropriate. ADOC will move up to five (5) inmates per day, three (3) days per week.

ADOC will evaluate whether inmates on the List in preventative status may be placed in general population in another ADOC facility. Any movement of inmates in preventative status to another ADOC facility shall proceed independently of the expansion of the number of SLU beds discussed below.

To expand the capacity of SLU housing, starting on May 24, 2018, ADOC will convert Donaldson's V Block to a SLU. ADOC selected Donaldson's V Block because of its proximity to the existing SLU in Donaldson's W Block. For ADOC to bring Donaldson's V Block online as a SLU, ADOC must complete a number of tasks, including:

- ADOC must relocate 93 general population inmates from Donaldson's Y Block¹ to other Donaldson housing units and other ADOC facilities.
- Next, ADOC must clean, repair,² and paint Donaldson's Y Block, which will take approximately four (4) days.

1. Donaldson's Y Block is currently a general population housing unit, but it will become a behavior modification housing unit.

2. In terms of repairs, ADOC anticipates that some sinks, toilets, and lighting may need to be placed back in working condition.

- ADOC must transition the behavior modification inmates from Donaldson's X Block³ to Donaldson's Y Block.
- When Donaldson's X Block is vacated, then ADOC must clean, repair, and paint it, which will take approximately four (4) days.
- ADOC must relocate 27 inmates from Donaldson's V Block⁴ into Donaldson's X Block.
- Then, ADOC must clean, repair, and paint Donaldson's V Block, which will take approximately four (4) days.
- ADOC can then begin using Donaldson's V Block as a SLU.

Once Donaldson's V Block is available for use as an SLU, ADOC will start moving the inmates from the list into Donaldson and complete the process by July 9, 2018. ADOC anticipates that it will have Donaldson's V Block converted to a SLU by mid-June 2018.

On Monday of every week, starting on June 4, 2018 and continuing until all persons on the List have been removed from restrictive housing, ADOC will provide to Plaintiffs a report of all inmates on the List who have been removed from restrictive housing, the date they

3. Donaldson's X Block is currently a behavior modification housing unit, but it will become an open Residential Treatment Unit ("RTU").

4. Donaldson's V Block is currently an open RTU, but it will become a SLU.

were removed from restrictive housing, and the location where they are housed. For inmates on the List who are in preventative status who have not been moved, ADOC shall provide a short summary of the reasons they have not been moved and any progress toward moving them.

II. Ongoing Monitoring

ADOC will continue to monitor the mental status of inmates in restrictive housing consistent with ADOC Administrative Regulation 624. ADOC will continue to evaluate and assess inmates in restrictive housing consistent with ADOC Administrative Regulation 625. Based on the monitoring, evaluation, and assessment of inmates in restrictive housing, ADOC will remove any inmate from restrictive housing when the mental health staff determine that continued placement in restrictive housing is contraindicated, as evidenced by changes in the inmate's mental state and functioning.

III. Efforts to Minimize Near-term Placement
of Inmates with SMI in Restrictive Housing

Between the date of this stipulation and the time when the stipulations concerning mental health coding, SMI designation and flag, pre-placement assessments, mental health rounds, and periodic assessments are implemented, ADOC will take steps to identify and expedite the transfer of inmates with a SMI out of restrictive housing, absent exceptional circumstances. (Doc. Nos. 1792-1, 1815-1). ADOC will send the Site Manager for Wexford Health Sources, Inc. a weekly list identifying inmates on the mental health caseload at that Site Manager's facility who are in restrictive housing and the length of their stay in restrictive housing. When mental health personnel perform mental health rounds or conduct a counseling session, they will evaluate the diagnosis and SMI designation for that inmate. If the mental health provider makes or confirms a diagnosis and designates the inmate as possessing a SMI, or otherwise determines that the

inmate is decompensating in restrictive housing, then the mental health provider will notify the Warden. The Warden will be responsible for making arrangements to transfer inmates out of restrictive housing.

ADOC will continue to implement the stipulations concerning mental health coding, SMI designation and flag, pre-placement assessments, mental health rounds, and periodic assessments within the mutually agreed timeframes. (Doc. Nos. 1792-1, 1815-1). For example, consistent with the parties' stipulations:

- By July 1, 2018, ADOC will begin assessing all incoming inmates to determine whether they should be designated as experiencing a SMI and assign the SMI designation as part of the intake process (Doc. No. 1792-1 at 2);
- By September 30, 2018, ADOC will access all inmates on the mental health caseload and, to the extent clinically indicated, assign the SMI designation (id.);
- Beginning July 1, 2018, all inmates on the mental health caseload will undergo an evaluation for a SMI designation during his or her next scheduled treatment team meeting (id. at 3);
- Any inmate assigned to restrictive housing who has not been evaluated for a SMI designation will be screened prior to placement in restrictive housing consistent with the agreed-upon screening tool (id.; Doc. No. 1815-1 at 1-2); and

- Mental health staff will perform mental health rounds and assessments, removing inmates from restrictive housing if they determine that continued placement in restrictive housing is contraindicated, as evidenced by changes in the inmate's mental state and functioning (id. at 2-5).