

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:15-cv-00368-MHT-SRW
	)	
STATE OF ALABAMA AND	)	
ALABAMA DEPARTMENT OF	)	
CORRECTIONS,	)	
	)	
Defendants.	)	

**THE PARTIES’ JOINT PROPOSAL CONCERNING
SECTION III.C.1.i.1 OF THE CONSENT DECREE**

Plaintiff, the United States of America, and Defendants, the State of Alabama and the Alabama Department of Corrections (“ADOC” and, together with the State of Alabama, the “State”), hereby submit this joint proposal concerning Section III.C.1.i.1 of the Consent Decree (doc. no. 11 at 31), pursuant to the Court’s Order of April 13, 2022 (doc. no. 66, the “Order”).

1. The Order required the Parties “to meet, and, after receiving input from the [M]onitor, submit to the [C]ourt by April 26, 2022, a joint proposal for the timely resolution of the issue of compliance with § III.C.1.i.1 of the [C]onsent [D]ecree..., including what steps to take, how to involve those needed for timely resolution (in particular, APOSTC), and how to involve them.” Doc. No. 66 at 5-6. Section III. C.1.i.1 of the Consent Decree requires ADOC to:

Continue working with the Alabama Peace Officers Standards and Training Commission (APOSTC) in screening, selecting, or hiring applicants for the entry-level correction officer positions until such standards, or any other physical test employed, are:

- a. Validated for a corrections environment; and
- b. Examined for the necessity of gender-norming components.

Doc. No. 11 at 31.

2. The Parties, along with the Monitor (Kathleen Dennehy, Ph.D.), participated in a teleconference on April 20, 2022, during which they discussed a process to further engage APOSTC about the physical fitness entry standards for entry-level corrections officer positions. ADOC also provided a copy of the Assessment and Implementation of Occupational Physical Fitness Standards across the ADOC's Security Staff completed by John Garner, Ph.D. and Grant Mouser, Ph.D. with Troy University (the "Troy study") to the Monitor and counsel for the United States.

3. ADOC is preparing a letter to Chief Alan Benefield, Executive Secretary of APOSTC, informing him of the Troy study and proposing changes to the physical fitness entry standards for entry-level corrections officer positions. ADOC intends to send the letter to Chief Benefield by May 6, 2022, and to seek a meet with Chief Benefield and APOSTC representatives to discuss the Troy study and the recommendations contained in the Troy study as soon as possible. ADOC envisions this initial meeting starting a broader conversation concerning the APOSTC physical fitness entry standards for correctional staff that will culminate in a meeting among ADOC, APOSTC, the Monitor, and counsel for the Parties.

4. On a mutually agreeable date and time between Monday, June 13, 2022 and Thursday, June 16, 2022, during the Monitor's visit to Alabama for document review purposes, ADOC will seek a meeting with Chief Benefield or APOSTC representative(s) to discuss the APOSTC physical fitness entry standards for entry-level corrections officer positions with ADOC, the Monitor, and counsel for the Parties.

5. The Parties anticipate the mid-June 2022 meeting will lead to additional meetings and conversations about the APOSTC physical fitness entry standards for entry-level corrections

officer positions. ADOC will keep the Monitor apprised of developments and progress with respect to those meetings and conversations, and invite the Monitor to participate in key discussions with APOSTC, if agreeable with APOSTC. The Parties cannot identify the dates and times of any subsequent meetings, the persons needed in those meetings, or any person's role in those meetings. However, by the conclusion of the mid-June 2022 meeting, the Parties believe they can begin to plan subsequent meetings and identify a reasonable timeline to resolve any outstanding issues associated with Section III.C.1.i.1 of the Consent Decree.

6. To keep the Court informed about this matter, the Parties propose reporting to the Court on the status of their efforts with APOSTC in the joint statement required by this Court's Order dated March 29, 2022 (doc. no. 64)—and in subsequent joint statements. The Parties' joint statement is due by September 9, 2022, in advance of the September 16, 2022 status conference. Doc. No. 64 at 1.

In compliance with CM/ECF Civil Administrative Procedure II.C.3., the Parties hereby certify that they have agreed to have their names electronically signed to this Joint Statement.

Respectfully submitted this 26th day of April, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all participants.

/s/ Matthew B. Reeves
Of Counsel