

Judge preliminarily approves changes for mentally ill inmates



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U.S. District Judge Myron Thompson has granted preliminary approval of a settlement with state inmates who claimed the Alabama Department of Corrections violates due process rights in administering involuntary mental health medication.

The DOC could still give inmates medication involuntarily, but would have to follow a new set of procedures to ensure due process.

The settlement affects one piece of the litigation by inmates and their advocates challenging mental health care and medical care in Alabama's overcrowded and understaffed prisons.

Thompson concluded a non-jury trial on [the mental health claims](#) in February but has not ruled on the overall issue of whether care meets constitutional standards. A separate trial is expected on the medical claims.

A settlement was reached earlier on another set of claims, accommodations for inmates with physical disabilities. A settlement is proposed for prisoners with mental disabilities.

The litigation was filed in 2014.

The settlement on medications was proposed jointly to the court by the Alabama Department of Corrections and the Alabama Disabilities Advocacy Program, which represents the inmates. The settlement requires DOC to modify the way it decides which inmates are medicated involuntarily.

Bill Van Der Pol, a senior staff attorney for ADAP, said evidence presented during the trial showed that DOC's procedure was unconstitutional and that it was not following the procedure anyway.

The changes will provide inmates due process, Van Der Pol said, and require more independence on the committee that decides whether involuntary medication is appropriate.

The settlement requires DOC to send monthly reports to ADAP identifying prisoners receiving involuntary medication and additional, detailed information on those inmates if ADAP requests it.

DOC admitted no fault in the agreement, which would expire after two years.

Van Der Pol said that generally about 40- to 60 inmates are involuntarily medicated at any given time. He said he expects the changes proposed in the settlement would cause that number to drop.

Thompson scheduled a fairness hearing on the settlement August 23.

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