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Alabama tells federal court it will double mental health staff in prisons

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By **Mike Cason**, mcason@al.com

Lawyers for the state of Alabama have proposed roughly doubling the mental health staff working in state prisons as part of a fix for a federal judge's finding that care in the system is "horrendously inadequate."

Lawyers for the Department of Corrections submitted the plan to U.S. District Judge Myron Thompson on Monday.

The plan would add about 125 full-time employees to the mental health staff at a cost expected to be more than \$10 million annually, according to the proposal. That does not

include the cost of an increase in correctional staff that is also part of the proposal.

The proposal notes that the DOC does not have the funding to implement the plan and says it is contingent on the Legislature and governor approving that funding.

Plaintiffs who sued the state on behalf of inmates will get a chance to respond. Thompson has scheduled a hearing for Nov. 13.

The state's proposal also includes a plan for increasing correctional staff. DOC has hired consultants to do a comprehensive review of correctional staffing needs. The consultants have completed analyses at three prisons and would do so on the other 11 prisons if the court allows the plan to move forward.

The Southern Poverty Law Center and the Alabama Disabilities Advocacy Program sued DOC on behalf of inmates in 2014, alleging that mental health care, medical care and accommodations for prisoners with disabilities violated the Constitution and federal law.

Thompson divided the case into several parts.

The judge held a trial on the mental health claims in late 2016 and early 2017, hearing testimony from inmates, DOC officials, experts and others.

In June, the judge issued a 300-page opinion, finding that mental illness went untreated or poorly treated and that the care was so bad that it violated the Eighth Amendment, which prohibits cruel and unusual punishment.

Inadequate staffing, both for mental health care and correctional staffing overall, were key causes, Thompson wrote.

Lawyers for the state say in the proposal that it is not an admission of liability and said they reserve the option to appeal Thompson's findings.

Gov. Kay Ivey was asked about the issues today.

"All along in this process I've said that it's important for Alabamians to make the decisions of how to resolve the issues in the prisons as outlined in the judge's order," Ivey said. "So this is the first step in that process of Alabamians taking the lead to address those challenges the court brought up."

Ivey said it was clear the state would need more money for prisons.

"I have not seen those numbers yet, but I do know we're going to have to have some more monies, a supplemental appropriation going forward," Ivey said.

The governor was not ready to say where the money might come from.

"We're studying all of that. We're just now getting some of the numbers to go by. It's going to be a challenge but we're up to it. Alabamians can solve this dilemma," Ivey said.



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The state's proposal says it is based on two main objectives, defining the required level of staffing and establishing a plan to achieve that.

After the trial ended earlier this year, DOC Commissioner Jeff Dunn hired consultants to determine mental health staffing needs. "These consultants with nationwide expertise have recently have proposed initial staffing ratios to ensure the provision of comprehensive mental health services," the state's proposed plan says.

In July, the state issued a request for proposals from contractors to provide mental health and medical care under a comprehensive contract. The terms of the RFP would add about 125 full-time employees to the mental health staff. It would almost double the number of psychiatrists, psychologists, certified registered nurse practitioners, and registered nurses from the Oct. 1 levels, the court filing says.

"The cost for this additional staffing will increase by more than \$10 million annually," the proposal says.

The DOC hired two recognized experts on prison staffing, Merle Savage and Margaret Savage. They have completed analyses at Bibb and Donaldson correctional facilities and at the Hamilton Aged and Infirm Center and are prepared to do so at the other 11 prisons, the plan says. The state could ramp up to the necessary correctional staffing within two years of the plan being approved, the lawyers said.

The DOC has a four-person recruiting staff and has increased its advertising budget to boost recruiting, the state's lawyers said. Class sizes at the training academy have doubled and staffing at two prisons, Easterling and Ventress correctional facilities, has increased significantly, the lawyers said.

Also, in moves that DOC said were independent of the proposed plan submitted to the court, the DOC has hired the accounting and consulting firm Warren Averett to analyze recruiting and retention policies. And it has entered a memorandum of understanding with the Troy University Center for Public Service to conduct a comprehensive analysis of compensation and benefits packages for DOC employees.

Updated at 12:26 p.m. to add comments from Gov. Kay Ivey, more information. Updated at 1:37 p.m. to add more information from the state plan.

[Alabama's proposal to federal court for prison staffing](#) by [Mike Cason](#) on Scribd

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

EDWARD BRAGGS, *et al.*,)
)
 Plaintiffs,)
)
 v.) Case No. 2:14-cv-00601-MHT-TFM
)
 JEFFERSON DUNN, *et al.*,)
)
 Defendants.)

**THE STATE’S PHASE 2A PROPOSED REMEDIAL PLAN ON
CORRECTIONAL AND MENTAL HEALTH STAFFING**

Defendants JEFFERSON DUNN (“Commissioner Dunn”) and RUTH NAGLICH (“Naglich” and, collectively with Commissioner Dunn, “the State”) hereby submit this Phase 2A Proposed Remedial Plan on Correctional and Mental Health Staffing (the “Plan”), pursuant to the Court’s Phase 2A Revised Remedy Scheduling Order on Eighth Amendment Claim (Doc. No. 1357).¹

¹ The State expressly preserves any and all objections to the Court’s Liability Opinion and Order as to Phase 2A Eighth Amendment Claim (Doc. No. 1285, the “Liability Order”) and nothing contained in this Plan shall be construed as an admission by the State or a waiver of any objection the State may have to the Liability Order. Nothing in this Plan shall be construed as an admission of any kind by the State that the Alabama Department of Corrections’ (“ADOC”) current or historical staffing in any area (including correctional, medical, mental health, or dental staffing) is unconstitutional or deficient in any way.

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