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Plaintiffs say state's plan won't fix Alabama prison mental health care

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

Alabama's proposal to increase staffing to help fix what a federal judge said was "horrendously inadequate" mental health care in state prisons falls short, lawyers who represent the inmates told the court on Thursday.

The inmates' lawyers filed an 86-page response to the state's plan for increasing mental health staff and security staff at the Alabama Department of Corrections. U.S. District Judge Myron Thompson wrote that understaffing is one of the overarching problems contributing to the state's problems.

The state's plan is only a start to fixing the "severe and persistent correctional and mental health understaffing in the ADOC," Southern Poverty Law Center Attorney Maria Morris wrote in the 86-page response.

"It must be fleshed out with details, oversight, and enforceability. Without these crucial adjustments, Defendants' plan will remain nothing more than words and will not result in the ADOC reaching levels of staffing that will allow for the provision of constitutionally adequate mental health care," Morris wrote.

Thompson issued his ruling in June, finding that mental illness went undiagnosed and undertreated in the state's prisons.

Thompson, after taking testimony for weeks, found that the state failed to provide hospital-level care for those who need it, failed to identify and monitor inmates at risk of suicide or going through mental health crises and punished inmates for exhibiting symptoms of mental illness.

Thompson found that the care fell short of standards required by the Eighth Amendment to the U.S. Constitution, which prohibits cruel and unusual punishment.

The judge ordered the two sides to seek an agreement on a remedy. The state submitted its proposal to address concerns about understaffing last week. Among other steps, it would roughly double the mental health staff in prisons, adding about 125 caregivers at an estimated annual cost of at least \$10 million.

The plan to hire more staff could not go forward unless the Legislature provides more money for prisons, the state's proposal said.

The state also proposed hiring consultants to assess how many more correctional officers are needed. DOC has acknowledged that its prisons don't have enough officers to supervise inmates.

The plaintiffs, in their response filed Thursday, said the state plan for increasing staffing was "vague, unsubstantiated and generally inadequate."

They requested that the state's consultants collaborate with the plaintiffs on an assessment of how many officers are needed. They want the plan to include benchmarks intended

to bring the prisons up to recommended staffing levels in about two years.

The plaintiffs said the determination of staffing levels for mental health caregivers must be based on a larger mental health caseload because the number of prisoners receiving care should be much higher than it is.

The plaintiffs asked the court to appoint monitors for mental health and for security staffing. The monitors would be able to visit prisons, talk to prisoners and staff and review logs and documents to make sure the DOC is following through on remedies approved by the court, like increased staffing.

In Thursday's response to the state plan, Morris noted that the first inmate to testify in the trial later committed suicide while the trial was still going on.

The DOC later reached a court-ordered settlement to improve suicide prevention.

This story was edited at 3:03 p.m. to clarify that the state's proposal and the plaintiffs' response today was specifically about the issue of understaffing. Updated at 3:40 p.m. with more information. More information added at 4:35 p.m.

Response to State Prison Proposal on Staffing by Mike Cason on Scribd

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

EDWARDS BRAGGS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:14-CV-00601-MHT-TFM
JEFFERSON DUNN, in his official)	
capacity as Commissioner)	
of the Alabama Department of)	
Corrections, et al.,)	
)	
Defendants.)	
)	

**PLAINTIFFS' RESPONSE TO DEFENDANTS' PHASE 2A PROPOSED
PLAN TO REMEDY CORRECTIONAL AND MENTAL HEALTH
UNDERSTAFFING**

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