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Corrections increasing mental health spending, looking to add staff

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The Alabama Department of Corrections told a federal court Monday it has increased spending on mental health care for inmates and aims to double its staff for that care.



Inmates stand in the outdoor area at Draper Correction Facility in Elmore County, Ala., on Monday, Feb. 6, 2017. Draper Correction Facility is the oldest correction facility in the state of Alabama. The prison opened in 1939. It is currently housing 1059 prisoners, Draper's designed capacity is 656. (Photo: Albert Cesare / Advertiser)

But DOC said its efforts are contingent on receiving adequate funding from the Alabama Legislature next year. The department also objected to the court's finding that the level of its mental health care amounted to a violation of inmates' constitutional rights.

"The state disagrees with the court's opinion that correctional or mental health understaffing individually or collectively with other purported problems or deficiencies resulted in or contributed to any single or systemic constitutional violation," the 40-page briefing said.

Maria Morris, an attorney with the Southern Poverty Law Center, which represented inmates that filed suit over poor medical and mental health care in 2014, said in an interview Tuesday she "was glad they are recognizing the need to add staff" but did have concerns about it.

"This is a problem the judge has recognized as critical and urgent," she said. "What they seem to have put forward is a plan to make a plan at some later point."

In a 302-page opinion in June, U.S. District Judge Myron Thompson wrote that the state prisons' mental health care was "horrendously inadequate," citing, among other issues, failures to identify prisoners with mental health needs; failures to treat those needs; failure to identify suicide risks adequately and discipline imposed on inmates for mental health symptoms.

Thompson's opinion followed a two-month trial featuring testimony from officials and inmates. Jamie Wallace, an inmate who said he had been on suicide watch at least 60 times, committed suicide 10 days after testifying in the trial.

The judge's order required the parties to meet with the court to discuss remedies for the situation. The plaintiffs have also challenged the adequacy of the prisons' medical care, which has been moved into a separate case.

ADOC has denied the allegations and accused the plaintiffs in the case of misunderstanding "technical, medical or mental health terminology." The department maintained that stance in its submission to the court.

DOC said in its 40-page filing that it increased spending on mental health by \$5 million between January and October of this year, adding 60 full-time-equivalent positions, including 21 suicide watch observers; a little over 18 licensed mental health professionals and one psychologist.



An inmate sits on her bed at Tutwiler Women's Correction Facility in Wetumpka on Feb. 6, 2017. Tutwiler is Alabama's second oldest corrections facility. (Photo: Albert Cesare / Advertiser)

The department also said its next medical and mental health services contract — which could be worth more than \$100 million — would require the addition of new staff. The filing also said DOC hired analysts Meg and Russ Savage to conduct staffing surveys for individual prisons in the system, and said the department expects the couple to make immediate and long-term recommendations to address mental health care in the system.

"ADOC believes that the implementation of the Savages' recommendations will likely require a collaborative approach to ensure that ADOC assumes staffing obligations which fall within ADOC's departmental authority, including its departmental budget, and/or which can be the subject of prospective budget requests by ADOC," the filing said.

The department, though, said its plan would be "contingent upon receipt of adequate funds" from the Alabama Legislature in the 2018 regular session, which starts in January. DOC's chief source of state money is the always-troubled General Fund budget, which has few revenue sources that can keep up with cost growth.

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The state's prisons, the second-largest expenditure in the budget after Medicaid, got \$413 million for the current fiscal year, unchanged from the previous one. Sen. Trip Pittman, R-Montrose, the chair of the Senate's General Fund budget committee, said Tuesday he expects next year's budget to be flat.

"We're looking at pretty much level funding for everybody," He said. "Any additional requirements would require efficiencies, or revenue, or (legislators to) reprioritize, or cannibalize."



Solitary confinement cells at Draper Correction Facility in Elmore County, Ala., on Monday, Feb. 6, 2017. Draper Correction Facility is the oldest correction facility in the state of Alabama. The prison opened in 1939. It is currently housing 1059 prisoners, Draper's designed capacity is 656. (Photo: Albert Cesare / Advertiser)

The DOC filing also expressed strong opposition to the federal courts taking over the prisons, a possibility if the parties cannot reach an agreement.

"This Court (like all courts) lacks expertise in the administration and operation of a prison system," the filing said. "As such, it must avoid second-guessing the decision of those with such expertise."

Morris called it a "thorny" problem, but one that other states had dealt with.

“A federal court can not order a state legislature to spend money,” she said. “A federal court can order a Department of Corrections to fix a constitutional problem. And fixing the problem is going to cost a lot of money.”

The state's prisons went into federal receivership in 1976, following two lawsuits that then-U.S. District Judge Frank Johnson said revealed prison conditions that exceeded “any current judicial definition of cruel and unusual punishment,” including filth and rampant violence. The state was required to increase spending on prisons; a 1981 New York Times article noted a dramatic increase in conditions. Federal oversight wasn't entirely lifted until 1989.

Alabama has dealt with prison overcrowding for decades. Reform bills passed in 2015 have helped cut overcrowding systemwide from 185 percent in February 2015 to 162 percent last July, though medium security prisons had an average capacity of 183 percent that month.

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