
Alabama prison system hearing on mental health begins

By Kim Chandler / The Associated Press

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MONTGOMERY — A federal judge will decide if Alabama’s prison system is making adequate progress to comply with a court order to increase mental health staff.

U.S. District Judge Myron Thompson began a hearing Tuesday on why the Alabama Department of Corrections should not be held in contempt of court for failing to meet deadlines for increasing mental health staffing.

Thompson last year ruled that mental health care in state prisons in “horrendously inadequate” and violated the constitutional ban on cruel and unusual punishment. He ordered the state to increase staff after finding that persistent and severe shortages of mental-health care staff was a significant factor behind the constitutional conditions.

Lawyers for the state have argued the prison system is making meaningful progress, but attorneys for state inmates have asked Thompson to find the prison system in contempt, saying the state has only a fraction of the promised staff.

“Time and time again, ADOC has failed to meet court-ordered deadlines to fill essential staffing positions. We have no confidence that ADOC is doing all it can to hire enough staff to care for prisoners with mental illnesses. We are asking the court to rule ADOC in contempt for continuing to fail to meet these court-ordered deadlines,” said Southern Poverty Law Center attorney Maria Morris, who is representing state inmates in the lawsuit.

Thompson in February set spring and summer deadlines for increasing staff. He said the state’s mental health care provider should have at least 65 percent of the additional mental-health staffing positions filled by May and 75 percent by June and by July shall “fill the mental-health staffing positions consistent with the

contract.”

Attorneys for inmates wrote in a court filing that the state’s contract with a mental health vendor requires a minimum of 263 full time equivalent mental-health positions and, as of June 30, only 170 were filled.

Lawyers for the Alabama Department of Corrections wrote in a court filing that they did not dispute that the state’s new vendor, Wexford Health Sources, Inc., failed to meet the May 1 and June 1 staffing targets. But they said that the state is making meaningful progress and argued that plaintiff attorneys request for a contempt order is “founded upon the uninformed impulse of ‘gotcha.’”

“In sum, the state is not contending that it has fulfilled every requirement of the staffing remedial order. But it has made in good faith all reasonable efforts to do so, and those efforts have resulted in substantial progress,” lawyers for the state wrote in response to the contempt request.

State lawyers said Wexford has “significantly increased mental health staffing and continues to pursue an aggressive strategy for hiring and retaining mental health staff.”

The hearing is expected to last a few days.