

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P

vs.

ARNOLD SCHWARZENEGGER,  
et al.,

Defendants.

ORDER

Pursuant to court order, the special master has submitted a report and recommendation on defendants' plan to prevent suicides in administrative segregation. Plaintiffs have filed a response to the special master's report and recommendation.

The special master recommends that the court approve defendants' plan and require them to implement it. He also recommends that he be required to meet with defendants' and plaintiffs' counsel monthly for the next three months to "follow up, refine and monitor implementation of each element of defendants' plan" and to report back to the court in ninety days "on the status of defendants' compliance with the plan and any further recommendations that may be necessary." (Special Master's Report and Recommendations on Defendants' Plan to Prevent Suicides in Administrative Segregation, filed December 18, 2006, at 11 (hereafter December 18, 2006 Report.)

1           In their response, plaintiffs seek three specific additions to the plan: (1) a  
2 requirement that defendants provide 30 minute welfare checks to all inmates in administrative  
3 segregation for the duration of their confinement there, not just for the first three weeks of an  
4 inmate's stay in administrative segregation; (2) a requirement that defendants develop a specific  
5 plan for reducing the length of inmates' stays in administrative segregation; and (3) a  
6 requirement that defendants seek funding for the 441 Small Management Yards that they are  
7 short under the present plan for providing out-of-cell time for inmates in administrative  
8 segregation.

9           It is apparent from the special master's report that the three issues identified by  
10 plaintiffs are also significant from the perspective of the special master and his experts. (See  
11 December 18, 2006 Report, at 6-7, 9, 10.) The court is confident that the special master and his  
12 experts will continue to be vigilant in their watch on, and assessment of, the efficacy of  
13 defendants' plan for reducing inmate suicides in administrative segregation, and that the issues  
14 identified by plaintiffs will remain on the table during the monthly discussions recommended by  
15 the special master. The special master notes that "defendants have come a long way in  
16 recognizing and endorsing the elements essential to effective suicide prevention in administrative  
17 segregation," and that the best approach at this time is to continue the collaborative approach to  
18 these matters that began in mid-2006. (*Id.* at 11.) Recognizing the seriousness of the matters at  
19 stake, the court will adopt the special master's report and recommendation and await his further  
20 report.

21           In accordance with the above, IT IS HEREBY ORDERED that:

- 22           1. Defendants' October 2, 2006 plan, as amended in their December 1, 2006  
23 filing, is provisionally approved subject to the further report of the special master required by this  
24 order;
- 25           2. Defendants shall forthwith implement said plan;

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1           3. The special master shall meet with defendants and plaintiffs' counsel monthly  
2 in person or by teleconference to follow up, refine and monitor implementation of each element  
3 of the defendants' plan; and

4           4. Within ninety days from the date of this order, the special master shall report  
5 back to the court on the status of defendants' compliance with the plan and shall make such  
6 further recommendations as may be necessary.

7 DATED: February 9, 2007.

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9             
10           LAWRENCE K. KARLTON  
11           SENIOR JUDGE  
12           UNITED STATES DISTRICT COURT