

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 RALPH COLEMAN, et al., No. CIV. S-90-520 LKK/DAD (PC)
12 Plaintiffs,
13 v. ORDER
14 EDMUND G. BROWN, JR., et al.,
15 Defendants.

17 Pursuant to the court's July 11, 2013 order (ECF No. 4688),
18 on May 30, 2014, the Special Master filed a Report on the
19 Adequacy of Inpatient Mental Health Care for Inmates of the
20 California Department of Corrections and Rehabilitation (Report)
21 (ECF No. 5156). On June 30, 2014, plaintiffs filed a response to
22 the Report and a request for additional court orders (ECF No.
23 5177). On June 30, 2014, defendants filed objections and
24 responses to the Report (ECF No. 5176). Defendants filed
25 corrected objections and responses on July 1, 2014 (ECF No.
26 5179).

27 As required by the July 11, 2013 order, the Special Master's
28 Report is based on one round of monitoring of the adequacy of the

1 six inpatient mental health programs that provide inpatient
2 mental health care to members of the plaintiff class. The
3 monitoring was conducted from August 2013 through March 2014.
4 Report (ECF No. 5156) at 3. Based on the results of his
5 monitoring, the Special Master makes three recommendations, as
6 follows: first, that he be directed to review further all six
7 inpatient programs, two by paper review and four by on-site
8 monitoring; second, that the California Department of Corrections
9 and Rehabilitation (CDCR) and Department of State Hospitals
10 (DSH), under the guidance of the Special Master and his staff, be
11 directed to review and re-evaluate the use of orientation, cuff
12 status, Discretionary Program Status (DPS), at all six programs
13 (including their various processes) "and whether those policies,
14 as designed and implemented, achieve the proper balance between
15 legitimate security needs and access to necessary inpatient
16 mental health care" and to report to the court thereafter; and
17 third, that CDCR and DSH, with the guidance of the Special Master
18 and his staff, be directed to review and re-evaluate existing
19 clinical staffing levels. Report (ECF No. 5156) at 56-57. The
20 Special Master also recommends that he be required to report to
21 the court on the results of the foregoing and any conclusions he
22 may draw therefrom.

23 Defendants object that (1) court orders are unnecessary
24 because they are continuing to work with the Special Master on
25 the issues raised in the recommendations; and (2) adoption of the
26 recommendations would contravene the requirements of 18 U.S.C. §
27 3626(a)(1)(A), which codifies the requirements for prospective
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1 injunctive relief in civil actions concerning prison conditions.

2 Both of these objections are overruled.¹

3 Plaintiffs request seven additional orders which they
4 contend are necessary to remedy deficiencies in the delivery of
5 inpatient mental health care identified in the Report. As
6 discussed above, the Report is based on one round of monitoring
7 by the Special Master and his team and they will be conducting
8 additional monitoring. While the court recognizes the right of
9 all parties to seek relief from the court as appropriate, at this
10 stage of these remedial proceedings the court expects that over
11 the course of the ongoing monitoring of their inpatient mental
12 health programs defendants will, consistent with the
13 representation in their corrections objections, continue to work
14 with the Special Master to address identified deficiencies, and
15 that the Special Master will identify those matters which require
16 court-ordered remediation. Plaintiffs' request for additional
17 orders will be denied without prejudice.

18 For all of the foregoing reasons, the Special Master's
19 recommendations are adopted in full. The orders issued thereon
20 pertain to the institutions' treatment and care of the members of
21 the Coleman class only.

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

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26 ¹ The court recognizes that the second objection serves to preserve
27 defendants' position on appeal from the court's July 11, 2013 order. The
28 issues presented by that objection have been addressed by this court in the
July 11, 2013 order (ECF No. 4688) and the court's September 5, 2013 order
denying defendants' motion for a stay of that order pending appeal (ECF No.
4784).

1 1. Defendants' objections to the recommendations contained
2 in the Special Master's May 30, 2014 Report on Adequacy of
3 Inpatient Mental Health Care are overruled;

4 2. The recommendations contained in the Special Master's
5 May 30, 2014 Report on Adequacy of Inpatient Mental Health Care
6 are adopted in full;

7 3. The Special Master shall review further all six
8 inpatient programs, by means of paper review of the California
9 Institution for Women Psychiatric Inpatient Program and Coalinga
10 State Hospital, and by on-site monitoring of Atascadero State
11 Hospital, California Health Care Facility, Salinas Valley
12 Psychiatric Program, and Vacaville Psychiatric Program.

13 Following the conclusion of his further review, he shall report
14 his findings and conclusions to the court.

15 4. The CDCR and DSH defendants shall, under the guidance of
16 the Special Master and his staff, review and re-evaluate the use
17 of orientation, cuff status, Discretionary Program Status, and
18 the steps/stages processes and any variations thereon at the six
19 inpatient programs, and whether those policies, as designed and
20 implemented, achieve the proper balance between legitimate
21 security needs and access to necessary inpatient mental health
22 care. The Special Master shall report to the court on the
23 results of this review and re-evaluation following its
24 conclusion.

25 5. The CDCR and DSH defendants shall, under the guidance of
26 the Special Master and his staff, review and re-evaluate existing
27 clinical staffing levels in the six inpatient programs and their
28 effect on the delivery of treatment to CDCR patients in those

1 programs, and to the extent indicated, develop a plan to adjust
2 clinical staffing levels where necessary to ensure that adequate
3 and sufficient treatment can be delivered to class members at
4 those programs. The Special Master shall report to the court on
5 the results of this review and re-evaluations following its
6 conclusion.

7 6. Plaintiffs' June 30, 2014 request for additional orders
8 is denied without prejudice.

9 DATED: July 25, 2014.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT