UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

v.

EDMUND G. BROWN, JR., et al.,

Defendants.

No. CIV. S-90-520 LKK/DAD (PC)

ORDER

By order filed April 10, 2014 (ECF No. 5131), defendants were ordered to work under the guidance of the Special Master to, inter alia, "develop a protocol for administrative segregation decisions, including, as appropriate, a plan for alternative housing, that will preclude placement of any Coleman class member in existing administrative segregation units when clinical information demonstrates substantial risk of exacerbation of mental illness, decompensation, or suicide from such placement." Order filed April 10, 2014 (ECF No. 5131) at 73. By the same order, defendants were prohibiting from housing any class member at any segregated housing unit (SHU) in California's prison system "unless that class member's treating clinician certifies

that (1) the behavior leading the SHU assignment was not the product of mental illness and the inmate's mental illness did not preclude the inmate from conforming his or her conduct to the relevant institutional requirements; (2) the inmate's mental illness can be safely and adequately managed in the SHU to which the inmate will be assigned for the entire length of the SHU term; and (3) the inmate does not face a substantial risk of exacerbation of his mental illness or decompensation as a result of confinement in a SHU." Id. at 74. In addition, defendants were prohibited from returning any class member "to any SHU unit if said inmate has at any time following placement in a SHU required a higher level of mental health care." Id. By order filed May 13, 2014, the time for developing the protocol for administrative segregation decisions was extended to August 1, 2014. See Order filed May 13, 2014 (ECF No. 5150) at 2. The deadline for compliance with all of the foregoing provisions of the April 10, 2014 order was subsequently extended to August 15, 2014 and then to August 29, 2014. Orders filed August 11, 2014 (ECF No. 5195) and August 26, 2014 (ECF No. 5207).

On August 29, 2014, defendants filed plans and policies responsive to the requirements of the April 10, 2014 order described in the preceding paragraph. In particular, defendants have filed a plan for creation of "specialty housing units for housing mentally ill inmates who are removed from the general population for disciplinary reasons" that will "provide inmates with additional out-of-cell activities and increased mental health treatment. Ex. A to Defs. Resp. (ECF No. 5211-1) at 2. Defendants are also undertaking a "case-by-case review" of class

members with "lengthy segregation terms in an attempt to decrease overall lengths of stay for inmates in segregated environments when it is determined that they can be safely returned to a general population setting." Id. Finally, defendants have established a policy requiring clinical case conferences at discharge for all inmates admitted from a SHU to a Department of State Hospitals (DSH) or California Department of Corrections and Rehabilitation (CDCR) inpatient mental health program. Ex. 3 to Ex. A to Defs. Resp. (ECF No. 5211-4) at 2. Among other relevant provisions, the policy prohibits discharge of any inmate-patient from inpatient mental health care to a SHU. Id.

In order to implement the plans tendered to the court, defendants request discharge of this court's October 10, 2002 order prohibiting defendants from housing class members in Standalone Administrative Segregation Units without court approval. Defendants seek discharge of this order because they intend to use the Standalone units to create the new Correctional Clinical Case Management Short Term Restricted Housing (CCCMS-STRH) program created to comply with the April 10, 2014 order. Good cause appearing, this request will be granted.

Defendants also request modification of the certification requirement of paragraph 2e of the April 10, 2014 order to substitute their new CCCMS-Long Term Restricted Housing (CCCMS-LTRH) plan in place of the certification requirement. Good cause appearing, this request will also be granted.

The court has reviewed defendants' report and the accompanying plans and policies, which now complete compliance with all of the requirements of the court's April 10, 2014

order.[1] Once again, the court commends the parties and the Special Master and his team for the substantial effort that resulted in the materials tendered to the court. The court agrees with defendants that the policies and procedures satisfy the requirements of the April 10, 2014 order. Accordingly, the plans and policies will be approved. Defendants will be directed to implement the plans and policies forthwith consistent with the representations in their report. Said implementation shall be monitored by the Special Master in accordance with his monitoring and reporting duties in this action.

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

1. The plans and policies filed by defendant on August 29, 2014 are approved.

2. This court's October 10, 2002 order (ECF No. 1440) is discharged.

3. The court's April 10, 2014 order (ECF No. 5131) is modified as follows: The certification requirement of paragraph 2e of the April 10, 2014 order is replaced by the CDCR's CCCMS-Long Term Restricted Housing Unit plan approved by this order.

4. Defendants shall forthwith, under the guidance of the Special Master, implement the plans and policies approved by this order consistent with the representations in the report that accompanies the plans and policies.

[1] The other requirements of the April 10, 2014 order were satisfied by plans and policies filed by defendants on August 1, 2014 (ECF No. 5190) and approved by the court by order filed August 11, 2014 (ECF No. 5196).

5. Implementation of the plans and policies approved by this order shall be monitored by the Special Master in accordance with his monitoring and reporting duties in this action.

DATED: August 29, 2014.

LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT