

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

No. 2:90-cv-0520 KJM DB P

ORDER RE FURTHER SETTLEMENT
CONFERENCE

At a second settlement conference held in this case on April 11, 2019, the undersigned and the parties agreed that further settlement discussions were warranted and that the next round of discussions should be framed around determining the current status with respect to seven general goals previously set for defendants and the extent of agreement as to that current status. The seven general goals at issue were identified by the Special Master in his Twenty-Second Round Monitoring Report, filed in 2011. (ECF No. 3990 at 474-75.)¹ They have thereafter been incorporated in court orders. *See, e.g.*, Order filed August 9, 2016 (ECF No. 5477 at 2-3.)

¹ Citations to page numbers in documents filed in the court's Electronic Case Filing (ECF) system are to the page numbers assigned by the ECF system and located in the upper right hand corner of the page.

(quoting ECF No. 4124 at 85). The parties are directed to submit to the court, and exchange, confidential settlement conference statements in accordance with this order.

The parties shall brief in confidential statements the following issues with respect to each of the seven goals:

1. Have defendants met some or all of the goal? If so, which part or parts have been met, when were such part or parts achieved, and is the achievement durable?

2. If the answer to the first question is no in whole or in part, what further steps are required to achieve the goal? How much additional time is anticipated to be required to meet the goal and demonstrate its durability?

The statements shall address the goals² in the following order:

(1) Full implementation of staffing ratios and compliance with the court-ordered ten percent vacancy rate;

(2) Re-evaluation and updating of CDCR suicide prevention policies and practices;

(3) Ensuring that seriously mentally ill inmates are properly identified, referred and transferred to receive the higher levels of mental health care that they need, including mental health crisis beds;

(4) Completion of the construction of mental health treatment space and beds for inmates at varying levels of care;

(5) Review of, and compliance with, all elements of their Administrative Segregation Unit (ASU) Enhanced Outpatient Program (EOP) Treatment Improvement Plan, including the conduct of a review every 30 days of all EOP inmates housed in ASU hubs for over 90 days;

(6) Training of staff for greater collaboration between custody and mental health; and

² Some of these goals are the subject of enforcement orders by the district court. *See* Order filed April 19, 2017, ECF No. 5610 (requiring transfer to inpatient care within Program Guide timelines); Order filed October 10, 2017, ECF No. 5710, (regarding transfers to mental health crisis beds (MHCBS)); Order filed October 10, 2017, ECF No. 5711 (requiring complete implementation of defendants' staffing plan and compliance with 10 percent vacancy rate required by the June 13, 2002 order within one year,). Some of those orders have, in turn, been affirmed by the Ninth Circuit. *See* ECF No. 6094. The undersigned cannot revisit those issues that have been ruled upon.

(7) Refinement and implementation of the Mental Health Tracking System (MHTS.net) to its full extent and benefit.

The parties' confidential statements shall not exceed approximately thirty-five pages in length. Defendants shall submit their statement to plaintiffs and the court (DADorders@caed.uscourts.gov) on or before May 23, 2018. Plaintiffs' brief shall be responsive to defendants' brief and be submitted to the defendants and to the court (DADorders@caed.uscourts.gov) on or before June 6, 2018. The further settlement conference is set for an agreed upon date in June of 2019 at 9:00 a.m. in Courtroom # 4 of the United States District Court, 501 I Street, Sacramento, CA 95814.³

IT IS SO ORDERED.

Dated: April 18, 2019


UNITED STATES DISTRICT JUDGE

³ The parties may modify the schedule with respect to the filing of their further confidential settlement conference statements by proposed stipulation and order. The parties are also directed to meet and confer and thereafter consult with Courtroom Deputy Jami Thorp to agree upon an appropriate date for the further settlement conference.