

# **NOTICE: DUE PROCESS RIGHTS IN INVOLUNTARY MEDICATION PROCESS**

## **What is this notice about?**

This notice is about the settlement of one claim in the class action lawsuit called *Braggs v. Dunn*. This lawsuit has also been called *Dunn v. Dunn*.

In 2014, a group of inmates sued the Alabama Department of Corrections (ADOC). The inmates said that ADOC failed to protect their rights when ordering them to be given psychiatric medications against their will and that this violates constitutional due process. The lawsuit also involved other issues that are not part of this settlement.

In May 2017, the inmates and ADOC agreed to settle the part of the lawsuit about involuntary medications. ADOC did not agree that it violated anyone's rights, but agreed to change its policy about involuntary medication and to follow the new policy. These changes were discussed in an earlier notice. The judge received comments from approximately 200 inmates and heard testimony from 12 inmates about their thoughts on the settlement, and then approved the settlement.

## **Who does this settlement apply to?**

This settlement applies to anyone who is required to take psychiatric medication against their will. Your rights under this settlement appear on the next page.

## **Will I get any money out of the settlement?**

No. The settlement only requires ADOC to make changes to the involuntary medication process.

## **Does the Settlement Agreement do anything else?**

The Settlement Agreement provides for monitoring and attorneys' fees. There are other provisions that will not have an effect on you. The fact that this notice talks about only some parts of the settlement does not mean that the other parts are less important.

## **What if I want to read the entire settlement agreement?**

If you want to read the full agreement, you can get a copy from the Library in your facility. If you need help reading or understanding this Notice or the Settlement Agreement, please ask for help. If you know of someone that may need help understanding this Notice or the Settlement Agreement, please tell the ADA Coordinator at your facility.

## **Who should I contact with questions or concerns about the Settlement Agreement?**

**Alabama Disabilities Advocacy Program ("ADAP")**

**Attn: William Van Der Pol, Jr.**

Box 870395

Tuscaloosa, Alabama 35487

## **Rights under the Settlement**

Under the settlement, you have certain rights in the involuntary medication process. Administrative Regulation 621, which describes the involuntary medication process, is available for review in your facility's law library.

First, no one can make you take medication if you haven't had a hearing before a Committee and been found to need medication. This means no one should use threats, punishments, segregation or physical force to make you take psychiatric medicine. If you are wrongfully forced to take medication, please contact ADAP at the address on the previous page or the Southern Poverty Law Center at 334-328-7918. Calls to this number are not charged to your account and are not recorded.

No one can require you to take medication if you haven't been diagnosed with a serious mental illness. Also, to be ordered to take medication, you must be found to pose a current at risk of harm to yourself, others or property. The mental health staff must also have found that the medication is in your medical interest.

Before a hearing, you have a right to notice of:

- Your diagnosis;
- The reasons for your diagnosis;
- The reasons the mental health staff think you need to be medicated;
- Your rights at the hearing.

You will have an advisor who is a mental health professional to help you understand the hearing. Your advisor will not be on your treatment team but will know about mental health care.

At the hearing, you have the following rights:

- The Committee making the decision cannot be people who regularly provided mental health care to you in the past 6 months.
- You can attend the hearing and testify and have witnesses testify for you. The Committee can limit testimony if other people have testified about the same thing.
- You can choose not to attend the hearing.
- You can be removed from the hearing only if you keep interrupting the proceedings after you have been repeatedly warned not to.
- If you do not attend or are removed, your advisor will stand in for you to exercise your rights in the hearing.
- During the hearing, you can question the mental health staff that have treated you to talk about alternatives to involuntary medication.
- You also can ask questions of the mental health staff that recommended you be involuntarily medicated.

After the hearing, you will be told of the decision of the Committee and of your right to appeal, and given a copy of the minutes of the hearing. If you want to file an appeal, your advisor will help you. The appeal will be decided by a psychiatrist who is not on the

Committee. If the appeal is denied, you have the right to seek judicial review in a court of appropriate jurisdiction.

After the first 270 days on an involuntary medication order, you will be given a 30-day break from involuntary medication during which you will be allowed to choose whether or not to take your medication. If you choose to miss three consecutive doses of medications during this 30-day period or your mental health condition declines during this period, your treating psychiatrist may order a second 180-day period of involuntary medication.