

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,)
)
Plaintiffs,)
)
v.)
)
JOHN HAMM, in his)
official capacity as)
Commissioner of)
the Alabama Department of)
Corrections, et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:14cv601-MHT
(WO)

PHASE 2A REVISED REMEDY SCHEDULING ORDER
ON THE EIGHTH AMENDMENT CLAIM

At a status conference on April 8, 2022, the court took up the following issues with the parties: (1) the defendants' proposed timeline for updating the 2018 staffing analysis of Margaret and Merle Savage (Doc. 3546); (2) the specific dates on which the defendants are to file reports on correctional and mental-health staffing, pursuant to §§ 2.1.6, 2.2.4 of the Phase 2A Omnibus Remedial Order (Doc. 3464); and (3) the parties' progress towards finding a replacement psychologist for the External Monitoring Team (EMT) following the

resignation of Dr. Jacqueline Feldman. With regard to the first issue, the court adopts, by agreement of the parties, the defendants' proposed timeline, see Defs.' Proposal Regarding ADOC's Staffing Unit (Doc. 3546), and orders that the defendants file notices with the court confirming that they have met each of their proposed deadlines. With regard to the second issue, the court adopts, by agreement of the parties, the deadlines set forth in an earlier order for the filing of staffing reports. See Phase 2A Understaffing Remedial Order (Doc. 1657) at § 4. The formatting for the correctional staffing reports will be revised, if necessary, after input from the EMT. See Phase 2A Omnibus Remedial Order (Doc. 3464) at §§ 2.1.6, 2.2.4. With regard to the third issue of finding a replacement member for the EMT, the parties are to file another joint status report on April 25, 2022.

Accordingly, it is ORDERED that the deadlines and dates for the Phase 2A remedy scheduling order for the

Eighth Amendment claim remain and are revised as set forth below.

	OLD DATES	NEW DATES
GENERAL		
The effective date of the Phase 2A Omnibus Remedial Order. (Doc. 3464) at § 1.3.	3/9/2022	
MONITORING		
The parties are to file a joint status report regarding their progress towards finding a person to replace Dr. Jacqueline Feldman as the EMT's psychiatrist.	4/8/2022 at 8:00 a.m.	4/25/2022
CORRECTIONAL STAFFING		
The defendants must submit correctional staffing reports to the court and the EMT. (Doc. 3464) at § 2.1.6. By agreement of the parties, the defendants are to submit these reports on the dates set forth in the Phase 2A Understaffing Remedial Order (Doc. 1657) at § 4, namely, March 1, June 1, September 1, and December 1 of each year.	On a quarterly basis	On March 1, June 1, September 1, and December 1 of each year
The formatting for the correctional staffing reports shall be revised, if necessary, based on input from the EMT. See Phase 2A Omnibus Remedial Order (Doc. 3464) at § 2.1.6.		To be determined.
The defendants proposed that they begin developing ADOC's policy related to correctional staffing analysis by March 28, 2022. See Defs.' Proposal Regarding ADOC's Staffing Unit (Doc. 3546). Because this deadline has passed, the defendants are to file a notice with the court by April 20, 2022, confirming that they have begun such.		4/20/2022
The defendants proposed that they begin collecting information from ADOC's major facilities for updating the Savages' 2018 staffing analysis by April 1, 2022. See Defs.' Proposal Regarding ADOC's Staffing Unit		4/20/2022

<p>(Doc. 3546). Because this deadline has passed, the defendants are to file a notice with the court by April 20, 2022, confirming that they have begun such.</p>		
<p>The defendants are to begin visiting ADOC's major facilities to gather information for updating the Savages' 2018 staffing analysis. The defendants shall file a notice with the court confirming that they have met this deadline.</p>		5/1/2022
<p>Coordinator Cheryl Price and other members of the agency staffing unit, or "resource planning unit," are to participate, from May 6 through July 15, 2022, in the training program on correctional staffing analysis taught by the National Institute of Corrections. The defendants shall file a notice with the court by July 15, 2022, confirming that they have met this deadline.</p>		7/15/2022
<p>The defendants are to obtain information from approximately half of ADOC's major facilities for updating the Savages' 2018 staffing analysis. The defendants shall file a notice with the court confirming that they have met this deadline.</p>		7/15/2022
<p>The defendants are to complete the update to the Savages' 2018 staffing analysis. The defendants shall file a notice with the court confirming that they have met this deadline.</p>		11/1/2022
<p>The defendants must develop with the Savages and submit to the court realistic benchmarks for the level of correctional staffing ADOC will attain by December 31 of 2022, 2023, and 2024 to put ADOC on track to fill all mandatory and essential posts by July 1, 2025. (Doc. 3464) at § 2.1.5.</p>	6/1/2022	

Deadline by which ADOC must fill all mandatory and essential posts at the level indicated in the most recent staffing analysis at that time. (Doc. 3464) at § 2.1.4.	7/1/2025	
MENTAL-HEALTH STAFFING		
The defendants must submit mental-health staffing reports to the court and the EMT. (Doc. 3464) at § 2.2.4. By agreement of the parties, the defendants are to submit these reports on the dates set forth in the Phase 2A Understaffing Remedial Order (Doc. 1657) at § 4, namely, March 1, June 1, September 1, and December 1 of each year.	On a quarterly basis	On March 1, June 1, September 1, and December 1 of each year
The formatting for the mental-health staffing reports shall be revised, if necessary, based on input from the EMT. See Phase 2A Omnibus Remedial Order (Doc. 3464) at § 2.2.4.		To be determined.
The EMT shall review ADOC's mental-health staffing ratios and, if necessary, make recommendations for revising them. (Doc. 3464) at § 2.2.2.	Beginning one year from the initiation of monitoring	
Deadline by which ADOC must achieve the staffing levels set forth in the staffing matrix previously approved by the court in the Phase 2A Order and Injunction on Mental-Health Staffing Remedy (Doc. 2688), subject to any subsequent modifications. (Doc. 3464) at § 2.2.3.	7/1/2025	
RESTRICTIVE HOUSING		
The defendants must file with the court and the EMT reports on each inmate who has been in restrictive housing for longer than 72 hours under exceptional circumstances during that week. (Doc. 3464) at § 3.1.4.	On a weekly basis	

The parties must submit proposals that will allow ADOC's RHUs (with the exception of the RHU at Tutwiler) to function safely with the correctional staff that ADOC currently employs. (Doc. 3464) at § 2.1.7.3.	6/1/2022	
Deadline by which all RHU cells must be cleaned. (Doc. 3464) at § 3.1.1.	6/8/2022	
Deadline by which all RHU cells must comply with the conditions set forth in Lindsay M. Hayes's Checklist for the "Suicide-Resistant" Design of Correctional Facilities (Doc. 3206-5). (Doc. 3464) at § 3.1.3. Stayed pursuant to opinion and order on motion to stay. (Doc. 3526) at 75-76.	Stayed	
SUICIDE PREVENTION		
ADOC must conduct inspections of all suicide watch, SU, and RHU cells to verify that they meet the conditions set forth Lindsay M. Hayes's Checklist for the "Suicide-Resistant" Design of Correctional Facilities (Doc. 3206-5). (Doc. 3464) at § 2.1.7.2. Stayed as to RHU cells pursuant to opinion and order on motion to stay. (Doc. 3526) at 75-76.	Stayed as to RHU cells only; otherwise, on a quarterly basis	
HIGHER LEVELS OF CARE		
In collaboration with the EMT, ADOC must reassess (1) the number of inmates on its mental-health caseload and (2) whether the current estimate of the percentage of the mental-health caseload requiring inpatient treatment is accurate. (Doc. 3464) at § 11.2.2.	On an annual basis	
The defendants must submit to the court a plan and procedures to address the serious risk posed by high temperatures in the mental-health units. (Doc. 3464) at § 11.3.	6/1/2022	

STATUS CONFERENCES		
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	5/13/2022 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	8/12/2022 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	11/10/2022 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	2/10/2023 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	7/7/2023 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	11/17/2023 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	2/9/2024 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	7/12/2024 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	11/22/2024 at 9:00 a.m.	
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467).	2/7/2025 at 9:00 a.m.	
STANDING ORDERS FOR HEARINGS AND STATUS CONFERENCES		
All hearings and evidentiary hearings shall be in accordance with the order entered on 1/15/2020 (Doc. 2727), unless otherwise specified.		

All hearings, evidentiary hearings, and status conferences are to be by videoconferencing unless otherwise specified.		
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DONE, this the 13th day of April, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE