

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

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	
Oral argument is set on Troy Connell's motion to intervene (Doc. 3633 & Doc. 3634-1).	8/15/2022 at 2:30 p.m.	
Oral argument is set on Troy Connell's request for judicial notice (Doc. 3655).	8/15/2022 at 2:30 p.m.	
MONITORING		
The parties are to file a joint status report updating the court as to their progress towards finding a person to replace Catherine Knox as the EMT's nurse.	8/5/2022 at 5:00 p.m.	
The parties should be prepared to address orally the issue of finding a person to replace Catherine Knox as the EMT's nurse.	8/15/2022 at 2:30 p.m.	
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 March 1, June 1, September 1, and December 1 of each year	
The plaintiffs are to file a report on what the most recent quarterly correctional staffing reports to the court reflect. In doing so, the plaintiffs should use their judgment on how far back to reference.	8/5/2022 at 5:00 p.m.	
The defendants are to file a response to the plaintiffs' 8/5 report regarding the quarterly correctional staffing reports.	8/10/2022 at 5:00 p.m.	

<p>The parties should be prepared to address orally what the most recent quarterly correctional staffing reports to the court reflect.</p>	<p>8/15/2022 at 2:30 p.m.</p>	
<p>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.</p>	<p>To be determined.</p>	
<p>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). On April 20, 2022, the defendants filed a notice that they had "initiated the creation of a policy to provide instruction on developing and maintaining a correctional staffing analysis." Defs.' Notice (Doc. 3558) at 2. See below the deadline for the defendants' response to the plaintiffs' proposal (Doc. 3611) as to how to keep the court and the EMT abreast of the defendants' continued progress in updating the correctional staffing analysis.</p>	<p>Done.</p>	
<p>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 (Doc. 3546). On April 20, 2022, the defendants filed a notice that they had "initiated the collection of necessary documents from ADOC's major facilities to facilitate updating the Savages' 2018 staffing analysis." Defs.' Notice (Doc. 3558) at 2. See below the deadline for the defendants' response to the plaintiffs' proposal (Doc. 3611) as to how to keep the court and</p>	<p>Done.</p>	

<p>the EMT abreast of the defendants' continued progress in updating the correctional staffing analysis.</p>		
<p>The defendants proposed that they begin visiting ADOC's major facilities to gather information for updating the Savages' 2018 staffing analysis by May 1, 2022. See Defs.' Proposal Regarding ADOC's Staffing Unit (Doc. 3546). On May 3, 2022, the defendants filed a notice that they had "coordinated with Russ and Meg Savage ... to conduct tours of two (2) major facilities ... on May 4-6, 2022." Defs.' Notice (Doc. 3565) at 2. See below the deadline for the defendants' response to the plaintiffs' proposal (Doc. 3611) as to how to keep the court and the EMT abreast of the defendants' continued progress in updating the correctional staffing analysis.</p>	<p>Done.</p>	
<p>Coordinator Cheryl Price and other members of the agency staffing unit, or "resource planning unit," are to participate in the training program on correctional staffing analysis taught by the National Institute of Corrections (NIC). In light of the defendants' representation that ADOC was not selected to participate in the NIC's training programs so far this year, see Defs.' Status Reports (Doc. 3563 & Doc. 3663), the plaintiffs and defendants shall submit proposals as to how to proceed.</p>	<p>8/5/2022 at 5:00 p.m.</p>	
<p>Oral argument is set on how to proceed on the issue of ADOC's participation in the training program on correctional staffing analysis taught by the National Institute of Corrections.</p>	<p>8/15/2022 at 2:30 p.m.</p>	

<p>The plaintiffs have submitted a proposal for keeping the court and the EMT abreast of the defendants' continued progress in updating the correctional staffing analysis (for example, developing ADOC's policy related to the correctional staffing analysis and collecting information from ADOC's major facilities) after the deadlines for beginning implementation have passed. (Doc. 3611). The parties are to confer with Judge Ott to try to reach a resolution on this proposal. The parties are to file a report on their efforts to reach a resolution.</p>	<p>8/5/2022 at 5:00 p.m.</p>	
<p>If the parties are unable to reach a resolution on the plaintiffs' proposal for keeping the court and the EMT abreast of the defendants' continued progress in updating the correctional staffing analysis, the defendants are to file a response to the plaintiffs' proposal.</p>	<p>8/10/2022 at 5:00 p.m.</p>	
<p>If the parties are unable to reach a resolution on the plaintiffs' proposal for keeping the court and the EMT abreast of the defendants' continued progress in updating the correctional staffing analysis, oral argument is set on how to keep the court and the EMT abreast of the defendants' continued progress in updating the correctional staffing analysis.</p>	<p>8/15/2022 at 2:30 p.m.</p>	
<p>The defendants report that they have obtained information from more than half of ADOC's major facilities for updating the Savages' 2018 staffing analysis. (Doc. 3663). Per the defendants' proposal, the defendants are to complete the information as to the remaining facilities by August 31, 2022. See Defs.'</p>	<p>9/9/2022 at 5:00 p.m.</p>	

Notice (Doc. 3663) at 3-4. The defendants shall file a notice with the court confirming that they have met this deadline.		
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.	11/1/2022	
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.	12/1/2022 at 5:00 p.m.	
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 March 1, June 1, September 1, and December 1 of each year	
The plaintiffs are to file a report on what the most recent quarterly mental-health staffing reports to the court reflect. In doing so, the plaintiffs should use their judgment on how far back to reference.	8/5/2022 at 5:00 p.m.	

The defendants are to file a response to the plaintiffs' 8/5 report regarding the quarterly mental-health staffing reports.	8/10/2022 at 5:00 p.m.	
The parties should be prepared to address orally what the most recent quarterly mental-health staffing reports to the court reflect.	8/15/2022 at 2:30 p.m.	
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, and (Doc. 3557).	On a weekly basis	
Each side has submitted a proposal on how to proceed on the issue of revising the format of the weekly SMI reports in light of the Phase 2A Omnibus Remedial Order (Doc. 3464) at § 3.1.4; see also order (Doc. 3557). (Doc. 3621 & Doc. 3624). The parties are to confer with Judge Ott to try to resolve this issue. The parties are to file a report on	8/5/2022 at 5:00 p.m.	

their efforts to resolve the issue.		
If the parties are unable to resolve the issue of revising the format of the weekly SMI reports, each side is to file a response to the other's proposal.	8/10/2022 at 5:00 p.m.	
If the parties are unable to resolve the issue of revising the format of the weekly SMI reports, oral argument is set on the parties' proposals on how to proceed on the issue of revising the format of the weekly SMI reports.	8/15/2022 at 2:30 p.m.	
The plaintiffs are to file a report on what the most recent weekly SMI reports to the court reflect (trends, etc., if anything). In doing so, the plaintiffs should use their judgment on how far back to reference.		8/5/2022 at 5:00 p.m.
The defendants are to file a response to the plaintiffs' 8/5 report regarding the weekly SMI reports.		8/10/2022 at 5:00 p.m.
The parties should be prepared to address orally what the most recent weekly SMI reports to the court reflect.		8/15/2022 at 2:30 p.m.
Each side has submitted a proposal 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. (Doc. 3622 & Doc. 3623). The parties are to confer with Judge Ott to try to reach a resolution on the proposals. The parties are to file a report on their efforts to reach a resolution.	8/5/2022 at 5:00 p.m.	
If the parties are unable to reach a resolution on the parties' proposals that will	8/10/2022 at 5:00 p.m.	

allow ADOC's RHUs (with the exception of the RHU at Tutwiler) to function safely with the staff that ADOC currently employs, each side is to file a response to the other's proposal.		
If the parties are unable to reach a resolution on the parties' proposals that will allow ADOC's RHUs (with the exception of the RHU at Tutwiler) to function safely with the staff that ADOC currently employs, oral argument is set on the parties' 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.	8/15/2022 at 2:30 p.m.	
The Phase 2A omnibus remedial order provided that all RHU cells must be cleaned by June 8, 2022. (Doc. 3464) at § 3.1.1. The defendants shall file a notice with the court confirming that they have met this deadline.	8/5/2022 at 5:00 p.m.	
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 having submitted to the court a plan and procedures (Doc. 3620) to address the serious risk posed by high temperatures in the mental-health units, (Doc. 3464) at § 11.3, the plaintiffs are to file a response that shall address, among other things, the adequacy of Administrative Regulation 619 as a means of addressing the risk posed by high temperatures in light of the court's previous discussion of its concerns as to that regulation, see Phase 2A Inpatient Treatment Remedial Opinion and Order, <i>Braggs v. Dunn</i> , 2020 WL 2789880, *14-15 (M.D. Ala. 2020) (Thompson, J.) (discussing Administrative Regulation 619); see also Phase 2A Omnibus Remedial Order (Doc. 3464) at § 11.3, and the question of whether ADOC employees are trained to follow the regulation.	8/5/2022 at 5:00 p.m.	
Oral argument is set on the defendants' plan and procedures (Doc. 3620) to address the serious risk posed by high temperatures in the mental-health units, (Doc. 3464) at § 11.3.	8/15/2022 at 2:30 p.m.	
STATUS CONFERENCES		
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467 and Doc. 3480).	8/15/2022 at 2:30 p.m.	
Triannual status conference, with the parties to submit reports 10	11/10/2022 at 9:00 a.m.	

business days before the status conference (Doc. 3467 and Doc. 3480).		
Triannual status conference, with the parties to submit reports 10 business days before the status conference (Doc. 3467 and Doc. 3480).	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 and Doc. 3480).	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 and Doc. 3480).	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 and Doc. 3480).	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 and Doc. 3480).	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 and Doc. 3480).	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 and Doc. 3480).	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.		

DONE, this the 20th day of July, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE