

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

DEMONTRAY HUNTER, et al.,)
Plaintiffs,)
v.) CIVIL ACTION NO.
KIMBERLY G. BOSWELL, in) 2:16cv798-MHT
her official capacity as) (WO)
the Commissioner of the)
Alabama Department of)
Mental Health,)
Defendant.)

ORDER

During the status conference on May 28, 2021, defense counsel expressed confidence that the Alabama Department of Mental Health (ADMH) will achieve substantial compliance with the requirements of the consent decree by February 2022. But the court remains concerned about proceeding without a clear way to measure progress in the intervening months.

Accordingly, it is ORDERED that defendant submit a set of proposed benchmarks against which progress can be measured for the next nine months, enabling plaintiffs

and the court to identify lingering challenges and consider whether additional remedial plans are necessary. These benchmarks should include proposed quantitative outcomes for both outpatient mental evaluations and competency restoration treatment that, if met, will demonstrate satisfactory progress towards substantial compliance on both metrics. (As defendant requested, no proposed benchmarks are required for the inpatient context at this time.) Each of these proposed benchmarks should include numerical targets for, at minimum, August 2, 2021; November 1, 2021; and February 1, 2022. Defendant should also include qualitative benchmarks where relevant. Defendant is to submit these proposed benchmarks on or before June 22, 2021, with plaintiffs to reply by June 29, 2021.

It is further ORDERED that, in addition to the previously-ordered joint reports regarding steps taken to improve ADMH's noncompliance, the parties are to file data reflecting the status of compliance at least three days before each upcoming status conference. See Opinion

and Order (Doc. 182) at 17-18 (scheduling status conferences and ordering joint reports). Plaintiffs' recent filing of supplemental data (Doc. 190) may serve as a sample for these reports.

DONE, this the 7th day of June, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE