UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

v.

EDMUND G. BROWN, JR., et al.,

Defendants.

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

ORDER

Between November 12, 2013 and July 24, 2014, the Special Master's expert, Lindsay M. Hayes, M.S., conducted a comprehensive audit of suicide prevention practices in each of the thirty-four prisons operated by the California Department of Corrections and Rehabilitation (CDCR). On January 14, 2015, the Special Master filed a report on Mr. Hayes' audit, ECF No. 5258, together with Mr. Hayes' report on that audit, ECF No. 5259.

Mr. Hayes' audit followed agreement by the Suicide Prevention Management Workgroup that "an expert assessment of current suicide prevention practices in all 34 CDCR prisons was needed for the workgroup to carry out its charge." ECF No. 5259 at 1.[1] The audit is based on on-site assessments of suicide prevention practices at each of CDCR's thirty-four prisons and included review of suicide prevention local operating procedures, health care records

[1] The Suicide Prevention Management Workgroup was established by court order filed July 12, 2013, ECF No. 4693.

of inmates on suicide watch, records of inmates referred to the mental health program for assessment of suicide risk, minutes from meetings of institutional Suicide Prevention and Response Focused Improvement Teams (SPRFITs), and all inmate suicides between 2012 to the time of individual institutional visits by the auditor. ECF No. 5259 at 1-2.

Mr. Hayes' report includes numerous findings made during the audit and contains a comprehensive set of recommendations. It was distributed in draft to the parties in November 2014 and the parties were given thirty days to submit comments and/or objections to the draft report to the Special Master. ECF No. 5258 at 4. Plaintiffs submitted to the Special Master a request for additional recommendations in several areas. ECF No. 5258 at 4. Beyond his summary of plaintiffs' request, the Special Master has chosen not to include plaintiffs' recommendations for consideration by the court at this time. ECF No. 5258 at 4.[2] Defendants' "particularized responses" to the recommendations made by Mr. Hayes have been incorporated into the final expert report filed on January 14, 2015. *See* ECF No. 5258 at 4.

The Special Master reports that he agrees with Mr. Hayes' recommendations and he recommends that defendants be ordered to adopt those recommendations and work with him in the Suicide Prevention Management Workgroup, "and otherwise as may be necessary, on the development of strategies and the implementation of the changes and practices described in the recommendations. . . ." ECF No. 5258 at 5. The Special Master also requests an order requiring him to provide an update to the court on defendants' implementation of suicide prevention policies and practices, either in his Twenty-Sixth Round Monitoring Report or as soon thereafter as practicable. Neither party has filed objections to the Special Master's report or the order he requests. In addition, neither party has filed objections to the final expert report filed with the Special Master's report. It appears from review of the expert's report that defendants have agreed to work on, or are already working on, the great majority of the expert's recommendations, either in the context of the Suicide Prevention Management Workgroup or otherwise with the Special

[2] The court previously has noted that requests for court orders based on recommendations made by the Special Master's suicide prevention experts should be made, if at all, by the Special Master. Order filed November 23, 2009 at 13-14, ECF No. 3731.

Master. Where there is apparent hesitation by defendants about a particular recommendation they have represented a willingness to discuss the issue further in the Suicide Prevention Management Workgroup. *See*, *e.g.*, ECF No. 5259 at 30-31 nn. 40-41.

After review of both reports, and good cause appearing, IT IS HEREBY ORDERED that:

1. Defendants shall adopt the recommendations contained in the Special Master's Report on his Expert's Audit, ECF No. 5258, and shall work with the Special Master in the Suicide Prevention Management Workgroup and otherwise as may be necessary on the development of strategies and the implementation of the changes and practices contained in those recommendations; and

2. The Special Master shall provide an update to the court on defendants' progress in implementing suicide prevention policies and practices either in his Twenty-Sixth Round Monitoring Report or in a companion report to be filed therewith.

DATED: February 3, 2015.

UNITED STATES DISTRICT JUDGE