

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

EDWARD BRAGGS, et al.)

Plaintiffs,)

v.)

JEFFERSON DUNN, in his official)
capacity as Commissioner of the)
Alabama Department of)
Corrections, et al.)

Defendants.

CIVIL ACTION NO.
2:14-cv-00601-MHT-JTA
Judge Myron H. Thompson

NOTICE TO THE COURT OF RECENT SUICIDES

On Monday, July 27, 2020, 28-year-old Charles Braggs died by hanging at St. Clair Correctional Facility after being caged in segregation for 796 days for “preventative purposes.” Mr. Braggs was the seventh person—and the sixth Black person—to die by suicide in ADOC custody since this Court issued its Remedial Opinion and Judgment on Immediate Relief for Suicide Prevention (the “Suicide Prevention Opinion”) in May 2019, in which the Court found “substantial and pervasive deficiencies” in ADOC’s suicide prevention program. *See Braggs v. Dunn*, 383 F. Supp. 3d 1218, 1241 (M.D. Ala. 2019). He was the fifth person to die by suicide in ADOC in the past four months alone. Distressingly, the seven

deaths mirror the very rise of suicides that precipitated the emergency proceeding last year.

Plaintiffs hereby notify the Court of these deaths to highlight the critical need for swift implementation and robust monitoring of the Parties' various remedial agreements, including permanent suicide prevention measures, as well as the relief for segregation and segregation-like units that is still pending before the Court. Plaintiffs note that of the seven suicides described herein, four occurred in segregation units, one in a segregation-like unit, and one in a Structured Living Unit ("SLU")—all forms of celled housing with limited out-of-cell time, many of which disproportionately cage Black people.¹ Plaintiffs intend to present evidence relating to these deaths at the upcoming evidentiary hearing on the Prison Litigation Reform Act ("PLRA").

¹ For example, a recent Restrictive Housing report produced by Defendants lists 1,001 people caged in formal segregation units on July 28, 2020. July 28, 2020 Restrictive Housing Report. Of those 1,001, ADOC's public database lists 705 people as Black and 273 white—that is, approximately 70 percent of the people in segregation are Black. *See* Ala. Dep't of Corr., Inmate Search, <http://www.doc.state.al.us/InmateSearch>. Plaintiffs' prior briefing on segregation-like units similarly highlighted the racial disparities in one such segregation-like unit, finding the unit to be 82 percent Black. *See* Doc. 2645 at 11 n.4 (comparing the demographics of Donaldson Correctional Facility's Y Unit (a segregation-like unit) with those of ADOC and Alabama as a whole). Black people make up approximately 52 percent of the population of ADOC facilities and about 27 percent of the population of the State of Alabama. *Compare* Ala. Dep't of Corr., Inmate Search, <http://www.doc.state.al.us/InmateSearch>, with U.S. Census Bureau, Alabama Quick Facts, <https://www.census.gov/quickfacts/AL>.

Upon information and belief, Plaintiffs state the following:

1. Marco Tolbert, AIS 257567

Date of Death (“DOD”): September 26, 2019

Location: Donaldson (General Population)

MH Code: C

Serious Mental Illness (“SMI”): Yes

Manner of Suicide: Hanging

Mr. Tolbert was a 32-year-old Black man. He was diagnosed with Schizophrenia, a categorical SMI, and prescribed Risperdal, an anti-psychotic, and Prozac, an anti-depressant. He had been placed on acute suicide watch at least once, on December 18, 2018. On June 20, 2019, three months before his death, Mr. Tolbert’s mental health code was reduced from MH-D to MH-C, one of his anti-psychotic medications was discontinued, and he was moved from Donaldson’s Residential Treatment Unit (“RTU”) to a general population cell. Despite his SMI and the fact that he was on anti-psychotic medication when he was moved out of the RTU, he was not provided any follow-up mental health care. According to the Review of Inmate Suicide, he was last seen by mental health staff the day he moved out of the RTU. And despite the fact that he apparently had stopped taking his medication in or around August 2019, there was no effort to follow-up with him, and his medication was discontinued without any prior psychiatric evaluation.

2. Marquell Underwood, AIS # 314930

DOD: February 23, 2020
Location: Easterling (Segregation)
MH Code: A
SMI: No
Manner of Suicide: Hanging

Mr. Underwood was a 22-year-old Black man. Mr. Underwood was placed in segregation at Easterling Correctional Facility on the date of his death. Mr. Underwood previously reported a history of Bipolar Disorder, was referred to mental health nine times in relation to segregation placements, self-referred once to mental health, and was placed on acute suicide watch twice during the six months before his death. Despite all of this, he was never placed on the mental health caseload, never received a psychiatric evaluation, and never received any mental health treatment.

3. Laramie Avery, AIS 317507

DOD: April 14, 2020
Location: Bullock (Segregation)
MH Code: A
SMI: No
Manner of Suicide: Hanging

Mr. Avery was a 32-year-old Black man. Mr. Avery had entered segregation two days prior to his death for “disciplinary reasons” after being stabbed at least eight times in the head and chest, and he remained there until his death. Mr. Avery was referred for a mental health evaluation three days before

his suicide, but there is no evidence that the evaluation ever occurred. He was not on the mental health caseload.

4. Jamal Jackson, AIS # z808

DOD: May 15, 2020
Location: Holman (Death Row)
MH Code: Unknown
SMI: Unknown
Manner of Suicide: Hanging

Mr. Jackson was a 29-year-old Black man. While little is known about Mr. Jackson's death at this time, Plaintiffs are concerned by the occurrence of another suicide on ADOC's death row within two years. On June 3, 2018, Jeffery Borden committed suicide on Death Row at Holman Correctional Facility. During the 2019 emergency hearing on suicide prevention, Plaintiffs presented evidence that Death Row constitutes a "segregation-like" setting, with conditions tantamount to solitary confinement. On May 15, 2020, in the midst of ADOC's plans to decommission Holman and change the location of Death Row to a former segregation unit, Mr. Jackson committed suicide. The full circumstances of his death and prior mental health history are not yet known to Plaintiffs.

5. Jaquel Alexander, AIS #302682

DOD: May 17, 2020
Location: Donaldson (V Unit – SLU)
MH Code: C
SMI: Yes
Manner of Suicide: Hanging

Mr. Alexander was a 26-year-old Black man. At the time of his death, he was caged in the SLU at Donaldson. According to crisis cell utilization logs produced in ongoing discovery, Mr. Alexander was placed on suicide watch at least eleven times in the six months before his death. During the first seven of these placements from mid-December 2019 through January 2020, Mr. Alexander was classified as MH-A (not on the mental health caseload) and as having no SMI. He was labeled as MH-C and SMI starting on March 1, 2020. Beginning on March 1, 2020, he was placed on suicide watch four more times before he completed suicide on May 17, 2020.

6. Casey Murphree, AIS # 187584

DOD: May 18, 2020

Location: Bullock (Segregation)

MH Code: B

SMI: Yes

Manner of Suicide: Hanging

Mr. Murphree was a 49-year-old white man. Mr. Murphree was diagnosed with Bipolar Mood Disorder. Mr. Murphree was caged in segregation at Bullock Correctional Facility sometime after May 12, 2020. Like Mr. Avery, who committed suicide in the same unit the previous month, he died less than a week after his admission into segregation. With Mr. Murphree's death on May 18, three people in ADOC died by suicide in the span of four days.

7. Charles Braggs, AIS # 277236

DOD: July 27, 2020

Location: St. Clair (Segregation)

MH Code: A

SMI: No

Manner of Suicide: Hanging

As noted above, Mr. Braggs was a 28-year-old Black man. He had been caged in segregation for over two years at the time of his suicide. He was not on the mental health caseload.

* * *

In addition to these seven suicides, another Black man died in an ADOC suicide watch cell in the last year. On June 22, 2020, Darnell McMillian died while on suicide watch at Donaldson. According to media reports and other information Plaintiffs have received, Mr. McMillian was double-celled on suicide watch with another man who was also on crisis watch. After an altercation between Mr. McMillian and his cellmate, correctional officers allegedly deployed pepper spray, which caused Mr. McMillian to become unconscious and may have led to his death. It is unclear what policies ADOC has instituted, if any, to ensure the safety of those on suicide watch who are double-celled.

Dated: August 5, 2020

Respectfully submitted,

/s/ Rhonda Brownstein

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of August, 2020 electronically filed the foregoing with the clerk of court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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