

*Braggs v. Dunn*

# The Mental Health Care System in Alabama's Prisons

On June 27, 2017, U.S. District Court Judge Myron H. Thompson declared the mental health care system in Alabama's prisons to be "horrendously inadequate." In his 302-page opinion, Judge Thompson identified several areas in which the Alabama Department of Corrections (ADOC) and its mental health provider, MHM, failed to meet constitutional standards of care. The court directed ADOC to work with the SPLC and our co-counsel on a solution to remedy each constitutional violation. In order to appropriate the necessary funding, the Legislature must fully understand the court's ruling.

## Findings

- **Failure to adequately identify and classify inmates upon entry.** Relying on unskilled staff with high caseloads, ADOC falls short of properly identifying inmates with mental health needs. The result is a large population of inmates left without access to psychiatric care or medication and too few inmates with serious, acute needs referred to mental health units.
- **Failure to provide individualized treatment to prisoners with serious mental health needs.** ADOC does not develop individualized treatment plans, provide psychotherapy and group counseling, or track patient progress. Rather, the few counselors on staff – nearly all of whom are unlicensed – speak briefly with inmates often through locked cell doors, without regard for confidentiality or other acceptable standards for the delivery of care.
- **Failure to provide hospital-level care or properly utilize mental health units.** Judge Thompson identified the need for hospital-level care as one of the most urgent needs. Also, ADOC routinely uses the space dedicated for treating the sickest population as segregation housing to control inmate misbehavior. This mingling of inmates fosters problematic interactions, limits stabilization, and diverts the attention of correctional staff needed to assist inmates' medical and mental health needs.
- **Failure to provide adequate suicide prevention and crisis care.** ADOC's suicide rates have "skyrocketed" in the last two years and are now more than double the national average. ADOC has assumed a culture of cynicism and has failed to provide protective custody to the most vulnerable population within its walls.
- **Failure to distinguish mental health problems from disciplinary actions.** Inmates are regularly disciplined for conduct related to their mental health problems, particularly engaging in self-harm. Inmates housed in segregation had a reduced level of mental health treatment and monitoring. ADOC's testimony, as well as expert witness testimony, recognized that its segregation practices are "categorically inappropriate" for mentally ill inmates and is a "denial of minimal medical care."

(continued)

"Despite its knowledge of actual harm and substantial risks of serious harm to mentally ill prisoners, ADOC has failed to respond reasonably to identified issues in the delivery of mental-health care."

"ADOC has been well aware of the magnitude and impact of overcrowding on every facet of its operations for years. ADOC's efforts – belatedly pushing for construction of new prisons in 2016, for example – to alleviate the problem have been too little and too late, as reflected in the current 170% occupancy rate. Considering the institution's historical deliberate indifference to the problem of overcrowding, rather than what ADOC has done under the current leadership only, the court finds that ADOC has disregarded to the harm and risk of harm caused by overcrowding and understaffing."

"ADOC has also failed to respond reasonably to discrete issues that come to its attention, even when lives may be at stake."

— U.S. District Court Judge  
Myron H. Thompson

### **Overcrowding and Understaffing**

Judge Thompson found it “alarming” that ADOC had not done a staffing analysis – despite its acknowledgment of staffing shortages and inmate overcrowding. The court found that “persistent and severe shortages of mental-health staff and correctional staff, combined with chronic and significant overcrowding” to be contributing factors in ADOC’s failure to provide adequate mental health care. Without proper staffing ratios, inmates will be unable to get to their appointments, be monitored for changes or crises, and their mental health will continue to progressively decline.

### **Solutions**

The court has not yet set a date for the medical care portion of the litigation. However, Judge Thompson laid a roadmap of each mental health care violation in need of a remedy. The solutions will require widespread changes to policy, whether agreed to by the parties in settlement or directed by court order. Either way, the remedies to the longstanding violations will need to be comprehensive. They will be expensive and require the Legislature to appropriate significant funding.

*For more information, see [www.splcenter.org](http://www.splcenter.org).*