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ATTORNEYS FOR DEFENDANT STATE OF MONTANA

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

RAISTLEN KATKA,
Plaintiff,

v.

STATE OF MONTANA, and MONTANA
DEPARTMENT OF CORRECTIONS,

Defendants.

Cause No. BDV 2009-1163

SETTLEMENT AGREEMENT

The parties hereby stipulate to resolution of the above-entitled matter as follows:

A. In consideration for the dismissal of this matter with prejudice, the Montana State Prison shall adopt policies or amend its current policies as follows:

1. Upon entry into the adult corrections system, inmates under the age of 18 shall be presumptively classified as Medium II/Unrestricted Custody or less, as set forth in Section III.B.3 of MSP 4.2.1, Inmate Classification System; provided, that such presumptive classification shall not apply to any inmate under 18 with a significant institutional history or high severity of offense, as those terms are to be defined in policy. Such inmates shall be objectively classified and housed in accordance with the Montana Department of Corrections Classification Instrument. In all classification or re-classification actions, however, inmates under the age of 18 shall be considered for an override to a less restrictive classification.

2. The classification procedure for inmates who are under the age of 18 shall address appropriate housing, educational programming, additional programming opportunities, vocational training, psychological treatment, and medical treatment. The classification of inmates under age 18 shall be reviewed no less than every 90 days until the inmate turns 18. Each such review shall be conducted by the unit management team in conjunction with others as appropriate, including a mental health professional. Each such review shall include a face-to-face discussion with the inmate about his classification, unless the inmate refuses to attend the review meeting.

3. Inmates under the age of 18 shall not be placed in isolated confinement (Administrative Segregation, Restricted Administrative Segregation, Maximum Security, Detention) for longer than 72 hours without the approval of the Director of the Department of Corrections or his designee, which shall be the Warden of MSP or, in his absence, the

Deputy or Associate Warden, and without certification from the mental health team, based upon the team's evaluation of the inmate, that the extended isolation would not have an adverse affect upon the inmate's mental health.

4. An inmate with a serious mental illness is defined as an individual with a clinical disorder of mood, thought, or anxiety included under Axis I of the current DSM, as set forth in Section II of MSP 3.5.5, and inmates who were previously diagnosed with such a mental illness unless there is certification in the record that the diagnosis has been changed or altered as a result of a subsequent mental health evaluation by a licensed mental health professional.

5. All locked housing decisions for inmates with a serious mental illness shall include the input of a licensed mental health professional who has evaluated the inmate and is familiar with the details of the inmate's available clinical history, and has considered the mental health needs and history of the inmate.

6. Inmates with a serious mental illness who are in locked housing shall be entitled to weekly mental health rounds at the cell door and private sessions with a licensed mental health professional as frequently as necessary, as determined by a licensed mental health professional so long as the inmate remains in long-term isolated confinement. If following these sessions, the mental health professional does not believe the inmate is appropriate for continued placement in long-term isolated confinement, the mental health professional shall recommend the inmate for transfer to another housing unit or mental health treatment facility, and the prison shall adhere to the recommendation unless there are written reasons to disregard such recommendation by the prison administration.

7. Prison suicide prevention policies shall include the provision of mental health treatment and observation of inmates identified as exhibiting moderate to high suicide risk, as identified in MSP 4.5.100, Suicide Risk Management.

8. Inmates with a serious mental illness and inmates under 18 years old shall not be placed in an isolation cell as part of a Behavior Management Plan for longer than 72 hours without the approval of the Director of the Department of Corrections or his designee. If the inmate's mental health is deteriorating or there is a heightened documented suicide risk the Behavior Management Plan shall be terminated immediately.

B. The State of Montana shall provide to Plaintiff and his attorneys evidence that the policies adopted by MDOC are consistent with the language in the foregoing provisions no later than June 1, 2012.

C. Plaintiff does not waive and hereby specifically reserves the right to pursue claims for the entitlement and award of attorney's fees and costs.

Dated this 30th day of March, 2012.

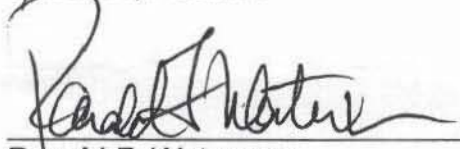
Attorneys for Plaintiff



Andrée Larose

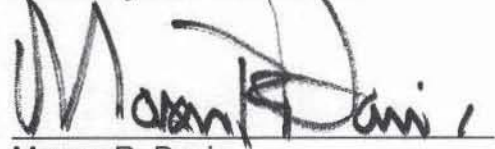


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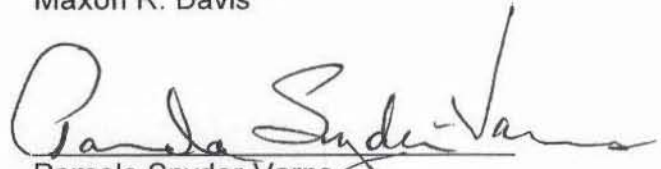


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