

Black v. Ricketts



PC-AZ-003-007

**FILED**

186

FEB 19 1985

W. J. [unclear] CLERK  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

BY [Signature]  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

CHARLES BLACK, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 JAMES G. RICKETTS, et al., )  
 )  
 Defendants. )

CIV 84-111 PHX-CAM  
NOTICE TO CLASS OF  
PROPOSED PARTIAL SETTLEMENT

A partial settlement has been reached between the plaintiffs and defendants in this class action lawsuit. If approved by this court, the settlement will apply to all members of the class which includes all prisoners classified to Administrative Segregation at the Arizona State Prison.

The substantive provisions of the proposed partial settlement are attached.

The partial settlement also provides for the appointment of an independent monitor to observe and report to the court on the progress of compliance with the partial settlement. Mr. Allen Breed has been selected to serve as this independent monitor. He will have full access to the institution and to class members and will report to the parties as well as the court regarding compliance.

If you have questions about this partial settlement, you should contact counsel for the plaintiffs, Alice Bendheim, 1542 West McDowell Road, Phoenix, Arizona 85007.

If you have any comments or serious objections to the terms of the proposed partial settlement, you must file them in writing with the Clerk of the United States District Court no later than 3/22/85. Mail your comments or objections to:

Clerk of the U.S. District Court

Room 1400

U.S. Courthouse

Phoenix, Arizona 85025

You must also include at the top of your letter the name and number of this case as they appear at the beginning of this notice.

Dated this 19 day of Feb, 1985



Carl A. Muecke  
United States District Judge



1 requested by medical personnel.

2 E. At least one day per week of additional dental  
3 coverage, for a total of two days per week, shall be provided.

4 F. Special therapeutic diets, prescribed by appro-  
5 priate medical authorities, shall be provided. Diet prescriptions  
6 should be specific, complete and rewritten monthly,

7 G. Emergency medical drills shall be conducted on  
8 a regular basis. Correctional officers shall have standard  
9 first aid training and, minimally, one health trained officer  
10 per shift shall be trained in cardiopulmonary resucitation  
11 (CPR).

12 H. Each and every contact with an inmate patient  
13 by any and all health care staff shall be appropriatedly noted  
14 in the inmate's medical record.

15 I. A patient-to-nurse call system shall be installed  
16 in the infirmary area.

17 J. In addition to psychiatric coverage, a qualified  
18 mental health professional (either a clinically trained  
19 psychologist or a psychiatric social worker with clinical  
20 training) who meets educational and licensure/certification  
21 criteria specified by his/her respective discipline and who  
22 is clinically trained in psychopathology shall be assigned to  
23 and responsible for providing adequate mental health care and  
24 treatment.

25 K. A psychiatric nurse shall make rounds in admin-  
26 istrative segregation at least once per week. The mental

1 health professional described in ¶ J above shall make rounds  
2 in the designated observation areas (now Wing 4) as necessary.

3 L. Referrals to the psychiatrist shall be made and  
4 addressed on a timely basis in order to provide prompt adequate  
5 attention.

6 M. All major tranquilizers and anti-depressants  
7 shall be prescribed and supervised or reviewed by a psychiatrist  
8 on a regular basis depending on the requirements of the parti-  
9 cular patient. Psychotropic medications shall be properly  
10 distributed only on a per dosage basis by appropriate and  
11 trained medical personnel. In the event a psychotropic  
12 medication is injected, a notation shall be placed immediately  
13 in the inmate's medical record. The prescription and administra-  
14 tion of psychotropic medications shall in no instance be used  
15 to punish inmates.

16 N. The mental health professional described in ¶ J  
17 above shall conduct a review of the health records and insti-  
18 tutional file of each inmate admitted to administrative  
19 segregation within two weeks of his admission and, if necessary,  
20 a mental health screening shall be conducted within one week  
21 of this record review.

22 O. If the examining psychiatrist determines that an  
23 inmate is overtly psychotic or is seriously depressed and  
24 potentially suicidal, the inmate shall be admitted to an  
25 appropriate hospital setting.

26 P. If a suicidal inmate must be temporarily held

1 in the observation area prior to removal from the unit to a  
2 more appropriate setting, an appropriate suicide watch shall  
3 be employed. If an inmate is overtly suicidal, he shall be  
4 immediately evaluated by the mental health professional described  
5 in ¶ J above or by a psychiatrist. Prior to this evaluation,  
6 the inmate shall be continuously visually observed.

7 II Access to Courts

8 A. Defendants shall comply with Wilkinson v.  
9 MacDougall, No. CIV 81-1397 PHX CAM (MS), (January 5, 1984).

10 B. Consistent with security requirements, inmates  
11 in administrative segregation shall be allowed to work in  
12 the law library with co-defendants or co-plaintiffs in the  
13 preparation of their cases.

14 C. Persons confined in administrative segregation  
15 shall be allowed reasonable access to the law library.

16 D. Designated administrative segregation inmates  
17 may assist other inmates in the preparation of their cases  
18 consistent with policy number 302.11 (April 23, 1984).

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ARIZONA DEPARTMENT OF CORRECTIONS

INTERNAL MANAGEMENT POLICY

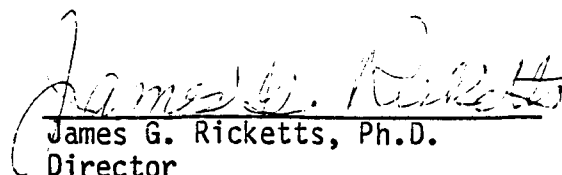
Subject: ACCESS TO COURTS/LEGAL ASSISTANCE		No. 302.11	
Supersedes: ADC Policy #412 July 23, 1980	Distribution: A	OPR: LSA	Effective: April 23, 1984


- 1.0 POLICY: It is the policy of the Department of Corrections that each inmate shall be afforded the constitutional right of access to the courts for the pursuit of remedies or judicial relief in connection with their conviction, sentence, conditions of confinement, civil legal problems or any other rights protected by constitutional or statutory provision.
- 2.0 AUTHORITY: A.R.S. 41-1604 Duties and Powers of the Director.
- 3.0 RESPONSIBILITY: Deputy Directors, Assistant Directors and Chief Executive Officers shall ensure that all employees read, understand, and comply with this policy.
- 3.1 Complex Administrators and Wardens shall submit procedures for the implementation of this policy to the Assistant Director of Adult Institutions.
- 4.0 DEFINITIONS:
- 4.1 Inmate Legal Assistant (Jailhouse Lawyer): Any resident who provides legal assistance to another inmate in researching, preparing and drafting cases or pleadings to be filed in court or in administrative hearings.
- 4.2 Inmate Law Library Clerks: Inmates who are employed to work in the law library in their unit or institution under direct supervision of law library staff.
- 4.3 Administrative Hearings: Proceedings conducted by any government agency affecting the legal rights of an inmate. (For Disciplinary Hearings see the Rules of Discipline.)
- 5.0 PROCEDURES:
- 5.1 Inmates may make confidential contact with their attorney of record in proceedings pending in a court of record or with the attorney's authorized representative or investigator by uncensored correspondence, telephone or personal visit by the attorney during regular visiting hours. After hours visits may be authorized when necessary due to special circumstances.

- 5.2 Inmates may be assisted or represented in disciplinary proceedings by their private attorney, a willing staff member or another inmate. If representation is by another inmate, he must be in the same institution and/or unit.
- 5.3 Upon approval by the Warden or his designee, inmates may act as inmate legal assistants subject to the following regulations and procedures.
  - 5.3.1 An inmate who is presently acting or wishes to act as an inmate legal assistant shall apply to the Warden or his designee, in writing, indicating his qualifications to act as a legal assistant, to include education and any legal training or experience he possesses. The Warden or his designee shall approve or deny the application.
  - 5.3.2 Inmates acting as inmate legal assistants shall provide the Warden or his designee with a list of those inmates whom they assist, including their names, numbers, and housing locations. Inmates wishing legal assistance may contact the Warden or his designee to determine which inmate legal assistant may be available to assist them. The Warden or his designee may prohibit assistance by a specific legal assistant to any individual inmate if he has reasonable cause to believe that such association may constitute a threat to the safety and security of the institution, the individual inmate, or the orderly operation of the institution.
  - 5.3.3 An inmate acting as an inmate legal assistant shall not charge a fee, request compensation, or collect any form of compensation from another inmate for assisting with legal work.
  - 5.3.4 Inmate legal assistants may only assist inmates in the same institution and/or unit. Inmate law library clerks may provide legal assistance to inmates in different security classifications within the law library in their unit upon approval of the Warden. In the event an inmate legal assistant is transferred to another institution or unit, that inmate legal assistant shall be responsible for returning all legal documents to the inmate(s) he/she is assisting. In the event either an inmate or his inmate legal assistant is transferred to another institution/unit, the inmate may obtain the assistance of another inmate legal assistant in the same institution/unit to complete any legal action in progress at the time of the transfer.



- 5.4 Inmates in the same custody unit may use the law library in that unit to consult with an inmate legal assistant representing or assisting them during the inmate's regular library hours.
- 5.5 Inmate law library clerks in each custody unit shall provide assistance in research and use of the law library facilities to inmates wishing to use the law library. As their workload permits, they may also provide legal assistance to inmates in their unit. Clerks who provide such assistance to inmates in their unit shall notify the Warden in their unit in accordance with 5.3.2 of this policy.
- 5.6 Inmates may work on and store legal materials, books, documents and cases in their cells or sleeping area. Each custody unit, in accordance with existing property policies, shall establish guidelines for the quantity of property which can be stored in each cell or housing area, consistent with fire safety and security requirements.
- 5.7 Inmates shall have access to paper, pens, envelopes, typewriters and other supplies and services related to legal matters as are necessary and consistent with security considerations and orderly operation in their unit.
- 5.8 Inmates shall have access to a law library in each institution/ and/or unit. The population size of the institution or unit may be considered in determining the extensiveness of the collection in an individual law library. Specific materials not available in an individual library may be requested by that library from other law libraries within the Department or from the State Library and Archives and shall be photocopied and made available to the requesting library. Individual copies for inmate use shall be at cost to the inmate. Each library shall provide adequate space and equipment for research, study, writing and typing of legal matters.
- 5.9 This policy does not limit other methods of providing legal assistance to inmates. Other methods need not be provided directly by the Department, but may be provided by outside agencies and may include services provided by lawyers, law students and aides supervised by lawyers, and by paraprofessionals.
- 6.0 IMPLEMENTATION: This policy shall be implemented without change effective immediately.

  
James G. Ricketts, Ph.D.  
Director

ARIZONA DEPARTMENT OF CORRECTIONS - INTERNAL MANAGEMENT - POLICY AND PROCEDURE MANUAL		NO: 402
		PAGE: 1 of 2
APPROVED:		EFFECTIVE: 12-5-80
Director:		
SUBJECT: ADMINISTRATIVE SEGREGATION		OPR:

PURPOSE:

To provide policy and procedure for the administrative segregation of inmates with serious behavior problems and for inmates requiring protective custody.

AUTHORITY:

A.R.S. 41-1604 - Duties and Powers of the Director

POLICY:

It is the policy of the Department of Corrections that Administrative Segregation may be used when inmates require close supervision and segregation from the general inmate population to ensure the safety and security of the institution, the inmate, the staff, or the general inmate population; and that living conditions approximate those afforded the general inmate population.

PROCEDURE:

1. Inmates are placed in Administrative Segregation only after a hearing before the Classification Committee, unless there is a substantial reason necessitating such placement immediately; where this occurs, the classification hearing will be conducted within three working days following such placement.
2. Inmates in administrative segregation are reviewed by the Classification Committee every seven (7) days for the first two months and every 30 days thereafter to determine whether the reasons for placement in Administrative Segregation still exist. If they do not, the inmate will be released from the unit. Inmates will be released from Administrative Segregation only on the recommendation of the Classification Committee, approval by the Chief Executive Officer or Central Classification. Case review will be based on progress reports submitted by all staff who have regular contact with the inmate. When an inmate remains in Administrative Segregation beyond 30 days, a psychological assessment including a personal interview will be conducted by a qualified staff member.
3. Admissions to Administrative Segregation for purposes of protective custody will be made only where there is substantial documented evidence that protective custody is necessary, unless the inmate requests or consents, in writing.

ARIZONA DEPARTMENT OF CORRECTIONS  
INTERNAL MANAGEMENT  
POLICY AND PROCEDURES MANUAL

NO: 402

PAGE: 2 of 2

SUBJECT:

ADMINISTRATIVE SEGREGATION (Cont'd)

EFFECTIVE:  
12-5-80

PROCEDURE: (Cont'd)

4. Inmates confined in Administrative Segregation status will be afforded the following unless safety and/or security considerations dictate otherwise:
  - a. Shave and shower three times each week on different days of the week;
  - b. Five one-hour exercise periods, each week, each on a different day;
  - c. Three meals each day, the same food served to the general inmate population of that institution;
  - d. Daily visits by a Health Unit Staff Member, the correctional supervisor in charge and, by request, member of the program staff;
  - e. Retention of basic personal property in the inmate's possession at the time of admission; as defined by institutional procedures;
  - f. All mail, visiting and limited telephone privileges;
  - g. Laundry, clothing issue and change, barbering and hair services the same as the general population;
  - h. Access to reading and legal materials;
  - i. Access to program services, education, commissary, library services, social services, counseling, religious guidance and recreation;
  - j. Earning of release credits in accordance with statutes and policy governing time credits.
5. All staff working with Administrative Segregation inmates will receive special training in the dynamics of human behavior and techniques of meeting special needs of these inmates and shall receive daily supervision.

IMPLEMENTATION:

Within 60 days of the publication of this policy, the Chief Executive Officer of each institution will submit written specific procedures for implementation for approval by the Director.