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UNITED STATES DISTRICT COURT  
 FOR THE STATE OF ARIZONA

10 FLETCHER CASEY, JR., et al., )  
 11 on behalf of themselves and )  
 12 all others similarly situated, )

Plaintiff, )

v. )

14 SAMUEL A. LEWIS, Director, )  
 15 Arizona Department of )  
 16 Corrections, et al., )

Defendant. )

NO. CIV 90-54 PHX CAM (Lead)

CIV 91-1808 PHX CAM (Consolidated)

**PARTIES' STIPULATED JOINT PROPOSAL FOR INJUNCTIVE RELIEF FOR MENTAL HEALTH**

17 CHARLES L. ARNOLD, guardian ad )  
 18 litem on behalf of H.B., )

Plaintiff, )

v. )

21 SAMUEL LEWIS, director; MARY )  
 22 VERMEER, deputy warden, Santa )  
 23 Maria-Perryville; DAVID )  
 24 FERNANDEZ, M.D., Arizona )  
 25 Department of Corrections, in )  
 26 their official capacities, )

Defendants. )

The Arizona Department of Corrections (ADOC) shall implement mental health policies and procedures that provide

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1 treatment services, trained and qualified mental health care  
2 staff, and facilities and equipment in quantity and quality to  
3 maintain adequate mental health care for seriously mentally ill  
4 prisoners in keeping with professionally recognized health care  
5 standards. Such policies and procedures shall mandate but not  
6 be limited to the following:

7 A. Mental Health Care Generally

8 1. The ADOC shall ensure that prisoner  
9 grievances about mental health care services delivery are  
10 reviewed at least monthly by the Mental Health Program Manager,  
11 other prisoner correspondence concerning mental health services  
12 are reviewed by the Mental Health Program Manager on a randomly  
13 selected basis at least monthly, and problems affecting the  
14 quality and quantity of mental health care addressed.

15 2. The ADOC shall ensure that all mental  
16 health services provided are documented in a mental health  
17 chart maintained by the Division of Health Services and that  
18 the mental health chart is made available to the psychiatrist  
19 or psychologist whenever he/she sees a prisoner.

20 B. Identification of seriously mentally ill pris-  
21 oners

22 1. The ADOC shall develop and implement  
23 policies and procedures which ensure that seriously mentally  
24 ill prisoners are identified, including review of all available  
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1 records and interviews by a health care professional<sup>1</sup> upon  
2 admission to the ADOC or transfer from one ADOC facility to  
3 another.

4 2. Intake Procedures:

5 a. Medical (including mental health)  
6 records shall be reviewed by health staff within twenty-four  
7 (24) hours (excluding weekends and legal holidays) of receipt  
8 of prisoners at any ADOC institution, and, where appropriate,  
9 timely referral made to a mental health professional<sup>2</sup> for  
10 evaluation.

11 b. The ADOC shall ensure that prisoners  
12 whose available records or oral reports reveal a history of  
13 serious mental health problems or who have received mental  
14 health treatment in a non-prison health facility are seen and  
15 evaluated by an appropriate health care professional within  
16 twenty four (24) hours (excluding weekends and legal holidays)  
17 of their entry to an ADOC institution and by a mental health  
18 professional within seventy two (72) hours (excluding weekends  
19 and legal holidays).

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23 <sup>1</sup>Health care professional includes a registered nurse,  
24 physicians' assistant or physician.

25 <sup>2</sup>Mental health professional includes a psychiatrist,  
26 psychiatric physician assistant, licensed clinical psycholo-  
gist, mental health therapist, psychology associate, psych  
registered nurse, and clinical social worker (MSW).

1 c. The ADOC shall provide appropriate  
2 psychological testing that may pick up either a major deficien-  
3 cy in intellectual functioning or psychological distress.

4  
5 d. When appropriate the ADOC shall employ  
6 best efforts to obtain the past psychiatric records of prison-  
7 ers.

8 3. Identification and Treatment of Prisoners with  
9 Mental Health Care Problems

10 a. The ADOC shall ensure that prisoners  
11 requesting mental health services shall have their requests  
12 reviewed by a mental health professional within twenty four  
13 (24) hours and appropriate mental health treatment, including  
14 on-going services, be developed and provided. On weekends and  
15 legal holidays these requests shall be reviewed by at a  
16 minimum a licensed practical nurse with telephone consulta-  
17 tion with a mental health professional where appropriate. Such  
18 requests shall be reviewed by a mental health professional no  
19 later than the next working day and appropriate mental health  
20 treatment, including on-going services, be developed and  
21 provided.

22 b. The ADOC shall ensure that, at a  
23 minimum, a health care professional in consultation with a  
24 mental health professional conducts a face-to-face evaluation  
25 of a prisoner who has a serious psychological symptom or  
26 complaint within twenty-four (24) hours and that he/she be

1 provided appropriate mental health treatment in a timely  
2 fashion.

3 C. Programming for Mentally Ill Prisoners

4 1. The ADOC shall develop and implement  
5 policies and procedures that ensure that seriously mentally ill  
6 prisoners receive appropriate mental health services to address  
7 their mental health needs.

8 2. The ADOC shall ensure that, in the event  
9 behavioral modification programs for seriously mentally ill  
10 prisoners are implemented, they are run by staff trained in  
11 mental health care and in the specific behavioral modification  
12 program in use.

13 3. The ADOC shall provide mental health  
14 programming at the Special Programs Unit (SPU) to include  
15 one-on-one counseling and group therapy.

16 4. The ADOC shall not house prisoners who are  
17 seriously mentally ill in a facility without appropriate mental  
18 health services.

19 D. Treatment of Psychiatric Emergencies

20 1. The ADOC shall implement policies and  
21 procedures that ensure the identification and treatment of  
22 suicidal prisoners. Internal Management Policy No. 301.25,  
23 effective August 23, 1989, attached hereto and incorporated  
24 herein, is such a policy. The term "mental health/health care  
25 staff" as used in IMP No. 301.25 shall include both mental  
26 health and health care staff.

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E. Use of Isolation<sup>3</sup>

1. The ADOC shall ensure that under no circumstances shall isolation be used as an alternative to mental health care.

2. The ADOC shall develop and implement policies and procedures to ensure that prisoners who are exhibiting symptoms of serious mental illness are not placed in isolation cells in a non-treatment facility, unless it is an emergency, there is absolutely no other place to put them and where clinically appropriate procedures for transfer to a mental health facility are initiated no later than forty eight (48) hours from placement in the isolation cell.

3. The ADOC shall ensure that acutely seriously mentally ill prisoners placed in isolation are seen by a mental health professional within twenty-four (24) hours (excluding weekends or legal holidays) of their placement in isolation and on weekends or legal holidays at a minimum by a licensed practical nurse within twenty four (24) hours in consultation with a mental health professional, with appropriate follow up by a mental health professional on the next working day.

4. The ADOC shall ensure that a seriously mentally ill prisoner removed from isolation shall receive timely and appropriate follow-up mental health treatment.

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<sup>3</sup>This term is being used in place of the term "lockdown" as used in the court's Findings of Fact and Conclusions of Law regarding Mental Health.

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F. Medication

1. The ADOC shall develop and implement policies and procedures which ensure that prisoners receiving psychotropic medications are properly monitored:

a. The ADOC shall ensure that prisoners receive their psychotropic medications within a medically appropriate time frame.

b. The ADOC shall ensure that prisoners receive a face-to-face interview before being prescribed psychotropic medications.

c. The ADOC shall ensure that prisoners obtaining refills of psychotropic medications receive a face-to-face interview with a health or mental health professional.

d. The ADOC shall ensure that prisoners do not have their psychotropic medications discontinued based on blood levels without a face-to-face evaluation by a psychiatrist.

e. The ADOC shall ensure that a prisoner on psychotropic medication shall be interviewed face-to-face by a mental health professional concerning any non-compliance with his medication regimen within a reasonable period of time after the non-compliance is known.

2. The ADOC shall ensure that prisoners who are transferred shall continue to receive medications administered at the transferring institution for mental health reasons

1 pending evaluation and treatment by the appropriate health care  
2 professional at the receiving institution.

3 G. Staffing

4 1. The ADOC shall anticipate the need for  
5 additional mental health staff based on projected increases in  
6 authorized prison beds.

7 2. The ADOC shall develop recruitment incen-  
8 tives for mental health staff positions which are difficult to  
9 fill.

10 3. The ADOC shall ensure that a licensed  
11 clinical psychologist supervises the clinical work of the  
12 non-medical mental health professionals.

13 4. The ADOC shall ensure a that psychiatrist  
14 is responsible for supervising the clinical aspects of the  
15 psychiatric component of the mental health program.

16 5. The ADOC shall ensure that a mental health  
17 professional, with sufficient and appropriate education and  
18 experience, is responsible for administering the mental health  
19 program.

20 6. The ADOC shall maintain at least one half-  
21 time psychiatric position at the SMU.

22 7. The ADOC shall maintain at least one  
23 full-time psychiatrist position at the Tucson facility.

24 8. The ADOC shall maintain at least one  
25 full-time psychiatric nurse position at the Perryville facili-  
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9. The ADOC shall maintain at least one full-time psychiatrist position at the Perryville facility.

10. The ADOC shall maintain at least two full-time psychiatrist positions at the Florence area complexes.

11. The ADOC shall ensure that psychiatric coverage at the Douglas facility occurs at least monthly when inmates needing psychiatric care are located there, and in any event, a psychiatrist shall consult with the mental health and health care staff at Douglas at least monthly.

12. The ADOC shall increase the number of psychological associate and licensed clinical psychologist positions assigned to health services beyond the January 1992 levels and assign them in a manner which best serves the serious mental health needs of the prisoner population.

13. The ADOC shall ensure that an additional two psychological associate positions assigned to health services beyond the number present in January 1992 be designated for ASPC-Florence, ASPC-Eyman, ASPC-Tucson, ASPC-Perryville.

H. Housing

1. The ADOC shall develop appropriate seclusion rooms for the special housing units such as the Special Program Unit (SPU). The new SPU is scheduled to come on line in 1995.

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2. The ADOC shall not utilize the socializa-  
tion chair or behavior pens.

I. Equal Protection

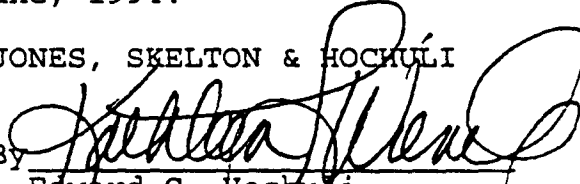
1. The ADOC shall develop and implement  
policies and procedures to ensure that mental health program-  
ming for female prisoners is specific to their needs and is  
in parity with the mental health programming provided to the  
men.

2. The ADOC shall assure that seriously  
mentally ill female prisoners, pursuant to A.R.S. Secs. 31-226  
and 226.01, are transfered to a facility for involuntary  
commitment commensurate to the level of mental health care  
provided at Baker Ward for men.

J. Conclusion

This joint stipulated proposal is submitted  
pursuant to this court's order dated April 14, 1993. By  
submitting this stipulation, the parties do not concede any  
matters decided by the trial court, nor do they waive any right  
to appeal any final order issued in this matter or in any  
matter consolidated herein.

DATED this 3rd day of June, 1994.

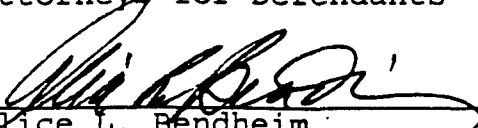
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