

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

INMATES OF OCCOQUAN, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 MARION BARRY, MAYOR, et al., )  
 )  
 Defendants. )

C.A. No. 86-2128 (JLG)

**FILED**

DEC 15 1995

Clerk, U.S. District Court  
District of Columbia

SECOND SUPPLEMENTAL AGREED PLAN AND CONSENT ORDER

Upon consideration of plaintiffs' Motion for Order to Show Cause Why Defendants Should Not Be Held in Contempt, and Automatic Sanctions Imposed with Respect to the Health Care and Personal Safety Portion of this Case, dated April 27, 1995, "The Special Officer's Report on Defendants' Compliance with the Orders Related to Personal Safety and Mental Health Care" (hereinafter "Report"), dated December 4, 1995, the agreement of the parties and the entire record herein, it is

ORDERED as follows:

The Court adopts the findings in the Special Officer's Report as its own findings. The Orders of this Court in this case are modified to clarify and amend the provisions as follows:

**I. PERSONAL SAFETY**

**A. Correctional Officer Staffing**

1. The defendants shall assign four hundred and fifty (450) correctional officers to the Occoquan Facility by December 10, 1995, four hundred and seventy-nine (479) by January 31, 1996, and five hundred and six (506) by May 31, 1996.

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2. As of May 31, 1996, defendants shall maintain a complement of 506 correctional officers at the Occoquan Facility.

3. By March 31, 1996, in consultation with the Special Officer and her expert,<sup>1</sup> the defendants shall develop a plan, to be approved by the Special Officer, for deployment of the officer staffing complement. The plan shall be filed with the Court and become the Court's Order. Defendants shall implement the plan in accordance with the timetables set forth therein.

4. Defendants shall not count as part of the required staffing complement of 506 officers for the Facility:

a. any correctional officer who has been detailed to a non-correctional position within the Facility or to a position outside of the Facility, or

b. any correctional officer who has been detailed into the Facility from another institution where such detail results in violation of a court-ordered staffing complement.

5. Until May 31, 1996, defendants shall replace officers who resign or are terminated from employment within forty-five (45) days from separation.

6. Until implementation of the staffing plan referenced in Section I.A.3 above, or May 31, 1996, whichever comes first, defendants shall use best efforts to avoid pulling correctional

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<sup>1</sup> For this and all other provisions in this Order that obligate defendants to develop plans, plaintiffs' counsel shall be given an opportunity to review all draft and final plans and to provide comments thereon to the Special Officer.

officers from essential posts, including housing unit posts, to maintain the operations of the Occoquan Facility.

7. By March 31, 1996, in consultation with the Special Officer, defendants shall develop a plan, to be approved by the Special Officer, that will enable them to recruit and retain a staffing complement of 506 correctional officers at the Occoquan Facility.

8. By July 30, 1996, defendants shall reduce the prison populations in dormitories six, seven and ten such that the population is no greater than 100 inmates. Thereafter, defendants shall house no more than 100 inmates in dorms one, two, three, four, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen; no more than fifty-eight (58) inmates in dorm five; no more than fifty (50) inmates in dorms sixteen, seventeen, and eighteen; and no more than sixty-five (65) inmates in the current Adjustment Unit.

9. Defendants shall cooperate with the Special Officer in conducting a security audit of Occoquan.

10. Effective immediately, if the number of officers available for duty<sup>2</sup> at Occoquan falls below 95% of the complement numbers specified in Section I.A.1. above, defendants shall be

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<sup>2</sup> An officer is not available for duty if he or she is (1) absent without leave (AWOL); (2) on leave without pay; or (3) on extended sick leave or compensation time resulting from an on-the-job injury.

fined \$500 per day for each officer below the 95% requirement.<sup>3</sup> The fines shall be calculated from the first day of noncompliance. The parties agree that the fines are civil in nature.

**B. Protective Custody**

1. Defendants shall use best efforts to open the new Adjustment Unit as soon as possible.

2. By March 31, 1996, in consultation with the Special Officer and her expert, the defendants shall develop and implement a plan, to be approved by the Special Officer, to ensure compliance with Section D.1. of the Agreed Plan (regarding contact between protective custody and segregation prisoners).

**II. MENTAL HEALTH CARE**

**A. Transfers of Seriously Mentally Ill Prisoners**

1. Within one hundred and eighty (180) days, in consultation with the Special Officer, defendants shall develop and implement a plan, to be approved by the Special Officer, to address the needs of seriously mentally ill inmates at Occoquan.

2. To the fullest extent possible, the plan shall be coordinated with the initiatives that are being undertaken by the Receiver in Campbell v. McGruder.

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<sup>3</sup> This fine is equal to that applicable in Twelve John Does v. District of Columbia, which is the maximum fine to which defendants are subject in other cases including court-ordered correctional officer staffing complements. Selection of this amount is designed to eliminate any incentive for defendants to transfer officers out of the Occoquan Facility and violate the court-ordered staffing complement in this case in order to avoid the imposition of greater fines for violation of court-ordered complements in other cases. In the event that the fine amount in Twelve John Does is reduced, the fine amount in this case shall be reduced accordingly.

**B. Psychology Staff**

1. By March 31, 1996, defendants shall have a full complement of six psychologists.<sup>4</sup>

2. By March 31, 1996, in consultation with the Special Officer, defendants shall develop and implement a plan, to be approved by the Special Officer, to recruit and retain the requisite complement of six psychologists.

3. A vacancy resulting from the detailing or transfer of a psychologist to another position or facility within the Department of Corrections shall be filled within sixty (60) days from the date the vacancy occurs. A vacancy resulting from resignation or termination shall be filled within one hundred and twenty (120) days from the date the vacancy occurs.

4. As of March 31, 1996, defendants shall be fined \$250 per day for each vacancy below the requisite complement of six psychologists. The fines shall be calculated from the first day after passage of the pertinent number of days set forth in Section II.B.3. above. The parties agree that the fines are civil in nature.

5. Defendants shall not detail any psychologist out of the Occoquan Facility where such detailing brings the staffing level below five psychologists, without the consent of the Special

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<sup>4</sup> With the exception of the Chief Psychologist position, defendants may substitute an appropriately trained licensed MSW social worker to fill any of four (4) of the five (5) lower level staff psychologist positions. Appropriate training includes the completion of a clinically oriented Master's degree program that included clinical placements where the person saw patients under supervision, e.g., mental health clinic, psychiatric hospital.

Officer. Violation of this provision shall subject defendants to imposition of the fines set forth in Section II.B.4 above, such fine to be calculated from the first day of noncompliance with this provision, at \$250 per day per psychologist less than the requisite six.

6. Defendants shall not perpetuate a vacancy or vacancies in psychologist positions through details or any other temporary assignments.

**C. Tracking and Recall System for Prisoners Receiving Psychiatric Care**

1. Within sixty (60) days, defendants shall develop and implement, in consultation with the Special Officer, a systematic manual tracking and recall system to be approved by the Special Officer.

2. Within ninety (90) days of the implementation of the revised tracking and recall system, the Special Officer, in consultation with her expert, shall evaluate the revised system to ensure continuity and adequacy of psychiatric care.

**D. Medical Record Access**

Within one hundred and twenty (120) days, defendants shall integrate the medical, psychiatric, and psychological records at Occoquan into a single medical record.

**E. Mental Health Screening**

1. Within sixty (60) days, defendants shall ensure that each Occoquan prisoner receives a mental health screening, utilizing a revised version of the form attached as Appendix A, during the medical intake process.

2. The revised mental health screening form shall list additional items, beyond those contained in the form attached as Appendix A, to include depression, anorexia, impaired concentration, past psychiatric hospitalization and/or out-patient treatment and current and past psychotropic medications.

3. Any person who conducts such mental health screenings shall be appropriately trained in how to conduct such screenings and in how to use the revised mental health screening form.

4. The mental health screening shall be conducted by a physician, physician's assistant, licensed mental health care provider, or a health care provider who has received the training required under Section II.E.3. above and has been approved by the Chief Medical Officer as competent to conduct mental health screenings.

#### **F. Compliance Reports**

Once every two months, defendants shall provide plaintiffs and the Special Officer with a report, in a format to be agreed to by the parties, regarding defendants' compliance with the Court's Orders in this case.

### **III. General Provisions**

1. Violations of this and all previous Court orders in this case shall result in the imposition of the following fines on defendants: five hundred dollars (\$500.00) per day, per provision violated, with the exception of Section I.A.1. (which is subject to the fine specified in Section I.A.10. above); Section II.B.1. above (which is subject to the fine specified in Section II.B.4.); and

Section II.B.5. above (which is subject to the fine specified therein). The parties agree ~~are~~ that the fines are civil in nature.

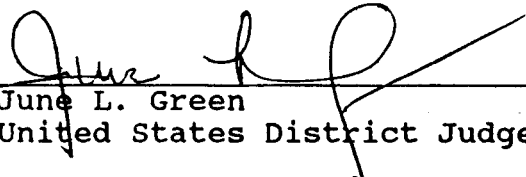
2. Within ninety (90) days the defendants shall deposit two hundred thousand (\$200,000) in a bank account under the supervision of the Court.

3. This deposit shall be returned to the defendants once they have complied with the terms of this Order for a period of six months (to begin running 180 days after the date of this Order or from the date that defendants achieve compliance with the terms of this Order, whichever comes first). If defendants fail to fulfill the requirements of this Order, moneys shall be debited from the deposit and forfeited. The debit shall be calculated from the first day of noncompliance under this Order, according to the fine schedule established in this Order.

4. If defendants fail to comply with this Order, plaintiffs retain the right to seek imposition of fines accrued to date in accordance with the fine schedule in effect prior to entry of this Order. Defendants reserve any applicable defenses.

5. Defendants shall pay plaintiffs' counsel their reasonable attorneys' fees and expenses, including expert expenses, for the filing and prosecution of their contempt motion, dated April 25, 1995, and for the monitoring of compliance with the Orders of this Court, as amended by this Second Supplemental Agreed Plan.




  
June L. Green  
United States District Judge

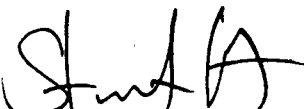
December 15, 1995  
Date

Consented to by:

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APPENDIX A

INTAKE: MENTAL HEALTH SCREENING

NAME: \_\_\_\_\_ DCDC #: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

LAST GRADE COMPLETED: \_\_\_\_\_

MENTAL HEALTH HISTORY: (CHECK POSITIVE RESPONSE)

( ) PREVIOUS MENTAL HEALTH TREATMENT: \_\_\_\_\_

( ) PREVIOUS PSYCHIATRIC DIAGNOSIS: \_\_\_\_\_

( ) HISTORY OF SUICIDAL/SELF INJURIOUS BEHAVIOR: \_\_\_\_\_

( ) SUBSTANCE ABUSE HISTORY: \_\_\_\_\_

( ) PSYCHIATRIC MEDICATION/DOSAGE:

PAST

CURRENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MENTAL STATUS ASSESSMENT: (CHECK ALL THAT ARE APPROPRIATE)

ORIENTATION

\_\_\_ TIME  
\_\_\_ PLACE  
\_\_\_ PERSON

ACTIVITY

\_\_\_ CALM  
\_\_\_ RESTLESS  
\_\_\_ HYPERACTIVE

\_\_\_ ALERT  
\_\_\_ COHERENT  
\_\_\_ RELEVANT

THOUGHT PROCESS

\_\_\_ INCOHERENT  
\_\_\_ DISORIENTED  
\_\_\_ PARANOID/DELUSIONAL  
\_\_\_ NO ABNORMALITY

MOOD/AFFECT:

\_\_\_ APPROPRIATE  
\_\_\_ COOPERATIVE  
\_\_\_ TALKATIVE

\_\_\_ ANXIOUS  
\_\_\_ FLAT  
\_\_\_ TEARFUL

\_\_\_ WITHDRAWN  
\_\_\_ DEPRESSED  
\_\_\_ LABILE

\_\_\_ ANGRY  
\_\_\_ SUSPICIOUS  
\_\_\_ AGGRESSIVE

APPEARANCE/HYGIENE:

\_\_\_ GOOD  
\_\_\_ FAIR  
\_\_\_ POOR

POSTURE:

\_\_\_ GOOD  
\_\_\_ FAIR  
\_\_\_ POOR

MOTOR ACTIVITY:

\_\_\_ AGITATED  
\_\_\_ RESTLESS  
\_\_\_ SLOWED  
\_\_\_ NORMAL

THOUGHT PROCESS:

\_\_\_ Circumstantiality \_\_\_ Tangentiality \_\_\_ CoherEnt \_\_\_ Confusion

AFFECT AND MOOD:

\_\_\_ Homicidal Ideation \_\_\_ Suicidal \_\_\_ Irritability \_\_\_ Inappropriate Affect

IMPRESSION/EVALUATION: \_\_\_\_\_

PLAN: \_\_\_\_\_

RECOMMENDED HOUSING:

INFIRMARY [ ] MENTAL HEALTH UNIT [ ] OPEN POPULATION [ ] OTHER [ ]

INTERVIEWER/TITLE

DATE