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April 30, 2008

VIA ERF

The Honorable Barbara B. Crabb  
U.S. Courthouse  
120 N. Henry Street  
Madison, Wisconsin 53703

Re: *Jones 'el, et al. v. Frank, et al.*, 00-C-421-C

Dear Judge Crabb:

It is our understanding that the Modified Settlement Agreement ("MSA") in the above-captioned case will terminate on May 3, 2008. This letter, in anticipation of the termination of the agreement, is to provide the Court with a final update of this matter under the MSA.

Throughout the last year, we have asked Dr. Layde to evaluate the mental health of a number of inmates and determine whether they should be removed from Wisconsin Secure Program Facility ("WSPF"). Dr. Layde, working with Drs. Kallas and Rubin-Asch from the Department of Corrections ("DOC"), has removed those inmates whom he found were seriously mentally ill ("SMI") or at a high risk of being SMI. The DOC has cooperated with Dr. Layde when he has requested removal of an inmate from WSPF.

Moreover, Dr. Kenneth Robbins, on behalf of Plaintiffs, has been in discussions over the last year with Drs. Layde, Kallas and Rubin-Asch about implementing systemic changes to WSPF that would ensure that SMI inmates are not housed there. With guidance from Drs. Layde, Kallas, Rubin-Asch, and Robbins, the DOC has implemented beneficial policy changes at WSPF related to keeping the seriously mentally ill out of WSPF. The written policies reflecting the changes are 306 SIMP 49, dated September 14, 2007, and PCCI procedure no. 900.403.035, dated March 13, 2007. The policies comport with the terms of the MSA.



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As counsel to the Plaintiffs for over seven years, we are pleased by the changes at WSPF. In particular, according to Drs. Layde and Robbins, there is an appreciable change in the culture among the clinical staff at WSPF such that an SMI inmate is likely to be transferred out without hesitation. Additionally, we believe it is significant that there has been a neutral psychiatric consultant to work with the DOC to implement the changes, that licensed psychologists are responsible for inmate screening decisions, and that trained PSU staff conduct face-to-face interviews of inmates when assessing their mental status. While we understand DOC will not be obligated under the MSA to let the policies stand after May 3, 2008, we are encouraged by our earlier conversations and correspondence with Dr. Layde that DOC does intend to retain those policies in order to reduce the serious risk of harm to SMI inmates.

If anything further is required, please advise. Thank you.

Respectfully submitted,

**GARVEY MCNEIL & MCGILLIVRAY, S.C.**



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cc: Assistant Attorney General Corey Finkelmeyer (via email attachment)  
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