

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,
Plaintiffs,
v.
EDMUND G. BROWN, JR., et al.,
Defendants.

No. CIV. S-90-520 LKK/DAD (PC)

ORDER

By order filed March 18, 2014, defendants were, inter alia, granted an extension of time to fully activate all mental health units at the California Health Care Facility, ordered to file monthly updates with the court and the Special Master until all units were activated, and, in the first monthly report, include the results of their review of whether the current salary schedule for prison psychiatrists is competitive both within California and nationally. Mar. 18, 2014 Order (ECF No. 5116) at 12. In the same order, defendants were directed to report to the court by June 13, 2014 whether their revised mental health bed plan is sufficient to meet the bed needs of the mental health population projected through December 2016 by the Spring 2014

1 population projections. Id.

2 The court has received and reviewed the monthly status
3 reports filed to date (ECF Nos. 5123 and 5155), and defendants'
4 June 13, 2014 report concerning whether they have sufficient
5 mental health beds through December 2016 (ECF No. 5169). The
6 court has also conferred with the Special Master concerning these
7 reports.

8 The reports are somewhat encouraging in that it appears
9 defendants have mental health beds sufficient to meet the
10 projected need through December 2016. However, it also appears,
11 and the Special Master confirms, that defendants continue to
12 struggle with the task of hiring sufficient mental health staff,
13 particularly psychiatrists. A sufficient number of beds without
14 adequate staff to meet the treatment needs of the identified
15 population would leave defendants short of meeting their
16 constitutional obligations to the plaintiff class.

17 In 2002, defendants were ordered to maintain a vacancy rate
18 among psychiatrists and case managers of no more than ten
19 percent. June 13, 2002 Order (ECF No. 1383) at 4. Five years
20 ago, defendants were ordered to "continue to take all steps
21 necessary to resolve all outstanding staffing allocation issues,"
22 including development of a staffing plan. June 18, 2009 Order
23 (ECF No. 3613) at 2. In response to the court's March 18, 2014
24 order, defendants report that their prison psychiatrist salaries
25 "are within the range of comparable private and public sector
26 salaries for psychiatrists within California and nationally" and
27 they have the authority to "offer newly hired psychiatrists
28 salaries in excess of the minimum starting salary in the State

1 pay scale range." Defs. Status Report and Req. Modify Bed Plan
2 (ECF No. 5123) at 3.

3 The ongoing difficulties with staffing even with a
4 competitive salary structure suggest, and the Special Master
5 confirms, that it is necessary to revisit and, as appropriate,
6 revise the existing staffing plan in order to resolve the
7 continuing problem of mental health staffing shortages and ensure
8 that defendants come into compliance with the requirements of the
9 June 13, 2002 order concerning maximum mental health staff
10 vacancy rates. Defendants shall assume primary responsibility
11 for this task, with the Special Master providing guidance and
12 expertise where necessary, to ensure its timely completion, and
13 to ensure that plaintiffs are provided notice and an opportunity
14 for input as appropriate.

15 The March 18, 2014 order also required defendants to
16 "develop a process for forecasting and planning for adequate bed
17 and treatment space for the mentally ill population going
18 forward." Mar. 18, 2014 Order (ECF No. 5116) at 12-13. In their
19 June 13, 2014 Response to that order, defendants represent that
20 "they remain committed to continue to work with their consultant
21 and the Special Master to forecast need to ensure there are
22 adequate beds and treatment space for all *Coleman* class members."
23 Defs. Resp. to March 18, 2014 Order (ECF No. 5169) at 4. The
24 Special Master informs the court that this representation
25 combined with defendants' current process for forecasting and
26 planning for mental health bed and treatment space satisfies the
27 requirements of paragraph 4 of the March 18, 2014 order (ECF No.
28 5116).


1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Defendants shall revisit and, as appropriate, revise
3 their existing mental health staffing plan in order to resolve
4 the ongoing problem of mental health staffing shortages and come
5 into compliance with the requirements of this court's June 13,
6 2002 order (ECF No. 1383) concerning maximum mental health staff
7 vacancy. Defendants shall assume primary responsibility for
8 completion of this task, with the Special Master's participation
9 in accordance with this order. Defendants shall report to the
10 court on the results of this review on or before September 12,
11 2014.

12 2. Defendants have satisfied the requirements of paragraph
13 4 of the court's March 18, 2014 order (ECF No. 5116). Defendants
14 shall continue to work with their consultant and the Special
15 Master to forecast and plan for adequate bed and treatment space
16 for the mentally ill population consistent with their current
17 process.

18 DATED: June 18, 2014.

19
20
21
22
23
24
25
26
27
28


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT