

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**NOTICE OF CLASS ACTION SETTLEMENT
WITH RESPECT TO CHANGES IN MENTAL HEALTH CARE
AT ALLEGHENY COUNTY JAIL**

A federal court authorized this notice. This is not a solicitation from a lawyer.

Why are you receiving this notice?

You are an individual who currently is incarcerated at Allegheny County Jail.

What is the purpose of this notice?

This notice is to inform you about a class action lawsuit (the “Action”) and a proposed class settlement (the “Settlement”) in the Action that has been conditionally approved by the Court. Under the proposed Settlement, Allegheny County has agreed to make substantial changes in the provision of mental health care at the Jail, and has further agreed to certain protections to limit use-of-force incidents and the use of isolated confinement for those with mental health conditions.

Do I need to take any action?

The Action did not seek, and the Settlement does not provide for, any monetary damages. There is nothing you need to do in order to make a claim or participate in the Settlement. However, if you object to the Settlement, you may do so as described below.

I. THE ACTION

On September 15, 2020, Plaintiffs Shaquille Howard, Brooke Goode, Jason Porter, Keisha Cohen and Albert Castaphany filed a Complaint against Allegheny County and certain Allegheny County Jail (“ACJ”) officials alleging that they were violating the constitutional and statutory rights of the Plaintiff Class and depriving them of appropriate and necessary mental health care. In particular, the Complaint alleged that Defendants did not have sufficient staff to provide the appropriate level of care, failed to adequately train Mental Health Staff, failed to adequately train Correctional Staff to be able to identify the signs and symptoms of mental illness, failed to provide a sufficient process to screen and diagnose individuals with mental health conditions, failed to provide any therapeutic counseling, failed to use problem lists or treatment plans, failed to provide any case management for mental health patients, failed to provide adequate medication management, failed to sufficiently and timely respond to requests for mental health care, and failed to maintain any quality improvement program for their mental health care “program.” The Complaint further alleged that Defendants failed to maintain adequate and appropriate policies with respect to de-escalation and use of force, failed to train

staff on de-escalation techniques, used excessive amounts of force on Plaintiff Class members, used force on Plaintiff Class members more often than appropriate, punished individuals for requesting mental health care or for manifestations of their diseases, and inappropriately placed those with mental health conditions into isolated confinement, which exacerbated their conditions and caused them to decompensate. The Complaint set forth the following causes of action:

Count I: Fourteenth Amendment – Failure to Provide Adequate Mental Health Care

Count II: Fourteenth Amendment – Unconstitutional Use of Solitary Confinement

Count III: Fourteenth Amendment – Excessive Use of Force

Count IV: Americans with Disabilities Act, 42 U.S.C. 12132

Count V: Rehabilitation Act, 29 U.S.C. 794

Count VI: Fourteenth Amendment – Procedural Due Process

Count VII: Fourteenth Amendment – Substantive Due Process

Count VIII: Fourteenth Amendment – Failure to Train

The Complaint sought injunctive and declaratory relief on behalf of the Plaintiff Class.

II. **THE PROPOSED SETTLEMENT**

Plaintiffs and Defendants have entered into a proposed Settlement of the Action. Under the proposed Settlement and subject to final Court approval, Defendants have agreed to make certain changes that are intended to provide meaningful improvements in the mental health care at ACJ.

The Consent Order and Judgment articulates the specific commitments being made by the County. In particular, the County agrees to comply with Interim Required Staffing Levels to stabilize staffing within the mental health department, after which a more fulsome assessment can be done to determine the ongoing staffing that is required to meet the needs of the patient population. The Consent Order includes a mechanism for addressing any non-compliance with these requirements. The County further commits to enhancing the training provided to mental health staff, and the training provided to correctional staff and which relates to mental health issues. In addition, the County commits to certain training on de-escalation and use of force, and agrees to specific mechanisms to assess the efficacy of those new training programs.

The County agrees to hire a number of licensed counselors so it can offer therapeutic counseling. The Consent Order and Judgment articulates specific requirements with respect to that counseling and the individuals who presumptively will receive that counseling. The County also agrees to develop a series of educational programming sessions on a variety of topics. The County also agrees to time frames in which mental health encounters with psychiatrists, mental health nurses or mental health specialists must occur, and agrees to certain requirements that will improve the effectiveness of segregation rounds. The County also is agreeing to develop confidential interview spaces in which therapeutic counseling and substantive mental health encounters can take place.

The County also agrees (a) to enhanced procedures with respect to receiving screenings and mental health screenings and evaluations, (b) that it will use individual treatment plans with respect to each mental health patient and make other changes with respect to clinical records, (c) a review of ACJ's medication management processes, and (d) new requirements regarding clinical autonomy.

The County also agrees to a series of requirements regarding de-escalation and use of force designed to decrease the number of use-of-force incidents won mental health patients. These requirements include specific tasks that must be performed prior to any use of force (designed to promote de-escalation), enhanced review of use of force incidents, and a series of internal reviews to assess use of force and its frequency. The County also agrees to certain protections to limit the impact of isolation on those with mental health conditions.

The Consent Order and Judgment contemplates a series of mechanisms by which its requirements will be implemented and monitored. First, the County will designate a Compliance Coordinator, who will be responsible for monitoring compliance and conducting a series of audits or reviews to ensure compliance and report any non-compliance. Second, the Court would appoint an independent monitor to review the County's compliance and issue reports with recommendations. Third, the Court would retain jurisdiction to address any non-compliance issues if and when they arise.

Attorneys' Fees and Costs. Counsel for Plaintiffs and the Class ("Class Counsel") is seeking an award of attorneys' fees, costs, and expenses ("Fees") from the Court in an amount to be determined by the Court. These applications, and all pleadings and orders relating thereto, will be publicly filed with the Court.

III. RELEASE OF CLASS CLAIMS FOR INJUNCTIVE RELIEF

Under the proposed Settlement, all Class Members will be bound by any final judgment entered by the Court. This judgment will resolve claims for injunctive relief based on alleged constitutional violations relating to the provision of mental health care at ACJ. The Action did not seek monetary damages, and the Settlement does not preclude you from asserting any right to damages to which you believe you are entitled for individual violations of your constitutional rights.

IV. FINAL APPROVAL HEARING

A final approval hearing will be held to determine whether the proposed Settlement should be finally approved by the Court as fair, reasonable and adequate, and to determine the amount of fees that should be awarded to Class Counsel. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement. The hearing will take place on _____ at _____, in Courtroom __ of the United States District Court for the Western District of Pennsylvania, 700 Grant Street, Pittsburgh, PA 15219. The hearing may be continued without further notice. **YOU DO NOT HAVE TO SHOW UP AT THIS HEARING UNLESS YOU OBJECT TO THE SETTLEMENT AND WANT TO BE THERE IN PERSON.** Should you wish to object to the settlement, you must submit a written objection as described below, and the Court will determine your right to be present at the final approval hearing.

V. RIGHT TO OBJECT

You have the right to object to all or any part of this proposed Settlement, but if you want to object, you must be a Class Member.

If you object to the Settlement, and want to submit an objection, **you must file your objection in writing with the Clerk of the United States District Court for the Western District of Pennsylvania, 700 Grant Street, Pittsburgh, PA 15219, no later than _____, 2024.** A written objection must include the specific grounds for the objection and all documents or writings that the objector desires the Court to consider. Any Class Member who fails to object in the manner prescribed herein shall be deemed to have waived their objections and forever be barred from making any such objections in this Action. Please note that you must state ALL reasons why you believe the Settlement should not be approved.

VI. INQUIRIES REGARDING THE SETTLEMENT

Inquiries regarding the settlement may be directed to Class Counsel as follows:

Alexandra Morgan-Kurtz
Pennsylvania Institutional Law Project
247 Fort Pitt Blvd., 4th Floor
Pittsburgh, Pa 15222
amorgan-kurtz@pilp.org

Jaclyn Kurin
Abolitionist Law Center
P.O. Box 8654
Pittsburgh, PA 15221
jkurin@alcenter.org

Or you can contact your own attorney, through whom you are entitled to make an appearance, should you so desire.

If you would like to inspect a copy of the proposed Settlement, or Class Counsel's Fee Petition, you may request a copy from ACJ.

Dated: _____, 2024

Issued at the Direction of:

The United States District Court for the Western District of Pennsylvania.