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ACLU OF INDIANA, INDIANA PROTECTION AND ADVOCACY SERVICES ANNOUNCE SETTLEMENT WITH
INDIANA DEPARTMENT OF CORRECTION

Fundamental Changes in Treatment of Prisoners With Serious Mental Illness

FOR IMMEDIATE RELEASE

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Indianapolis – A proposed agreement has been reached in a long-running case brought by American Civil Liberties Union of Indiana (ACLU of Indiana) and Indiana Protection and Advocacy Services (IPAS) against the Indiana Department of Correction (IDOC). The agreement awaits approval by the courts, after notice to the class is given. The proposed agreement fundamentally transforms the way prisoners with severe mental illness are treated in state correctional facilities. As a result of this action, these prisoners will have better access to mental health care and will no longer be held without treatment in isolation (solitary confinement), absent certain limited exceptions. These changes could affect approximately 20.6% of the prison population, or 5,622 prisoners that have a mental health diagnosis, in IDOC facilities.

In 2012, ACLU of Indiana and IPAS prevailed in a lawsuit against the IDOC filed in 2008 on behalf of the IPAS Commission and three individuals representing a class of inmates with serious mental illness. Judge Tanya Walton Pratt of the U.S. District Court for the Southern District of Indiana found that IDOC, which had been placing prisoners with serious mental illness in isolation with little or no access to treatment, violated Eighth Amendment prohibitions against cruel and unusual punishment. Inmates subjected to these conditions faced significant worsening of symptoms and illness, including hallucinations, increased paranoia and depression, self-harm, and suicide. In an effort to resolve this action, the parties worked together to improve conditions for inmates with serious mental illness.

The agreement prohibits, with some exceptions, the confinement of seriously mentally ill prisoners in restrictive status housing or protective custody (i.e., solitary confinement). The agreement also provides for “minimum adequate treatment” for these prisoners, which includes:

- An individualized treatment plan created by a team consisting of mental health professionals and correctional staff who are familiar with the prisoner, reviewed at least every 90 days.
- 10 hours each week of therapeutic programming, which includes individual and group therapy.
- Recreation and showers.
- Additional therapy and out-of-cell time where possible and appropriate.

The agreement also stipulates that prisoners in restrictive housing will receive frequent monitoring of their mental health status and needs by mental health personnel, including daily visits by correctional and medical staff. In addition, any prisoner with a mental health diagnosis will be visited at least once a week by mental health personnel and offered monthly out-of-cell monitoring by a mental health professional.

"As a result of this litigation, prisoners with mental illness have more opportunities for treatment than ever before. This case opened the door to more positive outcomes for the 5,600 people with a mental health diagnosis currently in Indiana prisons," said Dawn Adams, Executive Director of IPAS. "IPAS will remain actively engaged in the work of protecting the rights of people with mental illness by monitoring the changes at IDOC facilities. This case, once again, underscores the importance of access to care for people with mental illness and highlights the need for reform in our mental health system."

"The Indiana Department of Correction has made extraordinary efforts to address the treatment of severely mentally ill prisoners in its care. The DOC has increased both correctional staffing and mental health staffing and is largely already in compliance with the settlement agreement," said Ken Falk, ACLU of Indiana legal director. "We fully anticipate this cooperation will continue and that these changes will have a significant positive impact by reducing the severity of mental illness in prisoners who will one day rejoin society."

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