



PC-MT-001-003

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

IN THE MATTER OF LITIGATION RELATING
TO CONDITIONS OF CONFINEMENT AT
MONTANA STATE PRISON,

CAUSE NO. CV 93-46-H-LBE

LANGFORD, et al. v. Gov. Racicot,
et al.

CAUSE NO. CV 92-13-H-LBE

NOTICE OF SETTLEMENT

On November 29, 1994, United States Magistrate Judge Leif Erickson entered an Order approving the Settlement Agreement in the above referenced class action. This case was originally filed in the wake of the 1991 riot at Montana State Prison (MSP). The complaint was subsequently amended in December 1993, broadening the claims to encompass virtually all conditions and practices at MSP. After conducting a year long investigation of conditions at MSP, this Settlement Agreement was reached by the parties and approved by the Court.

The Agreement only settles systemic-based claims for injunctive relief involving the issues listed below. Damage claims are specifically not effected by the Settlement Agreement. The main provisions of the Agreement are as follows:

I. MEDICAL

- Appointment of medical director with responsibility for development and implementation of a comprehensive system of medical care.
- Retention of adequate physician coverage to meet the

needs of the MSP population.

- Retention of adequate nursing staff to provide 24 hour coverage and to otherwise meet the needs of the MSP population.
- Tuberculosis screening according to Center for Disease Control guidelines by trained personnel.
- Screening of new inmates within 24 hours of admission, excluding weekends by nursing staff, followed-up by a physician assistant and/or physician.
- Daily sick call clinics to ensure inmates are seen by medical staff within 48 hours of request.
- Daily sick call in Maximum Security by nursing staff
- Patient referrals to physician within 5 days
- Provision of over-the-counter medication and products for common ailments.
- Annual physicals for prisoners over 50 years old; bi-annual physicals for prisoners over the age of 40.
- Development of a chronic care policy
- Provision of eyeglasses and replacements.

II. DENTAL

- Dental care within 60 days or sooner if indicated.
- Elimination of dental list backlog within 1 year.

III. MENTAL HEALTH

- Retention of a part-time psychiatrist (at least 20 hours weekly) to develop and implement a comprehensive mental health plan in consultation with plaintiffs' psychiatric consultant.

IV. OVERCROWDING/ PHYSICAL PLANT

- 8 hours out-of-cell time daily for general population prisoners.
- Development of preventive maintenance program.
- Compliance with State Building and Fire Codes.
- Attention to housing unit work orders within 48 hours

V. CLASSIFICATION AND TREATMENT

- Implementation of objective classification system
- Coordination of treatment plans with parole board
- Annual review of treatment plans.
- Prioritize eligibility for treatment programs based on parole board mandates and parole eligibility.
- Development of and adherence to disciplinary handbook to be made available to all prisoners.
- No placement in temporary lock-up without approval of unit manager based on information from a confidential informant.

VI. SECURITY

- Implementation of National Institute of Corrections recommendations relevant to the 1991 riot at Maximum Security.
- Repair all unit intercom systems.
- Provide adequate security staff and training

VII. MAXIMUM SECURITY

- Conduct weekly mental health rounds
- Preserve current stratification program as it relates to levels 1-4, including all rights and privileges, T.V., recreation, etc.
- Create a level 5 for prisoners not eligible for return to general population with enhanced privileges and out-of-cell time.
- Offer anger management and cell study.

VIII. GOOD TIME

- The Director of the Department agreed to propose to the Governor a bill mandating a day-for-day goodtime policy. If this legislation passes, it will address most of the problems raised by this claim. If the legislation fails, the parties are free to litigate all claims on this issue.

IX. AMERICANS WITH DISABILITIES ACT COMPLIANCE

- The defendants agree to comply with the provisions of the Americans With Disabilities Act, and to remove all barriers to programs and services.

As part of the Agreement, two independent monitors have been retained to evaluate the defendants' efforts toward compliance with the terms of the Agreement. The monitors will make a total of three site visits during a sixteen month period. The first evaluation will occur on or about June 1, 1995, and then six and four months thereafter. If after this period, defendants have fully implemented the terms of the Agreement they can petition the court for dismissal of the case. If on the other hand, at the time of the first site visit, the defendants have not made satisfactory

MONTANA STATE PRISON

MEMORANDUM:

TO: ALL UNIT MANAGERS
FROM: MYRON BEESON, BUREAU WARDEN I
MIKE MAHONEY, BUREAU WARDEN II
SUBJECT: ACLU SETTLEMENT AGREEMENT
DATE: February 21, 1995

Attached is a copy of the settlement agreement that needs to be posted in all units.

The major difference in this agreement is the notification of Mark Lopez in the event anyone from the population has problems or questions regarding the agreement.

We will also provide a copy to the High and Low Side Law Libraries. This agreement shall remain posted indefinitely.

MM/MB/cc

cc: Mark Lopez
Dave Ohler