

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARTHUR JOHNSON,	:	CIVIL ACTION NO. 1:16-CV-863
Plaintiff	:	
	:	
v.	:	(Chief Judge Conner)
	:	
	:	
JOHN WETZEL, SHIRLEY MOORE-	:	
SMEAL, MICHAEL WENEROWICZ,	:	
BRENDA TRITT, JAMES MEINTEL	:	
and ANTHONY KOVALCHIK,	:	
Defendants	:	

FILED
HARRISBURG, PA
SEP 30 2016
PETER WELSH, Acting
MARIA REEFERS, CLERK
Per _____

JOINT STEP-DOWN PROGRAM
FOR ARTHUR JOHNSON

The parties have met and conferred as directed by this Honorable Court and have jointly agreed upon the following step-down program for Arthur Johnson's reintegration to general population as follows:

1. In an effort to accommodate the 90 day time-frame, short-term mental health treatment, and high security focus of Arthur Johnson's step-down program, Arthur Johnson will be housed in a Diversionary Treatment Unit ("DTU"). Mr. Johnson will be transferred to an appropriate State Correctional Institution ("SCI") with a DTU following regular security screening protocol. Upon reception to the SCI, Mr. Johnson will be seen as soon as possible by Unit Management staff, who will brief him on unit rules and expectations, and give Mr. Johnson a DTU handbook, explaining the unit.

2. **Time Out of Cell and Social Interactions.** Mr. Johnson will be seen weekly by his assigned Correctional Counselor and Unit Manager. Contact with Unit Management staff can be during Out of Cell time, cell side or individually, if needed. At his first Program Review Committee ("PRC") review, to be held every Tuesday, he will be offered full DTU privileges to include four (4) phone calls per week, Long Term AC commissary, and Radio/TV privileges, if he possesses these items. He will be offered 20 hours

out of cell weekly (10 structured/10 unstructured), the same as any other DTU inmate. The structured hours consist of modules delivered by Treatment Specialists, Psychology Staff Specialists, Chaplaincy, Activities and other designated staff. The unstructured hours will consist of yard time and/or recreational time out of cell on the unit.

On or about day 30 after his placement, provided his conduct is acceptable, Mr. Johnson will be offered block worker duties. At a minimum, Mr. Johnson will be brought out of his cell three (3) times weekly, unsecured, supervised by correctional staff, to perform janitorial duties on the unit. This will continue through the 90 day release date, absent disruptive conduct.

Initially, Mr. Johnson will be given the same number of non-contact visits per month that he received prior to entering the program. After thirty days, Mr. Johnson will be presumptively granted contact visits, numbering no less than one-per-month, unless the PRC determines that contact visits are not appropriate. PRC may make this determination only in the event of documented concerns regarding Mr. Johnson's mental health or behavior. Any documented concerns that result in the denial of non-contact visits after thirty days must be reported to counsel for Plaintiff and to the Court. Each contact visit granted will replace one non-contact visit so that the number of total visits received does not change; however, the number and type of visits afforded to Mr. Johnson will be evaluated weekly by PRC and can be increased based on behavior and inmate request.

2. **Progressive Increase in Social Interaction.** As stated previously, Mr. Johnson will be placed on the DTU upon reception, where he will be offered 20 hours out of cell time weekly. It will be explained to Mr. Johnson that participation in out of cell programming is essential to his program completion. At a minimum, he will be expected to participate in 30% of Out of Cell offerings during the first 30 days. From 30 days to 60 days, he will be expected to participate in at least 60% of Out of Cell offerings and during the last 30 days of the plan, his participation rate should be 90% at a minimum. This will be communicated to Mr. Johnson upon reception and noted on his Individual Recovery Plan ("IRP"). These rates are goals; however, as noted previously, Mr. Johnson will be offered the full 20 hours

upon reception. These participation rates will give staff the opportunity to observe Mr. Johnson's social interaction with both staff and inmates.

3. **Mental Health Monitoring and Treatment.** As noted, Mr. Johnson will be participating in DTU programming. This will immediately provide him increased social interaction. Mr. Johnson will meet with Psychology Staff upon arrival and an initial Psychological Evaluation will be conducted within three (3) business days. Further, a psychiatric evaluation will be performed if indicated. An IRP will also be developed for Mr. Johnson, establishing goals and objectives for successful reintegration. The IRP will be reviewed and amended as Mr. Johnson's needs/concerns change. Psychology staff will meet with Mr. Johnson at a minimum of one hour weekly for individual therapy. This interaction will be increased should the need arise. Psychology staff will also make daily Mental Health contact to address any emergency needs, should they arise. In addition, the Department of Corrections will utilize a Certified Peer Specialist ("CPS") inmate who will orientate Johnson on the General Population inmate handbook and assist in general questions regarding what to expect in General Population. This will happen at least once a week during the entire placement period.
4. **Addressing Adverse Mental Health Symptoms.** Mental health services will be provided based on the outcome of all delivered mental health evaluations. The Licensed Psychologist Director will provide clinical supervision regarding current level of care, presenting needs, and he will direct and supervise necessary adjustments to the level of care and services. Monthly summaries will be provided to Central Office if need arises. If adverse mental health symptoms are expected to interfere with Johnson's move to general population, counsel for Plaintiff and the Court shall be notified.
5. **Ensuring Readiness for General Population.** Security staff will monitor Mr. Johnson's compliance with unit rules and notate his interactions on the form DC-17X daily. His conduct on the unit will be discussed with him weekly during his PRC reviews. If PRC has any concerns with placement in general population, due to rule violations or social interaction concerns, contact with Central Office will be made and a plan of action will be developed by institutional staff. If a determination is made that Johnson is not ready for reintroduction to general population, counsel for Plaintiff and the Court shall be notified in writing.

6. **Follow-Up in General Population.** Absent disruptive conduct or concerns covered above, Mr. Johnson will be placed in general population after 90 days of placement. Follow-up by psychology/psychiatry will continue on a regular basis. Mr. Johnson will have his IRP reviewed, updated, and issued for the first 90 days of his return to general population. After this period, it will follow time frames based on his stability score and in accordance with DOC Policy.

Currently, Mr. Johnson's correctional plan recommends *Thinking for a Change* and *Violence Prevention High Intensity*. Upon successful placement in general population, Mr. Johnson may be placed in the next available *Thinking for a Change* class. After completion of *Thinking for a Change*, placement in *Violence Prevention High Intensity* will occur if staff deems this necessary.

Overall administrative oversight will occur during weekly PRC meetings. Clinical supervision will be handled by the Licensed Psychologist Director on a regular basis to ensure appropriate services are paralleling the presenting needs.

Date: September 28, 2016

Respectfully submitted,

/s/ M. Abbegael Giunta

M. Abbegael Giunta
Senior Deputy Attorney General
Attorney ID 94059
Karen M. Romano
Deputy Attorney General
Attorney ID 88848
mgiunta@attorneygeneral.gov
kromano@attorneygeneral.gov

/s/ Bret Grote

Bret Grote
Pa. Bar No. 317273
Dustin McDaniel
Pa. Bar No. 314618
Abolitionist Law Center
Telephone: (412) 654-9070
bretgrote@yahoo.com
dsm@abolitionistlawcenter.org

Kenneth L. Joel
Chief Deputy Attorney General

Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
Telephone: (717) 787-1179
Fax: (717) 772-4526

Attorneys for Defendants

Jules Lobel*
N.Y. Bar No. 1262732
3900 Forbes Avenue
Pittsburgh, PA 15260
Telephone: (412) 648-1375
jll4@pitt.edu

Peter D. Laun*
Pa. Bar No. 67325
Thomas S. Jones*
Pa. Bar No. 71636
Tarah E. Ackerman*
Pa. Bar No. 311411
JONES DAY
500 Grant Street, Ste. 4500
Pittsburgh, PA 15219
Telephone: (412) 391-3939
Facsimile: (412) 394-7959
pdlaun@jonesday.com
tsjones@jonesday.com
tackerman@jonesday.com

**Pro hac vice
Attorneys for Plaintiff Arthur Johnson.*

It is so Ordered this 30th day of September, 2016.


CHRISTOPHER C. CONNER, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARTHUR JOHNSON,	:
	:
Plaintiff,	:
	:
	No. 16-0863
	:
v.	:
	:
	Judge Conner
	:
JOHN WETZEL, SHIRLEY MOORE-	:
SMEAL, MICHAEL WENEROWICZ,	:
BRENDA TRITT, JAMES MEINTEL	:
and ANTHONY KOVALCHIK,	:
	Complaint Filed 05/12/16
Defendants.	:

CERTIFICATE OF SERVICE

I, M. Abbegael Giunta, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on September 28, 2016, I caused to be served a true and correct copy of the foregoing document titled Joint Proposed Step-Down Program for Arthur Johnson to the following ECF:

Bret D. Grote, Esquire
Dustin McDaniel, Esquire
Jules Lobel, Esquire
Abolitionist Law Center
P.O. Box 8654
Pittsburgh, PA 15221
betgrote@abolitionistlawcenter.org
exec@alcenter.org
Counsel for Plaintiff

Peter D. Laun, Esquire
Tarah E. Ackerman, Esquire
Thomas S. Jones, Esquire
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
pdlaun@jonesday.com
tackerman@jonesday.com
tsjones@jonesday.com
Counsel for Plaintiff

Theron Perez, Esquire
Timothy A. Holmes, Esquire

Department of Corrections
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17070
tperez@pa.gov
tholmes@pa.gov
Counsel for Defendants

s/ M. Abbegael Giunta
M. ABBEGAEL GIUNTA
Senior Deputy Attorney General