

COLUMBIA — An estimated 3,500 South Carolina inmates with serious mental health issues will learn next week the details of a proposed lawsuit settlement with the S.C. Department of Corrections.

Judge Robert Hood on Tuesday gave SCDC the authority to begin notifying the plaintiffs in the 10-year-old class-action suit accusing the department of inadequately treating the mentally ill.

The lawsuit alleged SCDC had a lack of effective counseling and overly relied on tactics such as isolation and pepper spray to subdue unruly mentally ill prisoners.

Hood commended the state and Protection & Advocacy for People with disabilities on reaching an agreement.

“You’ve done a lot of work, a lot of good work, to take great steps to get this resolved. And I want to continue on that path and make this as smooth as possible,” Hood said.

SCDC will take a variety of approaches to inform all impacted parties of the settlement, including posting a notice in each wing of the housing units, giving copies to those in isolation, and providing readers and interpreters to those who might need help reading the letter.

The notices will go out July 13 and inmates will have until Aug. 12 to postmark any suggestions or complaints. The parties will meet again Aug. 19, when the judge expects to accept the finalized agreement.

Last month, both parties filed a joint preliminary agreement that included the state spending about \$1.7 million in one-time expenses to upgrade SCDC’s mental health units, and another \$7 million annually to cover the cost of additional staff.

The agreement comes two years after Circuit Court Judge Michael Baxley issued a scathing January 2014 ruling in which he gave SCDC six months to create a plan to fix the department’s treatment failures.

Among other things, Baxley noted that mentally ill prisoners were locked in solitary at twice the rate of other inmates. Mentally ill inmates also spent longer in lock-up because they kept racking up violations, often for nuisance behaviors, with one man piling up 19 years worth of disciplinary sentences, Baxley found.

The department appealed Baxley’s ruling while at the same time starting a mediation process with the disabilities group and moving to fix some of the outlined deficiencies.

Among those changes, SCDC Director Bryan Stirling said, is a more intense screening process for inmates who could potentially be diagnosed with a mental disability for the first time.

“We’ve been working on this for the better part of two years,” Stirling said. “We didn’t want to wait to go through the court process before making changes (that benefit inmates).”

Those changes include a four-year plan to address the issues Baxley highlighted in his ruling, such as the development of a comprehensive mental health program that ends the “inappropriate segregation” of inmates, and efforts to drive down the use of excessive force and punishment incidents.

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