

THE **BARBARA MCDOWELL**
AND **GERALD S. HARTMAN**
FOUNDATION
SOCIAL JUSTICE THROUGH LEGAL ACTION

Grant Status Report March 2014

Organization Name: Florida Institutional Legal Services Project of Florida Legal Services (FILS)

Grant Date: September 2013

Case Summary:

The Florida Department of Corrections (FDOC) is locking its most severely mentally ill inmates in their cells for 23-24 hours per day. These inmates, despite having been identified by the FDOC as the sickest inmates in the state prison system, are housed in mental health units for treatment of their acute mental illnesses. Instead of receiving treatment in a therapeutic milieu, these inmates are being “managed” through the use of solitary confinement and restricted privileges with disastrous results.

FILS has consulted with both nationally-renowned mental health experts and corrections professionals from other states, all of whom agree that Florida’s system is one of the worst in the country. Instead of receiving treatment, mentally ill prisoners in FDOC are isolated and confined for extended periods of time. They also lose the last of their already severely restricted privileges, such as out-of-cell time or visitation, as punishment for behaviors resulting from their mental illness. The experts agree that when inmates are at their sickest, they need the most out-of-cell time, privileges, visitation with family, and treatment activities to help stabilize them. The FDOC’s approach is counterproductive and unconstitutional.

Case Progress Over Last Six Months:

Since receiving the grant, FILS has completed outreach to seven of the ten prisons with inpatient units. FILS advocates have investigated prisons throughout the state, interviewing inmates to learn about their experiences on the inpatient units. FILS has also reviewed thousands of pages of inpatient inmate records on site at the institutions as well as requesting many thousands more pages of inpatient records for review at our office. Thus far, FILS’ investigation has confirmed the policies and practices in these units are unconstitutional.

FILS advocates have also consulted with the Indiana ACLU lawyers who successfully litigated a similar inpatient mental health case in federal court. Those attorneys have agreed to be an available resource for FILS as we move forward with litigating our Florida case.

Finally, FILS obtained pro bono assistance from the law firm Carlton Fields Jordan Burt. Carlton Fields Jordan Burt has generously agreed to provide associates to assist with record reviews and research because of the sheer number of records to review. Carlton Fields Jordan Burt has also agreed to assist with inmate interviews because the firm has offices around the state of Florida and, as a result, can have easier access on a more regular basis to the institutions hundreds of miles away from the FILS office.

Progress Anticipated in Next Six Months:

In the next six months, FILS anticipates completing its pre-suit investigation. This includes reviewing the remainder of the requested inpatient records, finishing the visits to the remaining inpatient units, and consulting with our experts about our findings. FILS anticipates the Complaint and Motion for Class Certification will be drafted and near filing by the time the annual status report is due in September 2014.

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