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NOTE: This handout is not intended to be legal advice about the facts in your case, but it will give you more information about your rights and what you can do to help yourself.

Jensen v. Thornell Case Update Revised April 2023

Jensen v. Thornell is a federal lawsuit challenging medical care, mental health care, and conditions in maximum custody isolation units in Arizona state prisons. The case, which previously has been called *Jensen v. Shinn* and *Parsons v. Ryan*, is a class action on behalf of all people housed in the nine (formerly ten) Arizona state prisons. The lawsuit sought only to change the policies and practices of the Arizona Department of Corrections, Rehabilitation & Reentry (ADCRR), and did **not** seek money damages. The case was filed in March 2012 by the Prison Law Office, the ACLU, and other lawyers.

Although the parties settled this case in October 2014, the state consistently failed to follow the terms of that settlement. So, District Court Judge Roslyn Silver rescinded (cancelled) the Court's approval of the settlement in July 2021 and the parties went to trial in the fall of 2021.

After a fifteen-day trial, the Court issued a 200-page order on June 30, 2022, finding that ADCRR violates the constitutional rights of people in prison. The Court found that the "health care system is plainly grossly inadequate. Defendants have been aware of their failures for years and Defendants have refused to take necessary actions to remedy the failures." The Court also found that the treatment of people in the detention units was shocking, and that the ADCRR kept "hundreds of prisoners in maximum custody housing despite all prison officials admitting there is no penological justification for doing so." A copy of this Order should be available on your tablet (at no charge) and in your law library.

On April 7, 2023, the Court issued a 57-page Order (called an Injunction) requiring the ADCRR to fix the constitutional violations. The Court has appointed four experts to serve as neutral monitors to assist the Court in monitoring ADCRR's

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compliance with the Order. In addition, lawyers from the Prison Law Office, the ACLU National Prison Project and the Arizona Center for Disability Law will also be monitoring and assessing compliance. This will include making periodic visits to the state prisons.

The Court's Order recognizes that the ADCRR's model for providing health care was unconstitutional, and that prison officials will have to make substantial changes to deliver necessary care. Broadly speaking, the Order requires the ADCRR to provide health care that is "clinically appropriate." (Injunction at 11.) To provide appropriate care, ADCRR will be required to, among other things:

- Address chronic staffing problems by filling all currently vacant health care positions and hiring additional health care staff, including doctors, psychiatrists, psychologists and psych associates within three months of the Order;
- Develop and implement a new sick call process, in which all people who request medical attention will see a Doctor, Nurse Practitioner or Physician's Assistant, without being required to first see a nurse for triage;
- Identify people who are are not fluent in English, and ensure that they have adequate interpretation services for all individual and group health care encounters;
- Greatly expand their program to screen and treat people with Hepatitis C; and
- Develop and implement a comprehensive program to treat people for Opioid Use Disorder.

The Order also requires improvements to mental health care, including better coordination of care, regular face-to-face meetings with mental health workers, and improved mental health training for custody officers. It also places restrictions on prison officials placing people in isolation conditions for extended periods of time, and requires numerous changes to improve the living conditions in segregated housing units.

As of April 17, 2023, a copy of this Order should also be available on your tablet, at no charge, or through your law library. Please let us know if you have attempted to review the order on your tablet or through your law library, but have not been successful.

The June 30, 2022 and April 7, 2023 orders are also available online at:

https://prisonlaw.com/post_case/jensen/