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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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10 Fred Graves and Isaac Popoca, on their)
own behalf and on behalf of a class of all)
11 pretrial detainees in the Maricopa County)
Jails,)

No. CV-77-0479-PHX-NVW

SECOND AMENDED JUDGMENT

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Plaintiffs,

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vs.

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Joseph Arpaio, Sheriff of Maricopa)
County; Fulton Brock, Don Stapley,)
16 Andrew Kunasek, Max W. Wilson, and)
Mary Rose Wilcox, Maricopa County)
17 Supervisors;)

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Defendants.

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A consent Judgment was entered in this action on March 27, 1981, and later
21 amended or supplemented. On January 10, 1995, an Amended Judgment (doc. # 705)
22 was entered by stipulation that superseded the earlier judgments, as amended. New
23 parties have been substituted for the original plaintiff class representatives and for the
24 defendant officials. Defendants' Renewed Motion to Terminate the Amended Judgment
25 (doc. #906), filed November 17, 2003, has been decided this day, resulting in some
26 portions of the Amended Judgment (doc. # 705) being terminated, some portions not
27 being terminated and therefore resuming their force and effect pursuant to 18 U.S.C.
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1 § 3626(e)(2)(B), and other portions being modified and therefore resuming their force and
2 effect as modified. This Second Amended Judgment is entered, for the convenience of
3 the parties, to restate those portions of the Amended Judgment that continue in effect, as
4 originally written or as modified.

5 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

6 1. The Amended Judgment (doc. # 705) is vacated as to future effect, except that
7 the terms of this Second Amended Judgment have continuing effect.

8 2. Defendants shall not house more than two pretrial detainees in one cell at the
9 Towers jail if the pretrial detainees usually are confined to their cell for twenty-two hours
10 or more per day. Defendants shall not make routine use of portable beds in cells or
11 dayrooms. Defendants shall not place more pretrial detainees in a court holding cell at
12 Madison or in a 4th Avenue Intake holding cell than can sit in the holding cell without
13 making physical contact with another person. (AJ ¶¶ 9-15)¹

14 3. Defendants shall provide pretrial detainees who are taking prescribed
15 psychotropic medications with housing in which the temperature does not exceed 85° F.
16 (AJ ¶ 23)

17 4. Defendants shall provide pretrial detainees with sufficient, safe cleaning
18 supplies to enable pretrial detainees to properly clean their cells. Defendants shall assure
19 that cells, including but not limited to medical isolation cells, are properly cleaned and
20 sanitized prior to occupancy by pretrial detainees. (AJ ¶ 46)

21 5. Defendants shall provide functional and sanitary toilets and sinks, with toilet
22 paper and soap, to pretrial detainees in 4th Avenue Intake and the court holding cells at
23 Madison. (AJ ¶ 47)

24 6. Defendants shall provide a receiving screening of each pretrial detainee, prior
25 to placement of any pretrial detainee in the general population. The screening will be

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27 ¹ “AJ ¶ ___” refers to the paragraph of the Amended Judgment (doc. # 705)
28 continuing in effect as renumbered and stated with modification, if any, in this Second
Amended Judgment.

1 sufficient to identify and begin necessary segregation, and treatment of those with mental
2 or physical illness and injury; to provide necessary medication without interruption; to
3 recognize, segregate, and treat those with communicable diseases; to provide medically
4 necessary special diets; and to recognize and provide necessary services to the physically
5 handicapped. (AJ ¶ 56)

6 7. All pretrial detainees confined in the jails shall have ready access to care to
7 meet their serious medical and mental health needs. When necessary, pretrial detainees
8 confined in jail facilities which lack such services shall be transferred to another jail or
9 other location where such services or health care facilities can be provided or shall
10 otherwise be provided with appropriate alternative on-site medical services. (AJ ¶ 57)

11 8. Defendants shall ensure that the pretrial detainees' prescription medications
12 are provided without interruption where medically prescribed by correctional medical
13 staff. (AJ ¶ 61)

14 9. Defendants shall continuously monitor conditions, including the population of
15 pretrial detainees, in the designated intake areas. (AJ ¶ 71)

16 10. Defendants shall ensure that pretrial detainees always have access to toilet and
17 wash basin facilities in the holding cells in intake areas. Defendants shall ensure that
18 pretrial detainees incarcerated in an intake area for more than twenty-four hours are
19 provided with a blanket and a bed or mattress on which to sleep. Defendants shall ensure
20 that a report reflecting the length of stay of pretrial detainees in intake areas is generated
21 by the Sheriff and made available to Plaintiffs' counsel. (AJ ¶ 72)

22 11. Pretrial detainees classified as general population who are housed at the
23 Towers, Durango, Estrella, and 4th Avenue jails shall be allowed a minimum of one hour,
24 at least four days per week, in areas that permit outdoor recreation or equivalent fresh air
25 recreation with sufficient space for pretrial detainees to move freely. (AJ ¶ 84)

26 12. Pretrial detainees in administrative segregation shall be entitled to the same
27 outdoor exercise rights as general population pretrial detainees. Pretrial detainees in
28 disciplinary segregation who do not present security or safety risks shall be entitled to the

1 same outdoor exercise rights as general population detainees after the seventh day of their
2 disciplinary period. Time for outdoor exercise will be in addition to the one hour out-of-
3 cell time that is permitted for non-recreational purposes for pretrial detainees in lockdown
4 for twenty-two hours or more per day. (AJ ¶ 85)


5 13. Defendants shall provide food to pretrial detainees that meets or exceeds the
6 United States Department of Agriculture's *Dietary Guidelines for Americans*. (AJ ¶ 95)

7 14. Defendants shall assure that each pretrial detainee in the 4th Avenue Intake
8 areas, the Madison court holding cells, the 4th Avenue psychiatric unit, and segregation
9 units is visually observed by detention officers in a manner and frequency that protects
10 the pretrial detainee's health and safety. (AJ ¶ 102)

11 15. Defendants shall assure that written reports are recorded and statistics are
12 compiled of all instances of inmate or officer abuse, injuries, violence, assaults, sexual
13 assaults, suicides, deaths, and inmate riots and demonstrations, in a manner conducive to
14 informed access by the Court. (AJ ¶ 104)

15 16. Defendants will maintain records of their compliance with this Second
16 Amended Judgment and will provide quarterly summaries of those records to Plaintiffs'
17 counsel. (AJ ¶ 114)

18 DATED this 22nd day of October, 2008.

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23 Neil V. Wake
24 United States District Judge
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