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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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

Plaintiffs,

vs.

Joseph Arpaio, Sheriff of Maricopa County;
Andrew Kunasek, Mary Rose Wilcox,
Denny Barney, Steve Chuceri, and Clint L.
Hickman, Maricopa County Supervisors,

Defendants.

No. CV-77-00479-PHX-NVW

FOURTH AMENDED JUDGMENT

Defendants Fulton Brock, Don Stapley, Andrew Kunasek, Max Wilson and Mary Rose Wilcox's Motion to Terminate Third Amended Judgment on Behalf of Correctional Health Services (Doc. 2142) has been decided this day, resulting in additional prospective relief being ordered to remedy ongoing constitutional violations. This Fourth Amended Judgment is entered, for the convenience of the parties, to re state those provisions of the Third Amended Judgment that continue in effect pursuant to 18 U.S.C. § 3626(e)(2)(B), and the additional remedies ordered.

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

1. The Third Amended Judgment (Doc. 2094) is vacated as to future effect, except that the terms of this Fourth Amended Judgment have continuing effect.
2. Defendants shall provide a receiving screening of each pretrial detainee, prior to placement of any pretrial detainee in the general population. The screening will

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

6 3. 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.

11 4. Defendants shall ensure that the pretrial detainees' prescription medications
12 are provided without interruption where medically prescribed by correctional medical
13 staff.

14 5. To show compliance with the foregoing paragraphs 2-4:

15 a. By **December 1, 2014**, Defendants will adopt policies and
16 procedures or amend existing policies and procedures to require the following:

17 (1) A registered nurse will perform the receiving screening for
18 each pretrial detainee processed in the 4th Avenue jail intake center.

19 (2) If the receiving screening indicates a pretrial detainee is
20 suffering from a serious acute or chronic health condition, a physician, physician
21 assistant, or nurse practitioner will conduct a face-to-face examination of the pretrial
22 detainee within 24 hours after the receiving screening.

23 (3) If the receiving screening indicates a pretrial detainee has
24 symptoms of tuberculosis, the pretrial detainee immediately will be placed in an Airborne
25 Infection Isolation Room and evaluated promptly for tuberculosis.

26 (4) If the receiving screening indicates a pretrial detainee is
27 known to have HIV infection or is at risk for HIV infection with unknown status, a chest
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1 x-ray of the pretrial detainee will be performed and the results reviewed by a physician,
2 physician assistant, or nurse practitioner before the pretrial detainee is placed in a housing
3 unit.

4 (5) If a pretrial detainee has a positive mental health screening or
5 does not respond to all of the mental health screening questions, the detainee will be
6 assessed by mental health staff while the pretrial detainee is in the intake center. The
7 mental health staff will identify the urgency with which the pretrial detainee must be seen
8 by a mental health provider, *i.e.*, a psychiatrist, psychiatric nurse practitioner, or
9 physician assistant.

10 (6) If the receiving screening indicates a pretrial detainee is at
11 risk for suicide, a psychiatrist, psychiatric nurse practitioner, or physician assistant will
12 conduct a face-to-face assessment of the pretrial detainee within 24 hours after the
13 receiving screening.

14 (7) Pretrial detainees will be tested for tuberculosis within 14
15 days after the receiving screening unless they have been tested with negative results
16 within the past year.

17 (8) Pretrial detainees with serious acute and chronic medical
18 conditions will be evaluated face-to-face by a medical provider and will receive an initial
19 health assessment within 24 hours after the receiving screening.

20 (9) A medical provider will develop plans for treatment and
21 monitoring for pretrial detainees with serious medical conditions.

22 (10) All medical Health Needs Requests will be triaged within 24
23 hours of their submission.

24 (11) Each pretrial detainee who submits a medical Health Needs
25 Request stating or indicating a clinical symptom will be seen by a nurse within 48 hours
26 of submitting the Health Needs Request.

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1 (12) When a physician, physician assistant, or nurse practitioner
2 orders a lab test or radiologic study, the physician, physician assistant, or nurse
3 practitioner will identify the urgency with which the test or study must be performed,
4 e.g., within 24 hours, 72 hours, or 7–10 days, and the urgency with which the results of
5 the test or study must be returned. The test or study will be performed within the
6 timeframe ordered by a physician, physician assistant, or nurse practitioner.

7 (13) Pretrial detainees identified during the receiving screening as
8 being at risk of serious harm from alcohol or drug withdrawal will be assessed by a
9 registered nurse twice a day for at least seven days regardless of whether they are
10 assigned to a housing unit designated for withdrawing inmates or their classification
11 status. The nurse will document each assessment and identify the urgency with which the
12 pretrial detainee should be seen by a physician, physician assistant, or nurse practitioner.
13 If a pretrial detainee is not seen face-to-face by a physician, physician assistant, or nurse
14 practitioner within the timeframe recommended by the nurse, the reason will be
15 documented in the pretrial detainee's medical record.

16 (14) All mental health Health Needs Requests stating or indicating
17 a clinical symptom will be triaged face-to-face within 48 hours of their submission.

18 (15) Pretrial detainees with a mental health condition identified as
19 urgent by detention, intake, medical, or mental health staff will be seen face-to-face by a
20 mental health provider within 24 hours of the identification.

21 (16) Mental health providers will assess pretrial detainees in an
22 area outside of their cells that affords sound privacy except when there are legitimate
23 safety, security, and treatment reasons for not doing so.

24 (17) Defendants will adopt and implement written criteria for
25 placing pretrial detainees in each level of mental health care, including subunits within
26 the Mental Health Unit.

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1 (18) A mental health provider will determine the placement of
2 each seriously mentally ill pretrial detainee after performing a face-to-face assessment,
3 including upon admission into , transfer within, and discharge from the Mental Health
4 Unit.

5 (19) Pretrial detainees discharged from the Mental Health Unit
6 will be assessed by mental health staff within 48 hours after discharge.

7 (20) MCSO will consult with CHS mental health staff before
8 placing a seriously mentally ill pretrial detainee in any type of segregated confinement.

9 (21) Seriously mentally ill pretrial detainees who are confined to
10 single cells for 22 or more hours a day will have face-to-face communication with mental
11 health staff at least twice per week.

12 (22) A mental health provider or professional will be consulted
13 before each planned use of force or involuntary treatment on a seriously mentally ill
14 pretrial detainee.

15 (23) Mental health staff will be involved in the implementation of
16 any planned use of force or involuntary treatment on a seriously mentally ill pretrial
17 detainee.

18 (24) Defendants will adopt and implement a written policy
19 regarding the use of discipline for behavior resulting from serious mental illness.

20 (25) Defendants will adopt and implement a written policy
21 regarding the use of isolation in a disciplinary segregation unit as a sanction against
22 seriously mentally ill pretrial detainees.

23 (26) Defendants will adopt and implement a written policy
24 requiring that mental health staff be consulted regarding discipline of any seriously
25 mentally ill pretrial detainee.

26 (27) A potentially suicidal pretrial detainee will not be placed in
27 isolation without constant supervision.
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1 (28) A potentially suicidal pretrial detainee will be placed into a
2 suicide-resistant cell or safe cell only with “direct, continuous observation until a
3 treatment plan is determined by medical staff.”

4 (29) When a pretrial detainee is discharged from suicide watch or
5 a safe cell, the pretrial detainee will be assessed by mental health staff within 24 hours of
6 discharge.

7 (30) Defendants will document in pretrial detainees’ health records
8 evidence of timely administration of prescription medications or reasonably diligent
9 efforts to administer all medications prescribed and explanation for any delay.

10 (31) A pretrial detainee’s psychotropic medications will not be
11 prescribed, altered, renewed, or discontinued without a face-to-face examination by a
12 psychiatrist, psychiatric physician assistant, or psychiatric nurse practitioner in an area
13 that affords sound privacy.

- 14 b. By **December 16, 2014**, Defendants will file with the Court a copy of each
15 policy adopted or amended to comply with this Order and identify the
16 specific policy provisions that demonstrate compliance.
- 17 c. By **February 27, 2015**, Defendants will fully implement each of the
18 policies ordered herein, including hiring additional staff, providing training,
19 and making facility modifications, as needed.
- 20 d. By **March 16, 2015**, Defendants will file with the Court a summary of
21 actions taken to implement each of the policies.
- 22 e. Beginning **March 2, 2015**, Defendants will collect and summarize data for
23 a period of 180 days that shows the extent to which Defendants are
24 complying with this Order.

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f. On **September 15, 2015**, Defendants will file with the Court a report of the data collected and summarized in compliance with this Order.

Dated this 30th day of September, 2014.



Neil V. Wake
United States District Judge