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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STATE OF HAWAII, et al,

Defendants.

Civil No. CV08 00585 JMS KSC

JOINT MOTION TO DISMISS WITH
PREJUDICE; AND ORDER OF
DISMISSAL WITH PREJUDICE

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff, United States of America and Defendants, State of Hawaii, et al., jointly move for dismissal of this action, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Procedural History

1. The original Settlement Agreement was entered in this case on December 29, 2008, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. That Settlement Agreement resolved the United States Department of Justice's Complaint related to mental health care and suicide prevention measures provided to detainees at the Oahu Community Correctional Center ("OCCC") pursuant to the Civil Rights of Institutionalized Person Act, 42 U.S.C. § 1997.

2. The December 29, 2008 Settlement Agreement addressed various

facets of mental health services at OCCC, specifically including seclusion and restraints, the administration of psychotropic medications, mental health screening, individualized treatment planning, mental health programming, professional staffing levels, specialized training, maintaining quality assurance, and suicide prevention. By June 29, 2013, the State had achieved substantial compliance with the Settlement Agreement provisions in each area listed above except suicide prevention.

3. The Parties thereafter entered into a Corrective Action Plan, approved by the court and filed herein on November 1, 2013, which was amended April 16, 2014, setting forth numerous objectives and actions that the State and OCCC would undertake to implement appropriate suicide prevention practices at OCCC including, but not limited to, providing mental health treatment to address potentially suicidal behavior; timely and adequate follow-up of inmates after they are released from suicide precautions; providing inmates on suicide precautions with adequate monitoring; supervising and providing mental health treatment for inmates in the jail's segregation or holding cells areas; and various other matters critical to the implementation of suicide prevention practices to protect OCCC detainees.

4. The parties further agreed that this lawsuit's ultimate dismissal would occur when the State and OCCC achieved substantial compliance with the terms of

the Corrective Action Plan, as amended.

5. The parties agree that the State and OCCC have achieved substantial compliance with all the terms of the Corrective Action Plan, as amended.

NOW, THEREFORE, the Parties respectfully request the Court to enter an order to dismiss this action, in its entirety, with prejudice.

FOR THE STATE OF HAWAII:

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UNITED STATES OF AMERICA,

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ORDER OF DISMISSAL WITH
PREJUDICE

ORDER OF DISMISSAL WITH PREJUDICE

Based on the Joint Motion to Dismiss With Prejudice, and for good cause shown, the Joint Motion to Dismiss with Prejudice is GRANTED. This action is dismissed with prejudice.

DATED: Honolulu, Hawaii, June 25, 2015.



/s/ J. Michael Seabright
J. Michael Seabright
United States District Judge