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**IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

) Case No: CV06-2667 GPS (Ex)

) **ORDER**

) Hon. Audrey B. Collins
) United States District Judge

_____)

1 On December 2, 2011, the United States filed a Motion to Enforce the
2 Amended Consent Judgment. (Docket No. 105.) Particularly, the United States'
3 Motion contended that Defendants were non-compliant with several provisions of
4 the Amended Consent Judgment at Metropolitan State Hospital and Napa State
5 Hospital. (*Id.*) Defendants opposed on January 23, 2012. (Docket No. 251.)
6 After several continuances, the Parties filed supplemental briefs in September 2012
7 pursuant to this Court's August 15, 2012, Order. (*See* Docket Nos. 274, 275 &
8 276.) On September 24, 2012, this Court heard oral argument on the United
9 States' Motion. On September 25, 2012, this Court granted the Motion with
10 respect to the remaining disputed issue over the use of prone restraints at Napa
11 State Hospital, and otherwise denied as moot the rest of the Motion because the
12 United States was no longer pursuing the remaining issues. (Docket No. 296.)
13 Pursuant to that September 25, 2012, Order:

14 The Court TERMINATES all the provisions of the Amended Consent
15 Judgment as they apply to Metropolitan State Hospital. Accordingly, because
16 Atascadero and Patton State Hospitals are also no longer subject to the Amended
17 Consent Judgment, (*see* Order, Docket No. 64), the executive directors of
18 Metropolitan, Atascadero, and Patton State Hospitals are dismissed as Defendants
19 in this action.

20 The Court TERMINATES the provisions of the Amended Consent
21 Judgment as they apply to Napa State Hospital, except § I.H and any other
22 provision necessary to remedy Defendants' non-compliance with that section. To
23 that end, §§ II (Enforcement), III (Modification of Terms), and IV (Compliance
24 and Termination) are retained to the extent they do not directly conflict with the
25 specific provisions of this Order below.

26 The Court ORDERS Defendants to modify their policies at Napa State
27 Hospital to prohibit all use of prone restraints, prone containments, and prone
28 stabilizations as called for in the Amended Consent Judgment § I.H.1.

1 The Court EXTENDS § I.H of the Amended Consent Judgment as it applies
2 to Napa State Hospital for no more than 12 months from the date of this Order.
3 This extension modifies the five-year termination provision stated in § IV.A.
4 During those 12 months, the Monitor shall conduct two evaluations of Defendants'
5 compliance with § I.H at Napa State Hospital. The Amended Consent Judgment's
6 term "maintained sustained compliance" is amended to mean that Defendants
7 maintain substantial compliance with § I.H for at least two Monitor evaluations.
8 See Amended Consent Judgment § IV.A. Within one month of the Court's entry
9 of this Order, the Monitor shall conduct the first evaluation and may conduct the
10 second evaluation within six months after the first evaluation or as shortly
11 thereafter as the Monitor deems appropriate. After any such evaluation, the
12 Monitor shall issue a report of his findings.

13 The Parties are ORDERED to file a joint report updating the Court on the
14 status of the Monitor's oversight no later than 10 days after the Monitor issues any
15 such evaluation report of Napa State Hospital.

16
17 **IT IS SO ORDERED.**

18
19 **Dated this _____ day of _____ 2012.**

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25 **THE HONORABLE AUDREY B. COLLINS**
26 **UNITED STATES DISTRICT JUDGE**
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28

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