



PC-AZ-005-007

FILED

OCT 14 1980

W. J. BURSTEN, CLERK
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
BY [Signature] DEPUTY CLERK

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MUNI FRED HARRIS, et al.,)
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 Plaintiffs,)
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 v.)
)
 HAROLD J. CARDWELL, et al.,)
)
 Defendants.)
)
 UNITED STATES OF AMERICA,)
)
 Amicus Curiae.)

NO. CIV-75-185-PHX-CAM

J U D G M E N T

This matter having come for hearing on October 14, 1980, and the Court having fully considered all the evidence, argument and memoranda presented by the parties,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. This Judgment incorporates all prior Orders of the Court including those of September 1, 1977, October 6, 1977, December 12, 1978, March 8, 1979, May 23, 1979, and September 24, 1979, and those Orders are hereby merged into this judgment in their entirety.

2. The claims made in plaintiffs' Second Amended Complaint are hereby adjudicated and merged into this Judgment.

3. The practices, procedures and standards prescribed below are such as have been negotiated by the parties and approved by the Court, and in no way represent a judicial determination of practices, procedures or standards required by the Constitutions of the United States & of the State of Arizona.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
2 defendants, their employees, agents, successors, assigns and all
3 those in concert therewith will:

4 4. Refrain from housing more than one inmate per
5 cell.

6 5. Refrain from housing in dormitories those inmates
7 classified as maximum custody status.

8 6. Refrain from double bunking inmates in dormitories
9 and from providing less than 60 square feet of floor space per
10 inmate in dormitories.

11 7. Permit inmates to be housed in contravention of
12 the living space standard set forth in paragraphs 4, 5 and 6
13 above only on a temporary basis and only by order of the Director
14 of the Department of Corrections after the Director determines
15 that such action is necessitated by an emergency that threatens
16 the security of the institution or the safety of the officers or
17 inmates.

18 8. Maintain dormitory 4, which is located adjacent to
19 the Health Unit in the main yard of the prison, as a housing unit
20 for those inmates classified as "non-duty" due to infirmities.

21 9. Maintain a classification system that ensures all
22 new inmates will be carefully screened and evaluated for proper
23 custodial assignment and program placement.

24 10. Maintain a classification system that ensures that
25 no inmate receives more surveillance or assistance than he
26 requires and that no inmate is kept in more secure condition or
27 status than his potential risk dictates.

28 11. Maintain a classification system that ensures that
29 the program and custody status of each inmate is reviewed at
30 least every 12 months.

31 12. Maintain an inmate work program to include
32 industrial, agricultural, maintenance and service jobs that will

1 ensure employment of all eligible inmates pursuant to
2 classification decisions.

3 13. Ensure that educational programs, to include high
4 school and college level courses and vocational programs that
5 provide instruction in marketable job skills, are available to
6 all eligible inmates pursuant to classification decisions.

7 14. Ensure there are sufficient recreational programs,
8 to include both athletic and cultural activities, available to
9 all eligible inmates pursuant to classification decisions.

10 15. Document any instances where restricted enrollment
11 precludes eligible inmates from participating in a program
12 assignment and ensure that the inmate is enrolled in the program
13 on a priority basis at the first available opportunity.

14 16. Provide inmates with health care services needed
15 to maintain basic health.

16 17. Maintain a uniform health care records system that
17 will facilitate continuity of care. The ambulatory section will
18 be problem oriented, and the records will reflect each health
19 encounter, setting forth the subjective complaint of the inmate,
20 the objective impression of the Health Provider, an assessment of
21 the problem and a plan of treatment, including, as required,
22 provisions for followup.

23 18. Ensure that there is an ongoing quality control
24 program for the Prison Health Unit Laboratory.

25 19. Maintain an active and continuing in-service
26 educational program for the health staff of the Prison.

27 20. Maintain the inmates' right to appear at sick call
28 and ensure that the correctional staff does not interfere with
29 the inmates' auditory privacy at sick call.

30 21. Maintain an adequate mental health services
31 program that will ensure inmates with mental illness who need
32 in-patient care are transferred to the Alhambra Facility, while

1 other inmates may be retained in the Prison and provided
2 treatment that is supervised by competent health professionals
3 including psychiatric, psychological and other mental health
4 staff.

5 22. Ensure that medical and dental care will be
6 provided only by physicians and dentists meeting appropriate
7 educational and licensing requirements.

8 23. Ensure that adequate pharmaceutical services are
9 maintained under the continuing supervision of a registered
10 pharmacist.

11 24. Ensure that substance abuse treatment programs are
12 made available to all inmates who suffer from substance abuse.

13 25. Ensure that a sufficient number of custodial
14 personnel are trained in cardiopulmonary resuscitation and are
15 available on each shift.

16 26. Ensure that arrangements are maintained for the
17 services of outside health specialists and arrangements are made
18 with an outside health facility to provide emergency services,
19 medical/surgical services and in-patient community general
20 hospital care.

21 27. Provide independent and internal audits of the
22 health care delivery system at the Prison. External audits will
23 be conducted as least twice a year by two physicians qualified to
24 perform audits. The audits will include a records review and a
25 review of internal audit criteria and procedures and will comply
26 with essential audit requirements as stated by the Joint
27 Commission of Hospital Accreditation.

28 28. Maintain a satisfactory health unit staffing
29 pattern at the Prison which will include no less than five
30 registered nurses. The four registered nurses positions that are
31 currently funded by a medical services grant will be retained
32 with State funds should the Federal funding be terminated.

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29. The defendants will insure full compliance with the lawful requirements of all state agencies that may legally exercise jurisdiction over any of the activities of the Department of Corrections.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

30. This Court shall retain jurisdiction in this matter to monitor compliance with the Judgment on such terms and conditions as it shall order at a hearing scheduled for November 24, 1980.

DONE IN OPEN COURT this 14 day of October, 1980.

C.A. MUECKE
Chief United States District Judge
United States District Court
District of Arizona

APPROVED AS TO FORM:

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