



PC-AZ-005-008

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U. S. DISTRICT COURT  
DISTRICT OF ARIZONA

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

MUNI FRED HARRIS, et al.,	)	
	)	NO. CIV 75-185 PHX CAM
Plaintiffs,	)	
	)	A M E N D E D
vs.	)	J U D G M E N T
	)	
HAROLD J. CARDWELL, et al.,	)	
	)	
Defendants.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Amicus Curiae.	)	

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.

1           3. The practices, procedures and standards prescribed  
2 below are such as have been negotiated by the parties and  
3 approved by the Court, and in no way represent a judicial deter-  
4 mination of practices, procedures or standards required by the  
5 Constitutions of the United States and of the State of Arizona.

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

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

10           5. Refrain from housing in dormitories those inmates  
11 classified as maximum custody status.

12           6. Refrain from double bunking inmates in dormitories  
13 and from providing less than 60 square feet of floor space per  
14 inmate in dormitories.

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

22           8. Maintain dormitory 4, which is located adjacent to  
23 the Health Unit in the main yard of the prison, as a housing  
24 unit for those inmates classified as "non-duty" due to infirmi-  
25 ties.

26           9. Maintain a classification system that ensures all  
27 new inmates will be carefully screened and evaluated for proper  
28 custodial assignment and program placement.

1 ~~maintain a classification system that ensures that~~  
2 ~~no inmate receives surveillance or assistance~~  
3 ~~requiring~~  
4 ~~\_\_\_\_\_~~

5 11. Maintain a classification system that ensures that  
6 the program and custody status of each inmate is reviewed at  
7 least every 12 months.

8 12. Maintain an inmate work program to include indus-  
9 trial, agricultural, maintenance and service jobs that will  
10 ensure employment of all eligible inmates pursuant to classifi-  
11 cation decisions.

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

16 14. Ensure there are sufficient recreational programs,  
17 to include both athletic and cultural activities, available to  
18 all eligible inmates pursuant to classification decisions.

19 15. Document any instances where restricted enrollment  
20 precludes eligible inmates from participating in a program  
21 assignment and ensure that the inmate is enrolled in the program  
22 on a priority basis at the first available opportunity.

23 16. Provide inmates with health care services needed  
24 to maintain basic health.

25 17. Maintain a uniform health care records system that  
26 will facilitate continuity of care. The ambulatory section will  
27 be problem oriented, and the records will reflect each health  
28 encounter, setting forth the subjective complaint of the inmate,

1 the objective impression of the health provider, an assessment  
2 of the problem and a plan of treatment, including, as required,  
3 provisions for followup.

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

6 19. Maintain an active and continuing in-service edu-  
7 cational program for the health staff of the prison.

8 20. Maintain the inmates' rights to appear at sick  
9 call and ensure that the correctional staff does not interfere  
10 with the inmates' auditory privacy at sick call.

11 21. Maintain an adequate mental health services pro-  
12 gram that will ensure inmates with mental illness who need in-  
13 patient care are transferred to the Alhambra Facility, while  
14 other inmates may be retained in the prison and provided treat-  
15 ment that is supervised by competent health professionals  
16 including psychiatric, psychological and other mental health  
17 staff.

18 22. Ensure that medical and dental care will be pro-  
19 vided only by physicians and dentists meeting appropriate edu-  
20 cational and licensing requirements.

21 23. Ensure that adequate pharmaceutical services are  
22 maintained under the continuing supervision of a registered  
23 pharmacist.

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

26 25. Ensure that a sufficient number of custodial per-  
27 sonnel are trained in cardiopulmonary resuscitation and are  
28 available on each shift.

1           26. Ensure that arrangements are maintained for the  
2 services of outside health specialists and arrangements are made  
3 with an outside health facility to provide emergency services,  
4 medical/surgical services and in-patient community general hos-  
5 pital care.

6           27. Provide independent and internal audits of the  
7 health care delivery system at the prison. External audits will  
8 be conducted at least twice a year by two physicians qualified  
9 to perform audits. The audits will include a records review and  
10 a review of internal audit criteria and procedures and will  
11 comply with essential audit requirements as stated by the Joint  
12 Commission of Hospital Accreditation.

13           28. Maintain a satisfactory health unit staffing pat-  
14 tern at the prison which will include no less than five regi-  
15 stered nurses. The four registered nurses positions that are  
16 currently funded by a medical services grant will be retained  
17 with state funds should the federal funding be terminated.


18           29. The defendants will insure full compliance with  
19 the lawful requirements of all state agencies that may legally  
20 exercise jurisdiction over any of the activities of the Depart-  
21 ment of Corrections.

22           IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

23           30. Before the Court will enforce the practices, proce-  
24 dures or standards established by any paragraph of this Judgment  
25 on the ground that they are alleged to have been or are in the  
26 process of being violated, the claim on behalf of an individual  
27 inmate of violation must have been presented as a grievance and  
28 the inmate grievance procedure must be exhausted, unless the

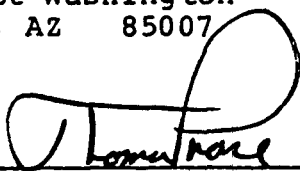
1 sole claim is that the grievance procedure itself is deficient.  
2 A claim of violation on behalf of the class as a whole or on  
3 behalf of a substantial part of the class may with the approval  
4 of the Court be presented by counsel for the class at any time.  
5 Regardless of how it is styled, an action to enforce the prac-  
6 tices, procedures or standards established in this Judgment shall  
7 be treated as an order to show cause or as a motion to enforce  
8 the Judgment. If the defendants are adjudged to be in violation  
9 of the practices, procedures or standards established by this  
10 Judgment, the defendants shall be given a reasonable time to  
11 purge themselves of contempt before sanctions are imposed. If  
12 within the reasonable time designated by the Court the defen-  
13 dants bring themselves into compliance with the practice, proce-  
14 dures or standards established by this Judgment, no sanctions  
15 will attach unless the Court finds that the violation was will-  
16 ful, deliberate and in bad faith. It shall be a defense to a  
17 claimed violation of this Judgment that compliance with the par-  
18 ticular provisions alleged to have been violated was prevented  
19 or rendered impracticable by an emergency such as a riot or a  
20 work stoppage.

21 DONE IN OPEN COURT this 25 day of May, 1982.

22  
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24   
25 C. A. MUECKE  
26 Chief United States District Judge  
27 United States District Court  
28 District of Arizona

1 APPROVED AS TO FORM:

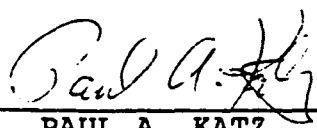
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