

DOJ Settlement
Agreement

Susan W. Hendrix

From: Alison A. Perdue
Sent: Tuesday, December 17, 2013 8:18 AM
To: District1; District2; Gene M. Valentino; District3; District4; Grover C. Robinson; District5; Steven L. Barry
Cc: George Touart; Susan W. Hendrix; Gordon C. Pike; Amy L. Lovoy; Brett D. Whitlock; LARRY M. NEWSOM; Selina L. Barnes; Dianne C. Simpson
Subject: FW: Proposed Settlement Agreement
Attachments: Escambia CD 12 -16-13 (sent to jurisdiction).docx

Commissioners,

Attached please find the initial draft of the proposed settlement agreement sent to me by counsel at DOJ regarding the Escambia County Jail. Please know that staff will be reviewing the proposal. I am awaiting a return phone call from the attorney and will ask him about timelines and other details of the proposal. I wanted you to be aware of the initial proposal, especially the staffing recommendations, as soon as possible. I plan to get with Mr. Touart as soon as possible today and will be meeting with Gordon, Commander Whitlock and others to discuss appropriate counter-proposal recommendations.

Please get with me directly if you have any questions or concerns. Do not reply to this email.

Alison

From: Deutsch, David (CRT) [<mailto:David.Deutsch@usdoj.gov>]
Sent: Monday, December 16, 2013 4:58 PM
To: Alison A. Perdue
Cc: Abbate, Julie (CRT); Stinson, Nicole (CRT)
Subject: Proposed Settlement Agreement

Alison:

Attached is a proposed agreement to settle our on-going investigation of the Escambia County Jail. Please call me after you have had an opportunity to review or if you have any questions.

David

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CONSENT AGREEMENT

INTRODUCTION

1. The purpose of this Consent Agreement (“Agreement”) is to remedy the constitutional violations at the Escambia County Jail identified in the findings letter that the United States issued on May 22, 2013 (“Findings Letter”). The Jail is an integral part of the public safety system in Pensacola, Florida. Through the provisions of this Agreement, the Parties seek to ensure that the conditions in the Jail protect the constitutional rights of prisoners confined there. By ensuring that the conditions in the Jail are constitutional, Defendant will also provide for the safety of staff and promote public safety in the community.
2. Plaintiff is the United States.
3. Defendant is Escambia County, Florida.
4. Defendant shall ensure that all agencies and individuals under its control take all actions necessary to comply with the provisions of this Agreement.
5. Defendant both funds and operates the Jail in Pensacola, Florida (“the Jail”) and is responsible for providing care, custody, and control of the Jail’s prisoners. The Jail can house up to 1,442 prisoners. The Jail’s current population is 1,314, consisting of 1,092 male and 222 female prisoners. Roughly 65 percent of the Jail’s prisoners are African Americans and 35 percent are Caucasian. About 72 percent of the Jail’s prisoners are pre-trial detainees.
6. The Jail consists of the Main Detention Facility (“Main Jail”), with a capacity of 815 prisoners, and a current daily occupancy of 713, and a Central Booking and Detention Facility (“CBD”), with a capacity of 697 prisoners, and a current daily occupancy of 601. The Main Jail provides general population housing for male prisoners, special housing for juveniles, and administrative, mental health, infirmary, disciplinary confinement, and protective custody housing. CBD houses the Jail’s female prisoners in general population, prisoners remanded to the custody of the Jail, and prisoners awaiting classification. CBD is the central intake and booking facility for all of the County’s law enforcement agencies as well as state law enforcement entities.
7. The United States Department of Justice (“DOJ”) enters into this agreement with Defendant after having conducted an investigation into conditions at the Jail pursuant to its authority under the Civil Rights of Institutionalized Persons Act (“CRIPA”), 42 U.S.C. § 1997. During its investigation, DOJ conducted a series of tours of the Jail, each lasting between three to five days. The most recent DOJ tour was conducted October 15-17, 2012.
8. On May 22, 2013, DOJ issued a Findings Letter, pursuant to 42 U.S.C. § 1997 (a) (1), which concluded that certain conditions at the Escambia County Jail violated the constitutional rights of prisoners, and recommended remedial measures.

9. This Agreement is the result of a cooperative effort between DOJ and Defendant that evinces a commitment to achieve and maintain constitutional conditions at the Escambia County Jail. Through the provisions of this Consent Agreement, the Parties seek to protect the constitutional rights of prisoners at Escambia, provide for the safety of staff, and avoid the risks and burdens of litigation.
10. No person or entity is intended to be a third-party beneficiary of this Agreement for purposes of any civil, criminal, or administrative action. Accordingly, no person or entity may assert any claim or right as a beneficiary or protected class under this Agreement. This Agreement is not intended to impair or expand the right of any person or entity to seek relief against the County or its officials, employees, or agents for their conduct. This Agreement is not intended to alter legal standards governing any such claims.
11. Defendant stipulates that the conditions at the Escambia County Jail necessitate the remedial measures contained in this Agreement, including supervision, non discrimination, and mental health and suicide provisions.
12. The Parties stipulate that this Agreement complies in all respects with the Prison Litigation Reform Act, 18 U.S.C. § 3626(a). The Parties further stipulate and the Court finds that the prospective relief in this Agreement is narrowly drawn, extends no further than necessary to correct the violations of federal rights as alleged by DOJ in its Complaint and Findings Letter (attached as Exhibit "A"), is the least intrusive means necessary to correct these violations, and will not have an adverse impact on public safety or the operation of a criminal justice system. Accordingly, the Parties represent, and this Court finds, that the Agreement complies in all respects with 18 U.S.C. § 3626(a).

I. DEFINITIONS

1. "Adequate" shall mean that level of service required for compliance with the Constitution of the United States.
2. "Compliance" is discussed throughout this Agreement in the following terms: substantial compliance, partial compliance, and non-compliance. "Substantial Compliance" with a provision means that Defendant has achieved compliance with most or all of the components of the relevant Agreement provision. "Partial Compliance" with a provision means that the Defendant has achieved compliance with some of the components of the relevant Agreement provision, but significant work remains. "Non-compliance" means that the Defendant has not met most or all of the components of the Agreement provision.
3. "DOJ" shall refer to the United States Department of Justice, which represents the United States in this matter.

4. "Document," when used in this Agreement as a verb, means completing a report, either in hard copy or in electronic format, with sufficient supporting data, facts, and explanation.
5. "Effective Date" means the date the Agreement is entered as a Court order.
6. "Extraordinary and exceptional circumstances" refers to a substantial and imminent risk to the safety of a prisoner or other persons.
7. "Implement" or "implementation" means putting a remedial measure into place and into practice by all necessary means, including, *inter alia*, staffing augmentation, training impacted personnel, and maintaining data.
8. "Include" or "including" means "include, but not be limited to" or "including, but not limited to."
9. "Isolation" or "segregation" means the involuntary confinement in a locked room or cell, either alone or double-celled, for approximately 21 or more hours per day.
10. "Prisoner" means an individual detained, housed, held, in the custody of, or confined in the Jail for any period of time.
11. "Interdisciplinary Team" refers to a team consisting of treatment staff from various disciplines, including medical, nursing, and mental health and one or more members from corrections or security functions.
12. "Jail" refers to all correctional facilities operated by Defendant and includes: the Main Jail, a Central Booking and Detention Facility, and any facility that may be built, leased, or otherwise used to replace or supplement the current Jail facilities.
13. "Jail Management" refers to those who have the authority and responsibility for the day-to-day operations of the Jail, and the oversight of employees, contractors, and volunteers.
14. "Long-term isolation" means a period of isolation intended to last or that does last more than 14 consecutive days.
15. "Mental Health Review Committee" refers to a group consisting of the Jail Mental Health Director or designee, and the Lead Jail Psychiatrist.
16. "Monitor" means the individual selected to oversee implementation of the Agreement.
17. "Psychotropic medication" means any substance used to treatment of mental health problems or mental illness that affects the mind and is capable of modifying mental activity or behavior.

18. “Qualified Mental Health Professional” is a psychiatrist, psychologist, psychiatric social worker, psychiatric nurse, or a professional who by virtue of his or her education, credentials, and experience is licensed by Florida and permitted by law to evaluate and care for patients’ mental health needs.
19. “Qualified Mental Health Staff” refers to individuals with a minimum of a bachelor’s degree and two years of experience who provide mental health services under the direct supervision of a Qualified Mental Health Professional.
20. “Qualified Nursing Staff” means staff currently licensed by Florida as registered or licensed practical nurses.
21. “Quality Assurance” means a system for assessing the implementation and effectiveness of remedies instituted under this Agreement, identifying any existing deficits, and effectuating new measures to cure identified deficits.
22. “Remedial Measure” includes each and every measure detailed in the substantive provisions of this Agreement geared toward achieving the Agreement’s goals, including new policies, procedures, training curricula, and outcome measures. However, the term *does not* refer to specific operational decisions.
23. “Security rounds” is when correctional officers walk into and through their assigned housing units.
24. “Self harm” is an act by a prisoner that inflicts damage to, or threatens the integrity of, his or her body. These acts include, but are not limited to, hanging, self-strangulation, asphyxiation, cutting, self-mutilation, ingestion of a foreign body, insertion of a foreign body, head banging, drug overdose, jumping, and biting.
25. “Sentinel event” is an unexpected occurrence involving death or serious physical or psychological injury, or the risk thereof. The phrase “or the risk thereof” includes any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. Such events are called “sentinel” because they signal the need for immediate investigation and response.
26. “Serious injury” includes any injury that requires immediate medical treatment by jail-based medical providers or hospital care.
27. “Serious mental illness” (“SMI”) means: (1) a diagnosable mental, behavioral or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM-IV or their ICD-9-CM equivalent (and subsequent revisions) with the exception of DSM-IV "V" codes, substance use disorders, and developmental disorders, which are excluded, unless they co-occur with another diagnosable serious mental illness; or (2) a substantial disorder of thought or mood that significantly impairs judgment, behavior, or capacity to recognize reality or cope with the ordinary demands of life.

28. "Serious suicide attempt" means a suicide attempt that is either potentially life-threatening or that requires medical treatment or hospitalization.
29. "Special needs prisoner" means any prisoner who is suicidal, has mental illness and/or intellectual and/or developmental disabilities, is intoxicated, or is otherwise a danger to himself/herself or others.
30. "Suicide Precautions" means any level of watch, observation, or measures to prevent self-harm.
31. "Sustain Implementation" means to achieve a prolonged and continuous practice.
32. "Train" means to instruct in the skills addressed to a level that the trainee has a documented post-training level of proficiency. "Trained" means to have achieved such proficiency in the skills and to implement those skills regularly.
33. "Treatment Plan" refers to an individualized plan that is based on assessments, identifies the care needs, and develops strategies to meet those needs. The purpose of the plan is to transition the prisoner through the continuum of care in a safe and effective way. To accomplish this goal, the plan documents treatment goals, objectives, and treatment interventions; states criteria for terminating specific interventions; and documents the prisoner's progress in meeting the goals and objectives. The plan requires that each discipline must collaborate to assess and reassess the patient, and then integrate interdisciplinary documentation of needs, goals, strategies and interventions. Disciplines represented in any treatment plan referred to under this Agreement shall include, at a minimum, medical, mental health, and security staff.

II. SUBSTANTIVE PROVISIONS

A. PROTECTION FROM HARM

The goal of this subsection of the Agreement is to ensure that, consistent with constitutional standards, Defendant provides prisoners with a reasonably safe and secure environment where prisoners are protected from assault by other prisoners and are not subjected to unnecessary or excessive uses of force by Jail staff. To achieve this goal, Defendant shall adopt and fully implement each of the remedial measures detailed in the enumerated provisions of this subsection. Prior to adopting and implementing each of these remedial measures, Defendant shall consult with and obtain approval from the Monitor and DOJ. The Monitor and DOJ shall base their assessment of whether to approve the adoption and implementation of each of the enumerated remedial measures on whether the measure is entirely consistent with the goal of ensuring that Defendant provide prisoners with a reasonably safe and secure environment.

Unless otherwise indicated, within 100 days of the Effective Date, Defendant shall provide the Monitor and DOJ with first drafts of policies, procedures, training curricula and other remedial measures they propose to adopt. These remedial measures shall be adopted no later than 60 days and fully implemented no later than 200 days after approval by the Monitor and DOJ.

1. New Security Policies, Procedures, and Training Curricula. Defendant shall adopt and fully implement the following security policies, procedures, and training:
 - a. Policies, procedures, and training curricula ensuring that correctional officers and security supervisors conduct and document security rounds. These remedial measures shall ensure that correctional officers and security supervisors conduct an adequate and reasonable number of rounds at irregular intervals inside each and every housing unit. Rounds shall be conducted on each shift, every day. The frequency of rounds may differ based on the classification status of the prisoners housed in a particular unit. These remedial measures shall require correctional officers and security supervisors to document any security deficiencies observed during rounds and to note any corrective actions taken.
 - b. Policies, procedures, and training curricula that ensure the appropriate use of video surveillance as a security enhancement. These remedial measures shall prevent the use of video surveillance as a substitute for rounds and correctional officers' direct observations of the prisoners and the safety conditions in the housing units.
 - c. A policy, procedure, and training curricula ensuring the documentation of all security rounds on forms or logs and prohibiting the use of pre-printed rounding times and/or signatures.
 - d. Policies, procedures, and training curricula that ensure security staff appropriately searches cells for contraband. These remedial measures shall include, for all shifts, the following:
 - (1) Random visual searches of individual cells in housing areas and cellblocks;

- (2) Random searches of common areas of the housing units and other areas in which prisoners have access (e.g. classrooms, visiting areas, laundry);
 - (3) Regular searches of intake cells;
 - (4) Periodic large scale searches of housing units, including areas that have prisoner access such as education and program space, the medical unit, gang holding cells, and central booking; and
 - (5) Documentation of the contraband recovered in searches for review by Jail leadership.
- e. Policies, procedures, and training curricula ensuring that correctional officers assigned to special management units, including disciplinary segregation, protective custody, and infirmary, receive at least eight hours of specialized training prior to working on those units, and annually thereafter.
2. New Policies, Procedures, and Training Curricula for Notifying Managers. Defendant shall adopt and fully implement policies, procedures, and training curricula for notifying managers of serious security/safety related incidents in the Jail. These remedial measures shall ensure managers learn of the incidents shortly after they have occurred, enabling the managers to take action, if required, to prevent additional harm to prisoners or to take other corrective action. These remedial measures shall also ensure staff notifies Jail leadership of serious safety/security incidents by no later than the end of each shift.
3. Collection of Data. Defendant shall adopt and fully implement new policies, procedures, and training curricula concerning the collection, maintenance, and analysis of security and safety related data. These remedial measures shall ensure that sufficient information is collected to assess whether staff members have complied with policy; whether corrective action is necessary, including training or discipline; the effectiveness of training and policies; and whether conditions at the Jail comply with this Agreement.
4. Consolidated Report for Tracking Prisoner Violence. Defendant shall adopt and fully implement new policies and procedures for tracking prisoner violence. These remedial measures shall ensure that the Jail has a system for tracking all serious safety/security related incidents that captures in one report the most relevant information for each incident, including location, any injuries sustained to prisoners or staff, any prisoner or staff witnesses, any medical care provided, primary and secondary staff involved, the reviewing supervisor, external reviews and results, the remedy taken, and administrative sign-off. These remedial measures shall also require Jail management and leadership to effectively review and use the consolidated report.
5. Periodic Reporting of Data to the Monitor and DOJ for Purposes of Assessing Compliance. Ninety days after the Effective Date and every six months thereafter until the termination of this Agreement, Defendant shall submit to the Monitor and DOJ a Periodic Security/Safety Report, detailing the use of force by staff and prisoner-on-prisoner assaults, and whatever other information the Monitor and DOJ deems necessary for assessing progress toward meeting the goal of this subsection of the Agreement – the achievement of a reasonably safe

and secure environment for the Jail's prisoners. Excepting the initial submission, The Monitor and DOJ shall, within 60 days of receiving the Periodic Security/Safety Report, assess and report back on whether the Defendant is making substantial progress toward achieving the goal of this subsection. If a review of any given Report indicates that substantial progress has not been made, the Monitor and DOJ shall determine what additional remedial measures need to be adopted and implemented under this Agreement. Irrespective of whether the Defendant has complied with the other requirements of this Agreement, this Agreement shall remain in effect up and until such time as the data and information provided in the Periodic Security/Safety Report to the Monitor and DOJ establish that the goal of this subsection has been achieved in full for a sustained period of time.

6. Implementation of Prison Rape Elimination Act Requirements. New regulations promulgated pursuant to the Prison Rape Elimination Act of 2003, 42 U.S.C. § 15601, *et seq.*, ("PREA") include those related to the prevention, detection, reporting, and investigation of sexual assault and sexual harassment. Accordingly, Defendant shall adopt and implement policies, procedures, training curricula, protocols, audits, and other remedial measures consistent with the requirements of PREA.
http://www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf.
7. Security Staffing. To achieve the goal of providing prisoners with a reasonably safe and secure environment and to avoid an unacceptable and excessive risk of harm to prisoners, correctional staffing and supervision must be sufficient to adequately supervise prisoners in their daily living, in movement throughout the facilities, and during their participation in programs and services.
 - a. To achieve adequate staffing levels, Defendant shall implement the recommendations of the Staffing Study that Justice Concepts prepared for them in March 2011 (Attachment B). Consistent with the Justice Concepts Staffing Study, Defendant shall:
 - (1) Fill all existing vacancies, both funded and authorized, that exist as of the Effective Date and use best efforts to retain and fill any vacancies that may occur in the future;
 - (2) In Year One of the Effective Date: budget for and employ 30 additional detention staff;
 - (3) In Year Two of the Effective Date: budget for and employ 30 additional staff (for a total of 60);
 - (4) In Year Three of the Effective Date: budget for and employ 20 additional detention staff (for a total of 80); and
 - (5) In Year Four of the Effective Date: budget and employ 20 additional staff (for a total of 100).

b. Two Years after the Effective Date, the Defendant may have another comprehensive staffing study prepared for the Jail to determine whether new staffing levels can be adopted to supersede the levels detailed in Provision II.A.7.a above. (See NIC Jail Staffing Analysis workbook <http://static.nicic.gov/Library/016827.pdf>) (Defendant has indicated that they may want to explore strategies for reducing the prisoner population, which may in turn have the effect of reducing the need for jail beds and for security/supervision posts in the Jail). Upon completion of any new staffing plan and analysis, Defendant shall provide their findings to the Monitor and DOJ for review and approval. The Monitor and DOJ shall have 30 days to require any revisions to the staffing plan. Defendant shall fund staffing for the Jail based on the staffing plan and analysis, together with any revisions mandated by the Monitor and DOJ. The Monitor and DOJ shall set the timetable for the hiring of any additional staff.

8. Monitor And DOJ May Identify Additional Security/Safety Related Remedial Measures. Defendant shall adopt and implement any additional remedial measures – including additional policies, procedures, and training curricula – that the Monitor and DOJ identify as necessary to achieve the goal of a reasonably safe and secure environment.

B. HOUSING OF PRISONERS BY RACE

The goal of this subsection of the Agreement is to ensure that, consistent with constitutional standards, Jail staff do not consider race or ethnicity when making housing determinations for the Jail's prisoners.

Prior to adopting and implementing each of the remedial measures detailed in this subsection, Defendant shall consult with and obtain approval from the Monitor and DOJ. The Monitor and DOJ shall provide approval only when the Defendant's approach to adopting and implementing any given remedial measure is entirely consistent with the goal of ensuring that neither race nor ethnicity is considered when Jail staff makes housing determinations for the Jail's prisoners.

Defendant shall provide the Monitor and DOJ with first drafts of policies, procedures, training curricula and other remedial measures they propose to adopt within 100 days of the Effective Date. These remedial measures shall be adopted no later than 60 days and fully implemented no later than 200 days after approval by the Monitor and DOJ.

1. Existing Policy Concerning Classification and Housing. Defendant shall fully implement their recently revised classification policy: G.O.809.1 classification 10142011. Defendant shall be deemed to have fully implemented this policy upon having consulted with and obtained approval from the Monitor and DOJ. The Monitor and DOJ shall only approve of Defendant's implementation of this policy if its implementation is consistent with the goal of ensuring that neither race nor ethnicity is considered when Jail staff makes housing determinations for the Jail's prisoners.
2. New Policies, Procedures, and Training Curricula Concerning the Housing of Prisoners. Defendant shall adopt and fully implement whatever policies, procedures, and training curricula are necessary to ensure that neither race nor ethnicity are considered, either formally or informally, in the course of staff making housing determinations for prisoners.

3. Collection of Data. Defendant shall adopt and fully implement new policies, procedures, and training curricula concerning the collection, maintenance, and analysis of housing and classification decisions. These remedial measures shall ensure that sufficient information is collected to assess whether staff members have complied with policy; whether corrective action is necessary, including training or discipline; the effectiveness of policies; and whether conditions at the Jail comply with the goal of this subsection of the Agreement.
4. Periodic Reporting of Data to the Monitor and DOJ for Purpose of Assessing Compliance. Ninety days after the Effective Date, and every six months thereafter until the termination of this Agreement, Defendant shall submit to the Monitor and DOJ a Periodic Desegregation Report, detailing the racial and ethnic composition of each of the Jail's housing pods, and whatever other information the Monitor and DOJ deem necessary for assessing progress toward meeting the goal of this subsection of the Agreement – ensuring that Jail staff do not consider race or ethnicity in the course of making housing determinations. The Monitor and DOJ shall, within 60 days of receiving the Periodic Desegregation Report, assess and report back on whether the Defendant has achieved the goal of this subsection. If a review of any given Report indicates that Defendant has not achieved or is no longer achieving the goal of this subsection, the Monitor and DOJ shall determine what additional remedial measures need to be adopted and implemented under this Agreement. Irrespective of whether the Defendant has complied with the other requirements of this Agreement, this Agreement shall remain in effect up and until such time as the data and information provided in the Periodic Desegregation Report establish that the goal of this subsection has been achieved in full for a sustained period of time.

C. **MENTAL HEALTH CARE AND SUICIDE PREVENTION**

The goal of this subsection of the Agreement is to ensure that, consistent with constitutional standards, Defendant provides prisoners with adequate mental health care.

Prior to adopting and implementing each of the remedial measures in this subsection, Defendant shall consult with and obtain approval from the Monitor and DOJ. The Monitor and DOJ shall provide approval only when the Defendant's approach to adopting and implementing any given remedial measure is entirely consistent with the goal of ensuring that Defendant provides adequate mental health care to the Jail's prisoners.

Unless otherwise indicated, Defendant shall provide the Monitor and DOJ with first drafts of policies, procedures, training curricula and other remedial measures they propose to adopt within 100 days of the Effective Date. These remedial measures shall be adopted no later than 60 days after approval by the Monitor and DOJ and fully implemented no later than 200 days after approval by the Monitor and DOJ.

1. Existing Policies. Defendant shall fully implement Escambia County Jail policies J-A-06 Continuous Quality Improvement Program, J-A-09 Privacy of Care, J-D-01 Pharmaceutical Operations and Medication Service, J-D-05 Hospital and Specialty Care, J-E-04 Health Assessment, J-E-05-Mental Health Screening and Evaluation; J-E-07 Non-Emergency Health Care Requests and Services, J-G-02 Patients with Special Needs, J-G-03-Medical & Mental Health Infirmery Care, J-G-04-Basic Mental Health Services, J-G-05 Suicide Prevention Program, J-H-01 Health Record, and J-I-01 Restraint and Seclusion. Defendant shall only be deemed to have fully implemented these policies upon having consulted with and obtained approval from the Monitor and DOJ. The Monitor and DOJ shall only approve

of the Defendant's implementation of these policies if Defendant's implementation is consistent with the goal of ensuring that Defendant provides adequate mental health care to the Jail's prisoners.

2. Mental Health Staffing (Generally). Defendant shall adopt and fully implement new policies and procedures ensuring the deployment and retention of an adequate number of Qualified Mental Health Professionals and Staff; the availability of Mental Health Professionals for consultation – either in person or by phone – 24 hours a day; and the maintenance of a written and up-to-date mental health staffing plan.
3. Psychiatry hours. Defendant shall adopt and fully implement new policies and procedures ensuring that every week of the year at least two psychiatrists work at the Jail, each for at least 32 hours a week. These hours shall be clearly documented and logged.
4. Collaboration between Psychology, Psychiatry, and Jail Leadership. Defendant shall adopt and fully implement new policies, procedures and training curricula to ensure adequate collaboration between Psychology, Psychiatry, and Jail Leadership. These remedial measures shall include measures that ensure adequate interdisciplinary treatment plans, the collaborative planning of the clinical treatment of prisoners' mental health needs, and collaborative management of mental health services generally. These measures shall also foster an adequate amount of communication between the Jail's Psychologists and Psychiatrists and the Jail Administrator and Director of Mental Health Services. Adequate communication between Jail's psychologists and psychiatrists and its leadership shall involve, in part, ensuring that leadership is routinely informed of the resource needs of the Jail's mental health program.
5. Initial Screening. Defendant shall adopt and fully implement new policies, procedures, and training curricula concerning screening practices at the Jail. These remedial measures shall ensure that: trained and Qualified Medical or Mental Health Staff shall administer an initial mental health/suicide screen for all incoming arrestees; the mental health screening shall be done at the same time as medical screening, both of which shall take place prior to housing placement (the mental health screening may include or be in addition to the assessment required under the PREA standards (see Section II.A.6 above)); the medical and mental health screenings shall take place within four hours of booking; the results of the screening shall be shared with appropriate correctional staff; the mental health screening shall include explicit screening for the potential for self-harm, delirium, depression, mania, and psychosis; and the screening form shall include the identification and assessment of the following factors:
 - a. Past suicidal ideation or attempt;
 - b. Current suicidal ideation, threat, or plan;
 - c. Prior mental health treatment or hospitalization;
 - d. Recent significant loss such as the death of a family member or close friend;
 - e. History of suicidal behavior by family members or close friends;

- f. Suicide risk during any prior confinement (i.e., whether prisoner has previously been on a suicide watch);
- g. Any observations by the transporting officer, court, transferring agency, or similar individuals regarding the prisoner's potential suicidal risk or mental health;
- h. Substance(s) or medication(s) used, including the amount, time of last use, and history of use;
- i. Any physical observations, such as shaking, seizing, or hallucinating;
- j. History of drug withdrawal symptoms, such as agitation, tremors, seizures, hallucinations, or delirium tremens; and
- k. History/serious risk of delirium, depression, mania, and psychosis.

The screening instrument will be validated by a Qualified Mental Health Professional approved by the Monitor and DOJ within X days of the Effective Date and every 12 months thereafter, if necessary.

6. Mental Health Assessments. Defendant shall adopt and fully implement new policies, procedures, and training curricula to ensure the following:

- a. A Qualified Mental Health Professional or a member of the Qualified Mental Health Staff who is appropriately supervised by a Qualified Mental Health Professional shall conduct appropriate mental health assessments within the following time periods from the initial screen or other identification of need:
 - (1) 10 days, or sooner if medically necessary, for prisoners with routine mental health needs;
 - (2) 24 hours, or sooner if medically necessary, for prisoners with urgent mental health needs; and
 - (3) Immediately, but no later than two hours, for prisoners with emergent mental health needs.
- b. A Qualified Mental Health Professional shall perform a mental health assessment no later than the next working day following any adverse triggering event (i.e., any suicide attempt, any suicide ideation, or any aggression to self resulting in serious injury).
- c. The mental health assessment shall include a recorded diagnosis section on Axis I, II, and III, using the DSM-IV-TR, or subsequent Diagnostic and Statistical Manual of the American Psychiatric Association;
- d. A Qualified Mental Health Professional shall, as part of a prisoner's interdisciplinary treatment team, maintain a risk profile for each prisoner on the mental health case load and develop and implement a treatment plan to minimize the risk of harm to each prisoner;

- e. Jail staff shall request, obtain, and review available information regarding any diagnosis made by a prisoner's community or hospital treatment provider, and shall account for a prisoner's psychiatric history as a part of the mental health assessment;
 - f. If a prisoner is assessed as having mental illness, the prisoner shall be referred to the psychiatrist and psychologist for appropriate treatment and an initial treatment plan shall be developed and implemented;
 - g. Adequate and timely treatment for prisoners whose assessments reveal mental illness and/or suicidal ideation shall include timely and appropriate referrals for specialty care and visits with Qualified Mental Health Professionals, when clinically appropriate;
 - h. Jail staff shall adequately document the mental health assessment and initial treatment plan in the prisoner's medical record; and
 - i. On an annual basis, Defendant shall assess the process for screening prisoners for mental health needs to determine whether prisoners are being appropriately identified for care. Based on this assessment, Defendant shall recommend changes, if any, to the screening system. The assessment and recommendations will be documented and provided to the Monitor and DOJ within X days. The revised screening system will be implemented no later than X days after approval by the Monitor and DOJ.
7. Referrals and Access to Care. Defendant shall adopt and fully implement new policies, procedures, and training curricula to ensure prisoners are adequately referred to Qualified Mental Health Professionals. These remedial measures shall require levels of referrals based on acuteness of need and shall include "routine referrals," "urgent referrals," and "emergent referrals."
- a. A prisoner designated as a "Routine Referral" will be seen by a Qualified Mental Health Professional within 10 days, and a psychiatrist within the following 48 hours, when clinically indicated (e.g., for medication and/or diagnosis assessment).
 - b. A prisoner designated as an "Urgent Referral" will be seen by a Qualified Mental Health Professional within 24 hours, and a psychiatrist within 48 hours, when clinically indicated.
 - c. A prisoner designated as an "Emergent Referral" shall be seen by a Qualified Mental Health Professional within two hours. "Emergent Referrals" shall include prisoners identified as at risk of harming themselves or others. If clinically indicated, the prisoner will be seen by a psychiatrist within 24 hours (or the next business day). "Emergent Referrals" must be placed on constant observation at least until seen by a Qualified Mental Health Professional.
8. Prisoner Requests for Mental Health Care. Defendant shall adopt and fully implement new policies, procedures, and training curricula to ensure that:

- a. Prisoners submitting sick call requests for mental health treatment shall be seen by a Qualified Health or Mental Health Professional in a timely manner, as clinically appropriate;
 - b. Defendant shall permit prisoners who are illiterate, non-English speaking, or otherwise unable to submit written sick call requests for mental health care to verbally request care. Such verbal requests shall be promptly transmitted to a Qualified Mental Health Professional and documented by the staff member who receives the request on an appropriate form; and
 - c. The Jail shall develop and implement an effective system for documenting, tracking, and responding to sick call requests for mental health care.
9. Psychiatric Hospitalization/Crisis Services. Defendant shall adopt and fully implement new policies, procedures, and training curricula ensuring that prisoners requiring emergency psychiatric hospitalization or who are acutely mentally ill receive timely and adequate treatment either on site or by agreement with a local hospital. These remedial measures shall require Defendant to provide crisis and acute care in an appropriate therapeutic environment that is available to all prisoners who need it, including access to beds in a mental health care setting for short-term treatment and regular, consistent treatment sufficient to address the crisis.
10. Treatment Plans and Treatment. Defendant shall adopt and fully implement new policies, procedures, and curricula ensuring adequate treatment plans and treatment. These remedial measures shall ensure that:
- a. Each prisoner on the mental health caseload receives a comprehensive, individualized treatment plan developed by a clinician with participation from the prisoner and from others, as appropriate (e.g., mental health, medical, or correctional staff) within 10 days of his/her mental health assessment;
 - b. Treatment plans are clearly written and include mental health assessments, diagnoses, treatment programs and goals, and medications;
 - c. Treatment plans adequately address prisoners' mental health needs and contain interventions specifically tailored to the prisoners' diagnoses and risks;
 - d. Treatment plans provide treatment programming and modalities, including group therapy, to optimize the overall level of functioning of prisoners within the correctional environment, and are geared toward successfully integrating prisoners with mental illness into the general population or discharge into the community;
 - e. Treatment plans include the timely and appropriate provision of therapy, counseling, and other mental health programs for all prisoners on the mental health caseload;
 - f. Generally, treatment plans are reviewed every 30 days for the first three months of placement, and once every 90 days thereafter. However, treatment plans shall be updated whenever there is a significant worsening in the prisoner's clinical status.