

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 13-21570-Civ-BLOOM

| | | |
|-----------------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | Pages 1-31 |
| |) | |
| Plaintiff, |) | |
| |) | |
| -v- |) | |
| |) | |
| MIAMI-DADE COUNTY; THE BOARD |) | |
| OF COUNTY COMMISSIONERS, et al.,) |) | |
| |) | Miami, Florida |
| Defendants. |) | November 1, 2019 |
| ----- |) | 1:30 p.m. |

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE BETH BLOOM
U.S. DISTRICT JUDGE

APPEARANCES:

| | |
|--------------------------------|---|
| For the Government | WILLIAM G. MADDOX U.S. Department of Justice 601 D Street, NW Washington, DC 20004 |
| | VERONICA V. HARRELL-JAMES Assistant U.S. Attorney 99 Northeast 4th Street Miami, Florida 33132-2111 |
| For the Defendants | MIAMI-DADE COUNTY ATTORNEY'S OFFICE BY: BENJAMIN D. SIMON, ESQ., BERNARD PASTOR, ESQ. and LAURA LLORENTE, ESQ. 111 Northwest 1st Street - Suite 2810 Miami, Florida 33128-1993 |
| REPORTED BY: (305) 523-5558 | WILLIAM G. ROMANISHIN, RMR, FCRR, CRR Official Court Reporter 400 North Miami Avenue Miami, Florida 33128 |

1 (Call to order of the Court)

2 THE COURTROOM DEPUTY: The Court calls case number
3 13-21570-Civ-BLOOM, United States of America versus Miami-Dade
4 County, the Board of County Commissioners, et cetera.

5 Counsel, please state your appearances.

6 MR. MADDOX: Bill Maddox for the United States along
7 with Veronica Harrell-James.

8 THE COURT: Good afternoon.

9 MR. SIMON: Good afternoon, Your Honor. Ben Simon,
10 Bernie Pastor and Laura Llorente on behalf of the defense.

11 THE COURT: Good afternoon to each of you.

12 And I believe we have Dr. Griefinger on the phone.

13 DR. GREIFINGER: Yes, I'm here.

14 THE COURT: All right. Good afternoon to you as
15 well.

16 When I was preparing for this afternoon's hearing, it
17 became a reality that the last time that we were together was
18 back in March. So we have not seen each other for some time.

19 But I do want to thank you for the monthly reports
20 that Miami-Dade County has timely filed, and I do appreciate
21 the receipt of the compliance report, number 11. Susan
22 McCampbell, who I see is present, has been kind enough to
23 provide information to the Court with regard to where we are.

24 Let me say, Mr. Maddox, that at the last hearing you
25 advised the Court that today is All Saints Day and I didn't

1 truly appreciate that. If in fact there are individuals that
2 are observing the holiday and scheduling this hearing during
3 this day, I do apologize if it has interfered with the
4 observance of the holiday.

5 But I do think that today is very important, because
6 it follows the compliance tour that took place on September
7 26th, and the last time we were together the County was in one
8 hundred percent compliance with the Settlement Agreement.

9 So I believe that there are several items that we do
10 need to address with regard to the Consent Decree, and I know
11 that they are related to mental health care.

12 So I think it perhaps is best to start with Susan
13 McCampbell and then we can proceed accordingly.

14 And if I may ask, while Ms. McCampbell is stepping
15 forward, is there still the vacancy of the chief psychiatrist?

16 MS. McCAMPBELL: Good afternoon, Your Honor.

17 THE COURT: Good afternoon.

18 MS. McCAMPBELL: We have a psychiatrist here with us
19 today who's been acting in the behavioral health. I believe
20 Mr. Simon is going to address that and introduce her to you.

21 THE COURT: Thank you.

22 MS. McCAMPBELL: Thank you, Your Honor. I'm going to
23 be brief because we have with us today the forensic
24 psychiatrist that works on this case, Dr. Kahlil Johnson, and
25 I felt it was appropriate to have him come since I anticipated

1 that we were going to have issues regarding mental health care
2 before the Court.

3 So just a reminder, as you said, this is the 11th
4 compliance report. We were here for three days of intensive
5 work in September, which included prior to that time a review
6 of patient records, reports, analysis. And I'm very pleased,
7 as I'm sure the County is to report to you that the compliance
8 continues to rise in terms of the issues related to the
9 Consent Agreement. Right now there are, of the 115
10 paragraphs, only nine that remain in partial compliance. And
11 those are areas where some of them are easy fixes, as you
12 probably noticed in reading the report, and the rest of them
13 require a little more work and collaboration between MDCR and
14 CHS, and Dr. Johnson can address these.

15 As you noted also, Dr. Griefinger, who is the medical
16 monitor, is on the phone.

17 We have -- and Mr. Simon will address this -- come up
18 with a plan to move forward between now and the next tour, and
19 I'll outline that quickly, and then Mr. Simon can address that
20 as well.

21 The last couple of, let's say, nine plus a couple
22 that need additional work, we anticipate having a telephone
23 call with the monitors and the County sometime in the next two
24 weeks where we're going to spend the entire time, however long
25 it takes coming up with specifically what has to be achieved

1 in order to gain compliance.

2 It's been our plan that the County would move forward
3 with those recommendations, of course, consulting us any time
4 they needed assistance, with a goal of doing a compliance
5 rating tour in February, early February.

6 So sometime in the middle of January the County would
7 produce all the documentation needed regarding the compliance
8 of the remaining paragraphs. Dr. Johnson and Dr. Griefinger
9 will take a look at it. If they feel that they need to come,
10 they will, or if the County wishes them to come, they will.
11 And we're looking at February 11th, 12th, around then. Come
12 take a look and just confirm the County's position that there
13 is compliance.

14 We will then follow it up with the required six-month
15 tour, which is now scheduled for April 1st, 2nd, and then have
16 a full report to the Court, as we always do, right after that.

17 We would be providing feedback, advice, anything we
18 needed to the County to accelerate getting these last ones
19 done, because it is our commitment to get them all done.
20 We've been at this for it will be by then almost seven years.
21 So we know we can achieve this.

22 So, Your Honor, that's all I wanted to add. I'm sure
23 maybe Mr. Simon might want to add a little bit more. But
24 Dr. Johnson is here to address any other questions of the
25 Court regarding the remaining paragraphs that are in partial

1 compliance.

2 THE COURT: And would Dr. Johnson be the individual
3 that would be the most appropriate person to advise the Court
4 with regard to the incident on June 25, 2019?

5 MS. McCAMPBELL: Which incident?

6 THE COURT: The incident of the opioid overdose.

7 MS. McCAMPBELL: I think probably the Director of
8 Corrections might be the most appropriate person.

9 THE COURT: Is that going to be shared with the Court
10 in how that might affect or perhaps somewhat correlate to some
11 of the needs that have not been met?

12 MS. McCAMPBELL: I think what Dr. Johnson can address
13 the Court about is what is the current status of the
14 provisions on mental health that remain in partial compliance,
15 what needs to happen, and also his take on how the County is
16 doing.

17 Regarding any of the opioid or other of those issues,
18 I think Director Junior might be the most appropriate person
19 to answer any of the Court's questions.

20 THE COURT: All right. Then perhaps we should first
21 hear from Dr. Johnson and then we can address that issue.

22 Thank you.

23 Good afternoon.

24 DR. JOHNSON: Good afternoon, Your Honor. I kept my
25 comments brief, but I'm happy to answer any questions that you

1 have.

2 I wanted to start by commending the County on their
3 sustained momentum towards full compliance with the Consent
4 Agreement. There's only nine provisions left that are in
5 partial compliance with a handful that are in provisional
6 compliance, and those are based on continued improvement that
7 they've promised and that's visible.

8 I think it's clear that both the leadership and the
9 staff have been working really hard to get to this point and
10 they seem very positive that they can achieve full compliance
11 in the near future.

12 In particular, I wanted to point out several
13 initiatives that the County has come up with that I think are
14 great ideas, I think they're interesting, I think they're
15 exciting, and I think they show the innovation that they're
16 reaching for to move several of the provisions into
17 compliance.

18 So one would be the Safety Cell Task Force Review
19 Committee and another would be the Transitional Behavioral
20 Health Unit that's been proposed that would help with the
21 timeline, a follow-up with the qualified mental health
22 professionals and the psychiatrists.

23 And then finally, I now speak for all the monitors
24 when I say that we're pleased that CHS has hired a behavioral
25 health director, Medical Director to be specific, Dr. Valeron,

1 and we are hopeful that she -- I know it's going to be
2 addressed in a bit -- that she stays on board full time.

3 I realize there is much work that still needs to be
4 done. So I'm looking forward to working with the County on
5 the accelerated compliance program. Thank you.

6 THE COURT: Dr. Johnson, let me ask you, so with
7 regard to the chief psychiatrist vacancy, who is filling that
8 role at this time?

9 DR. JOHNSON: Dr. Hortencia Valeron is her name.

10 THE COURT: And do you believe that, due to the fact
11 that there's an intern individual and not someone who is fully
12 taking on the role of chief psychiatrist, is that having an
13 impact on the compliance with regard to the Consent Decree?

14 DR. JOHNSON: I think prior to her arrival, yes. But
15 since she's arrived, I've had the opportunity to see her work
16 with the mental health director as well as the CMO, and I see
17 a good synergy there. I think she has the knowledge and the
18 know-how to work with a team to get things moving the way they
19 need to be to reach full compliance.

20 And it's also my understanding -- and not to jump the
21 gun -- that there are discussions going on now for her to stay
22 on.

23 THE COURT: All right. Are there any areas the Court
24 can assist with with regard to mental health care and any of
25 the issues relating to compliance?

1 DR. JOHNSON: I think they are addressing what needs
2 to be addressed. I don't have any specific recommendations.

3 I do think the discussed plan of an accelerated
4 compliance review and possibly a visit prior to April is a
5 great idea. So I think if that's in place, then I think that
6 would be helpful.

7 THE COURT: My questions are with regard to the area
8 that appeared to need some attention, and I don't think it's
9 with regard to mental health care, or perhaps it is, and
10 perhaps you can address that with regard to inmate
11 classification, the use of force, the inmate altercations and
12 the improvements and self-audits.

13 Would you be able to comment on those areas?

14 DR. JOHNSON: Regarding classification and use of
15 force, I think Ms. McCampbell would be the best person.
16 Audits, depending on the audit, possibly Ms. McCampbell or
17 myself or Dr. Griefinger.

18 THE COURT: So would there be anything within the
19 area of mental health care that the Court can assist with? I
20 mean, do you believe that you're on a realistic track for a
21 tour in February, the last compliance tour, and then the full
22 tour in April, and the County coming into full compliance by
23 that time?

24 DR. JOHNSON: The County says they can do it. I
25 think it's possible. I think it will require coordination of

1 effort between CHS and MDCR to have that happen, and I think
2 they've shown that they are doing that and have been doing
3 it. So I think it's possible.

4 THE COURT: So specifically what are your
5 reservations I think is probably the better way to ask the
6 question?

7 DR. JOHNSON: I think the challenge areas are the
8 ones that we listed in the report. But in particular, I think
9 some of the most challenging areas have been segregation, and
10 I think WITSEC. I think, again, that requires effort between
11 MDCR and CHS, which they're doing.

12 I mentioned the Safety Cell Review Committee. So I'm
13 excited to see the new developments and how they're going to
14 decide who stays and who goes if they have serious mental
15 illness, and that's been an ongoing area. So I'm very excited
16 about that program.

17 And then I think the overarching other issue that
18 really is just clinical is the full integration of different
19 aspects of mental health care, which I think can be done as
20 well. There are several clinicians who are there as well as
21 the leadership who are champions and who are doing this now.
22 So I think it's just a matter of getting it to become a
23 systemic practice.

24 THE COURT: And is there anything with regard to the
25 full integration of mental health care that you want to bring

1 to the Court's attention that perhaps we can explore further
2 with the County in terms of whether it can be achieved?

3 I just want to make sure that I understand that if in
4 fact there have been discussions, but you are now voicing a
5 feeling of being hopeful, that perhaps now, being obviously
6 November, that there isn't any action that can be taken to
7 ensure that come April we're at a hundred percent.

8 DR. JOHNSON: Your Honor, I think they have the skill
9 set to do it. At this point I don't have a suggestion as to
10 be an intervention that the Court could take to help out.

11 THE COURT: Okay. Fair enough. Thank you,
12 Dr. Johnson.

13 DR. JOHNSON: Thank you.

14 THE COURT: I appreciate it.

15 DR. JOHNSON: My pleasure.

16 THE COURT: I'm not certain, Mr. Maddox or
17 Ms. Harrell-James, who's going to be coming back.

18 Welcome back.

19 MS. McCAMPBELL: Thank you, Your Honor.

20 So I hear your concerns about classification, use of
21 force and self-audits.

22 Classification. Let me start there. The integral
23 part of inmate safety is a classification system that
24 appropriately separates inmates.

25 MDCR -- that's one of the provisions -- has had a

1 long road of this, and based on the information provided right
2 now, it is anticipated they will have a classification system
3 in place and functioning by March of this year.

4 The pitfalls and the bypasses of this have not been
5 of their own making. The County originally had contracted for
6 an information system of which a classification component
7 would have been part, and the vendor was not able to deliver
8 and they had to go back out and get another vendor. So some
9 of this is not -- it's not for lack of trying or commitment.

10 The classification system has been reviewed and there
11 have been some issues identified with it, including the need
12 to -- there's nine levels of classification in the system
13 right now, which is probably too many. So I think the
14 director and the staff have produced an action plan, which
15 they involved me with, and I'm confident that they will have
16 that done by April. That will make the jail safer. It will
17 make staff safer and inmates safer.

18 But again, it's one of those things we just shake our
19 heads. It's not really MDCR's fault that they're not where
20 they need to be. After all, they share it. It's purchasing
21 and finance and a whole lot of issues there. So that they
22 delivered and I anticipate it will be there.

23 I know the consultant that they've hired and she's
24 nationally recognized and she's working with them. So I have
25 a lot of confidence in Dr. Hartman as well as the MDCR staff.

1 One of the hallmarks, one of the things that Director
2 Bavara did -- and you'll probably notice, Your Honor, that
3 Director Bavara is now back. They pulled her out of
4 retirement.

5 THE COURT: Welcome back.

6 MS. McCAMPBELL: She's smiling so far.

7 One of the things Director Bavara did when she was
8 director was set up a use-of-force review unit in Miami-Dade.
9 It was not required by the agreement, but it was paralleled
10 after one that was in Cook County Sheriff's Office, and they
11 have invested a lot of time and energy into looking at every
12 use of force, not and only to make sure that it was an
13 appropriate use of force but to see what they could learn from
14 it.

15 So their uses of force have been steadily -- they've
16 been decreasing but not at any great level. And our concern
17 and Dr. Johnson's concern is use of force involving inmates in
18 a mental health caseload.

19 So we look forward to the classification system
20 integrating with this. So we anticipate seeing decreases in
21 uses of force generally and uses of force involving inmates on
22 the mental health caseload specifically.

23 I think they've done a very, very credible job. I
24 have referred other jails in the United States to look at how
25 they do the use-of-force reviews here. So we're hopeful, as I

1 say, with the classification system, with the review of
2 learning from every one of the uses of force, looking at the
3 systemic issues, not just the individual event.

4 Self-audits. I and my colleague, Nancy B. Ferrari,
5 did a deep dive into reviews of critical incidents that
6 happened, and we found, as you noted in the report, several
7 areas where we felt that the analysis of serious incidents was
8 not the level of a root cause analysis going down and keep
9 asking why this happened and why this happened.

10 So we provided our review to the director in July,
11 and the County has produced, under Assistant Director Bavara's
12 leadership, has produced an action plan that will address the
13 self audits. So we will visit with that again over the next
14 six months. It's my anticipation that they will achieve what
15 they need to in terms of not only looking at the event but
16 figuring out why it happened and what can be done to prevent
17 it.

18 So we have the actual plan on classification, we have
19 the continuing looks at uses of force, and we have the
20 commitment on the action plan for the self-audit. So I'm
21 very, very optimistic.

22 THE COURT: Thank you.

23 Mr. Maddox or Ms. Harrell-James.

24 MR. MADDOX: Nothing further to add.

25 I think that the action plan going forward with the

1 idea of keeping the focus on the process and all of the
2 provisions that since we're in single digits that are
3 necessary to finish this job, coming back February, with the
4 documents in January, and having the conference call in
5 November, and then coming back and having more documents in
6 March, and then having another tour in April should maintain
7 the necessary focus to get things over the line, particularly
8 in the provisions that remain.

9 THE COURT: Thank you, sir.

10 Ms. Harrell-James, is there anything further to add?

11 MS. HARRELL-JAMES: Nothing, Your Honor.

12 THE COURT: All right. Then we'll turn it over to
13 Miami-Dade County, Mr. Simon or Mr. Pastor. I'm not certain.

14 Mr. Simon.

15 MR. SIMON: Good afternoon, Your Honor.

16 THE COURT: Good afternoon.

17 MR. SIMON: My clients are happy and excited to be
18 here today, Your Honor, because we have seen an explosion of
19 movement toward compliance, full compliance in the last two
20 years.

21 So in the first four years in the litigation, by the
22 time Your Honor took over this case, there were 10 provisions
23 in full compliance, 10 of 115. That was after four years from
24 the date of the agreement being signed. Today, two-plus years
25 later, we're at 92 percent. So we went from eight percent to

1 92 percent. Your Honor, we're almost there. We're very, very
2 close.

3 Now, we want to be there. We're not satisfied with
4 92. We've been saying this the last few status conferences.
5 I know Your Honor wants a hundred percent. We want to be at a
6 hundred percent.

7 While we feel we're a little farther along than 92,
8 and there are some minor disagreements as to some of the
9 nine-plus provisions here and there, we've already agreed with
10 the monitors on how to make that work. In other words, we're
11 going to take the monitor's recommendations, we're going to
12 run with those, and we're going get to a hundred percent in
13 their eyes, Your Honor. That's the plan.

14 I'd like to take a moment to introduce some people
15 that are here: Deputy Mayor Maurice Kemp; Jackson COO Don
16 Steigman; MDCR Director Junior; CHS Director Edith Wright; our
17 compliance coordinator, Kim Bohns; and our chief psychiatrist,
18 Hortencia Valderon. Of course, there are many others here, as
19 usual.

20 So, while the defendants remain optimistic, forward-
21 thinking and solution-oriented, let's not forget how we got
22 from eight percent to 92 percent over these last two years.
23 And what's happened in those two years, in addition to a lot
24 of hard work from my clients to get from there to here,
25 there's been some big changes. We have a new permanent

1 director in Dan Junior. He was interim at the time. Now
2 we've had continued steady leadership by Deputy Mayor Maurice
3 Kemp and COO of Jackson Health System, Mr. Steigman. We have
4 new CHS leadership under Edith Wright in last two years.

5 Most importantly, I think this is the most important
6 thing that's changed, is that we've had engagement by the
7 Court and court orders requiring the parties and the monitors
8 to continue to submit and to be under pressure to submit
9 continued compliance reviews, and that process that Your Honor
10 set up and has been court ordered, that has kept us moving
11 forward and gotten us to the point that we are here today.

12 So, of course, we hoped to be found to be a hundred
13 percent by today and we're a little bit disappointed in that.
14 But we're very encouraged that we're very close to the end and
15 we feel we can get this done in short order.

16 So Your Honor always asks what can Your Honor do,
17 what can the Court do, to move the parties towards one hundred
18 percent. And I would have stood here and told you, well, we
19 want an accelerated review process.

20 The monitors have already agreed to that. We spoke
21 to the monitors before today and the Department of Justice is
22 on board. They are in agreement with reviewing documents that
23 the County submits whenever the County is ready to move after
24 we have this phone conference that we're going to be having
25 with the medical monitoring team in the next couple of weeks.

1 So we can provide them exactly what they need to judge us to
2 be one hundred percent in compliance.

3 So here's the framework that we've agreed to. Within
4 two or three weeks we're going to have a telephone call that
5 will be similar to a meet and confer. This will be a very
6 on-the-ground detail-oriented telephone call, where the
7 monitoring team and the County's representatives will be on
8 the same page as to what exactly the monitors want to see to
9 get us from 92 to 100 percent. That is going to happen very
10 shortly.

11 Once that happens, the County will begin to compile
12 the necessary information, make the necessary changes, if any,
13 and we will submit documents to the monitoring team primarily
14 to Dr. G and Dr. J, Dr. Johnson, the medical mental health
15 team, and that will be in mid-to-late January, with an eye
16 towards compliance review rating in February.

17 Now, the medical monitoring team has indicated -- at
18 least Dr. Johnson has indicated -- that he believes much of
19 that can be done remotely by document review.

20 So it's very possible that we might have compliance
21 rating changes, an increase from 92 towards 100 percent, by
22 February even if there isn't a physical tour in February.

23 That being said, there are some things that they
24 might want to come down for and we've already set that time
25 aside. So there could be an a interim tour in February.

1 The monitoring team has also agreed to do a brief
2 report to tell the Court and to tell the defendants how many
3 provisions have now been moved into full compliance between
4 now and then. And then, of course, we have the full tour set
5 for April 1, April 2. At least that's the dates we've been
6 discussing. And we've also discussed a potential status
7 conference with Your Honor.

8 We'd like to propose -- and I've already discussed
9 this with Ms. McCampbell and the Department of Justice -- a
10 May 22nd date, if the Court is okay with that date, because
11 that would give the monitors enough time following the April
12 1st tour.

13 And, of course, whatever tour or compliance review
14 happens in February and in April will be more focused than
15 past tours, because we're down to the wire now and there's so
16 much fewer provisions than there was two years ago when Your
17 Honor took over the case.

18 I know Your Honor may have some specific issues you
19 want to ask about. That's clear. We have, again, Director
20 Junior is here to talk about opioids, if you'd like to ask
21 about that, and we also have some others here as well
22 depending on what you ask.

23 THE COURT: Let me first say, Mr. Simon, and I've
24 said this teach time that we've been together, that the
25 parties have been working very hard. I certainly agree with

1 you that having a permanent director, having Deputy Mayor Kemp
2 involved and having a permanent compliance coordinator, Kim
3 Bohns, certainly has aided the accomplishments thus far.

4 The work of Susan McCampbell, Dr. Griefinger and
5 Dr. Johnson have been nothing short of extraordinary.
6 Ms. McCampbell has communicated with the Court and has advised
7 the Court of her concerns, and the Court has addressed them
8 with the parties. So I appreciate the work and I appreciate
9 the effort. And, of course, we have come very far.

10 It is somewhat, I think, perhaps coincidental that
11 you picked the May 22nd date for a status conference following
12 the partial tour that follows the conferring with the monitors
13 that then follows a last compliance tour in February and then
14 a full tour in April. And the reason I bring this to bear is
15 that that will be precisely seven years, seven years.

16 The Settlement Agreement was effective on April 30,
17 2013 and the Consent Decree on May 22, 2013. And while I had
18 hoped that it would have been five years, I had hoped last
19 year it would have been six years. I don't want it going past
20 seven. That is too long a period of time to come in
21 compliance with an agreement that you entered into and you
22 agreed to.

23 So, while I recognize that there has been a shift of
24 personnel, there have been some logistical issues, some
25 coordination issues. The May 22nd hearing before this Court

1 should be a hearing in which the County tells the Court that
2 there is not only a hundred percent compliance with the
3 Settlement Agreement but there is a hundred percent compliance
4 with the Consent Decree.

5 So I say this in as strong terms as I can. There is
6 no excuse whatsoever for not complying one hundred percent on
7 May 22nd, 2020.

8 MR. SIMON: I understand.

9 THE COURT: I brought up the issue on June 25, 2019.
10 It was brought to the Court's attention. I'm not interested
11 in looking at the incident in an isolated fashion. But I look
12 at it more as to whether it has an effect systemically in
13 terms of the efforts that are being made. So that's why I ask
14 the question. I know Ms. McCampbell said that it was most
15 appropriate for you to respond.

16 I see that you will be the --

17 MR. SIMON: Yes, Your Honor. Director Junior can
18 address that.

19 THE COURT: So is there anything further before
20 Director Junior comes forward, Mr. Simon, that the Court can
21 assist with in ensuring that the proposed is schedule that has
22 been provided is fully complied with and is able to be met?
23 Is there anything that the Court can do?

24 MR. SIMON: The only thing I was going to ask today,
25 Judge, is what the monitors and the Department of Justice have

1 agreed to, which is we would like an accelerated schedule,
2 because this needs to get done, and we now have that in
3 place. So, no.

4 THE COURT: The last time the parties announced a
5 schedule on the record with the Court -- and I'm not certain
6 if those dates were complied with. So what I would require is
7 within ten days of today's date that there be a written
8 schedule that sets forth every effort that needs to be made
9 and every issue that has been brought to the Court's attention
10 brought within the compliance report number 11, so that there
11 can be a date certain as to when there's going to be
12 compliance.

13 So if the parties will work together in the next ten
14 days and provide a written report of the timetable as far as
15 any issues that the Court needs to be aware of so that we have
16 not only the framework but we have deadlines imposed and a
17 schedule for the parties to adhere today.

18 MR. SIMON: Yes, Your Honor. We'll have that filed.
19 Thank you.

20 THE COURT: Thank you.

21 Good afternoon. It's good to see you, sir.

22 DIRECTOR JUNIOR: Good afternoon, Your Honor. Dan
23 Junior, Director of the Miami-Dade County Corrections and
24 Rehabilitation Department. Thank you for having me.

25 I understand you proposed questions specific to the

1 events that occurred on and around June 25, 2019. I don't
2 have the report in front of me, but I remember it very
3 vividly.

4 On those dates, I believe there was an incident on
5 the 24th that occurred at the pretrial detention center, which
6 is our downtown jail, where we had a number of inmates in our
7 custody at that jail that were succumbed to different medical
8 issues relating to suspected drug use.

9 Upon research, the following day we initiated
10 shakedowns, which are cell searches, throughout the entire
11 facility of that jail. On the following day, which is June
12 25th, one of our correctional officers was searching an
13 inmate's cell, came across a gellike substance that was in a
14 container. She opened the container. She took off her
15 respirator to smell and sniff the container, and she became
16 ill. Following that, we had a number of other correctional
17 officers who expressed that they had also become ill.

18 We immediately took, you know, corrective necessary
19 actions to assure the safety of staff and all the inmates. We
20 enlisted the assistance from our local law enforcement,
21 firefighters. We even had the FBI task force respond.

22 The substance was secured, identified. It was tested
23 twice: Once by the bomb squad, Miami-Dade police bomb squad,
24 as well as the FBI crime analysis, and it was determined to be
25 a harmless organic substance.

1 Noteworthy, that particular day, although the
2 assumption was that there was something in the air of the
3 pretrial detention center, we did not have any supervision
4 staff, medical staff or inmates that had to go out as a result
5 as well.

6 Further intel in looking into it, what we found was
7 that there had been some synthetic marijuana that did make it
8 inside that particular facility by way of inmate visitation.

9 If I can just enlighten the Court, the downtown jail
10 is the only jail within our system where one of -- two jails
11 within our system where the family members actually come into
12 the secure confines of the jail to visit with the inmates.

13 That has presented its challenges. The jail was
14 built in 1950. That presents its challenges because family
15 members will leave stuff behind, conceal it for inmates to
16 pick it up and use a controlled substance.

17 Since that time we took immediate action to suspend
18 visitation while we initiated procedures to make sure that the
19 staff supervises properly that process, and also we had since
20 had a contract approved for video visitation.

21 What video visitation is, instead of the family
22 members coming into the actual floor where the inmate is
23 housed, they can visit from a remote area via video. This
24 system is seen -- this is not new. This is seen throughout
25 the corrections industry. Broward has it, Palm Beach has it,

1 and now in early January we should have that system in place
2 at that downtown jail.

3 THE COURT: All right.

4 DIRECTOR JUNIOR: I can add this. The Court asked is
5 this is a systemic issue in our system. This is not a
6 systemic issue. Again, this was an issue that was isolated at
7 the downtown jail because of the way we conducted visitation
8 at that facility.

9 THE COURT: So this doesn't relate at all to mental
10 health care or any issue with regard to inmate classification.

11 DIRECTOR JUNIOR: No, ma'am.

12 THE COURT: All right. Thank you, sir.

13 DIRECTOR JUNIOR: And with regards to the
14 classification -- I'm sorry, I have a lot I want to say that I
15 want to respond to.

16 THE COURT: Thank you.

17 DIRECTOR JUNIOR: With regards to the classification,
18 I want to be clear. The corrections system, we do have a
19 classification system. It was modeled after the Northport
20 system. What we agreed to do is have that system validated.
21 So the plan now on the table is to have that validation
22 conducted and completed by, I believe it was April of 2020,
23 which is what Ms. McCampbell referred to.

24 All inmates appointed to our system are reviewed.
25 There's a series of nine questions. It prints out a score and

1 they're classified based on that score.

2 THE COURT: And that relates to these nine levels?

3 DIRECTOR JUNIOR: Yes, ma'am.

4 THE COURT: Thank you. I appreciate your time.

5 Thank you for reporting on the incident.

6 Mr. Simon.

7 MR. SIMON: That's all we have, Your Honor. Thank

8 you.

9 THE COURT: Is there anything further?

10 MR. MADDOX: Your Honor, Dr. Johnson would like to

11 say a few more comments to you.

12 THE COURT: Yes, of course. Dr. Johnson.

13 DR. JOHNSON: Please excuse my delayed response to

14 your question earlier about things that may help. I don't

15 know that this is necessarily something that the Court would

16 need to do.

17 I do think, with an eye towards sustainability and

18 behavioral health leadership in particular, I know everyone in

19 leadership is working double time to make this happen and I

20 think the results are showing. I know in the past it's come

21 up that having assistance with duties for the leadership in

22 particular may have been helpful.

23 And so, in particular, for the director of behavioral

24 health, Dr. Acosta, and now for the new behavioral health

25 medical director, having an assistant or a lead or someone

1 else who's in place to help them as they're dealing with both
2 clinical duties as well as administrative duties may help to
3 sustain them in their positions and also the momentum that the
4 County has had for behavioral health in particular.

5 I thought it was important to share that with the
6 Court.

7 THE COURT: And has that been raised before?

8 DR. JOHNSON: It has.

9 THE COURT: Having an assistant?

10 DR. JOHNSON: It's been raised in the past, yes.

11 THE COURT: Is that something that's being looked
12 into or a position that's being advertised or considered?

13 DR. JOHNSON: I have to be honest and say this is me
14 having sat and listened for a bit and coming back and sharing
15 this with the Court and also now with the County. I think it
16 may be important going forward.

17 THE COURT: And you believe it's because the director
18 of behavioral health is not able to respond? I'm just
19 wondering where the assistant would come in in terms of
20 sharing the workload and responsibilities.

21 DR. JOHNSON: I can say from working with the various
22 people who have been in these positions over the last few
23 years that it's come up repeatedly.

24 Juggling -- and that's not to say they can't do it,
25 because it's happening -- but with, again, an eye towards

1 sustainability, I think that will be beneficial from the
2 standpoint of the monitor.

3 THE COURT: And is that something that can be raised
4 when you confer and you provide additional input? And I
5 understand we're speaking now sustainability, which is, of
6 course, important.

7 DR. JOHNSON: Yes.

8 THE COURT: But is that something that can be shared
9 when you confer in terms of additional assistance that may
10 help the director of behavioral health?

11 DR. JOHNSON: I am happy to raise it at that time,
12 Your Honor.

13 THE COURT: Only because I feel that at this point it
14 would be something to be considered, and I would be probably
15 need some more information as to what you envision the
16 assistant to be able to do where the Court can make some
17 recommendations.

18 So are there specific areas that you believe the
19 assistant could provide that service where the director is not
20 able to at this time?

21 DR. JOHNSON: I can definitely provide more specifics
22 over time. But at least as an initial thought, for example,
23 with the audits, completing audits, completing data review,
24 sharing the meetings, clinical duties, coverage. So I think
25 those are areas that it would be beneficial.

1 THE COURT: If I may, Dr. Johnson, if you and
2 Ms. McCampbell perhaps in that report that's going to be
3 provided to the Court -- because we're now looking past the
4 May 22nd date in terms of sustainability -- what suggestions
5 you may have moving forward in terms of either keeping staff
6 permanent or a suggestion of bringing in additional staff to
7 help with the current responsibilities.

8 DR. JOHNSON: In terms of additional staff, that's my
9 recommendation, again, both of the director of behavioral
10 health as well as a behavior health medical director. And
11 then regarding sustainability, I think that would help quite a
12 bit. I would limit it to that until we can have a longer
13 conversation or a conference with CHS and other monitors.

14 THE COURT: Thank you. Appreciate that.

15 DR. JOHNSON: Thank you.

16 THE COURT: Mr. Simon, is there anything further,
17 sir?

18 MR. SIMON: No, Your Honor. Thank you.

19 THE COURT: I know that you've had a team that has
20 been willing and has come before the Court on multiple
21 occasions.

22 Are there any members of your team, including
23 Ms. Bohns, that may wish to have something addressed by the
24 Court before I see you on May 22nd?

25 MR. SIMON: No, Your Honor. Thank you.

1 THE COURT: Ms. Harrell-James.

2 MS. HARRELL-JAMES: Your Honor, I just had one
3 question as to whether or not there will be maybe like a
4 midpoint report to the Court that would apply and, I guess,
5 advise you with regards to the status on the remaining
6 elements.

7 THE COURT: Well, I still am going to require the
8 monthly reports.

9 MS. HARRELL-JAMES: Okay.

10 THE COURT: So from this point up until May, those
11 monthly reports should be filed with the Court so I can be
12 kept abreast of your progress.

13 But I am specifically going to require -- since,
14 obviously, today, is the 1st, the 11th is a court holiday --
15 so by November 12th I would like the parties to have conferred
16 and to present a timetable with specifics as to how to come
17 into one hundred percent compliance before the status
18 conference certainly on May 22nd, but with an eye toward the
19 full tour that will be had in April.

20 MR. SIMON: Your Honor, you're referring to the joint
21 status reports?

22 THE COURT: Yes.

23 MR. SIMON: Okay. Thank you.

24 THE COURT: Is there anything further that the Court
25 can assist with, anything at all?

1 MR. SIMON: No, Your Honor.

2 THE COURT: Mr. Maddox.

3 MR. MADDOX: We're good, Your Honor. Thank you very
4 much.

5 THE COURT: All right. Then I thank everyone for
6 your time and your efforts, and I think we are going to be
7 there on May 22, 2020.

8 Correct, Mr. Simon?

9 MR. SIMON: Yes, Your Honor. Thank you.

10 THE COURT: All right, then. Have a wonderful
11 afternoon, a nice weekend, and I'll see you at that time.

12 (Recessed at 2:18 p.m.)

13 * * * * *

14 C E R T I F I C A T E

15
16 I certify that the foregoing is a correct transcript
17 from the record of proceedings in the above-entitled matter.
18
19
20
21
22
23
24
25