

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 13-21570-CIV-ZLOCH

UNITED STATES OF AMERICA

Plaintiff,

v.

MIAMI-DADE COUNTY;
MIAMI-DADE COUNTY BOARD OF
COUNTY COMMISSIONERS;
MIAMI-DADE COUNTY PUBLIC
HEALTH TRUST,

Defendants.

JOINT MOTION FOR ENTRY OF STIPULATED ORDER

This Court held status conferences in this case on October 21, 2014 and November 17, 2014, during which Plaintiff, United States of America, contended that Defendants are not in compliance with the Consent Agreement that was entered on May 22, 2013. *See* Final Order Approving and Entering Consent Decree and Dismissing Case without Prejudice [D.E. 9]. Defendants stipulate that they have not yet achieved full compliance with many of the provisions of the Consent Agreement despite the fact that the completion deadlines for these provisions have passed.

At Plaintiff's request, Defendants prepared a plan for coming into compliance with the provisions of the Consent Agreement with which they have not yet complied ("Compliance Plan") for filing with the Court. At the time of Plaintiff's request, Defendants had already started drafting a compliance document for their own use in ensuring that they would meet the requirements of the Consent Agreement going forward. The parties jointly move that this Court enter the proposed Stipulated Order, attached hereto as Exhibit 1, establishing the Compliance

Plan as an Order of the Court. The parties stipulate that the relief is compliant with the Prison Litigation Reform Act, 18 U.S.C. § 3626(a).

The United States has reviewed the Compliance Plan, attached hereto as Exhibit 2, and believes, at this point, that the entry of a Stipulated Order is the most expeditious route to moving Defendants towards full compliance with the Agreement. However, if Defendants fail to comply with the terms of the Compliance Plan, the United States reserves the right to seek appropriate sanctions from this Court pursuant to the Consent Agreement.

The parties recognize that the entry of the Stipulated Order will have no effect on the Court's ability during the Status Conference planned for January, 2015 to investigate Defendants' efforts to achieve compliance.

CONFERENCE SCHEDULING

During the Court's status conference held on November 17, 2014, the Court and the parties agreed that the next status conference would be held in January, 2015. To this end, the parties respectfully request a Court status conference with all parties on January 27, 2014 at 1:00 pm.

Respectfully submitted,

FOR THE UNITED STATES

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2014, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the Service List below either via the ECF system or in another authorized manner for those counsel who do not receive Notices of Electronic Filing via the ECF system.

s/ REGINA JANSEN

Regina Jansen
Senior Trial Attorney

SERVICE LIST

United States of America v. Miami-Dade County
United States District Court, Southern District of Florida
Case No. 13-21570-Civ-Zloch

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Plaintiff,

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MIAMI-DADE COUNTY;
MIAMI-DADE COUNTY BOARD OF
COUNTY COMMISSIONERS;
MIAMI-DADE COUNTY PUBLIC
HEALTH TRUST,

Defendants.

STIPULATED ORDER

THIS MATTER comes before the Court on the parties' "Joint Motion for Entry of Stipulated Order" (Dkt. No. ____), filed on December 17, 2014. In the interests of moving Defendants towards compliance, in an expeditious and efficient manner, with the Consent Agreement (Dkt. No. 9), which was entered as an Order of the Court on May 22, 2013 (Dkt. No. 9), and upon consideration of the current record before the Court, it is hereby

ORDERED that the parties' "Joint Motion for Entry of Stipulated Order" (Dkt. No. ____) is **GRANTED**; and it is further

ORDERED that, in granting the parties' Joint Motion, the Court finds, as agreed by the parties, that

1. Despite having made good faith efforts to comply, Defendants are non-compliant with the Consent Agreement, entered as an Order of this Court on May 22, 2013; and

2. As a result of Defendants' failure to comply with the Consent Agreement, additional remedial relief is necessary, as set forth below, and

3. The additional relief set forth below complies in all respects with the provisions of 18 U.S.C. § 3626(a). The relief is narrowly drawn, extends no further than necessary to correct violations of federal rights agreed to by the parties with the entry of the Consent Agreement, is the least intrusive means necessary to correct these violations, and will not have an adverse impact on public safety or the operation of the criminal justice system.

As stipulated by the parties, it is further

ORDERED that the additional relief will consist of the following:

The "Compliance Plan," agreed upon by both Defendants and Plaintiffs and submitted to the Court along with the parties' Joint Motion on December 17, 2014, including dates by which Defendants will complete the requirements of the Consent Agreement with which they currently remain out of compliance, is hereby entered as an Order of the Court, subject to judicial enforcement.

It is further **ORDERED** that:

4. The entry of this Stipulated Order does not preclude enforcement of the original Consent Agreement.

SO ORDERED.

Date:

WILLIAM J. ZLOCH
UNITED STATES DISTRICT JUDGE

Consent Agreement Summary Action Plan - U.S. v. Miami-Dade County, et. al. (Case No. 13-21570-CIV-ZLOCH)

CONSENT AGREEMENT SECTION	SUB-SECT.	PROVISION TITLE	RESPONSIBLE PERSONS	AUDIT CYCLE	POLICY NUMBER	POLICY FOR PROVISION	DATE POLICY TO MONITOR	DATE POLICY FROM MONITOR	DATE LESSON PLAN TO MONITOR	DATE TRAINING START	DATE TRAINING COMPLETE	PROJECTED COMPLIANCE DATE
III.A	1	Intake Screening	Medical Director Associate Medical Director of Behavioral Health, HSA TGK, Associate Director of Quality & Safety	05/11/15	CHS-033	Intake and Booking Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/15
III.A	2	Health Assessments	Medical Director, Associate Medical Director of Behavioral Health, facility H.S.A.(s)	05/31/16	CHS-033	Intake and Booking Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/16
					CHS-036	Initial Health Assessment Policy	3/31/15	4/10/15	5/1/15	5/11/15	6/29/15	5/1/16
					CHS-058	Basic Mental Health Services Policy	3/31/15	4/10/15	5/1/15	5/11/15	6/29/15	5/1/16
III.A	3	Access to Medical and Mental Health Care	Medical Director, Associate Medical Director of Behavioral Health, facility H.S.A.(s)	11/30/16	CHS-039	Sick Call Non-Emergency Health Care Request and Services Policy	4/30/15	5/10/15	5/31/15	6/10/15	7/29/15	11/1/16
					CHS-011	Grievance Mechanism for Health Complaints Policy	3/31/15	4/10/15	5/1/15	5/11/15	6/29/15	11/1/16
III.A	3	Access to Medical and Mental Health Care	Transitional and Stable Housing Division Chiefs Facility Supervisors Fiscal Resources Division Chief Policy and Planning Bureau Commander Program Services Division Chief Reentry Program Services Bureau Commander	11/30/16	DSOP 14-001	Inmate Injury/Illness Request for Health Care Services	3/6/15	4/3/15	5/20/15	6/19/15	6/30/16	11/1/16
					DSOP 14-008	Healthcare Services	3/6/15	4/3/15	5/20/14	6/19/15	6/30/16	11/1/16
					DSOP 15-001	Inmate Compliant/Grievance Process	2/20/15	3/20/15	4/29/15	5/29/15	7/31/15	11/1/16

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III. A	4	Medication Administration and Management	Medical Director, Associate Medical Director of Behavioral Health, facility H.S.A.(s), Associate Director of Quality & Safety	05/31/16	CHS-026	Medication Services Policy	12/31/15	1/10/16	1/31/16	2/10/16	4/30/16	5/1/16
					CHS-033	Intake and Booking Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/16
					CHS-058-B (Addendum to CHS-58)	Behavioral Health Level of Care Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/16
III.A	5	Record Keeping	Facility H.S.A.(s), Director HIMD	05/31/16	CHS-067	Management of Health Record Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/16	5/1/16
III. A	6	Discharge Planning	Medical Director, Associate Medical Director of Behavioral Health	11/30/15	CHS-049	Discharge Planning Policy	1/31/15	2/10/15	3/3/15	3/13/15	10/31/15	11/1/15
III.A	7	Mortality and Morbidity Reviews	Medical Director, Associate Medical Director of Behavioral Health, Associate Director of Quality & Safety	11/30/15	NEW	Mortality and Morbidity Policy	6/30/15	7/10/15	7/31/15	8/10/15	10/30/15	11/1/15

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III.A	7	Mortality and Morbidity Reviews	Fiscal Resources Division Chief Policy and Planning Bureau Commander Support Services Assistant Director Special Services Division Chief Compliance Inspections and Accreditation Bureau Captain Fiscal Resources Division Chief Policy and Planning Bureau Commander Support Services Assistant Director Special Services Division Chief Compliance Inspections and Accreditation Bureau Captain	11/30/15	DSOP 14-008	Healthcare Services	3/6/15	4/3/15	5/20/15	6/19/15	7/31/15	11/1/15
III. B	1	Acute Care and Detoxification	Medical Director	11/30/16	CHS-033	Intake and Booking Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	11/1/16
					CHS-060	Response to Withdrawal Policy	2/28/15	3/10/15	3/31/15	4/10/15	5/30/15	11/1/16

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III.B	1	Acute Care and Detoxification	Transitional and Stable Housing Division Chiefs Facility Supervisors Fiscal Resources Division Chief Policy and Planning Bureau Commander Program Services Division Chief Reentry Program Services Bureau Commander	11/30/16	DSOP 14-001	Inmate Injury and Illness - Request for Health Care Services	3/6/15	4/3/15	5/20/15	6/19/15	6/30/16	11/1/16
III. B	2	Chronic Care	Medical Director, Associate Medical Director of Behavioral Health	05/31/16	CHS-055	Chronic Disease Services Policy	12/31/15	1/10/16	1/31/16	2/10/16	4/30/16	5/1/16
III.B	3	Use of Force Care	Medical Director, Associate Medical Director of Behavioral Health, Associate Director of Quality & Safety	11/30/16	CHS-013-A (Addendum to CHS-013)	Reporting Abuse Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	11/1/16
					CHS-068	Use of Clinical Restraint Policy	1/31/15	2/10/15	3/3/15	3/13/15	5/1/15	11/1/16
					NEW	Use of Force Incident Care Policy	2/28/15	3/10/15	3/31/15	4/10/15	5/30/15	11/1/16
III.B	3	Use of Force Care	Transitional and Stable Housing Division Chiefs Facility Supervisors	11/30/16	DSOP 11-041	Response to Resistance	1/30/15	3/1/15	4/15/15	5/15/15	6/30/16	11/1/16

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III.C	1	Referral Process and Access to Care	Medical Director, Behavioral Health Directors, facility H.S.A.(s), & Associate Director of Quality & Safety	05/31/16	CHS-033	Intake and Booking Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/16
					CHS-039	Sick Call Non-Emergency Health Care Request and Services Policy	4/30/15	5/10/15	5/31/15	6/10/15	7/29/15	5/1/16
					CHS-058	Basic Mental Health Services Policy	3/31/15	4/10/15	5/1/15	5/11/15	6/29/15	5/1/16
III.C	2	Mental Health Treatment	Associate Medical Director of Behavioral Health	11/30/15	CHS-033	Intake and Booking Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/15
					CHS-058-A (Addendum to CHS-058)	Interdisciplinary Team Policy	2/28/15	3/10/15	3/31/15	4/10/15	5/30/15	5/1/15
					CHS-058-B (Addendum to CHS-058)	Behavioral Health Level of Care Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/15
III.C	3	Suicide Assessment and Prevention	Associate Medical Director of Behavioral Health	05/11/15	CHS-033	Intake and Booking Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/15
					CHS-034	Rapid Response Policy	2/28/15	3/10/15	3/31/15	4/10/15	4/30/15	5/1/15
					CHS-058-A (Addendum to CHS-058)	Interdisciplinary Team Policy	2/28/15	3/10/15	3/31/15	4/10/15	4/30/15	5/1/15
					CHS-058-B (Addendum to CHS-058)	Behavioral Health Level of Care Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/15
					CHS-059	Suicide Prevention Plan Policy	1/31/15	2/10/15	3/3/15	3/13/15	4/30/15	5/1/15

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III.C	3	Suicide Assessment and Prevention	Transitional and Stable Housing Division Chiefs Facility Supervisors Fiscal Resources Division Chief Policy and Planning Bureau Commander	11/30/15	DSOP 12-003	Inmate Suicide Prevention and Response Plan	2/13/15	3/13/15	4/29/15	5/29/15	7/31/15	11/1/15
			Administrative Services Division Chief Training Bureau Captain		DSOP 12-002	Inmate Administrative & Disciplinary Confinement	2/20/15	3/20/15	5/6/15	6/5/15	7/31/15	11/1/15
III.C	4	Review of Disciplinary Measures	Associate Medical Director of Behavioral Health, MDCR, Associate Director of Quality and Safety	11/30/15	CHS-008	Communication on Patient Health Needs Policy	6/30/15	7/10/15	7/31/15	8/10/15	9/30/15	11/1/15
III.C	4	Review of Disciplinary Measures	Fiscal Resources Division Chief Policy and Planning Bureau Commander Program Services Division Chief Reentry Program Services Bureau Commander	11/30/15	DSOP 16-001	Inmate Disciplinary Procedures	2/20/15	3/20/15	5/6/15	6/5/15	8/30/15	11/1/15

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III.C	5	Mental Health Care Housing	Medical Director, Associate Medical Director of Behavioral Health, facility H.S.A (s)	11/30/15	CHS-008	Communication on Patient Health Needs Policy	6/30/15	7/10/15	7/31/15	8/10/15	9/30/15	11/1/15
					CHS-058-A (Addendum to CHS-058)	Interdisciplinary Team Policy	2/28/15	3/10/15	3/31/15	4/10/15	4/30/15	5/1/15
					CHS-059 B (Addendum to CHS-059)	Suicidal Precaution Inmates Leaving their Cells for Recreation, Showers, Mental Health Treatment Addendum	4/30/15	5/10/15	5/31/15	6/10/15	7/29/15	5/1/16
III.C	5	Mental Health Care Housing	Construction Management Division Chief Facilities Management Bureau Commander Fiscal Resources Division Chief Policy and Planning Bureau Commander Transitional and Stable Housing Division Chiefs Facility Supervisors	11/30/15	DSOP 12-003	Inmate Suicide Prevention and Response Plan	2/13/15	3/13/15	4/29/15	5/29/15	7/31/15	11/1/15
					DSOP 4-018	Quality Assurance and Improvement Procedures	2/20/15	3/20/15	N/A	N/A	N/A	11/1/15
					N/A	N/A - Mental Health Treatment Center scheduled to open December 2014 to house Acute psychiatric male and female inmates.	N/A	N/A	N/A	9/2014	12/2014	11/1/15
III.C	6	Custodial Segregation	Associate Medical Director of Behavioral Health	11/30/15	CHS-044	Segregated Inmate Policy	6/30/15	7/10/15	7/31/15	8/10/15	9/30/15	11/1/15

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III.C	6	Custodial Segregation	Division Chief Policy and Planning Bureau Commander	11/30/15	DSOP 12-002	Inmate Administrative & Disciplinary Confinement	2/20/15	3/20/15	5/6/15	6/5/15	7/31/15	11/1/15
			Transitional and Stable Housing Division Chiefs Facility Supervisors Administrative Services Division Chief		DSOP 12-005	Recognizing and Supervising Mentally Ill Inmates	2/13/15	3/13/15	4/29/15	5/29/15	7/31/15	11/1/15
			Training Bureau Commander Program Services Division Chief Reentry Program Services Bureau Commander		DSOP 4-018	Quality Assurance and Improvement Procedures	2/20/15	3/20/15	N/A	N/A	N/A	11/1/15
III.C	7	Staffing and Training	Medical Director, Associate Medical Director of Behavioral Health, facility H.S.A (s), Education Director	11/30/15	N/A	N/A	N/A	N/A	N/A	N/A	11/1/15	

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III.C	7	Staffing and Training	MDCR Director Management Services Assistant Director and Support Services Assistant Director Administrative Services Division Chief Training Bureau Commander Transitional and Stable Housing Division Chiefs Facility Supervisors Program Services Division Chief Reentry Program Services Bureau Commander Fiscal Resources Division Chief Policy and Planning Bureau Commander	11/30/15	DSOP 4-018	Quality Assurance and Improvement Procedures	2/20/15	3/20/15	N/A	N/A	N/A	11/1/15
III.C	8	Suicide Prevention Training	Associate Medical Director of Behavioral Health and Education Director	11/30/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	11/1/15
III.C	8	Suicide Prevention Training	Administrative Services Division Chief Training Bureau Commander Fiscal Resources Division Chief Policy and Planning Bureau Commander	11/30/15	DSOP 12-003	Inmate Suicide Prevention and Response Plan	N/A	N/A	N/A	7/3/2013	7/31/15	11/1/15

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III.C	9	Risk Management	Associate Director of Quality & Safety, Director of Risk Management	05/11/15	CHS-004 A (Addendum to CHS-004)	Mental Health Review Committee Policy	2/28/15	3/10/15	3/31/15	4/10/15	5/30/15	5/1/15
III.D	1	Self Audits	Medical Director, Associate Medical Director of Behavioral Health, facility H.S.A.(s), & Associate Director of Quality & Safety, Quality Improvement Analyst	05/11/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5/1/15
III.D	1	Self Audits	MDCR Director Medical Mental Health Liaison	05/11/15	DSOP 4-018	Quality Assurance and Improvement Procedures	2/20/15	3/20/15	N/A	N/A	N/A	5/1/15
III.D	2	Bi Annual Reports	Director of CHS, Medical Director Behavioral Health Directors, facility H.S.A.(s), & Associate Director of Quality & Safety Quality Improvement Analyst	05/11/15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5/1/15
III.D	2	Bi Annual Reports	Special Services Division Chief SIAB Captain	05/11/15	DSOP 4-018	Quality Assurance and Improvement Procedures	2/20/15	3/20/15	N/A	N/A	N/A	5/1/15

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IV.A		Compliance and Quality Improvement	Fiscal Resources Division Chief Policy and Planning Bureau Commander Administrative Services Division Chief Training Bureau Commander	05/11/15	DSOP 4-018	Quality Assurance and Improvement Procedures	2/20/15	3/20/15	N/A	N/A	N/A	5/1/15
IV.C		Compliance and Quality Improvement	Fiscal Resources Division Chief Policy and Planning Bureau Commander	05/11/15	DSOP 4-018	Quality Assurance and Improvement Procedures	2/20/15	3/20/15	N/A	N/A	N/A	5/1/15