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*Admitted pursuant to ArizSup. Ct. R. 38(f)

Attorneys for Plaintiffs Shawna Jensen, Stephen Swartz, Sonia Rodriguez, Christina Verduzco, Jackie Thomas, Jeremy Smith, Robert Gamez, Maryanne Chisholm, Desiree Licci, Joseph Hefner, Joshua Polson, and Charlotte Wells on behalf of themselves and all others similarly situated

[ADDITIONAL COUNSEL LIST

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1 complexes, as set forth in the following subparagraphs.

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ii. The particular performance measure has not been out of compliance, as defined in subparagraph A of this Paragraph, for three or more consecutive months within the past 18- month period.

c. The duty to measure and report on a performance measure for a given complex shall continue for the life of this Stipulation unless terminated pursuant to sub-paragraph B of this Paragraph.

11. Defendants or their contracted vendor(s) will approve or deny all requests for specialty health care services using InterQual or another equivalent industry standard utilization management program. Any override of the recommendation must be documented in the prisoner's health care chart, including the reason for the override.

12. Defendants or their contracted vendor(s) will ensure that:

- a. All prisoners will be offered an annual influenza vaccination.
- b. All prisoners with chronic diseases will be offered the required immunizations as established by the Centers for Disease Control.
- c. All prisoners ages 50 to 75 will be offered annual colorectal cancer screening.
- d. All female prisoners age 50 and older will be offered a baseline mammogram screening at age 50, th

1 14. For prisoners who are not fluent English, language interpretation for
2 healthcare encounters shall be provided by a qualified health care practitioner who is
3 proficient in the prisoner's language, or by a language line interpretation service.

4 15. If a prisoner who is taking psychotropic medication suffers a heat
5 intolerance reaction, all reasonable steps will be taken to prevent heat injury or
6 illness. If all other steps have failed to abate the heat intolerance reaction, the prisoner will
7 be transferred to a housing area where the temperature does not exceed 85 degrees
8 Fahrenheit.

9 16. Psychological autopsies shall be provided to the monitoring bureau within
10 thirty (30) days of the prisoner's death and shall be finalized by the monitoring bureau
11 within fourteen (14) days of receipt. When a toxicology report is required, the
12 psychological autopsy shall be provided to the monitoring bureau within thirty (30) days
13 of receipt of the medical examiner's report. Psychological autopsies and mortality reviews
14 shall identify and refer deficiencies to appropriate managers and supervisors including the
15 CQI committee. If deficiencies are identified, corrective action will be taken.

16 B. Maximum Custody Prisoners.

17 17. Defendants shall request that the Arizona Legislature approve a budget to
18 allow ADC to implement DI 326 for all eligible prisoners. This provision shall not be
19 construed as an agreement by the State that this budget request is sufficient to comply
20 with the terms of this Stipulation.

21 18. Defendants shall comply with the maximum custody performance measures
22 set forth in Exhibit D.

23 19. Measurement and reporting of performance measures. Compliance with
24 the performance measures set forth in Exhibit D shall be measured and reported monthly
25 as follows.

26 a.

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shall be governed by the protocols for each performance measure attached as Exhibit E. If the parties cannot agree on a protocol, the matter shall be submitted for mediation or resolution by the District Court.

20. The measurement and reporting process for performance measures, as described in Paragraph 19, will determine whether ADC has complied with particular performance measures at particular units, whether the Maximum Custody provisions of this Stipulation may terminate as to particular performance measures at particular units, as set forth in the following sub-paragraphs.

- a. Determining substantial compliance with a particular performance measure at a particular unit: Compliance with a particular performance measure identified in Exhibit D at a particular unit shall be defined as follows:
 - i. For the first twelve months after the effective date of this Stipulation, meeting or exceeding a seventy-five percent (75%) threshold for the particular performance measure that applies to a specific unit, determined under the procedures set forth in Paragraph 19;
 - ii. For the second twelve months after the effective date of this Stipulation, meeting or exceeding an eighty percent (80%) threshold for the particular performance measure that applies to a specific unit, determined under the procedures set forth in Paragraph 19;
 - iii. After the first twenty four months after the effective date of this Stipulation, meeting or exceeding an eighty-five percent (85%) threshold for the particular performance measure that

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applies to a specific unit, determined under the procedures set forth in Paragraph 19.

b. Termination of the duty to measure and report on a particular performance measure: ADC's duty to measure and report on a particular performance measure as described in Paragraph 19, terminates if:

i. The particular performance measure that applies to a specific unit is in compliance, as defined in sub-paragraph A of this Paragraph, for eighteen months out of a twenty-four month period; and

ii. The particular performance measure has not been out of compliance, as defined in sub-paragraph A of this Paragraph, for three or more consecutive months within the past eighteen-month period.

c. The duty to measure and report any performance measure for a given unit shall continue for the life of this Stipulation unless terminated pursuant to sub-paragraph B of this Paragraph.

21. Seriously Mentally Ill (SMI) prisoners are defined as those prisoners who have been determined to be seriously mentally ill according to the criteria set forth in the ADC SMI Determination F(1) T(1) 5.9(21.8' TD .)1103sur, TD/19/12), threpi

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22. ADC maximum custody prisoners housed at Eyman-Browning, Eyman-SMU I, Florence Central, Florence-Kasson and Perryville-Lumley Special Management Area (Yard 30) units, shall be offered out-of-cell time, incentives, programs and property consistent with DI 326 and the Step Program Matrix, but in no event shall be offered less

1 and one hour of additional out of cell programming per week. Time spent out of cell for
2 exercise, showers, medical care, classification hearings or visitings shall not count toward
3 the additional ten hours of out of cell time per week specified in this Paragraph. All
4 prisoners received in maximum custody will receive an evaluation for program placement
5 within 72 hours of their transfer into maximum custody, including

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more than passive resistance to present in restraints or refusal to follow orders. If the inmate has not responded to staff for an extended period of time, and it appears that the inmate does not present an imminent physical threat, additional consideration and evaluation should occur before the use of chemical agents is authorized.

b. All controlled uses of force shall be preceded by a cool down period to allow the inmate an opportunity to comply with custody staff orders. The cool down period shall include clinical intervention (attempts to verbally counsel and persuade the inmate to voluntarily exit the area) by a mental health clinician, if the incident occurs on a weekday between 8:00 a.m. and 4:00 p.m. At all other times, a qualified health care professional (other than a LPN) shall provide such clinical intervention. This cool down period may include similar attempts by custody staff.

c. If it is determined the inmate does not have the ability to understand orders, chemical agents shall not be used without authorization from the Warden, or if the Warden is unavailable, the administrative duty officer.

d. If it is determined an inmate has the ability to understand orders but has difficulty complying due to mental health issues, or when a mental health clinician believes the inmate's mental health issues are such that the controlled use of force could lead to a substantial risk of decompensation, a mental health clinician shall propose reasonable strategies to employ in an effort to gain compliance if the incident occurs on a weekday between 8:00 a.m. and 4:00 p.m. At all other times, a qualified health care professional (other than a LPN) shall propose such reasonable strategies.

e. The cool down period may also include use of other available resources/options such as dialogue with religious leaders, correctional

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1 30. In the event that counsel for Plaintiffs alleges that Defendants have failed to
2 substantially comply in some significant respect with this Stipulation, Plaintiffs' counsel
3 shall provide Defendants with a written statement describing the alleged non-compliance
4 ("Notice of Substantial Non-Compliance"). Defendants shall provide a written statement
5 responding to the Notice of Substantial Non-Compliance within thirty (30) calendar days
6 from receipt of the Notice of Substantial Non-Compliance and, within thirty (30) calendar
7 days of receipt of Defendants' written response, counsel for the parties shall meet and
8 confer in a good faith effort to resolve the dispute informally.

9 31. In the event that a Notice of Substantial Non-Compliance pursuant to ¶ 30
10 of this Stipulation cannot be resolved informally, counsel for the parties shall request that
11 Magistrate Judge John Buttrick mediate the dispute. In the event that Magistrate Judge
12 Buttrick is no longer available to mediate disputes in this case, the parties shall jointly
13 request the assignment of another Magistrate Judge, or if the parties are unable to agree,
14 the District Judge shall appoint a Magistrate Judge. If the dispute has not been resolved
15 through mediation in conformity with this Stipulation within sixty (60) calendar days,
16 either party may file a motion to enforce the Stipulation in the District Court.

17 32. Plaintiffs' counsel and their experts shall have the opportunity to conduct no
18 more than twenty (20) four days per year of
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1 records of class members, and records of mental health and other programming, during
2 the tours. Plaintiffs' counsel and their experts shall be able to review any documents that
3 form the basis of the MGAR reports and be able to interview the ADC monitors who
4 prepared those reports.

5 33. With the agreement of both parties, plaintiffs may conduct confidential
6 interviews with prisoners and interviews of ADC employees or employees of ADC's
7 contractors, by telephone.

8 34. Defendants shall notify the Ninth Circuit Court of Appeals of the settlement
9 of this case and of their intention to withdraw the petition for rehearing en banc in case
10 number 13-16396, upon final approval of the Stipulation by the District Court. Defendants
11 agree not to file a petition for writ of certiorari with the United States Supreme Court
12 seeking review of the Ninth Circuit judgment in case number 13-16396.

13 IV. RESERVATION OF JURISDICTION

14 35. The parties consent to the reservation and exercise of jurisdiction by the
15 District Court over all disputes between and among the parties arising out of this
16 Stipulation. The parties agree that this Stipulation shall not be construed as a consent
17 decree.

18 36. Based upon the entire record, the parties stipulate and jointly request that the
19 Court find that this Stipulation satisfies the requirements of

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1 specific number or type of staff unless Defendants proposed to so as part of a plan to
2 remedy a failure to comply with any provision of the Stipulation. In determining the
3 subsequent remedies the Court shall consider whether to require Defendants to submit a
4 revised plan.

5 V. TERMINATION OF THE AGREEMENT.

6 37. To allow time for the remedial measures set forth in this Stipulation to be
7 fully implemented, the parties shall not move to terminate this Stipulation for a period of
8 four years from the date of its approval by the Court. Defendants shall not move to
9 decertify the class for the duration of this Stipulation.

10 VI. MISCELLANEOUS PROVISIONS

11 38. Information produced pursuant to this Stipulation shall be governed by the
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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2014, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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