

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 HARRISON COUNTY et al.;)
)
 Defendants)
)
 _____)

CIVIL ACTION NO: 1:95-cv-00005-WJG

JOINT MOTION FOR FINAL DISMISSAL

Plaintiff, the United States of America, and Defendants, Harrison County *et al.*, by their undersigned attorneys, jointly move the Court to dismiss this case with prejudice, terminating the Consent Judgment (“Judgment”) entered on January 12, 1995 (Doc. 2). The Parties seek dismissal pursuant to the mechanism described in Paragraph 44 of the Judgment. In support of this Motion, the Parties submit the accompanying Joint Memorandum of Law in Support of Final Dismissal and further state:

1. The Consent Judgment settled a dispute between the parties regarding conditions of confinement in the Harrison County Adult Detention Center (“HCADC”).

2. Defendants have substantially complied with the terms and objectives of the Consent Judgment. Among other things, Defendants have improved and maintained

improvements with prisoner safety and supervision, access to the courts, and medical and mental health care. Examples of recent improvements include - increased physician, psychiatrist, and mental health staffing; the creation of a chronic care program; and implementation of new auditing and quality assurance mechanisms such as a physician peer review process.

3. The parties recognize that maintaining improvements after final dismissal will require the Defendants' continued diligence. Significant increases in the HCADC population, which result in severe overcrowding, or large cuts in resources or staff, could undo improvements. In an effort to continue the significant improvements made within the HCADC since this Consent Judgment was entered in 1995, the County will use its best efforts in continuing the progress made in the following areas:

a. Continue to utilize internal audits and quality-assurance mechanisms in order to maintain constitutional conditions, identify deficiencies, and to make necessary improvements. The County, by and through its contracted medical provider, will continue to refine its medical quality assurance and medical staff oversight procedures to ensure that HCADC medical staff respond in an appropriate clinical manner when –

i. The medical provider receives laboratory or test results performed as part of the HCADC's chronic care program, and

ii. Nurse assessments or screening results require clinical response by an appropriate provider (e.g. physician, psychiatrist, nurse practitioner, or psychologist).

b. The County, by and through its contracted medical provider, will continue to utilize a physician peer review process to assist with overseeing the Jail physician's clinical practice. A full review will be completed at least annually.

c. The County will also continue with having mortality reviews conducted either by an outside contract physician, or through a qualified practitioner employed by the County's contracted medical provider, neither of whom shall have been previously involved in the care of the patient(s) involved. Mortality reviews shall be commenced no later than two weeks after a death.

d. An annual, renewable contract to obtain peer and mortality review services may continue to be utilized as the mechanism for contracting with any outside physician.

e. The County recognizes that the HCADC should be operated pursuant to policies and procedures consistent with constitutional standards, and that reliable funding is one of the factors that allow HCADC staff to comply with such policies and procedures. The County also recognizes that funding requirements may vary with changes in the HCADC population, and that severe overcrowding can lead to unconstitutional conditions of confinement. Therefore, to ensure continued constitutional compliance, the County will utilize strategic planning to periodically assess long-term needs and to address demographic trends that may require adjustments to funding or other resources in order to maintain constitutional compliance.

f. The County will use its best efforts to continue to assist and communicate

with local, state and federal agencies charged with funding and providing services for persons with mental illness in an effort to alleviate the stress of placing seriously mentally ill prisoners in the HCADC. The County will specifically designate a representative(s) to work together with the local, state and federal officials charged with these responsibilities, in -

- i. Assessing local needs,
- ii. Strategizing community alternatives to institutionalization and avoiding unnecessary incarceration,
- iii. Seeking the assistance of local expertise on state and federal funding programs for community mental health services, and
- iv. Providing local advocacy for county interests in this area.

In making the above stated assurances in section f, including subparts (i) - (iv), the Parties agree that the County is not obligating itself to expend any additional fund or resources, but rather that the County will use its best efforts to continue to assist and communicate with local, state, and federal agencies that are charged with the above referenced responsibilities. Furthermore, any such representative(s) designated by the County will not bind the County, but can provide recommendations for consideration by the County.

WHEREFORE, the parties move that this Court enter the attached Order (Exhibit A), terminating the Consent Judgment and dismissing this case with prejudice, with the parties each bearing their own attorney fees and costs.

Respectfully submitted,

DATED this 11th day of August, 2015.

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