

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESSE HERNANDEZ, et al.,

Plaintiffs,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

Case No. [5:13-cv-02354-PSG](#)

**ORDER GRANTING-IN-PART
DEFENDANTS' MOTIONS FOR
APPROVAL OF IMPLEMENTATION
PLANS AND DENYING AS MOOT
CFMG'S FIRST MOTION FOR
APPROVAL OF IMPLEMENTATION
PLAN**

(Re: Docket No. 514, 517, 532)

Defendants County of Monterey and California Forensic Medical Group move for approval of their plans implementing the settlement agreement between them and Plaintiffs Jesse Hernandez et al.¹ As an initial matter, CFMG has two motions for approval pending.² CFMG first moved for approval of its implementation plan on Feb. 19, 2016,³ and then moved for approval of a revised implementation plan after meeting and conferring with Plaintiffs.⁴ The court DENIES CFMG's Feb. 19 motion as moot in light of CFMG's revised plan. With respect to CFMG, this order relies on CFMG's revised implementation plan, filed as Docket No. 532.

The court has considered all of Plaintiffs' objections to Defendants' proposed

¹ See Docket Nos. 514, 517, 532.

² See Docket Nos. 517, 532.

³ See Docket No. 517.

⁴ See Docket No. 532.

1 implementation plans, as presented in Plaintiffs’ briefing and at oral argument.⁵ The court
2 GRANTS-IN-PART Defendants’ motions for approval of their implementation plans and
3 overrules Plaintiffs’ objections except as follows:

- 4 1. **Meet and confer process:** the meet and confer process for each implementation plan shall
5 include all Plaintiffs’ counsel.
- 6 2. **Diamond Pharmacy license:** the Diamond Pharmacy pharmacist that dispenses medications
7 to the Monterey County Jail in bulk or stock supply shall hold a California pharmacist license.
- 8 3. **Pharmacy pill transfer:** Plaintiffs object that the licensed vocational nurses that transfer
9 medication from the stock supply do so by pouring out pills, putting them by hand in
10 envelopes for each patient and putting leftover pills back in the stock supply bottles.⁶
11 Plaintiffs argue that this practice endangers patient safety.⁷ CFMG states that its LVNs are
12 trained to take out a single dose of medication from the stock supply at a time.⁸ This objection
13 is resolved as follows: LVNs may transfer medication from the stock supply so long as they do
14 not engage in the practice complained of.
- 15 4. **Suicide Risk Assessment Tool:** Plaintiffs object that Dr. Hayward’s Suicide Risk Assessment
16 Tool lacks guidance on how to use the assessment results and request that the court order
17 Defendants to develop instructions for using the risk assessment tool.⁹ At oral argument,
18 Plaintiffs stated that Hayward was available to train CFMG and the County on the tool’s use.
19 This objection is resolved as follows: Hayward shall offer Defendants training on how to use

21 _____
22 ⁵ See Docket Nos. 531, 538.

23 ⁶ See Docket No. 531 at 4.

24 ⁷ See id. at 5-6.

25 ⁸ See Docket No. 532 at 3.

26 ⁹ See Docket No. 531 at 8-9.

1 the suicide risk assessment tool. Defendants may use their clinical discretion in relying on the
2 results of the suicide risk assessment tool.

3 5. **Administrative segregation classification:** when inmates are placed in segregation,
4 Defendants shall conduct a classification review within seven days of the placement and every
5 14 days thereafter.

6 6. **Restraint chairs:** individuals placed in a restraint chair shall be under constant supervision for
7 the entire time they are in the restraint chair. The restraint chair may be placed in a safety cell
8 or another location in the jail.

9 7. **Telepsychiatry:** Defendants' implementation plans must have standards for when they can
10 deviate from a typical in-person encounter and use telemedicine or telepsychiatry.

11 8. **Violence Reduction Implementation Plan:** at oral argument, the County requested a four-
12 month extension of the implementation plan's deadline for installing a new camera system, so
13 that the County also could install new control panels for the camera system. Plaintiffs agreed
14 to the four month extension. The four month extension is granted.

15 9. **Disability access plan:** the County shall provide a copy of the neutral ADA expert's report to
16 the neutral disability access monitor and to Plaintiffs' counsel. The neutral monitor shall
17 assess the adequacy of the County's ADA modifications.

18 10. **Implementation deadlines:** At oral argument, the County requested a 60-day extension to all
19 expired deadlines in the implementation plan. Nearly a month has passed since oral argument.
20 The County shall have a 90-day extension of all expired deadlines in the implementation plan.
21 CFMG requests 45 days to train its staff on the implementation plan, before requiring its
22 implementation.¹⁰ CFMG shall have 45 days for training.

23
24
25

26 ¹⁰ See Docket No. 532 at 1.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SO ORDERED.

Dated: May 27, 2016



PAUL S. GREWAL
United States Magistrate Judge