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Hon. Robert J. Bryan
U.S. District Judge

Hon. J. Kelley Arnold
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SANDRA HERRERA, et al,

Plaintiffs,

v.

PIERCE COUNTY, et. al,

Defendants.

NO. 95-5025-RJB-JKA

[Proposed] CLASS NOTICE RE:
SETTLEMENT AND PROPOSED
TERMINATION OF COURT
SUPERVISION

TO: All persons who are presently or will in the future be confined in the Pierce County Detention and Corrections Center.

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

1. Why should I read this Notice?
2. What is this lawsuit about?
3. Who is a member of this class?
4. Who represents the class?
5. What is the Proposed Settlement?
6. Where do I obtain additional information?
7. Can I be heard on the proposed settlement?

1. WHY SHOULD I READ THIS NOTICE?

This Notice is given pursuant to an order of the United States District Court for the Western District of Washington at Tacoma (the "Court"). A class was been certified in a suit against Pierce County, known as *Herrera v. Pierce County*, No. C95-5025-RJB-JKA. This Notice is posted at the Pierce County Jail and in the County-City Building in Tacoma, Washington to provide notice to members of the class currently confined, or who may in the future be confined, at the Pierce County Jail in Tacoma, Washington. This notice is intended to inform you how final settlement of this lawsuit and termination of federal court supervision and dismissal of

[Proposed] CLASS NOTICE RE: SETTLEMENT AND
PROPOSED TERMINATION OF SUPERVISION - 1
No. 95-5025-RJB-JKA

Fred Diamondstone
ATTORNEY AT LAW
710 Second Avenue, # 700
Seattle WA 98104
(206) 568-0082
(206) 568-1683 FAX

1 this case may affect your rights and what steps you may take in relation to it if you are in fact a member of the
 2 class. This Notice is not an expression of any opinion by the Court as to the merits of the claims or defenses by
 any of the parties to this class action, except as specifically stated in the answer to Question 2, below.

3 2. WHAT IS THIS LAWSUIT ABOUT?

4 Plaintiff Herrera and other plaintiffs brought this action on behalf of inmates at the Pierce County Jail
 5 who were confined in the Pierce County Jail on or after January 19, 1995. The lawsuit involved a number of
 6 conditions of confinement at the Pierce County Jail, including overcrowding, inmate classification and housing
 7 assignments, protection from assaults, adequacy of supervision, excessive force, sleeping on the floor, staffing,
 8 sanitation, access to legal materials and courts, religious accommodation, medical care and mental health care.
 The lawsuit sought injunctive relief – in other words, relief necessary to remedy those conditions of
 confinement. The suit did **not** seek money damages for members of the class. The parties and the Plaintiffs
 further alleged that the County violated inmate rights, and the rights of others who meet the class definition,
 under the Eighth and Fourteenth Amendments to the United States Constitution by unlawful conditions of
 confinement in the Pierce County jail.

9 This lawsuit was settled in 1995 and 1996 and the Court approved that settlement in the form of a Final
 10 Order and Judgment. Class Members were notified in 1996 about that settlement, which established population
 11 limits in the jail, provided for a system to classify jail prisoners and assign individuals to suitable housing
 12 locations, provided for staffing levels for corrections staff, set temperature and ventilation standards,
 established requirement for access to legal materials and to the courts, required religious accommodation,
 provided for access to outdoor exercise and required Pierce County to hire additional medical and mental health
 care staff, establish a mental health housing area, adopt adequate health care policies and procedures and
 implement a program for quality assurance. The 1996 settlement established a court monitoring process. Since
 1996, three successive court monitors have served and have filed periodic reports to the Court.

13 For the past 14 or more years, Pierce County has progressed towards compliance with the 1996 court-
 14 approved Final Order and Judgment. During the interim, between 1996 and 2008, Pierce County built the new
 jail, closed the Armory Annex, and hired additional nursing and mental health care staff above the levels
 required in the 1996 Final Order and Settlement for Mental Health Professionals and for registered and practical
 nurses.

15 In 2009, the parties reached an agreement on the issue of outdoor exercise. The Court subsequently
 16 granted the County's motion to terminate further court supervision of all non-health care portions of the 1996
 17 Final Order and Judgment. In December 2009, the parties entered a settlement agreement that provided for the
 hiring of two additional registered nurses above the then-current nurse staffing levels of 13 registered nurses
 and 14 licensed practical nurses and that further provided for the limitation of continued court supervision of
 health care to the following ten issues:

- 18 1. Performing segregation rounds;
- 19 2. Responding to medical kites;
- 20 3. Responding to mental health kites;
- 21 4. Documenting refusal of care;
- 22 5. Training of custody officers performing reception screening;
- 23 6. Ensuring Privacy of nursing interviews at reception;
7. Managing alcohol withdrawal;
8. Managing a chronic disease program;
9. Conducting a Continuous Quality Improvement Program; and
10. Conducting mental health referrals from booking.

24 In 2010, the court monitor reported on the County's progress in those ten areas. The County then
 25 moved to terminate court supervision and dismiss all remaining claims related to health care. A court hearing
 before Magistrate-Judge Kelley Arnold led to his Report and Recommendation to United States District Judge
 26 Bryan that certain areas be dismissed, but that continued proceedings should follow with respect to initial
 assessments and privacy of nursing screenings at booking, management of alcohol withdrawal, and chronic
 care. Following Magistrate-Judge Arnold's Report and Recommendation, the parties entered into a previously

1 scheduled mediation and settled the remaining issues identified by Judge Arnold as items that should not be
2 terminated and dismissed.

3 As stated in response to question 3, below, the Court certified a class consisting of all jail inmates on
4 May 12, 1995.

5 **3. WHO IS A MEMBER OF THIS CLASS?**

6 On May 12, 1995, the Court has certified the following Class:

7 **All persons who are presently or will in the future be confined in the Pierce
8 County Detention and Corrections Center comprised of the Jail and the
9 armory facility, and any other facility which may come into existence
10 during the pendency of this action.**

11 This notice is posted in order to provide notice to currently interested class members.

12 **4. WHO REPRESENTS THE CLASS?**

13 Sandra Herrera and other named plaintiffs who were incarcerated in 1995 were appointed as Class
14 Representatives. At the time that the Court approved this case as a class action, the attorneys included lawyers
15 from the Puget Sound legal Assistance Foundation and Evergreen Legal Services, as well as ACLU of
16 Washington cooperating attorneys Fred Diamondstone of Seattle, Washington and Salvador A. Mungia of the
17 law firm of Gordon Thomas Honeywell in Tacoma, Washington. In the years between the 1996 settlement, the
18 legal services attorneys withdrew as counsel of record, but the ACLU of Washington has continued to represent
19 the interests of the class, including attorneys Mungia and Diamondstone, as well as Sarah A. Dunne, the Legal
20 Program Director of the ACLU of Washington, (hereinafter referred to as "Class Counsel").

21 **5. WHAT IS THE PROPOSED SETTLEMENT?**

22 The proposed settlement will result in additional measures to address the areas that Judge Arnold's
23 Report and Recommendation identified: Assessment at Booking, Chronic Care, and Alcohol Withdrawal. A
24 copy of that two page settlement agreement is either attached or posted with this Notice. The settlement will
25 result in the prompt dismissal of the other areas of health care oversight. The parties anticipate that the County
26 will comply with the settlement agreement in early 2011, that the Monitor will be able to confirm such
compliance, and that the Court would then terminate supervision and dismiss the *Herrera* lawsuit.

Nothing in the settlement will limit or otherwise have any direct effect on any claim that any individual
class member may have in the event that he or she was harmed or injured in any way while at the Pierce County
Jail, either as a result of health care or otherwise.

6. WHERE DO I OBTAIN ADDITIONAL INFORMATION?

This Notice is only a summary. All pleadings and papers filed in this action are available for
inspection during normal business hours at the offices of the Clerk of the Court, United States District, 1717
Pacific Ave., Tacoma, WA 98402

In addition, Pierce County will have the two copies of each of the following documents in each
housing "cluster" at the Pierce County Jail, available for review within 24 hours on request to corrections
officer assigned to that housing cluster:

- 1995 Stipulated Order;
- 1995 Stipulated Order re: Interim Facility, Classification and Security Staffing;
- 1996 Stipulated Order and Final Judgment;
- 1998 Stipulated Compliance Plan re: Jail Crowding;
- 2001 Stipulated Order re: Modification re: Pharmacy Services;
- 2009 Settlement Agreement re: Outdoor Exercise;

1 2009 Report & Recommendation on Motion to Terminate and Order Approving Report &
2 Recommendation;
3 2009 Order Approving Settlement Agreement (with attached agreement);
4 2010 Report & Recommendation on Motion to Terminate;
5 2010 Stipulated Order Approving Settlement;
6 The Three (3) Monitoring Reports by Joe Goldenson, MD, dated August 2008, February 2009 and
7 November 2009; and
8 August 10, 2010 Monitoring Report by Judith Cox, MA.

9 (Copies of any documents made available for review must be returned to the officer.)

10 All further inquiries regarding this Notice or the status of the case should be made to either your own attorney
11 or to any one of Class Counsel at the addresses listed below:

<p>12 Salvador A. Mungia 13 Gordon, Thomas, Honeywell 14 1201 Pacific Ave., #2100 15 P.O. Box 1157 16 Tacoma, WA 98401</p>	<p>17 Fred Diamondstone 18 710 Second Ave., Suite # 700 19 Seattle, WA 98104</p>
<p>20 Sarah A. Dunne 21 ACLU of Washington 22 901 Fourth Ave., Suite #630 23 Seattle, WA 98164</p>	

24 **7. How Can I Object to the Proposed Settlement?**

25 **If you want to object to the proposed settlement for any reason, state your name, address, and reason for
26 objection in writing to the Clerk of the Court, United States District, 1717 Pacific Ave., Tacoma, WA
98402, by Monday January 31, 2011.**

DATED THIS ____ day of December, 2010.

BY ORDER OF THE COURT

HON. ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE

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6 Attorney for Defendants:

7 MARK LINDQUIST
8 Pierce County Prosecutor

9 By: _____
10 Daniel R. Hamilton
11 WSBA # 14658
12 Deputy Prosecuting Attorney

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