

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 1:13-cv-21570

UNITED STATES OF AMERICA,

Plaintiff,

October 12, 2022
9:00 a.m.

vs.

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

Defendants.

Pages 1 THROUGH 66

TRANSCRIPT OF SHOW CAUSE HEARING
BEFORE THE HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE

Appearances:

FOR THE GOVERNMENT: US DEPARTMENT OF JUSTICE
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1 APPEARANCES CONTINUED:

2 COURT REPORTER: Yvette Hernandez
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7 ALSO PRESENT: Mayor Daniella Levine Cava
8 Susan McCampbell
9 Dr. Bob Greifinger
10 Sheriff Gary Raney
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1 (Call to order of the Court, 9:00)

2 THE COURT: Just give me a moment to get into the
3 computer.

4 (Pause in proceedings.)

5 COURTROOM DEPUTY: Calling Civil Case Number 13-21570,
6 United States of America v. Miami-Dade County, the Board of
7 County Commissioners.

8 Counsel, please state your appearances for the record,
9 beginning with Plaintiff's counsel.

10 MR. MADDOX: William Maddox for the United States.
11 With me are Laura Cowall for the United States, Veronica
12 Harrell-James, Chantel Doakes, and also Joshua Delaney. Got
13 the whole family here, Your Honor.

14 THE COURT: All right. Good morning to each of you.

15 MR. SIMON: Good morning, Your Honor.

16 On behalf of the Defendants, Assistant County
17 Attorneys Laura Llorente, Bernie Pastor, and myself, Ben Simon.
18 Also sitting at counsel table with us are our mayor, and we
19 have many others present.

20 THE COURT: All right. Good morning to each of you.

21 And let me welcome the mayor, who took the time at the
22 last status report to make a presentation to the Court.

23 As the parties know, the Court issued an order to show
24 cause. This was based on Ms. McCampbell, the lead monitor's,
25 interim report in August. And that report certainly emphasized

1 a lack of compliance by Miami-Dade County that resulted in
2 life-threatening consequences to certain inmates.

3 Let me recount that the parties had entered into two
4 agreements, a Consent Agreement in May 2013, and a Settlement
5 Agreement in April of 2013, to remedy certain constitutional
6 violations in the correctional facilities regarding inmates'
7 medical care, mental health care, and suicide prevention.

8 The agreements contained certain deadlines and
9 requirements. And the parties contemplated, by virtue of the
10 agreements that they executed, that all of the provisions of
11 the Consent Agreement and the Settlement Agreement would be
12 completed within six months of its execution.

13 As the parties are well aware, more than nine years
14 later, the Defendants have not achieved full compliance with
15 either agreement.

16 Six months ago, on April 15th, we had a status
17 conference, following the lead monitor, Susan McCampbell's,
18 report. And at that time, the Court gave the parties an
19 additional amount of time in order to achieve full compliance.
20 At that time, the monitors reported there were 14 deaths in
21 2021, and six deaths in 2022, at the time of that status
22 conference.

23 The monitors did express concern that the Defendants
24 had failed to reach full compliance. And they believed that it
25 was a lack of leadership, but remained optimistic due to the

1 active involvement of Miami-Dade County Mayor Daniella Levine
2 Cava. And the mayor came before this Court, and she stated
3 that the County and the team that had been assembled was
4 actively and absolutely committed to bringing Corrections into
5 full and lasting compliance with the agreements.

6 And based on the representations at that hearing, the
7 Court announced that it expected full compliance with the
8 remaining provisions of both the Consent Agreement and the
9 Settlement Agreement by November of this year, one month from
10 today. And the Court did schedule a status conference
11 contemplating that all provisions would be complied with in
12 December of this year.

13 However, as the parties are aware, Ms. McCampbell
14 filed an interim report. And she detailed that, as of August
15 12th, there had been 11 inmate deaths and four which were
16 suicides. The interim reported identified issues that remained
17 of critical concern to the monitors, including the care of
18 inmates with serious mental illness and segregation, inmate
19 classification, mechanisms and systems to assess sentinel
20 events, such as death and serious harm and mental health
21 staffing. And those failures prompted Ms. McCampbell and
22 Dr. Greifinger, the medical monitor, to submit their
23 resignations as of December 30th of this year. And since that
24 report, the Court learned through Ms. McCampbell of more
25 incidents of self-harm and inmate-on-inmate violence.

1 As a result, the Court became concerned that the
2 Defendant's lack of compliance was continuing to result in
3 serious and life-threatening consequences. And was even more
4 concerned that, while the agreements provided a mechanism for
5 the Department of Justice to seek compliance through the court
6 system, they had not done so at least since May of 2018.

7 The monitor, in her report, told everyone what they
8 already knew, in that it is the responsibility of the
9 Plaintiffs, the United States Department of Justice, to engage
10 the County in discussing remedies to the current situations, as
11 well as to attend to the Court's direction to propose sanctions
12 if compliance is not achieved.

13 The monitor then continued that it's apparent that the
14 strategies implemented and attempted since 2013 have not
15 resulted in reforms, harm continues, resources continue to be
16 expended, and frustration grows on all sides.

17 The Court, in its order, noted that, despite the most
18 recent incidents, and the longstanding deficiencies in
19 protecting inmates from harm, the Department of Justice has
20 failed to seek sanctions or other relief since May of 2018, nor
21 has the United States sought enforcement of the provisions of
22 the Consent Agreement or the Settlement Agreement. The Consent
23 Agreement specifically contains a provision that allows the
24 United States to seek court intervention.

25 The Court has been monitoring this case since it was

1 inherited from Judge Zloch sometime ago. But I am concerned
2 that based on the Department of Justice's response to the
3 Court's order to show cause that this Court's involvement may
4 not serve any useful purpose anymore. And that is why I
5 required a written response. And I would like to hear from the
6 parties with regard to their efforts to achieve compliance, but
7 most importantly, the role that this Court should play.

8 And I am mindful, and the United States has certainly
9 set forth in its response, that it is the agency that must
10 assess whether a violation has occurred and that judicial
11 review is generally unsuitable where the agency decides to
12 refuse enforcement of the agreement, mindful of the role that
13 this Court plays, and the rule of law that governs this Court's
14 involvement. That is why I asked the parties to come before
15 the Court.

16 I am frustrated that it has taken as long as it has to
17 achieve compliance. I am deeply concerned that the monitors,
18 that have invested significant time, expertise, and advice to
19 both parties, have now voiced that they are resigning. And
20 that is where we begin.

21 And Mr. Maddox, I'll hear first from the Department of
22 Justice.

23 MR. MADDUX: Thank you, Your Honor.

24 As you stated in your -- you want me to come up there
25 or no?

1 THE COURT: Whatever is your pleasure, sir, as long as
2 you speak from a microphone.

3 MR. MADDOX: As you stated in your order to show
4 cause, quoting the monitors' interim report, at the core of the
5 County's inability to gain and sustain compliance are the
6 internal culture of the organization, leadership, ambivalence,
7 and absence of sufficient subject matter expertise.

8 We outlined in our reply brief the efforts that we
9 have done to bring Defendants into compliance. At some point,
10 as noted in our reply brief, we shifted dramatically our focus
11 to concentrate on leadership -- change of leadership,
12 changing -- in order to change internal culture and to provide
13 and bring on board adequate subject matter expertise.

14 To that end, we have -- and we also listed that --
15 what we had done in previous cases, as you requested. And in
16 line with our past practices, we have currently proposed to the
17 Defendants a joint stipulated order that would create an
18 independent compliance director with full authority over the
19 operations of the jail. We have engaged in numerous
20 conversations along those lines, including a six-hour
21 negotiation session yesterday.

22 We have -- the parties and the monitor have agreed
23 that we have found a person, Mr. Gary Raney -- Sheriff Raney,
24 who the parties and the monitor have confidence in to lead the
25 effort to be an independent compliance director, which is a

1 major step forward.

2 We have, since then, been negotiating the details and
3 we have an agreement in principle on the details of Mr. Raney's
4 authority and his duties. We anticipate that we will be able
5 to follow this Court's order that, by December 2nd, we would
6 have a joint stipulated order for this Court to enter, designed
7 to meet the core problems that are causing the non-compliance;
8 leadership, change in culture, and subject matter expertise.
9 That is where the Department of Justice is focusing its
10 efforts. And the Defendants are working with us to try to come
11 to some sort of an agreement over an independent compliance
12 director.

13 THE COURT: Mr. Maddox, you stated that you had a
14 meeting yesterday, sir.

15 MR. MADDUX: Yes, ma'am.

16 THE COURT: May I ask, since the status conference
17 in -- in April, can you advise the Court what efforts have been
18 made with the monitor to achieve compliance.

19 And the reason I ask that, sir, is it seems as if this
20 has just come about. Or was this an effort that has been
21 contemplated and actively negotiated for some time with regard
22 to Sheriff Gary Raney?

23 MR. MADDUX: It has certainly been contemplated for an
24 extended period of time, beginning in January, when we were
25 faced with two suicides. The monitor and the United States got

1 together, and went to the mayor, and said: "We have an
2 obligation to consider sanctions if we can't address the core
3 problems that are causing the non-compliance, i.e. change of
4 leadership and subject matter expertise."

5 At that point, the mayor stepped forward and changed
6 leadership at the facility and also engaged Sheriff Raney, who
7 the monitors suggested and approved.

8 After that effort, however, the new leadership at MDCR
9 still failed. And we reengaged the mayor, and also the
10 Defendants and counsel, to change -- make further changes in
11 leadership and institute practices that would change the
12 internal culture, and put on the table the idea that, in line
13 with past practices, that the vehicle that the Department of
14 Justice would prefer in this case to follow, given the level of
15 cooperation between the parties, would be a joint stipulated
16 order that gave Sheriff Raney full authority over the -- to run
17 the jail in an independent manner.

18 And since -- we have been actually working with
19 Sheriff Raney and have had several meetings, Zoom meetings, and
20 conversations. And he has already, under direction of the
21 mayor, stepped forward and started those institutional changes,
22 particularly with regard to revising the classification system
23 and revising the process for the mortality -- morbidity and
24 mortality review. He has also focused on creating -- getting a
25 data analyst in to help with creating data to prove out-of-cell

1 time for the segregation issue.

2 And also, Don Steigman of -- who is the president of
3 Jackson, has stepped forward and increased the hiring of a
4 director of psychiatry and behavioral health, which plugged
5 some serious holes in staffing. And yesterday, we heard that
6 they're also making efforts to meet the monitors' concerns
7 about a staffing plan and to create data along those lines.

8 I believe that Sheriff Raney is here -- yes -- and if
9 the Court's so inclined, available for questions.

10 THE COURT: Thank you, Mr. Maddox.

11 And is it still the intention of Dr. Greifinger and
12 Ms. McCampbell to resign from their positions as lead monitors?

13 MS. MCCAMPBELL: Yes, Your Honor.

14 DR. GREIFINGER: Yes.

15 THE COURT: Before the Court hears from Sheriff Raney,
16 might I hear from Ms. McCampbell?

17 MS. MCCAMPBELL: Good morning, Your Honor.

18 THE COURT: Good morning, Ms. McCampbell.

19 And I want to let you know how grateful the Court is
20 that you have been honest, thorough, certainly dedicated and
21 committed to ensuring that there is full compliance. You have
22 invested much time, energy, and expertise. And it was
23 disheartening to read that you were resigning.

24 And my question directly is: Do you believe that
25 Sheriff Raney serving as the independent compliance director is

1 sufficient to ensure that there is full compliance and
2 sustained compliance with each of the agreements?

3 MS. MCCAMPBELL: Your Honor, when the mayor asked for
4 recommendations on who might assist, I was the one that
5 recommended Gary Raney. I do have complete confidence in his
6 ability; however, the change can't really be made by one
7 person.

8 So one of our concerns is that -- he has developed
9 some significant plans going forward, which we will probably
10 not address in the next compliance report, since they are going
11 forward, not backwards. We have been looking at, this week,
12 the areas that are in non-compliance, and find that there has
13 been not much change. Although we're going to carefully
14 consider the information. So Mr. Raney can bring about the
15 plans. He can bring about the expertise from outside the
16 agency. But what our concern is, is that there needs to be the
17 development of leadership within the department to take over as
18 he steps away and also to sustain the change.

19 Ten years or 11 years, however long we've been at
20 this, is a really long time to not see a lot of progress in
21 those specific areas that Mr. Maddox just mentioned. So while
22 I would -- and obviously, the mayor's involvement has been
23 critical. She has become her own subject matter expert in this
24 and very knowledgable. So the two of them together can be the
25 force behind it, but there needs to be a lot of other people

1 with them in this initiative. There needs to be continued
2 focus on critical self-analysis, particularly around the
3 deaths, and particularly around ensuring that there are systems
4 in place to keep these things going, that we're not just
5 putting Band-Aids on them and walking away.

6 THE COURT: And I have not been privy to all of the
7 conversations and the meetings that you've had with Miami-Dade
8 County. But can you advise, since our last status conference
9 in April -- I know you've given the Court an interim report in
10 August. Do you believe that by November, as contemplated by
11 the parties, there will be full compliance with both
12 agreements?

13 MS. MCCAMPBELL: No, Your Honor, there will not be.

14 THE COURT: Based on that response, Ms. McCampbell,
15 and based on your involvement in other jurisdictions, and
16 monitoring agreements and compliance with those agreements
17 following claims of constitutional violations, what do you
18 believe the Court's role should be in monitoring or continuing
19 to be active in this case?

20 MS. MCCAMPBELL: As I've mentioned in previous
21 appearances before you, Your Honor, your involvement in this
22 has been critical to moving this forward. Until you became
23 involved down to the details of what's happening, this case
24 really languished. There was no urgency in it, which still is
25 a concern.

1 So I think that, as we move forward, however this
2 plays out with a joint stipulated order, and however it plays
3 out with an independent compliance monitor and the support that
4 he will need internally and externally, your continued looking
5 over the shoulder of this, and asking critical questions, I
6 think, will be essential to getting this resolved.

7 THE COURT: Well, you stated that the independent
8 compliance director, Sheriff Raney, has developed significant
9 plans moving forward. But might I ask why those plans do not
10 involve you and Dr. Greifinger?

11 MS. MCCAMPBELL: Our -- that's a good question.

12 Dr. Greifinger and I made this decision in early
13 August, before all of these plans were put into place. And
14 Mr. Raney was acting as a consultant to the mayor and hadn't
15 assumed this more broad role.

16 I think at this point, frankly, Your Honor, we feel we
17 have given -- and Dr. Greifinger is certainly able to speak for
18 himself. I feel like we have given a lot of years, pages and
19 pages of recommendations, pages and pages of critique. And
20 obviously it didn't have the impact that we wanted it to have,
21 so perhaps it's time for someone else to step up and do that.

22 I don't have the details that -- the nitty-gritty
23 details of Mr. Raney's plans haven't been shared with us. We
24 have seen the broad overview, and we certainly think they are
25 in the right direction. It is a monumental task. This hole is

1 pretty deep. And I think what happened over the years is that
2 the County looked at this -- as they were able to check the
3 boxes off for the individual paragraphs, what they failed to
4 see is it really required systematic review and reform of the
5 entire system. I think that's what Mr. Raney and the mayor
6 sees now needs to happen, which means this will not be an
7 overnight fix, if it's to be sustained.

8 So I think Dr. Greifinger and I feel that it's time,
9 after all these years, to step back and let somebody else be
10 involved with this. I do that -- think we both do it with a
11 great deal of regret, because we have a lot of knowledge and a
12 lot of background in this. But there really becomes a point,
13 Your Honor -- and you said it earlier, about -- the frustration
14 level is just -- to give you an example, a number of the -- a
15 lot of things -- most of the things that Mr. Raney is
16 recommending have their basis all the way back to the first
17 compliance report.

18 And so as we hear all these things, we agree with them
19 certainly because we've been recommending them since the very
20 first compliance report. So in the hundreds of recommendations
21 that are contained in the reports, and contained -- given to
22 the County otherwise. So our level of frustration has reached
23 the point where I don't think it's really productive for us to
24 be involved.

25 THE COURT: Well, let me state that the regret is

1 certainly shared by me.

2 MS. MCCAMPBELL: Thank you, Your Honor.

3 THE COURT: And my concern is Sheriff Raney and the
4 leadership team that is assembled will not have the benefit of
5 the monitors' historical knowledge and expertise, and that the
6 County may be working backward, as opposed to moving forward.
7 And that is the true concern that I have. And that was one of
8 the reasons why I did require the parties to come before the
9 Court today. Because I do not believe that your absence will
10 allow the County to continue to comply even at the incremental
11 pace that it has been doing so in the last now nine years. And
12 that's, quite frankly, my concern. I don't know how much the
13 Court can stress that we are here in the year 2022, on the
14 heels of 2023, which will be 10 years since these agreements
15 have been entered into.

16 And I appreciate the mayor's active involvement, and
17 it is refreshing certainly. And leadership -- and leadership
18 teams come and go. But the importance of sustaining a
19 leadership team, a core leadership team, to see that each
20 aspect of the Consent Agreement and the Settlement Agreement is
21 complied with, is critical. And I don't know if it's the
22 Court's position to -- to see whether you and Dr. Greifinger
23 would reconsider. But I believe that it is necessary to ensure
24 that there's full compliance, and that it's sustained, and to
25 give Sheriff Raney an opportunity to have your expertise, quite

1 frankly.

2 MS. MCCAMPBELL: Thank you for those words, Your
3 Honor.

4 You know, it's -- you know, it's a great deal of
5 regret to step back from this. But in the absence of seeing --
6 of nine years of sort of hitting your head against a wall, you
7 know, it becomes crazy to continue to hit your head against the
8 wall. I'm optimistic, with the mayor's involvement, certainly,
9 and with Mr. Raney, that there will be progress. But we want
10 to go forward, not backwards. And it's becoming -- when
11 Mr. Raney makes a suggestion, I go: "Yeah. Well, that was in
12 report number 1, or that was from report number 4." You know,
13 it becomes really frustrating to us, like why are we even --
14 you know, did nobody read it? Did nobody take it seriously?
15 Did nobody operationalize it?

16 And frankly, you know, as I said to you in the report
17 of August the 12th, our concern no longer became about
18 compliance. It became about protection from harm, which
19 continues to this visit. We still have those grave concerns.
20 So ...

21 THE COURT: And quite frankly, that's the Court's
22 concern. Because this joint stipulated order, that the Court
23 contemplates the United States and Miami-Dade County will
24 provide for the Court's signature, is going to be an iteration
25 of the Consent Agreement and the Settlement Agreement. And I'm

1 not -- I'm not confident that there will be compliance, and
2 sustained compliance, unless there are core individuals that
3 see this through. There have been -- I've seen "interim" in
4 front of so many individuals' names over the many years that
5 the Court has brought the parties together. And the only
6 individuals that have -- that have been invested over a long
7 period of time, with the exception of the attorneys, have been
8 the monitoring team.

9 So I'm not certain if you've had that discussion with
10 Miami-Dade County. I understand that there may be discussions
11 the Court is not privy to. But that is certainly my concern,
12 particularly when you have now expressed what the Court is
13 concerned with. And that is that Sheriff Raney will advise the
14 Court of his significant plans moving forward. And those plans
15 may, in fact, have already been in some of the reports that
16 have been filed publicly with the Court.

17 MS. MCCAMPBELL: I think you'll find all of them have
18 been.

19 THE COURT: Then --

20 MS. MCCAMPBELL: Your Honor, I totally understand your
21 frustration. I haven't had -- ever since the time that
22 Dr. Greifinger and I submitted our resignation, and we notified
23 the Court about it, we've had no conversation with the County
24 about really even why. And that's when -- your question was
25 why. And that's why I provided that interim report, to give

1 you the sense of what our frustration is.

2 We haven't had any conversations with either the
3 Plaintiffs or the Defendants around why we're leaving, could we
4 stay, could we not stay. I mean, we've had, I guess what you
5 might call a level of indifference to our leaving. So that
6 sort of ratified for us that perhaps they're happy to see us go
7 too. And -- but I do share your concern about the fact that
8 there are nine years, and thousands and thousands of pages of
9 documents that we have, and the expertise that we have been
10 trying to bring to the County.

11 There are -- obviously, as you noted, are a lot of
12 interim positions. The mayor's looking to find people to fill
13 them. It's a tough sell. This is a tough place to live. It's
14 a tough jurisdiction to work in, given the relationships among
15 the criminal justice partners, which the mayor is trying to
16 improve. It's just a tough place. So there are not a lot of
17 people that have the -- I guess the desire to take it on. But
18 I appreciate your kind words, Your Honor.

19 THE COURT: Ms. McCampbell, if Miami-Dade County was
20 willing to continue your involvement as part of the monitoring
21 team, you as the lead monitor, and Dr. Greifinger as the
22 medical monitor, would you stay on in order to work with
23 Sheriff Raney?

24 MS. MCCAMPBELL: At your request, we'd consider it --
25 talking with them about this, because I think there would have

1 to be some structure around it. I mean, there's no point in
2 continuing the last nine years. But given the Court's concern,
3 and given your kind words -- I'm not even going to turn around
4 to see what Dr. Greifinger is doing back there, but I think
5 he's looking forward to retirement. So I can't speak on his
6 behalf. You can ask him directly, if you would like to. But
7 I -- well, we would, at your request, give it another look.

8 THE COURT: Well, let me ask directly. The employment
9 of you and Dr. Greifinger occurred before this Court became
10 involved in, for lack of a better term, monitoring the
11 compliance with these agreements. What led to the employment
12 of you and Dr. Greifinger? Was it through the Department of
13 Justice and Miami-Dade County or was it Miami-Dade County that
14 made the decision itself?

15 MS. MCCAMPBELL: It's very interesting. I was
16 requested to consider being the monitor in this case by former
17 director -- the late Tim Ryan, who I had worked with for many
18 years. And he called me over to his office one day and out of
19 the blue asked me about this. And I was quite surprised, and I
20 asked him: "Why are you asking me to do this?" And he said to
21 me: "Because I think you'll be fair and objective in helping
22 us get to where we need to go."

23 And as a result of that, and my longstanding respect
24 and working with Director Ryan, I agreed to do it, and then put
25 together a team of individuals that would allow us to do this.

1 We had another individual who was our medical monitor
2 originally, and then he moved on. And I had worked with
3 Dr. Greifinger for a very long time. And then we also changed
4 physiatrists, so Dr. Kahlil Johnson. So we've -- and Dr. Adam
5 Chidekel have come on board. So there's been some changes in
6 the monitoring team since the beginning. But this all started
7 in Tim Ryan's office on MLK -- at MLK.

8 THE COURT: All right. So it was Miami-Dade County.

9 Did the Department of Justice have any involvement
10 over the years in terms of -- and I don't want to get very
11 specific in terms of your remuneration or -- any involvement in
12 the sustaining of your contracts?

13 MS. MCCAMPBELL: I believe that the County probably
14 checked with the Department of Justice. At the time, I was
15 also -- the Department of Justice was -- I was working with
16 them as a monitor in Cook County, and so they knew of my work.
17 I'm sure they checked in. Because I think the provision
18 provides that it's a mutually agreed upon individual.

19 But up until this time, other than just continuing
20 normal conversations, there's never been a discussion about any
21 other parts of our -- we don't have a contract. It's -- we
22 just submit our invoices. There's a separate line item in the
23 budget for us to be paid. That's how we proceed with this.

24 THE COURT: And I know that you recommended Sheriff
25 Gary Raney. Have you worked with him in the past?

1 MS. MCCAMPBELL: I haven't worked with him, but I've
2 known him for years and our paths have crossed at professional
3 conferences. I'm familiar with the work that he did with his
4 county jail, and I've been impressed with other the work I've
5 seen. We've never worked on the same projects together.

6 THE COURT: All right. But you have a healthy working
7 relationship?

8 MS. MCCAMPBELL: Yes, we do, Your Honor. I think that
9 it's a pretty honest one too.

10 You know, one of the things I just want to note is, in
11 the last two months -- and you asked the question about when
12 did all these negotiations start about the stipulated order.
13 It's my understanding that they started after we resigned.
14 Like: "Oh, they're serious" kind of thing. So they started in
15 August. They didn't really start before then, to my knowledge.
16 But one of the things that we have seen since the mayor's
17 involvement, and since her change in leadership, and since
18 CHS -- since Jackson's changes, we've seen a lot of really good
19 honesty.

20 One of the things that the County has said to Your
21 Honor over the years is they're in compliance and we're wrong,
22 and they're in compliance and we're wrong. If you listen to
23 Sheriff Raney today, or at any time in the future, you'll hear
24 him say what we have been saying, that there is not compliance.

25 So this gap between-- the credibility gap that existed

1 between what the county attorneys told you and what actually
2 was happening is acknowledged now by the CHS new leadership and
3 by Sheriff Raney and the mayor. So there's no longer -- I
4 don't believe they are going to come to you and insist that
5 they are in compliance, when, in fact, the evidence suggests
6 they're not.

7 So that has been a major change in the last 60 days,
8 even up until yesterday, in direct conversation about: "Are
9 you compliant or are you not compliant?" So that's an
10 incredibly welcomed change. Because obviously if people are
11 going to continue to deny their deficiencies, they're not going
12 to work on improving them. So I do give great credit to the
13 mayor and to Don Steigman and the leadership at CHS for that.

14 THE COURT: Thank you, Ms. McCampbell.

15 MS. MCCAMPBELL: Thank you, Your Honor.

16 THE COURT: Mr. Simon or Mr. Pastor?

17 MR. SIMON: Good morning, Your Honor. Thank you.

18 Good morning.

19 THE COURT: Good morning.

20 MR. SIMON: Good to see you, Your Honor.

21 THE COURT: Good to see you, sir.

22 MR. SIMON: Your Honor, the parties, since
23 Ms. McCampbell announced her resignation August 1st, have done
24 quite a bit of work to find, and identify, and accept a new
25 lead monitor. We've been working on that since August 1st,

1 which was the date of her announced resignation. And we've
2 identified someone -- actually, the Department of Justice
3 identified a person, who we then vetted and preliminarily
4 approved. That approval has to go through the Board of County
5 Commissioners. It's in that process. And of course the
6 Department of Justice's higher-ups need to approve that lead
7 monitor as well.

8 So a person has already been identified, and quite
9 a bit of time and energy have gone into that.

10 THE COURT: Well, I'm curious, Mr. Simon, when you
11 were advised by Ms. McCampbell that she was resigning, did you
12 have a conversation with her as to why?

13 MR. SIMON: No, Your Honor. But given the context of
14 her many letters that came out at the end of July, and
15 immediately after the August 1st announced resignation, it was
16 pretty clear to us that her stated reason for resigning was
17 frustration with the current state of affairs, which is what
18 she said today. So it was somewhat clear, to us at least, that
19 that's why she was saying she was resigning. So I didn't feel
20 the need to ask her what I thought we knew.

21 THE COURT: Well, don't you believe that the many
22 years that Ms. McCampbell and Dr. Greifinger have been
23 assisting the Department of Justice, but most particularly
24 Miami-Dade County, with monitoring, giving expertise, touring,
25 advising, supporting, communicating -- that that involvement

1 was necessary to ensure there is compliance with all of the
2 provisions of the Consent and Settlement Agreements?

3 MR. SIMON: I certainly agree a monitor is required, a
4 lead monitor. And Ms. McCampbell's been our lead monitor for
5 this entire case. But we immediately began to search for a new
6 lead monitor when she advised us that she was leaving. And so
7 that's what we've done. And we're in the middle of that
8 approval process now.

9 So I understand that the parties -- and the parties
10 believe -- well, at least the Defendants. I can't speak for
11 the Department of Justice, but the Defendants believe a fresh
12 set of eyes, perhaps the person we've identified and selected,
13 and hopefully will approve, will be what we need going forward.

14 THE COURT: Well, Sheriff Gary Raney was recommended
15 by Ms. McCampbell, correct?

16 MR. SIMON: And we immediately hired him on her
17 recommendation.

18 THE COURT: Sheriff Gary Raney has expertise in
19 monitoring compliance with constitutional violations that have
20 been asserted against institutions throughout the country?

21 MR. SIMON: Yes, Your Honor. One of the many
22 qualifications we thought impressed us.

23 THE COURT: Do you believe that Sheriff Raney would
24 benefit from the knowledge and expertise of the monitors that
25 have been working now for the past nine years?

1 MR. SIMON: I believe Sheriff Raney has been in
2 communication with Ms. McCampbell for weeks, months now, since
3 beginning under contract with the County in June. And so he
4 has had the benefit of Ms. McCampbell and her team being on
5 since June. But I also think, given the time and resources
6 that we've expended looking for Ms. McCampbell's replacement
7 after she announced her resignation, that that's what the
8 Defendants are ready for.

9 THE COURT: Is Miami-Dade County open to allowing
10 Ms. McCampbell and Dr. Greifinger to work with your new
11 independent compliance director?

12 MR. SIMON: I think until her resignation in December,
13 yes, Your Honor. But --

14 THE COURT: I'm speaking of if she were to agree to
15 continue, and if Dr. Greifinger were to agree to continue,
16 since they have such a tremendous historic knowledge and
17 expertise in the many provisions of these agreements.

18 MR. SIMON: The Defendants feel a fresh set of eyes is
19 the option.

20 THE COURT: Well, you have a fresh set of eyes in
21 Sheriff Gary Raney. I'm speaking of Sheriff Gary Raney working
22 directly with the team that has been devoted for many years.

23 MR. SIMON: I understand, Your Honor. I'm referring
24 to the new monitoring team, the new lead monitor that we've
25 sent up to the Board -- or will send up to the Board for

1 approval.

2 THE COURT: So you have already hired someone?

3 MR. SIMON: No, Your Honor. We have not -- he has not
4 yet been approved. His name is Dr. Kenneth Ray, and we are
5 sending his name up to the Board of County Commissioners for
6 approval. And once that happens, then the Department of
7 Justice can finalize their internal process of approving the
8 new lead monitor, and then the lead monitor selects
9 sub-monitors. The parties can go back and forth about whether
10 they approve of those sub-monitors, and that's -- so that's
11 what we think is best going forward.

12 THE COURT: And why do you believe that a fresh set of
13 eyes is important, given the many, many years of steps moving
14 forward, steps moving backwards, the tours that have taken
15 place, the knowledge that has been gained by the parties
16 through the efforts of the monitors -- why do you believe this
17 set of fresh eyes is important?

18 MR. SIMON: Well, I think we got to a point in 2019
19 and 2020 when we were one provision away. And since then --
20 which coincided with the pandemic -- we have move backward 10
21 provisions. So now we're back to 11 provisions out of
22 compliance with the Consent Agreement. And I think
23 Ms. McCampbell has done quite a lot of work over the years.
24 There's no question about it. But I think a new person should
25 be given a chance.

1 THE COURT: But I'm asking why.

2 MR. SIMON: That's not my opinion. That's my clients
3 who want that. And they have invested, again, some time and
4 energy in looking for that person.

5 THE COURT: But I'm asking why. The County has
6 clearly had deficiencies that have been recognized by the
7 monitors, have been recounted to the Court by way of reports.
8 We've discussed it in court. Two sessions ago, you had
9 requested that we have a hearing in which we should determine
10 whether, in fact, Miami-Dade County was in compliance. I
11 believe at that point the parties had agreed to continue to
12 work together to achieve compliance. And now I'm speaking of
13 rectifying the deficiencies that still exist, and why a set of
14 fresh eyes would not obviously move everyone backward, as
15 opposed to moving us forward, if, in fact, you are of the
16 opinion that compliance is not very far from today.

17 MR. SIMON: Well, Your Honor, I think -- you know,
18 it's interesting. Because last year the Department of Justice
19 issued a memorandum, and they suggested to their attorneys that
20 monitors in consent decree cases have term limits of two years.
21 And that's the Department of Justice's recommendation. And so
22 I think -- and I think it makes sense to have different people
23 looking at the same problems. If you have a different set of
24 eyes, perhaps you end up with a different solution.

25 Now, we do have Sheriff Raney here as our compliance

1 director, under contract with us. And the Defendants are ready
2 to move on, Your Honor, with Sheriff Raney and a new lead
3 monitor. We're taking Ms. McCampbell at her word that she's
4 frustrated, she is leaving town, she is resigning. So is
5 Dr. Greifinger. And so we immediately began a search. We're
6 willing to move on. That's what we want to do.

7 And the parties do -- under the agreement, Your Honor,
8 the parties have to agree to a lead monitor, and then
9 subsequently to the -- whether or not they disapprove of
10 sub-monitors chosen by the lead.

11 THE COURT: So Mr. Simon, in sum and substance, the
12 County is not agreeable to permitting Ms. McCampbell and
13 Dr. Greifinger to continue past their stated date of
14 resignation. Is that what you're telling the Court?

15 MR. SIMON: Right. The Defendants are accepting their
16 resignation and moving on with a new recommended lead monitor.

17 THE COURT: And the County is not willing to permit
18 the monitors to remain until there's full compliance?

19 MR. SIMON: No, Your Honor.

20 THE COURT: All right, sir.

21 MR. SIMON: Thank you.

22 So if I may, since April, the Defendants have worked
23 tirelessly to do everything the DOJ and the monitor have asked
24 to reduce harm now and to ultimately come into compliance by
25 your deadline of November 18th. And I want to thank the

1 Department of Justice for acknowledging in their September 16th
2 filing all of the hard work that the County has done to, over
3 the years, come into -- slowly come into more and more
4 compliance with the agreements.

5 And I especially appreciated the recognition in that
6 September 16th filing that this county is different than many
7 of the other jurisdictions that they monitor, in the sense that
8 we have given a tremendous amount of cooperation with the
9 Department of Justice and tried to implement all of the changes
10 that they and the monitors have suggested over the years.

11 And if Your Honor will recall from that September 16th
12 filing, there were many jurisdictions pointed out in which the
13 factual scenarios were far different, and when there was quite
14 a bit of resistance and chaos in those other jurisdictions.
15 And so we stand apart, I believe -- and so does the Department
16 of Justice -- from those other jurisdictions.

17 And before I highlight some of the things that the
18 County has done at the recommendation of the Department of
19 Justice and the monitor, I would like to advise the Court who's
20 present -- some of the people that are present for the
21 Defendants.

22 THE COURT: Certainly.

23 MR. SIMON: We have our mayor, Daniella Levine Cava,
24 at counsel table; MDCR Interim Director JD Patterson; MDCR
25 Compliance Coordinator Kim Bones; MDCR's compliance director

1 Gary Raney -- Sheriff Gary Raney. We have -- and these are
2 just some of the people that are present, Your Honor -- JHS
3 President Don Steigman; CHS Director Susan Peyton; and CHS
4 Interim Chief of Psychiatry Dr. Patricia Ares-Romero. Our
5 chief medical officer would have been present today, Your
6 Honor, but she is out sick with COVID. Otherwise, she would
7 have been present. That's Dr. McQueen, Sylvia McQueen, who
8 I -- was she on the phone?

9 Okay. And so to highlight some of the things that the
10 Department of Justice and the monitors have recommended that we
11 do just in this year, and that we've done at their
12 recommendation, is multiple -- let's start with multiple
13 leadership changes in the upper ranks of MDCR, including a new
14 interim director, replacing the old director. Now we have a
15 new interim director, JD Patterson.

16 There is a leadership search ongoing, lead by Sheriff
17 Gary Raney, for a new permanent director. And if you are so
18 inclined, the mayor -- our mayor and Sheriff Raney would like
19 to tell you about that in a moment.

20 We have two new deputy directors, one over operations
21 and one over administration. And of course, our new compliance
22 director, nationally renowned corrections expert and monitor in
23 his own right, Sheriff Gary Raney, recommended by
24 Ms. McCampbell.

25 We've also begun to overhaul our classification

1 system, which I think Ms. McCampbell would agree is a crucial
2 part of coming into full compliance. That system, the
3 classification system, is being overhauled by an expert also
4 recommended by Ms. McCampbell, Patricia Hardyman, and
5 implemented ultimately by Sheriff Raney.

6 So as I said, the mayor and Sheriff Raney are here,
7 and I would urge the Court to -- if you would be so inclined,
8 to hear from them about what we -- all the things that we are
9 doing to reduce harm now in the jail, and to not only come into
10 compliance as a result of that reduction in harm, but move
11 beyond compliance with reforms.

12 THE COURT: All right. Certainly.

13 MR. SIMON: Thank you.

14 THE COURT: Thank you.

15 (Pause in proceedings.)

16 SHERIFF RANEY: Good morning, Your Honor.

17 THE COURT: Good morning, Sheriff Raney. Welcome.

18 SHERIFF RANEY: Thank you.

19 We have been diligently working on a PowerPoint, but
20 probably not.

21 IT DEPARTMENT: Still working on it.

22 SHERIFF RANEY: So Your Honor, I'm not sure how much
23 you know about me, whether you would like an introduction. And
24 then I would like to speak to what's happening in MDCR. And
25 then I think you probably have a number of questions for me.

1 So would you like an introduction?

2 THE COURT: Yes. I would appreciate an introduction.
3 Thank you.

4 SHERIFF RANEY: Absolutely.

5 So 39 years ago, I started in the sheriff's office in
6 Boise, Idaho. That is Ada County. Started out as a jail
7 deputy, spent almost 32 years there. The last 10, I was the
8 elected sheriff.

9 When I took office in 2005, the jail was good. The
10 problem is we thought we were good, and we quit learning. So
11 after some tragic events -- luckily not deaths, but notable
12 events, we started looking at new ways to do things, driven
13 around data, driven around culture, driven around system
14 thinking and system progress. And I'm honored that we made a
15 lot of changes to that jail, and it became a national site
16 where the Department of Justice would send people to my jail to
17 look at the way that we operated, to look at the way that we
18 made decisions.

19 That led me to be appointed by the United States
20 Attorney General to the board of the National Institute of
21 Corrections that oversees and provides guidance to jails and
22 prisons across the United States.

23 I retired from being sheriff in 2015, and thought I
24 would do a little consulting. And that has become very busy.
25 So since then, I have worked in about 40 states doing mostly

1 jail deaths, in-custody deaths, and quite a bit of use of
2 force.

3 I am a federal court monitor in Santa Clara County,
4 California. That is San Jose. It's about a 4,500-bed facility
5 that uniquely contains a psychiatric hospital within the jail
6 system. So you can imagine the challenges that that presents
7 the jail.

8 I'm also a federal court monitor in San Bernardino,
9 California, which is a little over 6,000 beds, and the largest
10 geographic county in the United States. So there's actually
11 eight jails within that county. So both of those are
12 progressing well. But along this conversation, I am starting
13 to contemplate resigning from one of them because a federal
14 court monitors' job is to move things forward, and I'm not sure
15 that I'm moving things forward, as well as I'm happy with,
16 anyway, in one of those jails. So we'll see what happens
17 there. Some changes are coming. A new sheriff is getting
18 elected.

19 So regarding this -- let me pause there. About that
20 quick bio, did you have any questions that I can answer?

21 THE COURT: Well, I don't want to put you on the spot,
22 but --

23 SHERIFF RANEY: Well, feel free.

24 THE COURT: And I do welcome your attendance today.

25 It was brought to the Court's attention that the Court

1 is going to be receiving a joint stipulated order in order to
2 address some of the compliance issues. It was also represented
3 that you have developed significant plans moving forward.

4 Might I ask about your vision and what your specific plans are?

5 SHERIFF RANEY: Absolutely.

6 So the mayor's instruction is that she wants this to
7 be the best jail it can be. We could have an aspiration to be
8 the best jail in the world, but frankly that's dependent upon
9 the physical facilities, and that's going to be restrictive.
10 One of our jails was built many decades ago.

11 So the first effort has been around harm reduction.
12 The second effort around the harm -- the compliance with the
13 harm reduction areas. And then the third priority being around
14 the other areas of compliance.

15 So as was alluded to, my first effort was the inmate
16 classification system. So the inmate classification system
17 currently in MDCR was compliant at one time. It could be
18 compliant again, given the existing system, but that wouldn't
19 be the best system to protect the inmates from harm.

20 That system relies upon a series of questions with a
21 yes or no answer. Monitoring classifications systems are what
22 we call a point -- or a point additive system, which means,
23 rather than just a yes or no, there's a weighted numerical
24 value to each question. And so it fine-tunes in the behavioral
25 risk of inmates.

1 So we are implementing that. Even though it's going
2 to slow compliance, it's going to be a better tool for
3 protecting the inmates. The tool, which is actually the form,
4 will be complete by the end of this month. It will be
5 piloted -- after training and policy development, it will be
6 piloted in December, we anticipate, and we'll go fully live in
7 February.

8 So we're already seeing some harm reductions happen
9 now because of the recognition of some of the weaknesses of the
10 old system. We're correcting those along the way. There were
11 some factors that influenced -- the custody levels is what it's
12 called. That's the level of risk. The term is "custody
13 level." So there were some factors that shouldn't have been in
14 there and made it less reliable than it could have been.

15 So with this new system, which is, I think, by far the
16 most common system used in the United States, it will be data
17 driven. And that sets the core for all of the rest of the
18 jail.

19 I should back up just a little bit and share two
20 perceptions that I come into MDCR -- or maybe more than two.
21 One is I think there was a lack of innovation in MDCR for a
22 long time, and more concerningly a lack of interest in
23 innovation; a very, what I would call, episodic
24 decision-making. So fixing a problem today and not worrying
25 about tomorrow. I think, under the mayor's leadership, and

1 under JD Patterson, that has changed. We now have leadership
2 that I see the difference in engagement and trying some
3 innovative practices. I'll talk about one of those in just a
4 minute. It is different than even when I started there at the
5 end of June.

6 The other part historically: Data. I'm a data-driven
7 person. If we're going to make changes, if we're going to
8 improve safety, let's prove that out in the numbers. I am
9 shocked at the poor data systems within MDCR. It is a
10 homegrown system for one of the tenth largest jails in the
11 United States, where we don't have data that connects to other
12 data in order to really measure things like: This inmate has a
13 higher level of behavioral problems. What is their mental
14 health level? What is their custody level? When we gave them
15 programming to reduce that violence, did it respond -- did it
16 have the intended effect and reduce the violence by that
17 inmate?

18 Things like that are very, very difficult to put
19 together in MDCR. There's currently a process in place to
20 acquire a new system. I would -- I'll simply say today that
21 the lack of the data, and the lack of the analysis of what data
22 is there, is concerning and really needs to be developed.

23 As Mr. Simon alluded to -- so we have two data
24 analysts that are coming in to help, one at the direction of
25 the mayor, that will help us with an analysis. Another one

1 from externally, outside of MDCR, who is going to help us with
2 some of that data reporting about violence.

3 THE COURT: And if I may ask, Sheriff Raney, because I
4 know you state that you're a data-driven person, have you had
5 an opportunity to read Ms. McCampbell's August 12th, 2022
6 interim report?

7 SHERIFF RANEY: Yes.

8 THE COURT: I'm wondering the scope of your authority
9 as it relates to the new monitor that will be retained by the
10 County. Could you explain what your relationship and the scope
11 of your authority with that monitor will be.

12 SHERIFF RANEY: I can assure you that since the mayor
13 has appointed me the director of compliance with MDCR, it is
14 noted I try not to be an authoritarian style of leadership,
15 because you want to educate people along the way and not just
16 give them directions. But it is clear, from top to bottom,
17 that people recognize my authority, that they appreciate -- I
18 would say more so they appreciate some of the insights that I'm
19 bringing into MDCR and trying to educate them about why we are
20 doing the things we are doing.

21 So I really have no question -- in fact, when there
22 was some discussion in the background of a receivership, and me
23 potentially being the receiver, I don't believe that would be
24 as effective as me in the position of working for Mayor,
25 because there would be so many other distractions to being a

1 receiver.

2 So while the future will play out, I think you would
3 have to trust in the mayor, you would have trust in me. But I
4 have seen one hundred percent support in that authority. And
5 in fact, sometimes Madam Mayor pushes me a little bit and asks
6 those questions that are very appropriate about why am I not
7 doing something to address a specific issue. So I think that
8 demonstrates her expectation, and I will live up to that.

9 THE COURT: Well, I'm speaking specifically with
10 regard to the compliance report and the frustration on the
11 monitors' behalf of not receiving this data that is so
12 important in order to move forward with compliance.
13 Specifically, a failure to produce a coherent data plan to
14 assess the County's compliance with management of inmates with
15 serious mental illness housed in segregation; documentation,
16 that was dated in May, but not provided to the monitors until
17 two months later of the impact of the County's unilateral
18 amendment to the formally validated inmate classification
19 system, resulting in dangerously inaccurate clarification
20 levels with regard that those inmates; the failure to produce,
21 as promised, the foundational data of the staffing plan for CHS
22 directly addressing the provision of required mental health
23 treatment services; and the production in July of a
24 long-awaited internal review of the two homicides that had
25 occurred in April and May of 2021, which were inadequate, as

1 well as the suicide of an individual in July.

2 So I'm speaking with regard to the open and timely
3 production of information to the monitors that would allow the
4 monitors to conduct their requisite analysis.

5 SHERIFF RANEY: Thank you, Your Honor.

6 My role has been forward more than past. But I can
7 tell you that most of that analysis I agree with. It was, I
8 think, due to many things -- and somebody could speak to it
9 probably better than I. But changes in leadership, the lack of
10 planning, preparing for the documents submission -- that, I
11 think we realized too late -- the lack of analysis. I mean,
12 most everything in that report I agree with.

13 What I can tell you is that we -- we, and it will be
14 me -- already have plans in place about calendars for
15 submissions, about the new analysis processes that need to take
16 place. I would say, when I talk about the episodic
17 decision-making, I think there is still a historical perception
18 within MDCR that this is just a process to do for the DOJ or a
19 process to do for the Court. We need to change that culture,
20 and we need to make that a process that is valuable within
21 MDCR. And that's not there yet.

22 But that is critical to changing that culture, making
23 it meaningful to the jail, making it meaningful so that Deputy
24 Director Bennett and the people that work for him can get the
25 data as close to realtime as possible, and react to it, put the

1 plans in place.

2 Another weakness in the past clearly has been the lack
3 of planning, the lack of strategic planning. So
4 Ms. McCampbell's report, it was -- you know, you can probably
5 call it an abysmal submission, and I wouldn't argue too much
6 with that. What I can tell you is --

7 THE COURT: I know you said it's an abysmal
8 submission. But do you believe that it's an accurate
9 assessment?

10 SHERIFF RANEY: Yes.

11 THE COURT: So since you have been retained, Sheriff
12 Raney, can you advise the Court specifically what you have done
13 to work toward compliance, which is anticipated to be in
14 November.

15 SHERIFF RANEY: So the -- with classifications -- so
16 the -- the classification, I gave you the timeline on that.
17 The second part, the quality assurance and quality
18 improvement -- so I'm going go through four topic areas, if
19 you'll allow me, and maybe that will answer some of these.

20 So again, the lack of data, the lack of data analysis,
21 and the struggles with data reporting. So while it is
22 improving, it's still better. People are starting to pay
23 attention. Assistant Director Guevarra, now, even in reporting
24 the battery on inmates, what's called -- BOIs is what they call
25 them here. So thanks to Deputy Director's initiative to do

1 some things in the facilities that engage inmates, and do some
2 searches, and a number of things -- it's a multidirectional
3 strategy -- there's been a 36 percent decrease in batteries on
4 inmates since -- from August through today.

5 Now, that's not enough to have really a statistically
6 valid timeline, but I think it does go to a new outlook on how
7 to do some problem solving.

8 The integration with Miami-Dade PD, who has some very
9 innovative practices in training, in analysis -- there's an
10 analysis team that we're bringing on board. They have -- the
11 name escapes me, but it's a topical event review that's brought
12 in to keep some ideas fresh. So all of that, with that quality
13 analysis, I think will improve significantly.

14 And I clearly understand, from the past reports,
15 you've been told for years of: "Give us a little bit more time
16 and it will improve." I can't speak to what's happened
17 historically. But I can stand here in front of you as the
18 compliance director for Miami-Dade County and say: If you give
19 me a little bit more time, I'm telling you it will improve.

20 So the quality assurance, quality improvement, the new
21 data analyst coming in identifying data points, identifying
22 longitudinal measures -- that's what Susan McCampbell has
23 talked about many times, of the looking at those longer
24 measures of what is working and what's not working -- that's
25 not happened before.

1 The sexual misconduct. So on PREA there's a
2 question -- so the PREA audit occurred. But I think
3 Ms. McCampbell brings up legitimate questions on whether that
4 audit was correct or not. Now, there is a PREA-certified
5 auditor to my understanding. So Miami-Dade's intent was good,
6 but if that's not -- if that auditor, who is a certified
7 auditor, did not do a proper audit, that's one issue. But we
8 need to have that completed, so that you have the assurance
9 that the PREA practices, the sexual misconduct practices, are
10 what they should be.

11 The segregation, those inmates in isolation. I think
12 we all agree -- it's certainly my opinion that the out-of-cell
13 time is appropriately happening. You know, the expectation
14 right now is for three hours a day. That is a generous amount,
15 that I can tell you MDCR supports. So many jails across the
16 United States get less than three hours a day as a consent
17 decree standard. But I support the three hours a day. We need
18 to bring in some other programs.

19 The problem with segregation is -- and we're
20 identifying it now -- there's always been this lack of data.
21 The monitors can speak for themselves. I've simply been told
22 that, as the monitors and MDCR has asked the inmates about
23 getting out-of-cell time, yes. But it's not showing up. It
24 appears to be a hardware problem. They use tablets to log this
25 out-of-cell time, and the tablets aren't syncing. We need to

1 be able to prove that. So right now, we're going through
2 testing to identify where that weakness is.

3 What I can tell you is that I believe that out-of-cell
4 time is happening, but it's not being documented. If we can't
5 fix that, we've got to find to another way. But we need to be
6 able to prove to you what's occurring.

7 The last one, something I've spent much of my time on
8 since I have been here, and that is what's called the mortality
9 and morbidity review process. It was founded off a good system
10 in Jackson Health System. That was the idea, is that we were
11 going to copy this. It does not work well for MDCR. It's
12 extremely cumbersome, and there was a lack of structure to it,
13 and there was a lack of process to create meaningful analysis.
14 And of course, Ms. McCampbell has commented on that several
15 times, about the lack of -- she prefers the term "root cause
16 analysis."

17 I would agree. It has been very weak. I see it under
18 Director Patterson's -- Chief Patterson's leadership -- getting
19 better. But just this week we implemented the new process that
20 I have been developing for the last few weeks, where it is
21 collaborative between MDCR, CHS, and MDPD, to bring in that
22 outside view. We have added jail investigators to the process
23 for objectivity. MDPD has been tremendous in stepping up with
24 additional resources of homicide detectives, as well as general
25 investigation unit detectives.

1 So when we bring those different views together, and
2 identify what happened -- and even in the event that we
3 discussed on Tuesday, the detective told us: "Well, this fight
4 happened because they were arguing over the phone in the cell
5 before they came out to the rec yard," I don't think -- I don't
6 think the jail would have known that fact under the old system
7 because the PD tended to report out one thing and then we did
8 our own thing here.

9 This integration, I think, is really going to be
10 valuable. Much more importantly, when it comes time for
11 decisions, there's now a structure that talks about what
12 happened that caused harm: What could we have done better?
13 Have we done this before? Was supervision in place? Do we
14 need training? There's a structured set of questions that will
15 be asked every time and will be answered every time through the
16 process. So there will be a learning curve, but I think we're
17 going to see significant differences in that.

18 And so that's been my focus since being here, is the
19 classification system. That is fundamental. When you fix the
20 classification system, segregation gets better, discipline gets
21 better, housing decisions, of course.

22 In the mental health treatment center, I've been
23 focusing on making sure not only are those people separated by
24 mental health level, but they also need to be separated by
25 custody level. Because you might have what's called a level

1 two mental health inmate, but they may be a high-risk inmate
2 alongside a low-risk inmate. We need to take all of those into
3 account.

4 So a number of changes have been made. We have moved
5 mental health level two people out to a dorm in Metro West. So
6 this is the second highest level. The healthcare staff would
7 explain it better. But they used to be in maybe two-to-a-cell
8 in the mental health treatment center. They are now spread to
9 a dorm out at Metro West, where they have freedom, they have
10 activities. We're going to bring in positive activities.
11 That's going to help manage the behavior.

12 So those are the four topic areas. I want to pause
13 and let you ask me questions, or ...

14 THE COURT: I don't have any questions. Perhaps I
15 missed -- the lack of data, the data analysis, the data
16 reporting. What was the fourth topic?

17 SHERIFF RANEY: No. I'm sorry. The topics were --
18 the big topics were: The classification system, dealing with
19 segregation, the MMR or review process that is now not just
20 about deaths and attempted suicides. It's about any major
21 incident that we can learn from. And then the last one is the
22 quality assurance or quality improvement data analysis for the
23 future, the violence analysis.

24 THE COURT: But under that is your clarification that
25 it's the data, the analysis, and the reporting that's important

1 in order to achieve compliance with the remaining 11
2 paragraphs. Am I understanding that?

3 SHERIFF RANEY: Yes. Particularly on the quality
4 assurance, quality improvement, but also on classification. I
5 mean, it's very critical. And that's where Dr. Hardyman will
6 follow up and continue to validate the classification system.
7 You want to see a nice bell curve, or maybe a slanted bell
8 curve, of the inmate population. And you want to be able to
9 correlate that, what violence does occur -- was that somewhat
10 predictable by the custody leveling. Meaning that a higher
11 risk inmate has a higher likelihood of being violent.

12 Pardon me.

13 So that's the beginning of it. But now the question
14 is: What can we do to manage that behavior? And that's where
15 some of the fresh strategies are coming out about: How do we
16 incentivize behaviors? It has been traditionally called
17 "inmate behavior management." Now it's being called "strategic
18 inmate management." But it's about incentivizing positive
19 behaviors and disincentivizing negative behaviors.

20 Another example is that inmates, particularly in the
21 Pre-Trial Detention Center -- that old facility where the
22 cameras are low in the ceiling -- when they wanted to attack an
23 inmate, they would go over and cover the cameras with a piece
24 of paper. They, for lack of a better term, would get away with
25 that. Well, now MDPD is charging that offense as -- I'm not

1 sure what the Florida term is, but it's basically an accessory
2 to a crime by doing that.

3 So again, we're seeing some of those violent behaviors
4 begin to react to those strategies and lessen. We just need to
5 continue to do it. Not just on the negative side. I will also
6 tell you there are some great things going in MDCR with reentry
7 and programming, but not enough. We need some fundamental
8 positive activities and influences within the housing units,
9 more than there are now. I think that's -- that is a
10 post-COVID delay, but we need to get them back in there. I
11 mean, that's how you control the behaviors.

12 THE COURT: But Sheriff Raney, you do anticipate
13 within a month's time that there will be a report to the Court
14 that the parties have achieved their objective of complying
15 with the remaining paragraphs in the Settlement Agreement and
16 the Consent Agreement that are not in compliance?

17 SHERIFF RANEY: Within a month from now?

18 THE COURT: Well, that's anticipated by the parties --
19 at least when we had our status conference in April, that the
20 six-month period of time was more than sufficient to correct
21 the deficiencies.

22 SHERIFF RANEY: No. I don't, Your Honor.

23 THE COURT: Might I ask: At what point in time did
24 you come to that conclusion that that was not sufficient to
25 rectify these issues?

1 SHERIFF RANEY: So with -- if I take those topic areas
2 again, with classification, when we went from the old system to
3 the new system, because it was going to be better, we knew that
4 would set us back in time. Dr. Hardyman estimated it would be
5 two months of a delay. So we believe now that the new
6 classification system will be fully implemented in February of
7 2023.

8 Now, beyond that, even though she will be validating
9 some of the data, we need to continue that validation. So as
10 to whether or not the monitor finds that in compliance with the
11 early data, or wants to have more data, then that's going to be
12 the determination of the monitor. In my opinion, we will be
13 functionally compliant in February 2023.

14 THE COURT: Now, has there been a compliance tour that
15 was expected to take place yesterday and today?

16 SHERIFF RANEY: The monitors have been on site. I'm
17 not fully aware of their activities.

18 THE COURT: It was anticipated that the monitors would
19 assess compliance with the 11 paragraphs, as contained in the
20 monitors' report. Are you aware that they were on site?

21 SHERIFF RANEY: Yes.

22 THE COURT: Were you with them?

23 SHERIFF RANEY: For a part of the day yesterday.

24 THE COURT: Did -- and I know you only spoke of
25 classification. But did you speak of the old system or the new

1 system in terms of a delay that would take us to February 2023
2 to be in compliance with that provision?

3 SHERIFF RANEY: Yes. I presented an update to the
4 Department of Justice, and Ms. McCampbell was there, about two
5 weeks ago. So that's when the February 2023 projection date
6 was shared.

7 THE COURT: All right. Let's move to the next topics.

8 SHERIFF RANEY: So on the next topic, the segregation,
9 I think, again, when we get this data glitch figured out that
10 may be coming from the tablets -- as of yesterday morning, it
11 was reported to me that this is now working. But I'm certainly
12 not going to assert that to the Court off the short amount of
13 time. So when that's fixed, we will be in compliance, I would
14 say one way or another. Even -- say that does not work, I
15 would say that we will find a different solution, track the
16 data, and be in compliance between 30 and 60 days.

17 THE COURT: All right. So that's the care of inmates
18 with serious mental illness in segregation?

19 SHERIFF RANEY: Yes.

20 THE COURT: All right. So that's 30 to 60 days.

21 All right. And the other two?

22 SHERIFF RANEY: The mortality reviews, the MMRs, we
23 need to see the proof of it. But I believe that there's two
24 aspects of that. One is the process which was implemented this
25 week, and I think is going to make significant differences.

1 There are changes -- I mean, there are problems,
2 though, with the timeliness of submissions and the
3 disorganization of submissions. So standing here, I'm not
4 clear when the next submission is. What I can tell you is, is
5 that that submission will be complete, and it will be
6 organized, and it will be properly analyzed. So I presume
7 that's going to be the end of the year. Is that what it would
8 normally be?

9 THE COURT: Well, I'm asking you. There were four key
10 areas that you were focusing on. We've spoken of the inmate
11 classification. You've told the Court that you anticipate that
12 that the delay will take us to February 2023.

13 SHERIFF RANEY: Yes.

14 THE COURT: The segregation, specifically, the care of
15 inmates with serious mental illness and segregation, will be 30
16 to 60 days.

17 Now, with regard to the mortality reviews, which is
18 the mechanisms and systems to assess sentinel events, such as
19 death and serious harm, how much time do you think it's going
20 to take to rectify that area?

21 SHERIFF RANEY: Within 60 days.

22 THE COURT: And then the final area with regard to the
23 mental health staffing?

24 SHERIFF RANEY: That is a CHS question that I can't
25 answer. My final area on that was the violence analysis. I

1 would say 90 days. And my pause is I know the data is poor. I
2 don't know what there is that we can mine out of that. We will
3 get everything we can out of it. But I'm just -- I'm not sure
4 what's there. But I -- we will do something meaningful and
5 demonstrate why it can't be better, or it's as good as it can
6 get, whatever term you prefer, 90 days.

7 THE COURT: So in sum and substance, Mr. Raney -- I
8 did not want to put you on the spot, but it appears that --

9 SHERIFF RANEY: It's fine.

10 THE COURT: -- since you've working with the County
11 since August, that you have been extremely diligent in looking
12 at the deficiencies and anticipating specifically the objective
13 measures and the benchmarks. You believe that, at the outside,
14 February of 2023 will be when the County is in full compliance;
15 is that correct?

16 SHERIFF RANEY: With the caveat of we will want to be
17 measuring the long-term effect of the data analysis and those
18 things. The practical application, yes. I want to tell you
19 that we need to study the data, and make sure that we are
20 correct, and just not give up and go back to normal. So we
21 need to make it systems where we are constantly looking at that
22 data and it becomes a habit, rather than a response to the
23 Court.

24 THE COURT: Of course. That's sustaining the
25 compliance.

1 SHERIFF RANEY: Yes.

2 THE COURT: All right. Thank you, Sheriff Raney.

3 Is there anything further you want to bring to the
4 Court's attention?

5 SHERIFF RANEY: No. Thank you for the opportunity to
6 share.

7 THE COURT: All right. Welcome, sir.

8 SHERIFF RANEY: Thank you.

9 THE COURT: Mr. Simon, I know that Mayor Levine Cava
10 wanted to address the Court.

11 MR. SIMON: Yes, Your Honor. And I just wanted to
12 mention one thing before the mayor dresses the Court.
13 Mr. Maddox correctly advised that the parties have been working
14 diligently to discuss a potential stipulated order. I just
15 wanted to advise the Court that any stipulated order would have
16 to be approved by our Board of County Commissioners. So I just
17 wanted you to know that because I don't think I mentioned that
18 when I stood at the podium.

19 THE COURT: Well, the stipulated order is with regard
20 to the compliance with the remaining paragraphs of the
21 agreements, correct?

22 MR. SIMON: The stipulated --

23 THE COURT: What part of the stipulated order would be
24 outside the ambit of those two agreements that would require
25 the County Commission to approve it?

1 MR. SIMON: Well, I think there are many things that
2 we're discussing that may end up in the stipulated order, if
3 there is a stipulated order. And so one of the things that the
4 county commissioner would have -- County Commission would have
5 to approve is the relationship of the authority between Gary
6 Raney, and the mayor, and the department. And that has to fit
7 within our structure -- within our county structure. So that's
8 what they would be approving.

9 THE COURT: Well, those are personnel staffing issues.
10 You've already advised the Court that you have brought on
11 Sheriff Raney. He has already begun his task of ensuring that
12 there's been compliance. I'm speaking directly of what
13 Mr. Maddox had advised the Court, that he anticipates that he
14 will present to the Court a joint stipulated order that will
15 address the remaining issues within the agreement.

16 So what -- other than the personnel issues and the
17 approval of those expenditures, would require the County
18 Commission to approve the agreement of the parties?

19 MR. SIMON: It's hard to say. It's hard to pinpoint
20 any one thing, Your Honor, because the Department of Justice
21 and the County are still going back and forth about what will
22 be and will not be in the order. And so depending on what ends
23 up in the preliminarily negotiated stipulated order, those
24 things may have to go to the Board. And I didn't want to leave
25 today with the impression that that was not a requirement. I

1 wanted you to understand that, Your Honor.

2 THE COURT: All right. Mr. Maddox, I just want to
3 make sure what Mr. Simon is saying -- is there anything that
4 the Court needs to be aware of that would delay the Court's
5 receiving of the order that would specifically set forth the
6 agreement regarding the remaining provisions?

7 MR. MADDUX: We intend to follow your minute order
8 from the status conference of presenting something to the Court
9 by December 2nd in terms of sanctions, and this is what we're
10 trying to negotiate. If this apparently doesn't work, then we
11 will present other alternatives to the Court.

12 THE COURT: All right. Thank you, sir.

13 (Pause in proceedings.)

14 THE COURT: Mayor, welcome. It's good to see you.

15 MAYOR LEVINE CAVA: Thank you so very much, Your
16 Honor. Thank you to the entire office of the court, and for
17 your diligence and care.

18 I want to say at the outset that we're very grateful
19 to the service of the monitoring team, and especially Susan
20 McCampbell and Dr. Greifinger, and their tremendous work over
21 the years providing substantial guidance to the County. As you
22 know, the predominant part of which was not under my tenure as
23 mayor.

24 I also want to thank JD Patterson, who served as our
25 chief over this area, and now as our interim director, and to

1 the two new interim deputy directors, who are also doing a
2 fantastic job, Cara Tuzeo and Deroda Bennett, both of whom
3 are -- all of whom are present. And of course to Sheriff Gary
4 Raney, who we knew when we met him would be an outstanding
5 contributor. And I think you've now heard from him. You see
6 the range of his expertise. And more than his expertise, his
7 commitment. Truly, he made himself available. He had other
8 obligations that he put aside to make sure that he would have
9 the time to invest in us, and he's been in residence for
10 substantial periods of time and will do so into the future.

11 And I also want to say that I am an active member of
12 the Bar. And not having practiced in this arena, not certainly
13 my area of expertise, but I did have the opportunity earlier in
14 my career to represent inmates in a prison system who were
15 experiencing mental health challenges. So that was an early
16 part of my training. And of course, I came in as mayor to be a
17 person who takes care of the people under my jurisdiction, and
18 those especially for whom we have direct responsibility; those
19 in our jails. And I take it extremely personally what goes on
20 in those jails, and have made it my business daily to be
21 informed and engaged.

22 And of course, we've made all the changes that have
23 come to my attention. Sometimes they did not have the desired
24 effect, and then we've made further changes. In essence, we
25 have been in a learning mode. We have been self-critical and

1 analytical about all of these decisions. And I do believe that
2 we are now on the right track. And I'm extremely heartened by
3 the changes that have already taken place in the short term
4 that are already bearing results. And you've heard
5 substantially from Mr. Raney about that.

6 And I think the most essential point that I can make
7 is that we've looked beyond the checklist, that -- it has been
8 stated that in the past those who were responsible did not
9 fully understand that it was necessary not just to follow the
10 letter but the spirit of what was intended here. And so it is
11 my direction that we do exactly that and that we create the
12 leadership that will take that to heart, and doing it
13 collaboratively with all the parties; Jackson, clearly an
14 essential partner in this, and our police department, an
15 essential partner.

16 Also, we've increased staffing. We've had a serious
17 deficit of staffing in the jails, and this has been very
18 difficult for morale and that moves into performance. We've
19 also not had a culture of participation, where those who are in
20 direct contact with inmates have the opportunity to learn about
21 best practices, to learn about what they could and should be
22 doing. Some of the pilots that have gone on will now be
23 expanded.

24 We've also, under Director -- Sheriff Raney's
25 guidance, changed a number of other things that he did not even

1 mention. We've changed the intake system, because that had
2 been a stumbling block or a delay. We've been able to house
3 people more quickly. That improves morale of the inmates, as
4 well as the employees.

5 So everything that we've done has been about changing
6 the culture, making the systemic changes that are vital to a
7 first-class correctional facility, and not one that simply goes
8 by a checklist. And I must emphasize that that's exactly what
9 I have done in the County throughout all of our departments.
10 That is my commitment. That is my philosophy. That is my
11 practice. And so all the more so in this jail, which is
12 experiencing such challenge.

13 So I'm extremely pleased that we have been able to
14 appoint some people in the interim. And yes, we've made great
15 progress to finding a permanent director. We had initially
16 advertised without great success. The pool of applicants was
17 not really satisfactory. And with Sheriff Raney's assistance,
18 and his headhunting expertise, he's been able to identify at
19 least two extremely qualified candidates, who are cut from his
20 cloth, people who have already been involved in substantial
21 reform, who have great credibility, have demonstrated their
22 ability to build a culture in a correctional institution of
23 positive change.

24 So we'll be having at least those two top candidates
25 to come and visit us within the next month, and we'll have an

1 opportunity to hopefully move forward by the end of the year to
2 select a new jail director. And of course, Sheriff Raney has
3 agreed to stay on, and we require him to stay on, through that
4 process, not only to compliance but beyond. We want to be
5 assured that we have his insights, his expertise, his
6 management, his management ability, which is clearly very,
7 very, very strong.

8 And I will also say that for me the Court's
9 involvement is critical, and we would like to have greater
10 Court involvement. We would like you to receive regular
11 reports not only from the monitor, but also from the County.
12 We would like you to hear our perspective on how things are
13 going. And Sheriff Raney is being -- will be providing those
14 to us, and we would like to make them available to all of the
15 essential parties and to yourself, Your Honor.

16 So just to conclude, a few of the additional areas
17 that were not covered in so much detail perhaps by Sheriff
18 Raney. I mentioned reduced intake time, quicker ability to
19 move into the units; the restoration of full staffing,
20 including a substantial reentry staff group. That is of great
21 importance to me because, of course, we want to increase
22 people's ability to function productively in society and not to
23 recidivate; increased programming, which he mentioned, and we
24 have quite a number of organizations already participating, as
25 well as some job training opportunities. And ultimately, the

1 goal would be to -- for as many as possible to have jobs lined
2 up for when they actually do leave. And improved incident
3 review, the strength and collaboration.

4 I think just all of this redounds to a better sense of
5 hope, positive outcomes for our inmates, as well as for our
6 staff. And that is my commitment to you and to this county,
7 that -- I take it very, very much as a personal responsibility
8 to make sure that our inmates are safe from harm and that our
9 staff as well are safe from harm, and that we do everything
10 possible to prepare people for positive reentry into society.

11 So thank you, Your Honor. I'm certainly available for
12 any questions.

13 THE COURT: Thank you, Mayor. And let me say it is
14 indeed refreshing that you have taken such an active
15 involvement and role in certainly the care that you have given
16 to bringing forward a new team. As you've stated, you have
17 been in a learning mode. You've been self-critical. You've
18 informed the Court that there have been systemic changes; the
19 change in leadership that the Court is well aware of, the
20 increase in staffing, the culture with regard to more
21 participation, and a renewed appreciation of best practices.

22 And certainly there have been many challenges with
23 interim positions that have led to another interim position and
24 a lack of continuity in terms of the efforts. But with all the
25 historical challenges that have taken place over the past nine

1 years -- and I know that that was before you were mayor, but
2 you certainly are well aware of the history of this case.
3 You're well aware of the history of the constitutional
4 violations and the settlement agreements that resulted. With
5 all the historic challenges and setbacks, and certainly
6 recognizing the gains that have been made, I'm wondering why
7 the monitors that have been working for so many years should
8 not see this through, since it appears that Ms. McCampbell and
9 Dr. Greifinger are certainly cut from the same cloth as Sheriff
10 Raney. Why is that?

11 MAYOR LEVINE CAVA: So Your Honor, we did not initiate
12 the change. The change was initiated by the monitors. We
13 understood that they had been on this case for a long time, and
14 given it their all, and that they clearly were frustrated by
15 lack of change, in fact, in some cases going in the wrong
16 direction. And certainly we want the guidance of people like
17 them who have the experience and so on. I think basically we
18 just understood that maybe this was the time of transition that
19 would be appropriate, given the appearance of stalling. I
20 think really it looked stalled. And I think, again, that the
21 progress has been particularly in the last months, where we've
22 all been heartened by the change.

23 So of course, we did get to work -- I personally did
24 interviewed the alternative suggested by the Justice
25 Department. Seemed, you know, very competent and ready to take

1 on the task. And you know, I don't know exactly how this
2 works, but I know that Ms. McCampbell and Dr. Greifinger would,
3 I'm sure, make themselves available if there were a particular
4 question, and I would hope that they would.

5 THE COURT: Well, you've had many meetings with
6 Ms. McCampbell and Dr. Greifinger, as well as the entire team.

7 MAYOR LEVINE CAVA: Yes.

8 THE COURT: So you've been made aware of the
9 frustrations.

10 MAYOR LEVINE CAVA: Yes.

11 THE COURT: And you've obviously shared in those
12 frustrations because you've made many changes. I guess my
13 question is: With those many changes that have been made, why
14 the County would -- would move to bring on new monitors that do
15 not have the deep investment and deep knowledge that the
16 monitors have.

17 And I know you've asked for the Court to have greater
18 involvement. I'm asking why the monitors should not stay the
19 course and see it through. It seems as if we are close to full
20 compliance. And then it's just a question of sustaining that
21 compliance. And it appears that your change in culture, your
22 change in leadership, your change in the staffing certainly
23 will ensure that that carries through.

24 MAYOR LEVINE CAVA: So Your Honor, I think the facts
25 are the facts. Whatever we've been able to do, or not able to

1 do, is on the record, even with data deficiencies, right? We
2 can look at what has happened. And I think when Sheriff Raney
3 became involved, it was extremely uplifting for us as a team
4 because he really had confidence in us. He was extremely
5 positive that we had the right ingredients to move forward, not
6 all of them in place, but the willingness. And that was
7 uplifting. So I do think that sometimes a change is helpful.

8 THE COURT: And obviously Sheriff Raney is that change
9 that has been made. My concern is changing the monitoring
10 team, including the medical monitor --

11 MAYOR LEVINE CAVA: Right.

12 THE COURT: -- and the lead monitor at this point in
13 time, given the wealth of expertise and knowledge that they
14 have with regard to the specifics of Miami-Dade County, and
15 the --

16 MAYOR LEVINE CAVA: Yes. Yes. Yes.

17 THE COURT: -- and the facilities.

18 MAYOR LEVINE CAVA: Yes. I certainly understand your
19 point. And I'm very respectful of that knowledge. I also
20 think that for some in our jails, as well as for some on the
21 monitoring team, it might have reached a point where they
22 simply have lost confidence that we can succeed.

23 THE COURT: Has that discussion been had with the
24 monitors?

25 MAYOR LEVINE CAVA: I think it's reflected in the

1 documents, Your Honor.

2 THE COURT: So the County is not willing to see
3 whether the monitors will remain?

4 MAYOR LEVINE CAVA: I think we've moved forward, and
5 we're prepared to move forward, as has been stated, and we've
6 agreed to the assignment of the new monitor -- I have. It has
7 to be approved by the Commission.

8 THE COURT: All right, then.

9 Thank you, Mayor.

10 MAYOR LEVINE CAVA: Thank you so much.

11 THE COURT: Appreciate your time.

12 Mr. Maddox, is there anything further for the Court?

13 MR. MADDUX: Not from the United States, Your Honor.

14 THE COURT: All right. Then I believe that we are on
15 task to the Court receiving a joint stipulated order for the
16 Court's consideration, and we will keep on as scheduled with
17 our status conference that has already been set by way of the
18 Court's order for December 10th, at 1:30 p.m.; is that correct?

19 MR. MADDUX: Yes, ma'am.

20 MR. SIMON: Yes, Your Honor.

21 THE COURT: Am I correct in that timing or -- I'm
22 sorry. It's actually -- it's not December 10th. It's December
23 2nd. December 2nd at -- I believe that it's at --

24 MR. MADDUX: I thought that it was --

25 COURTROOM DEPUTY: Judge, it's the 16th.

1 MR. PASTOR: Your Honor, December 16th.

2 THE COURT: All right. I'm going to receive --

3 MR. MADDOX: You're going to receive the joint
4 stipulated order by December 2nd, and we have a status
5 conference on --

6 THE COURT: December 16th, at 1:30.

7 Let me make clear, December 16th, at 1:30. I'm
8 looking at the docket. It's Docket Entry 243.

9 So if there's nothing further for the Court's
10 consideration, then we will keep on as scheduled, with the
11 understanding of the Court's limitations with regard to any
12 enforcement of the agreement, absent the Department of Justice
13 requesting that the Court enforce its contempt powers. Is that
14 correct, Mr. Maddox?

15 MR. MADDOX: Yes, Your Honor. That is correct.

16 THE COURT: Okay. All right. If there's nothing
17 further, I appreciate everyone's time.

18 And welcome, Sheriff Raney. Of course, Mayor, it's
19 always a pleasure to see you. And I will see the parties on
20 the date of the status conference.

21 MR. SIMON: Thank you, Your Honor.

22 (Proceedings concluded at 10:40 a.m.)
23
24
25

1 UNITED STATES OF AMERICA)

2 ss:

3 SOUTHERN DISTRICT OF FLORIDA)

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in
6 and for the United States District Court for the Southern
7 District of Florida, do hereby certify that I was present at,
8 and reported in machine shorthand, the proceedings had the 12th
9 day of October, 2022, in the above-mentioned court; and that
10 the foregoing transcript is a true, correct, and complete
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages
13 1 - 66.

14 IN WITNESS WHEREOF, I have hereunto set my hand at
15 Miami, Florida, this 17th day of October, 2022.

16
17 /s/Yvette Hernandez
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