

**IN THE UNITES STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**QUMOTRIA KENNEDY; RICHARD TILLERY;
On Behalf of Themselves and All Others Similarly
Situating; and JOSEPH ANDERSON**

PLAINTIFFS

VERSUS

Civil Action No. 1:15cv00348 HSO-JCG

**THE CITY OF BILOXI, MISSISSIPPI;
JOHN MILLER, in his capacity as Chief of
Police of the City of Biloxi, Mississippi;
JUDGE JAMES STEELE; in his individual
capacity; And JUDICIAL CORRECTION
SERVICES, INCORPORATED**

DEFENDANTS

**STATUS REPORT ON IMPLEMENTATION OF THE STIPULATED SETTLEMENT
AGREEMENT AND RETENTION OF JURISDICTION**

COMES NOW, the City of Biloxi, by and through the undersigned counsel of record, and enters this Status Report on Implementation of the Stipulated Settlement Agreement and Retention of Jurisdiction, and would show unto this honorable Court the following:

Pursuant to the Stipulated Settlement Agreement (the "Agreement") entered in the above-referenced matter, the City of Biloxi is required to provide a status report to establish that it has substantially complied with all requirements detailed in said Agreement. The following is account of the City of Biloxi's progress, organized by date and corresponding paragraph numbers of the Settlement Agreement:

March 15, 2016

Paragraph 3: Cease issuing and enforcing any type of warrant that permits law enforcement officers to arrest and jail a person for nonpayment of a fine, fee, state assessment, court cost, or

restitution.

- The Biloxi Municipal Court ceased issuing all such warrants as of October 22, 2015, the date it was served with the instant matter. From that date, through the current, no one has been jailed by the City of Biloxi for failure to pay any LFO.

Paragraph 3: All provisions of the Bench Card and the Biloxi Municipal Court Procedures for LFO Collection and Community Service and the forms attached thereto take effect for all new matters.

- The Biloxi Municipal Court implemented the provisions of the Bench Card and all procedures established by the Agreement as of March 15, 2016. Currently, the City of Biloxi and the ACLU are working together to establish further refinements and simplification of the procedures.

April 1, 2016

Paragraph 8: Identify and release all persons in the Harrison County Adult Detention Center on failure-to-pay warrants.

- Biloxi Municipal Court Judge James Steele corresponded with ACLU Senior Attorney, Nusrat Choudhury, on April 1, 2016 to convey that he had personally confirmed that there were no persons in the Harrison County Adult Detention Center on failure-to-pay warrants issued by the City of Biloxi or on contempt charges.

May 15, 2016

Paragraph 10: Publish and disseminate the Biloxi Municipal Court Procedures for Legal Financial Obligations and Community Service and the Bench Card and prominently display these documents in the courtroom, Harrison County Adult Detention Center and on the City of Biloxi website.

- The materials were disseminated to all required personnel prior to May 15, 2016. All outside contractors were terminated. The City of Biloxi retained receipts from all personnel to whom the procedures were defined and can provide copies, if necessary. Photographs of the displays and printer's proofs of posters were delivered to the ACLU on June 24, 2016.

June 1, 2016

Paragraph 2: All private probation companies must be terminated.

- In addition to terminating all probation companies, the City of Biloxi terminated all private collection companies as well. Copies of the termination letters were delivered to the ACLU on June 24, 2016.

June 15, 2016

Paragraph 4: Suspend fines, fees, court costs, and restitution for all cases that remain open solely because fines, fees, court costs, or restitution imposed before March 15, 2014.

- A copy of the Order Suspending Fines, which included the names and case numbers, was delivered to the ACLU on June 24, 2016.

Paragraph 4: Recall and quash all failure-to-pay and failure-to-appear warrants issued before March 15, 2014 and waive any post-sentencing fees and court costs associated with these warrants.

- A copy of the Order Recalling Capiases was delivered to the ACLU on June 24, 2016.

Paragraph 7: Issue an Order Setting Compliance Hearing to each person who is the subject of a recalled/quashed warrant issued between March 15, 2014 and March 15, 2016.

- Copies of all such orders were delivered to the ACLU on June 24, 2016.

Paragraph 7: Post Notice of Reset in English, Vietnamese and Spanish (a) on the window and front door of the Biloxi Municipal Court on 170 Porter Avenue in Biloxi; (b) in the Biloxi Municipal Court's courtroom in the Harrison County Adult Detention Center; (c) in the Biloxi Police Station at 170 Porter Avenue in Biloxi; (d) on the City of Biloxi website, including on the following page: <http://www.biloxi.ms.us/departments/municipal-court/>; and (e) in the offices and other spaces used by service providers working with homeless and/or indigent people in Biloxi, as determined by the City, which shall make reasonable efforts to identify such providers.

- All required notices were posted on the specified City of Biloxi property. In addition, the Notices of Reset were posted at the Salvation Army, Back Bay Mission, Gulf Coast Rescue Mission, St. Vincent de Paul Pharmacy, Coastal Family Health, El Pueblo, Moore Community House and Loaves and Fishes, all in the City of Biloxi.

Paragraph 12(a): Provide training to all Biloxi Municipal Court Judges.

- By agreement with the ACLU, the City of Biloxi provided such training with the assistance of Leslie Lee, Director of the Mississippi Office of the State Public Defender on June 13, 2016. All training materials have been supplied to the ACLU.

Paragraph 12(b): Provide training to all Biloxi Municipal Court staff.

- By agreement with the ACLU, the City of Biloxi provided such training with on June 14, 2016. All training materials have been supplied to the ACLU.

Paragraph 12(c): Provide training to all public defenders and defense counsel appointed to represent indigent defendants in the Biloxi Municipal Court.

- By agreement with the ACLU, the City of Biloxi provided such training with the assistance of Leslie Lee, Director of the Mississippi Office of the State Public Defender on June 13, 2016. All training materials have been supplied to the ACLU.

Paragraph 12(d): Provide training to all City of Biloxi Prosecutors.

- By agreement with the ACLU, the City of Biloxi provided such training with on June 14, 2016. All training materials have been supplied to the ACLU.

Paragraph 12(e): Provide training to all Biloxi Police Department staff.

- By agreement with the ACLU, the City of Biloxi provided such training with from June 6, 2016 through June 11, 2016. A “make-up” day was held on June 22, 2016 for any officers that were unable to attend. All training materials have been supplied to the ACLU.

Paragraph 12(f): Provide training to all employees of private companies, if any, involved in the supervision of Biloxi Municipal Court probationers and/or the collection of legal financial obligations imposed by the Biloxi Municipal Court.

- All such companies were terminated prior to June 15, 2016.

Paragraph 13: Establish procedures for the supervision of counsel appointed to represent indigent people charged with failure to pay LFOs.

- The rough outline of such procedures were discussed during the training session on June 13, 2016. A more formal, written set of procedures has been developed (with the assistance of the ACLU) and will soon be implemented. The City of Biloxi shall provide additional training as soon as reasonably possible once these procedures are finalized.

June 30, 2016

Paragraph 6: Recall and quash all failure-to-pay and failure-to-appear warrants issued between March 15, 2014 and March 15, 2016.

- This task was accomplished by virtue of the Order Recalling Capiases referenced above.

July 15, 2016

Paragraph 14(b): Provide Plaintiffs' counsel the case numbers for Biloxi Municipal Court cases in which an individual is placed in jail for nonpayment of an LFO or nonperformance of community service following March 15, 2016.

- No one has been jailed by the City of Biloxi for nonpayment of an LFO or nonperformance of community service after October 22, 2015.

Paragraph 14(b): Provide Plaintiffs' counsel data concerning cases involving the appointment of counsel to represent indigent people in the imposition and/or collection of LFOs: (i) number of cases to which each court appointed attorney is appointed; (ii) amount of time spent on each case; and (iii) number of jail visits, motion filings, trials, and investigation requests handled by the attorney for each case.

- To the extent that such data existed, it was provided to the ACLU on July 16, 2016 (via email) and again in person on August 24, 2016.

July 30, 2016

Paragraph 13: Start collecting data concerning cases involving the appointment of counsel to represent indigent people in the imposition and/or collection of LFOs, including (a) number of cases to which each court-appointed attorney is appointed; (b) amount of time spent on each case (c) number of jail visits, motion filings, trials, and investigation requests handled by the attorney for each case.

- The City of Biloxi has started collecting such data. However, additional training will be conducted to ensure uniformity and proper reporting by the public defenders. As mentioned above, the City of Biloxi has developed a more comprehensive set of procedures, and this matter will be further addressed in additional training to be provided as soon as possible.

THIS, the 13th day of September, 2016.

Respectfully submitted,

s/Gerald Blessey
GERALD BLESSEY

Gerald Blessey, MSB #3591
City Attorney for the City of Biloxi, Mississippi
140 Lameuse Street (39530)
Post Office Box 429
Biloxi, Mississippi 39533-0429
Telephone: (228) 806-4755
Facsimile: (228) 435-6129
blesseylaw@me.com

CERTIFICATE OF SERVICE

I, Gerald Blessey, City Attorney for the City of Biloxi, hereby certify that on this day I electronically filed the foregoing Status Report on Implementation of the Stipulated Settlement Agreement and Retention of Jurisdiction with the Clerk of the Court using the Court's electronic filing system, which sent notification of such filing to the following:

Nusrat J. Choudhury
Dennis Parker
American Civil Liberties Union Foundation
Racial Justice Program
125 Broad Street, 18th Floor
New York, NY 10004
Phone: (212) 519-7876
Fax: (212) 549-2651
nchoudhury@aclu.org
dparker@aclu.org
Attorneys for Plaintiffs

Charles B. Irvin (Miss. Bar No. 99607)
American Civil Liberties Union Foundation of Mississippi
233 East Capitol Street
Jackson, MS 39201
Phone: (601) 354-3408
Fax: (601) 355-6465
cirvin@aclu-ms.org
Attorney for Plaintiffs

Pieter Teeuwissen (Miss. Bar No. 8777)
Anthony Simon (Miss Bar No. 10009)
Simon & Teeuwissen PLLC
621 East Northside Drive
Jackson, MS 39206
Phone: (601) 362-8400
Fax: (601) 362-8444
pteeuwissen@bellsouth.net
anthonysimonpllc@bellsouth.net
Attorneys for Plaintiffs

Tere Steel (Miss Bar No. 3591)
Page, Mannino, Peresich & McDermott, P.L.L.C.
759 Vieux Marche' Mall
Biloxi, MS 39530
Phone: (228) 374-2100
Fax: (228) 432-5539
tere.steel@pmp.org

Attorney for Defendants City of Biloxi, Mississippi and John Miller

Corban Gunn (Miss. Bar No. 101752)
Corban Gunn, PLLC
175 Lameuse Street, Suite C
Biloxi, MS 39530
Phone: (228) 284-6805
Fax: (228) 284-6806
coban@corbangunn.com

Attorney for Defendant James Steele

THIS, the 13th day of September, 2016.

s/Gerald Blessey _____
GERALD BLESSEY