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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

2002 MAY 17 P 4: 29

LORETTA G. WHYTE  
CLERK

GRETA CAZENAIVE,  
JEFF BRITE and  
WILLIAM BRICE WHITE, III

\* CIVIL ACTION  
\* NUMBER: 00-1246

VERSUS

\* SECTION: G

SHERIFF CHARLES C. FOTI, Jr.,  
WARDENS BARBARA ACOMB,  
WILLIAM SHORT, JOSEPH  
HOWARD, JOHN LACOUR,  
GARY BORDELON and RUDY  
BELISLE and OPSCO DEPUTIES  
JOHN/JANE DOES #1-10

\* MAGISTRATE SECTION: 5  
\* JUDGE MOREY L. SEAR  
\* MAGISTRATE ALMA L. CHASEZ  
\* CIVIL RIGHTS  
\* Under 42 USC 1983 and 1988  
\* JURY TRIAL

\*\*\*\*\*

**SUPPLEMENTAL CONSENT DECREE**  
**REGARDING "CHANGE-OUT" PROCEDURE**

On Jan. 15, 2002, this Court entered a Consent Decree for Injunctive and Declaratory Relief Only, the terms of which are self-evident. This Court, with the consent of the parties, now enters this Supplemental Consent Decree, as follows:

1. The parties, with the oversight and approval of the Court, have agreed to the following terms and conditions as a supplement to the Jan 15, 2002 Consent Decree and that these terms and conditions pass constitutional muster. The parties further agree and consent to the Court's authority and jurisdiction to enter this order.
2. In order to put an end to this phase of the litigation and to avoid unnecessary expense and the uncertainties of future litigation regarding the "Change Out Procedure" of the Orleans Parish Criminal Sheriff's Office (OPCSO), the Sheriff, his agents, assigns, employees, deputies and successors are hereby ordered to adopt and enforce the terms and conditions set forward herein and to submit to the jurisdiction of the Court regarding the implementation and enforcement of this Order. Nothing herein shall be construed as an admission by the Sheriff or any other defendant that the OPCSO's current "Change Out Procedure" and policies and practices implementing such Procedure, violate the constitutional or statutory rights under federal or state

DATE OF ENTRY  
MAY 20 2002

*[Handwritten Signature]*  
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CtRmDep  
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law of any detainee.

3. Defendants will establish an appropriate number of privacy enclaves within the custodial facilities operated by the defendants and the Orleans Parish Criminal Sheriff's Office (OPCSO), which shall be referred to as "changing booths" which will be provided, separately, for men and women arrestees who are members of the plaintiffs' class. Such enclaves will be provided to members of the class anytime they are ordered, directed, instructed or otherwise expected to remove or rearrange their clothing in such a fashion as would expose their genital areas, breasts, anus and/or buttocks to viewing and/or observation by others, when there is no individualized, reasonable suspicion to justify a strip search as defined by the Consent Decree of January 15, 2002 and OPSCO policy adopted pursuant thereto.
4. For purposes of this decree, the plaintiffs' class is defined as follows: Every person who is arrested for a minor offense(s) only, including a misdemeanor, petty offense or violation of a city or parish ordinance, not involving weapons or controlled dangerous substances, or traffic offense(s), who is in the custody of the Orleans Parish Criminal Sheriff's Office (OPSCO) prior to his or her first court appearance.
5. The "changing booths" for male arrestees will be designed and constructed in such a manner as to provide sufficient cover to prevent exposure to and/or viewing by other persons of the arrestee's genital areas, anus, and buttocks. For female arrestees the "changing booths" will provide sufficient cover to prevent exposure to and/or viewing by other persons of the arrestee's breasts, genital areas, anus and buttocks.
6. The OPCSO "changing booths" will be installed and fully operational no later than June 1, 2002. Plaintiffs counsel will be afforded the opportunity to inspect the booths at the various OPSCO facilities when they are completed.
7. Plaintiffs' monitoring of the use and operations of the "changing booths" will be included in the monitoring already in place under the terms of the January 15, 2002 Consent Decree and will be carried out subject to the same terms and conditions.
8. The parties to this Supplemental Consent Decree may modify any of its terms upon mutual agreement, in writing, and with approval of the Court. Either party may also apply to the Court for modification and/or termination of this Supplemental Consent Decree, upon legal cause shown. For good cause shown the parties shall be entitled to an expedited hearing in connection with any such motion for relief.
9. Plaintiffs waive any and all attorneys fees and costs incurred to date related

to this issue (the "change-out" issue). Plaintiffs will receive attorneys fees and costs related to the monitoring, pursuant to the Jan 15, 2002 Consent Decree, as supplemented by this Order.

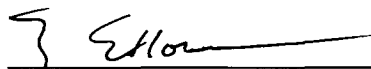
10. This Supplemental Consent Decree is deemed as a supplement to the January 15, 2002 Consent Decree. All provisions of the January 15, 2002 Consent Decree remain in full force and effect.

NEW ORLEANS, LOUISIANA THIS 16<sup>th</sup> DAY OF May, 2002.

  
ALMA L. CHASEZ  
UNITED STATES MAGISTRATE

Submitted By:

Attorneys for Plaintiffs:

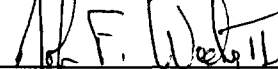
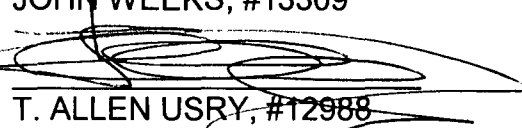
  
MARY E. HOWELL, #7030  
Attorney at Law  
316. S. Dorgenois Street  
New Orleans, LA 70119  
(504) 822-4455

  
SAMUEL DALTON, #4473  
Attorney at Law  
2001 Jefferson Highway  
Jefferson, LA 70121  
(504) 835-4289

D. MAJEEDA SNEAD, #15052  
Attorney at Law  
316 S. Dorgenois Street  
New Orleans, LA 70119  
(504) 822-4455

CHRISTINA NORRIS, #14270  
Attorney at Law  
6008 Brownsboro Park Blvd., Ste. H  
Louisville, KY 40207  
(502) 899-4755

Attorneys for Defendants:

  
JOHN WEEKS, #13309  
  
T. ALLEN USRY, #12988

Usry, Weeks and Matthews  
1717 St. Charles Avenue  
New Orleans, LA 70130  
(504) 833-4600

GretaCaze: SuppConsentdecree