



JI-LA-002-007

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF LOUISIANA

FILED
DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

1997 OCT 14 P 1:51

CLERK OF COURT

JOHN DOE, et al)	
)	
Plaintiffs)	
)	CIVIL ACTION
v.)	NO 93-1227
)	Section LLM(5)
CHARLES FOTI, et al ,)	
)	MAGISTRATE CHASEZ
Defendants)	
_____)	

CONSENT DECREE

In 1986 the Mayor of the City of New Orleans, Sidney Barthelemy, and the juvenile court judges of the City of New Orleans requested that Sheriff Foti house 10 juvenile detainees because there was overcrowding at the Youth Studies Center operated by the City of New Orleans. Although Sheriff Foti had no statutory obligation to receive these juveniles for housing, he agreed to house these juveniles as an accommodation to the Mayor and the juvenile judges in order to keep the juveniles from being released. Subsequent to this initial arrangement, the Sheriff established a juvenile housing area to receive inmates from the juvenile court justice system who could not be housed at the Youth Studies Center. The numbers rose gradually from 10 to almost 300 over the next ten years. Pursuant to Federal Court Order a population cap of 150 was placed on the juvenile facility operated by Sheriff Foti. The juveniles housed at the facility operated by Sheriff Foti are housed there because the Mayor of the City of New Orleans and the juvenile court judges of the City of New Orleans requested that Sheriff Foti assist them in providing a place for the housing of juveniles who could not be placed at the Youth Studies Center.

DATE OF ENTRY OCT 14 1997

Fee	_____
Process	_____
X Dktd	_____
CtRmDep	_____
Doc No	_____

This action, brought as a class action on behalf of all present and future juveniles housed in the Conchetta Facility of the Orleans Parish Prison system alleges, inter alia that certain conditions and practices violate the United States Constitution. The remaining defendants herein are Charles C. Foti, Jr., as Orleans Parish Criminal Sheriff, Warden Earl Weaver, Jr.; Marc Morial, Mayor of the City of New Orleans; the Orleans Parish School Board; Richard Stalder, Secretary of the Louisiana Department of Public Safety and Corrections; and Mike Foster, Governor of the State of Louisiana.

Although the Sheriff categorically denies the allegations, he believes it will be in the best interests of the safety of the citizens of the City of New Orleans, the Sheriff's Office, and the members of the plaintiff class for there to be an expeditious, orderly, and comprehensive settlement of this case without the necessity of a trial. The plaintiffs share this belief. As a consequence, the parties now agree to forego a trial on the merits.

It is not the intention of the Sheriff in entering into this Consent Decree to provide to any juveniles any projects, services or programs which exceed minimal constitutional requirements or to vest in them any liberty interests not currently existing under federal or state laws or under federal or state court decisions of courts having jurisdiction over them. Consequently, if federal or state law or jurisprudence is subsequently modified so as to change minimal constitutional requirements, or liberty interests, the Sheriff and Plaintiffs reserve the right to petition this Court for a modification of any or all of the requirements set forth herein so as to properly reflect the changes in federal or state laws or jurisprudence.

Notwithstanding any other provision herein, the provisions of Rule 60, Fed.R.Civ.P., shall govern any petition for modification of this consent decree.

With the full and informed consent of all parties, but without any acknowledgment or finding

of liability or other determination on the merits, the parties and their successors agree to entry of the following as an order of the court.

The Sheriff will

(A) Construct an indoor gym/educational facility containing approximately 10,000 square feet of space next to the site of the Conchetta facility, said facility to be completed on or before April 1, 1998. Juveniles will receive one (1) hour of large muscle exercise daily, some of which must be outdoor, weather permitting and one (1) hour of structured recreational programming daily during the week and two (2) hours of recreational programming daily on weekends. When the gym is constructed the Sheriff agrees to reconsider his current policy of recreation for juveniles on disciplinary confinement.

(B) The Sheriff will institute written policies and procedures which establish a classification system that determines the juveniles':

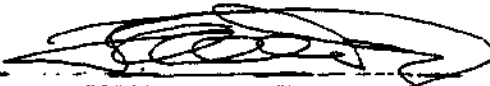
- Age;
- Prior criminal behavior;
- Prior institutional commitments, if any;
- Level of drug or chemical abuse;
- Gang affiliation, if any;
- Suicide potential;
- Prior commitment to a psychiatric institution;
- Ward of residence, and
- Current instant offense

Dormitory assignments will then be made accordingly, as determined by a trained intake deputy.

(C) Each juvenile, not on disciplinary, shall be permitted visitation periods on two separate days per week, one of which shall be on a week day. Each visitation period shall be 30 minutes.


Agreed this 18th day of February, 1997 at New Orleans, Louisiana.

USRY & WEEKS

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CHARLES C. FOTI, JR.
ORLEANS PARISH CRIMINAL SHERIFF

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Attorney for plaintiffs

IT IS ORDERED that the foregoing agreement be and it is hereby approved as an order of this Court, this 7th October day of ~~February~~, 1997.


LANSING L. MITCHELL
UNITED STATES DISTRICT JUDGE