

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JOHN HEAD, ET AL. : CIVIL ACTION

VERSUS

JOHN T. KING, ET AL. : NUMBER 84-209-B

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CONSENT DECREE

COME NOW, all parties and their attorneys and their agents in the above-styled action, and hereby enter into this Consent Decree to resolve all issues in this proceeding. The terms of this Decree, which are agreed to by all parties and their representatives, and which shall be complied with by all parties and their representatives, are as follows:

1. In consideration of the Plaintiffs' agreement not to seek a trial date in the above styled action, and with the additions and modifications set out below, the Defendants in this action agree to act in good faith to carry out the proposed plan for the treatment of mentally ill and mentally retarded inmates incarcerated at Louisiana State Penitentiary at Angola, Louisiana, as set out in the Defendants' pleading filed in this action with this Court on September 27, 1988, entitled "Submission Of A Proposed Plan Relating To Mental Health And mental Retardation Treatment In Compliance With This Court's Order" (hereinafter referred to as "Defendants' September 27, 1988 Submission").

Head v. King



PC-LA-005-001

2. Defendants agree to act in good faith to comply with all terms of the Defendants' September 27, 1988 Submission. Those terms include all plans, schedules, policies, goals, objectives, and new policies and goals promulgated pursuant to the plan, all as set forth in this Submission, including all such items contained in documents in the Submission entitled "Plan of Action" (for both mental retardation and mental health treatment, "Mission," "Purpose," "Role," "Philosophy," "Organization," "Service," "Policies," "M/R Services," and Appendices "A" through "G").

3. Defendants understand that much of the Defendants' September 27, 1988 Submission contains goals, objectives, and expectations for the development of policies and procedures that are not yet in place, but that are to be devised under a set schedule as described within the Submission. Defendants agree to engage in a good faith effort to develop such goals, objectives, and policies and procedures as required under the Submission, and once developed, to engage in a good faith effort to carry them out and act in accordance with such newly developed policies and procedures as a part of this Consent Agreement.

4. Defendants agree to submit to the Court and to counsel for the Plaintiffs regular reports detailing the current status of the implementation of the plan contained in the Submission, and detailing all actions taken to comply with the terms of the plan. In particular, Defendants agree to submit to the Court and to counsel for the Plaintiffs at least one report as described in this paragraph every four months for twenty four

months from the date of entry of this Consent Decree. Copies of all reports submitted to the Court pursuant to this Consent Decree shall be sent to counsel for the Plaintiffs. At the end of the twenty four month period, all parties agree to attend a conference with this court to determine the status of compliance and implementation of the plan, and to determine the necessity of further compliance reports or other compliance mechanisms.

5. It is agreed by all parties through their counsel that during the pendency of this agreement the legal proceedings in this lawsuit shall be stayed.

6. Notwithstanding any term contained in the Defendants' September 27, 1988 Submission to the contrary, the Defendants agree to pursue an ideal goal of providing as a part of the mental health program at Louisiana State Penitentiary at least 50 hours of psychiatric services each week to be performed by a psychiatrist licensed to practice medicine in the state of Louisiana.

7. In the event Plaintiffs or Plaintiffs' counsel or experts determine in good faith that there exists a lack of compliance with the terms and conditions of this Consent Decree on the part of the Defendants, and a resolution of any issues arising from such determination cannot be made between the parties, Defendants agree that Plaintiffs counsel may seek a conference with the Court to resolve any such issues.

8. In the event Plaintiffs and Plaintiffs' counsel or experts determine in good faith that there exists a lack of compliance with the terms and conditions of this Consent Decree

on the part of the Defendants, and a resolution of any issues arising from such determination cannot be made between the parties, Plaintiffs counsel may seek from the Court admission to the Louisiana State Penitentiary for an on site visit by Plaintiffs' counsel and experts for purposes of determining the extent of and damages arising from such noncompliances.

9. All parties agree and understand that this Consent Decree shall be made the binding Order and Judgment of this Court in the above styled action.

10. It is agreed by all parties through their counsel that this agreement is not to be construed or used in any form as an admission of or proof of the legal rights of the parties in this or any other litigation. All legal issues and factual questions are specifically reserved and preserved by all parties. The existence of this agreement, the Proposed Plan and all reports, however, may be used by any or all parties during any future proceedings in this lawsuit.

11. All parties and their counsel agree and understand that this Consent Decree does not address the issue of attorneys' fees and expenses, but that such issue shall be resolved either amicably between the parties, or pursuant to further Court Order in the above styled action.

The above is hereby agreed to by:

*John N. Samaha*

JOHN N. SAMAHA  
ATTORNEY AT LAW  
P. O. BOX 2786  
BATON ROUGE, LOUISIANA  
(504) 336-4052

DATE: April 7, 1989

ROBERT L. MCGLASSON  
ATTORNEY AT LAW  
511 WEST 7TH STREET  
AUSTIN, TEXAS 78701  
(512) 320-8300

DATE: \_\_\_\_\_

joseph erwin kopsa  
ASSISTANT ATTORNEY GENERAL  
CHIEF/CORRECTIONS SECTION  
P. O. BOX 94095, CAPITOL STATION  
BATON ROUGE, LOUISIANA 70804

DATE: \_\_\_\_\_

JO ANN P. LEVERT  
STAFF ATTORNEY  
P. O. BOX 94095, CAPITOL STATION  
BATON ROUGE, LOUISIANA 70804  
(504) 342-7534

DATE: \_\_\_\_\_

OFFICIALS OF THE LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONS

BRUCE N. LYNN, SECRETARY,  
LOUISIANA DEPARTMENT OF PUBLIC  
SAFETY AND CORRECTIONS

DATE: \_\_\_\_\_

JAMES MORRIS, DEPUTY SECRETARY  
LOUISIANA DEPARTMENT OF PUBLIC  
SAFETY AND CORRECTIONS

DATE: \_\_\_\_\_

HILTON BUTLER, WARDEN  
LOUISIANA STATE PENITENTIARY

DATE: \_\_\_\_\_

ANNETTE VIATOR, CHIEF LEGAL  
COUNSEL  
LOUISIANA DEPARTMENT OF PUBLIC  
SAFETY AND CORRECTIONS

DATE: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

SEP 27 1988

JOHN HEAD, ET AL. : CIVIL ACTION  
VERSUS  
JOHN T. KING, ET AL. : NUMBER 84-209-B

SUBMISSION OF A PROPOSED PLAN RELATING  
TO MENTAL HEALTH AND MENTAL RETARDATION TREATMENT  
IN COMPLIANCE WITH THIS COURT'S ORDER

NOW INTO COURT, come defendants, through undersigned counsel, for the purpose of submitting their proposed plan relating to mental health and mental retardation treatment at the Louisiana State Penitentiary and other adult facilities under the Louisiana Department of Public Safety and Corrections.

I.

The attached bound volumes contain the proposed mental health and retardation treatment plan submitted by the Louisiana Department of Public Safety and Corrections in the above captioned matter.

II.

This proposed plan is tentative in nature and is not at this time to be construed as an admission, consent, settlement offer or to be used for any other purpose than for a basis for discussion in this matter by the experts for both parties in compliance with this Court's order.

WHEREFORE, it is prayed that the attached be and hereby is submitted to this Court.

BY COUNSEL:

WILLIAM J. GUSTE, JR.  
ATTORNEY GENERAL

BY:

  
Joe Erwin Kopsa  
ASSISTANT ATTORNEY GENERAL  
CHIEF/CORRECTIONS SECTION

LOUISIANA DEPARTMENT OF JUSTICE  
P.O. BOX 94095; CAPITOL STATION  
BATON ROUGE, LOUISIANA 70804-9095  
TELEPHONE: (504) 342-7534

AND

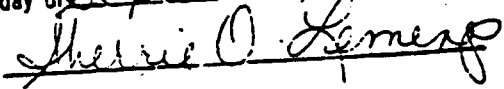
BY:

  
JO ANN P. LEVERT  
STAFF ATTORNEY

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Pleading has been served upon Counsel for all parties to this proceeding by mailing the same to each by first class United States mail, properly addressed and postage prepaid on this 23

day of September, 1988



LOUISIANA DEPARTMENT OF JUSTICE  
P.O. BOX 94095; CAPITOL STATION  
BATON ROUGE, LOUISIANA 70804-9095  
TELEPHONE: (504) 342-7534



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

MR. - 4 11:50  
CLERK

JOHN HEAD, et al.,  
individually and on behalf of  
others similarly situated,

Plaintiffs,

v.

JOHN T. KING, et al.,

Defendants.

Civil Action  
No. 84-209-B

ORDER AND JUDGMENT

Pursuant to agreement of the Parties,

IT IS ORDERED that the Consent Decree submitted by the parties on May 8, 1989, is hereby entered. The parties agree that the Consent Decree, which requires the Defendants to carry out the proposed plan for the treatment of mentally ill and mentally retarded inmates incarcerated at the Louisiana State Penitentiary at Angola, Louisiana, as set out in the Defendants' pleading filed in this action on September 27, 1988, entitled "Submission of a Proposed Plan Relating to Mental Health and Mental Retardation in Compliance With This Court's Order" (hereinafter "Plan"), shall be amended to reflect the passage of time as follows:

1. A period of twenty-one (21) months shall be added to all time deadlines set out in the Consent Decree and the Plan. It is understood by the parties that parts of the Plan have already been complied with, and indeed, surpassed by the Defendants. The

additional time allowed pursuant to this paragraph relates only

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to those provisions of the Plan not yet complied with by the Defendants.


2. To reflect a change in personnel, the Quality Assurance Committee, required pursuant to § VII, subsection C, p.32 of the Plan, will consist of:

- a. Ms. Jane Bankston, BCSW
- b. Kenneth Perego, M.D.
- c. Avis Cox, M.D.
- d. Gary Gremillion, Acting Deputy Assistant Secretary/Office of Adult Services
- e. an individual with expertise in the provision of mental retardation services in a correctional setting, to be named by the Defendants within ninety (90) days.

3. §VIII, subsection C(1)(h), p.41 of the Plan shall be amended to: "Those inmates from this group who scored below 70 on the WAIS-R (or another similar test) will be administered the AAMD Adaptive Behavior Scale (or another standardized measure of adaptive behavior). If this rating continues to show the inmate is mentally retarded, then the case will be flagged as a MR case."

All other aspects of the Consent Decree and Plan, and all provisions contained therein, shall be adhered to by all parties to the Consent Decree submitted May 8, 1989 as a final resolution of this action.

Dated: Baton Rouge, Louisiana, this 5 day of <sup>March</sup>~~February~~, 1991.

  
UNITED STATES DISTRICT JUDGE