

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

J.D., L.E., and R.A., minors
by and through their *Guardian*
Ad Litem, Damekia Morgan,
on behalf of themselves and others
similarly situated;

Plaintiffs,

CLASS ACTION

v.

CIVIL ACTION NO. 07-9755

C. RAY NAGIN, Mayor, City of New Orleans; RICHARD A. WINDER, Director, Department of Human Services, City of New Orleans; MUBARAK A. KAREEM, Social Services Coordinator, Department of Human Services, OZZIE WILLIAMS, Acting Supervisor, Youth Study Center; DARRYL KILBERT, Superintendent of New Orleans Public Schools; and WOODY KOPPEL, President of Orleans Parish School Board; and ORLEANS PARISH SCHOOL BOARD in their official capacities.

Defendants.

ORDER

Considering the foregoing amended motion (Rec. Doc. No. 251),

IT IS HEREBY ORDERED THAT the Conditions Consent decree is modified as follows:

- A. The word "quarterly" shall be stricken from the first line of Section III.2.G. iv, Page 14 of the Consent Decree.
- B. The words "monitoring of psychotropic medication" shall be stricken from the first line of Section III.2.D.1.v. on Page 12 of the Consent Decree.

C. A new paragraph vi shall be added to Section III.2.D.1 on Page 12 of the Consent Decree, as follows: "A psychiatrist or appropriately credentialed medical practitioner shall monitor youth who are on psychotropic medication."

D. The last sentence of Section III.2.F. on Page 14 shall be stricken and in its place the following sentences shall be inserted: "The capacity for juveniles housed at the Youth Study Center shall be 36 beds, as follows: Boys: Unit 4 - 12 beds; Unit 5 - 20 beds. Girls: 4 beds. In the event of intakes exceeding the number of available beds the City shall have 2 working days to reduce the population to prescribed levels. Such capacity may only be increased upon a showing of good cause made to the Court."

In its January 4, 2011 Order, in view of the second monitoring report relative to conditions at the Youth Study Center, dated December 1, 2010, the Court directed the parties to meet no later than February 7, 2011 to address that report's sections entitled "Major Issues" and "Suggestions To The Parties Regarding Revising The Consent Decree". The Court further directed that no later than February 22, 2011, a joint statement shall be submitted to the Court outlining the parties' responses to the monitor's report and the parties' proposed solutions to concerns raised in that report. The parties met on January 21, 2011, as directed by the Court and timely filed a joint motion to modify the conditions consent decree on February 22, 2011.

Pursuant to the joint motion filed by the parties, **IT IS HEREBY ORDERED THAT** the Conditions Consent Decree is further modified by adopting "Target Dates" as follows:

A. Site selection for the modern new juvenile detention center referred to in the Court's Order of January 4, 2011, shall occur on or before April 1, 2011.

- B. Approval by the City Defendants of the building design for a building to be constructed on the site selected shall occur on or before August 4, 2012.
- C. The bidding for the modern new juvenile detention center shall be complete by September 19, 2012.
- D. A construction contract for the modern new juvenile detention center shall be executed by December 19, 2012, and that the Notice to Proceed with the construction will be issued by December 28, 2012.
- E. Youth at YSC shall have daily use of the presently available secure outdoor school courtyard by March 1, 2011.
- F. The training curriculum shall be completed by June 1, 2011.
- G. The formal pre-service training shall be implemented by July 1, 2011.
- H. The formal in-service training shall be implemented by August 31, 2011.
- I. A contract shall be signed with a second medical doctor by March 31, 2011.
- J. Sick calls shall be available six days per week by April 30, 2011.
- K. All newly admitted youth shall receive a medical exam within 24 hours to 48 hours of admission by April 30, 2011.
- L. By July 1, 2011, a psychiatrist and/or appropriate credentialed medical practitioner shall monitor youth on psychotropic medicines, assess all youth who score in a problematic range on a MAYSI test, and be available to assess all youth who have major psychotic issues. All youth on psychotropic medication shall be appropriately monitored by July 1, 2011.
- M. All youth with behavioral health needs shall be timely referred for interventions by July 1, 2011.
- N. At least one social worker shall be available in the evening by April 30, 2011.

O. A posted schedule of recreation shall be created, followed and documented by March 31, 2011.

P. A structured after-school program for girls shall be implemented by June 1, 2011.

Q. Changes regarding the preparation of food shall be in place by April 30, 2011.

R. A new social worker shall be hired by March 31, 2011.

S. An additional recreation specialist shall be hired by June 1, 2011, which will satisfy the requirements in the original consent judgment, which mandated that the City was to retain 1 full time and 1 part time dedicated recreation specialist.

T. The current recreation specialist shall be a full-time recreation specialist by June 1, 2011.

The provisions of this order shall prevail over any other provisions of the December 2, 2009 Consent Decree. In all other respects, the provisions of the December 2, 2009 Consent Decree shall remain in full force and effect.

IT IS FURTHER ORDERED that the previous Motion to Modify Consent Decree Re Conditions of Confinement (Rec. Doc. No. 247) is DISMISSED.

New Orleans, Louisiana, this 23rd day of March, 2011.



UNITED STATES DISTRICT JUDGE