

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

LASHAWN JONES, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	<b>Case No. 2:12-cv-00859</b>
v.	)	<b>Section I</b>
	)	<b>Judge Lance M. Africk</b>
MARLIN GUSMAN, Sheriff, Orleans	)	<b>Magistrate Judge Chasez</b>
Parish, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

***To: All individuals who are or will be housed in Orleans Parish Prison***

The Orleans Parish Sheriff’s Office (“OPSO” or “Defendant”) has agreed to settle a class action lawsuit over conditions in the Orleans Parish Prison (“OPP”). The lawsuit was filed in April 2012 by the Southern Poverty Law Center on behalf of ten people who sought relief on behalf of all individuals who are confined in OPP (“Plaintiffs”). The lawsuit claimed that conditions in OPP violated the law because people who are confined at OPP are subjected to violent, inhumane prison conditions, excessive use of force, deprivations of mental health care, and inadequate suicide prevention policies and procedures. The lawsuit requested that the Court order OPP to end the legal violations and improve living conditions and mental health care for all people confined in OPP.

The purpose of this Notice is to inform you of the status of the lawsuit, including your rights with respect to a Proposed Settlement of the case, and the opportunity to file with the Court any objections or comments you may have to the Proposed Settlement.

1. The Settlement Class: The parties have agreed to a settlement class made up of all individuals who are in the custody of OPP, or who will be in the future. If the Court approves this settlement and you are a member of the settlement class, this settlement will affect your rights.
  
2. Proposal to settle the case by adoption of a Consent Decree: The Plaintiffs and the Defendants have proposed a document that would, if approved by the Court, settle this case. It is a Consent Decree that the Plaintiffs’ lawyers would monitor and enforce in federal court. The Consent Decree governs conditions of confinement for people housed in OPP, and mental health care provided there.

3. No money damages are involved in this case: The lawsuit does not involve money damages, so whether this case settles or goes to trial, no class member will obtain money from OPP. Any claims for money damages that you may have are not affected by this class action.
4. Terms of the Proposed Settlement: The terms of the Proposed Settlement would require OPP to do the following:

**Consent Decree Provisions:**

- a. Develop a housing and classification system that would ensure individuals are appropriately and safely housed while in OPP custody;
- b. Provide individuals in OPP custody with reasonably safe living conditions and provide protections from violence and sexual and physical abuse;
- c. Provide training for deputies on excessive use of force, and require deputies to report uses of force against individuals in OPP;
- d. Provide sufficient staffing to ensure individuals in OPP are protected from harm;
- e. Provide sufficient staffing to ensure individuals in OPP are provided adequate access to medical and mental health services;
- f. Ensure that deputies who are assigned to special housing tiers such as youth tiers, protective custody tiers, mental health tiers, and disciplinary tiers receive specialized training on working with individuals housed on those tiers;
- g. Ensure that the prison has a functioning grievance system that allows individuals in OPP to file grievances confidentially;
- h. Develop tools to allow OPP staff to assess and respond to mental health needs of individuals being booked into OPP;
- i. Ensure that individuals with mental health needs are evaluated by a Qualified Mental Health Professional;
- j. Ensure that individuals with mental health needs are provided adequate treatment and medication, as well as counseling;
- k. Develop and implement a comprehensive suicide prevention policy;
- l. Prevent unnecessary use of chemical or physical restraint on prisoners with mental illness;
- m. Ensure that staff are trained in responding to people who are detoxing from drugs

or alcohol;

- n. Ensure proper medical treatment, including medication administration;
- o. Respond to building maintenance needs, including making sure showers, toilets and sinks are functioning, and maintaining adequate ventilation, lighting and pest control; and
- p. Develop and implement a comprehensive language assistance program to provide services to people with limited English proficiency.

The summary of the settlement provisions in this Notice does not include all of the terms and conditions of the Proposed Consent Decree. The only complete statement of the terms of the Proposed Settlement is found in the actual Proposed Consent Decree. A copy is attached to this Notice. You may also obtain a copy by writing to:

Southern Poverty Law Center  
Jones v. Gusman  
1055 St. Charles Avenue, Suite 505  
New Orleans, LA 70130

- 5. Reasons for Settlement: Class counsel has concluded that the terms and conditions of the Proposed Settlement are fair, reasonable, and adequate and are in the best interests of the class. In reaching this conclusion, Class Counsel has carefully analyzed the benefits of settlement and the risks of an unfavorable outcome in this litigation, as well as the length of time that would be needed to prosecute this case through a trial and possible appeals.
- 6. If you have no objection to the Proposed Settlement: If you have no objection to the Proposed Settlement, you do not have to do anything.
- 7. If you object or would like to comment on the Proposed Settlement or Class: If you believe the Court should not approve the settlement of this case because you object to the terms of the Proposed Settlement, or if you object to the settlement class, you may tell the Court that you object. You also can send the Court other comments on the Proposed Settlement. If you wish to object or comment to the Court, you must submit it in writing. You must include the following information:
  - a. The case name and number: *Jones, et al., v. Gusman, et al.*, Civil Action No. 12:859;
  - b. Your full name and OPP folder number; and
  - c. What it is exactly that you object to about the Proposed Settlement, with an explanation of why you object, or what comments you have about the Proposed Settlement.

For your writing to be considered by the Judge, you must mail it by March 8, 2013. You can mark your letter “legal mail.” Send it to the Clerk of the Court:

**Clerk of the United States District Court**

Attention: *Jones v. Gusman*  
500 Poydras St.  
New Orleans, LA 70130

8. Fairness Hearing: After reviewing all of the objections and comments that were filed on time, the Court will hold a fairness hearing on April 1, 2013 at 8:30 a.m. in the U.S. Federal Courthouse in New Orleans, Louisiana to decide whether or not to approve the Proposed Settlement. If the Judge decides that the Proposed Settlement is fair, adequate, and a reasonable compromise of this case, then the Proposed Settlement will become final.

9. Questions about the Proposed Settlement: If you have questions about the Proposed Settlement or wish to review any of the documents in the case, you may contact:

Southern Poverty Law Center  
Jones v. Gusman  
1055 St. Charles Avenue, Suite 505  
New Orleans, LA 70130

10. If the Court does not approve the Proposed Settlement: If, after the fairness hearing, the Court decides not to approve the Proposed Settlement, the Proposed Settlement will be voided and will have no further effect. The case will not be settled and the lawsuit will proceed. If that happens, there is no assurance that the outcome will be in favor of the class members.

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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United States District Judge Lance M. Africk