

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

IN RE JAIL POPULATION - ORLEANS PARISH

STIPULATION AND CONSENT DECREE

U. S. DISTRICT COURT
 MIDDLE DISTRICT OF LOUISIANA
 FILED JUL - 3 1991
 C. LEE DUPUIS
 CLERK

Issue has been raised, and is currently pending in the United States Court of Appeals for the Fifth Circuit, as to whether this Court has jurisdiction to require the execution of consent decrees establishing and governing jail populations and security levels for facilities as to which no suit has been filed in any federal district court in this State alleging overcrowding.

Nevertheless, there are outstanding consent decrees requiring the execution of future consent decrees establishing population limits as to any subsequently established facility. The Emergency Detention Center facility was completed and opened subsequent to the execution of this outstanding consent decree and no consent decree has been executed establishing population limits for this facility.

Pursuant to a discussion with the Court on March 25, 1991, it was suggested that, in order to preserve all rights currently in litigation before the Fifth Circuit while at the same time avoiding a potential violation of existing consent decrees, consent decrees establishing population limits for newly opened facilities could be submitted to the Court for adoption with a full reservation of all rights of Sheriffs, and any successors in office, which may arise upon a resolution of the issues before the Fifth Circuit. This

consent decree is submitted on this basis:

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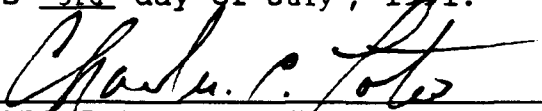
CONSIDERING THE FOREGOING,

IT IS HEREBY AGREED AND STIPULATED that the maximum number of inmates which shall be housed in the Emergency Detention Center facility shall be 400 as per Exhibit "A" attached hereto.

IT IS FURTHER AGREED that the State Fire Marshal and State Health Officer shall have the right to proceed in the appropriate state court to enforce the rules and regulations of their respective offices.

IT IS FURTHER AGREED that this decree is entered into with a full reservation of all rights by Charles C. Foti, Jr., Criminal Sheriff of Orleans Parish, and his successors in office, as explained hereinafter.

Baton Rouge, Louisiana, this 3rd day of July, 1991.



CHARLES C. FOTI, JR.
CRIMINAL SHERIFF, ORLEANS PARISH



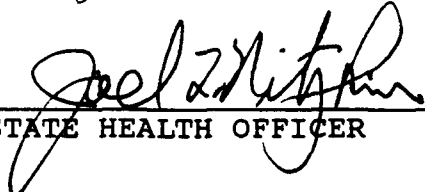
ATTORNEY FOR SHERIFF FOTI



Duff Gleason For V.J. Bella
STATE FIRE MARSHAL



ATTORNEY FOR FIRE MARSHAL



Temp. Acting STATE HEALTH OFFICER

IT IS ORDERED that the fore going stipulation be and it is hereby approved as the order of this Court.

Baton Rouge, Louisiana, this 3 day of July , 1991.



UNITED STATES DISTRICT JUDGE

ATTACHMENT A: BREAKDOWN OF INMATE POPULATION LIMITS:

EMERGENCY DETENTION CENTER

GENERAL AREA

400

EMERGENCY DETENTION CENTER

Warden (1) —

Watch Commander (1)

Asst. Watch Commander (1)

Command Desk (1)

Main Gate (1)

Deputies assigned to Dorm/Compound (6)

Perimeter Deputies (2)

L.R.S. 40:1577 APPEAL FROM ORDER

When an order is made by one of the deputies or representatives of the Fire Marshal, the owner or occupant of the building or premises may, within three days, appeal to the Fire Marshal. The Fire Marshal shall, within five days, review the order and advise the owner or occupant of his decision thereon. The owner or occupant may, within five days after the making or affirming of any such order of the Fire Marshal, file an application with the Board of Review. . .

RULES FOR APPEALING TO THE FIRE MARSHAL BOARD OF REVIEW

- I. Any application to the Board of Review shall contain the following basic information set off in organized fashion with captions indicating that the paragraph in question contains the following basic information.
 1. The name of the applicant.
 2. A brief description of the facts.
 3. A copy of the order of the Fire Marshal which is being appealed.
 4. A reference to the section of the law or code being reviewed.
 5. A brief description of why the applicant feels the requirements of the Fire Marshal is not within the Fire Marshal's authority, or brief description of why the interpretation of the Fire Marshal is incorrect, or what specific relief is required by the applicant.
 6. A list of the individuals who will be appearing before the Board, and a brief description of the testimony or information they will be providing the Board.
 7. A list of all the documents which will be introduced or provided to the Board along with a brief description of the documents, and if possible, a copy of said documents.
 8. A list of each exhibit except for documents, and a brief description of the exhibit.
- II. Whenever possible, a notice of the meeting, date and place and the agenda will be recorded in the Louisiana Register, however, whenever that is not possible, a copy of the meeting notice including the date, time and place and agenda of the meeting of the Board will be published in the official notices of the official state journal; furthermore, a press release containing the same information will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge and any city or town in which the meeting of the Board is to be held if it is not one of the aforementioned major cities; and the same information shall be mailed to each individual who has notified the Fire Marshal of his desire to receive a notice of such appeal.
- III. A copy of the determination of the Board as prepared by the Chairman will be mailed to each individual who requests a copy of that specific determination as well as to the applicant.
- IV. The time delays for filing an appeal shall be those specified in R.S. 40:1577 and 40:1578.1 D.

In Re: Jail Population, Orleans Parish



JC-LA-004-003