

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

<b>LAWRENCE CARTY, et al.,</b>	)	<b>CIVIL NO. 94-78</b>
	)	
<b>Plaintiffs</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>KENNETH MAPP, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
	)	

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**DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ EXPEDITED MOTION FOR  
COURT ORDER ACCEPTING AGREED UPON QUARTERLY GOALS**

COME NOW, Defendants, by and through undersigned counsel, and hereby respond to Plaintiffs’ Expedited Motion for Court Order Accepting Agreed upon Quarterly Goals, D.E. 887, as follows:

**I. BACKGROUND INFORMATION**

For the purpose of context, Defendants herein provide a brief recitation of the discussions leading up to the goals established for the quarter ending in May 2016, which are conspicuously missing from Plaintiffs’ Expedited Motion. Following the status hearing on February 26, 2016, the parties conferred with the Court in chambers concerning the goals for the quarter ending on May 6, 2016. The purpose of this discussion was to establish the goals at the beginning of the quarter so that the parties, especially the Defendants, have a clear understanding of what they are expected to achieve for the quarter. The parties and the Court discussed the following: (1) setting a reasonable number of goals for the quarter; (2) identifying goals prioritized by the

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experts; (3) goals that the parties agreed to; and (4) goals that the parties were not in agreement with.

The Court decided that there would be four goals for the quarter and, with the parties, established the first three goals. The Court afforded the Defendants an opportunity to choose the fourth goal. Defendants took copious notes and recited the goals before the conclusion of the in-chambers meeting, to which Plaintiffs agreed. Defendants, thereafter and on the same day, filed their quarterly goals (D.E. 886-1), which reflects this discussion. Defendants concede that their filing did not include the fourth goal since it was not yet established.

## **II. QUARTERLY GOAL CONCERNING SERIOUSLY MENTALLY ILL INMATES**

In their Expedited Motion, Plaintiffs' primary concern is that Defendants' Quarterly Goals, D.E. 886-1 does not reflect the following language: "develop and implement MOU to ensure timely transfers of seriously mentally ill inmates in need of inpatient or intermediate care to an appropriate hospital or mental facility." This proposed goal was raised with the Court in chambers and the Defendants shared their concerns regarding the achievability of this goal given that: the local hospital does not provide inpatient or intermediate care for seriously mentally ill inmates; there is no mental health facility in the Virgin Islands; and Defendants have faced many challenges with finding a mental health facility in the mainland United States that would provide treatment for its inmates. The Court, nonetheless, emphasized the importance of providing adequate care for seriously mentally ill inmates, that the Defendants can develop a plan to address this issue, and this must be a goal for the quarter. Defendants raised specific issue with the language of this goal in light of the aforementioned

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challenges and that it calls for an MOU. In addition, Defendants noted that they foresee Plaintiffs' objection with this course of action. In response, the Court stated that it is not wedded to the language and that the Defendants must develop a plan for addressing the issue of seriously mentally ill inmates. Therefore, the agreed upon language for this goal as discussed and recited in chambers was: "develop plan to address timely transfers of seriously mentally ill inmates in need of intermediate care to an appropriate hospital or mental health facility." This exact language is reflected in Defendants' Quarterly Goals, D.E. 886-1. Plaintiffs' notion that "Defendants unilaterally altered the language of the goal" is a gross misrepresentation of the parties' in-chambers discussion and agreement with the Court as to this goal.

### **III. SELECTION OF FOURTH QUARTERLY GOAL**

As their fourth quarterly goal, Defendants have chosen the following: launch criminal justice assessment.

RESPECTFULLY SUBMITTED,

**CLAUDE EARL WALKER, ESQ.**  
**ATTORNEY GENERAL**

Dated: March 23, 2016

*/s/ Shari N. D'Andrade*

**SHARI N. D'ANDRADE, ESQ.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 2016, I electronically filed the foregoing **Defendants' Opposition to Plaintiffs' Expedited Motion for Court Order Accepting Agreed Upon Quarterly Goals** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing (NEF) to:

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s/ Shari N. D'Andrade