

MEMORANDUM OF UNDERSTANDING

WHEREAS on June 24 and 27, 2016, the Court conducted a settlement conference in Civil Action No. 3:11cv327 related to the following pending motions: (1) the Motion to Intervene by the Hinds County Youth Court (“Youth Court”) [65], (2) the Motion to Enjoin State-Court Action by Disability Rights Mississippi and J.H. (“Plaintiffs”) [72]; (3) the Youth Court’s Motion for Temporary Restraining Order [73]; (4) Plaintiffs’ Motion to Quash Subpoenas [98]; (5) Plaintiffs’ Motion for Contempt [103]; and (6) the Youth Court’s Motion to Quash Subpoena [104].

WHEREAS the Youth Court is technically the putative intervenor, the Youth Court is under the direction of the Honorable William “Bill” Skinner II. The Parties and counsel for the Youth Court have all construed the motion to intervene as also addressing Judge Skinner’s interests. Accordingly, this Memorandum of Understanding (“MOU”) will collectively refer to Judge Skinner and the Youth Court as the “Intervenors.”

WHEREAS the Parties and the Intervenors wish to resolve all pending motions along with other issues affecting the Henley-Young Juvenile Justice Center (“Henley-Young”).

WHEREFORE the Parties and the Intervenors agree as follows:

1. Judge Skinner will dismiss the state-court actions he filed in 2009 and 2016 with prejudice and with all parties paying their own costs and expenses of litigation, including attorneys’ fees.
2. The Hinds County Board of Supervisors will dismiss its appeal before the Mississippi Supreme Court with prejudice and with all parties paying their own costs and expenses of litigation, including attorneys’ fees.
3. The Hinds County Board of Supervisors will leave current fiscal year funding in place.
4. The Parties agree to modify the Amended Consent Decree [64], with Court approval, in the following respects:
 - a. The following language from provision 13.1 will be deleted: “Currently, the County budgets for counselor positions within the Youth Court budget. The parties agree that the County shall reallocate such funding to the Henley-Young Facility to provide appropriate and accessible mental-health counselors and case-management counselors to the residents for the development of individualized treatment plans.”
 - b. The following language from provision 2.1 will be deleted: “In light of the facility’s nature and the Board of Supervisors’ Resolution, the parties agree that Provision 2.1 necessarily requires Henley-Young to discharge any resident on or

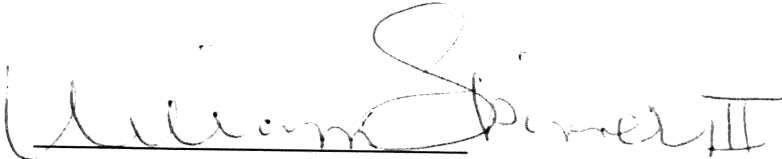
before his/her 21st day at Henley-Young. The parties further agree that Provision 2.1 requires Henley-Young to refuse admission to any youth sentenced to a period of greater than 21 days.”

5. With respect to provision 2.1 and the 21-day limit for detention at Henley-Young, the Parties and Intervenors further agree that Judge Skinner has original authority to release, but must abide by the 21-day policy. It is further agreed that:
 - a. Any referrals to PRTFs must be provided in disposition orders properly entered into MYCIDS. The Youth Court must finalize details of such referrals by day 21.
 - b. Hinds County will identify suitable facilities to which youth may be transferred if their sentences exceed 21 days. Upon identification of a suitable facility to which a youth may be transferred, Hinds County shall solidify transfer arrangements with said facility to include: the youth’s transport to facility; youth’s transport back to Youth Court for 45-day review hearing; if not released at 45-day review hearing, then back to the detaining facility; and, transport back to Youth Court for detention hearing for final release. Hinds County shall provide same to Youth Court judge and an order shall be entered.
 - c. If no facility is located, the youth may receive home confinement with GPS monitoring at the Youth Court’s direction and the County’s expense.
 - d. The Parties and the Intervenors will work with the Federal Monitor, Leonard B. Dixon, to develop protocols for youth placed on GPS monitoring, to include education and continued services from Youth Court counselors.
 - e. If a youth has been referred to a treatment or other rehabilitative facility and then returns to Henley-Young as part of that same sentence, Judge Skinner shall hold a detention hearing or otherwise determine whether the sentence has been fulfilled consistent with provision 2.1, with said hearing or determination occurring within 48 hours excluding holidays and weekends.
 - f. If a youth is referred for treatment or rehabilitation, or if a youth is being sheltered at Henley-Young for the Mississippi Department of Human Services-Child Protective Services, but no facilities or placements are currently available, the youth may remain at Henley-Young for a time. Under these circumstances, the Intervenors agree to provide Plaintiffs and the Henley-Young Administrator daily written updates as to the youth’s status. The Parties and the Intervenor agree to work cooperatively to resolve any such situations and to consult the Federal Monitor should disagreements arise.
 - g. This MOU shall not be construed to limit the youth’s available remedies under federal or state law, including, but not limited to, the writ of habeas corpus.
6. The Hinds County Board of Supervisors will maintain administrative control over Henley-Young.

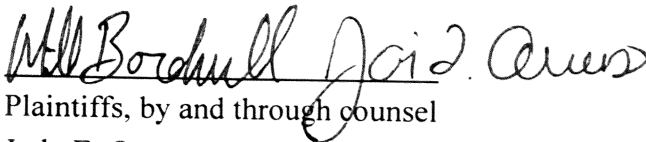
7. The Federal Monitor and Dr. Lisa Boesky shall be granted access to and allowed to confidentially interview counselors employed by the Youth Court. The purpose of these interviews is to attain a better understanding of the mental-health services provided by the Youth Court and Henley-Young.
8. Judge Skinner will vacate the following standing orders: (1) April 15, 2014 Order, docketed at [103-4] at 2–3 on CM/ECF; (2) December 1, 2014 Order [103-2] at 2; (3) December 3, 2014 Order [103-2] at 9–12; (4) January 16, 2015 Order [103-2] at 8; (5) November 10, 2015 Order [103-2] at 4–5; and (6) and any similar orders that may exist but that have not been disclosed, if any. With respect to orders related to Eddie Burnside, he remains prohibited from entering the Youth Court premises unless for legitimate business purposes, and only then after the Henley-Young Administrator has obtained Youth Court approval. Finally, Judge Skinner will not enter new standing orders similar to those vacated by this MOU.
9. Henley-Young and Youth Court employees accessing MYCIDS must receive training on the software.
10. The Youth Court must provide hard copies of all detention orders. A procedure for providing this documentation will be developed with the assistance of the Federal Monitor.
11. Plaintiffs may sit in on Youth Court proceedings and drug-court proceedings without prior notice. Any such monitors must provide identification upon the Youth Court's request.
12. Upon Plaintiffs' request, the Youth Court must produce transcripts of any proceeding within five (5) business days.
13. Judge Skinner shall receive video feeds of the front and rear parking lot, the Youth Court lobby, and the Youth Court courtroom. Henley-Young shall control the video of the detention center.
14. All pending motions will be withdrawn and denied as moot.
15. Nothing in this MOU shall be construed to provide any exception to the facility's capacity limit of 32 residents. If the population reaches 32, the Youth Court shall make alternative arrangements within 48 hours, excluding holidays and weekends (e.g., GPS monitoring). In this event, the Henley-Young Administrator and the Youth Court shall communicate to identify residents most suitable for release, or release with GPS monitoring, with the Youth Court having final authority with respect to releases.
16. Parties and the Intervenors recognize that this Court exercises jurisdiction to enforce the terms of this agreement, including but not limited to, the power of contempt.

17. The interest of the youth, the Parties and Intervenors will make best efforts to cooperate in good faith and keep open lines of communications. If conflicts arise, the Youth Court Judge and the Henley-Young Administrator will discuss the issue directly to determine whether a resolution is possible. They may, at either's request, enlist the Federal Monitor for assistance. These good-faith efforts must be taken before a Party or the Intervenor resorts to any legal proceedings against other, and any such motions must contain a certificate that good-faith efforts to resolve the dispute have failed.

Agreed to this the 27th day of June, 2016.



The Honorable William "Bill" Skinner II,
individually and on behalf of Intervenors

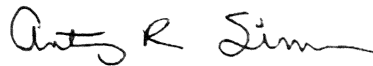


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