

## **RESOLUTION**

**NO. R-21-307**

**CITY HALL: August 5, 2021**

**BY: COUNCILMEMBERS GIARRUSSO, MORENO, BROSSETT, BANKS AND GLAPION**

**WHEREAS**, at its July 15, 2021 meeting, the City Council approved Resolution No. R-21-274 urging the City and the plaintiffs in the Orleans Parish Sheriff's Office (OPSO) Consent Decree litigation matter ("OPSO Consent Decree Litigation") – the ongoing civil rights litigation over conditions of confinement at the Orleans Justice Center ("OJC") – to conduct a mediation aimed at garnering support for a retrofit of existing OJC buildings to address the needs of the acute and sub-acute mentally ill inmate population; and

**WHEREAS**, the City filed an appeal with the United States Court of Appeals for the Fifth Circuit; and

**WHEREAS**, the Council strongly prefers the retrofit option and urges all parties (including the Sheriff, the Department of Justice, and the plaintiffs) to negotiate in good-faith toward a retrofit, there remains the possibility that the City's appeal will not prevail and, regardless, that the plaintiffs may be disinclined to revisit the question of a retrofit given the lengthy duration of the litigation and the Court's recent rejection of the retrofit concept; and

**WHEREAS**, the public debate over housing mentally ill inmates continues to be presented as a choice between two options: retrofitting the existing jail or building an 89-bed Phase III facility. This debate has largely overlooked other potential possibilities, including a yet-to-be-explored viable option that would allay the Court's concerns over constitutional housing conditions for mentally-ill inmates, better account for the population declines at OJC resulting

from criminal justice reforms, avoid an unproductive dispute with the Sheriff over ownership of FEMA funds, and reduce the financial burden on taxpayers; and

**WHEREAS**, a good-faith and speedy discussion about an alternative that gives the City and the parties to the litigation an opportunity to reach a long-elusive compromise; and

**WHEREAS**, the City Council remains deeply sensitive to the concerns over jail expansion as an enabler of mass incarceration and, thus, would urge that any attempt to entertain an alternative option be coupled with an amendment to the conditional use ordinance that substantially lowers the jail-wide population cap from its current limit of 1,250 people; **NOW THEREFORE**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS**, That the Council requests that the City Attorney request a settlement/status conference with the Court (or, if appropriate, with a private mediator) to discuss the possibility of exploring an alternative option(s) than those previously litigated in the OPSO Consent Decree Litigation and that option(s) is pursued in quickly and in good faith, coupled with reduction in the 1,250 population cap applicable to the entire OJC complex.

**BE IT FURTHER RESOLVED**, That the Clerk of Council shall submit copies of this Resolution to Mayor LaToya Cantrell, the City Attorney, and all named parties to the OPSO Consent Decree Litigation upon its approval.

**THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:**

**YEAS:**

**NAYS:**

**ABSENT:**

**AND THE RESOLUTION WAS ADOPTED.**