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**FELLOW:**

AMERICAN PSYCHIATRIC ASSOCIATION  
AMERICAN COLLEGE OF MENTAL HEALTH ADMINISTRATION

September 6, 2014

The Honorable Judge Lance M. Africk  
United States District, Eastern District of Louisiana  
500 Poydras Street  
Room C405  
New Orleans, Louisiana 70130

Re: Jones, et.al vs. Gusman, et.al.  
Civil Action No. 12-859, c/w 12-138

Dear Judge Africk:

This is the third report of the Mental Health Working Group (MHWG) regarding the provision of inmate mental health care by the Orleans Parish Sheriff's Office (OPSO) and the City of New Orleans (the 'City'). In the Court's creation of the MHWG on May 5, 2014 pursuant to Jones, et.al. vs. Gusman, we were charged with assisting the Orleans Parish Sheriff's Office and the City in attaining compliance with the Consent Judgment of October 21, 2013. The appointed members included three representatives of the OPSO, namely Blake Acuri, Esq., Chief Michael Tidwell (Jail Administrator), and Dr. William Lowe (Psychiatrist). Dr. Lowe has not participated in the MHWG deliberations, has left his employment with OPSO and has not been replaced with another nominee by the OPSO. The MHWG also includes three appointees nominated by the city, namely Charlotte Parent (Director of Health), Judge Calvin Johnson (retired), and Dr. Kathryn Smith (Medical Director of Metropolitan Human Services District). Three additional members of the MHWG include Robert Greifinger, M.D. (Medical Monitor), John Thompson, M.D. (Chairman of the Tulane Department of Psychiatry), and Raymond Patterson, M.D. (Mental Health Monitor) as Chair of the MHWG.

This report addresses the charge of the group, as per the Court's Order of June 25, 2014 requiring the MHWG to review and assess the submissions by the OPSO and the city of New Orleans regarding the provision of long-term mental health services to detainees and inmates housed in the Orleans Parish jails.

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Both the City and the OPSO were required to submit their long term mental health plans to the Court by August 1, 2014, and both the City and the OPSO were to respond to the other's plan by August 8, 2014. In addition, the plaintiffs moved to have their views considered regarding the plan submitted by the City and the OPSO. Their motion was granted with their responses to the submitted plans filed.

This report will not repeat in detail the information contained in the filings by the City or the OPSO but summarize as follows. The City submitted their plan to renovate the currently unfinished Phase II construction of the new jail, and proposed to continue housing detainees and inmates with mental illness in existing facilities including the Temporary Detention Center (TDC) and/or Templeman V. The City has provided cost estimations, their anticipated projections of the number of beds necessary to house the incarcerated population, as well as suggestions on how that population can be reduced such that there will not be the requirement for other new jail construction. The City's plan described minimum disruption during the proposed renovation of the Phase II (new) jail after its completion during demolition and renovations of the fourth floor of the Phase II building to be accomplished in approximately 315 days. The City's plans included reductions in the prisoner population through a variety of proposed mechanisms including transferring State Department of Corrections (DOC) inmates from OPSO, reducing the lengths of stay for pretrial detainees, parole and/or probation violators, and removal of prisoners who have been housed in OPSO while Plaquemines Parish completed their new jail. The City notes that its proposal is far less costly than other options based on the City's plan and the renovations in the new Phase II (new) jail and existing facilities rather than construction of another jail building (Phase III) that could potentially house between 300 to 700 additional inmates, depending on the total OPSO population as the construction proceeds.

OPSO's plan for long-term inmate mental health care includes the construction of a new jail facility, Phase III, that was, according to OPSO, a part of the original plans for the post-Katrina jail construction, along with the Kitchen and Warehouse building and the Phase II jail. As you know, the Court ordered that the short term accommodation for acute and sub-acute male inmates required mental health services to be provided at the Hunt Correctional Center in St. Gabriel for a projected three year period. The OPSO plan anticipates the completion of Phase III during that three year period.

In addition to the plans submitted by the City and the OPSO, the plaintiffs submitted their opinions of which plan would best serve their clients, and have endorsed the City's plan for renovations of Phase II as well as the use of the TDC for additional mental health step down services but oppose the use of Templeman V for mental health services.

Both the OPSO and the City provided information on projections for the overall bed needs for the incarcerated population in the Orleans Parish jails. The plaintiffs opined that the MHWG

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should not be focused on political issues or the overall number of beds needed for the total population but rather should be focused on the mental health needs of that jail population. In addition, the City Council passed a resolution indicating its endorsement of the City's plan, and reduction of the number of inmates in the OPP. Both the City and the OPSO have submitted architectural drawings, engineering projections, cost estimates, and population projections while acknowledging that the exact number of inmates with mental health needs is not known within the Orleans Parish Prison system, as it has not been effectively measured in the past or currently.

The MHWG concurred based on our collective professional experience that the national statistics (published by the Department of Justice, Centers for Disease Control, and others ) reflecting the prevalence of serious mental health diagnoses for jail inmates as 17-25% of male prisoners and 25-43% of female prisoners reflect the reality in New Orleans. However, because the City, having experienced a mass catastrophe, i.e., Hurricane Katrina in 2005, the prevalence rates for serious mental illness in New Orleans are more than likely significantly higher than the national data. Recent analysis of the jail data from the Classification Monitor indicates the incidence of 519 prisoners classified as Mental Health Level One, and 179 inmates with mental disability, well within national estimates. These data must be considered with caution as the classification system is incomplete and did not include 50% of the women incarcerated in OPP.

The MHWG received and reviewed the submissions. The MHWG met on August 20, 2014, chaired by Dr. Patterson and attended by Chief Michael Tidwell, Blake Acuri, Esq., Kathryn Smith, M.D., and Judge Calvin Johnson. Based on the information before the MHWG at that time, it was the unanimous opinion of the attendees that the OPSO's plans for construction of Phase III was the more appropriate and responsive plan to address the long term needs of inmates with mental illness held in the Orleans Parish jail.

At the August meeting the MHWG questioned there may be additional information/data that had not been provided by the City or the OPSO, and were concerned that there was "no City representative" present. As the Chair, I disagreed with the point of view regarding no City representation, given that both the City and the OPSO were directed by the Court to nominate three members of their choosing and each nominated their respective representatives who were subsequently appointed by the Court. As Chair, I agreed to pursue the answers to the group's questions regarding additional information from the City or OPSO as well as a specific request that both the City and the OPSO provide to the MHWG the amount of FEMA funds that are available to the City and OPSO for the work envisioned by the two plans. I met with the Mayor and his staff on August 20, 2014.

Subsequent to the August 20<sup>th</sup> meeting of the MHWG, OPSO reported that the amount of FEMA dollars available to the City and OPSO is \$112 million. However, despite my having made that

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same request directly to Mayor Landrieu at the meeting on August 20, 2014, at the time of the writing of this report the City has not provided written data to the MHWG as to the amount of FEMA dollars available for the proposed work. Director Charlotte Parent stated she has been advised that FEMA funds of \$112 million were not dedicated entirely for the Phase III construction, as 75% was to be dedicated to other public safety projects and 25% to the jail. Blake Acuri reported that the distribution of FEMA funds was not yet decided.

During my meeting with the Mayor and his staff on August 20, 2014, I also expressed the MHWG's interest in obtaining any additional information that the City believed would be helpful for our review and preparation of recommendations to the Court. I received, reviewed and forwarded to the MHWG members on August 26 and August 27, 2014 additional documents provided by the City including population projections and engineering and construction drawings and schematics.

To prepare this report, the MHWG held a teleconference on September 3, 2014. Prior to that meeting, I also had independent discussions with Dr. Thompson and Dr. Greifinger who were unable to attend the MHWG meeting on August 20, 2014. All members of the MHWG were present on this conference call as was the lead monitor Susan McCampbell.

Based on our review of the plans submitted by the City and the OPSO as well as consideration of the City's response to the OPSO plan, the OPSO response to the City's plan, and plaintiffs' counsel, and our own intensive discussions, the MHWG is of the unanimous opinion and recommends to the Court that the OPSO long term plan for inmate mental health services is the better option. Director Parent requested that the following be included in this report: "Please note that the Director Parent reluctantly agreed to the plan as little consideration was given to the report provided by Mr. Austin "Orleans Parish Prison Ten – Year Inmate Population Projection" regarding recent trends and long range activities occurring that can change the trajectory. Unfortunately, the activities and work cited in the report are not far enough along to feel comfortable that the trend will continue. Additionally, the lack of adequate, actual data regarding the current mental health housing situation only allows for "guesstimates" of the correct numbers. While all are experts and have given their opinion, any decision made is done so without appropriate information. As a fellow medical professional, Director Parent recognizes that it is also clinically and humanely inappropriate to not act. As we move forward with any plans for new facilities, a concerted effort to get an actual accounting of the need occurs so that the facility is right sized to the need of the community."

The MHWG's deliberations focused on the current numbers of inmates housed within the Orleans Parish Prison System, and considered the projected ranges of approximately 1400 to 2000 total prisoners for whom OPSO would be responsible for the provision of Constitutionally

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adequate mental health and medical care. While there were representations that the wide range in the anticipated number of prisoners could result in there being less than 1400 prisoners, these projections are not substantiated by the current circumstances or City-wide initiatives (and current average daily population of more than 2100 prisoners). Further, the need for acute and sub-acute mental health services in the short term has been ordered by the Court to be provided at the Hunt Correctional Center, a housing option that is anticipated to be available for three years. Therefore, the MHWG further recommends that implementation of the necessary funding for Phase III be accomplished as expeditiously as possible to allow for completion of the Phase III facility within the three year time period that the Hunt Correctional Center is available. The renovations of the Temporary Detention Center (TDC) have already been made for the provision of acute and sub-acute mental health services to female inmates. Additional renovations should move forward as soon as possible so that the provision of step down and residential services can be provided at the TDC for those male inmates who have been stabilized at Hunt but require a mental health environment with appropriate services to continue their stabilization as their adjudication and criminal justice processes continue.

Based on the information provided and the past history in the City of the lack of any credible progress to provide the very basic minimally adequate services to this incarcerated population in need for a continuum of mental health service for their individual care and treatment and to promote the interest and safety of those detainees and staff who are within the jail facilities themselves, the MHWG endorses the OPSO plan as most appropriate to meet the individual needs of mentally ill prisoners and support the safety and security of the institutions.

We have taken our charge very seriously and trust that this report has been informative and of assistance to the Court to facilitate the provision of mental health care to detainees and inmates housed in the Orleans Parish Prison System as required in the Consent Judgment.

Respectfully Submitted,



Raymond F. Patterson, M.D.  
Chair, Mental Health Working Group