

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

J.H., ET AL.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:11-CV-327-DPJ-FKB

HINDS COUNTY, MISSISSIPPI,  
ET AL.

DEFENDANTS

ORDER

This case is before the Court on Plaintiffs' motion to extend the consent decree and impose a corrective-action plan or, in the alternative, hold Defendant Hinds County, Mississippi, in contempt. Pls.' Mot. [131] at 1. For the following reasons, prospective relief remains necessary, so the decree will be extended under a corrective-action plan.

Plaintiffs originally filed this case in 2011 against Hinds County, Mississippi, to remedy unconstitutional conditions at the Henley-Young Youth Detention Center. On March 28, 2012, the Court signed a negotiated consent decree [33]. It named a court-appointed monitor and established 71 provisions for which Hinds County was expected to reach substantial compliance by March 28, 2014. On March 25, 2014, the Court extended that period to March 28, 2016, because Hinds County had reached substantial compliance as to only three of the 71 provisions. *See* Apr. 25, 2014 Order [50]. The Court also held the County in contempt. *Id.*

After that, the County dedicated more resources to the facility, and things improved. But the progress did not result in substantial compliance as to all provisions, so on March 25, 2016, the parties submitted, and the Court signed, an Amended Consent Decree [64]. That decree eliminated a few provisions for which the County reached substantial compliance and extended the decree for two more years until March 2018. When that deadline arrived, the parties submitted a Second Amended Consent Decree [120] extending prospective relief through 2019.

Again, some progress was made, but more work remained. So on November 14, 2018, Plaintiffs filed the present motion seeking another extension, a corrective-action plan, or alternatively a contempt order. Pls.’ Mot. [131] at 1.

Title 18 U.S.C. § 3626(b)(1)(3) allows the Court to continue a consent decree “upon written findings that prospective relief remains necessary to correct a current and ongoing violation of the Federal right,” but it may “extend[ ] no further than necessary to correct the violation of the Federal right,” and the Court must find “that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.”

On January 20, 2019, the Court addressed § 3626(b)(1)(3) with the parties during oral argument. It also explored the monitor’s Thirteenth Monitoring Report [140], in which the monitor found that the County had failed to reach substantial compliance as to 35 provisions from the Second Amended Consent Decree. *See* Monitor’s Report [140] at 12. The 66-page report included detailed recommendations for attaining substantial compliance.

It should be noted that since his appointment in 2012, the monitor dramatically improved the conditions at Henley Young. It is now a different place, and the Court appreciates those efforts. But at some point, the monitor, the Court, and the parties lost sight of the core objective—removing constitutional violations at the facility through narrowly drawn means. 18 U.S.C. § 3626(b)(1)(3).

For example, the monitor states in his most recent report that “[t]he facility continues to do a good job in providing recreation . . . [and] should be commended from a recreational aspect.” Monitor’s Report [140] at 10. Yet, he later recommends as to Provision 4 (Structured Programming), that the facility “[c]ontinue to develop an adequate monthly recreational schedule.” *Id.* at 28. He also finds—as to several unaccomplished provisions—that the County

should hire a full-time PhD-level clinical psychologist. *See, e.g.*, Monitor's Report [140] at 9. Yet no one has demonstrated to the Court that the Constitution requires a full-time PhD-level clinical psychologist.

These are just two examples; there are many more. And while the County spends time and resources attempting to address some of the monitor's well-intentioned but aspirational objectives, it has failed to reach substantial compliance on core constitutional violations. Frankly, it appears that despite ongoing efforts to reach compliance, the County and the staff at Henley Young are overwhelmed by the breadth and expense of the recommendations.

The Court addressed all this during the hearing, and it appeared that the parties were in general agreement that the steps toward completion must be pared down. Accordingly, the Court instructed the parties to confer and identify any provisions that should be removed either because the County has reached substantial compliance or because the provision no longer satisfies § 3626(b)(1)(3). After that, the parties were instructed to meet with United States Magistrate Judge F. Keith Ball to resolve any lingering disputes. While the Court did not grant the motion for a corrective-action plan from the bench, the conversation was trending in that direction, and the Court advised the parties to consider the issue with Judge Ball.

On March 19, 2019, Judge Ball met with counsel for the parties and was informed that they had reached substantial agreement on an amended consent decree and corrective-action plan, subject to approval by the Hinds County Board of Supervisors. They jointly proposed eliminating numerous provisions, adopting a timeline for completion, and suspending the court-appointed monitoring. On April 1, 2019, the Hinds County Board of Supervisors approved the Third Amended Consent Decree.

Having reviewed the Third Amended Consent Decree, the Court is convinced that it is a step in the right direction. It removes unnecessary yet time-consuming objectives and will give the County clear and obtainable guideposts to achieve substantial compliance and remedy the remaining constitutional issues. While “prospective relief remains necessary to correct a current and ongoing violation of the Federal right,” the parties’ proposed plan “extends no further than necessary to correct” those violations, “is narrowly drawn,” and reflects the “least intrusive means to correct the violation.” 18 U.S.C. § 3626(b)(1)(3). The Court will therefore approve the Third Amended Consent Decree and extend this matter until March 28, 2021. Because the Court grants the corrective-action plan reflected in the Third Amended Consent Decree, it declines to address the Plaintiffs’ alternative request for an order of contempt.

**SO ORDERED AND ADJUDGED** this the 3rd day of April, 2019.

*s/ Daniel P. Jordan III*  
CHIEF UNITED STATES DISTRICT JUDGE