

letter of findings detailed numerous constitutional deficiencies, including: inadequately protecting prisoners from harm, including physical harm from excessive use of force by staff and inmate-on-inmate violence; inadequate mental health care, including poor suicide prevention practices; deficiencies in medication management; and serious risks posed by inadequate environmental and sanitation conditions.

2. On April 23, 2012, the United States sent Defendant a letter re-enforcing its finding and detailing current constitutional deficiencies at OPP necessitating emergency action, including inadequate protection from violence and sexual assault; inadequate suicide prevention; inadequate mental health care and access to medical care; and inadequate services to limited English proficient (“LEP”) prisoners in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

3. Since issuing its letter of findings, the United States has engaged in good faith negotiations with Defendant to develop a comprehensive reform plan to remedy the unconstitutional conditions.

4. On January 18, 2012, Plaintiffs in this action filed a Complaint for Injunctive and Declaratory Relief, alleging that unconstitutional conditions at OPP subject youths to imminent and serious risk of bodily harm or death. *J.J. v. Gusman*, No. 2:12-cv-138 (E.D. La., filed Jan. 18, 2012). On April 2, 2012, Plaintiffs filed a class action on behalf of the men, women and youth imprisoned at OPP to protect them from abusive and unconstitutional conditions of confinement and dangers similar to those outlined in the United States’ September 2009 letter of findings and April 2012 letter regarding emergency conditions. (Complaint, ECF No. 1.) The cases were consolidated into the current matter before this Court on April 30, 2012. (Order, ECF No. 13.)

5. CRIPA provides that the United States may intervene in any action seeking relief from egregious or flagrant conditions of confinement that deprive prisoners “of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing them to suffer grievous harm” where the Attorney General has reasonable cause to believe that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights. 42 U.S.C. § 1997c.

6. Given the overlap between the United States' investigation and the subject matter of this litigation, both the parties and the United States believe it would be most efficient to resolve Plaintiffs' claims and the United States' investigation with a single, comprehensive remedy.

7. Pursuant to 42 U.S.C. § 1997c, the Attorney General certifies to this Court that all prerequisites to filing this Motion to Intervene have been met. The Attorney General certifies that:

- a. Pursuant to 42 U.S.C. § 1997c(b)(1)(A), notice was provided to Defendant Sheriff, and his chief legal officer, at least 15 days previous to this Motion to Intervene. This notice included the: (1) alleged conditions which deprive rights, privileges, or immunities secured or protected by the Constitution or laws of the United States and the alleged pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities; (2) supporting facts giving rise to the alleged conditions, including the dates and time period during which the alleged conditions and pattern or practice of resistance occurred; and (3) minimum measures which the Attorney General believes may remedy the alleged conditions and the alleged pattern or practice of resistance 42 U.S.C. § 1997c; and
- b. Pursuant to 42 U.S.C. § 1997c(b)(1)(B), the Attorney General believes that such intervention by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States; and
- c. The Attorney General has the "reasonable cause to believe" set forth in 42 U.S.C. § 1997c(a)(1).

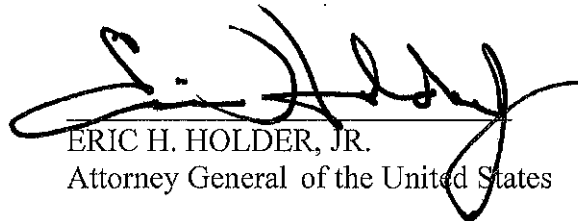
8. Pursuant to Local Rule 7.6, the undersigned counsel of record certifies that on September 13, 2012, both parties' counsel represented to the United States that they consent to the United States' Motion to Intervene.

9. As such, the United States moves this Court for intervention of right, pursuant to Rule 24(a)(2), and alternatively for permissive intervention, pursuant to Rule 24(b).

WHEREFORE, the United States respectfully requests that this Court grant this Motion to Intervene and enter an order:

- a. Granting the United States' Motion to Intervene;
- b. Adding the United States to Case No. 2:12-cv-00859 as a full party plaintiff-intervenor;
- c. Ordering the Clerk of the Court to enter the United States' Complaint in Intervention, and allowing it to proceed on its claim stated therein.

Respectfully submitted this 23rd day of September, 2012.



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