



JC-LA-002-001

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED
AUG 26 1980
LAFAYETTE DIVISION
ROBERT H. [unclear]

RONALD BREAUX, et al.
Plaintiffs

UNITED STATES OF AMERICA,
Plaintiff-Intervenor

v.
C. PAUL PHELPS, et al.
Defendants

CIVIL ACTION NUMBER 77-0121 "C"

CONSENT DECREE

This Consent Decree is entered into by all parties in this consolidated suit as a means of resolving all issues in the case. Because much of the relief described herein is prospective in nature, the Court will maintain jurisdiction until such time as the parties agree or the Court is satisfied that the terms of the Decree have been satisfied and that further supervision by the Court is unnecessary. Any disputes concerning the implementation of its terms or coverage, will be submitted to the Court for resolution.

All parties recognize that there are separate and distinct obligations contained in this Decree and that each party, by consenting to this Decree, obligates itself only as to those obligations pertaining to that party.

Although no findings are made by the Court because of this settlement by the parties, this Decree contemplates and is intended to eliminate the conditions of confinement which may have denied inmates of the Acadia Parish Prison the rights, privileges, and immunities and the equal protection of the laws secured to them by the Constitution of the United States. Any further interpretation of the meaning or coverage of the terms of this Decree which the



Court is required to make will be made in light of the Court's understanding of its purpose. IT IS ORDERED:

I. RACIAL SEGREGATION AND DISCRIMINATION

There will be no discrimination on the basis of race at the Acadia Parish Prison. A system of classification as outlined below will be formulated and implemented, using objective and non-racial criteria.

II. CLASSIFICATION

A. Inmates awaiting trial and inmates convicted of minor first offenses will be separated from other inmates.

B. Inmates who are first offenders serving sentences of five (5) years or less will be separated from those inmates who are second offenders or more, or who are serving terms of more than five years.

C. Inmates will be interviewed by a trained deputy prior to being placed with the general population. The purpose of the interview is to elicit pertinent information regarding inter alia, the inmate's age, drug use, general health, vulnerability to sexual attacks, seriousness of offense charged. These factors will be used in classification of the inmate. Additionally, said deputy will verbally inform the inmate regarding rules and regulations of the jail and verbally inform the inmate as to how and to whom he may complain of impending physical or sexual attack.

D. Inmate complaints regarding fear of attack within the cell or bull pen will be processed immediately and emergency protection of such complainant will be provided until the complainant's classification can be reviewed.

E. A log book will be kept by a deputy on each shift, noting any and all unusual occurrences on that shift such as incidents involving violence. The shift personnel on the following shift will read and update the log book. Further, the book will be reviewed weekly by the warden to determine any classification or any other correctional problems.

F. Prison officials will keep a Jilly record, stating the name of each inmate, date of admission to the facility, the cell assigned, race, date of transfer or cell assignment, the cell transferred to, the reason for transfer or reassignment, and date of discharge.

III. MEDICAL SERVICES

A. The Police Jury will provide a registered nurse to conduct daily rounds, except on Saturday and Sunday. Said nurse will be available in the Parish Prison at least one hour each day. After the nurse has made his regular rounds each morning, he will examine the inmates that he considers need additional personal attention. In the event any inmate has a pressing need for further medical attention, he will be transported to the American Legion Hospital at Crowley, Louisiana; otherwise he will be transported to Charity Hospital in Lafayette, Louisiana.

B. Visits by a licensed physician once a week will be provided in order to supervise the nurse and in order to work out, with prison personnel, whatever problems emerge on a regular basis in responding to medical attention. At that time, the licensed physician will provide medical attention to inmates who need it.

C. To respond to emergency medical needs, the Sheriff's Office will enter into a contract with Acadiana Ambulance Service to provide emergency response when needed.

D. Inmates will receive all medicine, drugs and treatments prescribed by a physician or a nurse. The costs of these medicines, drugs and treatments will be borne by the Acadia Parish Police Jury. Records as to all administration of such medicine, drugs and treatments will be kept.

E. Every inmate upon being admitted to the Parish Prison will be given a general physical examination by the nurse before being placed into the general population to determine if such inmate has any contagious disease or other medical problem requiring treatment. The nurse will inform the warden of further necessary appropriate measures.

F. The nurse will be provided with necessary diagnostic instruments and a room for the examination of inmates.



C. Inmates who begin to show signs of mental illness while confined will be immediately reported to the presiding official at the Abadigos Mental Health Center.

H. A jailer on each shift will be trained in Cardiopulmonary Resuscitation (CPR).

IV. INMATE DISCIPLINE

A. Rules governing inmate conduct and prison discipline will be prepared by the Sheriff's Office. These rules will sufficiently inform inmates of the following:

1. Conduct which is prohibited.
2. Standards used in determining which offense will result in punishment.
3. Administrative sanctions which may be imposed for a particular offense, with the provision that only the most serious offenses may lead to solitary confinement.
4. Substantive and procedural rights of inmates charged with an offense.
5. The right of illiterate inmates to be represented by counsel substitute and the right of any inmate to be represented by counsel substitute where complex issues are present. Counsel substitute is defined to be another inmate or a staff member.

B. Said rules will be reduced to writing and provided to each new inmate. The illiterate inmates will be verbally advised of said rules at the admissions interview.

C. Violations that lead to severe administrative punishments will be subject to the following procedural requirements:

1. An inmate will be given 24 hour notice of the charge lodged against him.
2. The notice will be in writing.
3. The inmate will have the right to call witnesses and present documentary evidence in his defense.
4. The inmate will have an impartial hearing body to consider the charges lodged against him.



5. The inmate will have the right to request a written statement by the hearing body as to the reason for disciplinary action undertaken.

6. The hearing body will be composed of the warden, a willing local minister, and the Assistant District Attorney.

7. The Acadia Parish Prison has no facility known as the "hole" and no room in the prison will be so used. No inmate may be confined in solitary for more than forty-eight (48) hours without a hearing as above described. No inmate will be confined pursuant to this section for a longer period than seven (7) days. Additionally, during any period of solitary confinement, the inmate will receive the same meals served to the general prison population, clothing, mail, and medical attention.

W.S.O.
~~8. Within six months from the date of this Decree, supervisory personnel at Acadia Parish Prison will submit to the Court a list of disciplinary actions imposed within the past six months, including information regarding the reason for such disciplinary procedures. The Acadia Parish Prison bears the burden to demonstrate to the Court in each instance that a sanction was not imposed arbitrarily and capriciously. A report will be submitted every six months thereafter listing all disciplinary actions taken, including information regarding the reasons for such disciplinary procedures.~~

V. SECURITY

A. Defendants will establish policies and procedures within 60 days for operating the Acadia Parish Prison which will seek to insure the protection of inmates from violence of other inmates and which will include the following:

1. There will be at least one jailer stationed on the jail floor at all times, twenty-four (24) hours a day, seven (7) days a week.

2. All jail officers will be permanently assigned to jail duty and will be accountable to the warden for their job performance.



5. All jail officers will be familiar with written rules and regulations for the jail operations and with basic techniques of inmate custody and security.

6. During the daylight hours when cell doors are open, each area will be visually inspected at least twice each hour, on an irregular schedule. A head count will be made and logged at least every two (2) hours.

7. A complete roll call will be conducted jointly by officers coming on and going off duty at each shift change, and inmates will be visually scanned for any indication of abuse or distress. Roll calls will be logged and any abnormalities attended to and recorded.

8. During the nighttime lockdown hours, each occupied bunk will be visually checked at least twice each hour on an irregular schedule. All nighttime patrols will be logged.

9. Roving trustees may continue to report inmate needs, however, they will not be placed in a position to intercept or inhibit other inmate reporting. Trustees will never be relied upon to perform duties of staff officers.

10. Sufficient personnel will be employed at all times to insure the performance of the foregoing duties.

11. There will be an increase in the number of "shakedowns", i.e., searches of inmates and their quarters; however, the shakedowns will not be conducted or calculated to harass inmates and will not result in arbitrary and capricious seizure or destruction of the personal belongings of inmates.

12. The jail doors will be left open in order that the jailer on duty can hear disturbances. This practice will remain until such time as a proper monitoring system can be installed.

13. Defendants will prepare and submit within sixty (60) days to the Court proposed rules and regulations which correctional personnel will follow. These rules and regulations will be provided to all correctional personnel. Furthermore,



these rules and regulations will include the following:

1. The notice and hearing requirements referred to in Section IV, C above.
2. The sanctions which may be imposed when correctional personnel violate these rules and regulations. Said rules and regulations shall incorporate the policies and principles of this consent decree.
3. The establishment of a system of monitoring all employees to insure they are carrying out the policies of the Acadia Parish Prison.
4. The security requirements set forth in Section V, A.

VI. ROUSING

A. Within six (6) months from the date of this decree:

1. The exterior windows and coverings will be modified so as to provide efficient lighting from outside the prison, it being the purpose of this modification to reduce as much as possible the dungeon like appearance produced by the present window coverings.
2. All heating and cooling facilities will have been repaired, replaced or otherwise made operable so as to adequately ventilate the facility in summer and heat the facility in winter.
3. Broken windows will be replaced and a plan will be devised whereby broken windowpanes can be repaired and/or replaced within a reasonable period of time, not to exceed seven (7) days during the winter months.
4. Any toilets, showers, or lavatories needing repair or replacement will be made operative so as to insure that any overflow occurring in the future will not have resulted from faulty equipment.
5. Appropriate authority will be given to the warden of the Acadia Parish Prison to make any and all necessary minor repairs which occur from time to time.

B. Within thirty (30) days from date of this decree:

1. A schedule will be submitted to the Court, with copies to all counsel, providing for regular laundry of all

bedding material and inmate clothing and regular vermin infestation treatment of the overall facility, including bedding material and inmate clothing.

2. Inspections will be made through the office of the Fire Marshall for the State of Louisiana, and a report submitted to the Court, with copies to all counsel of record, of the fire safety standards required under state law, which report will include plans for rectifying any deficiencies.

C. There will be a minimum of fifty (50) square feet of living area for each inmate in the existing facilities of the Acadia Parish Prison. The inmate population will not exceed that density, except in emergencies, and then for the shortest period possible.

D. The defendant will comply with LSA-R.S. 15:755, i.e., the floors, walls and ceiling of every room and cell will be scrubbed with soap or lye and water twice a week and the jail will be painted twice a year, all under the direction of the Acadia Parish Health Office.

VII. PERSONAL HYGIENE

A. Each inmate will be regularly provided with sheets, towels, toothbrush, toothpaste, shaving razor, toilet paper, clean clothing and shoes.

B. Every inmate will be provided with the opportunity to bathe twice a week.

VIII. FOOD

A. The prison menu will be prepared in consultation with a professional nutritionist.

B. Each inmate will be provided with daily sustenance adequate to insure he receives his daily requirement of nutrients.

C. When a bland or special diet is necessary for an inmate's health and well being, it will be provided.

IX. EXERCISE

Each inmate will have the opportunity to partake of outdoor physical exercise in the recreation area at least three (3) times per week for not less than a one (1) hour period on each occasion.

X. FIRST AMENDMENT RIGHTS

A. An inmate will be allowed to keep a reasonable number of books and newspapers in his cell, unless the amount of said material becomes a fire hazard, in which case the materials will be made available to him daily for his use in the day room.

B. Published magazines, newspapers and other reading materials will be approved for inmate use if such material may be legally sent through the United States mail.

C. No outgoing mail will be opened or read which is addressed to Courts, prosecuting attorneys, parole or probation officers, government agencies, press representatives or attorneys who are representing or being asked to represent an inmate concerning any civil or criminal matter. The above mentioned outgoing mail will be considered "privileged", and when initiated by an indigent inmate, will be mailed at the expense of the Parish. The Parish will only pay for first class postage.

D. Inmates will be allowed to send mail to whomever they wish, including inmates at other institutions. The number of letters sent cannot be limited. Outgoing mail is not to be opened, inspected or censored in any manner.

E. Incoming mail from Courts, prosecuting attorneys, probation or parole officers, government agencies, press representatives and attorneys who are representing or being asked to represent inmates concerning any civil or criminal matter will be considered as "privileged", and may be opened and inspected for contraband only in the presence of the inmate to whom the communication is addressed and will at no time be read by prison officials. All other incoming mail not considered "privileged" may be opened and inspected only for contraband, without the presence of the inmate



to whom the communication is addressed and will at no time be read by prison officials. Incoming mail will not be censored in any manner.

F. The defendants will submit to the Court, and to all counsel of record, within thirty (30) days from the date of this decree, a written plan outlining the visitation rights and visiting hours at the Acadia Parish Prison. The plan will also define telephone privileges of inmates and will provide for contact visitation for pre-trial detainees in all except severe security problem situations. Visiting hours will include at least one (1) period a week scheduled at a time when visitors who work a nine to five work schedule may visit inmates, for example, Sunday afternoon, Sunday evening.

VI. ACCESS TO COURTS

Within three (3) months from the date of this decree, to provide a means of assisting inmates in the preparation of legal pleadings, the following measures will be

taken:

A. An area will be set up which inmates may use for at least one (1) hour per day, to write legal writs and use the Prisoner's Self Help Litigation Manual, which along with paper, stamps and envelopes shall be supplied by the Acadia Parish Prison. In addition, the area will have copies of the Louisiana Code of Criminal Procedure and the Criminal Code. However, inmates who desire to use this area will inform the warden at least twenty-four (24) hours in advance of their desire to do so.

B. The Parish Law Library will be encouraged to donate its advance sheets and yearly statutory pocket parts to the prison law library after bound volumes have been received.

C. Inmates will be allowed to consult with other inmates in their cell blocks regarding their cases.

D. Inmates will be informed in writing that they may write to Acadiana Legal Services for legal assistance in civil rights or other civil matters.



XII. WORK RELEASE

Within three (3) months from the date of this decree, a work release program will be established for inmates not presenting a security risk; said program to be the subject of a report submitted to the Court within three (3) months, with copies to all counsel, and implemented within two (2) months following submission and approval of the report.

XIII. RELIGION

Religious services will be allowed to all inmates at least once a week and any recognized clergyman who requests to do so will be permitted to visit with inmates at all reasonable times.

XIV. COMPLIANCE

A report will be provided to the ~~the~~ counsel of record demonstrating compliance with this decree every six (6) months. If there are areas of non-compliance, the reasons therefor will be stated and the steps taken to correct the non-compliance will also be provided. This reporting will continue until the Court orders otherwise.

XV. CONCLUSION

All counsel of record or their agents or representatives will have access to the jail and its inmates after this decree is signed for the purpose of establishing compliance. Nothing in this decree prevents any party from seeking such further relief as may be appropriate.



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THUS DONE AND SIGNED in Lafayette Parish, Louisiana, this
21st day of August, 1980.

Eugene Davis
EUGENE DAVIS
Judge, United States District Court
Western District of Louisiana,
Lafayette Division

COPY SENT
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DATE 8-25
BY ca
TO: Good
Hay
Montgomery
Shelton
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