



JC-LA-002-005

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
**FILED**  
DEC 01 1981  
HENRY & SHAWWELL BLANK  
BY            REPORT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

RONALD BREAU, et al., \*  
Plaintiffs \*

UNITED STATES OF AMERICA, \*  
Plaintiff-Intervenor \*

CIVIL ACTION NUMBER 77-0121 "D"

v.

C. PAUL PHELPS, et al., \*  
Defendants \*

DEPENDANT, ACADIA PARISH SHERIFF'S DEPARTMENT  
SUPPLEMENTAL REPORT

On October 30, 1981, plaintiff-intervenor filed a response to defendants original report dated September 3rd, 1981, voicing several objections to defendants submission. Defendant feels that their September 3rd, 1981, report was adequate, however, in an effort to fully cooperate with all parties herein the defendant submits the following supplemental report.

1. In response to plaintiff-intervenor's objection number one (1) relating to sanctions to be imposed for violations of the rules by Correctional Personnel as required by Section V(B2) of the Consent Decree, the defendant has formed a Complaint Review Committee composed of the following persons: Dorris Thibodeaux Chief Criminal Deputy, Parish of Acadia, Glenn B. Foreman Assistant District Attorney, and Father Henry Offer, St. Theresa Church, Crowley, Louisiana. Any and all complaints with regard to violations of the rules set forth in the original report shall be brought before this Review Committee for hearing and review, and the Committee shall determine appropriate sanctions for violation of the said rules which sanctions shall include but are not limited to reprimands, suspension, and termination.

Plaintiff-intervenor states in his response that defendant has not adhered to paragraph V (B3) of the Consent Decree by not providing a system of monitoring the employees adherence to the rules. Defendant points out and refers to its original report of September 3rd, 1981, in numbered paragraph three (3) that there is a definite system requiring the keeping of logs by personnel and all specific information which must be entered into these logs. In all due respect defendant feels that this response amounts to a "system of monitoring" within the meaning of the Consent Decree. In order to supplement this paragraph defendant will further require that the logs provided to be kept by the above mentioned paragraph shall be furnished to the Assistant District Attorney Glenn B. Foreman at the end of each month for his personal review in order to determine that the system is being properly kept.

Defendant feels that the statement in the original report of September 3rd, 1981, that sufficient personnel will be employed to implement the requirements of Section V (A) is sufficient compliance with the meaning of the Consent Decree.

Plaintiffs objection to defendants response to paragraph V (A9) request that defendant provide the number of shakedowns presently being performed and to compare to the number of shakedowns performed prior to the Consent Decree. In response to this request the defendant provides the following information: Presently defendant has increased the number of shakedowns to one (1) general shakedown per week, and additionally conducts shakedowns if any additional information comes to defendants attention indicating that any harmful or contraband materials have been in the jail. Previous to the Consent Decree the defendant was conducting the general shakedown approximately one (1) time per month.

Plaintiff requires a proper monitoring system to be installed. Subsequent to the submission of the original report of defendant on September 3rd, 1981, bids have been met by the Acadia Parish Police Jury for the installation of a monitoring system which consist of five television cameras and one television monitor. The system will consist of the installation of one camera in each bull pen, two cameras in the visiting lobby, and one camera in the jailers office. Additionally the television monitor will be placed in the Sheriff's Department Radio Room. The planned date for completed installation of this monitoring system is January 1st, 1982.

2. In response to plaintiffs objections in their numbered paragraph two (2) defendant supplements his report as follows:

Plaintiff is requesting and requiring that defendant provide a schedule for laundrying of inmate bedding material and for regular vermin infestation treatment as required by paragraph VI (B) of the Consent Decree. Defendant has previously responded to this paragraph in its original report of September 3rd, 1981, but here repeats and reiterates the following schedule for laundry and for vermin infestation treatment:

All inmates are provided with two (2) changes of clothing. All laundry is collected daily and washed daily, and all bedding material is washed daily. Therefore the inmates have clean clothing and bedding material at all times on a daily basis.

Defendant employs a professional exterminator company, namely: J & J Exterminators, who conduct a vermin infestation program on a twice monthly basis. Additionally the jail personnel conducts spraying operations for roaches and other vermin on a three (3) times weekly basis.

3. With respect to defendants provision of visits for pre-trial detainees who do not present serious security problems, defendant provides these inmates with visitation privileges on Tuesdays and Thursdays between the hours of 1:00 o'clock p.m. and 3:00 o'clock p.m. Additionally these inmates also receive

visitation privileges on holidays and religious visitation every Wednesday and Friday between the hours of 8:00 o'clock a.m. and 11:00 o'clock a.m., and 1:00 o'clock p.m. and 3:00 o'clock p.m. Further these inmates are provided with telephone privileges during daylight hours upon their request.

4. In response to plaintiffs paragraph number four (4), defendants submit the following supplemental information:

All inmates who are sentenced to Parish Jail time who have a job are put on the work release program. At present there are twenty-four (24) inmates who are on work release program in a variety of jobs. Those inmates who are determined to be security risk are required to be picked up by their employers and returned by their employers upon completion of their work. Those inmates on work release who are not security risk are allowed to leave for their jobs and required to report in to the Sheriff's Office twice weekly.

5. Plaintiffs response objects to defendants statement asserting compliance with the provisions of the Consent Decree and feels that this provision requires demonstrative evidence of such compliance. Contrary to plaintiffs response, defendants statement of compliance with the provisions of the Consent Decree is not merely a bare assertion of compliance, but rather is a statement that after going through every step and every provision of the Consent Decree and reviewing all of the procedures of the Acadia Parish Jail, this Assistant District Attorney finds that the defendant the Acadia Parish Sheriff's Department is in compliance with those provisions except for those statements where the defendant has admitted that he is not in compliance. The defendant feels that it would be extremely burdensome to supply plaintiffs with a repetitive statement every six (6) months outlining each and every provision of the Consent Decree, and repeating each and every method of compliance with these provisions. Rather, the defendant feels that by reviewing the Acadia Parish Jail every six (6) months and finding the areas

of noncompliance and voluntarily reporting those areas to plaintiff, that this system can be made to function smoothly and properly.

In order to supplement defendant's report of September 3rd, 1981, defendant provides the following information:

With regard to outdoor exercise the defendant is now providing outdoor exercise to all inmates on a three (3) times weekly basis for a time period of one (1) hour for each exercise period.

Plaintiff objects to defendant's statement that visitors are allowed weekends and after hours visitation when they are unable to visit during the regular periods due to employment or valid reasons. Plaintiff wishes to require defendant to provide weekend or evening visiting hours. Defendant has attempted to provide weekend visitation and has discontinued such program because of the large number of visitors who were intoxicated during these visiting weekend periods which condition caused excessive disruption in the jail. Therefore defendant will continue to allow generous weekend and evening visitation on an individual basis to those who are not able to visit with the inmates during the regular visiting periods.

Finally in the interim between the submission of the original report on September 3rd, 1981, and this report, defendant has obtained the legal materials required by paragraph number XI (A) of the Consent Decree and said materials have been furnished to the inmates for their use at all times.

CONCLUSION

For the foregoing reasons, defendant urges the Court to accept defendant's original report along with this supplemental report as being consistent with the provisions of the Consent Decree.

Respectfully Submitted,  
Acadia Parish Sheriff's Department

By: Glenn B. Foreman  
GLENN B. FOREMAN  
Assistant District Attorney

CERTIFICATE

I hereby certify that I have served the attached supplemental report on the persons named below by mailing copies thereof, first class, postage prepaid, to the addresses given.

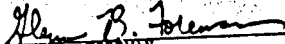
J. Marvin Montgomery, Esq.  
Assistant Attorney General  
Post Office Box 44005  
Capitol Station  
Baton Rouge, Louisiana 70804

Alice M. Jacobs, Esq.  
902 Montegut Street  
New Orleans, Louisiana 70117

Frances O. Allen, Esq.  
First Assistant United States Attorney  
3812 Federal Building  
Post Office Box 33  
Shreveport, Louisiana 71101

Robert D. Dinerstein  
Attorney  
U. S. Department of Justice  
Civil Rights Division  
10th and Pennsylvania Avenue, N.W.  
Washington, D. C. 20530  
(202) 633-3179

This 30<sup>th</sup> day of November, 1981.

  
\_\_\_\_\_  
GLENN B. FOREMAN  
ATTORNEY FOR DEFENDANT