



JC-LA-003-012

MINUTE ENTRY  
CHASEZ, M.J.  
NOVEMBER 9, 1994

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FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
Nov 14 11 24 AM '94  
LORRETTA S. WHYTE  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

LOUIS HAMILTON, ET AL

CIVIL ACTION

VERSUS

NUMBER: 69-2443

ERNEST N. MORIAL, ET AL

& con. cases

SECTION: "LLM" (5)

A status conference was conducted in the above matter this date.

PRESENT: Patricia Bowers  
Mark Lopez  
Karen Bower  
Richard Cook  
Allen Usry

The purpose of the conference was to discuss the testimony as adduced at the evidentiary hearing which went forward on November 3, 1994 and to discuss a proposed order correcting any violations which the court feels have occurred.

The court advised counsel that violations of the consent decree have been established through the testimony of the witnesses presented to the undersigned. However, the magnitude of the violations are insufficient at the present time to constitute contempt and shall be remedied as follows:

The Sheriff shall hold a conference with the wardens of all his facilities and with any other of his personnel responsible for implementing the consent decree. Counsel shall be present at the meeting at which time the wardens and other employees shall

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be specifically counseled as to what is required under the consent decree. A summary of the contents of the decree shall be given to this personnel and a signed copy of this summary shall be obtained and placed in the personnel file of all wardens and others charged with implementing of the consent decree. This meeting shall go forward on or before November 25, 1994 and minutes of this meeting shall be provided to the court establishing that the court's orders have been followed.

Referencing each of the six areas which were the subject of the court's hearing, the court pretermits ruling on the issue of whether the consent decree has been complied with as to Templeman II and III as to recreation until the court can make an in camera inspection of these facilities. The court plans to do so within the next week. The court, having heard oral argument from the parties this date, will issue a further ruling subsequent to the in camera inspection.

As to whether inmates have been allowed to keep their mattresses in disciplinary tiers, it would appear that there no longer is a problem in this regard. A problem may have existed in one facility through the month of May, 1994, however this had been corrected before the current motion had been filed.

The remaining problems arose because of a difference of opinion between the parties in interpreting the language of the decree. Based upon the court's involvement in the settlement discussions which pre-dated the entry of the consent decree, the court herewith orders the Sheriff to make the following changes in his implementation of the decree:

1. Disciplinary Tiers

A log book shall be established on all disciplinary tiers for purposes of documenting the times, each day, that inmates are allowed out of their cells.

In calculating the one hour time period that inmates are allowed out of their cells, the Sheriff shall not count the time an inmate spends bathing or in consulting with counsel during an attorney visit. The time an inmate spends eating may be counted in the one hour time period, if the inmate eats outside of his cell.

2. Toothbrushes and Toothpaste

Toothbrushes and toothpaste/tooth powder shall be supplied to an inmate without regard to whether the inmates has money in his/her inmate account. In other words, the term "needed" located in section B, paragraph 11 of page 8 of the consent decree shall be defined to mean "does not have" rather than refer to whether an inmate has money in his account to pay for the item.

The Sheriff shall make inquiry once a week of all inmates through an established procedure as to whether or not the inmate has toothpaste or powder and a toothbrush. Same shall be immediately furnished if the inmate does not have the item and indicates that he/she wants it.

3. Shoes and Underwear

Pursuant to the consent decree, the inmates' family must first refuse to provide the item before the Sheriff is obliged to furnish same. In this regard, the following procedure shall be followed:

The inmate shall file a grievance with the Sheriff requesting the item. The Sheriff shall then have ten days to make inquiry of the family as to whether they will provide the inmate with either the shoes or the underwear which the inmate is requesting. If the inmate has no shoes, the Sheriff shall furnish the inmate with temporary shoes during the ten day interim period and more permanent shoes thereafter if the inmate's family does not respond by providing same. If the inmate has no underwear, the Sheriff will have this ten day time period to determine if the family will provide same, absent which the Sheriff will provide two sets of underwear to the inmate at the conclusion of the ten days.

The inmates shall be advised of this procedure by a posting of a written notice on each of the tiers.

4. Reading and writing materials on disciplinary tiers

The same reading materials as are available to inmates in general population shall be available to those on disciplinary tiers.

The evidence did not confirm that any problem existed as to writing materials or legal materials being allowed to inmates on disciplinary tiers.

5. Writing materials and postage to indigents  
The parties could not reference the court to any area of testimony which established a violation of the decree in this area. If the parties can so cite the court to evidence in this regard, further orders responsive thereto shall issue.

  

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UNITED STATES MAGISTRATE JUDGE