

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

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LaShawn Jones, <i>et al.</i>	)	
	)	
	)	<b>CLASS ACTION</b>
	)	Case No. 2:12cv00859
Plaintiffs,	)	
v.	)	
	)	
MARLIN GUSMAN, Sheriff, Orleans	)	
Parish, et al.	)	
	)	
Defendants.	)	

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**PLAINTIFFS’ NOTICE OF SUPPLEMENTAL FILING IN SUPPORT OF CLASS  
CERTIFICATION**

Today, the United States Department of Justice released its Report on Sexual Victimization in Prisons and Jails (“DOJ Report”) (Exhibit 1). This report contains the findings of the Review Panel on Prison Rape (“Panel”). The Panel held hearings in Washington D.C. during the fall of 2011 during which Orleans Parish Prison (“OPP”) was identified as a jail that had reported an unusually high incidence of sexual abuse and victimization. *DOJ Report at iii.*

The DOJ Report describes in detail the culture of sexual violence and the lack of accountability that permeates OPP. These findings confirm many of the allegations contained in the Plaintiffs’ complaint. For this reason, the Plaintiffs hereby file a copy of the Report with this Honorable Court, in support of their motion for class certification.

As a jail that has a high incidence of sexual abuse and victimization, the Panel carefully investigated OPP operations. *DOJ Report at 68-83.* The investigation consisted of requests for supplemental data from the Orleans Parish Sheriff’s office, notarized statements from Sheriff Gusman, who was unable to appear in person before the U.S. Department of Justice Panel

because he had previously accepted another invitation, an on-site visit to OPP, testimony from an advocate, a civil rights attorney and an individual formerly imprisoned in OPP. *Id.*

The DOJ Panel concluded that it was “deeply disturbed by the apparent culture of violence at the OPP.” *DOJ Report at 82.* In 2009, the DOJ issued an investigating findings letter regarding OPP, in which it documented systemic and brutal violence, inadequate medical care and dangerous sanitation and environmental conditions. (Rec. Doc. 2-6). Referencing these 2009 findings the Panel stated that “many of the deplorable conditions of the jail have not changed significantly since the issuance of the OPP Letter of Finding.” *DOJ Report at 82.*

The DOJ Panel made the following additional findings:

- 1) A.A., an individual formerly imprisoned in OPP testified about the sexual violence he endured while imprisoned at OPP. “...three of the inmates—all large men—anally raped me. With no one to help I laid down on the floor, bleeding from my injuries and terrified about what would happen next. My cellmates continued to orally and anally gang rape me...the whole time I was at OPP...it happened so many times, I lost count.” *DOJ Report at 77.* A.A. further testified that he filed at least six grievances in an attempt to get help. One guard responded to his grievance “a faggot raped in prison—imagine that!” *Id.* After A.A.’s testimony, the Panel requested documentation related to stay at OPP. The documentation confirmed that A.A. had filed multiple grievances about the abuse he endured at OPP, but that officials failed to respond or investigate his allegations. Colonel Jerry Ursin admitted to the Panel that with regard to A.A., the Sherriff’s Office “dropped the ball on that case as an organization.” *DOJ Report at 79.*
- 2) The Panel heard another account of victimization that it deemed “consistent with A.A.’s account.” *DOJ Report at 81.* “A larger individual over-powered Robert and raped him, he screamed for help, but no officer responded” and “despite sustaining serious injuries, no correctional officer checked on him through the night.” *Id.* Like A.A., Robert’s attempts to secure protection from the Sherriff’s deputies was futile. “I filed a number of grievances while I was at OPP, including an emergency grievance complaining about the rape as well as one complaining about being physically abused by an OPP guard. I never received a response to my grievances.” *DOJ Report at 82.*
- 3) During the Panel’s tour of OPP, “inmates approached the Panel privately, stating that their grievances went unanswered. These appeals are a particular cause for concern . . . The Panel urges OPP. . .to conduct a thorough review of its grievance process, making sure that all inmates receive a fair, timely response to every grievance.” *DOJ Report at 83.*

- 4) The Panel concurs with the DOJ Civil Rights Divisions which concluded that “Staffing levels at OPP are inadequate to protect inmates from harm.” *Id.*
- 5) The Panel also recommended that OPP implement an objective classification system that “protects vulnerable inmates from sexual assault.” *Id.*

Given the DOJ Report’s relevance to the instant case, and the significant factual overlap between the Panel’s conclusions and the Plaintiff’s allegations in the instant case, the Plaintiffs respectfully provide this Report to the Court in support of their Motion for Class Certification. This Report makes clear that the violations outlined in Plaintiffs’ complaint are system-wide in nature, such that class certification is appropriate.

RESPECTFULLY SUBMITTED, this the 9th day of April 2012.

I/s/ Katie M. Schwartzmann  
Katie M. Schwartzmann, La. Bar No. 30295  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by email to all parties by the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System. A copy is also being placed in the U.S. Mail.

This 9<sup>th</sup> day of April, 2012.

/s/ Katie Schwartzmann