

## MEMORANDUM

**To:** Professor Armstrong  
**From:** Jovian Scafati  
**Re:** Assignment #3 - Berwick Town Jail  
**Date:** December 7, 2021

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Berwick Town Jail is a facility located within the Berwick Police Department in St. Mary Parish. The area is rural. The jail's address is 400 Canton Street, Berwick, Louisiana, 70342. The facility's phone number is (985) 384-7710. The Berwick Police Department oversees the jail facility. The Chief of Police is David S. Leonard, and the Assistant Chief of Police is Jonathan "J.P." Henry. As of 2019, the town's population was 4,584.<sup>1</sup> In 2019, the median income in the town was \$44,383.<sup>2</sup> 82.2% of Berwick's residents are white.<sup>3</sup> 11.6% of Berwick's residents are African American, 4.17% of the population is Hispanic, and less than 2% of the residents in Berwick are Native American.<sup>4</sup> On September 17, 2021, the facility provided a zero deaths letter for the years 2020 and 2021 and did not report any deaths between 2014 and 2019.

Unlike the neighboring facilities in St. Mary Parish, including Morgan City Jail and St. Mary Parish Law Enforcement Center, Berwick Town Jail does not have any centralized webpage conveying information about the jail. However, Officer Tim Mahfouz shared information about the jail with me on the phone.

Berwick Town Jail was established sometime during the 1930s and has a fifteen-inmate capacity. Officer Mahfouz advised that the jail rarely houses that many. Generally, there are five to six inmates incarcerated at the facility at one time. Mahfouz stated that the duration of an inmate's stay in the jail ranges from one week to two years. Berwick Town Jail often acts as a "go-between" for inmates held at larger facilities. For instance, the neighboring St. Mary Parish Law Enforcement Center has the capacity to hold 320 inmates. Officer Mahfouz stated that when there are too many inmates at that jail, they are transferred to Berwick Town Jail. He also said that Berwick Town Jail occasionally houses violent offenders from St. Mary Parish Law Enforcement Center in isolation. The Berwick Town Jail most often holds inmates who are awaiting trial or those who have already been sentenced for minor crimes. However, most inmates are sent to St. Mary Parish Law Enforcement Center if convicted.

It is very rare that an inmate at the facility has committed a violent crime. Most inmates at the jail have been arrested for domestic battery or miscellaneous drug charges. When I asked what types of drug charges were most frequent, Officer Mahfouz said that the most common drug charge is for possession of marijuana, and occasionally prescription pills or meth. He also stated that the inmate population was "male by a long shot." He said that the racial demographics at the jail were "a pretty even spread." Some, but not all the inmates, are residents of St. Mary Parish. Louisiana Highway 182 and U.S. Highway 90 run through Berwick, and the local police often stop and arrest individuals from other parishes and out of state on the highways and bring them to Berwick Town Jail. Most of the police officers who oversee Berwick Town Jail were raised in the area. Just last week, Officer Mahfouz's brother was arrested and brought to the jail.

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<sup>1</sup> DataUSA, *Berwick, LA*, n.d., <https://datausa.io/profile/geo/berwick-la#demographics>.

<sup>2</sup> *See id.*

<sup>3</sup> *See id.*

<sup>4</sup> *See id.*

The facility offers no transitional work programs, nor any educational programs. There is no program that allows inmates to work during the day and return to the prison in the evening, except the Town of Berwick occasionally uses inmates to cut grass on publicly owned spaces and to pick up litter. The facility does have a trustee program. After an inmate is convicted, the inmate may apply to become a trustee. The trustee is responsible for washing clothing and keeping snacks in the vending machine. The trustee also delivers lunchtime meals to the inmates and picks up their laundry.

Inmates at Berwick Town Jail are served two pieces of toast and a cup of coffee at 5:30 AM. At lunchtime, they receive a cooked meal. For dinner, the inmates are given two sandwiches, one is a bologna sandwich, and the other is a peanut butter and jelly sandwich. Inmates do not work in the kitchen at the jail, and the meals are provided by a third party.

There are eight cells in the back of the police station. Each cell is about ten feet by ten feet. Inmates spend most of the day in their cells. The lights are turned out at 10:00 PM. Each cell has a phone to place collect calls, and the inmates' families must provide money for them to use the phone. While Officer Mahfouz did not know the exact cost of using the phones, he confirmed that it was very high. It does not appear that the inmates have any opportunity for outdoor recreation. Officer Mahfouz said that the inmates sleep often after breakfast and lunch and talk amongst themselves throughout the day.

Further, there is one stainless steel toilet for every two cells, and a water fountain in each cell, which also serves as a sink. Each inmate has their own bunk. There are two showers in the jail, and the inmates take turns using the showers individually. Inmates are allowed to take showers every other day. The times in which inmates take showers is also when they socialize. There is a TV with cable that the inmates share, and on the days that they shower they spend time together and often watch football games. Inmates at the facility wear their own clothes. They are permitted to have three outfits, and their families must provide them. Each inmate has a locker where they are allowed to store their clothing and toiletries only. The jail does not provide any towels or other toiletries, and the inmates must have a family member provide those items. Their clothes are washed every other day.

The jail has no medical personnel and does not offer any medical services. If an inmate has a medical need, they are sent to St. Mary Parish Law Enforcement Center which is about eighteen miles from Berwick Town Jail. For serious medical emergencies, such as a heart attack, the police would bring an inmate to the local emergency room. The Berwick Town Jail does not house any inmates with chronic illnesses because they have no medical personnel. Inmates with chronic illnesses are instead sent to St. Mary Parish Law Enforcement Center. Officer Mahfouz indicated that inmates often fill out a sick call sheet even if they are not sick because they prefer to be transferred to St. Mary Parish Law Enforcement Center. When an inmate fills out a sick call sheet, the jail is required to act. Officer Mahfouz suspects that inmates prefer to be transferred to St. Mary Parish Law Enforcement Center because there are drugs that run through that parish jail. Mahfouz referred to the suspicion that prisoners make up ailments for transfer as "Jail-itis." In the event of a hurricane, inmates are sent to Angola Penitentiary. They return to Berwick Town Jail when the hurricane is over.

Since the COVID-19 pandemic started, the jail has not had an outbreak. Inmates are required to wear masks when they are outside of their cells, which are provided by the jail. Usually, visiting hours are from 11:00 AM to 2:00 PM on Sundays, but visitation with family members has been cancelled since the pandemic began. Occasionally, the jail will allow longer visits on holidays, but those visits are unlikely to happen this year due to pandemic precautions.

Traditionally, each inmate is allowed to visit with relatives for fifteen-minutes during visiting hours. Inmates are still able to meet with their attorneys in the jail face-to-face and by videoconference. “First appearances” in court are conducted by videoconference in the jail.

The police are not required to provide pencil and paper to the inmates at Berwick Town Jail, but typically do. Inmates receive mail while incarcerated in the jail. Officer Mahfouz said that the police that oversee the jail are not allowed to read mail that comes from the inmates’ attorneys, but typically open mail from inmates’ romantic partners. The officers do this to check for any inappropriate material. Inmates are allowed to have photos of their families posted on the walls of their cells if they are not inappropriate. What is inappropriate appears to be at the discretion of the police who oversee the jail.

The Town of Berwick financial report for the fiscal year ending on September 30, 2019, revealed that the Berwick Police expenses were \$1,166,857.<sup>5</sup> Fees, commissions, fines, and charges for services were \$84,953.<sup>6</sup> Further, the police were funded \$39,798 through grants and contributions.<sup>7</sup> In the year ending September 30, 2020, the Town of Berwick reported its police expenses at \$1,350,350, charges for services at \$100,809, and funding through grants and contributions at \$644,674.<sup>8</sup> Since the Berwick Town Jail is a part of the Berwick Police department, it is likely that these expenses were related to the operation of the jail. A St. Mary’s Financial Comparison report ending on December 31, 2019, reported that one-half of one percent of sales taxes were used to fund jails and minimum-security jails in St. Mary’s Parish.<sup>9</sup> It also reported that the Parishes receivables for the operating and maintenance of jails was \$158,645.<sup>10</sup>

Further, the Town of Berwick’s website features the bond amount for criminal offenses.<sup>11</sup> For example, a simple battery is a \$301 fine, theft is also a \$301 fine, and resisting an officer warrants a \$451 fine.<sup>12</sup> There are also charges for the number of offenses, a first offense costs \$176, whereas a seventh offense is as high as \$296.<sup>13</sup> Officer Mahfouz said these are the costs to leave Berwick Town Jail on bond usually. There is no fine amount listed for possession of drugs.

While Chief Leonard does not regularly compile arrest statistics for the public, he disseminates information regarding arrests to the media throughout the year. The St. Mary Now (stmarynow.com) provides regional reports of arrests in St. Mary Parish which include some individuals brought to the Berwick Town Jail facility. The most recent report released on October 6, 2021, described the arrests of individuals accused of theft and others accused of drug

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<sup>5</sup> See Town of Berwick, *Financial Report Ending on September 30, 2019*, at 9, Louisiana Legislative Auditor, [https://lla.la.gov/PublicReports.nsf/0/4C8706035E0C9A9E86258530004FA65D/\\$FILE/0001FB08.pdf](https://lla.la.gov/PublicReports.nsf/0/4C8706035E0C9A9E86258530004FA65D/$FILE/0001FB08.pdf).

<sup>6</sup> See *id.*

<sup>7</sup> See *id.*

<sup>8</sup> See Town of Berwick, *Financial Report Ending on September 30, 2020*, at 7, Louisiana Legislative Auditor, [https://lla.la.gov/publicreports.nsf/0/52e4c7a0876294c8862586b60062b1ab/\\$file/000233b6.pdf](https://lla.la.gov/publicreports.nsf/0/52e4c7a0876294c8862586b60062b1ab/$file/000233b6.pdf).

<sup>9</sup> See St. Mary Parish Council, *Financial Report Year Ended on December 31, 2019*, Louisiana Legislative Auditor, at 46, [https://lla.la.gov/PublicReports.nsf/0/A616E8B20E32C3EA862585F900720CAC/\\$FILE/00021720.pdf](https://lla.la.gov/PublicReports.nsf/0/A616E8B20E32C3EA862585F900720CAC/$FILE/00021720.pdf).

<sup>10</sup> See *id.*

<sup>11</sup> See Town of Berwick, Police Department, [https://www.townofberwick.org/departments/police\\_department.php](https://www.townofberwick.org/departments/police_department.php).

<sup>12</sup> See *id.*

<sup>13</sup> See *id.*

possession.<sup>14</sup> An older regional arrest report dated June 6, 2021, detailed another drug related arrest.<sup>15</sup> The regional reports are released two to three times a year by St. Mary Now.

Chief Leonard attends the town's council meetings, and the minutes indicate that he provides a monthly report to the council. Since the police oversee the Berwick Town Jail, information regarding the jail is likely shared during these meetings. For instance, Chief Leonard attended the council's last public meeting on November 9, 2021, and provided a report for the month of October 2021.<sup>16</sup> However, the Berwick Town Jail was not addressed specifically in the minute report. At the council meeting on October 12, 2021, Chief Leonard reported that the department was running smoothly.<sup>17</sup> At the meeting on September 14, 2021, Chief Leonard did not prepare a report due to complications arising from Hurricane Ida.<sup>18</sup> The minutes for the council meetings throughout 2021 and December of 2020 do not reference the Berwick Town Jail.

Although the Berwick Town Jail has not been widely discussed or reported on in the last five years, there was a notable lawsuit that arose from a death in the jail in 2004. On October 21, 2001, Michael Falcon Jr. was arrested by the Berwick Police for disturbing the peace.<sup>19</sup> Approximately two hours later he was found hanging in his cell at the Berwick Town Jail.<sup>20</sup> His father, Michael Falcon Sr., brought a wrongful death and survival action against the Town of Berwick.<sup>21</sup> He alleged that the Berwick police negligently failed to observe Michael Junior, who was intoxicated when he was in their custody.<sup>22</sup> The Town of Berwick argued that Michael Senior was precluded from bringing a wrongful death and survivor action under state law, because Michael Junior's daughter, Amber, was born just a month before his death on September 21, 2001.<sup>23</sup> The lawsuit reached the state's first circuit court of appeals, and it reversed the judgment of the trial court granting the defendant's motion for summary judgment.<sup>24</sup>

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<sup>14</sup> See Staff Report, *Regional Arrest Reports: Berwick Police Make Arrests in Two Business Thefts, Heroin Possession Case*, ST. MARY NOW (Oct. 6, 2021, 12:23 PM), <https://www.stmarynow.com/news-local/regional-arrest-reports-berwick-police-make-arrests-two-business-thefts-heroin-possession>.

<sup>15</sup> See Staff Report, *Regional Arrests: Pierre Part Man Arrested for Attack on Juvenile*, ST. MARY NOW (Jun. 6, 2021, 3:25 PM), <https://www.stmarynow.com/news-local/regional-arrests-pierre-part-man-arrested-attack-juvenile>.

<sup>16</sup> See Town of Berwick, *Council Meeting Minutes*, at 1, Nov. 9, 2021, <https://cms8.revize.com/revize/berwickla/Combined%20-%20November%209,%202021.pdf>.

<sup>17</sup> See Town of Berwick, *Council Meeting Minutes*, at 1, Oct. 12, 2021, <https://cms8.revize.com/revize/berwickla/Combined%20-%20October%2012,%202021.pdf>.

<sup>18</sup> See Town of Berwick, *Council Meeting Minutes*, at 1, Sept. 14, 2021, <https://cms8.revize.com/revize/berwickla/Combined%20-%20September%2014,%202021.pdf>.

<sup>19</sup> See *Falcon v. Town of Berwick*, 885 So.2d 1222, 1224 (La. App. Ct. 1 2004).

<sup>20</sup> See *id.*

<sup>21</sup> See *id.*

<sup>22</sup> See *id.*

<sup>23</sup> See *id.* at 1224.

<sup>24</sup> See *id.* at 1225.

### **Jail Conditions**

**Capacity:** 15; usually only 5-6 inmates at the facility at once.

**No. of Cells:** 8 cells located in the back of the Berwick police station.

**Toilets per cell:** 1 toilet for 2 cells.

**Other utilities:** Sink in each cell, phone for collect calls in each cell, and a locker for each inmate.

**Duration of stay:** one week to two years.

**Showers:** Two individual showers. Inmates shower every other day.

**Mail:** Legal is private, mail from romantic partners or others who are not attorneys are opened by staff. No requirement to provide paper and pencil to inmates.

**Meals:** Two pieces of toast & Coffee at 5:30 AM, cooked lunch, two sandwiches for dinner (bologna and peanut butter and jelly).

**Lights out:** 10:00 PM

**Visitation:** Usually Sundays from 11 AM to 2 PM, now canceled due to pandemic restrictions.

**Access to attorneys:** in person or through videoconference.

**Education/Transition Programs:** None.

**Medical Personnel:** None. The inmates are transferred to St. Mary's Parish Law Enforcement Center (18 miles away) or the local emergency room.

**Other Programs:** Trustee program – a convicted inmate does laundry every other day, delivers lunch to inmates, and puts snacks in the vending machine.

**Outdoor time:** Sometimes inmates cut the grass and pick up litter on municipal properties.

**Note:** The facility does not provide clothing or toiletries to inmates.

# Berwick Town Jail

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(985) 384-7710



**Deaths in Custody Since 2014:** None reported for 2014-2021. However, Michael Falcon Jr. died in the facility on October 21, 2001. *See Falcon v. Town of Berwick*, 885 So.2d 1222 (La. Ct. App. 1st 2004).

**Chief of Police:** David S. Leonard

**Assistant Chief of Police:** Jonathan "J.P." Henry.

**Parish/Area Type:** St. Mary Parish, rural area.

**Crime Types:** Inmates are frequently held at the jail for domestic and drug-related charges. Most are awaiting trial or serving light sentences for minor crimes.

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