

PRE-LITIGATION MEMORANDUM

TO: Andrea Armstrong, Professor of Law
FROM: Ryan Bergeron, Law Student (3L)
DATE: December 7, 2021
RE: “Better Know a Jail” Memo; Incarceration Law - Fall 2021

This memorandum provides an overview of the Calcasieu Parish Correctional Center and Calcasieu Parish Sheriff’s Prison. Specifically, it explains how the sheriff’s office operates the facilities, focusing on transparency and oversight.

About the Facilities and the Sheriff

The Calcasieu Parish Correctional Center and the Calcasieu Parish Sheriff’s Prison buildings encompass roughly a little over 100,000 square feet.¹ Although both facilities maintain separate addresses, with the Correctional Center being located at 5410 E. Broad St. in Lake Charles, LA 70615, and the Calcasieu Parish Sheriff’s Prison being located at 5300 E. Broad St. in Lake Charles, LA 70615, both facilities sit on the same land area and are only separated by a few hundred feet. Based on a map of the land, it appears that the Correctional Center is located closer to the street, while the Prison is in the back of the property.² The Sheriff’s Prison also encompasses a Women’s Annex, therefore, the facilities house both men and women.

The Correctional Center typically holds pre-convicted and pre-sentencing inmates, and they are transferred to other facilities, including the Sheriff’s Prison upon sentencing.³ “The Calcasieu Sheriff’s Prison and Women’s Annex houses inmates that have been charged with state or federal charges. Some inmates are in the pre-trial stages and other have been convicted of a crime.”⁴ Both facilities are listed as Parish Jails.⁵ According to the jail roster, there are currently 823 inmates being housed at these facilities,⁶ with 369 inmates being white, 425 being black, and 29 of the inmates identified as “unknown” race.⁷ 91 of the 823 inmates are women.⁸ The two facilities can hold roughly 1,300 inmates combined, although it is not exactly clear how many inmates each facility can hold on its own.⁹ The two facilities have minimum, medium, and maximum security units, and the inmates are separated into tiers based on the nature of their

¹ Road to Recovery: Calcasieu inmates housed across state while repairs made, American Press Staff, <https://www.americanpress.com/2021/06/20/road-to-recovery-calcasieu-inmates-housed-across-state-while-repairs-made/> (last visited December 6, 2021).

² Google Maps, <https://www.google.com/maps/place/Calcasieu+Sheriff's+Prison/@30.2265617,-93.141581,17.87z/data=!4m1!3m1!1s0x863b83cda36933a3:0x5be2c614cd0afcd!2s5400+Broad+St,+Lake+Charles,+LA+70615!3b1!8m2!3d30.227044!4d-93.1408744!3m4!1s0x863b83ce26ccb211:0x49ba85e4b89d4b01!8m2!3d30.2258731!4d-93.1412916> (last visited December 6, 2021).

³ Calcasieu Parish Correctional Center, LA Prison Roster, Online Inmate Search, <https://martincountysheriff.net/louisiana/county-jail/calcasieu-parish-correctional-center/> (last visited December 6, 2021).

⁴ Calcasieu Sheriff’s Prison and Women’s Annex, LA Prison Roster, Online Inmate Search, <https://martincountysheriff.net/louisiana/county-jail/calcasieu-sheriffs-prison-and-womens-annex/> (last visited December 6, 2021).

⁵ Id.; supra note 3.

⁶ As I address later, it is currently unclear whether the inmates are located within these facilities as of right now while the buildings undergo repairs.

⁷ Calcasieu Parish Sheriff’s Office Jail Roster, <http://www.calcasieu.lavns.org/roster.aspx> (last visited December 6, 2021).

⁸ Id.

⁹ Supra, note 1.

offense.¹⁰ Each area has separate common areas, showers, and fountains.¹¹ Regardless of the tier that they are placed in, however, each inmate gets treated the same as far as phone use, commissary, and meals are concerned. Further, each inmate gets recreational time. According to former Warden Scott Nugent, the cells either have 2 bunks or 3 bunks, and all are equipped with a desk, a seat and toiletries, and a window. Former Warden Nugent stated that the cells are not luxurious by design, however, rehabilitation is the main goal, and they hope to be able to help the inmates return to society and become an asset to society.¹²

Both facilities are owned and funded by the Calcasieu Parish Police Jury.¹³ “Under state law, the Police Jury is responsible for the custody and care of Calcasieu Parish inmates, including medical attention and feeding.”¹⁴ As of June 2021, inmates, however, were not being housed at either facility as both facilities suffered extensive damage from the two hurricanes in 2020 and were under repairs. It was estimated the repairs would be complete as of September or October of 2021, with inmates being able to return by the end of the 2021 year; however, it is unclear whether the renovations have finished and there is nothing to suggest that the inmates have been returned to the Calcasieu facilities. The inmates were relocated to several surrounding jails and prisons in surrounding parishes; however, some were relocated up to 2 hours away. As of June, there were 75 inmates still being housed in the Calcasieu facilities, including some DOC inmates that the Sheriff’s department uses for yard work. Additionally, any new arrestees that could not be released within 2 or 3 days would be transferred to outside facilities. The Sheriff’s Office pays for the inmates to be housed at different facilities, with the Police Jury responsible for reimbursing the Sheriff’s Office. As of June, over \$3.5 million has been reimbursed to the Sheriff’s Office.¹⁵

The current leadership of the Sheriff’s Office and Correctional Center include 3 major players. The Sheriff, Tony Mancuso, was elected sheriff in 2003, and has been reelected in 2007, 2011, 2015 and 2019. Many times he has run for sheriff unopposed.¹⁶ Mancuso began his career in law enforcement when he was 20 years old working in an entry level position at the jail. Through the years, he worked his way up through the ranks before ultimately becoming sheriff in 2003. Mancuso is credited with bringing the Sheriff’s Office “into the twenty first century) by upgrading the technology and equipment within the department.¹⁷ Mancuso is a Republican and among the numerous training programs that he has participated in, one interesting area that he is trained in is satanic worship awareness. “He has recently been appointed by Governor Edwards as a member of the Louisiana Law Enforcement Commission and past Chairman of the Highway Safety Commission. Mancuso was elected by his peers to serve as President of the Louisiana Sheriff’s Association in July 2013.” Warden Daniel Burkhalter worked at the Calcasieu Parish Sheriff’s as a burglary and theft detective before becoming Warden. “He has worked at CPSO since 1991 with 10 years of corrections experience. He is a graduate of the Calcasieu Parish Regional Law Enforcement Academy with numerous hours of post certification training. Burkhalter holds a degree in Criminal Justice from McNeese State University.” Warden Jeff Miller was appointed Warden over the Correctional Center in October 2015. “Miller has spent

¹⁰ Calcasieu Parish Jail warden explains inmate housing, living conditions, <https://www.kplctv.com/story/30728815/calcasieu-parish-jail-warden-explains-inmate-housing-living-conditions/> (last visited December 6, 2021).

¹¹ Id.

¹² Id.

¹³ Supra note 1.

¹⁴ Id.

¹⁵ Id.

¹⁶ Calcasieu Parish Sheriffs Office, <https://www.cpsos.com/about-1/administration/> (last visited December 6, 2021).

¹⁷ Id.

his entire career in corrections. In 2001, Miller was promoted to Shift Supervisor and in 2004 he was promoted to Assistant Warden. Miller is also a graduate of the FBI National Academy.”¹⁸

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
010 GENERAL FUND							
010111 LEGISLATIVE	614,686	614,686	460,858.73	45,688.68	.00	153,827.27	75.0%
010123 CITY/WARDS JUDICIAL	723,886	723,886	396,487.43	19,647.47	.00	327,398.57	54.8%
010125 CORONER - STATUTORY	942,000	942,000	761,825.00	132,250.00	.00	180,175.00	80.9%
010131 REGISTRAR OF VOTERS OFFICE	215,888	215,888	109,975.01	11,463.64	.00	105,912.99	50.9%
010141 FACILITY MANAGEMENT	7,173,756	7,173,756	5,492,264.11	509,470.64	290,619.88	1,390,872.01	80.6%
010149 COMMUNICATIONS AND MEDIA	657,550	657,550	422,303.01	36,737.19	3,071.84	232,175.15	64.7%
010153 GENERAL ADMINISTRATION	628,676	628,676	673,958.67	29,627.50	.00	-45,282.67	107.2%
010211 EMERGENCY PREPAREDNESS	1,683,265	1,683,265	1,054,311.16	88,336.80	6,180.00	622,773.84	63.0%
010213 CORRECTIONAL SERVICES	3,634,039	3,634,039	6,632,775.81	611,483.88	.00	-2,998,736.81	182.5%
010215 CORRECTIONAL - MEDICAL	1,590,197	1,590,197	830,972.15	68,471.85	.00	759,224.85	52.3%
010913 MISCELLANEOUS GRANTS	2,547,083	2,547,083	2,520,561.51	2,824.00	.00	26,521.49	99.0%
TOTAL GENERAL FUND	20,411,026	20,411,026	19,356,292.59	1,556,001.65	299,871.72	754,861.69	96.3%

As shown in the picture above, the Calcasieu Parish Police Jury is responsible for the Correctional Services budget. According to the information put out by the Police Jury, Correctional Services were allocated over \$3.6 million for 2021.¹⁹ Correctional Services have spent over \$6.6 million dollars. Thus, the Police Jury is over budget for the Correctional Services by almost \$3 million for 2021.²⁰ The Police Jury is funded by state and local taxes, including gaming taxes, sales taxes, property taxes, and ad valorem taxes.²¹ Additionally, Calcasieu Parish has received federal grants from FEMA for Hurricane Laura disaster recovery projects which have been added to the budget for 2021.²²

Oversight

The Corrections Division of the Calcasieu Parish Sheriff’s Office provides oversight over the Correctional Center and Sheriff’s Prison.²³ The Corrections Division is responsible for the housing, supervision, sentencing, and risk management of the inmates.²⁴ The sheriff’s office reports to the Police Jury, who is responsible for the budget of the department. Further, the Police Jury maintains parish ordinances that cover the payment of medical expenses by inmates.²⁵ The Calcasieu Police Jury was awarded \$48,689 from the National PREA (Prison Rape Elimination Commission) for establishing cultures of zero tolerance for sexual abuse;

¹⁸ Id.

¹⁹ Calcasieu Parish Police Jury Agenda Regular Meeting October 21, 2021, https://calcasieuparishla.granicus.com/DocumentViewer.php?file=calcasieuparishla_0621200f1e2ff5884b149ef0543abb01.pdf&view=1 (last visited on December 6, 2021).

²⁰ Id.

²¹ Calcasieu Parish Police Jury Annual Budget 2021, <https://www.calcasieuparish.gov/home/showpublisheddocument/9943/637462168483530000> (last visited December 6, 2021).

²² Id.

²³ Calcasieu Parish Sheriff’s Office, Corrections Division, <https://www.cpsso.com/about-1/corrections/> (last visited December 6, 2021).

²⁴ Id.

²⁵ Calcasieu Parish, LA, Code of Ordinances, ch. 18, art. VII, § 18.68 – 18.71.

however, this appears to only be related to the juvenile detention center, and not for the Adult Correctional Center or Sheriff's Prison.²⁶ Further, the Louisiana Legislative Auditor publishes the Sheriff's Office annual financial report, which is performed by an independent auditor annually; however, the audit does not relate to the operations or performance of the prison and correctional center facilities. Further, it does not appear that either the Correctional Center or the Sheriff's Prison have any national accreditations. There is no mention of being accredited by the ACA, NCCCH, or any other national accreditation organizations, and the Sheriff's Office legal department stated that whether they had any national accreditations or judicial orders or consent decrees in effect could not be shared over the phone.

Transparency

The Sheriff's Office website provides the jail inmate roster; although, it does not provide which facility the inmate is in, and only includes the name, date of birth, race, gender, and arrest date.²⁷ The website does update the roster daily. Although the Sheriff's Office does not provide any briefings or hearings related to the prison facilities, the Calcasieu Parish Police Jury's website provides meeting minutes which discuss the parish ordinances, budget, and other related business in the parish.

Although the records requested in the public records request were not ultimately received due to clerical issues, the people that I spoke with inside the facility and with the parish were very helpful. Warden Daniel Burkhalter promptly returned calls and assisted with obtaining the documents. Once the Public Records request was filed through the online portal for the parish sheriff's office, the records were produced rather quickly. Based on the records that were produced, it appears that requests cover both facilities and are not limited solely to the Correctional Center or the Sheriff's Prison. Finally, there was at least one advocacy group, the Metropolitan Crime Commission, that reported on the Calcasieu criminal justice system.²⁸ The report however did not focus on the actual facilities, instead focusing on the criminal justice system as a whole. The report discussed the parish's high crime rate; however, it found that most of the arrests were not frivolous.

Trends of Deaths In Custody

There were not any noticeable trends in the deaths of inmates while in custody. Since 2015, there have been 7 deaths in custody in both facilities combined; although, one death in 2021 did not actually take place at one of the facilities. Instead, an escaped inmate was shot and killed after engaging in a shootout with police officers a few days after escaping from the Correctional Center.²⁹ Five other inmates died while at the Correctional Center, with 4 of them being due to natural causes, such as intracranial bleeding, cardiovascular disease, heart condition, and other unidentified illness. The other remaining death at the Correctional Center was due to hanging.³⁰ One death occurred in 2017 at the Sheriff's Prison. This death was due to suicide via

²⁶ National PREA Resource Center, https://www.prearesourcecenter.org/sites/default/files/content/prc_grant_award_list.pdf (last visited December 6, 2021).

²⁷ Calcasieu Parish Sheriff's Office Jail Roster, <http://www.calcasieu.lavns.org/> (last visited December 6, 2021).

²⁸ Metropolitan Crime Commission, <https://metrocrime.org/2021/10/28/crime-commission-releases-report-on-calcasieu-criminal-justice-system/> (last visited December 6, 2021).

²⁹ Escaped inmate killed in shootout with officers in Calcasieu Parish, Acadiana's News Channel, <https://www.katc.com/news/calcasieu-parish/escaped-inmate-killed-in-shootout-with-officers-in-calcasieu-parish> (Last visited December 6, 2021).

³⁰ Incarceration Transparency, https://www.incarcerationtransparency.org/?page_id=169 (Last visited December 6, 2021).

hanging.³¹ The inmates were in the facilities ranging from 1 month to 19 years. All of the inmates other than the escaped inmate that died via shootout were white males. The escaped inmate was a black male. Many of the Death records received by the Prison and Correction Center did not include date of births for the deceased inmates. Further, the offenses that the deceased inmates were charged with ranged from aggravated incest rape, failure to register as a sex offender, 2nd degree murder, drug offenses and driving while intoxicated. All of the inmates were unconvicted other than two: one inmate was convicted with failure to register as a sex offender, and the inmate that died via shootout was convicted and participating in a work-release program when he escaped and ultimately passed.³²

Notable Cases & Complaints of Jail Conditions

One of the more notable cases regarding jail conditions includes a complaint regarding retaliation experienced by the inmate due to filing grievances. In 2013, the inmate claimed that he was placed in a cell with a HIV-positive inmate endangering his life due to filing grievances against the correctional center. He further claimed that he was being held in prison for over a year past his release date. This case was ultimately dismissed for being frivolous and failing to state a claim upon which relief could be granted because he sued entities such as the Louisiana Department of Corrections and the Calcasieu Sheriff's Department, and both were entities that could not be sued. Further, he requested an investigation of Calcasieu Correctional Center, which the court concluded was not a remedy available to him through his complaint. Additionally, he was not able to prove that he was unlawfully imprisoned because he could not demonstrate that his sentence was reversed, invalidated, or expunged prior to the instant action. Finally, although he sought monetary damages for mental anguish by being placed in a cell with an HIV-positive inmate, the court found that he did not suffer any health problems as a result, and thus, had no actual injury.³³

Another case that occurred in 2011 complained that the Sheriff's Prison denied him access to a law library/legal materials, which in turn, caused him to miss the deadline to file civil rights claim in Texas based on excessive force during his arrest. However, the court held that he did not demonstrate any hindrance in his ability to pursue a claim due to inadequate or lack of access to legal materials. The court additionally noted that the plaintiff had a prolific filing history throughout his years of incarceration in both Louisiana and Texas. Ultimately, the court dismissed the suit for failure to state a claim.³⁴

Conclusion

The Calcasieu Parish Sheriff's Office has much work to do in terms of transparency and user accessibility. Although Warden Burkhalter was prompt in his response time, it was not easy getting in touch with him and it shouldn't require speaking with a Warden in order to file a public records request. There is not enough transparency or information available on its website or online concerning public hearing information, accreditation, or judicial orders or consent decrees in effect. Also, although the State has performed an audit on the Parish finances, an audit concerning the Correctional Center and Sheriff's Prison operations should be conducted. Further, the website itself is antiquated as far as the inmate locator is concerned and could use updating.

³¹ Id.

³² Id; Supra note 37.

³³ See Carter v. Sheriff's Office Calcasieu Parish, No. 2:13-cv-2323 (W.D.L.A. Jan 2, 2014).

³⁴ See Queen v. Calcasieu, No. 10-1303, (W.D.L.A. Oct. 3, 2011).