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Incarceration Law Fall 2021
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December 7, 2021

Assignment #3:
Pre-litigation Memo

Iberia Parish Jail

I. Overview of Iberia Parish Jail Characteristics

The Iberia Parish Jail (“IPJ”) is a carceral facility located at 3618 Broken Arrow Road, New Iberia, Louisiana 70560. According to the Iberia Parish Sheriff’s Office (“IPSO”) website, the jail has a bed-capacity of 520 and houses people from local, state, and federal enforcement agencies.¹ Currently IPJ is at about 70% capacity, with a total of 364 individuals in custody.² About 89% of the current IPJ population is male and 11% is female.³ As far as racial demographics of the current IPJ population, about 41% are white, 58% are black, and less than 1% are designated “unknown race.”⁴

IPJ staffs approximately 65 employees to oversee jail operations, which means at full capacity, there are about eight people for every one staff member.⁵ Major Anthony Green, a former Marine who’s been in law enforcement since 2008, has served as the Warden of IPJ since 2018.⁶ The current Sheriff of Iberia Parish is Thomas S. Romero. He was narrowly elected in 2019 to serve in his capacity as Sheriff of Iberia Parish and officially took office on July 1, 2020. It was the first time the parish would have a new sheriff since 2008.⁷ Sheriff Romero has worked in law enforcement since 1978, first starting as a shift lieutenant with the Iberia Parish Sheriff’s Office and then moving to the Louisiana State Police where he served as a sergeant for 33 years.⁸ From 2016 to 2018, he worked as an investigator and security team leader with the Attorney General’s office.⁹ Right after he was elected, Sheriff Romero addressed Iberia Parish residents in a speech and made the following statement: “We need to work on private-public partnerships to ease the tax burden on the citizens of Iberia Parish. We will use inmate labor to help fix the things that can be fixed in our parish.”¹⁰ Former Sheriff Louis M. Ackal, who was first elected in 2007, was a defendant in a 2016 federal civil rights trial that publicly revealed the rampant misconduct and abuse within IPJ and the surrounding parish.¹¹ Ackal ended up being acquitted by a federal jury, but not before being expelled from the Louisiana Sheriff’s Law Enforcement Program, which was forced to make over \$6 million in settlement payouts on behalf of Ackal’s office for civil rights abuse lawsuits.¹² More details on these lawsuits will be discussed below.

The Proposed Summary Budget for the Fiscal Year of July 1, 2021 through June 30, 2022 states the total revenues for the year are approximately \$14,822,325 while the total expenditures

¹ Iberia Parish Sheriff’s Office Jail Operations, <https://www.iberiaso.org/jail-operations/> (last visited Dec. 6, 2021) [hereinafter IPSO Jail Operations].

² Iberia Parish Sheriff’s Office Jail Roster, available at <http://www.iberia.lavns.org/> (last visited Dec. 7, 2021).

³ *Id.*

⁴ Those designated “unknown” on the jail roster are Hispanic. *Id.*

⁵ *Id.*

⁶ Dalfred Jones, *Major Green Named Warden of the Iberia Parish Jail*, KLFY.com (July 19, 2018), available at <https://www.klfy.com/local/major-green-named-warden-of-the-iberia-parish-jail/>.

⁷ Dwayne Fatherree, *Romero Is New Sheriff: Law Enforcement Veteran Wins Runoff Election over Meyers by 1,052 Votes*, The Daily Iberian (Nov. 17, 2019), available at https://www.iberianet.com/elections/romero-is-new-sheriff/article_053e2de0-0914-11ea-a5d8-73f218280ed8.html (updated June 28, 2020).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Former Sheriff Ackal was charged numerous counts of abuse towards individuals in the custody of IPSO. He was known for demeaning the people incarcerated at IPJ by denying them ice in the summer, forcing them to wear pink, and making jokes about them in the press. See Jessica Pishko, *An Infamous Louisiana Sheriff is on his Way Out. Now What?*, The Appeal (July 8, 2019), available at <https://theappeal.org/an-infamous-louisiana-sheriff-is-on-his-way-out-now-what/>.

¹² *Id.*

for the year are approximately \$14,816,579, leaving only about \$6,000 in excess revenue.¹³ Therefore, the final proposed budget for the year is approximately \$7,406,721.¹⁴ At full capacity, the average cost per incarcerated person is around \$14,244 per year. A public hearing was held at the Iberia Parish Sheriff's Office at 11:00 a.m. on June 11, 2021 to consider the adoption of the 2021-2022 general budget proposal.¹⁵

IPJ also has an Inmate Labor Program. According to the IPSO website, "Iberia Parish Jail has inmates working throughout the parish. These inmates are assigned to Iberia Parish Government (Parish Barn and Animal Pound) and New Iberia Police Department... [and] perform a multitude of tasks such as performing maintenance work, cutting grass, garbage pickup, etc."¹⁶ Notably, the labor is free for any of the agencies who utilize this program.¹⁷ In addition, the persons incarcerated at IPJ are responsible for maintaining the daily operations of the jail. They must perform the custodial duties at the facility, maintain the entire fleet of Iberia Parish Sheriff's vehicles, do all of the construction that happens around the facility and throughout the department, and prepare and serve the meals.¹⁸ No information is provided about whether or not IPJ compensates them for their labor.

II. Evidence of Oversight

It is unclear whether IPJ has received an accreditation by any national associations. Nothing on the IPSO Jail Operations webpage mentions an accreditation, so the facility is likely unaccredited. As far as financial transparency goes, an independent audit of the Iberia Parish Sheriff's financial statements was performed on January 25, 2021 by Certified Public Accountants, Kolder, Slaven & Company LLC for the Fiscal Year 2019-2020.¹⁹ The full report is available to review online on the Louisiana Legislative Auditor website.

According to a nola.com article published in 2016, more than 30 civil lawsuits were filed against the Iberia Parish Sheriff's Office in federal and state courts since former Sheriff Ackal took office in 2008.²⁰ In 2015, Congressman Cedric Richmond wrote a letter to a U.S. Attorney at the Department of Justice Department asking the Department to launch a sweeping investigation of the Iberia Parish Sheriff's Office in regards to allegations of abuse by many of the IPSO deputies.²¹ The letter referenced several incidents of alleged civil rights abuses of inmates at IPJ, which were detailed in news reports by The Advocate and other public court

¹³ Iberia Parish Sheriff Proposed Summary Budget – General Funds, available at <https://www.iberiaso.org/wp-content/uploads/2021/05/2022-Budget-Summary-DI.pdf> (last visited Dec. 6, 2021).

¹⁴ *Id.*

¹⁵ IPSO, Notice of Public Hearing/Meeting, available at <https://www.iberiaso.org/wp-content/uploads/2021/05/Notice-of-Public-Hearing-DI.pdf> (last visited Dec. 6, 2021).

¹⁶ IPSO Jail Operations, *supra* note 1.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Iberia Parish Sheriff Financial Report (Jan. 25, 2021), available at [https://app.lla.state.la.us/PublicReports.nsf/0/657F881D1A75E44B8625868C0079DF14/\\$FILE/00022DE7.pdf](https://app.lla.state.la.us/PublicReports.nsf/0/657F881D1A75E44B8625868C0079DF14/$FILE/00022DE7.pdf).

²⁰ Hannah Rappleye, *Iberia Parish Sheriff's Office Under Scrutiny for Treatment of Inmates, Others in Custody*, nola.com (Feb. 8, 2016), available at https://www.theadvocate.com/acadiana/news/article_a71574d5-c321-5fbd-88f9-7e0b049678d3.html.

²¹ Richard Burgess, *Mother of Teen Who Hanged Himself at Iberia Parish Jail Sue Sheriff's Office*, The Advocate (Aug. 31, 2015), available at https://www.theadvocate.com/acadiana/news/article_ed31a18c-9b27-5549-b209-42b7e9820175.html.

records.²² In fact, a video filed into court records showed an IPJ corrections officer attacking a prone inmate with the help of a dog.²³ Other reports have revealed that during former Sheriff Ackal's tenure, IPJ corrections officers were instructed to bring men (most of whom were pretrial detainees) to the jail chapel to physically assault and abuse them because there were no security cameras there.²⁴ The FBI ended up investigating these allegations of abuse and several IPSO officials were convicted and issued prison sentences for their involvement in the civil rights violations that occurred at IPJ years prior.²⁵

III. Evidence of Transparency

The IPSO Jail Operations webpage has a link to an "IPJ Inmate Locator," but the link is not accessible. It appears that the IPSO updated their website in 2019, but several of the buttons hyperlinked throughout the website bring you to an error message. I was able to find the IPSO Jail Roster through a Google search, which is accessible here: <http://www.iberia.lavns.org/>. Although the roster of detainees appears to be current, the homepage still has Louis Ackal named as the Iberia Parish Sheriff.²⁶ The website allows visitors to register anonymously and get notified upon any changes in an individual's custody status.²⁷ This roster publishes the full name, date of birth, race and gender of the persons in custody.²⁸

I initially sent a public records request for forms submitted to the Department of Justice regarding IPJ deaths in custody on September 14, 2021. I emailed the request to Steven W. Elledge, General Counsel for the Iberia Parish Sheriff's Office because on the IPSO Legal Division webpage, it includes "receive, log and respond to all public records requests" as one of the services of the Office of General Counsel for the Iberia Parish Sheriff.²⁹ I requested forms only for 2020 and 2021, as a prior student had already received the forms for the years 2014-2019. I never received a response after several weeks, so I called his office at the phone number listed on the IPSO website and was able to speak with him. He told me that "according to the Classification employees at the jail, they are still working on Form CJ-9A for 2020 and the form for 2021 is not due until next year." Because he did not have the forms readily available, I asked him to instead send me over any information he did have available regarding deaths at the jail. He promptly forwarded me a PDF document of the four deaths that occurred in 2020 and 2021. The document contained the date of death; the persons' names, race, and sex; the cause of death, location where death occurred, and what charges the person was being held on. About two months later, I sent him a follow-up email asking if the CJ-9A forms were now available and if so, could he forward them to me. I also asked him to provide additional information regarding

²² *Id.*

²³ *Id.*

²⁴ Lanie Lee Cook, *Ninth Deputy Pleads Guilty in Iberia Parish Jail Beating Investigation; Sheriff to Be Arraigned This Week*, The Advocate (Apr. 2, 2016), available at

https://www.theadvocate.com/acadiana/news/crime_police/article_e3adc1ae-adf9-5156-9d33-a1f521faaf6b.html.

²⁵ DOJ, Press Release, Judge Sentences Three Law Enforcement Officer Defendants in Iberia Parish, Louisiana, Civil Rights Case (May 3, 2017), available at <https://www.justice.gov/opa/pr/judge-sentences-three-law-enforcement-officer-defendants-iberia-parish-louisiana-civil-rights>.

²⁶ Iberia Parish Sheriff's Office Jail Roster, *supra* note 2.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Iberia Parish Sheriff's Legal Division, available at <https://www.iberiaso.org/legal-division/> (last visited Dec. 6, 2021).

the deaths in custody that was not disclosed in his initial response. I followed up with a phone call and left a voicemail message. I am still awaiting a response.

IV. Deaths in Custody

Since 2005, there have been 14* deaths in custody at IPJ.³⁰ According to data collected from public records requests, IPSO had two* deaths in 2014, two deaths in 2016, three deaths in 2020, and one death so far in 2021. All but one were male. A nola.com investigative article published in May 2015 also reported that six other deaths occurred from 2005 to 2014.³¹ The article explains that two of the people who died suffered from severe mental illness and both of their deaths were the result of corrections staff using excessive force.³² The facility's officials listed the cause of death for the two persons who died in 2016 and one of the persons who died in 2020 (she was found unresponsive in her cell) as "hypertensive atherosclerotic heart disease."³³ Since 2014, three of the eight deaths were reported suicides and four of them occurred in segregation/isolation units.³⁴

* This number may not be entirely accurate. The data reported by the IPSO does not match information found in news articles online. It appears that IPSO inaccurately reported the number of deaths in custody during 2014. It is likely there were a total of 15 deaths of persons in IPSO custody since 2005.

V. Jail Conditions & Notable Cases

As mentioned above, there have been a tremendous number of lawsuits involving IPJ and IPSO over the decade, specifically during the tenure of the former Iberia Parish Sheriff Louis Ackal. In 2017, a federal district court judge sentenced several IPSO law enforcement officers to prison for their involvement in egregious incidents of racism and abuse that occurred at the jail in 2011, though a total of nine officers ended up pleading guilty. Most of the victims in these incidents of assault were pretrial detainees being held at IPJ. The Department of Justice also indicted Sheriff Ackal and Lieutenant Colonel, Gerald Savoy for playing a role in the assault of

³⁰ Data obtained from Form CJ-9s, correspondence with IPSO General Counsel Steven Elledge, and various online news sources.

³¹ Hannah Rappleye, *Special Report: Uncovering Why Eight People Have Died in Iberia Parish Sheriff's Office Custody in 10 years*, nola.com (May 6, 2015), available at https://www.nola.com/news/article_fde53733-eced-5c25-bda7-54194a5de642.html.

³² One of the men died from a traumatic brain injury inflicted by an untrained Iberia Parish sheriff's deputy and the other was squashed to death when two IPSO employees, including a former warden, sat on top of him in an attempt to subdue him. *Id.*

³³ According to the Mayo Clinic, "[a]therosclerosis is the buildup of fats, cholesterol and other substances in and on your artery walls. This buildup is called plaque. The plaque can cause your arteries to narrow, blocking blood flow. The plaque can also burst, leading to a blood clot. Although atherosclerosis is often considered a heart problem, it can affect arteries anywhere in your body. **Atherosclerosis can be treated.**" Mayo Clinic Staff, *Arteriosclerosis / Atherosclerosis*, Mayo Clinic, available at <https://www.mayoclinic.org/diseases-conditions/arteriosclerosis-atherosclerosis/symptoms-causes/syc-20350569> (last visited Dec. 6, 2021) (emphasis added).

³⁴ *Supra*, note 13.

the victims.³⁵ Lieutenant Savoy ended up pleading guilty to the charges along with the nine other officers, but Sheriff Ackal was acquitted of all charges during a jury trial.³⁶ Ackal did not testify during the trial, but his attorney claimed that Ackal was unaware of the apparently routine beatings inside the jail or other brutal treatment of inmates.³⁷ Ackal did not seek re-election in 2019.

One of the most notable cases involving IPSO in the last 10 years was the 2014 death of 22-year-old Victor White III. He suffered a fatal gunshot wound while in IPSO custody while he was handcuffed in the back of a patrol car.³⁸ He was arrested after an officer found small amounts of drugs on him during a “Terry” stop after he left a convenience store where a fight had broken out, though White himself was not involved in the fight.³⁹ IPSO claimed that the victim shot himself with the same type of handgun that Iberia Parish officers carry, and the death was ruled a suicide by the Iberia Parish coroner.⁴⁰ In 2018, a documentary film called “Sugar Town” was released about the incident.⁴¹ The family of Victor White III brought a civil suit against former Sheriff Louis Ackal and other deputies involved in the incident. The lawsuit was eventually settled in March 2018, but the terms of the settlement, including the award amount, was sealed.⁴² Later that year, after an unsuccessful public records request, the Advocate newspaper and television news station KATC filed a motion in federal district court to unseal the agreement, but the court denied the motion.⁴³ The news outlets appealed the decision to the Fifth Circuit Court of Appeals. The Reporters Committee for Freedom of the Press and the Brechner Center for Freedom of Information along with a media coalition of 32 other organizations all supported the appeal and filed an amicus brief with the Court of Appeal, arguing that public access to information about the settlement was supported by both the First Amendment and common law.⁴⁴ The Fifth Circuit vacated the district court’s decision and the records were unsealed.⁴⁵

On August 26, 2015, the mother of a 16-year-old boy who died by suicide in 2014 while in custody at IPJ filed suit in federal court naming multiple defendants.⁴⁶ According to the

³⁵ Forrest McBride, *DOJ Indicted Iberia Parish Sheriff for Playing Role in Assault Detainees*, KFLY.com (Mar. 10, 2016), available at <https://www.klfy.com/news/doj-indicted-iberia-parish-sheriff-for-playing-role-in-assaulting-detainees/>.

³⁶ Sabrina Canfield, *Louisiana Sheriff Cleared of Racist Acts in Jail*, Courthouse News Service (Nov. 9, 2016), available at <https://www.courthousenews.com/louisiana-sheriff-cleared-of-racist-acts-in-jail/>.

³⁷ *Id.*

³⁸ Judy Bergeron, *Victor White III Death Case, Family's Crusade for Justice the Focus of Investigation Discovery Doc 'Sugartown,'* The Advocate (Aug. 5, 2018), available at https://www.theadvocate.com/acadiana/news/courts/article_164dcc26-950c-11e8-80c2-6fd5c0f6b1.html.

³⁹ *Id.*

⁴⁰ Anthony D’Alessandro, *‘Sugar Town’: Investigation Discovery Doc Explores Injustice In Handcuffed Black Youth’s Death – TCA*, Deadline (July 26, 2018), available at <https://deadline.com/2018/07/sugar-town-investigation-discovery-doc-explores-injustice-in-handcuffed-black-youths-death-tca-1202434648/>.

⁴¹ *Id.*

⁴² Luke Henkhaus, *Fifth Circuit Unseals Settlement Records in Louisiana Police-Involved Shooting Case*, Reports Committee for Freedom of the Press (Mar. 26, 2020), available at <https://www.rcfp.org/court-unseals-police-settlement/>.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Corey Vaughn, *Lawsuit for Death of Teen in Jail Goes On*, The Daily Iberian (Dec. 20, 2015), available at <https://www.prearesourcecenter.org/sites/default/files/library/Lawsuit%20for%20death%20of%20teen%20in%20jail%20goes%20on%20%20%20iberianet.com.pdf>.

complaint, the teenage boy “had a disability as defined in the Americans with Disabilities Act and the Rehabilitation Act, specifically, ADHD, depression, and suicidal ideation, and...the defendants failed to accommodate that disability, thereby discriminating against him in such a manner that he ultimately died.”⁴⁷ The boy was found dead in a solitary confinement cell in the middle of the night, and news reports reveal that he had already attempted suicide once before while being held at a juvenile detention center in Assumption Parish before his transfer to the adult jail facility.⁴⁸ Apparently, he had told IPJ personnel that he might try to commit suicide again, but the lawsuit alleges that IPJ staff never sought his medical records from the detention center nor did they ever request mental health evaluations, treatment or enhanced observation.⁴⁹

On July 21, 2021, the family of a man who died by suicide while in custody at IPJ filed a federal lawsuit, claiming jail personnel failed to provide adequate medical care.⁵⁰ According to data from facility officials and local news reports, the 25-year-old man was arrested on July 18, 2020 on a charge of failure to appear in court for nonpayment of child support and was awaiting a parole hearing.⁵¹ He hung himself three days later while he was being kept in segregated housing for Covid-19.⁵² Facility officials say he was not on suicide watch. The lawsuit, however, notes that he had “a documented history of mental illness,” and that he “displayed erratic, bizarre behavior” in the days leading up to his death.⁵³ The complaint also accused four unnamed corrections officers of housing him in “unmonitored solitary confinement with material he could use to commit suicide.”⁵⁴

An IPJ corrections officer was arrested on July 16, 2021 for having sexual contact with a woman in custody while transporting her in March.⁵⁵ According to a news report, the officer was charged with “one count each of first-degree rape and malfeasance in office after investigators determined he engaged in sexual activity with the inmate during a routine transport from the jail to a nearby facility.”⁵⁶

On August 10, 2021, several local news outlets reported that there was a Covid-19 outbreak at IPJ.⁵⁷ Reports say that all IPJ inmates were tested by the Louisiana National Guard out of precaution and in an effort to be proactive in limiting the spread of the virus, and that vaccines have been made available upon request.⁵⁸

⁴⁷ *Id.*

⁴⁸ Burgess, *supra*, note 21.

⁴⁹ *Id.*

⁵⁰ Ben Myers, *Federal Lawsuit Claims Inadequate Care Led to Iberia Parish Jail Inmate’s Suicide*, The Advocate (July 22, 2021), available at https://www.theadvocate.com/acadiana/news/crime_police/article_5629796a-eb23-11eb-9d26-ef65529176d0.html.

⁵¹ Dwayne Fatherree, *Lawsuit Filed Over Inmate’s Death in Jail*, The Daily Iberian (July 30, 2021), available at https://www.iberianet.com/news/lawsuit-filed-over-inmate-s-death-in-jail/article_0753658a-f113-11eb-91f0-83a7e3744b15.html.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Dwayne Fatherree, *Iberia Parish Jail Corrections Officer Charged with Rape of Prisoner*, The Daily Iberian (July 16, 2021), available at https://www.iberianet.com/breaking_news/iberia-parish-jail-corrections-officer-charged-with-rape-of-prisoner/article_49e27268-e66b-11eb-9f80-efb34262e32e.html.

⁵⁶ *Id.*

⁵⁷ Dionne Johnson, *COVID Outbreak Happening at the Iberia Parish Jail, Sheriff’s Office Says*, KFLY.com (Aug. 10, 2021), available at <https://www.klfy.com/iberia-parish/covid-outbreak-happening-at-the-iberia-parish-jail-sheriffs-office-says/>.

⁵⁸ *Id.*