

To: Professor Armstrong
From: Chloe Hart
Date: December 7, 2021
RE: "Better Know a Jail" Memo – Lafayette Parish Correctional Center

Jail Characteristics and Sheriff History:

The website for the Lafayette Parish Correctional Center (LPCC) (formerly Lafayette Parish Correctional Facility) is <https://www.lafayettesheriff.com/site454.php>. LPCC is located at 916 Lafayette Street, Lafayette, Louisiana, 70501.¹ The Warden is Paula Smith.² Beneath her are Correctional Center Captains Jared Yashar, Shaquella Lemelle, and Kenny Benoit.³

The Sheriff for Lafayette Parish is Mark Garber.⁴ Mr. Garber assumed office in 2016.⁵ He received a Bachelor's Degree from Louisiana State University where he majored in Criminal Justice, with a minor in Psychology and Sociology.⁶ Mr. Garber also received a Juris Doctor from Southern Methodist University School of Law.⁷ Mr. Garber has various obtained various law enforcement training from the Texas Commission on Law Enforcement, Louisiana State Police Academy, Louisiana State University Basic Law Enforcement Academy, United States Secret Service Special Agent Training Course, Louisiana Department of Wildlife and Fisheries, and the Federal Law Enforcement Training Center.⁸

Lafayette Parish Correctional Center "processes approximately 12,000 arrestees each year, providing the city and other local municipalities with booking, identification and inmate housing services."⁹ According to the Lafayette Parish Sheriff website, LPCC's bed capacity is rated at 814.¹⁰ As of 2005, the site claims, the average number of inmates housed at LPCC was 770.¹¹ LPCC "houses a full-service kitchen, laundry facilities, GED services, job-seeking education, counseling services, religious services, recreation, social visiting, commissary, library, and mail distribution."¹² LPCC also facilitates many work crews that service the Lafayette Parish area.¹³

Deaths since 2014:

¹ Lafayette Parish Sheriff Website, Facilities: Lafayette Parish Correctional Center, <https://www.lafayettesheriff.com/site454.php> (last accessed December 7, 2021).

² Id.

³ Id.

⁴ Louisiana Sheriffs' Association Website, Lafayette Parish: Sheriff Mark Garber, <https://www.lsa.org/lafayette-parish> (last accessed December 7, 2021).

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Lafayette Parish Sheriff Website, Facilities: Lafayette Parish Correctional Center, <https://www.lafayettesheriff.com/site454.php> (last accessed December 7, 2021).

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

Lafayette Parish Correctional Center has had inmate deaths nearly each year since 2014.¹⁴ In 2014, there were two deaths. In 2015, two deaths. In 2016, one death. There were no deaths in 2017 and in 2018, there were two deaths. In 2019, there were zero deaths. As part of my public records request to LPCC, I requested records for 2020 and 2021. I was provided with the names of four individuals who died in 2020. At the time of the request, Ms. Juliet Stern stated that the 2021 data was not yet available. All individuals who died in 2020 were male.¹⁵ Three of the men were Black and the other male was Hispanic.¹⁶ Three of the deaths were recorded as having “natural” manners of death, including stroke, peritonitis due to a ruptured small intestine with a root cause of diabetic ketoacidosis, and complications of congestive heart failure.¹⁷ The other death was classified as “suicide”, which was asphyxia by plastic bag.¹⁸ The deaths in 2020 reflect the same pattern as the previous years, with deaths being classified as “suicide” or “medical.”¹⁹ In the years 2014, 2015, and 2018, there were also deaths of white males.²⁰ All of those deaths were classified as suicide or intent to commit suicide, with the exception of one inmate which was heart disease.²¹

Budget and Administrative Information:

The Lafayette Consolidated Government released the Adopted Operating and Five-Year Capital Improvement Budget for Fiscal Year 2021-2022 to the public on November 15, 2021.²² For Fiscal Year 21-22, the adopted budget for the Adult Correctional Center is \$5,534,152.²³ For the previous Fiscal Year (20-21), the budget was \$9,424,556. That is a decrease of 41.28 percent from the current to adopted budget.²⁴ The decreases can be felt in telecommunications, contractual services, and insurance premiums for doctor’s professional liability.²⁵

On December 1, 2021, KLFY News reported that the Lafayette Parish Council approved \$750,000 to purchase land for a new jail.²⁶ The \$750,000 will be moved from the Courthouse Complex fund in the budget to the Correctional Center fund.²⁷ The report states that parish officials say the current jail is falling apart and around \$2 million has been spent on jail repairs in

¹⁴ Incarceration Transparency Website, Lafayette Parish: Lafayette Parish Correctional Facility, https://www.incarcerationtransparency.org/?page_id=302 (last accessed December 7, 2021).

¹⁵ Spreadsheet provided by Ms. Juliet Stern, 2020 Deaths at Lafayette Parish Correctional Center, located in Google Drive.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Incarceration Transparency Website, Lafayette Parish: Lafayette Parish Correctional Facility, https://www.incarcerationtransparency.org/?page_id=302 (last accessed December 7, 2021).

²⁰ Id.

²¹ Id.

²² Lafayette Consolidated Government, Fiscal Year 2021-2022 Adopted Operating & Five-Year Capital Improvement Budget, pg. 123, https://www.lafayette-la.gov/docs/default-source/finance-management-documents/budget-files/2021-2022-adopted-budget.pdf?sfvrsn=e840139_2.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Mark Rigsby, “Lafayette Parish Council approves \$750K to buy land for new jail”, <https://www.klfy.com/lafayette-parish/lafayette-parish-council-approves-750k-to-buy-land-for-new-jail/> (last updated December 1, 2021).

²⁷ Id.

the last two years.²⁸ The Agenda from the Regular Meeting of the Lafayette Parish Council reflects the report, listing PO-067-2021, the ordinance reflecting the \$750,000 amendment to the operating and capital budget as an “ordinance for final adoption.”²⁹

In October 2019, Sheriff Mark Garber filed suit against Lafayette Consolidated Government. Sheriff Garber sued for additional money for programs at LPCC after the Lafayette City-Parish Council “denied a request for \$1.75 million a year to pay for 35 positions at the Lafayette Parish Correctional Center currently being funded by LPSO.”³⁰ Sheriff Garber stated that the Lafayette Sheriff’s Office paid almost \$13 million in annual costs at the LPCC for inmate treatment, transportation, and medical costs.³¹ The City-Parish lawyers claim that if they were to adopt the sheriff’s figure, the Courthouse Complex Fund would be depleted in “less than three years (and likely much sooner due to exorbitant costs in recent years being paid by the parish to house its inmates at out-of-parish facilities).”³²

Accreditations and Audits:

According to what can be found on the internet, Lafayette Parish Correctional Center is accredited by several commissions. A press release from April 2014 celebrated LPCC’s accreditation by the National Commission on Correctional Health Care (NCCHC).³³ The certificate expressed that LPCC met all the “requirements of accreditation under NCCHC’s Standard for Health Services.”³⁴ I went to the NCCHC website to try to confirm that LPCC is still accredited. I was hoping to find an annual publication with a list of accredited facilities. On the FAQ page of the NCCHC website, it states “[b]y policy, NCCHC does not release such lists, nor can it respond to inquiries as to whether a given facility is accredited.”³⁵ LPCC also was recently reaccredited by the American Correctional Association (ACA). A news article published in January 2019 states that following the audit conducted by ACA, “LPCC was found to be in compliance with 100 percent of mandatory standards and 98.7 percent of the non-mandatory expected practices ACA evaluates.”³⁶ The articles states that LPCC has maintained accreditation since 1988 and is one of 167 facilities nationwide to be ACA accredited.³⁷ I was able to confirm on the ACA website that LPCC is still accredited by ACA today.³⁸

²⁸ Id.

²⁹ Lafayette Consolidated Government, Regular Meeting Lafayette Parish Council – December 1, 2021, pg. 2, <https://www.lafayettela.gov/docs/default-source/council-documents/council-agenda.pdf>.

³⁰ Andrew Capps, “Lafayette government responds to sheriff’s suit, claims parish obligations limited by money”, The Daily Advertiser, <https://www.theadvertiser.com/story/news/local/2019/11/18/lafayette-city-parish-says-obligations-to-sheriff-limited-by-available-money/4206424002/> (published November 18, 2019).

³¹ Id.

³² Id.

³³ Lafayette Parish Sheriff Website, Press Releases: NCCHC Awards Correctional Center Accreditation, <https://www.lafayettesheriff.com/site.php.pageID=330&mode=display&id=508> (last updated April 7, 2014).

³⁴ Id.

³⁵ National Commission on Correctional health Care, General FAQs, <https://www.ncchc.org/general-faqs> (last accessed December 7, 2021).

³⁶ KATC News, “LPCC granted accreditation again”, <https://www.katc.com/news/around-acadiana/lafayette-parish/2019/01/23/lpcc-grated-accreditation-again/> (last updated January 23, 2019).

³⁷ Id.

³⁸ American Correctional Association, Accredited Facilities Directory, https://aca.org/ACA/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO (last accessed December 7, 2021).

I checked the U.S. Department of Justice Office of the Inspector General website for audits of the Correctional Center. I ran a search for the entire State of Louisiana. There were only three audits reflected in the search and those were for programs in Baton Rouge, Alexandria, and Houma.³⁹ No audits could be found for LPCC.⁴⁰ The Lafayette Parish Sheriff's Website reflects a zero-tolerance policy for "all forms of sexual abuse and sexual harassment within any Lafayette Parish Sheriff's Office facility."⁴¹ The website describes PREA and how inmates can report sexual abuse or assault.⁴² Located on the testimonials page on the National PREA Resource Center website is a statement from Ms. Juliet Stern, the Accreditation Sergeant for the Lafayette Parish Sheriff's Office and a certified PREA Auditor.⁴³ In her statement she says that the PREA audit gave them "direct insight into some areas in our facility that needed special attention or might require our staff to receive additional training" and their goal is to move forward and "become 100% PREA compliant."⁴⁴ Results of PREA audits cannot be located on their website.

I ran an Audit Report search on the Louisiana Legislative Auditor website and found no results for LPCC.⁴⁵

Evidence of Transparency in the Facility:

On the Lafayette Parish Sheriff website, under the "Corrections" tab, there is a Daily Arrest Report. The arrests for each day are included in the report. For each individual, the report lists the arrest date and time, address, charges, arresting agency, cause for arrest, property, associates, and incident number.⁴⁶ Also under the "Corrections" tab is a link to the JADES (Jail Active Data Environment Systems) which "provides public information on persons currently incarcerated at the Lafayette Parish Correctional Center, persons arrested within the past 48 hours and booked into the Lafayette Parish Sheriff's Office records management system."⁴⁷ As of December 7, 2021, the JADES system provides that 2810 arrests have occurred this year.⁴⁸ Once in the JADES system, you can search for an incarcerated individual by name, year of birth, and CCN. In addition, you can select the headings "View All Incarcerated", "Recent Bookings",

³⁹ U.S. Department of Justice Office of the Inspector General, Reports Search Results, https://oig.justice.gov/reports?keys=&field_publication_date_value=&field_publication_date_value_1=&field_doj_component_target_id=All&field_report_type_target_id=All&field_location_country_code=All&field_location_administrative_area%5B%5D=LA&sort_by=field_publication_date_value&sort_order=DESC&items_per_page=250 (last accessed December 7, 2021).

⁴⁰ Id.

⁴¹ Lafayette Parish Sheriff Website, Corrections: PREA, <https://www.lafayettesheriff.com/site514.php> (last accessed December 7, 2021).

⁴² Id.

⁴³ National PREA Resource Center, Testimonials, <https://www.prearesourcecenter.org/node/4074> (last accessed December 7, 2021).

⁴⁴ Id.

⁴⁵ Louisiana Legislative Auditor, Audit Reports: By Parish, <https://www.la.gov/reports-data/audit/parish-audit/index.shtml?key=1#Lafayette> (last accessed December 7, 2021).

⁴⁶ Lafayette Parish Sheriff Website, Corrections: Daily Arrest Report, <https://www.lafayettesheriff.com/site393.php> (last accessed December 7, 2021).

⁴⁷ Lafayette Parish Sheriff Website, Corrections: Arrest/Incarceration/Active Warrants/Awaiting Trial, <https://www.lafayettesheriff.com/site306.php> (last accessed December 7, 2021).

⁴⁸ Lafayette Parish Sheriff, JADES Live Database, <http://jades.lafayettesheriff.com:8888/index.php?nav=psearch> (last accessed December 7, 2021).

and “View Awaiting Trial” to guide your search.⁴⁹ Once on the “View All Incarcerated” page, there is a giant list of incarcerated individuals, alphabetically sorted by last name.⁵⁰ There is nowhere to run a report or download a spreadsheet containing the data shown on this page; however, at a glance, the population seems to be comprised of mostly men of all various races.

I did not find any reports by advocacy groups on the condition of Lafayette Parish Correctional Center; however, in addition to the availability of information of incarcerated individuals, the Lafayette Parish Sheriff’s website has a page under “Community” titled “New Articles” which compiles all the news released by the Sheriff’s office.⁵¹ Notices of Public Meetings, Wanted Individuals, COVID protocols, and more can be found in this feed.⁵²

Reflecting on my filing and receiving of public records requests for Lafayette Parish Correctional Center, I had a pleasant experience working with Ms. Juliet Stern. At the beginning of the semester, I reached out to Ms. Stern to make sure that she was the point of contact for a records request. Initially, my request to Ms. Stern was too narrow and she claimed she did not have records responsive to my request. We worked together to clarify what I was seeking via the request, and I discovered that the facility is no longer submitting their information to Bureau of Justice or Bureau of Justice Assistance because those agencies have not requested the information from the facility.⁵³ However, Ms. Stern was able to provide me with a copy of the death data as kept by the Accreditation Office.⁵⁴ The spreadsheet sent to me by Ms. Stern contains the data that would be reflected in a CJ-9.

Issues within LPCC:

On January 10, 2018, the case *Bossier v. Garber* was decided in the Third Circuit Court of Appeal of Louisiana.⁵⁵ *Bossier* sued Mark Garber, “alleging he was injured when he slipped and fell in his jail cell while incarcerated at the Lafayette Parish Correctional Center” and that he fell “as a result of water running freely from the nearby showers into [his] cell.”⁵⁶ The handbook provided by LPCC to inmates contained procedures for filing grievances. Mr. *Bossier* was never given the revised handbook from 2015.⁵⁷ He only had the copy from 2021 when he arrived at LPCC. Mr. *Bossier* asserted that the handbook does not “provide any administrative procedure for filing a complaint regarding personal injury.”⁵⁸ Garber and the defendants claim that the handbook does have language which covers those complaints and would require the plaintiff to pursue his administrative remedy under state laws.⁵⁹ The defendants filed an “exception of prematurity and prescription asserting Plaintiff filed to timely exhaust his

⁴⁹ Id.

⁵⁰ Id.

⁵¹ Lafayette Parish Sheriff Website, Community: News and Recognition, <https://www.lafayettesheriff.com/site.php.pageID=330&pubdate=2021> (last accessed December 7, 2021).

⁵² Id.

⁵³ Phone call with Ms. Juliet Stern on September 27, 2021, reflected in PRA Log.

⁵⁴ Email from Ms. Juliet Stern on September 28, 2021, reflected in PRA Log.

⁵⁵ *Kory Bossier v. Mark Garber et al.*, Court of Appeal of Louisiana, Third Circuit, January 10, 2018, <https://caselaw.findlaw.com/la-court-of-appeal/1890660.html>.

⁵⁶ Id.

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id.

administrative remedy before filing suit” and the trial court granted this exception.⁶⁰ At the appellate level, the court held that “the [h]andbook, as presented here, is silent regarding any administrative process by which an inmate may notify LPCC of a negligent injury tort claim and [d]efendants point us to no other provision in its [h]andbook.”⁶¹ The court reversed the judgment of the trial court and remanded it for further proceedings.⁶²

In November 2020, Lafayette Police Department officer Pablo Estrada was caught on surveillance footage assaulting an inmate.⁶³ Dennis Lazard was arrested on November 28 and was taken to Lafayette Parish Correctional Center.⁶⁴ The video footage shows that Estrada entered a room which contained Lazard, who was in handcuffs. Estrada told Lazard to sit on a bench; however, Lazard walked to the bench but did not sit.⁶⁵ Estrada approached Lazard and Lazard stepped backward.⁶⁶ Estrada went to a nearby desk and Lazard stepped toward him.⁶⁷ Estrada pushed Lazard and punched him in the stomach.⁶⁸ In February of 2021, Estrada was fired from the police department.⁶⁹ The Advocate reports that Estrada has appealed his termination to the Lafayette Municipal Fire and Police Civil Service Board.⁷⁰ He was granted a hearing, but the hearing was postponed because there was a pending case with the district attorney’s office.⁷¹

⁶⁰ Id.

⁶¹ Kory Bossier v. Mark Garber et al., Court of Appeal of Louisiana, Third Circuit, January 10, 2018, <https://caselaw.findlaw.com/la-court-of-appeal/1890660.html>.

⁶² Id.

⁶³ Katie Gagliano, “Hearing pushed back for fired Lafayette officer after attorney says case pending at DA’s office, The Acadiana Advocate, https://www.theadvocate.com/acadiana/news/crime_police/article_4db118f4-e4c2-11eb-ab3f-df11d4e31f57.html (last updated July 14, 2021).

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ Katie Gagliano, “Hearing pushed back for fired Lafayette officer after attorney says case pending at DA’s office, The Acadiana Advocate, https://www.theadvocate.com/acadiana/news/crime_police/article_4db118f4-e4c2-11eb-ab3f-df11d4e31f57.html (last updated July 14, 2021).

⁷⁰ Id.

⁷¹ Id.