

**East Baton Rouge Parish Prison  
&  
Work Transition Program**

Ashlii Dyer  
November 26, 2019  
Prof. Armstrong &  
Prof. Navalance  
Constitutional Law Seminar:  
Incarceration  
Jail Memo

## MEMORANDUM

TO: Prof. Armstrong & Prof. Navalance  
FROM: Ashlii Dyer  
DATE: November 26, 2019  
RE: East Baton Rouge Jail Memo

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### Number of Deaths Since 2014<sup>1</sup>

East Baton Rouge Parish Prison (EBRPP) and Transitional Work Release Program (TWRP), which lay on a single compound, according to the data collected by the class this semester, is on the upper echelons of being one of the deadliest prisons in Louisiana. It has been said that EBRPP incarcerates more people than Orleans and Lafayette, right behind Caddo.<sup>2</sup> Back in August 2019, information was requested via the Public Records Act for all the deaths in custody for the facilities. The PRA was facilitated by ErlingsonBanks, a local law firm in Baton Rouge that handles all the requests for government facilities in the area.

The CJ-9's (which are a Mortality in Correctional Institutions, Annual Summary) provided by the parish prison showed twenty-nine deaths overall for East Baton Rouge Parish Prison and Transitional Work Release Program (formerly Work Release Facility) since 2014. At the height of these years was 2016 with eight deaths. The information provided showed that the most common causes of death that occurred were drug-related overdoses/illness, and suicides by hanging. A great majority of the causes of death were redacted, however, because they were related to a pre-existing condition of the inmate. ErlingsonBanks believed this information would have given too much personal medical information about the inmate.

The majority of these deaths that occurred happened while the prisoner was either Pre-Trial or Unconvicted. Some of the inmates had been in prison as long as 667 days and as little as 3 days before their deaths; as young as 17 years old, and as old as 73 at the time of their death. Additionally, many of the deaths occurred either in an infirmary inside the detention center or in a hospital outside the detention center.<sup>3</sup>

### Jail Characteristics

East Baton Rouge Parish Prison and Transitional Work Release Program, as it is now referred, sits on the property of the address: 2567 General Isaac Smith Avenue, Baton Rouge, LA

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<sup>1</sup> The following information is related to data gathered through the semester-long PRA request project compiled in Fall 2019, unless otherwise noted.

<sup>2</sup> Grace Toohey, *East Baton Rouge Parish jails people at higher rates than New Orleans and Lafayette: Here's why*, The Advocate, Sept. 14, 2019, [https://www.theadvocate.com/baton\\_rouge/news/courts/article\\_aa68a582-c45b-11e9-8439-a7110c42fa80.html](https://www.theadvocate.com/baton_rouge/news/courts/article_aa68a582-c45b-11e9-8439-a7110c42fa80.html).

<sup>3</sup> All this information is additionally from the CJ-9 information collected through the PRA request.

70807. The prison shares the grounds with Fleet Operations, an Evidence Building, and the Capital Area Regional Training Academy (CARTA).<sup>4</sup> The facility houses over 1500 inmates, roughly 1400 males, and 200 females.<sup>5</sup> With a recommended 1550 person capacity that far exceeds where it should be.<sup>6</sup> Overall, more than 12-15,000 people cycle through the prison every year. With a total population in the parish of around 412,500, that is a rate of about 381 persons per 100,000 residents.<sup>7</sup>

With the data available showed minimal information about the demographics of the facility, but in the years where the information was included, the majority of the inmates were Black, followed by White, and then Hispanic. The year 2015 had the most information provided for all the years, and this particular year there were over 18,000 people admitted to the facilities throughout the year, over 14,000 of those persons being male. At any given time there could be inmate holds for U.S. Marshals Service, holds for other jail jurisdictions, and state and federal prison holds. It did not seem that these facilities were used to house any ICE detainees.

The current leadership of the prison is overseen by Sheriff Sid J. Gautreaux, III. He has been serving as Sheriff of EBR Parish since 2007.<sup>8</sup> Sheriff Gautreaux has been in civil service since 1980 and had received many accolades and educational awards.<sup>9</sup> He has and does serve on the board of many civilian organizations, and additionally is President of the Louisiana Sheriff's Association.<sup>10</sup>

Overseeing the grounds of the prison is Warden Lieutenant Colonel Dennis Grimes who joined East Baton Rouge Sheriff's Office in 2008.<sup>11</sup> Warden Grimes has over thirty-four years of experience in the corrections field. Assistant Warden Major Catherine Fontenot has been at EBRP since 2018 and has over twenty-seven years of experience in corrections.<sup>12</sup> Chief of Security Captain Johnny Scott has been with EBRP since 2016 and has over twenty-seven years of experience in the field.<sup>13</sup> There are also roughly 350 deputies employed at the prison at any given time.<sup>14</sup>

The prison's budget for 2019 was requested to be around \$10,412,200; but they were proposed to get around \$8,876,060, which is \$10 less than the year before.<sup>15</sup> Far below what the facility is requesting to maintain the needs of the inmates and the facility. The final budget has not yet been posted for this year.

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<sup>4</sup> La. Dept. of Public Safety & Corrections, *East Baton Rouge Prison*, [https://doc.louisiana.gov/location/east\\_baton\\_rouge/](https://doc.louisiana.gov/location/east_baton_rouge/).

<sup>5</sup> Parish Prison, East Baton Rouge Sheriff's Office, <https://www.ebrso.org/WHO-WE-ARE/Divisions/Parish-Prison> (last visited Nov. 26, 2019).

<sup>6</sup> Toohey, *supra* note 2.

<sup>7</sup> *Id.*

<sup>8</sup> La. Dep't of Public Safety & Corrections, *Sheriff Sid J. Gautreaux, III*, <https://www.ebrso.org/SHERIFF>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> La. Dep't of Public Safety & Corrections, *supra* note 4.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> City of Baton Rouge, Annual Operating Budget 91, <https://www.brla.gov/DocumentCenter/View/6177/Proposed-2019-Annual-Operating-Budget-PDF> (2019).

## Evidence of Oversight

The Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE) is a commission headed by Governor John Bel Edwards, Sheriff Sid Gautreaux, and Jim Craft to “promote public safety by providing progressive leadership and coordination within the criminal justice community.”<sup>16</sup> This commission often releases reports on the status of the carceral facilities around the State of Louisiana, along with other budget information for the criminal justice system throughout Louisiana.<sup>17</sup> The reports entail information about the status of corrections facilities around the state;<sup>18</sup> discussing all the different programs and initiatives that East Baton Rouge has implemented in their facilities.<sup>19</sup> These public briefings seem to offer a fair amount of detail on the statistics and numbers involved with prison operations.

There are no official accreditations for EBRPP and TWRP even though that many others in Louisiana and the general area do have accreditation, including but not limited to, many of the state corrections facilities.<sup>20</sup> The Louisiana Department of Corrections reported in 2017 that they use an intranet called CAJUN (Criminal and Justice Unified Network) to monitor all the information in their systems.<sup>21</sup> Louisiana tried to implement a newer, more efficient system, and it was rejected.<sup>22</sup> The Louisiana Legislative Auditors use this system as part of the checks and balances within the state prison system.<sup>23</sup> The sheriff’s office has also used private accounting firms to audit their budgets in the past.<sup>24</sup>

Looking through the Metro Council calendar led to no official dates of any prison-related meetings in the last year, but the Council does have a meeting at the Sheriff’s Headquarters every month.<sup>25</sup> There was not much more detail.<sup>26</sup> However, the Promise of Justice Initiative did have a meeting with the Metro Council, September 2018 regarding the number of deaths

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<sup>16</sup> La. Comm’n on Law Enforcement and Admin. of Crim. Just., *Our Mission Statement*, <http://lcle.la.gov/index.asp>

<sup>17</sup> <http://lcle.la.gov/index.asp> (2019).

<sup>18</sup> La. Comm’n on Law Enforcement and Admin. Of Crim. Just., 2017 Status of State and Local Corrections Facilities and Program Report, [http://lcle.la.gov/programs/uploads/2017\\_Status\\_of\\_State\\_and\\_Local\\_Corrections\\_Facilities\\_and\\_Program\\_Report.pdf](http://lcle.la.gov/programs/uploads/2017_Status_of_State_and_Local_Corrections_Facilities_and_Program_Report.pdf) (2018).

<sup>19</sup> *Id.*

<sup>20</sup> American Correctional Association, *Accredited Facilities*, [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_and\\_Accreditation/SAC\\_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO) (last visited Nov. 26, 2019).

<sup>21</sup> La. Leg. Auditors, Management of Offender Data: Processes of Ensuring Data 1, [https://app.la.state.la.us/PublicReports.nsf/1284612EDBDB25E5862581C40056189F/\\$FILE/0001674C.pdf](https://app.la.state.la.us/PublicReports.nsf/1284612EDBDB25E5862581C40056189F/$FILE/0001674C.pdf) (last visited Nov. 26, 2019).

<sup>22</sup> R. Bailey, Louisiana’s Rejection of \$3.5 Million Prison Tracking Software, Dec. 5, 2018, <https://www.prisonlegalnews.org/news/2018/dec/5/louisianas-rejection-35-million-prison-tracking-software-be-reconsidered/>.

<sup>23</sup> La. Comm’n on Law Enforcement and Admin. of Crim. Just., *supra* note 16, at 6.

<sup>24</sup> East Baton Rouge Parish Sheriff, *Financial Report 1*, June 30, 2016, [https://www.la.la.gov/PublicReports.nsf/FA0924D668339916862580CE005C9652/\\$FILE/00012656.pdf](https://www.la.la.gov/PublicReports.nsf/FA0924D668339916862580CE005C9652/$FILE/00012656.pdf) (last visited Nov. 26, 2019).

<sup>25</sup> City of Baton Rouge, *Calendar*, November 20, 2019, <https://www.brla.gov/Calendar.aspx?EID=1446&month=11&year=2019&day=20&calType=0> (last visited Nov. 26, 2019).

<sup>26</sup> *Id.*

happening inside ERBP.<sup>27</sup> Although the conversation of the pitfalls of the EBRPP facilities seems to be a common occurrence in the local news it does not seem like all that much is happening to swiftly solve the problem. This is the opposite of what the leaders of the prison say that hope to see in the criminal justice system -- rehabilitation and reform.<sup>28</sup>

In the last five years, there have been about four cases filing injunctions against the prison.<sup>29</sup> The majority of the issues in these cases seemed to be related to deliberate indifference to the medical care needed by the inmates.<sup>30</sup> The two most notable cases dealt with the lack of dental care needed by inmates for impacted wisdom teeth with infections<sup>31</sup> and another with broken and abscessed teeth.<sup>32</sup> The details regarding these complaints to be discussed further.

While there is no blatant evidence of oversight it seems there is much to be desired for the steps the prison is taking regarding its overall transparency.

### Evidence of Transparency

The Louisiana Department of Public Safety seems to do a pretty thorough job of transparency when it comes to the state prisons,<sup>33</sup> however, when it comes to the more localized prisons and jails like EBRPP, they leave it to the city. Parish prisons are nowhere to be seen on those reports, and typically news outlets are the ones who expose the incidents that occur inside EBRPP.<sup>34</sup>

East Baton Rouge Sheriff's Office posts an annual report that allows the public to see the successes of the sheriff's office.<sup>35</sup> In all reality, it seems to sugarcoat all the things that are not being done, and gives off the impression of propaganda for the successes sheriff's office is trying to sell.

There is an inmate list on the EBRSO website that allows a person to look up an inmate, determine their charge, and other basic public information.<sup>36</sup> East Baton Rouge Sheriff's Office also released minutes about the information covered in the monthly meetings, and are posted to

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<sup>27</sup> WAFB Staff, *Rally held to address concerns over unreported deaths in East Baton Rouge Parish ; sheriff's office issues response*, WAFB9, Sept. 25, 2019, <https://www.wafb.com/2019/09/25/rally-address-concerns-over-unreported-deaths-east-baton-rouge-parish/>, see also Tisia Muzinga, *Metro Council Meeting holds Public Hearing On Prison Death Rate*, BRProud.com, Sept. 27, 2018, <https://www.brproud.com/news/local-news/metro-council-holds-public-hearing-on-states-rising-prison-death-rate/>.

<sup>28</sup> East Baton Rouge Sheriff's Office, *supra* note 5.

<sup>29</sup> *Bailey v. E. Baton Rouge Parish Prison*, 2015 WL 4937133 at \*2 (M.D.La. 10/12/16).

<sup>30</sup> *Bailey v. E. Baton Rouge Parish Prison*, 2015 WL 4937133 at \*2 (M.D.La. 10/12/16).

<sup>31</sup> *Burns v. E. Baton Rouge Parish Prison Emergency Med. Servs.*, 2015 WL 7313396 at \*1 (M.D.La. 11/19/15).

<sup>32</sup> *Bailey v. E. Baton Rouge Parish Prison*, 2015 WL 4937133 at \*2 (M.D.La. 10/12/16).

<sup>33</sup> La. Public Safety & Corrections, *Master Plan: Where Are We Going: A Report to the State*, August 2003, [https://s32082.pcdn.co/wp-content/uploads/2019/08/dps\\_20master\\_20plan\\_208-2003.pdf](https://s32082.pcdn.co/wp-content/uploads/2019/08/dps_20master_20plan_208-2003.pdf).

<sup>34</sup> Teresa Mathew, *More Than 40 People Have Died in the East Baton Rouge Jail. Will Voters Oust the Sheriff?*, Oct. 9, 2019, <https://theappeal.org/more-than-40-people-have-died-in-custody-of-the-east-baton-rouge-jail-will-voters-send-the-sheriff-packing/>.

<sup>35</sup> East Baton Rouge Sheriff's Office, 2018 Annual Report, <https://www.ebrso.org/Portals/0/2018annualreport.pdf> (last visited Nov. 26, 2019)..

<sup>36</sup> East Baton Rouge Sheriff's Office, *Prison Inmate List*, <https://www.ebrso.org/Parish-Prison-Inmate-List/PrisonInmateListApp> (last visited Nov. 26, 2019).

the website but they are vague.<sup>37</sup> There are several other options to gain public information about the prison located in the Public Tools section of the website.<sup>38</sup> While it does take some knowledge or savvy to search for the right information, it is possible to gain a fair amount of detailed information, if one knows where to look.

Several organizations are working for the reformation of the prison in and around the city. The Promise of Justice Initiative granted money to the East Baton Rouge Parish Prison Reform Coalition back in December of 2018, to help the fight for a smaller, safer facility.<sup>39</sup> EBRPPRC has meetings throughout the year on various topics in order to educate the community about the needs of the organization.<sup>40</sup> The Promise of Justice Initiative had additionally teamed up with the Fair Fight Initiative, an organization dedicated to the exposure of the brokenness in criminal system, to unearth the inhumane conditions inside EBRPP.<sup>41</sup> Even as recently as October of 2019, The Advocate, a local news source reported on how antiquated the prison and criminal justice system in Baton Rouge is, and how desperately reform needs to happen.<sup>42</sup> More than 40 prisoners have died in EBRPP since 2012, and many people are working to expose the reality behind why this is one of the deadliest prisons in the state.<sup>43</sup>

### Public Records Request Experience

When filing Public Records Act requests, there was not any memorable amount of pushback. As previously stated, once the requests found the right person (who's job is designated for satisfying these requests) the process went fairly smoothly. It was quite surprising.

Once the requests were forwarded to ErlingsonBanks, there were the typical bureaucratic processes these sorts of requests through the system, but overall the experience was relatively easy, which was surprising. The request was handled with professionalism, and there were no issues to speak of. It likely pays to have attorneys handling this sort of request, to ensure the proper level of care and transparency.

When the request was finalized and mailed, there were little to no redactions made, and when asked for a reason why there were any at all, the attorney insisted on respecting the privacy of the inmate's medical history (likely about HIPAA). The prison wanted to leave out any details that might lead one to know what the inmate's prior conditions may have been and there were

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<sup>37</sup> East Baton Rouge Sheriff's Office, *EBRSO Public Notices*, <https://www.ebrso.org/PUBLIC-TOOLS/PublicNotices> (last visited Nov. 26, 2019).

<sup>38</sup> East Baton Rouge Sheriff's Office, *Public Tools and Resources*, <https://www.ebrso.org/PUBLIC-TOOLS> (last visited Nov. 26, 2019).

<sup>39</sup> Open Philanthropy Project, *Promise of Justice Initiative -- East Baton Rouge Parish Prison Reform Coalition (2018)*, <https://www.openphilanthropy.org/focus/us-policy/criminal-justice-reform/promise-justice-initiative-east-baton-rouge-parish-prison-reform-coalition> (last visited Nov. 26, 2019).

<sup>40</sup> East Baton Rouge Prison Reform Coalition, Facebook, [https://www.facebook.com/pg/EBRPPRC/events/?ref=page\\_internal](https://www.facebook.com/pg/EBRPPRC/events/?ref=page_internal) (last visited Nov. 26, 2019).

<sup>41</sup> Promise of Justice Initiative, *East Baton Rouge Parish Prison Project*, <https://promiseofjustice.org/major-projects/east-baton-rouge-parish-prison-project/> (last visited Nov. 26, 2019).

<sup>42</sup> Lea Skene, *Prison reform advocates tackle Baton Rouge's 'broken' bail system, call for changes*, The Advocate, Oct. 28, 2019, [https://www.theadvocate.com/baton\\_rouge/news/courts/article\\_8c6a5aae-f9d4-11e9-9e57-77b99bfc5b65.html](https://www.theadvocate.com/baton_rouge/news/courts/article_8c6a5aae-f9d4-11e9-9e57-77b99bfc5b65.html).

<sup>43</sup> Mathew, *supra* note 34.

also situations where the cause of death could not be determined. Overall, the experience was effective and handled well.

### Recent Cases

There have been several recent cases involving East Baton Rouge Parish Prison. The two mentioned above were both suits for injunctions to receive the necessary dental work that was withheld from them while at EBRPP. Both were unsuccessful.<sup>44</sup> There have additionally been several other prominent wrongful death cases regard deaths-in-custody at EBRPP in the past few years.<sup>45</sup> One particular lawsuit that has caught the attention of the media, is the suit of Dolores Zadikian regarding the failing mental health care and overall deficient medical care inside EBRPP that lead to her brother's suicide.<sup>46</sup> The local judge approved to suit to move against the city, parish government, sheriff, and warden of the prison.<sup>47</sup> Studies have shown that EBRPP is 2.5 times the national average for deaths in custody, making it one of the deadliest in America.<sup>48</sup> The Promise of Justice Initiative along with other community organizations have made it a priority to investigate, diagnose, and help solve the troubling issues surrounding this deadly prison.<sup>49</sup>

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<sup>44</sup> *Burns v. E. Baton Rouge Parish Prison Emergency Med. Servs.*, 2015 WL 7313396 at \*3 (M.D.La. 11/19/15), *see also Bailey v. E. Baton Rouge Parish Prison*, 2015 WL 4937133 at \*4 (M.D.La. 10/12/16).

<sup>45</sup> Grace Toohey, *Judge: Lawsuit over suicide in Baton Rouge prison alleging inadequate care can proceed*, The Advocate, Sep. 22, 2018, [https://www.theadvocate.com/baton\\_rouge/news/courts/article\\_b5e86808-bdf3-11e8-9be2-23d22580e4bd.html](https://www.theadvocate.com/baton_rouge/news/courts/article_b5e86808-bdf3-11e8-9be2-23d22580e4bd.html).

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> The Promise of Justice Initiative et al., *Community Coalition to Form around Improving Prison Conditions in East Baton Rouge Parish Prison*, Jan. 26, 2018, <https://promiseofjustice.org/wp-content/uploads/2018/02/2018.01.26-Press-release.pdf>.