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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

March 12, 2013

Judge Lance Africk
Section I
U.S. District Court for the Eastern District of Louisiana
500 Poydras Street
New Orleans, LA 70130

Re: Lashawn Jones et al. and the United States of America
v. Marlin Gusman and the City of New Orleans
Civil Action 2:12-cv-00859

Dear Judge Africk:

The ACLU of Louisiana submits the following comments in support of the entry of a Consent Decree between the City of New Orleans and Orleans Parish Prison:

The ACLU of Louisiana ("ACLU") is the state's leading organization dedicated to defending civil liberties. With just under 1500 active members and supporters throughout the state, and about 500 in New Orleans, the ACLU has a vested interest in matters pertaining to a safe and Constitutionally operated prison in New Orleans and elsewhere in Louisiana. For many years we have monitored the conditions inside the Orleans Parish Prison ("OPP") and have long been concerned about such issues as inadequate medical care, improper classification of inmates, abuse by both guards and other inmates; unsanitary conditions; and other issues. Over the years, we have brought many of our concerns to the attention of the U.S. Department of Justice, and we welcomed the DOJ's investigation of OPP, anticipating the needed reforms it would bring.

Since 2008, our office has received 260 complaints from people who have been incarcerated at OPP on matters pertaining to the conditions of confinement. This number does not include the many complaints we receive from inmates on other issues. The subjects of these complaints include:

Unhealthy Conditions – 71

Overcrowding – 68

Legal - 65

(access to law library, attorney/client privacy, timely transportation to court, etc.).

Violence – 27

Medical Care – 23

Religious Discrimination – 5

Disability Discrimination - 1

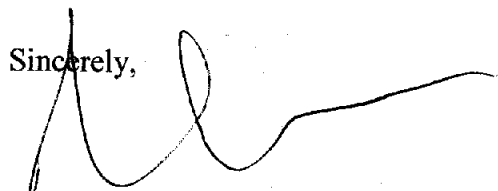
These are the incidents directly reported to the ACLU by people seeking our legal help. Not everyone with a complaint about prison contacts our office, and we have no records of situations not directly reported to us. We know of many more such incidents from media reports and from

conversations with community members and other organizations. For instance, from media reports we know that just last week an inmate died of cardiac arrest. We also know of improper supervision as demonstrated by the high number of escapes that are reported in news media. Moreover, we believe that since the pending lawsuit was filed by the Southern Poverty Law Center, additional complaints have gone to their attention and are therefore not in the ACLU's database.

Because of our longstanding concerns about Constitutional violations by some members of the NOPD, the ACLU welcomed the DOJ's investigation and has followed it closely. It is clear from information submitted directly to the ACLU and from what we know from other sources that unconstitutional conditions remain, and that the situation inside the prison is dire. The people of New Orleans are entitled to know that, should they find themselves inside Orleans Parish Prison for any reason, they will be treated within the confines of the law. For this reason we support entry of a Consent Decree to bring the Orleans Parish Prison into compliance with Constitutional requirements.

The ACLU takes no position on the specific terms of the proposed or final Consent Decree, but we urge the Court to hold those responsible for the Orleans Parish Prison accountable for the conditions inside and to ensure that those conditions will, from here forward, comport with all legal requirements.

Sincerely,



Marjorie R. Esman
Executive Director

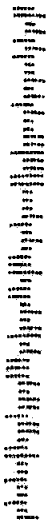


AMERICAN CIVIL LIBERTIES UNION

P.O. Box 56157
New Orleans, LA 70156



Judge Lance Africk
Section I
U.S. District Court for the Eastern District of
Louisiana
500 Poydras Street
New Orleans, LA 70130

70130937354 

March 7, 2013

Honorable Lance Affrick
Clerk
Attention Jones V. Gusman
500 Poydras
New Orleans, LA 70130

My name is Donald Chopin and I am a volunteer chaplain at Orleans Parish Prison. The inmates in OPP welcome the opportunity to express their grievances and concern to you directly in the enclosed letters.

Sincerely,


Donald Chopin

March 7, 2013

Honorable Lance Affrick
Clerk
Attn: Jones V. Gusman
500 Poydras
New Orleans, La. 70130

My name is Donald Chopin
and I am a volunteer Chaplain
at Orleans Parish Prison. The
inmate in O.P.P. welcome the
opportunity to express their
grievances and concerns to
you directly in the enclosed
letters.

Alvin Polk (9-5-80) ^{DOB} (2334615) #P:IN (CTA 2-1) Housed At.

I am concerned with how the classification & housing of inmates. They have violent offenders housed with non-violent offenders and, D.O.C. inmates housed around non-D.O.C. inmates. Also it takes 2 weeks to a month to answer a medical request.

Washington ME Paskill - 3-23-79
#2320298. Conchetta - Teir 2-1

Be advised that my finger was broken over a month ago. I went to the hospital and was told I'm still on the list to be seen again. I'm not being issued proper medication. Also I'm being charged everytime I fill out a sick call. This is medical malfeasance. I've filled out several Grievance, also Mr. Theo from Southern Poverty Law Center came to see me.

A medical bill was sent to my home address 2618 Cambridge st to Shelly Knochen but I wasn't assisted all I was given was a taped finger.

CTA

2-1

I Inmate JAMIN TOBIAS 6-18-73

Un Sanitfield with The Mold on the walls also the Medical I fill sick call with Ribs Injury I January the call me for that in MARCH 2013 NO Cleaning Supplies NO Recreation NO Nutrition or feed up

JAMIN TOBIAS

6-18-73

CTA 2-1

Antoine Frank

11/7/94

CTA 21

This jail doesnt give us any yard time.
The showers are ~~full~~ full with mold. The tables
we eat on ~~are~~ are rusty. We also do receive the
medical ~~at~~ attention like we suppose to. Cant send
mancy home to our family when they need it.

FRANK Blackburn #2340740
CTA 2-1 D.O.B 6-11-71

1 Out of 5 Toilets only 2 work sometimes, and
also the showers they work sometimes, and they
have Note over by the shower, and we stay
sick in here, and we have to eat round all
this stuff, and if a person get sick it takes
them 5 to 6 hour to come.

Frank Black
#2340740
6-11-71

Darell T. Kelley # 2349814
July 1, 1993 - CTA 2-1

I have been in jail since Feb 1, 2013
this place air condition goes out alot
they don't bring fans when a inmate
caught a seizure on March 5 and 6th
the rank/deputie Morrell was standing
outside the dorm saying what I'm
supposed to do. It's overcrowded there's
40 cell bunks with 56 inmates ~~that~~ half
of them sleep on the floor and table
they never bring us ice or water

~~Feb.~~ March 8, 2013
Darell Kelley

3/08/13

Onsen Ellis 2348272 9/11/91 CTA 2-1

The Orleans Parish jail has a lot of problems, it needs to be fixed on altogether. The way they treat you is bad, the food we eat is bad and the air we breath in ~~is~~ is not clean because the mold is all over the place...

My name is Kenshawn King 2327448 DOB 9-9-21
Year 21

I was beatin so bad by LT Ruiz Sgt Randel
Sgt. Taylor Sgt. Sullivan Sgt. Brown I was
Hospitalize and was told by a Doctor I
was suffering from post Dramatic Stress
And I was charge in nothing happin To the
individual yet

Robert Funchess

6-5-62

DATA 27

1. This place is very unsanitary.
2. The Deputies are lazy and unconcerned.
3. We don't have the personal items we need such as; toilet paper, eating utensils, blankets, mats, etc.
4. We don't get enough yard exercise.
5. Deputies don't listen to our serious demands about living conditions.

3-8-13

Darnell Demorelle
5-5-85

I'm on 2T and the live in
condition is bad they don't give
us anyin clean up supply we
dont go outside we breath in
all kind of germs that's cause
everybody to get sick and we
be lock. down 24 hours a day.

Allen Etienne #2315321

3-8-13

The mildew that grows in shower
and toilets that leaks.

JENERO SIMS #2334442 7/7/81 CTA 2-2

THE JAIL IS UNCLEAN NO CLEANING SUPPLIES
TO CLEAN TOILETS STINKS TABLES ARE RUSTY
AND THEY GOT US EATING ON THE TABLES WE CAN
GET LEAD POSION FROM THE TABLES THEY DONT
RESPOND TO US WHEN THERE'S A PROBLEMS ON
THE FIER WITH AN INMATE NEED MORE
NURSES IN THE BUILDING AT ALL TIMES
AND WE NEVER GET OUR MAIL ON TIME
IT TAKE 2 TO 3 WEEKS TO GET MAIL OR
FAMILY SEND TO US

3-8-13

CTA 2-2

1. There's a lot mold and mildew and not a enough cleaning supplies.
2. If someone is throwing up blood or passed out, it takes more than 2 hours to get medical attention.

My NAME IS NICHOLAS GROSS D.O.B 10-18-76

The ~~place~~^{place} IS VERY POOR in here and the FOOD IS
POOR to and it IS OVER CROWD in here.

Turely your NICHOLAS GROSS
Z-1 CTA.

Geoffrey Grice, #2329045, 01/20/79 Conchetta 1-2

The living conditions here in the Conchetta building of OPP have been less than adequate for as long as I've been in here. Of my 9 months I've been here in Orleans Parish Co of these months I have been housed in Conchetta.

Some of the problems have been with basic cleanliness & sanitation of the tiers. We don't receive proper cleaning supplies and when we do get them it is not on a regular basis. There is mold around the air conditioning vents as well as a lot of rust. The tier on 1-2 has not been thoroughly dusted and cleaned during my stay. The toilets & sink leak often and take a while to get fixed and never get properly fixed most of the time. The shower doesn't always have hot water and the sinks rarely produce hot water. So the smell of moldy floors by our toilets and shower is, at times, terrible. We have to beg to get a mop sometimes, but partially it's because they don't have one to give us. There is a terrible water leakage problem in our dorm. The back door and all along the wall that faces outside. Currently it has been leaking for over a week, and we still have buckets to catch water.

Also it took 2-3 weeks to get my asthma medicine. And sick calls take a long time to get answered!

March 8, 2013

My name is Charles Terrell #2310367
I'm currently being house a CTA and
I'm not getting proper medical attention

Sincerely your
Charles Terrell

2-8

C.T.A 3-2

Bowye Burke ^{P.I.D.} #2301196 ^{D.O.B.} 8/20/83 Doc #586461

- Dont go to a yard.
- black mold in showers and walls.
- mail always running late.
- rusty tables.
- 3 Phones for 54 people.
- never get respond TO a grievance forms.
- 15 minutes visit.
- Denied legal Advise help with cases.
- broken toilets and sink.
- Dont be provided with state clothes.
- NOT do any classification.

Alex W. Smith

CPA 3.2

Lack of medical attention

No cold water in cell

Mold in vents

3/12/61

215 2788

Ernest Crossland # Federal # DOC #
27501-084, 2342928 9-25-78

3-8-13

I would like to say our living conditions are poor. The tier has rust and mold growing on the vents, people come up here without a mattress, they don't call the nurse for you people get stabbed in here, we don't go on the yard, we have 54 people on the tier and they put 60 so people sleep on the floor. And I'm a federal inmate on a state tier and I suppose to be housed at a federal jail. The deputies are not helpful in anyway, they beat you when you keep asking them for a mattress and a blanket. Black mold in the shower, rusty tables. Tow cases they don't never bring to you.

Nicholas Carver DOB 9-25-86 CTA-3-2
DOC# 544316

I feel it is a hazardous environment.
There is black mold on all the vents. The
toilets are broken. We are only issued one
orange jumpsuit, mine hasn't been washed in
two weeks. We also have no access to
any law library or legal information.

I HAVE BEEN INCARCERATED IN OPP IN SEPTEMBER ²⁰¹² AND AGAIN FROM NOV 2012 UNTIL NOW. I HAVE NOT SEEN A DOCTOR IN ALL THIS TIME AND WAS DENIED AN APPOINTMENT TO THE PLASTIC SURGERY CLINIC AT LSU THAT HAD BEEN SET IN ORDER TO EVALUATE WHEN I WAS GOING TO HAVE PLATES REMOVED FROM MY JAW, WHICH WAS SHATTERED. I HAVE ALSO HAD TROUBLE GETTING MY PROPER MEDICATION AND WAS TOLD BY A NURSE THAT I WOULD HAVE TO WAIT UNTIL I GOT SOMEWHERE ELSE TO GET MY JAW TAKEN CARE OF. WE ALSO HAVE PROBLEMS IN THIS BUILDING WITH MOLD IN THE VENTILATION SYSTEM WHICH, MAKES EVERYONE SNEEZE AND HAVE SINUS TROUBLE CONSTANTLY. WE ARE ALSO DENIED REGULAR ACCESS TO RECREATION, FRESH AIR AND PROPER AND SANITARY SHAVING AND HAIRCUTTING EQUIPMENT, WHILE BEING TOLD TO STAY CLEAN SHAVEN & CLEAN CUT!

ANTHONY BRYAN
#2343341 CTA 3-2
DOB: 8-3-70

I Kevin Green fill that
the time that they response
to the greavence is to long
and if it was a shake down
or if we had to stip down to
nothen we would see someone
with no problem I feel that
medical take to long to
see us and when they do we
see us the problem is not
~~at~~ a ~~P~~roblem no more or
they give use the rong answer
or don't hisen to our problem
my bake still hurt from the light
fallen on me medical is not given
the right + treatment.

CTA 3-1
Kevin Green
7/23/79 (2278271)

Napoleon Manix 8/19/79 CTA(3-1)

In my opinion this facility is in inhumane condition as a whole. There is mold everywhere, there is rust everywhere; and ^{of} the toilets don't flush. The tier in on there is just about fifty-seven people, but there is only 3 phones a couple of inches apart. We seldomly go on the yard; and we are not given the essentials or the opportunities to deal haircuts and things of that sort. If we a DOC inmate's, we should be treated like them.

Thanks,

Napoleon Manix 

Percy Smith #2345494 CTA B-1 DOB 4/14/79
No water suspensor

DARRELL ALLEN 233 2952

CTA. 10-1561 - 31

Phones Too Close together

No cool water on Teir

~~1~~ Bobby Magell # 2334331 CTA-31 1-4-73

Im Complaining about the lack of medical Attention and
The high level of Rust that Accompanying The bathroom.

Earl Simmons (231 5663

Conchetta 3-1

New Orleans La, 70119

6/13/92

I'm complaining about particular living conditions, in which are dangerous to our health.

#1. Conchetta is overrun with mold, that's generating a lot of Airborne bacterias. I'm currently sick and when I file Sick Call I never get a Response.

#2. Conchetta have a lot of things that's malfunctioning, such as Sinks, Toilets,

Jamaal Morris . 2318227 2-25-77
3600 Perdido St. C.T.A. 3-1

I find out what is wrong with the jail is my case is the mental Health department. The doctor Dr. Higgins Don't the patients serious. He ignored me and my needs. I tryed to get my medical record for him and never recieve them. I Fill out more sick call to see Dr. Higgins and its been three month, I still have not seen him. People with Mental Health problem are in the worst place the can be in.

Help

MARCH 8th 2013
CTA 3-1

To Whom it may concern, My name is Jamal Jordan # 2341681, D.O.C. # 359677. I'm currently housed in O.P.P. I was due to be released on Feb. 10th 2013 after completing the Re-Entry Program (Class 18). I would really appreciate if you could look into this matter as soon as possible. Because I have no family support to help me. I need for either Probation and Parole or Mr. Tyrone Casby from Re-Entry to bring the Diminution of Sentence paper for me to sign in order to be released.

Thanks in Advance
Jamal Jordan

I'm Corey Q. Bailey #2293139 D.O.C #449392 and I'm a D.O.C. inmate who's living here in Conchetta at 3000 Perdido St New Orleans LA 70119 and I been waiting to go upstate to D.O.C because the living condition here in C.T.A is really bad it is water leaks sometimes cold showers and it stinks very bad and it is very dirty so if someone can please help me please do. I had broke out very bad to on my skin Thank you for your time.

C.T.A 1-2

C.T.A. 1-2

I'm Clarence Jones - I'm living in conditions that are unfit
for living in working in the kitchen the room we have
to break in and eat breakfast & lunch in is full of open
Asbestos expose on pipes ripe with asbestos bags
taped to them that says DANGER cancer causing
material. That in H.O.D Kitchen area.

Victor McMill #2346040 D.O.B. 3-3-71 CTA 3-2

I'm writing this because I hate the fact that there's nothing done about Mold and Mildew Remediation. You can actually feel the contamination in the "air" and you can see it all over the dormitory.

It's one of the reasons the majority of the the Dormitory is always sick. There is also a need to give the Dormitory a face lift. There is old paint peeling all over the place.

Thank You for taking the time to addressing the complaint.

Bonnie Gabriel CTA 3-2

10/4/1974

I have back problems and
my doctor fax my medication
and I have not relieve it.

They have us cage ~~at~~ in
with mold and mildew.

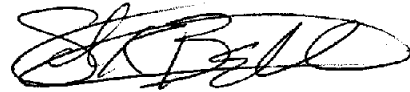
We don't get to go
outside. The condition
we live in I would not
let my dog at home live
in.

Cold Sandwiches only for last chow,
Never a hot meal.

3-8-13

Scot K. Bedlion #2343259

CT.A. 3-2



Nathaniel Jeanpierre III #2344360

The sheet rock had fell down it is vary hazardous

there is black mold on all the vents

we dont get no yard call we dont keep

hair cuts and ~~that~~ we are not ~~g~~keeping our face
groomed. in CTA/3-2 10/17/81

Every Body has a lot of sneeze attacks
Nose berning

Nathaniel Jeanpierre III
#2344360

CTA/3-2

DONOVAN R. TAPLETTE D.O.B. 08/14/90 D.O.C # 354750

Tel: CONCHETTA/3-2
ORLEANS
PARISH

DEAR, HONORABLE LANCE AFFLICK

I AM ONE OF THE INMATE'S HOUSE IN ORLEANS PARISH
CONCHETTA FACILITY AND THE ISSUES OF OUR LIVING CONDITIONS
ARE THAT WE'RE CONSIDER AS D.O.C INMATE'S BUT THE POLICY
AND STIPULATION OF THIS BUILDING IS NOT OF D.O.C
STANDARDS FOR EXAMPLE OUR YARD CALL WE MIGHT RECEIVE
YARD CALL ONCE EVERY 2 MONTHS, OUR EATING CONDITIONS
WE DON'T RECEIVE ENOUGH OF FOOD TO EAT WE'RE THE
ONLY PARISH PRISON THAT RECEIVES 2 HOTS AND COLD
SANDWICHES FOR A DINNER MEAL, THE CLOTHES WE WEAR
ARE NOT FIT FOR SEASONAL PURPOSES FOR EXAMPLE IN
THE WINTER THEY GIVE US SUMMER CLOTHES TO WEAR IN THE
SUMMER THEY GIVE US NOTHING, ALSO CERTAIN INMATE
IN ORLEANS PARISH DON'T HAVE THE FINANCES THAT OTHERS
HAVE TO HIRE ATTORNEYS TO SUPPORT THEM IN COURT
SO THEY TRY TO WORK OUT THEIR CASES ON THEIR OWN
BUT THEY CAN'T DO SO BECAUSE WE'RE NOT
ENTITLED TO A LAW LIBRARY CAUSE THEY DON'T
HAVE ANY.

Edward Dobue #2347324 C.T.A. 3/8/13

Living conditions is unbearable

Out of 6 toilets only 3 work

Don't receive medical treatment properly

It takes weeks at a time to receive medication for something as simple as the common cold

D.O.C. inmates don't go outside regularly maybe twice a month

D.O.C. inmates don't receive non-privileges as were supposed to

Continuous Cold Air Conditioning

24-7

C.T.A B2

Reginald Lee

234.8892

March 8th 2013

Kenneth Anderson ~~5-18-92~~ 5-18-92

3/8/13

CTA 3-2

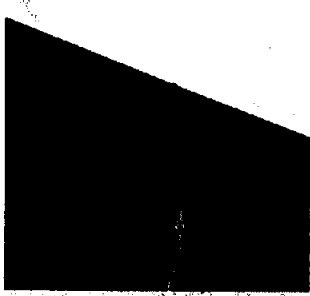
Things in here is very backwards. We get sandwiches at dinner time. It really suppose to be 3 hot meals a day. The toilets is broken. The phones is to close that no one could really talk to their people in private. For one more important thing is that they hold our mail for at least a week before we get it.

My name is Tyrone Johnson #2340045 C.T.A.

I do not like the way we live in doom 3-7
With the mold and mildew that has us coughing
And sneezing all day long. We do not have
yard call but one time out of a month and don't
get hair cut but one time a month. There is
a bad ventilation on our tier.

Tyrone Johnson

OM: Donald Chopin
814 N. Duysere ST.
New Orleans, LA
70119



U.S. MARSHALS

U.S. POSTAGE
NEW ORLEANS, LA
70113
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To: Honorable J. Affrik
(Clerk)
ATTN: Jones & GUSMAN

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