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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

October 30, 2009

via fax – 504-826-7037
and regular mail
Mr. Marlin Gusman
Orleans Parish Criminal Sheriff
2800 Gravier Street
New Orleans, LA 70119

via fax – 202-307-2572
and regular mail
Ms. Loretta King
Acting Assistant Attorney General
Civil Rights Division
US Department of Justice
Washington, DC 20530

OPEN LETTER CONCERNING ORLEANS PARISH PRISON

Dear Mr. Gusman and Ms. King:

As you know, the ACLU of Louisiana has monitored conditions at Orleans Parish Prison (“OPP”) for many years, concerned about the health, safety, and well-being of its prisoners. Because of our ongoing concerns, we welcomed the letter from the Department of Justice to Sheriff Gusman, dated September 11, 2009 (the “Letter”), identifying deficiencies at OPP. We hoped, and continue to hope, that the Letter will lead to significant improvements within OPP so that the people within that facility will no longer be victims of inhumane conditions.

Now, at the October 30, 2009 response deadline established by the Department of Justice, we expect that significant changes will be made within OPP in the near future. In achieving any resolution to the issues raised in the Letter, we hope you will consider that in recent weeks we have been made aware of ongoing violations of the sorts mentioned in the Letter, and that violations continue as you contemplate a settlement. Specifically, we have received the following complaints directly from prisoners since the release of the Letter:

- One prisoner reports that violence at OPP continues, including beatings and stabbings. He also reports that toilets don't work, walls have peeling paint and black mold, a lack of ventilation and lights in cells, with 14 men in a cell approximately 12' x 20' subject to 24-hour lockdown.
- Another prisoner reports broken showers and HVAC systems, mold contamination, verbal abuse by guards, a lack of visual surveillance, a lack of evaluation for mental health, lengthy delays for medical care, overcrowded cells requiring prisoners to sleep on the floor in front of waste receptacles with exposure to insects and rodents, and 24-hour lockdown. This prisoner also reports a lack of access to religious services and educational programs. The letter from this prisoner is signed by 33 prisoners.
- Another prisoner reports unworking sinks and toilets, and says that the toilets are on a timer so that the prisoners have to smell waste for a half hour. This prisoner also reports unsterile food service practices with mildew around food service utensils. In addition,

(2)

this prisoner reports a lack of cleaning supplies, a lack of medical care and lengthy delays for medical treatment, 23-hour lockdown, a lack of exercise, overcrowded conditions, and a lack of adequate clothing.

- Another prisoner reports a lack of balanced diet, no access to a library or religious services, lack of medical attention, and excessive time outside.

Several of these prisoners have reported that they do not have access to internal grievance procedures because the proper forms are not distributed to them upon request.

In addition to these reports which have come directly to our office, we have also learned from other sources that mentally ill prisoners continue to be denied adequate screenings and medical attention, and that prisoners continue to be beaten.

These reports should make it clear that as recently as a few days ago, there have been ongoing problems within OPP of the sort that led to the Letter. Ongoing problems include beatings by guards, inadequate medical screening especially for the mentally ill, improper food handling and unsanitary conditions, and overcrowding, among others.

These problems have existed for far too long, and Sheriff Gusman has been on notice of them at least since the issuance of a report by the National Institute of Corrections in October, 2008. Even in the face of the Letter, deficiencies remain unaddressed. We hope that all of these failings will be corrected quickly, and that any resolution will require swift and thorough remediation of these problems, and full compliance with Constitutional protections for all prisoners at OPP.

We will, as we always have, continue to monitor OPP with the hope and expectation of improvements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie R. Esman', with a long horizontal flourish extending to the right.

Marjorie R. Esman
Executive Director

cc: T. Allen Usry, by fax and mail