

MEMORANDUM

To: Professor Andrea Armstrong
From: SarahBeth Hyde
Re: Livingston Parish Detention Center
Date: December 7, 2021

.....

I. Jail Characteristics and Leadership

Livingston Parish Detention Center (“LPDC”) is located in Livingston, Louisiana at 28445 Charlie Watts Rd.¹ Livingston Parish has a self-proclaimed blend of “southern charm and modern urbanism.”² The jail has 647 beds³ and is staffed by eighty-eight people—three administrators, seven clerical workers, six transporters, and seventy-two jailers.⁴ There has been both a push to expand the jail and create more beds⁵ and calls for Livingston Parish to end their cash bail practice and provide affordable housing and addiction services in order to curtail the amount of homeless individuals and drug users who end up booked at LPDC.⁶ This facility opened and replaced a smaller facility that housed 150 inmates in 2009.⁷ There were an estimated 200-250 inmates housed in other parishes in Louisiana, and this new facility was to accommodate those outside of Livingston Parish at that time, as well.⁸ However, this new facility is now chronically at or over capacity.⁹ As of December 4, 2021, there are 797 incarcerated at LPDC—678 are male, 118 are female, and 1 does not have a specified sex.¹⁰ The following is the racial breakdown: one Asian, 141 Black, one Hispanic, one Indian, ten Unspecified, 640 White. Additionally, as of December 31, 2019, LPDC housed fourteen individuals for U.S. Immigration and Customs Enforcement, five for the U.S. Marshals, and 335 individuals in state or federal custody, Bureau of Indian Affairs, or other jail jurisdictions.¹¹

¹ LIVINGSTON PARISH SHERIFF’S OFFICE, <https://www.lpsa.org/contacts/> (last visited Dec. 4, 2021).

² WELCOME TO LIVINGSTON PARISH, <https://www.livingstonparishla.gov/our-parish> (last visited Dec. 4, 2021).

³ Emma Kennedy, *Livingston Parish's \$10M jail deficit raises criminal justice questions* (Dec. 27, 2019, 2:32 PM), https://www.theadvocate.com/baton_rouge/news/communities/livingston_tangipahoa/article_0ec175fe-28e8-11ea-a53e-27ac03d3adcd.html.

⁴ Livingston Parish, *Livingston Parish Sheriff Comprehensive Annual Financial Report For The Year Ended June 30, 2020 Livingston, Louisiana*, 84 (2020),

[https://app.la.state.la.us/PublicReports.nsf/0/2C8E3412AB585FCC8625865C00728268/\\$FILE/00022512.pdf](https://app.la.state.la.us/PublicReports.nsf/0/2C8E3412AB585FCC8625865C00728268/$FILE/00022512.pdf).

⁵ Heidi Kinchen, *Alarming jail costs as Livingston paying big money to house inmates outside parish* (April 8, 2017, 2:30 PM) https://www.theadvocate.com/baton_rouge/news/communities/livingston_tangipahoa/article_48fe1202-1c0e-11e7-8e4a-a3b5865e0f1a.html

⁶ Kennedy, *supra* note 3.

⁷ Kinchen, *supra* note 5.

⁸ *Id.*

⁹ Kennedy, *supra* note 3.

¹⁰ Active Inmate Search, LIVINGSTON PARISH JAIL ROSTER, https://livingston-la.publiclogs.com/jms_public/ (begin by typing the letter “A” in the Last Name field, then collect the resulting data for individuals with last names beginning with “A.” Continue this way through the alphabet collecting data on individuals with the last names that begin with B, C, D, and so on).

¹¹ Mortality in Correctional Institutions 2019 Annual Summary on Inmates Under Jail Jurisdiction, <https://drive.google.com/drive/u/1/folders/18yJ9AjfAXb1cRcyRtfvnDLMrgU2wjGL5>.

Livingston Parish Sheriff's Office ("LPSO") general fund contained \$10.68 million for the 2019-2020¹² fiscal year.¹³ The general fund is the primary operating fund for LSPO.¹⁴ Though the general fund holds the surplus that each new fiscal year may pull from, LPSO makes much more money throughout the year to finance their operations.¹⁵ For the 2019-2020 fiscal year, LPSO budgeted \$31,725,00.¹⁶ It ended up going over budget, spending \$33,800,275.¹⁷ LPSO amassed \$32,969,192 in revenues plus an additional \$86,287 from selling capital assets.¹⁸ Therefore, they had to pull \$744,796 from the general fund, leaving a year-end balance of \$9,933,142.¹⁹

The Sheriff overseeing the operations of LPDC is Sheriff Jason Ard. He is currently serving his third term as sheriff having been reelected in 2020 and is also serving as the President of the Louisiana Sheriff's Association.²⁰ He graduated from the FBI National Academy and the FBI Law Enforcement Executive Development program.²¹ Sheriff Ard has endured his fair share of criticism. In 2019, it was alleged that Sheriff Ard mishandled allegations that an LPSO officer was grooming young girls and possessed child pornography. Rather than investigate the high-level officer, Ard merely conducted a short inquiry.²² That inquiry was in 2013.²³ For years, the officer continued his abuse and grew his pornography collection.²⁴ The officer was arrested in 2019.²⁵

II. Oversight and Transparency

LPDC does not indicate that they are accredited by anyone, but they did attend the National Commission on Correctional Health Care National Conference in 2019.²⁶ There is little to no indication that any organization or the State exercises oversight over LPDC.

¹² Livingston Parish has 6 months after the end of the fiscal year to release the financial records. At this time, the 2020-2021 records have not been released. Livingston Parish has until the end of December 2021 to publish the records.

¹³ Livingston Parish, *Livingston Parish Sheriff Comprehensive Annual Financial Report For The Year Ended June 30, 2020 Livingston, Louisiana*, 17 (2020),

[https://app.la.state.la.us/PublicReports.nsf/0/2C8E3412AB585FCC8625865C00728268/\\$FILE/00022512.pdf](https://app.la.state.la.us/PublicReports.nsf/0/2C8E3412AB585FCC8625865C00728268/$FILE/00022512.pdf).

¹⁴ *Id.* at 22

¹⁵ *Id.* at 17

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ McHugh David, *PHOTO GALLERY | Jason Ard sworn in for third term as Livingston Parish Sheriff*, THE LIVINGSTON PARISH NEWS (June 19, 2020), https://www.livingstonparishnews.com/breaking_news/photo-gallery-jason-ard-sworn-in-for-third-term-as-livingston-parish-sheriff/collection_c1d9beb0-b256-11ea-857d-5ff3af4a33f0.html.

²¹ *Jason Ard*, PBS <https://www.lpb.org/programs/louisiana-public-square/biographies/ard-jason>.

²² Mykal Vincent, *'He betrayed us. He is a criminal': Sheriff Ard comments on arrest of Dennis Perkins* (Oct. 30, 2019, 11:57 AM), WAFB9, <https://www.wafb.com/2019/10/30/he-betrayed-us-he-is-criminal-sheriff-ard-comments-arrest-dennis-perkins/>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE, <https://events.ncchc.org/national-conference/Why-Attend> (last visited Dec. 4, 2021).

However, LPSO is relatively transparent. The finances are audited annually, most recently by Hannis T. Bourgeois, CPAs + Business Advisors. In their opinion, the financial reports represented a fair and accurate assessment of the LPSO finances and accounting.²⁷ Livingston Parish holds annual public hearings regarding their budget in June of every year, giving taxpayers an opportunity to comment on the budget.²⁸

Outside of budgetary matters, LPSO does not seem to hold public hearings regarding operations or officials. It seems the last public address regarding an official was when the former officer was arrested on child pornography charges. LPSO does have an active “Community News and Announcements” page.²⁹ However, it is used sparingly.³⁰ Livingston Parish also has a working inmate locator.³¹ In fact, by typing a singular letter into the inmate locator search bar, you can access every inmate with the last name of that letter. The inmate locator displays the inmate’s name and ID number, date of birth, race, and sex. You can also view their charges by clicking “view” next to their information.

LPSO was amenable to responding to the Public Records Request filed to obtain information on deceased inmates within their care. They did not respond within the statutorily mandated timeline, but they responded within the month. Hurricane Ida may have affected their response time, though. Dawn Wawak at LPSO was the point of contact, but the response she sent came on letterhead from the law firm Pittman & Hughes, Attorneys at Law in Denham Springs.

III. Jail Conditions and Cases in the Last Five Years

The conditions inside LPDC, like all jails, are not ideal. From 2014 through 2020, there have been four deaths—one in 2016, one in 2017, and two in 2020. There is not a discernable trend, but the two deaths in 2020 are troublesome given that LPDC did not file a CJ-9 for this year and is under the impression that they no longer need to submit such forms to the Bureau of Justice Statistics. Even still, they provided the data despite not filing the form which tends to show that they are still willing to publicize the data when asked.

In the last five years, LPDC had a few notable federal cases in the Middle District of Louisiana. As recently as July 12, 2021, an inmate filed a § 1983 claim against the detention center.³² The inmate, Joseph Andrews, who is still incarcerated at the facility,³³ alleged that the detention center forced him to consume contaminated or expired drinking water.³⁴ The Middle District of Louisiana, however, ordered Andrews to pay the \$402.00 filing fee because he had three prior “strikes,” so he could not proceed *in forma pauperis* without showing that he was

²⁷ Livingston Parish, *Livingston Parish Sheriff Comprehensive Annual Financial Report For The Year Ended June 30, 2020 Livingston, Louisiana*, 1-3 (2020), [https://app.la.state.la.us/PublicReports.nsf/0/2C8E3412AB585FCC8625865C00728268/\\$FILE/00022512.pdf](https://app.la.state.la.us/PublicReports.nsf/0/2C8E3412AB585FCC8625865C00728268/$FILE/00022512.pdf).

²⁸ *Id.* at 23.

²⁹ LIVINGSTON PARISH SHERIFF’S OFFICE, <https://www.lpsso.org/media/> (last visited Dec. 4, 2021).

³⁰ *See Id.*

³¹ Active Inmate Search, LIVINGSTON PARISH JAIL ROSTER, https://livingston-la.publiclogs.com/jms_public/.

³² Joseph Michael Andrews v. Livingston Parish Detention Center, NO. 21-255-BAJ-RLB (M.D. La. 7/12/21).

³³ Active Inmate Search, LIVINGSTON PARISH JAIL ROSTER, https://livingston-la.publiclogs.com/jms_public/ (input “Andrews” in the Last Name field, and “Joseph” in the First Name field, then click search).

³⁴ Andrews, NO. 21-255-BAJ-RLB, p.1.

under imminent danger at the time of filing.³⁵ The court determined that he did not meet that exception and had to pay the filing fee in order to continue.³⁶

In August 2019, a deputy was terminated for slamming an inmate's face into a wall of the detention center.³⁷ The case, however, was to determine if the inmate, Londi Lafleur, had validly filed a grievance so that she could recover the medical costs associated with the treatment for her injuries.³⁸ The Middle District of Louisiana determined that her asking how to press charges against the deputy did not constitute a valid grievance in order to recover damages.³⁹ A grievance only begins when the proper form is filled out.⁴⁰ Further, a deputy's statement to Lafleur that she was not allowed to press charges did not mislead her into thinking that she could not file a grievance.⁴¹

Finally, in July of 2019, an inmate's Eighth amendment claim for deliberate indifference to a serious medical need was dismissed because it could not be said "that the medical personnel "refused to treat [her], ignored [her] complaints, intentionally treated [her] incorrectly, or engaged in any similar conduct that would clearly evince a wanton disregard for any serious medical needs."⁴² Inmate, Cynthia Morales, was suffering from an eye infection and was a MRSA carrier.⁴³ She relayed this information to the treating medical professional who nonetheless gave her antibiotics that does not treat MRSA.⁴⁴ She saw the medical professional three times to try to get adequate medication; however, the court found that her ability to see the professional three times undermines the argument that they were deliberately indifferent.⁴⁵ The court held that the jail was not deliberately indifferent because they treated Morales three times.⁴⁶

³⁵ *Id.* at 1-2, citing 28 U.S.C. § 1915(g).

³⁶ *Id.* at 3.

³⁷ Londi L. Lafleur v. Karleen Leglue, No. 16-CV-00254-BAJ-RLB, p. 1-2 (M.D. La. 08/01/19).

³⁸ *Id.* at 1.

³⁹ *Id.* at 8.

⁴⁰ *Id.*

⁴¹ *Id.* at 2-3.

⁴² Cynthia Morales v. Stephen McColloh, No. 18-808-SDD-RLB, p. 9 (M.D. La. 07/02/19).

⁴³ *Id.* at 2.

⁴⁴ *Id.*

⁴⁵ *Id.* at 10.

⁴⁶ *Id.*