

[REDACTED]

assaults, and beatings are common place throughout the facility. Violence regularly occurs at the hands of sheriffs' deputies, as well as other prisoners. The facility is full of homemade knives, or "shanks." People living with serious mental illnesses languish without treatment, left vulnerable

[REDACTED]

violence and abuse on the regular housing units. Yet many of the cell doors do not lock and the Sheriff's dangerously deficient staffing policies and practices extend onto this unit. As a result,

There is constant noise on this floor. The Sheriff provides some individuals who work

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

to correct known deficiencies and indeed ~~regularly opened an~~ additional 400 bed temporary

detention facility.

~~_____~~

~~_____~~

~~_____~~

JURISDICTION

11. This cause of action arises under the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3).

12. This Court is authorized to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202, and injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure.

VENUE

events or omissions giving rise to the claim[s] occurred” in this district.

PARTIES

14. The Plaintiffs are all people who are currently or will be incarcerated at the Orleans Parish Prison (“OPP”) and who are subject to conditions of confinement that violate their rights under the U.S. Constitution.

17. Plaintiff Steven Dominick is a DOC prisoner housed in Orleans Parish Prison, House of Detention. Dominick is on protective custody because he has been jumped, stabbed and

threatened, as a result of Defendants' dangerously deficient security, staffing and classification policies and practices. Dominick fears for his safety.

18. Plaintiff Anthony Gioustavia is a pretrial detainee currently incarcerated in OPP, Old Parish Prison. Gioustavia was attacked by another prisoner quickly after being booked into OPP, and has witnessed multiple fights and stabbings, as a result of Defendants' dangerously deficient policies and practices. Gioustavia fears for his safety.

19. Plaintiff Jimmie Jenkins is a pretrial detainee currently incarcerated in the maximum tier of OPP, House of Detention. Jenkins suffers from schizophrenia and has been

Defendants' dangerously deficient classification, staffing and security policies and practices.

Lanford fears for his safety.

22. Plaintiff Leonard Lewis is pretrial detainee currently incarcerated in OPP, House of Detention. Lewis has repeatedly been stabbed and beaten in OPP, in various buildings and locations, including while in protective custody, as a result of Defendants' dangerously deficient

classification, staffing and security policies and practices. Lewis fears for his safety.

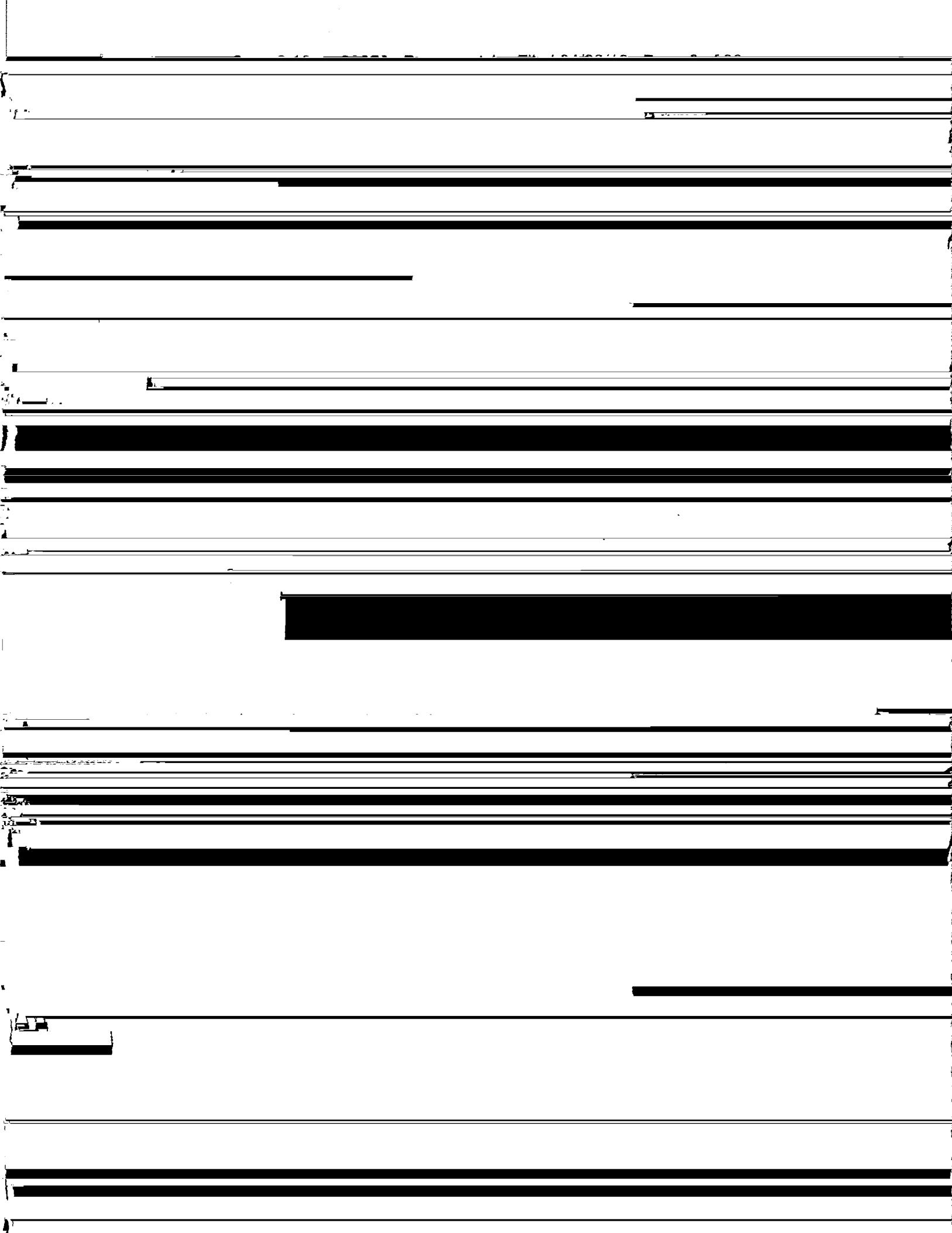
23. Plaintiff Euell Sylvester is a pretrial detainee currently incarcerated in OPP, House of Detention. Since arriving at OPP, Sylvester has been beaten and sexually assaulted, as a result of Defendants' dangerously deficient classification, staffing and security policies and practices. Sylvester fears for his safety.

24. Plaintiff Mark Walker is a sentenced DOC prisoner currently incarcerated in OPP,

classification, security and mental health policies at OPP. He is sued in his official capacity

only. He is a resident of full age of majority of the Eastern District of Louisiana.

26. Defendant Carlos Louque is an employee of the Orleans Parish Sheriff's Office,



is sued in his official capacity only. He is a resident of full age of majority of the Eastern District of Louisiana.

31. Defendant Doe is an employee of the Orleans Parish Sheriff's Office, acting under the direction and supervision of Defendant Gusman. He or she is the warden of The Temporary Detention Center ("TDC"), one of the facilities comprising the Orleans Parish Prison. He or she has responsibility for the policies, procedures, and operations of TDC, its employees, agents and assigns, including determining staffing, security, classification and mental health policies. On information and belief he or she is a final policymaker for TDC regarding these policies and practices, and is also responsible for implementing policies promulgated by Sheriff Gusman. He or she is sued in his official capacity only. He or she is a resident of full age of majority of the Eastern District of Louisiana.

32. Defendant Gore is an employee of the Orleans Parish Sheriff's Office, acting

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- 2) The Defendants have a policy and practice of exhibiting deliberate indifference to the Plaintiffs' serious mental health needs. The Defendants' deliberate indifference manifests in depriving individuals of necessary medication, evaluations, psychiatrist visits and other mental health interventions, of subjecting Plaintiffs seeking mental health treatment and suicide protections to degrading, humiliating and de-humanizing treatment—including forcing them to strip naked, holding them in large congruent cells, and locking them down for 23 hours a day, and
- 3) The Defendants have been and are currently aware of the unconstitutional policies and practices that are in place throughout OPP, which function to expose prisoners to brutal violence and to deprive them of mental health services.

76

Because the policies, practices and customs challenged in this Complaint apply with

equal force to the named Plaintiffs and the other members of the class, and because every class member seeks identical declaratory and injunctive relief that would require the Defendants to cure their unconstitutional policies and practices, the claims of the named Plaintiffs are typical of the class in general.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Eighth and Fourteenth Amendment Violations: Inadequate Mental Health Treatment

and Hospital (DHH) budget cuts have made OPP the largest psychiatric unit in the City of New

~~York~~ National statistics indicate that 64% of incarcerated people suffer from mental illness

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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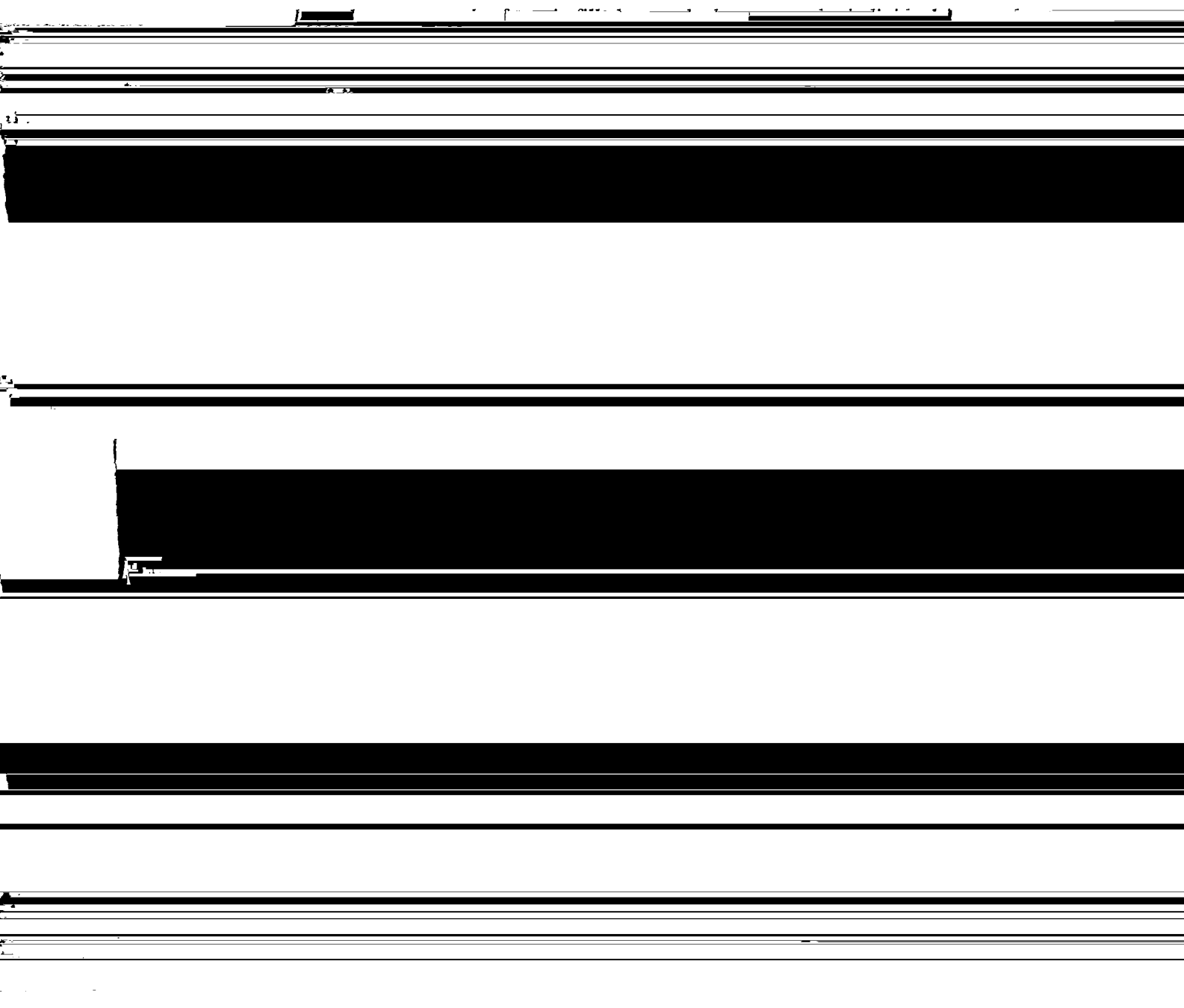
[REDACTED]

[REDACTED]

[REDACTED]

Gore and Higgins have a duty to ensure these lapses do not occur, but they do not correct these recurrent problems.

94. People who need mental health services are discouraged from seeking necessary care because they are charged a three-dollar copayment for submitting a sick call form. The prisoners'



medical personnel. If a condition worsens or becomes more severe, prisoners are ■hesitant to

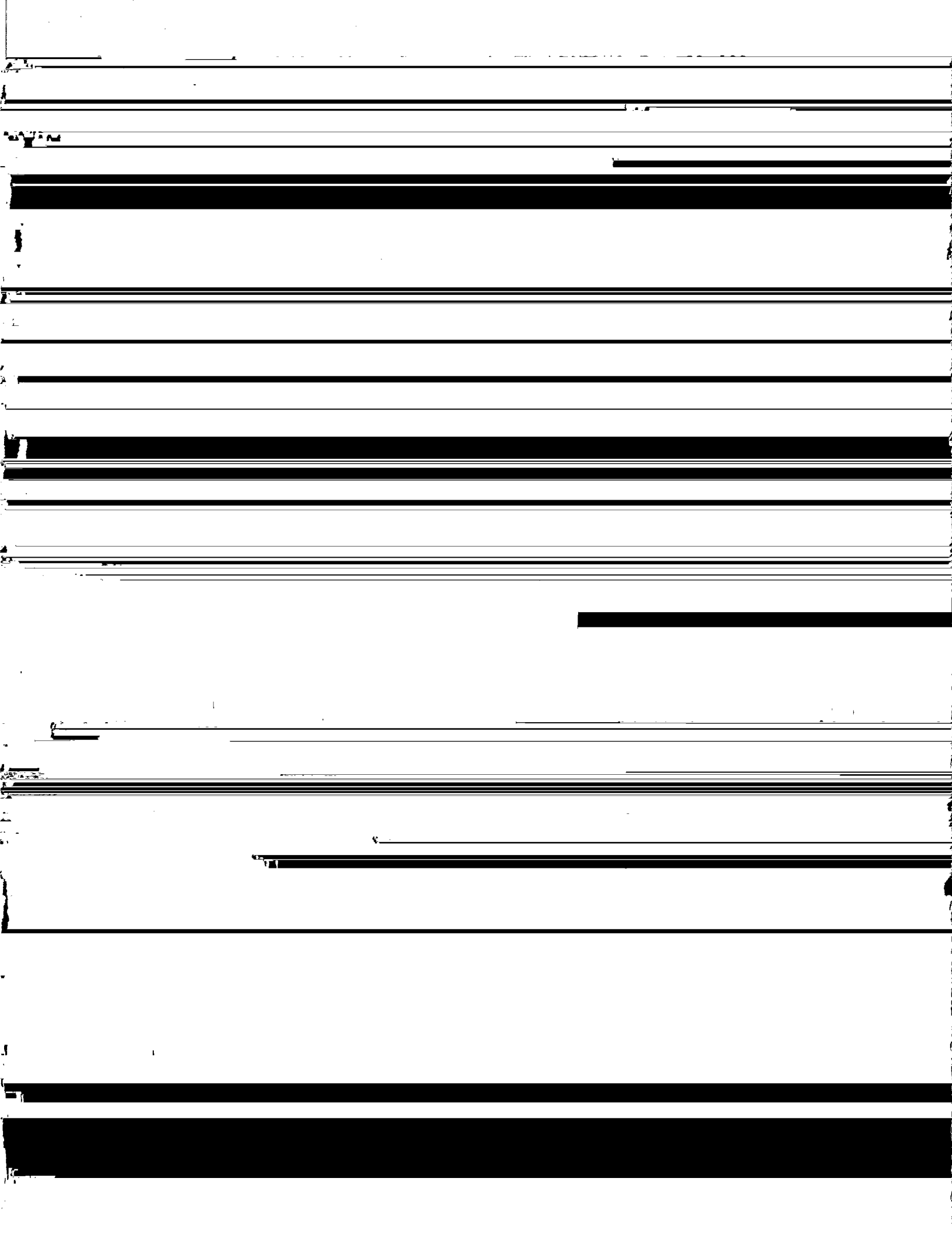
needs of individuals in their custody. This deliberate indifference has disastrous and often fatal consequences for the men, women and youth housed in the facility.

100. The injuries suffered by the individuals described below illustrate how the Defendants' policies and practices of deliberate indifference to prisoners' serious mental health needs harm

~~the Plaintiff and the class members~~

104. As of this filing, LaShawn has a bloody, blackened eye, from the attack that occurred
over a week ago

105. Defendants' policies of inadequately training staff to interact with persons living with
mental illness, and failing to supervise and train staff generally, have resulted in serious injuries
to LaShawn. She is in need of immediate mental health services and is currently extremely fearful



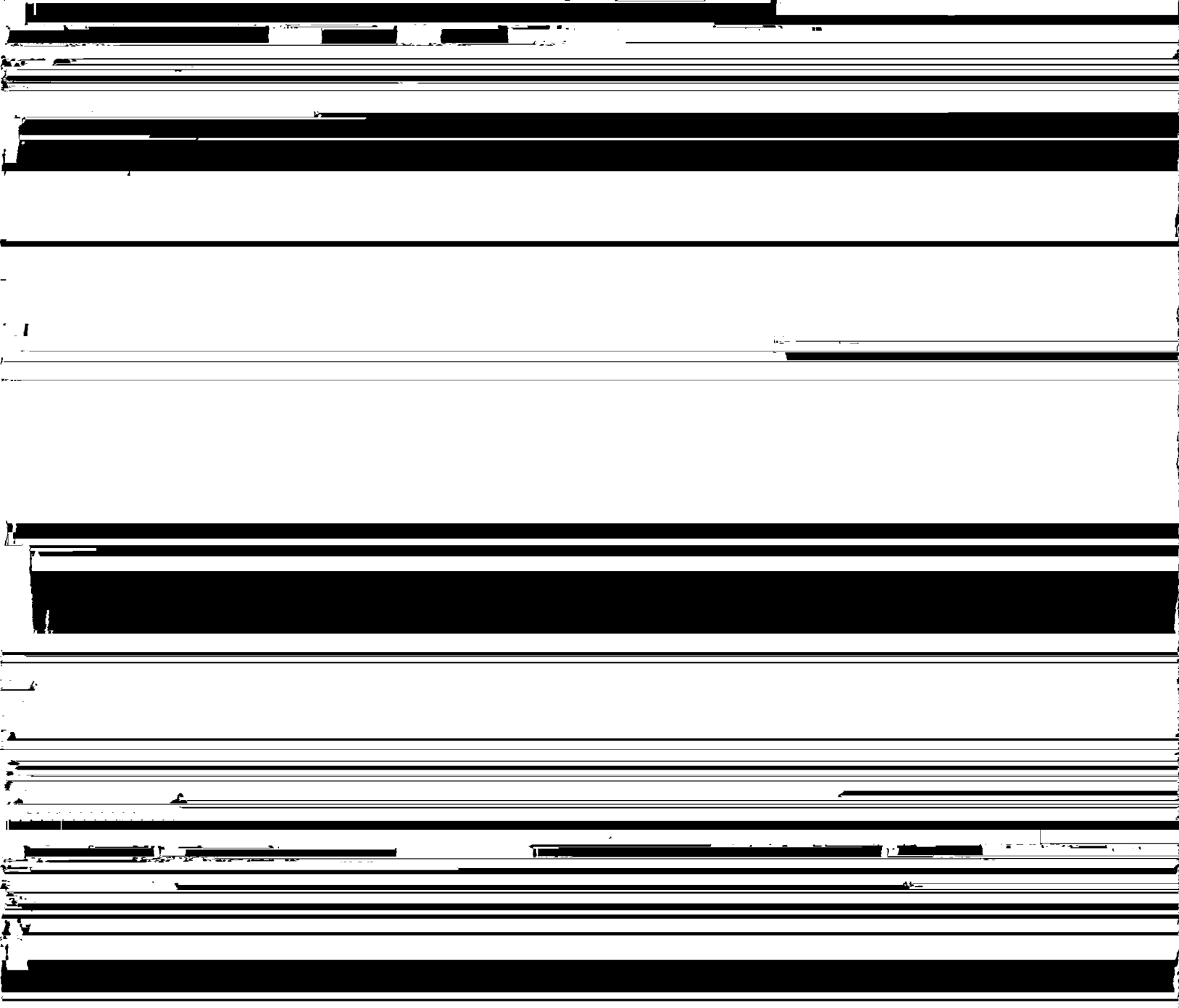
117. One week after arrest, T.P. informed Sheriff's deputies that he is bipolar and schizophrenic. This fact is also noted on his medical intake form. T.P. was receiving medications for these illnesses prior to being incarcerated. He explained to the jail that he needed the medication to treat his serious mental health needs, and that it was urgent. Sheriff's deputies advised him that he would get a psych visit.

118. A week later, the Defendants still failed to provide T.P. with mental health services. During this time T.P. was attacked, which is directly related to his initial plea for care. He told the nurse he needs his medication, and that he was afraid for his safety. He also signed a release for his medication records to be sent to the facility.

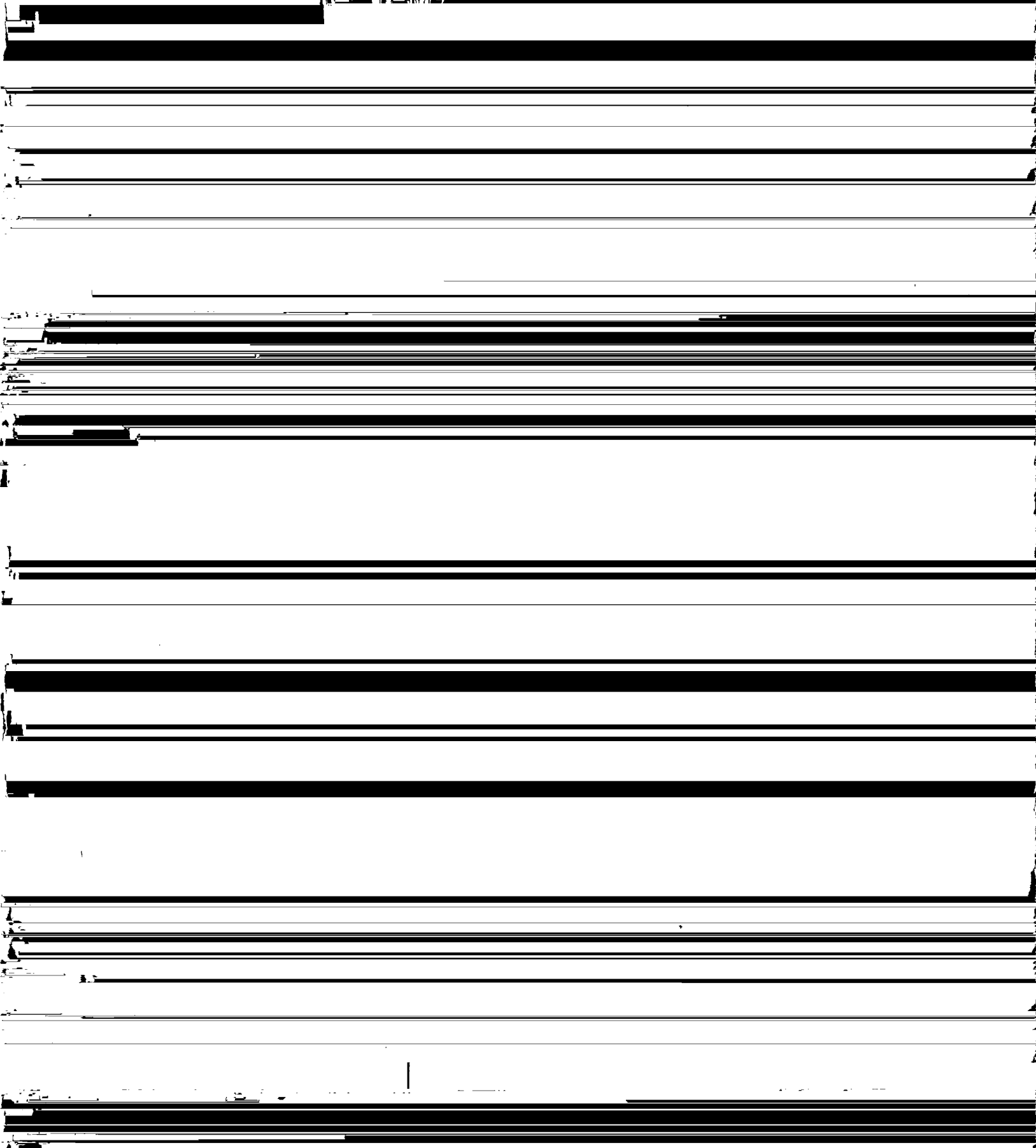
119. Several days later, T.P. was placed on suicide watch, yet the Defendants still failed to

123. T.P. remains on suicide watch.

124. In the first week he was in OPP, T.P. requested medical care. He advised the Defendants of exactly what his diagnosis is, and what medication he was on. He warned them that he would have serious problems if they did not give him his medication. He signed release forms for his records to be sent to Defendants. He did not receive any appointment or medication until after he sustained a lacerated skull. He has subsequently sustained multiple attacks. This is a direct



121 Two weeks later, the jail provided him with Wellbutrin, an anti-depressant



assistance. This understaffing and inability to respond to emergency situations creates violent conditions that subject prisoners to serious and sometimes permanent injury, including death.

126 Defendants have long been aware that the routine understaffing of ODD creates a risk of

serious harm to the people incarcerated there. In addition to the DOI letter referenced above.

Sheriff Gusman has been the Defendant in over 200 lawsuits in the three years since that letter came out. Many of those suits involved excessive violence in the facility. Likewise, many criminal defense attorneys have filed motions in their clients' criminal cases that detailed the brutality their clients suffered while in Sheriff Gusman's custody. In many of these cases, the State court judges ordered transfer of vulnerable or victimized detainees. The media has widely reported criminal defendants showing up for court with wounds from the prison. In January of

adequate measures to ensure that correctional officers are properly searched before entering the facility. The presence of contraband in the facility increases violence

staff to ensure that the deputies employed there take their obligation to protect prisoners seriously.

142. Weapons are readily available throughout the prison. The facilities are full of homemade
Le... "shank" ... Defendants are aware of this grave

problem. It is documented in their own incident reports and medical records, as well as prisoner
grievances they review. Despite their knowledge, they have failed to take reasonable measures to
protect prisoners from suffering weapon-induced injuries.

143. Prisoners in protective custody are not safe. While in protective custody, prisoners have
been attacked and stabbed. OPP staff fail to take reasonable measures to ensure the safety of
these prisoners, who are particularly vulnerable to prison violence due to a variety of factors
including size, disposition, nature of their offense, and mental illnesses. Even on the protective

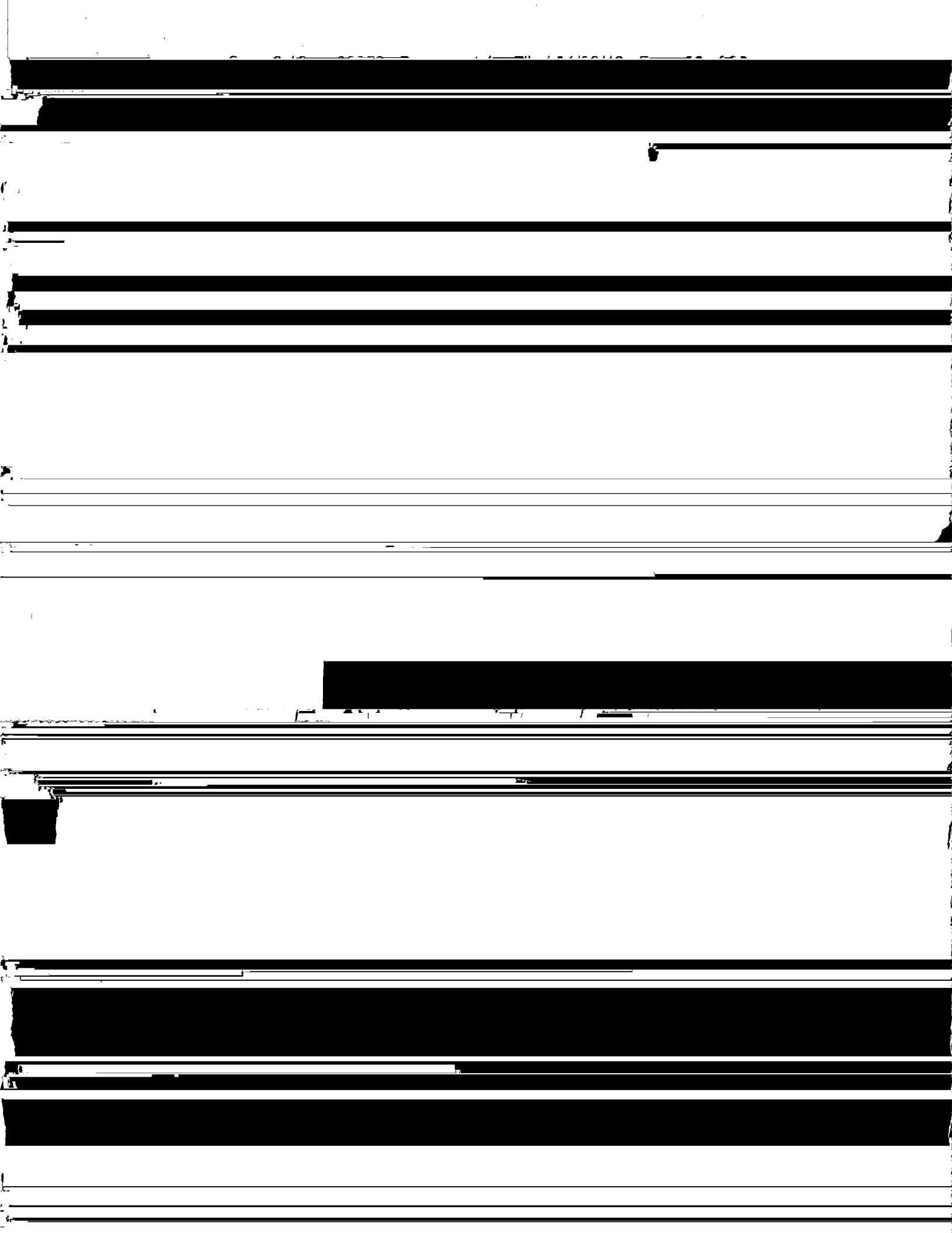
145 D.C. 13, 811, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

was sliced up when I tried to grab the knife. I also had two black eyes and my face was all swollen up.”

150. It took the guards a long time to respond, and even longer for an ambulance to arrive, as Jray lay in his blood. The guards yelled at him—demanding that he stand up and asserting that he

He told them that he could not move his neck, at which time dentists grabbed

his neck and twisted it. He was transported to the hospital, where he was treated. The OPP



MARK WALKER

167. Mark Walker is currently incarcerated in OPP on a medical tier in Old Parish Prison. He is diagnosed with bipolar disorder and is legally blind. After his arrest, Mark was forced to perform oral sex on another prisoner. He yelled for the guards but they did not come. After the assault, Mark was placed on suicide watch.

168. Mark reported the assault, but was not seen by SOD until 41 days after the attack. They interviewed him in front of other prisoners heightening his fear of retaliation. It also took a long time for Mark to get an HIV test. He still has not received the results of that test.

ANTHONY GIOUSTAVIA

173. Anthony is 19 years old, and was attacked by a bigger, older man when he first arrived in the House of Detention. The attack was prolonged because no deputies were present on his tier.

177. Greg says, "all of the cells pop in all of the tiers and the guards leave us alone. People on my tier have shanks so big they look like kitchen knives. Guys can get out and come get you at any time. The guards aren't going to do anything to stop it. I don't think anyone is safe here."

STEVEN DOMINICK

178. Steven Dominick is in protective custody in the House of Detention because he is a

jumped and stabbed. He also has witnessed many stabbings in OPP.

179. Steven says "I made do nothing to prevent violence. In fact, they often indicate it. When

or move him away from the people who attacked him. Richard remains in significant pain from

moved until undersigned counsel began visiting him. Richard says, "I am extremely depressed as a result of the violence and conditions of this place. I feel like I have aged ten years in the six months I have spent here. We're treated like animals here."

J.J.

188. J.J. was incarcerated at OPP at the age of 15, because he is being tried as an adult. He was booked onto the juvenile tier in Templeman V. J.J. was jumped on the juvenile tier as soon as he entered; he was confronted by older, tougher youth with knives.

189. J.J. witnessed rape and violence on the juvenile tier. He witnessed a youth being raped



104. While on the tier he heard a prisoner being raped. The next morning, I I overheard the

prisoner tell the guard that he had been raped. The guard said that the prisoner was lying.

105. I I signed a contract to get off of the psychiatric tier

grossly substandard healthcare to continue, Defendants violate the Plaintiffs' rights under the Eighth and Fourteenth Amendments to the United States Constitution.

Second Claim

Eighth Amendment Violations: Failure to Protect From Dangerously Violent Conditions of Confinement

By subjecting Plaintiffs to dangerously violent conditions of confinement and by exhibiting deliberate indifference to Plaintiffs' substantial risk of serious physical injury as a result of these conditions, Defendants violate the Plaintiffs' rights to be free from cruel and unusual punishment under the Eighth and Fourteenth Amendments to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that this Honorable Court grant the following relief:

- a. Declare that the acts and omissions of the Defendants violate Plaintiffs' constitutional

RESPECTFULLY SUBMITTED, this the 2nd day of April, 2012.

Katie M. Schwartzmann

Katie M. Schwartzmann, T.A., La. Bar No. 30295

Sheila A. Bedi, Miss. Bar No. 101652 (*pro hac vice* application forthcoming)

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