

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

JOEL GIROIR, on behalf of himself and all
similarly situated individuals,

Plaintiff,

v.

JAMES LEBLANC, in his official capacity as
Secretary of the Louisiana Department of
Public Safety & Corrections; and
THE LOUISIANA DEPARTMENT OF
PUBLIC SAFETY & CORRECTIONS,

Defendants.

CIVIL ACTION NO. 21-cv-108

CLASS ACTION

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

INTRODUCTION

1. For years now, the Louisiana Department of Public Safety & Corrections (“the DOC”) has been unlawfully and knowingly overdetaining thousands of Louisiana residents in its custody every year. Defendant James LeBlanc, Secretary of the DOC, has known about this misconduct since at least 2012. Ex. 1, Dep. of Secretary LeBlanc at 45, 48-49. Secretary LeBlanc has admitted that the DOC is “legally bound” to release people on time, and he has admitted that the DOC’s chronic, unlawful overdetention is a “big problem.” *Id.* at 41. Yet the DOC has done little to fix this big problem, continuing to overdetain people as a matter of routine practice.

2. Many of these people are sentenced by a court to “time served” or an equivalent sentence that legally entitles them to immediate release from the moment they are sentenced. But they are not immediately released. Instead, as a standard practice, the DOC delays computation of release dates and, in the meantime, simply continues to detain people who should be free. Many are forced to sit for weeks or even months with no idea of when the DOC will get around to processing their paperwork and releasing them. The DOC, in other words, falsely imprisons thousands of

people every year, upending lives, imposing punishment that no court has ordered, and creating uncertainty and misery for families across the state.

3. Still, Secretary LeBlanc has not implemented any policy to ensure that the DOC stops overdetaining—and falsely imprisoning—Louisianans. The DOC overdetains so many people that the DOC itself estimated that housing alone costs the state an extra \$2.8M per year, Ex. 2, DOC Grant Application at 4, but Secretary LeBlanc has not attempted to reallocate that spending toward new measures to prevent the DOC from holding people past their legal release dates.

4. Named Plaintiff Joel Giroir is a victim of the DOC's misconduct. He seeks to represent a Class of all persons who have been, or will be, sentenced to the custody of the Louisiana DOC, and who were, or will be, entitled to release at the time of their sentencing, but who nevertheless remain in custody, now or in the future, for more than 48 hours past their sentencing dates. On behalf of the numerous people subject to this unlawful practice, Mr. Giroir seeks injunctive and declaratory relief against this false and unlawful overdetention.

JURISDICTION AND VENUE

5. This Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343(a). It has jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 because those claims arise from the same events and are part of the same case and controversy as the federal claims.

6. Venue is proper in this district under 28 U.S.C. § 1391.

PARTIES

7. Plaintiff Joel Giroir was eligible for immediate release upon his resentencing on January 26, 2021, but the DOC has not yet released him from custody. He is currently being held—illegally—at St. Tammany Parish Jail. Although he is in the St. Tammany Parish Jail, he is in DOC custody.

8. James LeBlanc is the Secretary of the DOC and its final policymaker. He has served in that role since 2008. He is appointed by the Louisiana governor and is the chief executive officer for the DOC. He formulates rules and regulations for the DOC, and he determines policy regarding management, personnel, and total operations for the agency. He oversees the DOC's central office and its field unit staff, who are charged with carrying out the work of the agency and protecting the rights of all persons held in DOC custody. At all relevant times, Secretary LeBlanc has acted under color of law. He can be served at 504 Mayflower Street, Baton Rouge, LA 70802.

9. The Louisiana Department of Public Safety & Corrections ("DOC") oversees the custody and care of adults in its custody and includes adults under probation and parole supervision, pursuant to La. R.S. § 36:4. The domicile of the DOC and its divisions is the parish of East Baton Rouge, city of Baton Rouge, Louisiana, pursuant to R.S. 15:821.1.

FACTUAL ALLEGATIONS

I. Plaintiff Joel Giroir

10. Joel Giroir is a 36-year-old man who is currently being imprisoned by the DOC in St. Tammany Parish Jail. He is being overdetained and is entitled to immediate release. Ex. 3, Giroir Decl. at ¶¶ 1-2.

11. Mr. Giroir has served enough jail time to be eligible for immediate release. He was held on an attachment with no bond in case number 589-169 and held on a \$5000 bond in case number 589-855 in St. Tammany Parish Jail from January 30, 2018, to March 13, 2018. He was held with no bond on case numbers 589-855 and 589-169 from June 12, 2018 until July 19, 2018. On July 19, 2018, he was sentenced to 90 days in DOC custody in lieu of revocation. He served 110 days in Concordia Parish Jail. He turned himself into St. Tammany Parish Jail on January 22, 2021, and was incarcerated there until his revocation hearing date on January 26, 2021. *Id.* at ¶ 4.

12. On January 26, 2021, Mr. Giroir had a probation revocation and resentencing hearing. He was sentenced to one year in DOC custody. *Id.* at ¶ 5.

13. Under Louisiana’s “good time” law, Mr. Giroir is entitled to a diminution of sentence. La. Rev. Stat. § 15:571.3(B)(1)(a). Because of his good behavior and because he was not convicted of a crime of violence, he is only required to serve 35 percent of his one-year sentence, or 128 days. Ex. 3, Giroir Decl. at ¶ 6.

14. As of the date of his revocation and sentencing on January 26, 2021, Mr. Giroir had served at least 192 days in jail on his one-year sentence. Thus, on the date of his sentencing, he was eligible for immediate release. *Id.* at ¶ 7.

15. Mr. Giroir was not immediately released on January 26, 2021, even though he had already served at least 64 days beyond his sentence. He still has not been released. He is being overdetained in DOC custody. *Id.* at ¶ 8.

II. The DOC Has a Pattern and Practice of Overdetaining People in Its Custody

16. Mr. Giroir’s case is not an aberration—on the contrary, his false imprisonment through overdetention is the standard practice of the DOC—a standard practice that Defendants have known about for at least eight years, yet have failed to change.

17. Defendants have been aware of the problem of overdetention in Louisiana since at least 2012.

18. The DOC has no process in place for ensuring that persons entitled to immediate release upon sentencing are actually released upon sentencing, or any time promptly thereafter.

19. Instead, the DOC detains such people for weeks and even months with no idea whether it has a legal right to imprison them at all. For the DOC, such determinations are made in an unhurried process in which the agency (1) waits days or weeks for others to provide it with the person’s sentencing order, and then (2) waits weeks to actually examine that sentencing order and

determine whether the DOC has the legal authority to continue to detain the person. During all that time, the person who should be free—whom a judge has already deemed eligible for immediate release—languishes behind bars. Thousands of people in Louisiana suffer this fate every year.

20. To make matters worse, the leadership of the DOC, including Secretary LeBlanc, have been acutely aware of this problem since at least 2012. And after making half-hearted efforts to mitigate the problem, they have essentially abandoned those efforts and have specifically endorsed overdetention as a normal practice.

A. The DOC Detains Thousands of People Past Their Legal Release Dates Every Year

21. The DOC recognizes that a person who (1) has spent time in custody pretrial, (2) is given a sentence with credit for time served, and (3) has a sentence that is less than or equal to their period of pretrial custody is entitled to release on the day of their sentencing. *See* Ex. 4, Dep. of DOC 30(b)(6) Representative Angela Griffin (May 31, 2019) at 30-31. For example, a person who spent two months in jail awaiting sentencing, and is then sentenced to thirty days with credit for time served, is entitled to release on the day of his sentencing.

22. The DOC is responsible for a person's overdetention from the day of sentencing, even if the person is not physically housed in a DOC facility.

23. The DOC has conceded that a person's "admit date" to DOC custody is the date of that person's sentencing. Ex. 5, Dep. of DOC 30(b)(6) Representative Melanie Gueho at 53. Indeed, Secretary LeBlanc has explained that he is "responsible for the inmates sentenced to the custody of the DOC," whether they are in "a state-run facility, a parish-run facility, or private-facility." Ex. 1, Dep. of Secretary LeBlanc at 13.

24. Any person who is detained past his or her legal release date is overdetained.

25. The DOC admits that it is "legally bound to release inmates on their release date." *Id.* at 15. Secretary LeBlanc has stated that he first learned "that thousands of people in the custody of

the Department of Corrections for whatever reason were being held past their release date” in 2012. *Id.* at 48. But every investigation into the matter since that time has confirmed that the problem continues; indeed, it has even come to the attention of judges and legislators.

26. In 2012, a team of DOC staff performed a review of its time calculation processes, which revealed a widespread pattern of people being held significantly past their legal release dates.

27. Specifically, the investigation found that when the DOC calculated the release dates of inmates, 83% were eligible for “immediate release . . . due to an earlier release date.” Ex. 6, DOC Lean Six Sigma 2012 PreClassification at 4.

28. The DOC learned through this investigation that it was overdetaining over 2,000 people each year, with an average of 71.69 “overdue days” per person who was overdetained. Ex. 7, Dep. of DOC 30(b)(6) Representative Derek Ellis at 20.

29. The DOC has admitted that this is “a lot of overdetention.” Ex. 8, Dep. of DOC 30(b)(6) Representative Angela Whittaker at 33.

30. The 2012 review found that some of the delay was caused by the time it took for the DOC to obtain documents from the clerks’ and sheriffs’ offices, and the remainder was caused by the DOC itself taking an average of approximately 79 days to calculate sentences after it had the sentencing documents in hand. *Id.*¹

31. Under Louisiana law, confining any person without legal authority amounts to false imprisonment.

32. Under settled decisions by the United States Supreme Court, correctional facilities are allowed some time to ensure that an imprisoned person’s release is administratively proper, but

¹ “Q. So this approximately 79-day number represents the DOC’s, to the best of its knowledge in 2012, about how long it was taking for documents to wait at the DOC to be calculated? A. Correct.”.

in all events, it is presumptively unreasonable to imprison a person for more than 48 hours after they are entitled to release. *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991).

33. The DOC's imprisonment of people for *months* after they are entitled to release violates the laws of Louisiana and the United States.

34. No alarm was raised, however, following the 2012 study. After making their 2012 findings, the DOC did not eliminate or even meaningfully mitigate the problem of overdetention. Secretary LeBlanc recently testified that he understood that "people [are still] being held [in DOC custody] an average of about two months past their release date." Ex. 1, Dep. of Secretary LeBlanc at 45.

35. Indeed, five years after the 2012 investigation, in 2017, another internal investigation reported that the DOC had "an average of 200 inmates per month held an average of 49 days past the end of their sentence." Ex. 7, Dep. of DOC 30(b)(6) Representative Derek Ellis at 38.²

36. So many people were being overdetained under this practice that it cost the state "\$2.8M per year in housing costs alone." Ex. 2, DOC Grant Application at 4. According to the DOC, this is "taxpayer money" that the "DOC should not have to spend" on people whose sentences are complete. Ex. 7, Dep. of DOC 30(b)(6) Representative Derek Ellis at 35.

37. Defendants took no meaningful action in response to the 2017 investigation either.

38. As recently as 2019, the DOC compiled a set of data and found that it had held 231 individuals past their legal release dates in a single month (February of 2019) for an average of 44 extra days. *See* Ex. 9, Feb. 2019 Pull Doc.

39. The DOC gathered this information in order to estimate the magnitude of its overdetention problem as part of a grant application to the U.S. Department of Justice. The figures

² "Q. So it's a true statement that the DOC found that in 2017 it had an average of 200 inmates per month held an average of 49 days past the end of their sentence, correct? A. Yes."

suggest that over 2,000 people per year are still being overdetained, seven years after the DOC first identified the problem.

40. The causes of this problem have been obvious since at least the 2012 investigation.

41. The 2012 inquiry found that some of the delay was caused by the time it took for the DOC to receive documents from the clerks' and sheriffs' offices, and then, even after receiving the sentencing papers, the DOC was taking an average of approximately 79 additional days to complete the process of calculating sentences. Ex. 8, Dep. of DOC 30(b)(6) Representative Angela Whittaker at 33.

42. In fact, the DOC waits nearly 11 days on average to even *begin* calculating a person's time once the paperwork is obtained from the sheriff or court clerk.³

43. As the DOC's overdetention practices have continued, judges and state legislators have repeatedly reminded Secretary LeBlanc of the problem.

44. On January 20, 2015, Judge Mary Doggett of the 9th Judicial District Court sent an email that was forwarded to Secretary LeBlanc complaining that an individual had been held past his release date by nearly two months "in spite of several phone calls from Judge Randow for his release." Ex. 10, Secretary LeBlanc Emails 3-4.⁴

45. On January 28, 2016, a state legislator's office emailed Secretary LeBlanc regarding an individual who had obtained "an order of immediate release" more than two weeks prior, and was "still being detained and has been given no explanation of the delay." *Id.* at 10.⁵

³ This number was obtained by calculating the average of the column "RECEIV TO COMP" in Ex. 9, Feb. 2019 Pull Doc. The "RECEIV TO COMP" column provides, for each individual listed, the number of days that passed between the DOC receiving the person's paperwork and the DOC beginning the process of calculating the person's time.

⁴ Email from Mary Lauve Doggett, District Judge, 9th JDC, to Cole Gralapp, District Administrator, Probation and Parole (Jan. 20, 2015, 4:48 PM) (forwarded to James LeBlanc Jan. 23, 2015, 1:54 PM).

⁵ Email from the office of Chris Hazel, State Representative, House District No. 27, to James LeBlanc, Secretary, DOC (Jan. 28, 2016, 9:44 AM).

46. On February 21, 2019, Secretary LeBlanc received an email from Judge Jules D. Edwards of the 15th Judicial District Court to which Judge Edwards had attached three articles about overdetention in Louisiana and information about a specific overdetained person. Judge Edwards added that “defense attorneys in Lafayette are also complaining about the failure to timely release inmates from LPCC.” Secretary LeBlanc’s response indicated that he had read at least one of the articles. *Id.* at 1-2.⁶

B. Secretary LeBlanc Has Been Deliberately Indifferent to the DOC’s Overdetention of Thousands of Louisianans

47. Multiple investigations since 2012, and repeated attempts to intervene by other branches of Louisiana government, have done little to change the DOC’s pattern of overdetention. The DOC has been content to tinker around the edges of the problem, while doing little to actually reduce or eliminate the mass false incarceration it is committing.

48. Upon learning of the scale of its overdetention problem in 2012, the DOC did not set a goal of eliminating the problem. Rather, it set a goal to “[r]educ[e] the percentage of Immediate Releases by 80% (from 2252 to 450/yr)” and to “[r]educ[e] the average number of days per case for immediate releases from 71.69 days (non CTRP) to 31 days.” Ex. 6, DOC Lean Six Sigma 2012 PreClassification at 5.⁷

49. After learning in 2017 that the DOC was still detaining people an average of about two months past their legal release dates even with action taken after the 2012 review, Secretary LeBlanc did not fire anyone. He did not demote anyone. He did not dock anyone’s pay. He did not even reprimand anyone. Ex. 1., Dep. of Secretary LeBlanc at 48-49. He did not take any supervisory action to prevent his agency from continuing to detain people past their legal release dates.

⁶ Email from Jules D. Edwards III, District Judge, 15th JDC, to Rhett Covington, Assistant Secretary, DOC (forwarded to James LeBlanc Feb. 24, 2019, 6:14 PM).

50. Since that time, Secretary LeBlanc has not consulted with the heads of other states' departments of corrections about how they ensure that people are not detained past their legal release dates, aside from looking at some of the software that other states use. *Id.* at 103-04.

51. Secretary LeBlanc has suggested that overdetention might be somewhat lessened in Louisiana if the DOC were to go and pick up the paperwork necessary to process release dates rather than waiting for sheriffs and clerks to deliver it, *id.* at 80, 100-01, but neither Secretary LeBlanc nor the DOC has ever taken steps to implement that strategy.

52. Secretary LeBlanc has failed to adopt a policy proposed by a legislative auditor that would impose a deadline on sheriffs to submit pre-classification packets to the DOC, despite his own admission that "there's no reason why [the DOC] couldn't" adopt such a policy and that he is "not sure why we don't, to be honest," and "we could certainly, at least, make an attempt."⁸

53. Secretary LeBlanc has not adopted any policy for the DOC requiring the immediate calculation of sentences; instead, he has continued to permit sentences to be calculated in an *ad hoc* manner after the DOC receives the relevant paperwork.

54. Eliminating the overdetention problem has remained a low priority. It has not even been included as a goal in the DOC's strategic plans in any year from 2012 to the present. By contrast, the DOC has set goals for itself in its strategic plans such as "Maintain the adult offender institution population at a minimum of 99% of design capacity through 2019."

⁷ The DOC estimated that if it could achieve these goals of reducing the percentage of overdetained people by 80% and reducing the average number of days of overdetention per person to 31 days, it could save the state \$3.7 million per year. *Id.* at 19.

⁸ *Crittendon v. Gusman*, No. 3:17-cv-00512-SDD-EWD at 26 (M.D. La., Apr. 13, 2020) (order denying motions for summary judgment) ("[B]oth Secretary LeBlanc and Defendant Stagg testified in their depositions that they were familiar with a proposal by the legislative auditor that such a deadline be implemented, and both men expressed approval for the idea. In fact, when Secretary LeBlanc was asked at his deposition if it has 'ever been considered to include a timeframe for the submission of these materials to DOC,' he responded: 'Not that I'm aware of, but **there's no reason why we couldn't. I mean, I'm not sure why we don't, to be honest with you.**' Secretary LeBlanc added:

55. Further, the DOC has declined help when offered. In 2019, the executive director of the Louisiana Clerks of Court Association, Debbie Hudnall, had a series of meetings with the DOC and Secretary LeBlanc. Ms. Hudnall suggested that, to speed things up, the Clerks of Court could begin emailing sentencing documents to the DOC. The DOC declined, claiming without explanation that they “don’t have the capability of receiving that.” Testimony of Debbie Hudnall, Louisiana House of Representatives, Judiciary Committee, Jan. 15, 2020, at 1:03:35.⁹

56. Further, after his meeting with Ms. Hudnall, Secretary LeBlanc state that he would “develop an action plan with you and the Sheriffs' Offices in these areas to improve upon this turnaround time” and “look at the feasibility of receiving the UCO and Bill of Information documents electronically.”

57. But Secretary LeBlanc has never developed that action plan.

58. And he never conducted the feasibility study.

59. Aside from the specific investigations in 2012, 2017, and 2019, the DOC does not even keep a record or count of individuals who have been overdetained. *See* Ex. 4, Dep. of DOC 30(b)(6) Representative Angela Griffin (May 31, 2019) at 29.

60. Indeed, the DOC has endorsed overdetention as a matter of policy.

61. At least as late as May 2019, the DOC website’s “Frequently Asked Questions” page stated, “If a person has recently been sentenced to DOC custody, it can take up to 12 weeks to calculate a date as the Department has to receive official paperwork from the sentencing court in order to calculate the offender’s release date.” The DOC has since removed the reference to taking “up to 12 weeks to calculate a date,” a timeframe even Secretary LeBlanc conceded was “ridiculous” and “absurd.” Ex. 1, Dep. of Secretary LeBlanc at 88-90.

I’m not sure that we could enforce it to begin with, but we could certainly, at least, make an attempt.”) (emphasis in original).

⁹ http://house.louisiana.gov/H_Video/VideoArchivePlayer.aspx?v=house/2019/dec/1212_19_JU.

62. The DOC also included an audio statement in its voicemail recording saying that it “takes at least 90 days after sentencing” for the department to calculate a person’s time. This statement was finally removed from the voicemail recording in or around February or March of 2019. *See* Ex. 7, Dep. of DOC 30(b)(6) Representative Derek Ellis at 12-13.

63. These voicemail and website statements reveal both the scope of the DOC’s misconduct and Defendants’ indifference to it; their purpose was to discourage family members from “inundat[ing]” the DOC with questions about when their loved ones—who had been told by a judge that they were free to rejoin their families—would actually be released. *See* Ex. 1, Dep. of Secretary LeBlanc at 89; *see also* Ex. 7, Dep. of DOC 30(b)(6) Representative Derek Ellis at 18.

64. Mr. Giroir is one of thousands of people who have been wrongfully imprisoned as a result of Secretary LeBlanc’s demonstrated indifference to the DOC’s unlawful conduct.

CLASS ACTION ALLEGATIONS

65. Named Plaintiff Joel Giroir brings this action, on behalf of himself and all others similarly situated, to assert the claims alleged in this Complaint on a common basis.

66. This action is brought and may properly be maintained as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure.

I. The Plaintiff Class

67. Named Plaintiff proposes a class defined as all persons who have been, or will be, sentenced to the custody of the Louisiana DOC, and who were, or will be, entitled to release at the time of their sentencing, but who nevertheless remain in custody, now or in the future, for more than 48 hours past their sentencing dates. The Class seeks declaratory and injunctive relief against this overdetention and false imprisonment.

II. Rule 23(a)

68. The proposed class satisfies the numerosity, commonality, typicality, and adequacy requirements of Rule 23(a).

A. Numerosity — Fed. R. Civ. P. 23(a)(1)

69. The Class is so numerous that joinder of all members is impracticable. The most recent overdetention data from the DOC (from February of 2019) shows that over 200 individuals were overdetained in a single month, suggesting that the DOC overdetains more than 2,000 individuals over the course of a year. This 2019 count was consistent with data from 2017, which showed that the DOC had “an average of 200 inmates per month held . . . past the end of their sentence.” Ex. 7, Dep. of DOC 30(b)(6) Representative Derek Ellis at 38.¹⁰ Upon information and belief, the DOC has not implemented any meaningful changes that might have significantly mitigated the rate of overdetention that was captured in the February 2019 snapshot. Plaintiff therefore estimates a class size of approximately 200 current members, with over 2,000 estimated individuals who will become class members during the course of the next year.

B. Commonality — Fed. R. Civ. P. 23(a)(2)

70. All members of the proposed Class are subject to the same systemic unconstitutional policies, acts, and omissions on the part of Defendants described in this Complaint, and all are suffering or will suffer violations of their constitutional rights and their rights under state law as a result of the DOC’s pattern and practice of overdetaining people in its custody.

71. There are questions of law and fact common to the members of the class.

72. Questions of law that are common to all members of the class include, but are not limited to:

¹⁰ “Q. So it’s a true statement that the DOC found that in 2017 it had an average of 200 inmates per month held an average of 49 days past the end of their sentence, correct? A. Yes.”

- Whether the DOC has the legal authority to hold class members past their sentencing dates under the United States Constitution;
- Whether Class Members have a liberty interest in their immediate release upon sentencing under the United States Constitution;
- Whether Defendants' failure to adopt a policy or policies to mitigate overdetention constitutes deliberate indifference;
- Whether the DOC has the legal authority to hold class members past their sentencing dates under the Louisiana Constitution;
- Whether Class Members have a liberty interest in their immediate release upon sentencing under the Louisiana Constitution; and
- Whether the DOC's detention of Class Members past their legal release dates constitutes false imprisonment under state law.

73. Questions of fact that are common to all members of the class include, but are not limited to:

- Whether the DOC has a pattern of overdetaining people in its custody;
- Whether Defendants are aware of the DOC's pattern of overdetaining people;
- Whether the DOC is responsible for people sentenced to DOC custody from the day they are sentenced; and
- Whether Defendants failed to adopt a policy or policies to mitigate overdetention.

74. Defendants are expected to raise common defenses to these claims, including denying that their actions violate the law.

C. Typicality — Fed. R. Civ. P. 23(a)(3)

75. Named Plaintiff's claims are typical of those of the Class, as his claims arise from the same policies, practices, or courses of conduct as those of the Class, and his claims are based on the same theories of law as the Class's claims. Named Plaintiff Joel Giroir was eligible for immediate release upon his sentencing, and the DOC has held him in custody past his sentencing date. *See* Ex. 3, Giroir Decl. Mr. Giroir is therefore typical of the putative Class, and he suffers the same injury of overdetention described in this Complaint.

D. Adequacy — Fed. R. Civ. P. 23(a)(4)

76. Named Plaintiff is an adequate representative of the Class because his interests in the vindication of the legal claims that he raises are entirely aligned with the interests of the other Class

Members, who each have the same basic constitutional claims. Named Plaintiff is a member of the Class, and his interests coincide with, and are not antagonistic to, those of the other Class Members.

77. There are no known conflicts of interest among Class Members, all of whom have a similar interest in vindicating their constitutional rights.

78. Plaintiffs are represented by attorneys from the Promise of Justice Initiative, Loevy and Loevy, and Most & Associates, who have experience in litigating complex civil rights matters, including class actions, related to prisoners' rights in federal court and extensive knowledge of both the details of the DOC and the relevant constitutional and statutory law. Most & Associates has litigated a number of individual overdetention cases in Louisiana, and all class counsel are currently litigating a class action case involving overdetention in Louisiana, *Humphrey v. LeBlanc*, 20-cv-233 (M.D. La).

79. Class counsel have a detailed understanding of local law and practices as they relate to federal constitutional requirements.

III. Rule 23(b)(2)

80. Class action status is appropriate because Defendants have acted or will act in the same unconstitutional manner with respect to all Class Members. Defendants unlawfully and knowingly detain thousands of Louisianans past their legal release dates every year.

81. The Class therefore seeks declaratory and injunctive relief to enjoin Defendants from continuing to overdetain and falsely imprison people in their custody. Because the putative Class challenges Defendants' conduct as unconstitutional through declaratory and injunctive relief, which would apply the same relief to every Class Member, Rule 23(b)(2) certification is appropriate and necessary.

82. Injunctive relief compelling Defendants to comply with Class Members' constitutional rights will similarly protect each Class Member from being subjected to Defendants'

unlawful policies and practices. A declaration and injunction stating that Defendants cannot continue to detain people past their legal release dates would provide relief to every Class Member. Therefore, declaratory and injunctive relief with respect to the Class as a whole is appropriate.

CLAIMS FOR RELIEF

COUNT I 42 U.S.C. § 1983

83. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth in this Count.

84. Plaintiff Joel Giroir brings this claim on his own behalf and on behalf of the putative Class against Defendants.

85. The Due Process Clause of the Fourteenth Amendment to the United States Constitution is violated where a person remains incarcerated after the legal authority to hold that person has expired. *See Douthit v. Jones*, 619 F.2d 527, 532 (5th Cir. 1980). No privilege enables a jailor to detain a person beyond the period of that person's lawful sentence. *See Whirl v. Kern*, 407 F.2d 781, 791 (5th Cir. 1968); *see also Powell v. Barrett*, 376 F. Supp. 2d 1340, 1351 (N.D. Ga. 2005) (detainee has constitutional right to be free from continued detention after it was or should have been known that he was entitled to release).

86. The DOC's legal authority to detain Plaintiff Joel Giroir expired on the day of his sentencing, January 26, 2021. Yet pursuant to an unlawful standard practice that has existed for years, the DOC continues to detain Plaintiff.

87. The DOC is falsely imprisoning Plaintiff pursuant to a practice that has existed for years in which it waits weeks and even months to determine whether it has lawful authority to imprison persons who in fact were entitled to release on the day of their sentences. That practice is injuring the hundreds of members of the putative class, as described in this Complaint.

88. Secretary LeBlanc has been aware of this practice since at least 2012, but he has not attempted to stop it; instead, Defendants have attempted to normalize their own misconduct.

89. Secretary LeBlanc's failure to adopt a policy or policies to prevent overdeterrence is "deliberately indifferent" because "it is obvious that the likely consequences of not adopting a policy will be a deprivation of constitutional rights." *Rhyne v. Henderson Cnty.*, 973 F.2d 386, 392 (5th Cir. 1992).

90. In failing to adopt any policy to prevent predictable overdeterrence, Secretary LeBlanc acted with deliberate indifference. This is evidenced by the fact that every investigation into the matter since 2012 has shown that overdeterrence is a persistent and widespread problem in Louisiana, yet Secretary LeBlanc did not create any policy to attempt to remedy the problem.

91. Through his deliberate indifference, Secretary LeBlanc is depriving Mr. Giroir, and all Members of the putative Class he seeks to represent, of the fundamental right to liberty and violating their due process rights under the Fourteenth Amendment, causing the injuries described in this Complaint.

COUNT II
Due Process under Article I, Section 2 of the Louisiana Constitution

92. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth in this Count.

93. Plaintiff Joel Giroir brings this claim on his own behalf and on behalf of the putative Class against Defendants.

94. Article One, Section Two of the Louisiana Constitution of 1974 guarantees that "[n]o person shall be deprived of life, liberty, or property, except by due process of law."

95. By reason of the same conduct that violates Plaintiff's federal constitutional rights, Defendants violate Plaintiff's state constitutional rights to liberty and due process, as well as the state

constitutional rights of the putative class he seeks to represent, causing the injuries described in this Complaint.

COUNT III
False Imprisonment under State Law

96. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth in this Count.

97. Plaintiff Joel Giroir brings this claim on his own behalf and on behalf of the putative Class against Defendants.

98. Defendants are committing the tort of false imprisonment against Plaintiff because the DOC is “restrain[ing] [Plaintiff] against his will without a warrant or other statutory authority,” *Kyle v. City of New Orleans*, 353 So.2d 969, 971 (La. 1977); *see also Miller v. Desoto Regional Health Sys.*, 128 So.3d 649, 655-56 (La. App. 3d Cir. 2013), beyond Plaintiff’s legal release date. By definition, the Class Members Plaintiff seeks to represent are also falsely imprisoned by Defendants because they are, or will be, unlawfully detained beyond their legal release dates, causing the injuries described in this Complaint.

COUNT IV
State Law Negligence

99. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth in this Count.

100. Plaintiff Joel Giroir brings this claim on his own behalf and on behalf of the putative Class against Defendants.

101. Defendants owe duties to avoid overdetention to persons in DOC custody, including Plaintiff and the members of the putative Class. *Porter v. Epps*, 659 F. 3d 440, 445 (5th Cir. 2011) (a jailor has “not only the duty to protect a prisoner, but also the duty to effect his timely release.”).

102. These duties are being breached by Defendants' acts and omissions, including the failure to timely release Plaintiff and the putative Class Members.

103. The risks and harms that Defendants cause are within the scope of protection afforded by the duties Defendants owe to Plaintiff and to the putative Class Members.

104. As a result of Defendants' acts and omissions, Plaintiff and the putative Class Members are suffering actual, foreseeable harm, as described in this Complaint.

COUNT V
State Law Intentional Infliction of Emotional Distress

105. Plaintiff repeats and re-alleges the preceding paragraphs as if fully set forth in this Count.

106. Defendants have acted intentionally or recklessly regarding the false imprisonment and overdetention of Mr. Giroir and the Members of the putative Class.

107. Defendants' conduct is extreme and outrageous, and it is rooted in an abuse of power and authority over the freedom of Mr. Giroir and the Members of the putative Class.

108. Defendants' misconduct is causing severe emotional distress, induced by weeks and even months of caging in crowded, dangerous jails and prisons of persons who are legally entitled to be free.

PRAYER FOR RELIEF

Wherefore, Plaintiff Joel Giroir requests that this Court enter judgment in his favor, and in favor of the putative class he seeks to represent, against Defendants and order the following relief:

- (a) An order and judgment declaring that Defendants' practice of routinely allowing individuals to be incarcerated past their legal release dates violates Plaintiff's rights under the United States Constitution as well as the state law rights of the class Plaintiff seeks to represent;
- (b) An order and judgment enjoining Defendants from continuing to allow individuals to be incarcerated past their legal release dates and ordering Defendants to establish procedures to prevent all such overdetention;

- (c) An order and judgment requiring Defendants to calculate sentences and release as soon as reasonably feasible, and in no event longer than 48 hours after the person is sentenced, for all persons sentenced to the custody of the DOC who are eligible for immediate release upon sentencing;
- (d) An order and judgment ordering Defendants to release Plaintiff and all members of the class Plaintiff seeks to represent;
- (e) An order and judgment granting reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and all other applicable laws; and
- (f) Any other relief this Court deems proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted this 19th day of February, 2021.

/s/ Mercedes Montagnes

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Attorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Giroir, Joel

(b) County of Residence of First Listed Plaintiff Jefferson Parish
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mercedes Montagnes; Promise of Justice Initiative; 1024
Elysian Fields Ave., New Orleans, LA 70117; (504)
529-5955 (see attachment for full list)

DEFENDANTS

LeBlanc, James

Louisiana Department of Public Safety & Corrections

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983Brief description of cause:
Due process, false imprisonment, negligence, supervisory liability

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

2/19/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Mercedes Montagnes

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DE'JUAN THOMAS,
Plaintiff

V. 3:17-cv-01595-SDD-EWD

SALLY GRYDER, JAMES LEBLANC,
JERRY GOODWIN, DOES 1-10
Defendants

BRIAN McNEAL,
Plaintiff

V. No. 18-cv-00736-JWD-EWD

LOUISIANA DPS&C, et al
Defendants

ELLIS RAY HICKS,
Plaintiff

V. No. 19-108-SDD-RLB

LOUISIANA DPS&C, et al
Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RODNEY GRANT,
Plaintiff

V. Case No.17-cv-2797-NJB-DEK

MARLIN GUSMAN, et al
Defendants

1 DEPOSITION OF SECRETARY JAMES LEBLANC,
2 given in the above-entitled causes, pursuant to
3 the following stipulation, before Raynel E.
4 Schule, Certified Shorthand Reporter in and for
5 the State of Louisiana, at the Louisiana
6 Department of Public Safety and Correction, 604
7 Mayflower Street, Baton Rouge, Louisiana, 70802,
8 commencing at 10:00 o'clock a.m., on Thursday,
9 the 23rd day of May, 2019.

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I N D E X

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1 APPEARANCES:

2 For the Plaintiffs:

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5
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Assistant Attorney General

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Litigation Division

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10 and

11 JAMES "GARY" EVANS

12 Assistant Attorney General

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13 P.O. Box 94005

Baton Rouge, Louisiana 70804

14 and

15 JEFFERY A. "BEAU" WHEELER, II

16 Assistant Attorney General

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17 P.O. Box 94005

Baton Rouge, Louisiana 70804

18 And

19 JONATHAN R. VINING

20 General Counsel

Louisiana Department of Public Safety &
21 Corrections

P.O. Box 94304

22 Baton Rouge, Louisiana 70804

23 Also Present: Stephen Geist

24 Reported By: Raynel E. Schule

Certified Shorthand Reporter

25 State of Louisiana

26

S T I P U L A T I O N

It is stipulated and agreed by and among Counsel for the parties hereto that the deposition of SECRETARY JAMES LEBLANC is hereby being taken pursuant to the Federal Rules of Civil Procedure for all purposes in accordance with law;

That the formalities of reading and signing are not specifically waived;

That the formalities of sealing, certification, and filing are hereby specifically waived.

That all objections, save those as to the form of the question and responsiveness of the answer, are hereby reserved until such time as this deposition or any part thereof is used or sought to be used in evidence.

* * * * *

Raynel E. Schule, Certified
Shorthand Reporter in and for the State of
Louisiana, officiated in administering the oath
to the witness.

1 SECRETARY JAMES LEBLANC, having been
2 first duly sworn by Raynel E. Schule, was
3 examined and testified on his oath as
4 follows:

5 EXAMINATION

6 BY MR. MOST:

7 Q. Good morning, Secretary.

8 A. Good morning. How are you?

9 Q. I'm doing well, thanks. Yeah. My name as
10 you know is William Most. I represent the
11 Plaintiffs in the four cases that we're
12 here for today, which is Thomas v Gryder,
13 McNeal v Louisiana Department of Public
14 Safety & Corrections, Hicks v Louisiana
15 Department of Public Safety & Corrections,
16 and Grant v Gusman.

17 MR. MOST:

18 Mr. Evans, can we stipulate that
19 the deposition was properly noticed,
20 and the court reporter is duly
21 qualified?

22 MR. EVANS:

23 We can -- we can stipulate that it
24 was properly noticed; however, for the
25 -- for the document requests other than

1 and Pardon and Parole Board. Is that
2 right?

3 A. That's correct, and -- and Juvenile
4 Services -- OJJ, Juvenile Services.

5 Q. So what you operationally over -- oversee
6 includes corrections, probation and parole,
7 Prison Enterprises, correct?

8 A. Correct.

9 Q. Okay. As Secretary, you're responsible for
10 the inmates sentenced to the custody of the
11 DOC, correct?

12 A. Correct.

13 Q. Whether or not they're in a state-run
14 facility, a parish-run facility, or
15 private-facility. Is that correct?

16 A. Correct. That's correct.

17 Q. And if the Department of Corrections has a
18 legal duty to do something with regards to
19 an inmate, it's your job as Secretary to
20 make sure that happens, correct?

21 A. Correct.

22 Q. For example, the Department of Corrections
23 has a legal duty to feed its inmates,
24 right?

25 MR. EVANS:

1 you as Secretary?

2 A. It -- yeah, it does, and but there are
3 other parties that are involved in that
4 responsibility.

5 Q. It's the Department of Corrections' duty to
6 timely release inmates, correct?

7 MR. EVANS:

8 Object to form.

9 You can answer.

10 THE WITNESS:

11 It -- yeah, it is. It's -- it's
12 our responsibility along with the Clerk
13 of Courts, along with the Judges, and
14 along with the Sheriffs Association.

15 BY MR. MOST:

16 Q. And the department is -- of corrections is
17 legally bound to release inmates on their
18 release date, correct?

19 MR. EVANS:

20 Object to form.

21 You can answer.

22 THE WITNESS:

23 Yes.

24 BY MR. MOST:

25 Q. For example, the Department can't release

1 You can answer.

2 THE WITNESS:

3 It's -- it's a problem.

4 BY MR. MOST:

5 Q. Okay. Thousands of inmates being held past
6 their release date. Do you not think it's
7 a big problem?

8 A. I think I just said it's a problem.

9 Q. It's a problem. Do you think it's a big
10 problem?

11 A. I -- I think -- yeah, I mean, I think it's
12 a problem. I -- I mean, I don't know how
13 you define "big."

14 Q. In your opinion is this a big problem?

15 A. What's big?

16 Q. Just in your own -- in your own belief?

17 A. I think it's -- yeah, it's a big problem.

18 Q. Okay. So look at the next page, which is
19 entitled, "Financial Impact of Reducing
20 Immediate Releases & Transfers." You see
21 that?

22 A. Yep.

23 Q. And you see it says, "The # of Immediate
24 Releases has been reduced to a rate of 1612
25 per year," right?

1 Sigma Interventions, we've still got people
2 being held an average of about two months
3 past their release date, correct?

4 A. Correct.

5 Q. Okay. Now, flip a couple of pages in to
6 the topic that says, "Lessons Learned."
7 The third bullet point says,
8 "Inconsistencies in the quality of the work
9 today requires 100% review by the
10 Supervisor." You see that?

11 A. I do.

12 Q. So through this Six Sigma investigation,
13 you found out there were problems with the
14 work -- that the quality of the work that
15 the time calculation people were doing,
16 correct?

17 A. That's what it looks like, yeah.

18 Q. Okay. Is that what you learned from this
19 investigation?

20 A. Well, if it was in there, but remember now,
21 this -- this -- the Chief of Operations,
22 the Deputy Assistants, there's -- I mean,
23 they're more involved in these reports than
24 me.

25 Q. Sure.

1 documentation, I can't release them.

2 That's what I learned.

3 Q. But you learned that thousands of people in
4 the custody of the Department of
5 Corrections for whatever reason were being
6 held past their release date, correct?

7 A. I did.

8 Q. Did anyone get fired at the Department of
9 Corrections because of that?

10 A. No, because it -- it wasn't -- you know,
11 people have been fired over time because of
12 -- of miscalculations, but no, nobody got
13 fired over that because it wasn't just our
14 fault.

15 Q. Did anyone get demoted?

16 A. Not that I'm aware of.

17 Q. Anyone get their dock -- their pay docked?

18 A. I mean, since -- you're -- you're talking
19 about that day?

20 Q. As a result of this investigation.

21 A. No, no, not -- that wasn't an
22 investigation.

23 Q. What do you call the --

24 A. That's a study.

25 Q. Okay. Did anyone get their pay docked as a

1 result of this study?

2 A. No.

3 Q. A reprimand of any kind?

4 A. No.

5 Q. Okay.

6 A. Again, not that I'm aware of. There's --

7 Q. Sure.

8 A. -- four people between me and -- and that
9 group, so if they did, I wasn't aware of
10 it.

11 Q. Okay.

12 A. That's probably a better answer. I'm not
13 aware of anybody being --

14 Q. Yep, and I can only ask you what you're
15 aware of so. Okay. So let's try and
16 figure out from this document where the
17 delay came from. Will you look at that
18 page that says, "Statewide Vitals Pre &
19 Post LSS."

20 A. Where are you in the document?

21 Q. It's sort of in the -- the middle. It's --

22 A. Statewide Vitals again?

23 Q. Yeah, the first page that says, "Statewide
24 Vitals."

25 A. All right.

1 were dealing -- during -- during between
2 2008 and 2016, '17, we -- we were taking
3 200 million dollars in cuts and lost four
4 prisons and 2000 employees. My focus is --
5 is surviving, you know, and, you know,
6 there's a lot of things going on besides
7 figuring time for me. I mean, you know,
8 you have -- I hope you understand that, and
9 but, you know, it's not like we -- we're
10 trying to avoid this issue. We want to --
11 we want to fix this issue, and we -- we
12 have made every attempt at -- at fixing
13 this issue so --

14 Q. And one thing you said that you may do in
15 the future, but haven't done in the past is
16 send -- is actually go out and get the
17 paperwork --

18 A. Yeah.

19 Q. -- the Department of Corrections itself?

20 A. Yeah, that's right. That's right, and --
21 and we -- we need reception centers to do
22 that. I opened a new reception center to
23 -- to take in the five, but there -- it
24 wasn't just about the paperwork. It was
25 about bringing people in and evaluating who

1 A. Good.

2 Q. And we'll definitely have you out of here
3 for your GOHSEP meeting for sure with time
4 to spare.

5 A. Couple of these I've circled I want.

6 MR. EVANS:

7 Well, these are our copies.

8 MR. VINING:

9 We -- we can talk when it's over.

10 THE WITNESS:

11 Yeah.

12 BY MR. MOST:

13 Q. Okay. So this is a document that says,
14 "Frequently Asked" corrections, right --
15 "Questions."

16 A. Okay.

17 Q. Does this appear to be the frequently asked
18 questions webpage from the Department of
19 Public Safety's website?

20 A. It does, but let me say this that we are
21 developing a new website.

22 Q. Okay.

23 A. It's being rebuilt as we speak. We have
24 hired somebody, and we're hoping this is
25 going to be a much improved website once we

1 finish it, even though Senator Claitor
2 always brags on our -- our website, but --
3 he brags on information that he get's off
4 of our website.

5 Q. Huh-huh.

6 A. But anyway, I'm -- I'm sorry, go ahead.

7 Q. So Page 3, at the top of Page 3 --

8 A. Yeah.

9 Q. -- it says, "If a person has recently been
10 sentenced to DOC custody, it can take up to
11 12 weeks to calculate a date as the
12 Department has to receive official
13 paperwork from the sentencing court in
14 order to calculate the offender's release
15 date." Do you see that?

16 A. I do.

17 Q. Do you have any reason to believe that's
18 wrong?

19 A. Well, I have reason to believe that's in
20 there because it's -- it's for those people
21 that might have 20 years to do and that we
22 get the phone calls from family members
23 that just over -- you know, just inundates
24 us with -- with requests for when they're
25 going to get out, and I'm not sure that

1 that -- that -- 12 weeks is ridiculous. I
2 mean, I -- I saw this somewhere. I -- I've
3 seen this before, and I haven't fixed that
4 yet, but that's something we need to
5 address too. I mean, that's just absurd.

6 Q. Do you have any reason to believe that
7 short timers' time computation is
8 prioritized a lot of times?

9 A. You know, I -- I -- I thought it was. I
10 mean, to my understanding that it is, but I
11 -- you know, again, I -- I have to defer to
12 Chief and -- and Derrick the assistant --
13 the Deputy Assistant Secretary and them.

14 Q. And if it's not prioritized, that would be
15 a problem?

16 A. Yeah, I mean, I think it is. Yeah, I mean,
17 obviously they -- those are the ones that
18 we need to put on top the stack if you
19 will.

20 Q. Okay. That was part of the problem in the
21 Six Sigma report is that you had a stack
22 that was 1400 inmates high, right?

23 A. Yeah.

24 Q. Okay. Okay. Do you recall that in 2003,
25 the State of Louisiana paid \$125,000 to an

1 they -- they try to say that we were -- but
2 we -- we -- we balance that every month
3 paying wise. When we pay our bills, we
4 make sure we're not double paying, and --
5 and so all that's reconciled at -- at some
6 point, but it is -- it's -- it's a
7 challenge to keep up with them at the local
8 level, and I think we have a handle on it.

9 Q. So it's relatively common that the
10 Department of Corrections thinks an inmate
11 is in one place, but actually they're in
12 another, correct?

13 A. Well, I mean, I -- you know, I'm not sure
14 that we're thinking about where an inmate
15 is at the local level. We know that he's
16 in a jail somewhere and locked up. I mean,
17 he's -- he's okay. It's not a public
18 safety issue. So, you know, yeah, I mean,
19 I guess the answer to that question would
20 be yes, but it's not something that we
21 perceive as a major problem.

22 Q. Okay. So one of the things you mentioned
23 today that the DOC could do to mitigate the
24 problem of people being held past their
25 release date is for the DOC to go out and

1 get the paperwork itself rather than just
2 waiting to receive it, right?

3 A. For DOC to get it versus a sheriff, not
4 really concerned about it. You know, and
5 that's -- that's -- that's the difference.

6 Q. Right.

7 A. Yeah. So yes.

8 Q. What other things could be done to mitigate
9 this problem?

10 MR. EVANS:

11 Object to form, but you can
12 answer.

13 THE WITNESS:

14 Well, I -- I think the
15 modernization of our system is -- is --
16 is going to help a great deal. I think
17 the Uniform Commitment Order, I -- I
18 think that -- I mean, to me that's the
19 way to resolve this if we could get
20 everybody on the same page, and we get
21 a Uniform Commitment Order, not have to
22 worry about what the sentencing minutes
23 say and what this says and trying to
24 compare, and they don't ever agree
25 seems like most of the time, and that's

1 know, I mean, to me that -- that -- that --
2 that's -- that's a -- that's part of the
3 resolution, and -- and I think this web
4 portal with this grant where we can
5 communicate, where, you know, everybody
6 right now is on different systems, and you
7 know that better than I do probably, but --
8 but getting everybody in a portal, and I
9 don't understand web-based portals, but if
10 everybody can communicate electronically to
11 us, then that along with the Uniform
12 Commitment Order, I think that would be a
13 -- a -- a fix in my opinion.

14 Q. Do you talk to other heads of other states'
15 departments of corrections?

16 A. You know, I haven't -- the -- the issue
17 with, and -- and I'm -- no, I haven't and
18 -- and -- and we are looking at -- right
19 now we are looking at what software is
20 being used in other states. We -- we --
21 we've began that process, and we probably
22 maybe should have started that a little
23 sooner, but their -- their issues are not
24 nearly as complex or challenging as ours
25 because of the local jail situation. I

1 think Kentucky is the closest one to us
2 that has people in local jails, but
3 ultimately they end up in a state facility.
4 They don't leave them there and discharge
5 from there. So our -- our challenges with
6 time computation is so much different than
7 -- than the other states, but there's no
8 reason why we can't at least see what's
9 going on and -- and if we can't -- I think
10 this web portal thing is maybe when we
11 start looking around, and -- and finding
12 out what's going on, but I don't know how
13 much information we've gotten so far, but
14 we are looking at other states right now.

15 Q. Do you know of any other state that has the
16 magnitude of an issue with people being
17 held past their release dates that
18 Louisiana has?

19 A. No, and I -- I think -- I think the
20 majority of these cases is going to be in
21 local jails.

22 Q. Okay.

23 A. And that's -- that's -- that's the
24 difference.

25 Q. You had a meeting on March 25th with the

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1. Statement of the Problem:

Louisiana has historically ranked as the state with the highest incarceration rate.¹ From 1985 to 2010, Louisiana's prison population grew by 267% and corrections spending increased by 400%. In 2017, under the leadership of Governor John Bel Edwards, Louisiana passed historic criminal justice reforms aimed at reducing the prison population and state spending, while also implementing smart criminal justice practices aimed to improve public safety for the citizens of Louisiana. As a result, partnerships formed between criminal justice agencies and community organizations and Louisiana's prison population declined. As of July of 2018, PEW reported that Louisiana no longer led the nation in imprisonment and that "state leaders decided in 2016 that additional steps could bring greater progress—while also ridding Louisiana of the dubious distinction of being the state that imprisons more of its citizens than any other."²

Since that time, Louisiana's population in state custody and on supervision has continued to decline, with just over 33,000 serving time in the state's custody and 62,000 on supervision by Probation and Parole (P&P), a total decrease of 10%. The unique housing arrangement that Louisiana has for state offenders creates an ideal opportunity to further enhance public safety by making improvements in performance through increased focus on violent, high risk, and high need offenders.

¹Heather C. West, William J. Sabol and Srah J. Greenman, *Prisoners in 2009* (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2010), 24.

²Adam Gelb and Elizabeth Compa, *Louisiana No Longer Leads the Nation in Imprisonment Rate* (<https://www.pewtrusts.org/en/research-and-analysis/articles/2018/07/10/louisiana-no-longer-leads-nation-in-imprisonment-rate>).

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In 1996, the United States District Court for the Middle District of Louisiana approved a Settlement Agreement that ended Court supervision and consent decrees in Louisiana's jails and prisons. As part of the Settlement, the State established a formal partnership with Louisiana Sheriffs for the housing of state offenders. Department of Public Safety & Corrections (DPS&C) and the Louisiana Sheriffs' Association (LSA) established Basic Jail Guidelines (BJG), to assure that the fundamental constitutional rights of DPS&C offenders housed in local jails would not be jeopardized. Today, the agreement acknowledges that to effectively prepare offenders to transition from jail to community, reentry strategies must be deployed to address public safety risks, while benefitting offenders and their families, victims, and the entire community. Unfortunately, the functional processes around this agreement remain as antiquated as they were in 1996 and represents part of the public safety problem which this proposal intends to resolve.

When a person is sentenced to state custody in Louisiana, they are initially housed at the local level and most will remain at the local level throughout their incarceration period. The exceptions include those with a death sentence, sentences over 20 years, or with possible or known medical, mental health or disciplinary needs, as they are moved into state custody upon identification of these factors. We are also currently modeling a new abbreviated reception process with three jurisdictions which will transfer these offenders into a state reception center for initial screening for the noted factors. Otherwise, following conviction, the Clerks of Court forwards commitment documents to the Sheriff in the respective jurisdiction. The Sheriff is then responsible for compiling the other necessary case documents and forwarding a completed packet to the DPS&C, usually by mail, hand delivery, or fax. Once the paperwork is received, the offender is keyed into the DPS&C system and processing begins to identify characteristics that will facilitate an offender's case plan, including crime type (violent verses non-violent), length of sentence, risk

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level, needs, judicial referrals, and, release date. Offenders housed at the local level may be transferred between local level facilities by local Wardens, as needed for jail management, with little to no case planning.

In 2012, DPS&C underwent a Lean Six Sigma review of this process. The project team manually collected information to identify the cycle time from the point of conviction to the point at which an offender's time computation is completed, representing the time when a case plan could be developed. The overall cycle time was 38 days, of which 31 days was post- conviction time in which DPS&C did not have the paperwork to accept and work the case. Implementation of solutions from this review have been successful, however the project did not address the cumbersome front-end paperwork process. As a result, there remains a delay in identifying and processing cases, which leads to an increase in transfers at the local level and an increase in offenders who are due for immediate release based on jail credit and diminution of sentence laws. The issues that result from this delay, in conjunction with Louisiana's complex sentencing laws, has resulted in negative findings by the Louisiana Legislative Auditor around offender location accountability and time computation processes.³

When offender transfers are not managed from the beginning, the offender's ability to effectively participate in programs and services is diminished, thus increasing the likelihood of recidivism. Often, high needs cases are identified only after a significant number of transfers between local jail facilities (i.e. when an offender is moved as a result of disciplinary behavior without interventions to improve their behavior). This can result in anti-social behavior patterns in violent offenders not being sufficiently addressed prior to release. There is currently no

3 Purpera, Daryl G. (2017, October). Department of Corrections Performance Audit. Retrieved from <https://www.la.gov/reports-data/audit/Agency/index.shtml?key=D&agency=Department of Corrections>.

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automated way of looking at transfer data to evaluate opportunities for improvement or reduce the number of transfers. Historic transfer data for 2018 reflects that transfers at the local level average 3,291 per month. The high numbers of transfers negatively impacts the billing and payment of housing per diems to local partners, thus improvements can also save staff time and resources in the auditing process of financial transactions that are currently done to ensure accurate monthly billing.

In 2017, DPS&C had an average of 200 cases per month considered an “immediate release” due to these deficiencies. This includes those cases which become immediately eligible for release as a result of jail credit or the application of diminution of sentence laws. A review of these releases indicate the offenders were held in custody an average of 49 days past the date that they would have been eligible for a diminution of sentence release. Calculated at the rate paid to our local law enforcement partners for housing state offenders, \$24.39/day, immediate releases are costing the state \$239,022 per month, or \$2.8M per year in housing costs alone. This does not include the criminal justice system expenditures by law enforcement, courts, district attorneys, and public defenders, nor public safety costs to victims, associated with the recidivism for those who do not get programs and services to improve their opportunity for success before release.

Louisiana also lacks the processes, procedures, and technology to break down information “silos” to implement data-sharing and notification systems about violent, high risk, and high need offenders moving into prison, between prisons, or being released into communities. We know that over the past 5 years we have had an average of 16,544 admissions per year, of which 21% are violent offenders. Additionally, of the 200 immediate releases each month, 10% are violent offenders. However, we have no method for sharing that information with stakeholders, and, unfortunately, this level of information is not available in a timely manner due to the paper

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processes in place post sentencing. Due to these outdated and incomplete processes, these offenders are returning to the community without sufficient case plans. Add to that the lack of an effective notification system and we compound the problem with law enforcement and community service providers not being aware that violent, high risk, and high need offenders are returning to their communities with the need for ongoing support and monitoring to ensure success and public safety.

As we focus resources and partnerships around data driven decision making to prevent and reduce crime in Louisiana, one important measure of success is the reduction of our prison and supervision populations. Over time, we anticipate the ability to measure similar reductions in crime rates and recidivism. With this proposal, we will be equipped to build upon those reductions by improving the turnaround time for identifying offenders remanded to our custody, developing their case plans, and strategically focusing available resources on violent, high-risk, and high-need offenders to improve public safety through higher reductions in crime and recidivism.

Louisiana had success in research-based partnerships to prevent and reduce crime, including most recently the Crime Prevention Initiative (CPI) funded by BJA. CPI proved positive outcomes based on an effective research and theory based approach to reducing recidivism and violence among high-risk reentry cases with enhanced supervision strategies and research based service components. The study concluded that the use of a Day Reporting Center and enhanced P&P services “had a protective effect on decreasing multiple aspects of negative future outcomes and increasing positive outcomes.”⁴

4 Scharf, Peter (2014, October). Final Report: New Orleans and Baton Rouge Louisiana Department of Correction and Public Safety CPI Violent Crime Prevention and Recidivism Reduction Initiative.

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The DPS&C has built a number of collaborations among justice system stakeholders and community partners to deliver a collaborative effort to reduce crime. The accomplishments of those collaborations include recent justice reinvestment initiatives which have resulted in the reinvestment of \$2.5M in savings into community grants for service providers to provide wrap around services to those on supervision. In addition, DPS&C is investing \$2M into the partnerships with local law enforcement partners who are housing offenders at the local level to support the expansion of programs and services being offered in local jails. There is also a reinvestment of \$500,000 into specialty courts; \$1.7M in victim services; \$900,000 in Day Reporting Centers; and \$370,000 in transitional housing, all focused on improving justice outcomes.

A recent collaboration with Louisiana State University, made possible through another BJA grant, enabled Louisiana DPS&C to build, validate, and automate a risk needs responsivity tool, that will drive evidence-based case plans for offenders beginning at sentencing and following them through successful completion of their sentence.

We also have a long list of data sharing collaborations via Memorandums of Understanding with Louisiana Workforce Commission (LWC), Department of Health (LDH), Department of Children and Family Services (DCFS), and Department of Veteran Affairs (DVA). We also collaborate and have staff assigned to work with other law enforcement agencies on a statewide basis (see attached) with specific focuses on reducing crime, including: Louisiana State Fusion and Analytical Exchange Center, East Baton Rouge Violent Crime Unit, US Marshal Task Fugitive Task Force, FBI – Joint Terrorism Task Force, FBI – Criminal Intelligence Task Force, and Louisiana Attorney General Fugitive Task Force. Our P&P staff in each district are also involved

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in numerous community and regional based collaborations with local law enforcement organizations in their respective areas.

DPS&C will soon be embarking on much needed data modernization project to update its antiquated data systems and improve existing processes. However, this project does not include the opportunity for addressing the high-cost problems caused by inefficient front end processes for identifying state offenders housed in the local level and ensuring timely access to programs and services to prepare for their return to the community. The inability to timely share information with other law enforcement agencies, courts, prosecutors, the Louisiana Board of Pardon's Committee on Parole (Parole Committee), or defense attorneys, and as importantly, the community service organizations, is a compelling public safety problem that could be addressed with the implementation of a data analytics tool and web-based information system that supports improved reentry services. For these reasons, Louisiana submits this proposal as an opportunity to build the state's capacity for analyzing, identifying, and responding to drivers and reducing cost of crime.

A successful project would result in a reduction in offender transfers at the local level, more appropriate responses to disciplinary issues, and a reduction in the number of immediate releases. It would also improve data sharing between criminal justice partners on the front and the back end, resulting in improvements in data driven case plans and improved public safety.

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2. Project Design and Implementation

The Louisiana **Criminal Justice Data Sharing and Notification (DSN) Project** (Initiative) will develop and implement a strategy to resolve critical components of justice reinvestment that will improve information sharing with law enforcement and inform appropriate interventions, both before and after release, to reduce recidivism and improve public safety. Further, it will advance the state's justice reinvestment goals of reducing recidivism and correctional costs. This Initiative proposes to target violent, high risk, high need offenders as these present the greatest public safety threat and highest likelihood of recidivism. Those critical components are case processing, data analysis and data-driven decision making. This innovative initiative would engage the following criminal justice and community stakeholders: local law enforcement, prosecutors, defense attorneys, community partners, including JRI community grant recipients, local reentry coalitions, LWC, LDH, DCFS, and DVA.

The proposed project has two major deliverables, including a web-based portal for commitment demographics & documents and an analytics tool.

Web-based Portal for Commitment Demographics & Documents

A web-based portal for commitment demographics and documents will streamline case processing by automating the initial case planning process, which is currently dependent upon mailing or faxing required documents from Sheriffs' offices to DPS&C. Through this project we will develop and implement a web portal for local facilities housing DPS&C offenders. We will engage the Louisiana Sheriffs' Association, local law enforcement, P&P, Clerks of Court, Courts and the Parole Committee to identify drivers causing document delays and opportunities for improvement. We will also seek input from these stakeholders on the design of this portal system through focus group meetings with local jail staff, jail wardens, Parole Committee members, and

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P&P staff. Through these focus groups, we will identify pilot areas and develop from the pilot experience an implementation plan focused on jails selected by the project team to participate as pilots, with a long range goal of statewide implementation.

The portal will enable the local jail staff to notify DPS&C of admissions to DPS&C custody to assist in streamlining accountability, per-diem billing, and case processing. The initial notification will be based on the input of required demographic information, which is currently collected on paper forms, for each offender sentenced to state time into the portal. This initial web-based input will improve DPS&C's ability to track offender movements while housed in local custody.

Next, additional documents required by DPS&C would be scanned and loaded into the portal, including identification verification documents, sentencing/court documents, and signed DPS&C acknowledgement forms to enable DPS&C staff to process the case. The portal will include the ability to track the date of receipt for each document and enable notifications of completed information packets for staff action. The portal will also include a system for notification reminders to regularly alert local jail staff via email of needed documentation for pending cases. DPS&C staff will accept the documents and import them into DPS&C's file sharing system. Staff will then be able to process the case or communicate through the portal with the local facility staff if additional information or clarification is needed. Protocols have already been established to determine what documents constitute a completed packet for submission. Additional protocols will be developed in cooperation with stakeholders to refine documentation requirements and improve processes to enable offender transfer tracking based on the initial demographic information, even before the case processing packet is complete.

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We will host focus group meetings with Clerks of Court and court staff to identify drivers that could be causing delays in court documents being received and also to discuss opportunities to develop communication and notification systems with the court through this portal. While communications with the court are not a routine part of the case processing, there are times when the time computation staff have questions about sentencing that can only be answered by the Clerks or court staff. The portal could serve as a more efficient means for handling these communications.

Currently the local facilities are required to notify DPS&C of movements and submit weekly a census count of those housed in their facility. This portal would also be used for the local facilities to notify DPS&C of transfers of state offenders housed in their facilities. Based on the protocols developed in the focus group meetings, this new system would alert DPS&C when an offender is transferred an excessive number of times or when a transfer occurs after the offender has been scheduled for a Parole Committee hearing, a video court appearance, or a medical appointment, which today causes a waste of resources in scheduling conflicts. Excessive transfers typically indicate a behavior adjustment problem and would indicate the offender may be better housed at a state facility for access to treatment, services and mental health staff. With quality implementation at the local level, the system would enable, for the first time, access to real time daily count data for the offenders housed at the local level, improving and automating weekly counts and monthly billing processes. Protocols for implementation of this project would include process for data quality control and verification by the local jail staff weekly.

This system will automate monthly billing for local jails by generating, for each facility housing DPS&C offenders, a report on the offenders held in their custody during the month. The bill will be verified and submitted to DPS&C for payment based on the information in the system. Any discrepancies in the bill would be able to be rectified in the portal to generate an accurate bill

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and reduce the need for time-consuming billing corrections on the back-end by DPS&C staff. This portal will ensure accurate and timely reporting of DPS&C offenders.

By developing and implementing the portal, the theory of change is 1) automate the process in order to reduce time in receiving documents needed to process a case; 2) increase accuracy in state offender location and identification in order for DPS&C to take action in a timely manner; 3) improve billing accuracy and accountability; and 4) produce real time counts. Ultimately, this initiative will generate cost savings by decreasing case processing time and decreasing the number of offenders that are considered immediate releases, as the time they are waiting for processing equates to days and money saved.

Implement the Use of a Data Analytics Tool

Through this Initiative, DPS&C will purchase an analytics tool to use for data analysis and providing dashboards and reports for data-driven decision making. We will use this tool to share with law enforcement, prosecutors, defense attorneys, community partners and other stakeholders to enhance our public safety partnerships. Strategic implementation of the tool would also include the development of policy and procedures, including data governance, and training plans. Providing consistent offender specific information will ensure partners are aware of violent, high-risk, and high-need individuals and that they can access intelligence about offenders to aide in ensuring proper management of cases.

Through Louisiana's recent JRI initiatives and DPS&C's reentry initiatives, the need to communicate data to our stakeholders has increasingly become a priority. Unfortunately, our current system can only provide "flat text" file data extracts and snap shot reports. We do not have the system capabilities or staff to provide stakeholders with current information in order for them

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to make informed decisions about those releasing back to their communities. The state's Office of Technology Services will soon be embarking on a project to update DPS&C's legacy system, utilizing a phased approach, which is anticipated to take 3 to 5 years. While the front-end processes and data sharing goals of this Initiative are not part of that data modernization project, the need for these systems are no less important to the state's criminal justice reform goals. The importance of providing information to stakeholders, both those in law enforcement and other community partners, is as critical to our reform success.

The purchase of a web-based data analytics tool will provide DPS&C with the capabilities to create dashboards and reports of existing data, as well as the improved data available from the web-portal, that can be published for partner use. We propose to host focus group meetings with criminal justice stakeholders, community services providers, and DPS&C staff (i.e. P&P and the Parole Committee) to determine what dashboard information would be most helpful for violent, high-risk, and high need offenders preparing to release to the community and to develop protocols for this data sharing initiative.

This information will be used to enable support services to returning population that will help them successfully transition to the community. Based on these discussions and requested information, we will design the needed data extracts from our current system to update the tool and determine the frequency in which these updates need to occur. We also plan to meet with LVA, LDH, DCF&S, and LWC to modernize our existing data sharing practices using the analytics tool. Currently, we share snapshot files to support their processes, but the new portal would provide them with live data as needed to improve some of our current processes with them. We will design interactive dashboards based on the protocols established in our discussion with stake holders to allow them to view and request more detailed data when needed. These protocols and tools will

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allow the DPS&C to provide a consistent way of reporting our data with transparency and availability for the department and stakeholders to use as needed.

As our department's legacy systems evolve into our modernization project this tool will be used for reporting throughout this evolution. As areas are modernized, the determined protocols will be used to insure data collected is transferred to the tool and the way we report and share information remains consistent with the protocols developed.

Filters will be available to allow for customized dashboards and reports for the area of stakeholder interest (i.e. by court, parish of conviction, facility location, releasing location, using zip code, parish, or city). Violent, high risk, and high needs offenders can be identified through the dashboard's customized reports for both justice and non-justice agencies to inform and guide policy decisions, as well as funnel the returning citizens into the right programs and services to help in their transition.

By developing and implementing data dashboards and other reports using a data analytics tool, the theory of change is that we will: 1) develop information sharing protocols to ensure awareness of violent, high-risk, and high need returning citizens so they are managed appropriately through reentry and supervision 2) increase the DPS&C's data analysis capacity 3) improve our Justice system partnerships through the use of automated data sharing to facilitate better partnerships, and 4) develop training protocols for staff use of data-sharing system to ensure optimal implementation of the system's capabilities. This project will benefit Louisiana by providing public safety through reduced spending, reduced crime rates, and reduced recidivism.

An evaluation will include collection of data and analysis related to program implementation and impact. A primary focus of the program is development of a reporting system to submit offender-related data to DPS&C. To provide a baseline assessment of key performance

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metrics, the evaluation will collect data from the 2012 DPS&C review as well as more recent measures of the time between point of conviction and document receipt as well as cycle time between point of conviction and point at which an offender's time computation is completed. Because of delays in processing this paperwork, Louisiana currently has an elevated number of immediate releases when an offender is released before a case plan can be developed. These delays reduce the reentry services that can be provided, which ultimately may lead to elevated recidivism rates. Additional baseline data will also be collected on immediate releases, services provided, crime rates by type of crime and recidivism by offender characteristics.

To strengthen the research design of the evaluation, a group of local jails will be selected to participate as pilots in the program. These pilot participants will serve as the initial treatment group while other local jails will serve as controls. While randomization across all local jails would provide a strong research design, some local jails are engaged in local initiatives that may provide enhanced services, there is considerable variation across jails in the number of individuals released each month. To better isolate the impact of this program, local jails undertaking major initiatives will be excluded from the pilot (and from the control group in any analysis) and pilot jails will be randomly selected within size class and region of the state to ensure a balanced set of treatment and control jails.

The evaluation will collect data on program implementation as well as track key outcomes to determine impact. Those outcomes include time between point of conviction and document receipt by DPS&C, cycle time from the point of conviction to the point in which an offender's time computation is completed (representing the time when a case plan could be developed), number of immediate releases, average days in custody beyond immediate release eligibility date, number of transfers, and number of offenders getting reentry services (by sentence length

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category). Estimates of reduction in custody days can be augmented to estimate the associated cost savings from reduction in days beyond immediate release eligibility. In addition, data on recidivism and crime rates within treated areas can be compared to untreated areas during the pilot to determine longer-term cost savings and broader public safety benefits of the program. Once the program is rolled out statewide, comparisons over time can be used to provide updated, statewide assessments of the program's impact.

In addition, program implementation data will be captured to provide monitoring data as well as provide additional contextual data to validate mechanisms driving changes in primary outcomes. For example, in areas reporting timely data more consistently, the evaluation will examine if their improvements are greater than seen in areas with less consistent use of the new platform. Similarly, to provide additional context on the value of the analytics dashboards, data on visitation, page views, and duration of site visits will be captured to measure engagement and provide additional context to validate mechanisms driving changes in primary outcomes. Finally, automated queries will be developed to measure and track completeness of data submitted to determine how well implementation protocols are followed.

We are seeking priority consideration based on the operational gaps that exist and drive repeat violent, high risk, and high need offenders who are not afforded timely access to programs and services prior to release. While we offer programming and services on the local level, more availability and variety to meet specific needs is available in state prisons and the lack of information available for community partners to provide services and supports upon release. Currently, 50% of the DPS&C admissions are revocations of those on supervision, of which 9% are serving time for violent crimes. And, of those who are immediate releases, on average 25% of them are 3rd offender or higher offender class. The implementation of this portal system data

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sharing initiative, will enable DPS&C to fill the operational gap that exists in identifying these offenders quickly upon return and provide them priority consideration for programs and services.

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3. Capabilities and Competencies

The DPS&C is the applicant/lead agency for this project and will manage and direct all aspects of the project. The DPS&C will hire a project director, a part-time administrative assistant, a policy planner, and a classification liaison to oversee the project and assist in data collection, implementation, and project oversight. The DPS&C's headquarters is comprised of divisions that support the management and operations of the adult institutions responsible for the custody and care of nearly 33,000 adult offenders across Louisiana, adult P&P District Offices supervising an additional 62,000 offenders, and all other services provided by the DPS&C. The DPS&C was awarded, and has successfully managed to date, BJA Second Chance Act grants for Reentry Program for Adult Offenders with Co-Occurring Disorders (2011), Adult Offender Reentry Program for Planning and Demonstration Projects (2011), Statewide Recidivism Reduction (2013), Justice Reinvestment Initiative (2014), Smart Supervision (2016), and Smart Reentry (2017). Data collected on DPS&C evaluations of immediate releases, transfers, elapsed time from conviction to time computation, and releases by location will inform the implementation of the Criminal Justice Data Sharing and Notification Project.

The DPS&C will contract with the State of Louisiana's Office of Technology Services (OTS) to develop the web-based portal and dashboard system. The DPS&C project team will work with OTS to ensure the data collected and exported from these tools are compatible with the work being done to modernize the existing information systems. The project team will collaborate with the select pilot sites to insure the tools are functional and effective for the needs of the various criminal justice and community partners involved in the Initiative.

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DPS&C will partner with Louisiana State University, Department of Economics and the Economics & Policy Research Group (LSU) to conduct the program evaluation. Dr. Stephen Barnes is Director of the LSU Economics & Policy Research Group and an Associate Professor of Research in the Department of Economics at LSU. Dr. Barnes completed his Ph.D. in Economics from The University of Texas at Austin in 2008 and has 10 years of experience in applied economics including conducting several program evaluations. Dr. Barnes has experience working with DPS&C data including academic research using these data and crime-related data from local jurisdictions in Louisiana. Dr. Barnes will assist with selection of pilot sites to ensure the evaluation has an adequate control group for drawing more general inferences about the impacts measured among treated sites. In addition, Dr. Barnes will be responsible for collecting all evaluation-related data, conducting the statistical analysis and producing the final evaluation report.

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4. Plan for Collecting the Data Required for this Solicitation's Performance Measures

Performance measures will be documented by the DPS&C. Data will be collected by the project director, administrative staff, DPS&C, and LSU consistent with the performance measures outlined in Appendix A of the grant solicitation. Data collected will support the objectives of promotion and increasing collaboration among justice system agencies; increase in the capacity to analyze and respond to data through comprehensive data analytics and data sharing; and increase coordinated responses of justice agencies. Performance measures will include partner involvement, staff support, training outcomes, and project evaluation.

DECLARATION OF JOEL GIROIR

I, Joel Giroir, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is Joel Giroir, and I am over the age of 18 and competent to make this declaration.
2. I am currently being held in the custody of the Louisiana Department of Safety and Corrections (“DOC”) in St. Tammany Parish Jail.
3. I am entitled to immediate release. I have already been held past my legal release date. I am being overdetained by the DOC. I should not still be in jail.
4. I have served enough jail time to be eligible for immediate release. I was held on an attachment with no bond in case number 589-169 and held on a \$5000 bond in case number 589-855 in St. Tammany Parish Jail from January 30, 2018, to March 13, 2018. I was held with no bond on case numbers 589-855 and 589-169 from June 12, 2018 until July 19, 2018. On July 19, 2018, I was sentenced to 90 days in DOC custody in lieu of revocation. I served 110 days in Concordia Parish Jail. I turned myself into St. Tammany Parish Jail on January 22, 2021, and was incarcerated there until my revocation date on January 26, 2021.
5. On January 26, 2021, I had a probation revocation and resentencing hearing. I was sentenced to one year in DOC custody.
6. Under Louisiana’s “good time” law, I am entitled to a diminution of sentence. Because of my good behavior and because I was not convicted of crimes of violence, I am only required to serve 35 percent of my one-year sentence, or 128 days.
7. As of the date of my revocation and sentencing on January 26, 2021, I had served at least 192 days in jail on my one-year sentence. So on the date of my sentencing, I was eligible for immediate release.
8. I was not immediately released on January 26, 2021, even though I had already served at least 64 days over my sentence. I still have not been released. I am being overdetained in DOC custody.
9. I understand that this lawsuit is being filed as a class action with me as a proposed class representative. As a named plaintiff in this lawsuit, to the best of my ability, I have been working with my attorneys to help them prepare and work on this case. I will continue to do so. I am available to them to assist with the case, and they are available to me to answer questions and to explain and keep me updated on the litigation. I regularly speak with my attorneys and their staff to provide information in support of this lawsuit. I have responded and will continue to respond to the lawyers’ requests for information about my overdetention to the best of my ability. I intend to continue working zealously with my attorneys on behalf of other individuals overdetained in Louisiana as long as I am a named plaintiff.

10. I have authorized my attorney, Nishi Kumar, to sign this declaration on my behalf given the difficulty of arranging jail visitation during the COVID-19 pandemic. If required to do so, I will provide a signature when I am able to do so.

11. This declaration was read to me in English, and I was able to make changes and corrections.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.



Signature
Nishi Kumar on behalf of Joel Giroir

02/18/2021
Date

I, Nishi Kumar, declare the following under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a licensed attorney in good standing in Louisiana.
2. I represent the declarant Joel Giroir. Out of necessity in light of the COVID-19 pandemic, I signed the attached declaration on his behalf with his express consent.
3. I spoke with Mr. Giroir over the phone and over video call and reviewed this declaration with him verbatim. He has confirmed that I may sign on his behalf as reflected in his declaration.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and that this declaration was executed on February 18, 2021, in New Orleans, Louisiana.

Signature:


Nishi Kumar
February 18, 2021

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DE'JUAN THOMAS,
Plaintiff,

V. 3:17-cv-01595-SDD-EWD

SALLY GRYDER, JAMES LEBLANC,
JERRY GOODWIN, DOES 1-10,
Defendants.

BRIAN McNEAL,
Plaintiff,

V. No. 18-cv-00736-JWD-EWD

LOUISIANA DPS&C, et al.
Defendants.

ELLIS RAY HICKS,
Plaintiff,

V. No. 19-108-SDD-RLB

LOUISIANA DPS&C, et al.
Defendants.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RODNEY GRANT,
Plaintiff,

V. Case No. 17-cv-2797-NJB-DEK

MARLIN GUSMAN, et al.
Defendants.

1 30(b)(6) DEPOSITION OF THE LOUISIANA
2 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
3 through its designated representative, ANGELA
4 GRIFFIN, given in the above-entitled cause,
5 pursuant to the following stipulation, before
6 Sandra P. DiFebbo, Certified Shorthand Reporter, in
7 and for the State of Louisiana, at the Louisiana
8 Department of Public Safety & Corrections, 504
9 Mayflower Street, Baton Rouge, Louisiana, on the
10 31st day of May, 2019, commencing at 12:50 p.m.

11 APPEARANCES:

12 WILLIAM MOST,
13 ATTORNEY AT LAW
14 201 St. Charles Avenue
15 Suite 114, #101
16 New Orleans, Louisiana 70170
17 Representing the Plaintiffs

18 LOUISIANA DEPARTMENT OF JUSTICE
19 OFFICE OF THE ATTORNEY GENERAL
20 BY: JAMES "GARY" EVANS, ATTORNEY AT LAW
21 JEFFERY "BEAU" WHEELER, ATTORNEY AT LAW
22 HEATHER HOOD, ATTORNEY AT LAW
23 ELIZABETH DESSELLE, ATTORNEY AT LAW
24 1885 N. Third Street
25 Baton Rouge, Louisiana 70802
Representing the Defendants

Reported By:

Sandra P. DiFebbo
Certified Shorthand Reporter
State of Louisiana

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E X H I B I T I N D E X

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S T I P U L A T I O N

It is stipulated and agreed by and between Counsel for the parties hereto that the deposition of THE LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, through its designated representative, ANGELA GRIFFIN, is hereby being taken pursuant to the Federal Rules of Civil Procedure for all purposes in accordance with law;

That the formalities of reading and signing are specifically reserved;

That the formalities of sealing, certification, and filing are hereby specifically waived.

That all objections, save those as to the form of the question and responsiveness of the answer are hereby reserved until such time as this deposition or any part thereof is used or sought to be used in evidence.

* * * * *

Sandra P. DiFebbo, Certified Shorthand Reporter, in and for the State of Louisiana, officiated in administering the oath to the witness.

1 ANGELA GRIFFIN, 504 Mayflower Street,
2 Baton Rouge, Louisiana, 70802, having been
3 first duly sworn, was examined and testified
4 on her oath as follows:

5 EXAMINATION BY MR. MOST:

6 Q. Good afternoon, Miss Griffin.

7 A. Good afternoon.

8 Q. My name is William Most. I'm the
9 attorney for the plaintiffs in the four cases we're
10 here for today. Could you give me your name and
11 title for the record?

12 A. My name is Angela Griffin, and I'm an
13 Administrative Program Director.

14 Q. Miss Griffin, have you ever given a
15 deposition before?

16 A. Yes, once.

17 Q. So you realize you are under oath today?

18 A. Yes.

19 Q. That your answers here today have the
20 same force as if we were in a courtroom with a
21 judge and jury?

22 A. Yes.

23 Q. Is there anything that will prevent you
24 from giving me your full attention and complete and
25 truthful answers today?

1 A. No. We don't keep up with it. We just
2 keep up with he needs to go home, immediate
3 releases.

4 Q. So there are definitely some people sent
5 to the Department of Corrections who are held past
6 their legal release date, right?

7 A. Yes.

8 Q. But the DOC doesn't have any way of
9 identifying them?

10 A. Correct, until we get -- right. I mean,
11 if we get their paperwork, we work them. Again, we
12 call it an immediate release.

13 Q. You don't have any process of recording
14 them?

15 A. No, sir.

16 Q. You don't have any way of knowing who
17 should have been released in the past on an
18 everyday basis, but someone could go back and
19 figure it out based on looking at paperwork,
20 correct?

21 A. Looking at maybe there may be a time.
22 I'm not sure of paperwork, a time comp worksheet or
23 something and try and figure it out that way.

24 Q. Some entity within the Department of
25 Corrections may have gone back and done that?

1 A. May have, right.

2 Q. We're going to move on to Topic Number 8,
3 which is, "How the DOC handles time calculation and
4 release of inmates who have, one, spent time in
5 custody pretrial, two, are given a sentence with
6 credit for time served, and, three, have a sentence
7 that is less than or equal to their period of
8 pretrial custody." Does that make sense to you?

9 A. Yes.

10 Q. So those are people like what we were
11 just talking about where their legal release date
12 is going to be the day of their sentencing, right?

13 A. Okay.

14 Q. Would you agree with that?

15 A. To me, it wouldn't necessarily mean --
16 all of these scenarios doesn't mean they would be
17 past their --

18 Q. So it is someone who meets all three of
19 these criteria; is that fair? So it's someone who
20 has been in jail -- does that make sense?

21 A. Yeah, right. I understand now.

22 Q. So if they meet all three of these
23 criteria, their legal release date is going to be
24 the date of their sentencing, right?

25 A. Right.

1 Q. There are people in Louisiana who meet
2 these criteria, right, who are sentenced to DOC
3 custody, right?

4 A. Yes.

5 Q. So for these people, they don't get
6 released the day of their sentence, right?

7 A. The majority of them will not unless we
8 receive the paperwork that we need to time comp
9 them and know he is sentenced and be able to do it.
10 We may have a few that we get the paperwork, and we
11 can release them.

12 Q. The only way they are going to get
13 released that day is if the paperwork gets to the
14 DOC on that day, and the DOC calculates their time
15 that day and then effects their release that day,
16 right?

17 A. And processes them for release, right.

18 Q. Have you ever seen that happen?

19 A. I can't say positively. It may have. I
20 don't know.

21 Q. If it happens, that would be rare?

22 A. Right.

23 Q. So for the majority of people who meet
24 these criteria, their paperwork is going to go from
25 the court to the sheriff, from the sheriff to the

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RODNEY GRANT,

Plaintiff,

VERSUS

MARLIN GUSMAN, et al.,

Defendants.

CASE NO.

17-cv-2797-NJB-DMD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOHNNY TRAWEEK,

Plaintiff,

VERSUS

MARLIN GUSMAN, et al.

Defendants.

CASE NO. 19-1384

SECTION "F"

30(b)(6) DEPOSITION OF THE DEPARTMENT OF
PUBLIC SAFETY & CORRECTIONS, through its designated
representative, MELANIE M. GUEHO, given in the
above-entitled cause, pursuant to the following
stipulation, before Sandra P. DiFebbo, Certified
Shorthand Reporter, in and for the State of
Louisiana, at the Department of Corrections, 504
Mayflower Street, Baton Rouge, Louisiana, on the
3rd day of February, 2020.

1 APPEARANCES:

2
3 LAW OFFICE OF WILLIAM MOST, L.L.C.
4 BY: WILLIAM MOST,
5 ATTORNEY AT LAW
6 201 St. Charles Avenue
7 Suite 114-101
8 New Orleans, Louisiana 70170
9 Representing the Plaintiff

10 LOUISIANA DEPARTMENT OF JUSTICE
11 OFFICE OF THE ATTORNEY GENERAL
12 LITIGATION DIVISION, CIVIL RIGHTS SECTION
13 BY: JEFFERY A. "BEAU" WHEELER, II,
14 ATTORNEY AT LAW
15 1450 Poydras Street, Suite 900
16 New Orleans, Louisiana 70112
17 Representing the State of Louisiana,
18 Department of Corrections

19 Also Present:

20 REBECCA RAMASWAMY, ESQ.

21 Reported By:

22 Sandra P. DiFebbo
23 Certified Shorthand Reporter
24 State of Louisiana
25

E X A M I N A T I O N

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Exhibit 2

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Exhibit 3

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Exhibit 4

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Exhibit 5

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Exhibit 6

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S T I P U L A T I O N

It is stipulated and agreed by and between Counsel for the parties hereto that the deposition of THE DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS, through its designated representative, MELANIE GUEHO, is hereby being taken pursuant to the Federal Rules of Civil Procedure for all purposes in accordance with law;

That the formalities of reading and signing are specifically waived;

That the formalities of sealing, certification, and filing are hereby specifically waived.

That all objections, save those as to the form of the question and responsiveness of the answer are hereby reserved until such time as this deposition or any part thereof is used or sought to be used in evidence.

* * * * *

Sandra P. DiFebbo, Certified Shorthand Reporter, in and for the State of Louisiana, officiated in administering the oath to the witness.

1 MELANIE GUEHO, 504 Mayflower Street,
2 Baton Rouge, Louisiana, 70802, having been
3 first duly sworn, was examined and testified on
4 her oath as follows:

5 MR. MOST:

6 This is William Most, counsel to
7 plaintiffs. The first question I have
8 is for counsel. Can we stipulate that
9 today's deposition was properly
10 noticed, and the court reporter is duly
11 qualified?

12 MR. WHEELER:

13 Yes.

14 MR. MOST:

15 Would you like to make the statement
16 that you suggested?

17 MR. WHEELER:

18 As a preliminary matter, any
19 questions -- we'd like to make it very
20 clear on the record that any questions
21 asked that elicit testimony that is
22 outside the scope of the topics listed
23 in notice for this deposition will be
24 lay witness testimony. As such, any
25 such questions will elicit an object to

1 without having my table, but, no. And then there
2 is one code that we have for out of state cases, so
3 they're not all Louisiana.

4 Q. The next column is Admit Date. That's
5 the admission date of this inmate into DOC custody
6 for this particular incarceration period?

7 A. Correct.

8 Q. It looks like usually the admit date is
9 the same as the sentencing date, because someone is
10 sentenced to the custody of the DOC, and so that's
11 their admit date, correct?

12 A. Correct.

13 Q. Admit date doesn't necessarily mean when
14 the person was physically brought to the DOC,
15 correct?

16 A. It is when he is -- physically brought,
17 meaning one of our state facilities, no, but when
18 he is admitted to DOC custody, yes.

19 Q. So the person is considered to be
20 admitted to DOC custody on the day they are
21 sentenced to the custody of the Department of
22 Corrections, correct?

23 A. Yes and no. I think sometimes I don't
24 know how the court system works, so I'm going to
25 say yes and no.

Department of Corrections

Lean Six Sigma 2012

PreClassification



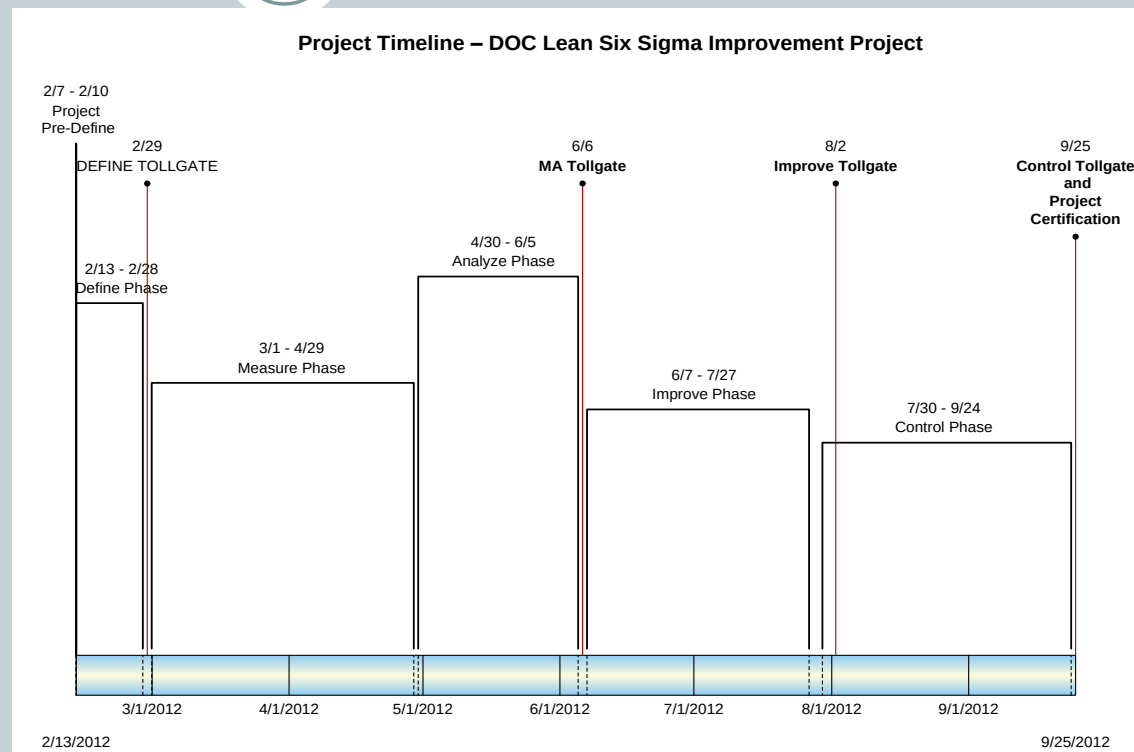
- **PROJECT REVIEW**
- **RESULTS &
RECOMMENDATIONS**
- **NEXT STEPS**

Project Review

Timeline: February 13, 2012 – September 25, 2012

PHASES OF LSS: DMAIC

- Define
- Measure
- Analyze
- Improve
- Control



Project Team



The LSS Team consisted of

- **7 DOC STAFF**
- **5 DPS LSS TRAINED STAFF**
(INCLUDING 3 CERTIFIED LEAN SIX SIGMA ENGINEERS)
- **3 PROJECT CHAMPIONS:**
 - Secretary James LeBlanc
 - Undersecretary Thomas Bickham
 - Chief Jeff Travis

Business Case



As of January 2012:

- 1446 backlog of cases to have time computed (TC)
- 110 day average processing delay
- 79% variability in the aging of the backlogged cases
- 25% of the cases in backlog exceeded 123 days in process time from Conviction to TC
- 83.44% occurrence of an immediate release upon processing (due to an earlier release date, excluding those with CTRP credit)

Project Goals



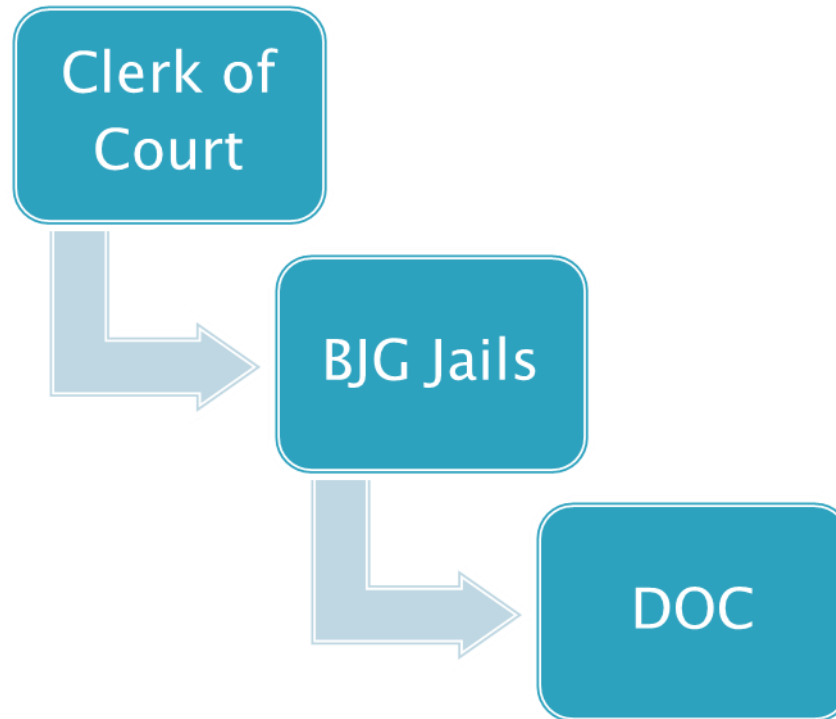
- Reduce Transfers per Offender prior to assignment to ARDC from 2.65 to 1.9
- Reduce Transfers per Offender prior to Immediate Release from 1.83 to 1.1
- Eliminate the Backlog from 1310 to 0 (Conviction to P/C Ready for transfer)
- Reduce the percentage of Immediate Releases by 80% (from 2252 to 450/yr). (excludes the immediate releases due to CTRP credit)
- Reduce the average number of days per case for immediate releases from 71.69 days (non-CTRP) to 31 days

What we measured



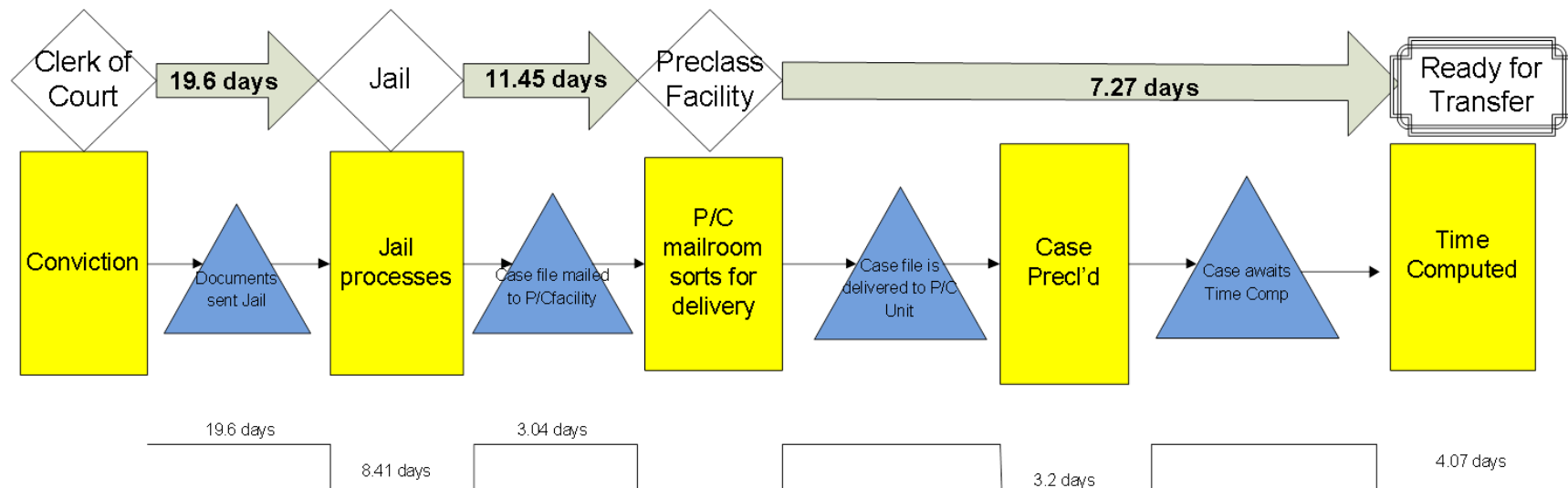
- **MEASURED THE AMOUNT OF WORK AND THE TIME IT TAKES TO COMPLETE THE WORK**
- **PROCESS MAPPED THE PROCESS**
- **COLLECTED VOICE OF THE CUSTOMER (VOC)**

Measured work and the time it takes to flow through the process



LSA received support from 17 Sheriffs to assist in manual data collection during April/May.

Process Map & Cycle Time



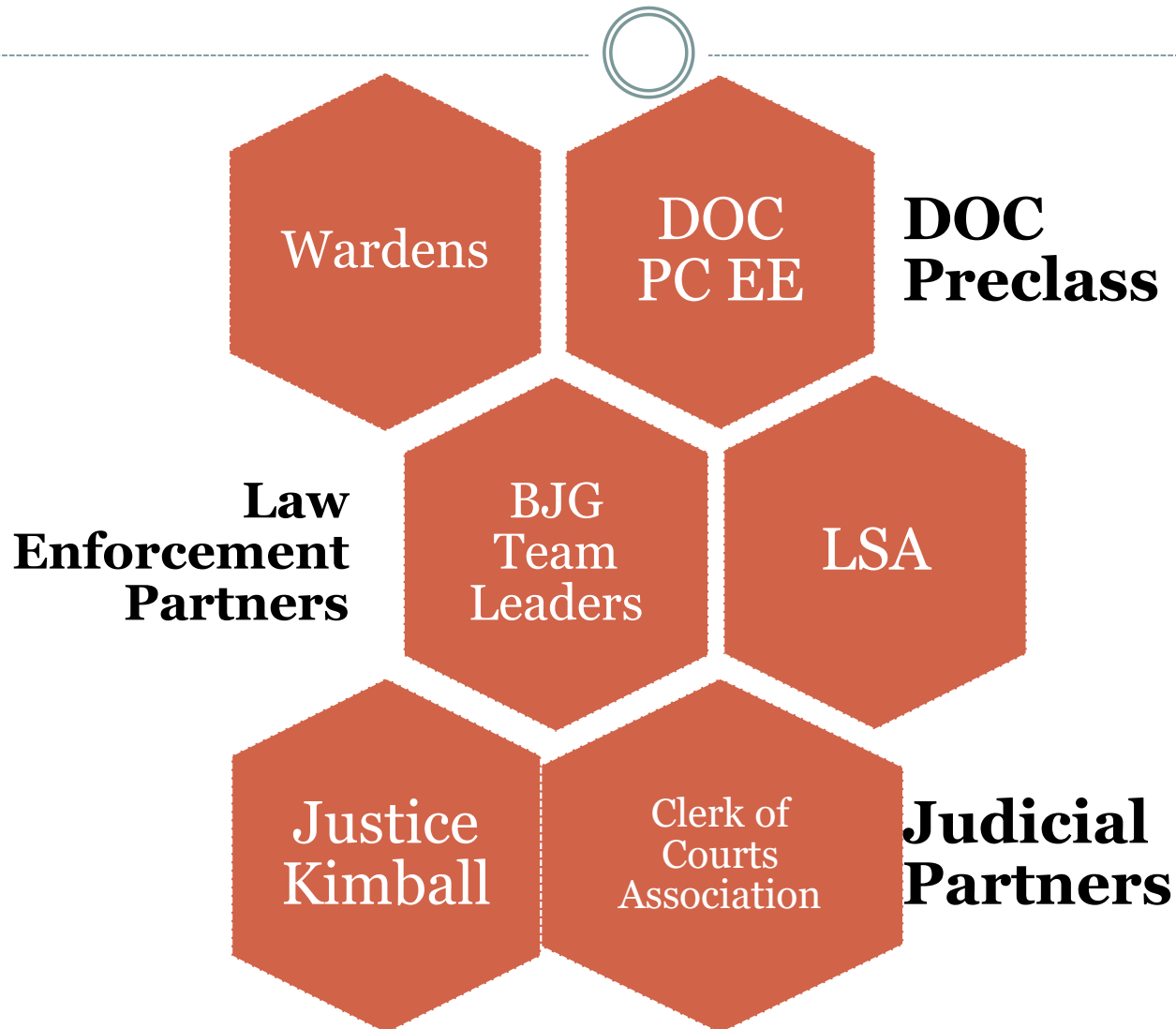
Value Stream Map

Preclassification Process

w/out Revocation

Overall Cycle Time Conviction to TC= 38.32d
Based on data collected manually 4.9 thru 5.14

Voice of the Customer



What we tested



- **HYPOTHESIS**
- **PILOTS**

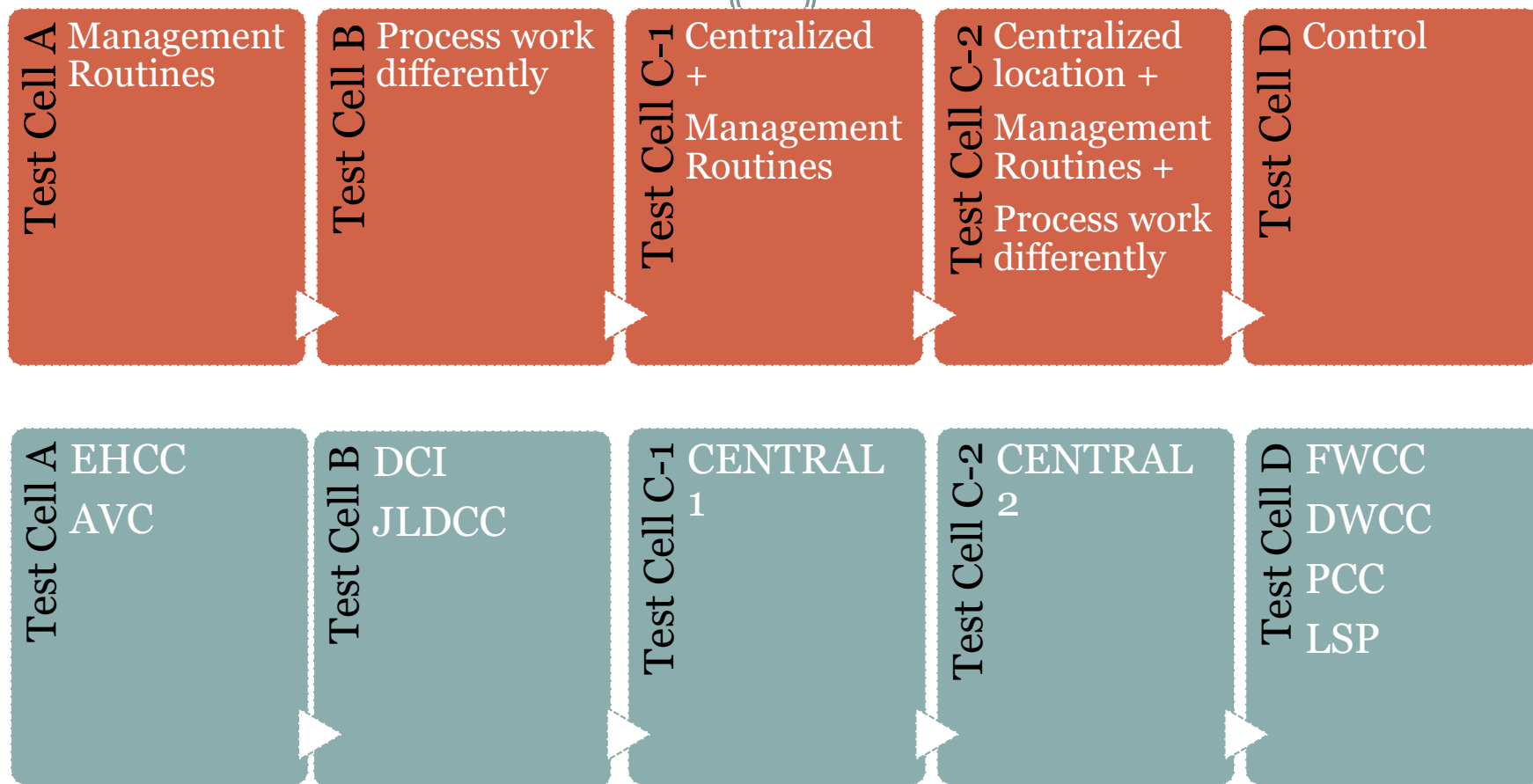
Hypothesis



Productivity will increase when

- 1) management routines are put in place that give the Supervisor the tools needed to manage the work and make staff accountable for the quality and quantity of work performed.
- 2) a central office structure is in place that eliminates field distractions and allows staff to focus solely on the PC work.
- 3) the PC work is assigned differently, separating case work by function.
- 4) a combination of the above solutions is employed.

Pilots



Pilots were conducted for 6 weeks: 3 weeks during Improve and 3 weeks during Control phases. Data was collected data from all locations, except the Test Cell D.

Results & Recommendations



- **TEST CELL RESULTS**
- **STATEWIDE VITALS PRE & POST LSS**
- **FINANCIAL IMPACT**
- **GOALS REVISITED**
- **CONCLUSIONS**
- **LESSONS LEARNED**
- **RECOMMENDATIONS**

Results by Test Cell



Test Cell	Cycle Time (Conviction to TC Complete)	Productivity (Cases/mH)	Backlog	WIP	Immediate Releases	Transfers
Management	80.41	0.58	110	225	30	327
Process	47.14	0.12	7	45	18	134
Central	44.97	0.87	32	88	13	84
Pilot Control	48.71	0.23	94	197	32	196

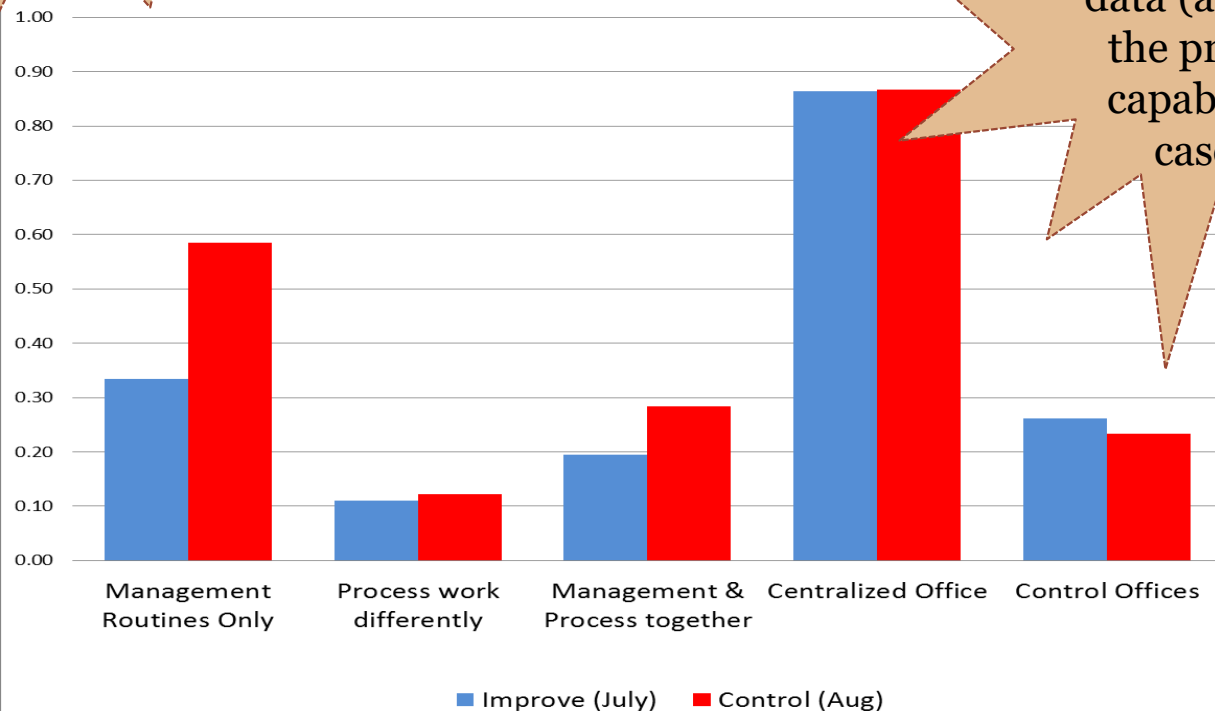
Overall the Centralized Office outperformed all other test cells, as well as the Pilot Control group.

Data Notes: Process test cell included JLDCC which closed in July and had no further institution work.

Productivity by Test Cell

All Pilots:
Avg Productivity
= 1.11 cases/mh

Productivity by Pilot Group
Improve vs Control



Based on self-reported pilot data (all pilots): the process is capable of 1.6 case/mh

The Central office had the highest productivity. The Central office outperformed the offices that did not test any improvements by 2.8x. The improvement was sustained during Control phase. During Control, the Central office began to process releases as well as initial PC time comp.

Statewide Vitals Pre & Post LSS



Metric	Baseline May	Goal	Improve July 9–27	Control July 30–Aug 17	% Improvement PRE to POST– LSS
Backlog[^] (>47d from Conviction)	416	0	467	243	41.6%
WIP	1630	400	1087	997	38.8%
Cycle Time Days (Conviction to TC complete)	110	47	64.4	58.29	47%
Productivity (cases/PC manhour worked on initial TC)	0.41	1.0	0.32	0.35	–14.6%

[^] The definition of **backlog** was changed to be any case that is >47 days since conviction.

WIP = Work in Progress= Any case that has been received into PC, but has not been worked (non-automated + automated). Non-automated WIP is a manual, self-reported count.

*PC received date was not being captured consistently in baseline data.

Statewide Vitals Pre & Post LSS



Metric	Baseline May	Goal	Improve July 9–27	Control July 30–Aug 17	% Improvement PRE to POST– LSS
# Immediate Releases/yr	2252/yr	1802	2628/yr	1560/yr	30.7%
# Overdue days/case	71.70	31	133.41	60.52	15.6%
# Transfers/ offender (prior to ARDC)	2.65	1.9	2.74	1.37	28.3%
# Transfers/ offender (prior to IR)	1.83	1.1	2.05	1.33	27.3%

Financial Impact of Reducing Immediate Releases & Transfers



- The # of Immediate Releases have been reduced to a rate of 1612 per year.
- The average # of days each Immediate Release is past their release date has been reduced to 60.52 days.

1612 cases @ 60.52 days/case @ \$25=
\$2,438,956 cost for Immediate Releases after LSS

Baseline cost was

2252 Immediate Releases @ 71.70 days/case @ \$25=
\$4,574,460 cost for Immediate Releases

Projected annualized savings=
\$2,135,504

Financial Impact when goal is met



Reducing the **# of days overdue** of non-CTRP releases from 71.70 days to 31 days
AND

Reducing the **# of non-CTRP Immediate Releases** from 2252 to 450 per year
would yield an annualized projected savings of \$3,687,960 for the department

Projected Cost Reduction:

FROM

❑ 2252 non-CTRP Immediate Releases x 71.70 days overdue x \$25 = \$4,036,710

TO

❑ 450 non-CTRP Immediate Releases x 31 days overdue x \$25 = \$348,750

\$3,687,960
annualized
savings

Goals Revisited



Metric	Baseline	Goal	Results
Transfers per Offender prior to assignment to ARDC and/or Immediate Release	2.65/ 1.83 transfers	1.9/ 1.1 Transfers	1.37/1.33
PC backlog (Conviction to PC ready for transfer= Time Comp completed)	1310	0	WIP=997 (Backlog >47d=243)
# of Immediate Releases (exclude IR due to CTRP credit)	2252 releases/yr	Reduce 80% to 450 releases/yr	1560/yr
Avg # of days/case for Immediate Releases	71.69 days (non-CTRP)	31 days	60.52

Conclusions



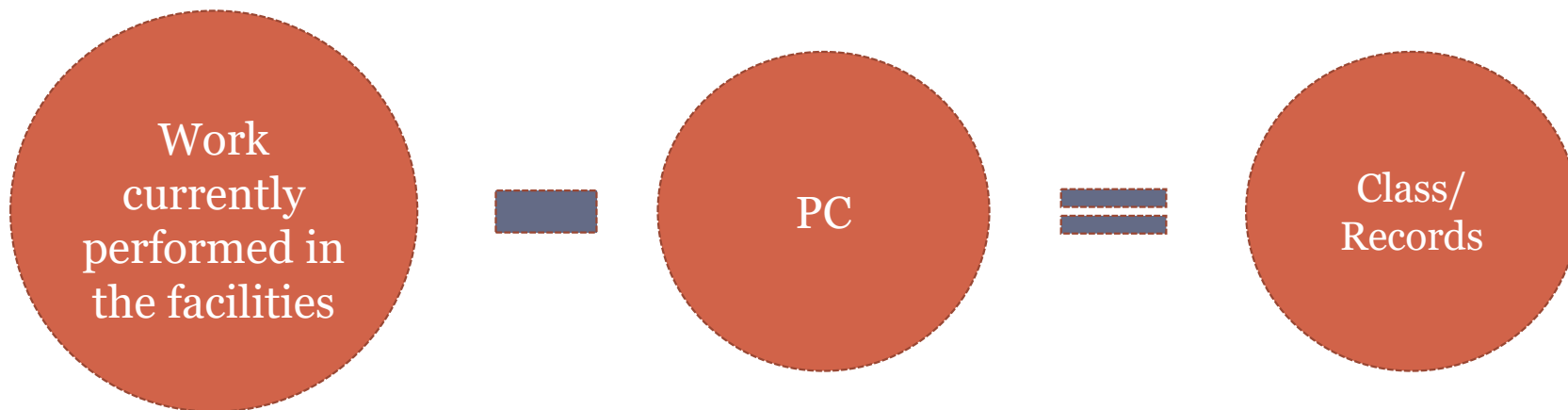
- Both the Management Routine and Central Office pilots outperformed Control offices with regard to productivity and cycle time.
- The Central Office had the best performance and demonstrated the process capability to produce 1 completed case (time computation) per manhour worked, including releases.
- All pilots either sustained or increased improvement during CONTROL phase.
- The Process pilot failed to adopt a structured schedule. This is thought to be due to turnover and reorganization, as well as other facility priorities assigned to the staff, during the pilot period.

Lessons Learned



- Facility related operations are frequently prioritized over and instead of PC work, to the extent that only 56% of the PC staff resources perform PC work regularly.
- Field reported data depends on the accuracy of the field staff reporting it.
- Inconsistencies in the quality of the work today requires 100% review by the Supervisor.
- When testing the two processes of assigning work at the Central office, “cross pollination” occurred such that the solution that worked best was adopted by both during the pilot, effectively only testing the solution of assigning work based on the functional steps of the process.
- While turnover disrupts the office, employee competency is not a determinate factor of productivity.

Work evaluated

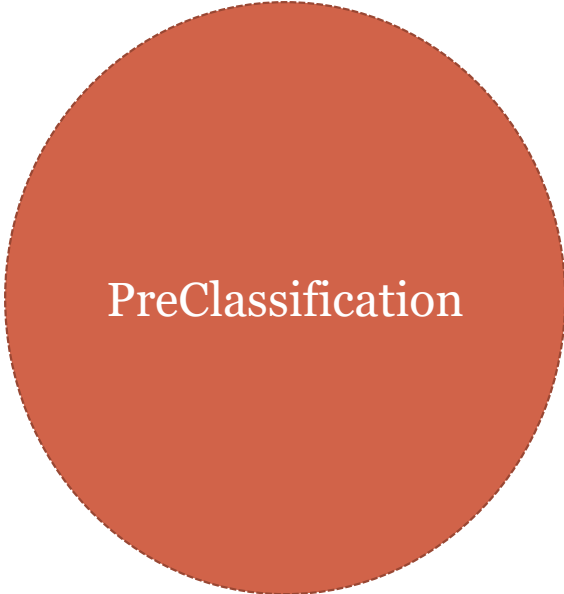


1. Data was evaluated to determine the volume of PC work currently performed at each facility.
2. Logic was applied to calculate the # of manhours (MH)- # FTE- needed for PC work performed.

PreClassification Work



- PreClassification work includes the following processing of offenders housed at local facilities:
 - Time Comp at conviction
 - Immediate Release processing
 - CTRP credit
 - Forfeitures
 - Record management of offender files

A large, solid red circle is positioned on the right side of the slide. The word "PreClassification" is written in white, serif font in the center of the circle.

PreClassification

Logic for PC Work



- Time comp= 1 MH/ case
- Releases= 1 MH/ case
- CTRP credit= 0.5 MH/ case

- # Time Comp was based on # of Convictions by parish assignments where the convictions were processed.
- Releases were based on the parish of release.
- CTRP was counted based on historical data.
- Female PC work was calculated for LCIW and LSP.

Recommendations



1) Create a Central Office for Preclassification Functions

- Locate a specialized Preclassification Central Office at headquarters to perform all PC tasks and avoid distractions to PC workflow created by field operations.
- Implement management routines as piloted in the LSS project.
- Design supervision to provide direct accountability and consistency of procedures and training.
- Build the # of positions based on the process capacity revealed in the LSS study.
- Centralize the active files as well. File maintenance is critical to workflow and should be supervised in the same work arena as the PC functions.

Additional Recommendations

2) Eliminate the requirement for Clerk of Court offices to submit court minutes.

- Revise legislative statute to eliminate the requirement for Clerks of Court to submit court minutes.
- Ensure compliance with timely submission of the Uniform Commitment Order in addition to the PC documentation.
- Provide communication of the requirements with all stakeholders.

3) Create a system for knowledge sharing

- Standardize PC and time computation procedures.
- Provide a resource for new employees to reference.

4) Develop an electronic case file

- Build the new computer system to allow for PC documents to be attached to the file electronically.
- Reduce the transferring of paper files between institutions.

Next Steps



- Implement a Central Office
- Develop knowledge sharing for PC procedures and training
- Develop Content Management to create an electronic PC file
- Explore options to minimize documentation required from partners to initiate PC

Implement a Central Office



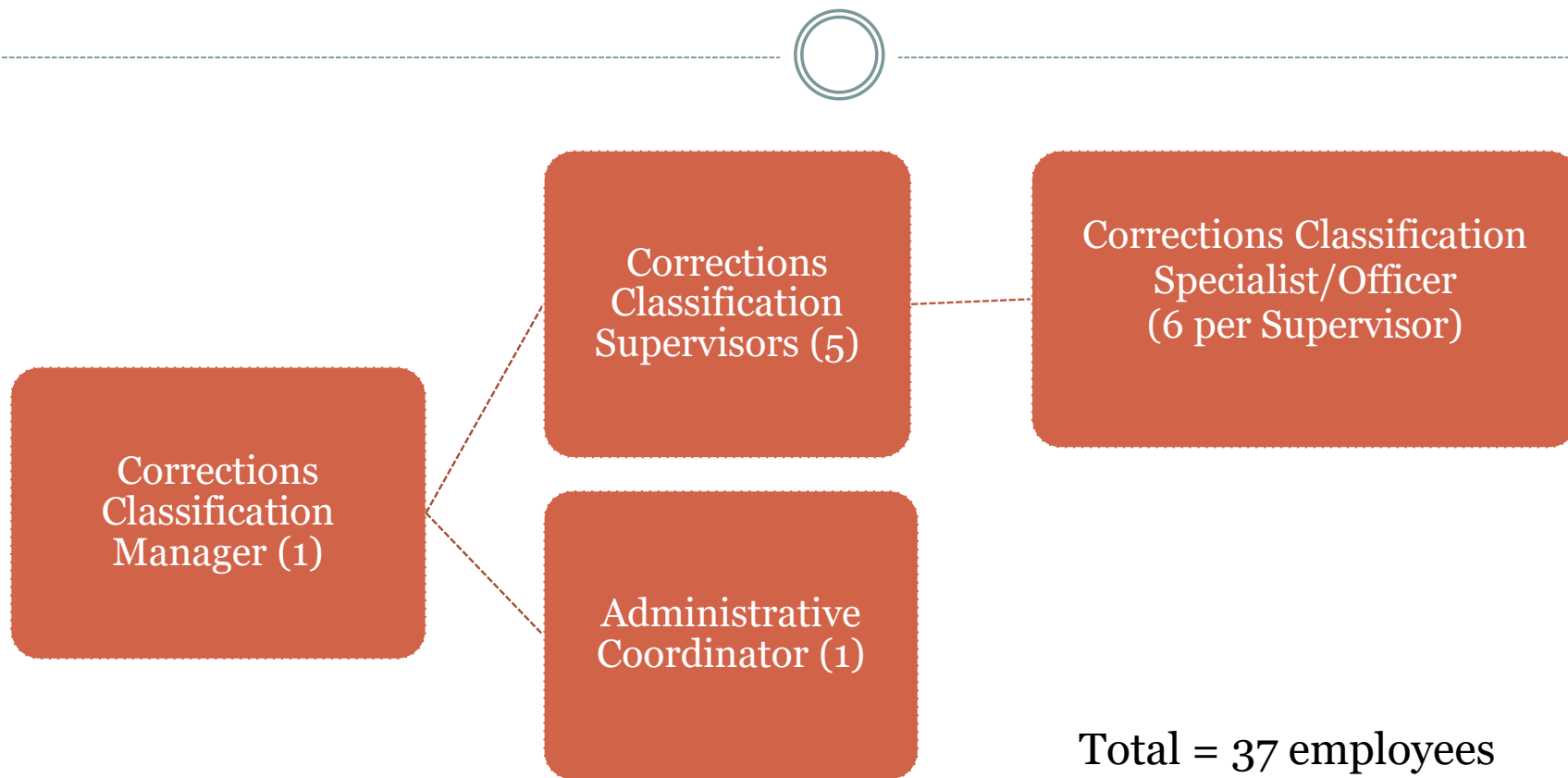
- **STRUCTURE AND LOCATION**
- **BUSINESS REORGANIZATION**
- **TIMELINE**
- **DIVISION OF WORK AND EMPLOYEES**
- **AFFECT TO CUSTOMERS**

Structure & Location



- Location
 - Baton Rouge
- Staff
 - 37 Employees (36 ARDC + 1 Admin)
- Organization
 - 30 analysts/ 5 supervisors/ 1 manager/ 1 administrative support
- Function
 - 5 teams with work assigned in a balanced manner
 - Includes initial time comp, releases, CTRP and supplemental for offenders in local facilities
- Management
 - Direct line of sight and accountability
 - Performance metrics monitored

Central Office Organizational Structure



Work would be balanced between 5 teams. Teams would be developed to provide a functional conveyor belt for workflow.

Review Staff Changes



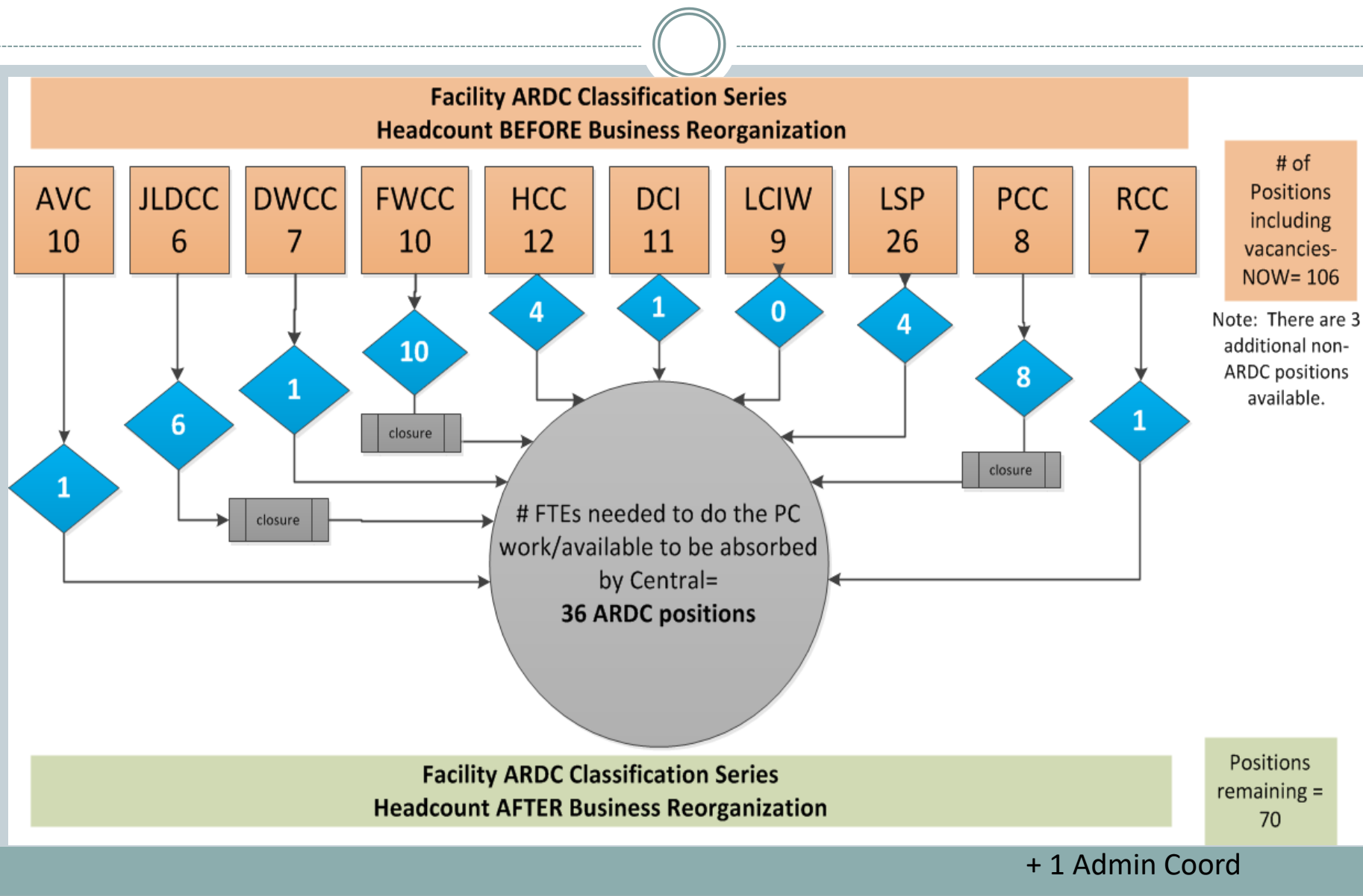
106 ARDC
positions NOW
to perform
Classification/
Records &
PC work

36* FTE to
Central Offc
for PC
work

70 FTE to
perform
Classification
/ Records
work at
Facilities

*+ 1 Admin Coord

Staffing changes by facility



Business Reorganization Plan



- No jobs eliminated
- Employees on DPRL if choose not to relocate
- Job descriptions will change
- Red circle pay
- Notification of employees

Timeline



November	Submit Business Reorganization Plan Notification to employees
January	Once plan approved, Move staff and files to Central Office
February	Fully functioning Central Office

Action items



- Each facility to provide a proposed organizational chart for the remaining Classification/ Records positions
- Proposed organizational charts are due November 9th to Darryl Campbell.
- Proposed job descriptions for the remaining positions (classification and records functions) are due to Jason Chapman by November 9th.

NOTE: The LSS Team has done preliminary evaluations on workload data for each facility class/records functions using the formulas similar to those used for evaluation of PC work. Wardens interested in discussing this information for their individual units can contact Angela Whittaker to arrange a time to meet with the team individually.

How does this affect our internal customers?



- Warden
 - Opportunity to reevaluate class/records position functions
 - Limited time comp functions remain
 - Reduction of “pants on fire” work
 - Less staff/no PC work
- Staff
 - Relocation of PC function/positions
 - More consistent and thorough training for those doing time comp functions
 - More peer review/ less supervisory review and rework
 - Reduced number of inquiries for TC
 - Reduction of “pants on fire” work
- Offender
 - Less wait time for TC
 - Less releases beyond due date
 - Reduced number of inquiries for TC
 - Fewer ARPs

How does this affect our external customers?



- Local Facilities
 - Change in point of contact (Central Office) concerning PC business
 - Less transfers
 - Less Immediate Releases
 - Less revenue when releases are beyond TC date
- Clerk of Courts
 - UCO changes will reduce required documents
 - Different point of contact (Central Office) for PC business
- Judges
 - UCO changes will increase necessity for UCO to be complete

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DE'JUAN THOMAS,
Plaintiff,

V. 3:17-cv-01595-SDD-EWD

SALLY GRYDER, JAMES LEBLANC,
JERRY GOODWIN, DOES 1-10,
Defendants.

BRIAN McNEAL,
Plaintiff,

V. No. 18-cv-00736-JWD-EWD

LOUISIANA DPS&C, et al.
Defendants.

ELLIS RAY HICKS,
Plaintiff,

V. No. 19-108-SDD-RLB

LOUISIANA DPS&C, et al.
Defendants.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RODNEY GRANT,
Plaintiff,

V. Case No. 17-cv-2797-NJB-DEK

MARLIN GUSMAN, et al.
Defendants.

1 30(b)(6) DEPOSITION OF THE LOUISIANA
2 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
3 through its designated representative, DEREK ELLIS,
4 given in the above-entitled cause, pursuant to the
5 following stipulation, before Sandra P. DiFebbo,
6 Certified Shorthand Reporter, in and for the State
7 of Louisiana, at the Louisiana Department of Public
8 Safety & Corrections, 504 Mayflower Street, Baton
9 Rouge, Louisiana, on the 31st day of May, 2019,
10 commencing at 11:20 a.m.

11 APPEARANCES:

12 WILLIAM MOST,
13 ATTORNEY AT LAW
14 201 St. Charles Avenue
15 Suite 114, #101
16 New Orleans, Louisiana 70170
17 Representing the Plaintiffs

18 LOUISIANA DEPARTMENT OF JUSTICE
19 OFFICE OF THE ATTORNEY GENERAL
20 BY: JAMES "GARY" EVANS, ATTORNEY AT LAW
21 JEFFERY "BEAU" WHEELER, ATTORNEY AT LAW
22 HEATHER HOOD, ATTORNEY AT LAW
23 ELIZABETH DESSELLE, ATTORNEY AT LAW
24 1885 N. Third Street
25 Baton Rouge, Louisiana 70802
Representing the Defendants

Reported By:

Sandra P. DiFebbo
Certified Shorthand Reporter
State of Louisiana

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E X A M I N A T I O N

I N D E X

	Page
BY MR. MOST:	5

E X H I B I T

I N D E X

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Exhibit D	28

S T I P U L A T I O N

It is stipulated and agreed by and between Counsel for the parties hereto that the deposition of THE LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, through its designated representative, DEREK ELLIS, is hereby being taken pursuant to the Federal Rules of Civil Procedure for all purposes in accordance with law;

That the formalities of reading and signing are specifically reserved;

That the formalities of sealing, certification, and filing are hereby specifically waived.

That all objections, save those as to the form of the question and responsiveness of the answer are hereby reserved until such time as this deposition or any part thereof is used or sought to be used in evidence.

* * * * *

Sandra P. DiFebbo, Certified Shorthand Reporter, in and for the State of Louisiana, officiated in administering the oath to the witness.

1 DEREK ELLIS, 504 Mayflower Street,
2 Baton Rouge, Louisiana, 70802, having been
3 first duly sworn, was examined and testified
4 on his oath as follows:

5 EXAMINATION BY MR. MOST:

6 Q. I'm William Most. I represent the
7 plaintiffs in the four cases we're here for today.
8 Could you give your name and title for the record?

9 A. Derek Ellis, Deputy Assistant Secretary.

10 Q. Mr. Ellis, have you ever given a
11 deposition before?

12 A. Yes.

13 Q. So you realize that you are under oath
14 here today?

15 A. Yes.

16 Q. You realize your answers here today have
17 the same force as if we were in a courtroom with a
18 judge and jury?

19 A. Yes.

20 Q. Is there anything that will prevent you
21 giving me your full attention or full and truthful
22 answers?

23 A. No.

24 Q. Are you taking any medications or
25 suffering from any illness or anything else that

1 what benefits they're eligible for. Are you
2 prepared to testify about that topic?

3 A. Yes.

4 Q. Did you look at any or receive any
5 documents about that?

6 A. I did not look or receive any documents,
7 but that is one of the conversations I had with our
8 HR manager, Tanisha Matthews, regarding preparing
9 for this.

10 Q. Let's get into the content. Let's look
11 at the first topic. There is a statement on the
12 DOC's voicemail system that it "takes at least 90
13 days after sentencing" for the department to
14 calculate how much time a person must serve of
15 their sentence, correct? There is that voicemail on
16 the DOC's voicemail system?

17 A. I think there was.

18 Q. You think there was or there was?

19 A. There was. I don't think it's still
20 there.

21 Q. Do you know when it was taken down?

22 A. I want to say within the last 60 days, 60
23 to 90 days. I don't remember a specific date, no.

24 Q. Do you know why it was taken down?

25 A. It was not a good -- for the current

1 practices, it wasn't a good statement.

2 Q. What do you mean by that?

3 A. What I mean is that I struggle with the
4 words "at least 90 days." That's not necessarily
5 an accurate statement.

6 Q. What would be an accurate statement?

7 A. No time frames. We didn't replace that
8 with a time frame. We just removed the time frame.

9 Q. Where did that statement come from?

10 A. Best I could tell, and that's part of the
11 stuff I looked at and scripted. I don't know
12 specifically, but best I can tell, based on some
13 correspondence with OTS, which is the people who
14 manage the -- it may not be OTS. It's the
15 telephone people for the state. They manage
16 voicemails.

17 The script was created somewhere in 2013.
18 It was adjusted with a new system I think in 2014,
19 and it was maintained, that script, until recently.
20 So taking that in consideration and evaluating what
21 was going on at the time, it appears that this was
22 put together at about the time that PreClass was
23 centralized and all brought here, and as they were
24 building this new mechanism for PreClass, that was
25 put on there. I'm not 100 percent sure why. Best

1 Q. To tell people's families, to tell
2 inmates' families, hey, it may take months for an
3 inmate's time to get computed after their sentence,
4 so you don't need to call us about it, right?

5 A. Giving them parameters of how long it may
6 take, yes.

7 Q. So it reflected an awareness that it can
8 take months for an inmate's time to be calculated
9 after their sentence, correct?

10 A. It could have. I'm not sure. I didn't
11 create it.

12 Q. Let's talk about Topic Number 7, which
13 is, "What the DOC has done to prevent inmates being
14 held past their legal release date." There is a
15 lot of inmates in the Louisiana Department of
16 Corrections' custody who have been held past their
17 release date, right?

18 MR. EVANS:

19 Object to form. You can answer.

20 THE WITNESS:

21 I don't know. I guess you'd have to
22 define a lot.

23 BY MR. MOST:

24 Q. You've looked at the Six Sigma report,
25 right?

1 overdue meaning what, I guess, is what I would need
2 to know to answer that. Is overdue under any
3 circumstances or overdue because of specific
4 reasons? How are we talking about this is overdue?

5 MR. MOST:

6 Let's go off the record for a
7 second.

8 {OFF-THE-RECORD DISCUSSION}

9 BY MR. MOST:

10 Q. So in 2012, the DOC's Six Sigma
11 investigation found an average of 2,252 cases of
12 immediate release per year with an average of 71.7
13 overdue days per case; is that right?

14 A. Yes.

15 Q. This is inmates being held past their
16 legal release date, correct?

17 A. Yes.

18 Q. So what has the DOC done since 2012 to
19 prevent inmates from being held past their legal
20 release date?

21 A. I'm going to ask this again, if it's all
22 right, a definition of the legal release date. I
23 know I just said yes to the previous question, but
24 I hung up on it as well. Is a legal release date a
25 specific date in time that when you just crunch the

1 had been held an average of 49 days past the end of
2 their sentence, right?

3 A. Yes.

4 Q. The next sentence talks about how much
5 money this costs, right?

6 A. Yes.

7 Q. So people being held past the end of
8 their sentence are costing, in 2017, 2.8 million
9 dollars per year in housing costs alone, right?

10 A. Yes, according to this.

11 Q. Well, is that true?

12 A. Yes.

13 Q. Because when you hold people past the end
14 of their sentence, you are spending money on them
15 that the DOC should not have to spend, right?

16 A. Yes.

17 Q. That's taxpayer money, right?

18 A. Yes. May I write on this?

19 Q. Yeah. How did they come up with that
20 number, the 200 cases per month? Where did that
21 come from?

22 A. I don't know. One of our data analysis
23 persons I would suspect pulled a report, but I
24 don't know. I guess the other part of it as well
25 is of those 49 days, again, we can be including,

1 statement in 2017 DPS&C had an average of 200 cases
2 per month considered immediate release due to these
3 deficiencies?

4 A. Right.

5 MR. MOST:

6 Off the record.

7 {BRIEF RECESS}

8 BY MR. MOST:

9 Q. So during the break we just took, you did
10 a little more investigation into the basis for the
11 statements in the DSN grant application, right?

12 A. Yes.

13 Q. And you found out some information about
14 the basis for the statements on Page 4 of the grant
15 application about 200 cases per month and 49 days,
16 correct?

17 A. Yes.

18 Q. So it's a true statement that the DOC
19 found that in 2017 it had an average of 200 inmates
20 per month held an average of 49 days past the end
21 of their sentence, correct?

22 A. Yes.

23 Q. That is both what the DSN grant means,
24 and it's a true statement, correct?

25 A. Yes.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DE'JUAN THOMAS,
Plaintiff,

V. 3:17-cv-01595-SDD-EWD

SALLY GRYDER, JAMES LEBLANC,
JERRY GOODWIN, DOES 1-10,
Defendants.

BRIAN McNEAL,
Plaintiff,

V. No. 18-cv-00736-JWD-EWD

LOUISIANA DPS&C, et al.
Defendants.

ELLIS RAY HICKS,
Plaintiff,

V. No. 19-108-SDD-RLB

LOUISIANA DPS&C, et al.
Defendants.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RODNEY GRANT,
Plaintiff,

V. Case No. 17-cv-2797-NJB-DEK

MARLIN GUSMAN, et al.
Defendants.

1 30(b)(6) DEPOSITION OF THE LOUISIANA
2 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
3 through its designated representative, ANGELA
4 WHITTAKER, given in the above-entitled cause,
5 pursuant to the following stipulation, before
6 Sandra P. DiFebbo, Certified Shorthand Reporter, in
7 and for the State of Louisiana, at the Louisiana
8 Department of Public Safety & Corrections, 504
9 Mayflower Street, Baton Rouge, Louisiana, on the
10 31st day of May, 2019, commencing at 10: 23 a.m.

11 APPEARANCES:

12 WILLIAM MOST,
13 ATTORNEY AT LAW
14 201 St. Charles Avenue
15 Suite 114, #101
16 New Orleans, Louisiana 70170
17 Representing the Plaintiffs

18 LOUISIANA DEPARTMENT OF JUSTICE
19 OFFICE OF THE ATTORNEY GENERAL
20 BY: JAMES "GARY" EVANS, ATTORNEY AT LAW
21 JEFFERY "BEAU" WHEELER, ATTORNEY AT LAW
22 HEATHER HOOD, ATTORNEY AT LAW
23 ELIZABETH DESSELLE, ATTORNEY AT LAW
24 1885 N. Third Street
25 Baton Rouge, Louisiana 70802
Representing the Defendants

Reported By:

Sandra P. DiFebbo
Certified Shorthand Reporter
State of Louisiana

1 E X A M I N A T I O N I N D E X

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Page

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BY MR. MOST:

5, 39

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BY MR. EVANS:

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E X H I B I T

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Exhibit A

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Exhibit B

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Exhibit C

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S T I P U L A T I O N

It is stipulated and agreed by and between Counsel for the parties hereto that the deposition of THE LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, through its designated representative, ANGELA WHITTAKER, is hereby being taken pursuant to the Federal Rules of Civil Procedure for all purposes in accordance with law;

That the formalities of reading and signing are specifically reserved;

That the formalities of sealing, certification, and filing are hereby specifically waived.

That all objections, save those as to the form of the question and responsiveness of the answer are hereby reserved until such time as this deposition or any part thereof is used or sought to be used in evidence.

* * * * *

Sandra P. DiFebbo, Certified Shorthand Reporter, in and for the State of Louisiana, officiated in administering the oath to the witness.

1 ANGELA WHITTAKER, 504 Mayflower Street,
2 Baton Rouge, Louisiana, 70802, having been
3 first duly sworn, was examined and testified on
4 her oath as follows:

5 EXAMINATION BY MR. MOST:

6 Q. Good morning, Miss Whittaker. My name is
7 William Most. I represent the plaintiffs in the
8 four cases that we're here for today. This is a
9 question for your attorney.

10 MR. MOST:

11 Mr. Evans, can we stipulate that the
12 deposition today was properly noticed,
13 and the court reporter is duly
14 qualified?

15 MR. EVANS:

16 We can.

17 MR. MOST:

18 Great.

19 BY MR. MOST:

20 Q. Miss Whittaker, would you state your name
21 and title for the record?

22 A. Angela Whittaker, Executive Management
23 Advisor.

24 Q. And you work here at the Department of
25 Corrections?

1 interventions, right?

2 A. Yes, you're right.

3 Q. So this approximately 79-day number
4 represents the DOC's, to the best of its knowledge
5 in 2012, about how long it was taking for documents
6 to wait at the DOC to be calculated?

7 A. Correct.

8 Q. This Six Sigma investigation found a lot
9 of overdetention as a baseline, right?

10 A. Correct.

11 Q. And with some tinkering modestly improved
12 that overdetention, correct?

13 A. Correct.

14 Q. But there was still a lot overdetention
15 even after the interventions of the Six Sigma
16 process, correct?

17 MR. EVANS:

18 Object to form. You can answer.

19 THE WITNESS:

20 Correct.

21 BY MR. MOST:

22 Q. A lot of human beings were held in prison
23 past the point where their sentence was complete,
24 correct?

25 A. Correct.

February 2019(Redacted)																		
* DOC . . . SENTENCE.CRT. ADMIT .TMCOMP . CTRP .TMCOMP .RAW .RELEASE .days .PREC .SENT TO.RECEIV .TM REDY.TM TO .CTR																		
.RAW TO .JAIL .CTR																		
* NUMBER . LAST NAME . FIRST NAME . DATE .CDE. DATE . READY .LAST DTE.LAST DTE.GTPS DTE.DATE .over .RECEIV.RECEIV .TO COMP.TO REL .LAST .TO																		
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0 000096																
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S		C	20190205	024	20190205	190207	190207	20190204	20190208	3	190207	2	0	1	0	
4 000127																
M		T	20190128	021	20190128	190212	190212	20190106	20190213	16	190207	10	5	1	0	
38 000062																
G		G	20181206	001	20181206	190201	190201	20181020	20190204	60	190115	40	17	3	0	
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C		V	20190206	015	20190206	190222	190222	20190129	20190225	19	190220	14	2	3	0	
27 000028																
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3 000001																
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S	M	20181029 001 20181029 190218	20190218 190218	20190320 20190219	113 181210	42	70	1	0	1			
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B	K	20190129 015 20190129 190215	190215	20190105 20190218	20 190211	13	4	3	0				
44 000117													
C	W	20181031 019 20181031 190225	190225	20190205 20190226	118 190220	112	5	1	0				
21 000017													
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201 000350													
S	E	20190122 026 20190122 190207	190207	20181205 20190208	17 190128	6	10	1	0				
65 000303													
F	J	20190128 019 20190128 190208	190211	20180728 20190212	15 190206	9	2	4	3				
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M	A	20190115 026 20190115 190207	190211	20181016 20190212	28 190128	13	10	5	4				
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M	C	20190128 014 20190128 190220	190220	20190202 20190222	25 190219	22	1	2	0				
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R	C	20181226 001 20181226 190206	190206	20180707 20190207	43 190122	27	15	1	0				
215 000425													
J	I	20181023 036 20181023 190218	190218	20181228 20190219	119 190204	104	14	1	0				
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February 2019(Redacted)													
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B		T	20181204 015 20181204 190208	190212	20181208 20190212	70 190204	62	4	4	4			
66 000099													
A		C	20190212 026 20190212 190220	190221	20180207 20190221	9 190219	7	1	1	1			
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M		J	20190104 031 20190104 190201	190205	20190115 20190205	32 190128	24	4	4	4			
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K		T	20181211 001 20181211 190201	190204	20181228 20190204	55 190128	48	4	3	3			
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G		B	20181218 017 20181218 190205	190206	20180521 20190206	50 190204	48	1	1	1			
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496 000088													
W		R	20190114 020 20190114 190201	190204	20180925 20190204	21 190130	16	2	3	3			
132 000238													
B		J	20190211 023 20190211 190222	190225	20171126 20190225	14 190221	10	1	3	3			
456 000838													
J		G	20181031 026 20181031 190201	190204	20181007 20190204	96 190115	76	17	3	3			
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F		B	20190129 026 20190129 190212	190213	20181129 20190213	15 190207	9	5	1	1			
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R		K	20190211 021 20190211 190222	190225	20181222 20190225	14 190219	8	3	3	3			
65 000118													
D		R	20190111 111 20190111 190222	190225	20190125 20190225	45 190220	40	2	3	3			
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S		V	20190122 016 20190122 190206	190207	20181201 20190207	16 190131	9	6	1	1			
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P		A	20190207 014 20190207 190226	190227	20180423 20190227	20 190225	18	1	1	1			
310 000346													
C		C	20190111 111 20190111 190207	190208	20181226 20190208	28 190130	19	8	1	1			
44 000129													
P		K	20181108 005 20181108 190208	190211	20181212 20190211	95 190206	90	2	3	3			
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H		T	20181204 007 20181204 190222	190225	20190111 20190225	83 190219	77	3	3	3			
45 000179													
L		B	20181221 015 20181221 190213	190219	20190110 20190219	60 190212	53	1	6	6			
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S		B	20190107 021 20190107 190212	190213	20181219 20190213	37 190129	22	14	1	1			
56 000311													
C		R	20190117 015 20190117 190214	190215	20190208 20190215	29 190207	21	7	1	1			
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T		J	20181029 033 20181029 190207	190208	20181218 20190208	102 181111	13	88	1	1			
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M		N	20190117 015 20190117 190214	190215	20181223 20190215	29 190207	21	7	1	1			

February 2019(Redacted)

54	000141	J	T	20180321 001 20180321 190201	190204	20180901 20190204	320	180410	20	297	3	3
156	000092	G	D	20190128 023 20190128 190215	190221	20190218 20190221	24	190212	15	3	6	6
3	000205	C	R	20190122 026 20190122 190129	190204	20190122 20190204	13	190128	6	1	6	6
13	000169	V	P	20181218 001 20181218 190206	190211	20190201 20190211	55	190122	35	15	5	5
10	000466	Y	R	20190103 014 20190103 190204	190206	20180518 20190206	34	190130	27	5	2	2
264	000216	H	R	20190116 001 20190116 190211	190215	20181113 20190215	30	190205	20	6	4	4
94	000192	B	R	20190122 032 20190122 190218	190221	20190130 20190221	30	190211	20	7	3	3
22	000119	M	D	20190117 019 20190117 190201	190205	20181202 20190205	19	190129	12	3	4	4
65	000444	E	E	20190124 024 20190124 190201	190207	20181025 20190207	14	190131	7	1	6	6
105	000222	S	C	20190207 018 20190207 190219	190220	20190219 20190220	13	190214	7	5	1	1
1	000242	A	A	20181217 001 20181217 190131	190201	20181219 20190201	46	190122	36	9	1	1
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88	000155	D	H	20181212 005 20181212 190130	190204	20190109 20190204	54	190128	47	2	5	5
26	000358	B	B	20190123 023 20190123 190213	190215	20070907 20190215	23	190204	12	9	2	2
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3	000004	B	J	20190128 015 20190128 190221	190222	20180129 20190222	25	190219	22	2	1	1
389	000000	S	J	20190204 021 20190204 190222	190225	20190129 20190225	21	190219	15	3	3	3
27	000261	M	B	20190114 023 20190114 190205	190206	20170305 20190206	23	190204	21	1	1	1
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17	000238	E	J	20190208 004 20190208 190226	190228	20180927 20190228	20	190225	17	1	2	2
154	000239	S	R	20181206 001 20181206 190131	190204	20190113 20190204	60	190115	40	16	4	4
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February 2019(Redacted)														
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G	K	20190214 021 20190214 190228	190228	20181022 20190228	14 190225	11	3	0	0					
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A	C	20190124 019 20190124 190206	190206	20181214 20190206	13 190201	8	5	0	0					
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S	D	20181213 004 20181213 190201	190201	20180829 20190201	50 190116	34	16	0	0					
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J	T	20190131 024 20190131 190206	190206	20181113 20190206	6 190206	6	0	0	0					
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L	R	20190123 003 20190123 190219	190219	20190210 20190219	27 190211	19	8	0	0					
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S	D	20190108 028 20190108 190204	190204	20180925 20190204	27 190130	22	5	0	0					
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J	J	20190131 021 20190131 190220	190220	20180623 20190220	20 190211	11	9	0	0					
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S	S	20190123 015 20190123 190227	190227	20180421 20190227	35 190222	30	5	0	0					
312 000338														
M	F	20190109 001 20190109 190204	190204	20181001 20190204	26 190128	19	7	0	0					
126 000105														
T	D	20190204 022 20190204 190215	190215	20190124 20190215	11 190211	7	4	0	0					
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P	P	20181213 034 20181213 190215	190215	20190118 20190215	64 190211	60	4	0	0					
28 000091														
A	C	20190125 111 20190125 190201	190201	20190124 20190201	7 190128	3	4	0	0					
8 000012														
B	T	20190204 019 20190204 190215	190215	20180711 20190215	11 190208	4	7	0	0					
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N	R	20190206 019 20190206 190214	190214	20190128 20190214	8 190211	5	3	0	0					
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February 2019(Redacted)												
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W	D	20190117	111	20190117	190208	190208	20181113	20190208	22	190207	21	1 0 0
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T	S	20190114	022	20190114	190204	190204	20171201	20190204	21	190130	16	5 0 0
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B	R	20190109	012	20190109	190204	190204	20190204	20190204	26	190125	16	10 0 0
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G	B	20190211	021	20190211	190222	190222	20190123	20190222	11	190219	8	3 0 0
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J	C	20190118	021	20190118	190225	190225	20181202	20190225	38	190211	24	14 0 0
85 000429												
S	J	20190123	023	20190123	190207	190207	20180702	20190207	15	190204	12	3 0 0
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C	J	20190109	014	20190109	190205	190205	20181012	20190205	27	190130	21	6 0 0
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H	A	20190117	006	20190117	190215	190215	20181003	20190215	29	190208	22	7 0 0
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D	J	20190205	016	20190205	190225	190225	20181001	20190225	20	190220	15	5 0 0
147 000509												
M	J	20190213	004	20190213	190215	190215	20181204	20190215	2	190214	1	1 0 0
73 000272												
B	O	20180906	019	20180906	190204	190204	20180626	20190204	151	190201	148	3 0 0
223 000346												
C	E	20190103	014	20190103	190206	190206	20181206	20190206	34	190130	27	7 0 0
62 000155												
F	Q	20190129	019	20190129	190208	190208	20180518	20190208	10	190204	6	4 0 0
266 000350												
S	D	20190114	023	20190114	190215	190215	20181104	20190215	32	190122	8	24 0 0
103 000078												
C	E	20190108	001	20190108	190211	190211	20190208	20190211	34	190128	20	14 0 0
3 000096												
L	T	20181219	014	20181219	190205	190205	20190121	20190205	48	190130	42	6 0 0
15 000094												
S	J	20190110	001	20190110	190206	190206	20180910	20190206	27	190131	21	6 0 0
149 000250												
N	N	20181003	005	20181003	190221	190221	20190108	20190221	141	190205	125	16 0 0
44 000141												
D	C	20190115	003	20190115	190213	190213	20190117	20190213	29	190204	20	9 0 0
27 000145												
L	M	20190214	019	20190214	190227	190227	20170825	20190227	13	190221	7	6 0 0
551 000906												
R	M	20190124	015	20190124	190207	190207	20180209	20190207	14	190104	-20	34 0 0
363 000360												
J	C	20190123	009	20190123	190213	190213	20181201	20190213	21	190208	16	5 0 0

February 2019(Redacted)													
74 000181													
H	A	20181220 013	20181220 190211	190211	20181206 20190211	53 190129	40	13	0	0			
67 000242													
K	A	20190206 009	20190206 190215	190215	20180917 20190215	9 190212	6	3	0	0			
151 000268													
D	S	20190108 026	20190108 190204	190204	20190109 20190204	27 190115	7	20	0	0			
26 000003													
D	J	20190131 016	20190131 190222	190222	20181227 20190222	22 190221	21	1	0	0			
57 000163													
M	B	20190129 023	20190129 190207	190207	20190125 20190207	9 190204	6	3	0	0			
13 002195													
W	J	20181211 009	20181211 190212	190212	20180809 20190212	63 190205	56	7	0	0			
187 000430													
D	D	20190103 019	20190103 190211	190211	20181023 20190211	39 190103	0	39	0	0			
111 000139													
R	H	20190201 111	20190201 190206	190206	20180803 20190206	5 190205	4	1	0	0			
187 000625													
E	S	20190110 020	20190110 190227	190227	20180228 20190227	48 190222	43	5	0	0			
364 000323													
B	K	20190207 021	20190207 190222	190222	20190115 20190222	15 190219	12	3	0	0			
38 000150													
F	E	20190117 015	20190117 190211	190211	20181216 20190211	25 190205	19	6	0	0			
57 000159													
B	D	20190115 006	20190115 190221	190221	20050319 20190221	37 190208	24	13	0	0			
5087 005809													
L	A	20190201 111	20190201 190207	190207	20190124 20190207	6 190205	4	2	0	0			
14 000111													
B	D	20190128 021	20190128 190212	190212	20190212 20190212	15 190207	10	5	0	0			
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T	L	20181129 015	20181129 190214	190214	20181227 20190214	77 190118	50	27	0	0			
49 000000													
B	S	20190212 111	20190211 190221	190221	20160707 20190221	10 190221	9	0	0	0			
959 001330													
J	D	20181218 001	20181218 190211	20190205 190211	20190207 20190211	55 190122	35	20	0	0	6		
4 000076	120												
W	D	20190207 029	20190207 190228	190228	20190118 20190228	21 190225	18	3	0	0			
41 000147													
D	C	20190123 022	20190123 190207	190207	20190127 20190207	15 190204	12	3	0	0			
11 000123													
A	D	20190108 009	20190108 190211	190211	20181009 20190211	34 190205	28	6	0	0			
125 000068													
T	A	20190201 024	20190201 190211	190211	20190127 20190211	10 190206	5	5	0	0			
15 000015													
P	R	20190221 024	20190221 190228	190228	20190226 20190228	7 190227	6	1	0	0			
2 000121													
P	B	20190131 014	20190131 190225	190225	20180416 20190225	25 190221	21	4	0	0			
315 000438													
B	R	20190129 026	20190129 190211	190211	20190208 20190211	13 190206	8	5	0	0			
3 000117													
J	D	20190122 016	20190122 190207	190207	20181028 20190207	16 190204	13	3	0	0			
102 000341													
H	M	20190205 014	20190205 190227	190227	20190227 20190227	22 190225	20	2	0	0			

February 2019 (Redacted)

0 000104

GRAND-TOTAL -
days over - AVERAGE = 44.688311688

Re: 21FEB19-Louisiana routinely jails people weeks, months, years after their release dates _ NOLA

PETE FREMIN to: RHETT COVINGTON
Cc: James M. LeBlanc, SETH SMITH

02/25/2019 09:03 AM

History: This message has been forwarded.

I am having LFD follow up and make sure everything was done on our end.

RHETT COVINGTON Agreed. I'm passing along Judge Edwards' c...

02/24/2019 06:39:01 PM



RHETT
COVINGTON/CORRECTION
S

02/24/2019 06:39 PM

To James M. LeBlanc/CORRECTIONS@CORRECTIONS
cc SETH SMITH/CORRECTIONS@CORRECTIONS, PETE
FREMIN/CORRECTIONS@CORRECTIONS
Subject Re: 21FEB19-Louisiana routinely jails people weeks,
months, years after their release dates _ NOLA

Agreed. I'm passing along Judge Edwards' concerns is all.

Rhett Covington
Assistant Secretary

On Feb 24, 2019, at 6:14 PM, James M. LeBlanc <JMLeBlanc@corrections.state.la.us> wrote:

A poorly written article—most are immediate releases because more are earning program good time at the local level and the remainder which is very few are those that we struggle getting appropriate paper work from Judges, clerk of court and Sheriffs

Sent from my iPhone

> On Feb 24, 2019, at 5:36 PM, RHETT COVINGTON <RCOVINGTON@corrections.state.la.us>
wrote:

>

> FYI.

>

> Rhett Covington

> Assistant Secretary

>

> Begin forwarded message:

>

>> From: "Jules D. Edwards III" <JudgeEdwards@15thjdc.org>

>> To: "Rhett Covington (rcovington@corrections.state.la.us)" <
rcovington@corrections.state.la.us>

>> Subject: 21FEB19-Louisiana routinely jails people weeks, months, years after their release
dates _ NOLA

>>

>> Rhett,

>>

>> I just wanted you to know the defense attorneys in Lafayette are also complaining about the
failure to timely release inmates from LPCC.

>>
>> Jules
>>
>> =====
>> Judge Jules D. Edwards, III
>> ' : 337-269-5708 (Voice)
>> 6: 337-269-5726 (FAX)
>> :: e-mail: judgeedwards@15thJDC.org
>> P.O. Box 3568 Lafayette, LA 70502-3568
>> Administrative Assistant: Yulandera M. Moody - YMMoody@15thjdc.org
>> Research Attorney: Angela M. Swift - AMSwift@15thjdc.org
>>
>> To Schedule, an Appointment Click on My Doodle MeetMe page ->
http://doodle.com/Judge_Jules_Edwards
>> This e-mail and any attachments are intended ONLY for use by the addressee(s) named
herein and may contain legally privileged and confidential information. If you are not the intended
recipient of this e-mail, you are at this moment notified that any dissemination, distribution or
copying of this e-mail, and any attachments to it, is strictly prohibited. If you have received this
e-mail in error, please immediately notify me by telephone and permanently delete the original
and any copy of any e-mail and any printout thereof.
>> =====
>>
>>
> <21FEB19-Louisiana routinely jails people weeks, months, years after their release dates _
NOLA.pdf>
> <20FEB19-If inmates were being released too early, you can bet folks would pay attention.pdf>
> <20FEB19-New rule- After inmates serve their time, let them go.pdf>
> <23FEB19-Release Request_ Order Form for Bodoin, Adam (#139634).pdf>



Fw: Intensive Incarceration Program
RHETT COVINGTON to: GENIE POWERS
Cc: James M. LeBlanc, SETH SMITH

01/23/2015 01:54 PM

Good Afternoon,

In light of the below e-mails and concerns expressed by Judge Randow and Judge Doggett, I suggest we suspend sending offenders to Intensive Incarceration at WNC until this matter is investigated. Theresa Blocker will be meeting next week with Judge Doggett to get her specific concerns and will then meet with WNC staff for an explanation. One concern expressed by the judge was the apparent lack of knowledge about the program at WNC by the warden, as well as allegations by the families of more than one participant that the offenders are not getting needed programs. I would like for someone with experience in IMPACT such as Darryl Campbell to assist in reviewing the status of the Intensive Incarceration Program at WNC. Please advise how you would like to proceed. Thanks.

Rhett S. Covington
LA Dept. of Public Safety & Corrections
Deputy Assistant Secretary for Reentry
phone: 225-342-6942
cell: 225-456-6815
fax: 225-342-3349

"Today's problems are seldom solved by yesterday's thinking." --Albert Einstein
----- Forwarded by COLE GRALAPP/ALD/PNP/CORRECTIONS on 01/20/2015 05:10 PM -----

FW: Intensive Incarceration Program

Mary Doggett to: cgralapp@corrections.state.la.us

01/20/2015 04:48 PM

Dear Mr. Gralapp,

In accordance with our conversation today, I have included below the emails between me and Ms. Walker, Asst. Warden, Winn Correctional Center.

As we discussed, I currently have at least two drug court clients in the intensive Incarceration Program at Winn. [REDACTED]

[REDACTED] My concerns with Winn Correctional began in mid December 2014, when one of the offenders filed a motion to reconsider his sanction. His mother testified that he was not getting the treatment we ordered and requested he be allowed to return for inpatient rehabilitation. I denied the motion, but promised I would get a status on her son to ensure he was participating in all classes/treatment as ordered.

I made several calls to Winn Correctional and left at least two messages, requesting a return call to my office or cell number (if after hours). After waiting a week, I called again and finally spoke to the Warden on December 26, 2014. He advised me that he was not familiar with the intensive incarceration program, but would have someone return my call on Monday. On Monday, December 29, Ms. Walker called to report that [REDACTED] were enrolled in the program and were receiving all classes/treatment as ordered. She promised to send a status on each offender that

afternoon. On January 7, 2015 I received the email below. As you can see, I then requested a more detailed status on the 13th, which I still have not received.

In my December 29 conversation with Ms. Walker, I was informed that another offender, [REDACTED] completed the program in early November and was still being held at Winn – in spite of several phone calls from Judge Randow for his release. Ms. Walker explained she needed something in writing to release [REDACTED]. No other facility has such a required. The initial order sending the client to intensive incarceration states the client is to successfully complete the program and return to drug court. However, I immediately emailed her a “request for release” and he was released accordingly.

Since my first inquiries with Winn Correctional, I have talked to numerous people in the Department of Corrections, who have confirmed my concerns that the Intensive Incarceration Program is not being properly implemented at Winn Correctional Center. Because of this, I have prepared an order amending the sanctions of [REDACTED] and ordering their immediate release and return them to DC1 in Rapides Parish.

I believe the Intensive Incarceration Program is a much needed program in our system and, if properly executed, could be of great benefit to the drug court clients and to the public as a whole. However, I have no intention of sentencing a drug court client to 6 months in prison if he/she will not benefit from that sanction. Thus, I will not utilize this sanction until I can obtain more information on this program.

Lastly, I have three other drug court clients in the program. Do you know how I can find out the facility where each is being housed?

[REDACTED]

Thank you.

Mary Doggett

Mary Lauve Doggett
District Judge, 9th JDC
701 Murray Street
Alexandria, LA 71301
318-443-6893 (ph)
318-484-2704 (fax)

From: Walker, Nicole [mailto:Nicole.Walker@cca.com]
Sent: Tuesday, January 13, 2015 4:04 PM
To: Mary Doggett
Subject: Re: Intensive Incarceration Program

I will have my staff gather this information immediately.

Sent from my iPhone

On Jan 13, 2015, at 3:41 PM, Mary Doggett <mdoggett@9thjdc.com> wrote:
Warden Walker,

Thank you for the status report.

Can you provide me with the following:

1. Expected graduation date for [REDACTED]
2. A detailed account of [REDACTED] class participation from November 2, 2014 to present.
3. Whether or not [REDACTED] enrolled in a GED program.

Also, when we spoke earlier, you mentioned the intensive incarceration offenders are often housed in an "honor dorm". Are [REDACTED] in this dorm; and if so, have they been in the honor dorm throughout their stay?

Thank you. Please let me know if you need anything from me.

Kindest regards,
Mary Doggett

Mary Lauve Doggett
District Judge, 9th JDC
701 Murray Street
Alexandria, LA 71301
318-443-6893 (ph)
318-484-2704 (fax)

From: Walker, Nicole [<mailto:Nicole.Walker@cca.com>]
Sent: Wednesday, January 07, 2015 2:01 PM
To: Mary Doggett
Subject: Intensive Incarceration Program

Good Afternoon,
Please see the below listed update on the two offenders that were discussed during our recent conversation:

[REDACTED] 2014. Upon his arrival, he was enrolled in the Adult Education, Pre-release (Life Skills), Thinking for a change, AA/NA, Living in Balance (Substance Abuse class) and Cage your Rage. Determination for placement was based on his risk and needs assessment. All staff stated that he has been actively involved in the assigned classes

[REDACTED]

■■■■■■■■■■ arrived at WNC on September 8, 2014. Upon his arrival, he was enrolled in Building Trades (vocational class), Pre-Release (Life Skills), Thinking for a Change, AA/NA, Living in Balance (Substance Abuse Class) and Cage your Rage. Determination for placement was based on his risk and needs assessment. He successfully completed Living in Balance Phase I and Phase II on November 3, 2014, Pre-release on November 10, 2014 and Building Trades on December 11, 2014.

Monthly progress will be provided to your office for each offender. If additional information is needed, please let me know at once.

<image001.png>
Nicole Walker
Assistant Warden
Winn Correctional Center
PO Box 1260
Winnfield, LA 71483
(318) 628-3971 ext. 2202

[See how CCA is making a difference](#)

(i) This e-mail and any files transmitted with it are confidential and intended solely for the use of the intended recipient(s). If you have received this e-mail in error, please notify the sender immediately and delete this e-mail and any associated files from your system. (ii) Views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of Corrections Corporation of America. (iii) The recipient should check this e-mail and any attachments for the presence of viruses. The company accepts no liability for errors or omissions caused by e-mail transmission or any damage caused by any virus transmitted by or with this e-mail. This email has been scanned for



content and viruses by the McAfee Email Security System image001.png



Re: HB 191
RAMAN SINGH to: James M. LeBlanc

04/06/2015 12:24 PM

History: This message has been replied to.

\$34.30

Syphilis - \$2.80

HIV - \$6.00

Hepatitis Panel - \$25.50

R.S. 15:574 mandates that offenders will have to pay. Bigger issue is the manpower to get it done and the time available. HIV test result is available immediately if negative but for Hepatitis and Syphilis, it may take up to 3 days or more.
Thanks

James M. LeBlanc What is the cost?--I may have missed it?? > On...

04/06/2015 10:53:12 AM

From: James M. LeBlanc/CORRECTIONS
To: RAMAN SINGH/CORRECTIONS@corrections,
Cc: "Natalie Ramsey Laborde" <natalie.laborde@la.gov>
Date: 04/06/2015 10:53 AM
Subject: Re: HB 191

What is the cost?--I may have missed it??

On Apr 1, 2015, at 1:38 PM, RAMAN SINGH <RSINGH@corrections.state.la.us> wrote:

Once again, this is a good idea, specially good for public health. However, it will be helpful to bring these facts to the attention:

1. In 2014, approximately 537 offenders were released by the Committee on Parole (R.S. 15:574) and 15,647 offenders were released on good time supervision (diminution of sentence due to good time behavior ,R.S. 15: 571.3)
2. Unlike offenders going through the parole process for R.S. 15:574 where they go through a few months long process and then wait for all the conditions to be met before they are actually released, if granted a parole , GT supervision releases are processed by the housing units. So many times, many of them become eligible for an " immediate release" once all the credits are computed. Not sure, how will they be held back for medical testing.
3. A lion's share of GT releases are done by the local jails. Not sure how will they comply with the proposed bill.

4. With the current administration, DOC has a very aggressive policy for HIV testing. We do 'opt out' testing for all new intakes. Compliance rate is almost 99.9 %. It means that since 2008, we have been testing almost every new intake for HIV. This should alleviate some concern about "not knowing HIV status".

5. These offenders do not go to the parole board, just making sure that everyone understands :

"G.(1) Before placing a person on parole, including any person being released because of diminution of sentence pursuant to R.S.

15:571.3, the committee on parole shall require that person to submit to a test designed to determine whether he is infected with a sexually transmitted disease, ..."

Thanks

----- Forwarded by RAMAN SINGH/CORRECTIONS on 04/01/2015 01:16 PM -----

From: RAMAN SINGH/CORRECTIONS
To: Melissa Callahan/CORRECTIONS, James M. LeBlanc/CORRECTIONS,
Cc: Thomas Bickham/CORRECTIONS, SETH SMITH/CORRECTIONS@CORRECTIONS
Date: 03/31/2015 02:19 PM
Subject: HB 191

My internet is down so I can not pull the detail info.

Natalie called me about this bill. This proposes ? mandatory infectious testing for all offenders being released on parole. Currently it is mandated only for offenders who are being paroled by the parole board. This includes testing for HIV, Hepatitis and other sexually transmitted diseases.

I love this idea but am not sure how will we be able to do it. Unlike regular parole which are only handful, thousands of offenders are being discharged on good time parole. Unlike regular parole, which is a few months long process and we have adequate time to do the tests, to do the counselling and to provide appropriate follow up, to get the benefit of the test results, often good time paroles give us only few days. It won't help state if we just do the testing and release the offender.

Once again, I think that it is a very good idea for public health but am at loss when it comes to it's implementation.

Thanks

Raman Singh M.D.
Medical / Mental Health Director
Louisiana Dept. of Public Safety & Corrections
225.342.1320 (Office)
225.342.1329 (Fax)

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Re: Fwd: RONNIE WILLIAMS, JR. 
ANGELA GRIFFIN to: James M. LeBlanc
Cc: Bridget Napoli

01/29/2016 03:07 PM

History: This message has been forwarded.

We had Rapides fax the paperwork this afternoon. On 1/7/2016 the court vacated his original 12 1/2 yr sentence and re-sentenced him to 10 years hard labor. His file is at DWCC. They have been notified of the change and his case will be reworked. If necessary, the release process will start.

Thanks,

Angela Griffin

James M. LeBlanc Please check out and advise

01/28/2016 12:23:11 PM



James M.
LeBlanc/CORRECTIONS
01/28/2016 12:20 PM

To: Bridget Napoli/CORRECTIONS@corrections, ANGELA
GRIFFIN/CORRECTIONS@corrections
cc

Subject: Fwd: RONNIE WILLIAMS, JR.

Please check out and advise

Begin forwarded message:

From: "Hazel, Rep. (District Office)" <hazelc@legis.la.gov>
Date: January 28, 2016 at 9:44:48 AM CST
To: "'jmleblanc@doc.la.gov'" <jmleblanc@doc.la.gov>
Subject: RONNIE WILLIAMS, JR.

RE: RONNIE WILLIAMS, JR.
DOC #530183
DOB: 5/6/90

Secretary LeBlanc,

We received a call from [REDACTED], who stated that on January 12th an order of immediate release was signed in 9th Judicial District Court on behalf of his son, [REDACTED] Jr. who is housed at DC-II in Rapides Parish. As of today, [REDACTED] is still being detained and has been given no explanation of the delay. Could you please have someone check on the status of his release and provide us with that information to pass along to [REDACTED]

We look forward to your prompt response.

Donna F. Lacombe

Legislative Assistant

State Representative

Chris Hazel

District 27

1013 Main Street

Pineville, LA 71360

(318) 767-6082

(318) 767-6084 (fax)

hazelc@legis.la.gov



Fw: MacArthur Files Suit Against Illegal Jail Time

Ken Pastorick to: James M. LeBlanc, WILLIAM KLINE
Cc: Natalie Laborde

01/12/2017 02:56 PM

FYI - We received a request from FOX 8 New Orleans for a statement from us concerning a suit filed today by the MacArthur Justice Center regarding inmates moved to Northeast Louisiana who claim they've completed their sentences, yet they are not being released because we haven't calculated their time.

Proposed statement:

"The Louisiana Department of Public Safety and Corrections does not comment on pending litigation."

Thanks!

Ken Pastorick
Communications Director
Department of Public Safety & Corrections
Office 225.219.0499
Cell 225.620.3728

----- Forwarded by Ken Pastorick/CORRECTIONS on 01/12/2017 02:51 PM -----

From: "Mumphrey, Nicole" <nmumphrey@fox8live.com>
To: "kenpastorick@corrections.state.la.us" <kenpastorick@corrections.state.la.us>
Cc: "Connelley, Travis" <tconnelley@fox8live.com>, "DeCorte, Nancy" <ndecorte@fox8live.com>
Date: 01/12/2017 02:47 PM
Subject: FW: MacArthur Files Suit Against Illegal Jail Time

Hi Ken....this is Nicole Mumphrey over at WVUE FOX 8 News in New Orleans

We are looking for a comment or response to the email below regarding a lawsuit pertaining to illegal jail time and the moving of prisoners hundreds of miles away.

The suit was filed today by attorneys with the MacArthur Justice Foundation

Thanks so much!

Nicole Mumphrey
WVUE FOX 8 News
504-483-1540

From: Leah Ward [mailto:Leah.Ward@macarthurjustice.org]
Sent: Thursday, January 12, 2017 2:15 PM
Subject: MacArthur Files Suit Against Illegal Jail Time

Roderick & Solange
MacArthur Justice Center
NEW ORLEANS

FOR IMMEDIATE RELEASE
Jan. 12, 2017
504-620-2259

Contact: Katie Schwartzmann

MacArthur Files Suit Against Illegal Jail Time

NEW ORLEANS – After moving New Orleans prisoners hundreds of miles away to a jail in East Carroll Parish, state and local officials are now failing to release men who have completed their sentences and should have been freed months ago, according to lawsuits filed Thursday by lawyers with the Roderick and Solange MacArthur Justice Center in New Orleans.

The petitions ask the Orleans Parish Criminal District Court to order their immediate release. The respondents in the cases are the Louisiana Department of Corrections, the East Carroll Parish Sheriff, and the Independent Jail Compliance Director at the Orleans Parish Jail.

“We believe Mr. Crittendon and Mr. Copelin are just the beginning, and that there are others just like them who have served their time and should now be free to come home. But instead they remain in jail due to the failure of these agencies to timely provide for their release,” said Katie Schwartzmann, co-director of the MacArthur Justice Center.

There has been a breakdown in the process of releasing prisoners or sending them to DOC once they are sentenced by the Orleans Parish Criminal District Court. This is resulting in very serious delays in calculating when a sentence has ended, according to the Justice Center.

“We have received numerous calls and reports from persons held in East Carroll,” said attorney Emily Washington. “We reached out to the Compliance Director, to the East Carroll facility, and to the Department of Corrections in December. And we were told that action was being taken to resolve the problem. Yet we continue to hear from persons at East Carroll – that their paperwork has not been processed, that their time has not been calculated, and for some, that they are being held in custody far beyond their release date. The failure of these agencies to immediately correct this problem, when people’s liberty is at stake, is unconscionable.”

“Our office put the Department of Corrections and East Carroll Parish on notice that they are detaining people illegally. We advised them of this weeks ago,” Schwartzmann added. “The lack of a sense of urgency to fix this is appalling. We had no choice other than to sue to start trying to get people out of jail. In addition to people missing the holidays with their families, the taxpayers are paying to illegally house people in jail right now.”

A link to one of the petitions is here:

http://neworleans.macarthurjusticecenter.org/uploads/rsmjc-neworleans/documents/20170112_petition_f_or_writ_of_habeas_corpus_crittendon.pdf

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About the Roderick and Solange MacArthur Justice Center

Founded in 1985, the Roderick and Solange MacArthur Justice Center is one of the premier civil rights

law firms in the United States. The MacArthur Justice Center has offices in Chicago, St. Louis, New Orleans, and Oxford, MS. For additional information about the New Orleans office, visit NewOrleans.MacArthurJusticeCenter.org. Follow us on Twitter (@MacArthrJustice) and on Facebook (<http://www.facebook.com/macarthurjusticecenter>) for timely updates.

Leah C. Ward
Office Manager
Roderick and Solange MacArthur Justice Center
4400 S. Carrollton Ave.
New Orleans, La 70119
(504) 620-2259

This email may contain confidential or privileged information. If you received this email in error, please notify the sender immediately. Thank you.

Middle District of Louisiana

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

Middle District of Louisiana

Civil Action No.

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset