next to the hallway with plywood or other suitable covering to the ceiling.

d) Install floor covering of linoleum or similar material of Defendant's choice.

e) Remove one of the metal bench and table sets now located in each of the two wards in order to provide recreation room.

f) Provide such additional lighting in each of the two wards as may be necessary.

g) Provide 1-way mirror for the purpose of observing juveniles in the ward.

h) Install room air conditioner in each ward.

i) That Defendant shall have reasonable time to provide the above modifications and changes, taking into consideration the necessity of advertising and accepting bids for materials and labor.

jails and pretrial detention

Federal Court Holds Conditions in Jefferson Parish Jail to Constitute Cruel and Unusual Punishment Despite Ad Litem Efforts at Improvement

Holland v. Donelon, No. 71-1442 (E.D. La. June 6, 1973).

[Here Reported: Edited Text of Findings of Fact, Conclusions of Law, and Order by Rubin, J.]

This class action, on behalf of persons confined in the Parish Jail of Jefferson Parish Louisiana, contends that the conditions of confinement constitute cruel and unusual punishment and deny them due process and equal protection of the laws, all in violation of the United States Constitution, and further violate Louisiana statutes. For reasons set forth at length below, the court finds these contentions established. Hence it spells out the violations found to exist and orders specific remedial measures.

The President, Sheriff, Coroner, and several Councilmen of Jefferson Parish, along with the Warden of the Parish Jail were sued as defendants, on the basis that each owed duties, imposed by a Louisiana statute or rule, with respect to the manner of confinement of prisoners or maintenance of the jail.

The Jefferson Parish Jail was built in 1923, and enlarged in 1955. It can adequately accommodate no more than 110 persons. . . . Those imprisoned are separated by sex and, it is contended, to some degree by race. They can be classified as follows:

1. Adults finally convicted of crimes and serving sentences, usually not exceeding one year duration;

2. Adults convicted of crimes but whose conviction has not become final because of appeals, and adults whose convictions are being challenged by habeas corpus proceedings;

3. Adults awaiting trial or probation revocation hearings. Some of these are contended to be first offenders, others have records of prior convictions;

4. Adults arrested but awaiting the filing of charges;

5. Some juveniles, that is persons under the age of 17.

The observations made by the Jefferson Parish Grand Jury regarding conditions at the jail were introduced without objection at the first hearing, in May 1972. Relying on that report and other evidence adduced at the hearing, the plaintiffs proved a number of their allegations.

On May 16, 1972, this court issued an opinion containing preliminary findings of fact and conclusions of law, holding that both the Eighth and Fourteenth Amendment rights of the members of the class were infringed. Racial discrimination of every kind was ordered ended. Instead of ordering remedial measures to remedy the cruel and unusual punishment and due process violations, the court approved three remedial measures jointly arrived at by the plaintiffs and defendants: it was agreed that, with respect to those merely charged with a crime, an enlarged release-on-recognizance program would be established by June 1, 1972; to reduce overcrowding, driver's license suspension, instead of incarceration in jail, would be employed to deal with traffic violators insofar as possible; and the defendants would report by June 10, 1972 on the status of the preparation of a new mental facility being planned by the East Jefferson Hospital to treat those mentally disturbed persons then currently being held in jail.

Recognizing that more remained to be done, the court ordered the appointment of Mr. Sam Allen Anderson as a special master ". . . with full authority to inspect the jail, discuss its problems with both plaintiffs and defendants, and to make a report and recommendations." Mr. Anderson had recently established his residence in Jefferson Parish, Louisiana, after a career in prison administration, and had been nominated as master by the defendants.

Pursuant to guidelines issued by the court,[2] Mr. Anderson submitted a "Jefferson Parish Jail Inspection and Report" on June 13, 1972. It contained a number of remedial suggestions.

The defendants filed no formal objection to any of the recommendations, but the plaintiffs did, reiterating most of the allegations and requests for relief contained in their original complaint. At this time, plaintiffs also contended that prison practices and procedures governing the imposition of administrative punishment violated the due process clause of the Fourteenth Amendment.

Another hearing was held on May 4, 1973, to consider the plaintiffs' request for further relief. . . .

2. This report shall include any matters that Mr. Anderson considers necessary, but shall deal at least with the following:

(1) "Feasibility of providing regular opportunity for daily exercise for inmates, with due regard for protection against escape and against prisoner mistreatment of other persons in confinement.

(2) Additional programs to reduce maximum jail population, except in emergencies, to 110.

(3) Measures to assure that the ability of inmates needing medical treatment to see the jail's physician is not subject to arbitrary deprivation or forgetfulness by guards.

(4) Once overcrowding is eliminated, more effective classification procedures to separated, so far as practicable, those merely charged with crime from persons who have been convicted; those convicted of serious offenses or having serious criminal records from those who, by reason of youth, first detention, or the relatively minor nature of their crime, need rehabilitative protective separation; and such other classification procedures as may be required.

(5) Compliance with state sanitary and fire laws. To assist toward this end, the Jefferson Parish officials have agreed to arrange inspections by the appropriate state officials.

(6) Provision of minimum health essentials for those who need them, to include such items as an inexpensive toothbrush and toothpaste.

(7) Review of record-keeping procedures and personnel.

(8) The advisability and practicability of additional vocational and rehabilitation programs. "

I. *Findings of Fact*

A. *Overcrowding*

The average daily jail population is still between 180 and 185 persons. On many occasions, the number of persons actually confined exceeds 190. The overcrowded condition of the jail is not merely dense occupancy. Until two weeks before the hearing, many men did not have mattresses and slept on cell floors. It is reported that all inmates now have mattresses, but about ⅓ of them still did not have beds at the time of the hearing.

As set forth below, it is evident that much progress in remedying conditions at the jail has been made. But, despite the assurances given at the prior hearing, the number of persons confined has not been reduced, the number of persons awaiting trial has not been diminished, the confinement of traffic offenders has not been eliminated, the detention of persons who are mentally ill continues, the commingling of convicts with persons merely awaiting trial persists, and the enlarged release on recognizance program has failed to achieve its objectives. . . .

Inmates' blankets have not been cleaned regularly. No face cloths, toothbrushes, toothpaste, or soap are provided by the jail. Minor medical aids are not available; for example, due to use of common showers, athlete's foot is a frequent complaint but no medication is provided.

Nor is this treatment imposed as punishment for those convicted of violating the law. Many of those detained are merely waiting either to be charged or to be tried. On two typical dates, March 26 and April 30, there were 27 and 41 persons detained awaiting the lodging of formal charges. On the same two dates there were 103 and 83 additional persons confined awaiting trial; some had been waiting there as long as eight months although the average pre-trial stay is less than half that time. . . .

B. Exercise

Prisoners do not receive daily exercise. Although exercise is scheduled three times a week, because of weather conditions, staff shortages, or other problems, each inmate in facts gets access to open air exercise once a week, for about 25 minutes. Overcrowding and lack of facilities are advanced as excuses for failure to adhere to the Master's recommendation that each prisoner be permitted open air exercise for 1 hour a day.

C. Sanitation

Plumbing and sanitation problems occur repeatedly. The Parish Council has attempted to provide prompt maintenance service but the plumbing itself is old and the prisoners here, as prisoners reportedly do elsewhere, abuse plumbing fixtures, stopping up toilets and plugging drains. The problems thus created for jail administrators are serious but they must be solved, for inevitably many suffer from the disruption of sanitation who are not responsible for causing the damage.

D. Medical Care

Until recently there were two jail doctors, but one has resigned and at the time of the hearing, a single physician was carrying the full load of medical service. His "retainer" was only $150 per month—a manifestly inadequate sum. The records show that he has not in fact visited the jail three times a week as required by the court and recommended by the Special Master. There is no office or treatment room for medical treatment. The jail medical service is more or less a sick call. In cases where the doctor finds it warranted, prescription medicines are administered. Emergency and special cases are transferred to Charity Hospital.

In the case of medical emergency, the process of obtaining treatment is haphazard. Usually prisoners inform guards that other prisoners have become ill and appear to need hospitalization; the guard then assesses the situation and himself determines whether it appears critical.

Guards also must be relied upon to place names on the sick call list for regular doctor visitation. There is evidence that inmate requests are sometimes "forgotten" or ignored.

The coroner urges by way of apparent defense that, when the doctor sees inmates, he finds that the majority suffer from no serious complaint. But some inmates are genuinely ill and it is not proper to deprive the sick of medical care because others feign illness. In addition, excessive use of sick call does not appear to be unusual in jails; anyone who has been in military service knows that neurosis, depression, and boredom will motivate men to see a doctor.

E. Discipline

There are no formulated rules of conduct for prisoners to follow, no arrangements for administrative hearings, and no published schedule of administrative sanctions. Prisoners may be "locked down", meaning they are locked up in a barred cell for twenty-four hours a day, merely on the decision of one of the jail guard or captains. Varying standards are employed, none officially articulated to prisoners, in determining for what offense an inmate is to be locked down or when some other administrative sanction is to be imposed.

When a person is locked down, he has no way of knowing how long his incarceration will last. Again, this is determined by jail guards according to criteria they themselves devise. This method of punishment is used to handle both discipline and homosexual problems.

F. Mental Illness

Frequently persons whose sole offense is that they are suffering mental illness are confined, usually after the filing of a nominal crimnial charge. Often such mentally ill persons are held in lockdown. Warden Vicknair testified that it was not unusual thus to confine the mentally ill for two to three days. Other testimony indicated that such persons have been detailed in the jail for as long as eight days. Some efforts are being made to place mental cases with hospitals, but the program has not been successful mainly because facilities are not available.

G. Commingling and Lack of Classification

The jail does not have a classification officer or classification system. Cell assignments are made by the Warden and his staff. Some effort is made to separate younger persons. The special master pointed out that, aside from administrative problems, the sheer problem of being obliged to put human bodies into every available inch of space prevents initiation of any kind of classification system or any real effort to segregate those awaiting trial from those convicted of crime, or first offenders from recidivists.

H. Fire Prevention

No fire extinguishers or fire alarms are installed in the upstairs part of the jail. There are seven or eight extinguishers downstairs. The remedial measures recommended by the master with respect to fire exits have been adopted. However, there are no exit signs over the doors and no fire drill information is posted.

Naturally there must be precautions to prevent prisoner escapes. But there must also be fire prevention measures to prevent the hazard to life that might be created in the event of fire.

I. Integration

The Master reported that there is complete integration of the women's unit in the jail, but that there was partial segregation throughout most of the rest of the institution. Both the prisoner-witnesses and jail officials referred at the hearing to "the colored side" and "the white side" in describing jail conditions in certain of the cell blocks. The two maximum security units are completely racially segregated.

Before this court's order in May, 1972, there were 25 white cells and 25 black cells on opposite sides of the general lockup area. The evidence at this hearing established that there are only two white persons on the formerly all black side out of approximately thirty-five persons, and only seven blacks on the formerly all white side.

J. Cruel and Unusual Punishment

The observation, however tautological, must be made for emphasis, and as reminder, that this federal court is aware of the limited scope of its jurisdiction: the court has power only to deal with conditions that violate the federal constitution, either because they constitute cruel and unusual punishment, or because they separate persons by race, or because they deny due process of law. It may have some additional jurisdiction of pendant claims, but jurisdiction lies in federal court because of alleged violations of federal constitutional rights.

K. Progress to Date

This court visited the jail on January 5, 1973. There has been significant improvement in the general physical condition of the jail. The heating, lighting, and electrical wiring systems were in much better operating condition than at the time this suit was brought. The painting was also much improved. Dual visiting hours for black and white prisoners have been eliminated. A.T.V. monitor system has been installed, permitting authorities to detect disturbances and locate fires and other health and safety hazards sooner and without the deployment of limited personnel to patrol corridors. Medical prescriptions are placed by telephone and delivered much faster. New washers and dryers have been installed so that bedding and garments can be cleaned regularly. A new emergency night service for malfunctioning facilities is planned.

All of these advances are to the credit of Sheriff Cronvich, Warden Vicknair, and the Jefferson Parish Council. Under adverse financial circumstances, the defendants appear to have attempted to perform their duties in good faith.

II. Conclusions of Law

A. General Legal Principles Applicable

Lawful incarceration necessarily results in the withdrawal or restriction of many privileges and rights, and this is justified by the basic considerations underlying our penal system. . . .

But the constitution accords basic protections to all. A convict is not by virtue of his conviction beyond the constitutional pale. He is to be punished for his offense, but not thrust outside the zone of humanity. A fortiori, these who are confined awaiting trial or awaiting the filing of charges are to be merely confined. Presumed innocent until proved guilty, they are entitled to all of their constitutional rights — except freedom — for they are detained merely to assure their presence at trial . . . .

The Eighth Amendment, as now construed, requires courts to look beyond isolated incidents involving physical brutality. *Wiltsie v. California Dept. of Corrections*, 9 Cir. 1968, 406 F.2d 515; *Jordan v. Fitzharris*, N.D. Cal. 1966, 257 F.Supp. 674. They must examine the effect of a "combination of circumstances" upon the alleged unconstitutional act, practice, or system. *Novak v. Beto*, 5 Cir. 1971, 453 F.2d 661, 675 [1 *Prison Law Reporter* 85, 161] (Tuttle, J., concurring in part and dissenting in part); and *Holt v. Sarver*, E.D. Ark. 1970, 309 F.Supp. 362.

The Eighth Amendment applies to overall prison conditions that have been found cruelly detrimental to the mental and moral health of inmates, as well as to their physical integrity. *Taylor v. Sterret*, N.D. Tex. 1972, 344 F.Supp. 411; *Jackson v. Bishop*, 8 Cir. 1968, 404 F.2d 571. For example, the lack of regular physical exercise, under conditions of confinement otherwise unwholesome and debilitating, has been held cruel and unusual. *Sinclair v. Henderson*, E.D. La. 1971, 331 F.Supp. 1123 and *Morris v. Travisono*, D. RI. 1970, 310 F. Supp. 857. Some opportunity for regular exercise is constitutionally required. *Krist v. Smith*, S. D. Ga. 1970, 309 F.Supp. 497; *Taylor, supra*. Even men on death row must have some chance to exercise. *Sinclair v. Henderson*, E.D. La. 1971, 331 F.Supp. 1123. Humane treatment requires items of basic necessity, such as tooth brushes, sheets, and soap to be furnished. *Jones v. Wittenberg*, N.D. Ohio 1971, 330 F.Supp. 707, at 717-718 [1 *Prison Law Reporter* 5, 147]; and *Hamilton v. Schiro*, E.D. La. 1970, 338 F.Supp. 1016. Courts have required the institution of vocational and rehabilitation programs where they were absent or grossly inadequate. *Holt v. Sarver* E.D. Ark. 1970, 309 F. Supp. 362; *Brenneman, supra;* and *Jones, supra.*

Persons who have been convicted of no offense and are merely detained pending trial have the constitutional right to segregation from convicts, at least for protection, *Morris v. Travisono*, D. R.I. 1970, 310 F.Supp. 857; *Hamilton v. Love*, E.D. Ark. 1971, 328 F.Supp. 1182; and *Brenneman v. Madigan*, N.D. Calif. 1972, 343 F.Supp. 128 [1 *Prison Law Reporter* 177], and perhaps for other purposes. The commingling of persons detained awaiting trial with convicts and the failure of jail authorities to appreciate and act upon the difference between these two classes of inmates may itself violate the Constitution. *Brenneman, supra.*

The right to medical care is a constitutional right. The absence of a regular medical program may result in the lack of individual medical attention, and inaccessibility of medical treatment. To secure the individual constitutional right adequate medical programs are constitutionally required. *Jones, supra*; *Collins v. Schoonfield*, D.C. Md. 1972, 344 F.Supp. 257 [1 *Prison Law Reporter* 343].

Lack of money and lack of staff are not adequate to condone a constitutional violation. Jailers can work only with what they have. But when what they are provided with necessarily results in a constitutional violation, the court may order jail authorities to hire the staff necessary to remedy the violation, *Jones, supra*; *Hamilton v. Love, supra* at 1195-97, and of course responsible public authorities to provide the necessary funds.

In the light of these findings of fact and conclusions of law, the court sustains the claim that conditions and

practices at the jail are such that confinement amounts to cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments.

B. Due Process of Law

Lawful incarceration must not include exposure of a prisoner to the risk of arbitrary and capricious action. *Landman v. Peyton*, 4 Cir. 1965, 370 F.2d 135, 141, cert. den. 388 U.S. 920, 87 S.Ct. 2142. The imposition of summary punishment without due process violates the Fourteenth Amendment as well. *Anderson v. Nosser*, 5 Cir. 1971, —— F.2d ——, [2 *Prison Law Reporter* —] [No. 28971 at 8-12]; see also *Sinclair v. Henderson*, E.D. La. 1971, 331 F.Supp. 1123, and *Landman v. Royster*, E.D. Va. 621, 333 F.Supp. 1971 [1 *Prison Law Reporter* 13].

Sinclair involved the summary disciplining of prisoners on death row in the Louisiana State Penitentiary. The court held that there must be: (1) rules officially promulgated and communicated to prisoners, (2) prisoners must be given official written notice of the specific charge against them, (3) before serious punishment, such as punitive segregation, can be imposed, prisoners must be given a hearing at which they shall be afforded an opportunity to be heard and (4) the imposition of punishment should be by one other than the accusing jail officer.

III. Conclusions

A. Racial Discrimination

Every institution run by the government must be operated without discrimination based on color. Jailers, like every other government officer, state or federal, great or small, must eliminate every vestige of racial discrimination, benign or invidious. *Lee v. Washington*, 1968, 390 U.S. 333, 88 S.Ct. 994. Racial segregation is unconstitutional inside prisons as well as without. *Cruz v. Beto*, 1972, 405 U.S. 319, 92 S.Ct. 1079 [1 *Prison Law Reporter* 112].

Nor is it any answer for the jailer to contend that people in jail are vicious or prejudiced. Jailors must protect inmates against other inmates. Racial segregation must be eliminated even when there is a risk of violence and disorder. *Wilson v. Kelley*, N.D. Ga. 1968, 294 F.Supp. 1005. Prison officials must desegregate and at the same time restrain those who might cause violence. *McClelland v. Sigler*, 1971, N.D. Neb. 327 F.Supp. 829 [1 *Prison Law Reporter* 198]; *Singleton v. Board of Commissioners*, 5 Cir. 1966, 356 F.2d 771; and *Lee v. Washington*, 1968, 390 U.S. 333, 88 S.Ct. 994.

The plaintiffs have clearly shown continued racial discrimination in prison administration.

B. Due Process

Enough has been said to demonstrate that the administration of prison discipline is essentially arbitrary. It is entrusted to guards and warden, without rules to govern them, without appeal from their decrees and without measure fixed in advance. This constitutes a denial of due process by any definition.

C. Cruel and Unusual Punishment

The conditions with respect to overcrowding, lack of classification of prisoners, and lack of adequate medical care constitute inhuman treatment and cruel and unusual punishment.

D. Pendant Jurisdiction

The evidence adduced at the hearing reveals that a number of Louisiana statutes pertaining to prison and jail upkeep and prisoner well-being have been violated. Louisiana has statutes relating to fire safety,[4] sanitation,[5] medical care,[6] classification,[7] overcrowding and poor lighting,[8] and treatment of the mentally ill.[9] Many of these have not been complied with. This court, has pendant jurisdiction to decide these alleged state law violations. . . . *United Mine Workers v. Gibbs*, 1966, 383 U.S. 715, 725; 86 S.Ct. 1130, 1138; and Wright, Law of Federal Courts, Sec. 20, p. 64. . . .

The specific state law violations found to exist are the following:

a. Fire Laws: The state law requiring one fire extinguisher every 2500 square feet and fire extinguishers to be located not more than 100 feet from any point in the jail have been violated. LSA-R.S. 40:1590, as amended. . . .

The state laws requiring fire alarm systems and a master key system for all locks, as well as gang locks on all cells have been violated. LSA-R.S. 40:1609 and LSA-R.S. 40:1589. These apply specifically to "corrective institutions."

b. Sanitation: State law requires tub baths to be provided for female prisoners. LSA-R.S. 15:753. There are none.

c. Segregation of Short-Term First Offders: All penal institutions must separate first offenders serving sentences of five years or less from those "who are second or more offenders." LSA-R.S. 15:712, added by Act 370 of 1972. It is evident from the findings of fact recited above that this has not been done.

d. Mentally Ill: LSA-R.S. 28:52(D), as amended in 1972, permits patients taken into custody for mental illness to be confined in a jail "only in cases where the law

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4. La. R.S. 40:1590 as amended requires that at least one fire extinguisher be placed every 2500 square feet and fire extinguishers shall be located at intervals not over 100 feet away from any point in the jail.

La. R.S. 40:1609 requires a jail to have an adequate fire alarm system, a masterkey system for all locks, and ganglocks on all cells. R.S. 40:1589 also requires a fire alarm system.

5. La. R.S. 15:753. Bathtubs rather than showers must be provided for the female inmates.

La. R.S. 15:754. The interior of the prison must be painted white throughout.

La. R.S. 15:757. The jail administration shall compel each inmate to bathe when he enters the jail, and to bathe thereafter at least once a week. Further the jail shall furnish individual towels, soap, clean clothing and underclothing.

Furthermore plaintiff's Exhibit 3 shows violations of the State Sanitary Code. See La. R.S. 40:11-12.

6. La. R.S. 15:703. The parish shall appoint annually a physician who shall attend the prisoners "whenever they are sick."

La. R.S. 15:760. In jails where large numbers of prisoners are confined, "hospital quarters" shall be provided with necessary arrangement, conveniences, attendants, etc.

7. La. R.S. 15:712, requiring protective segregation of short term offenders (serving five years or less) from prisoners who are second or more offenders or who are serving sentences which exceed five years.

8. La. R.S. 15:752. This law requires the jail to be of "sufficient size" to hold and keep securely the prisoners therein.

The testimony of Joel Wade Frazier showed a violation of: La. R.S. 15:751 and R.S. 15:752, which require that jails be "properly lighted, by day and night."

9. La. R.S. 28:52 (as amended in 1972) forbids incarceration of the mentally disturbed by coroner commitment, save where "the law enforcement officer and the examining physician certify that the patient's behavior is such that he may not be reasonably examined or treated in a medical facility and provided private or public facilities refuse to admit."

La. R.S. 28:53 applies to judicial commitments and prohibits detention of the mentally ill in jail pending an application to the judge, except in an emergency.

enforcement officer *and* the examining physician or the coroner certify that the patient's behavior is such that he may not reasonably be examined or treated in the medical facilities and provided private or public facilities refuse to admit." (Emphasis supplied.) This procedure is not being followed.

Other claimed violations are found not to exist:

a. LSA-R.S. 15:760 requires hospital quarters to be provided "where large numbers of prisoners are confined." The jail with its population reduced in accordance with this order would not appear to be subject to that requirement, particularly considering its nearness to Charity Hospital. Compare *State v. Brouillette,* 1927, 163 La. 46, 111 So. 491.

b. The violation of LSA-R.S. 15:752 results from overcrowding. This will be remedied by the remainder of this order.

c. Inspection of the jail satisfies me that there is no violation of lighting or heating requirements, implicit in LSA-R.S. 15:751, as amended in 1972.

d. While the court considers expanded vocational and rehabilitative programs desirable, it does not consider that, in view of the relatively short terms of confinement, failure to provide these programs is a violation of the federal Constitution or any state law that has been called to its attention.

IV. Remedial Measures

The order issued May 7, 1973, is confirmed. . . .

1. [A]ll racial discrimination of any kind or nature shall be completely eliminated. . . .

2. To remedy the cruel and unusual punishment being administered by confinement in the jail:

2.1 The Sheriff shall reduce the number of inmates in the jail to not more than a total of 110 persons, except in an emergency. If, due to an emergency, the number of inmates exceeds 110, the number shall be reduced to 110 within 72 hours.

2.2 The Parish Council, as the parish governing authority, shall provide the following medical care:

a. Provide the services of a licensed physician every Monday, Wednesday and Friday, at some time between 8:00 a.m. and 12:00 noon. . . .

b. Provide emergency service available on reasonable call, day and night, every day in the year.

c. Provide consultative service for medical and surgical problems. . . .

d. Provide transportation to Charity Hospital for persons requiring medical care that is not afforded at the jail.

e. In addition to any other methods of arranging sick call, provide a box or receptacle or notebook for sick call requests at each place where meals are served and maintain a supply of requests to see the doctor at each such place. The warden or other supervisory personnel shall be responsible for handling all requests to see the doctor and arranging for the prisoner who requests medical attention to see the physician.

2.3. The Parish Council shall provide a place for the holding of sick call . . . with reasonable privacy and with reasonable provision for medical sanitation.

2.4. The Sheriff shall take whatever steps may be necessary to afford to all prisoners the opportunity to take physical exercise for not less than 45 minute periods held no fewer than three times a week. When inclement weather prevents exercise on the date regularly scheduled, an alternate date shall be scheduled unless the inclement weather continues for a period of several days.

2.5. The Parish Council shall provide funds for, and the Sheriff shall supply each prisoner with, a towel, toothbrush, toothpaste and all reasonable necessary sanitary items. In addition they shall make available minor medical aids when needed, such as treatment for athlete's foot, and minor sanitary items, such as combs.

3. To remedy the violation of due process in the administration of prison discipline and in connection with punishment for the violation of rules:

3.1. The Parish Council, as required by LSA-R.S. 15:702, shall adopt written regulations for "the police and good government" of the jail.

3.2. The Sheriff shall post the rules thus adopted at places in the jail where they can be read by prisoners, and shall provide a copy of them to each prisoner upon his confinement.

3.3. In emergency conditions, the Sheriff may proceed to impose immediate disciplinary measures, including segregation, for a period of not more than 48 hours without a hearing.

3.4. As soon as practicable the Sheriff shall give each prisoner charged with violation of the rules a written copy of the charge.

3.5. No serious punishment, such as punitive segregation, shall be imposed without affording the prisoner a right to be heard.

3.6. The imposition of such serious punishment shall be by some officer other than the accusing officer.

4. Also under the court's pendant jurisdiction to comply with Louisiana state laws:

4.1. The Parish Council shall restore all plumbing to good working order and maintain it hereafter with reasonable care and diligence.

4.2. The Sheriff and the Warden shall refuse to admit persons who are mentally ill without securing the certificate required by LSA-R.S. 28:53.

4.3. The Sheriff and the Warden shall separate all persons who are detained awaiting trial or who have not been finally convicted from other inmates; and all first offenders from persons who have been convicted of two or more offenses. A classification officer shall be appointed (who may have additional duties). He shall establish and the Warden shall put into effect a classification system.

4.4. The Parish Council shall as soon as practicable comply with the state fire laws by providing one fire extinguisher every 2500 square feet and fire extinguishers located not more than 100 feet from any point in the jail. It shall also install a fire alarm system, a master key system for all locks, and gang locks on all cells.

4.5. The Warden shall request inspection of the jail at least semi-annually by the State Fire Marshall, LSA-R.S. 40:1575 and the State Health Officer, LSA-R.S. 15:751, as amended. The Parish Council shall comply with their requirements.

4.6. The Parish Council shall provide facilities to permit tub baths for female inmates.

parole

State Must Show a Compelling Government Interest for Refusing to Parole an Inmate to Another State Upon Request

McGregor v. Schmidt, No. 72-C-344 (W.D. Wis. May 24, 1973).