



Office of the Sheriff  
Parish of Orleans • State of Louisiana

Marlin N. Gusman  
Sheriff

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National Prison Rape Elimination Commission  
U.S. Department of Justice  
Washington D.C. 20531

Mr. Chairman and Members of the Commission:

Thank you for the opportunity to address the Review Panel on Prison Rape (Panel). I regret that I am unable to attend in person. Although I had cleared my schedule to attend the original meeting scheduled in August, after this hearing was moved to September, I was unable to participate due to a long standing commitment to speak and present a paper at a conference. The Orleans Parish Sheriff's Office has fully cooperated with the National Prison Rape Elimination Commission. In December 2007, I, along with Dr. Sam Gore, the Medical Director for the Orleans Parish Prison, appeared and testified before the commission. We provided unfettered access to the contract employees of RTI hired to conduct the survey that forms the basis of the statistical analysis presented to the Panel. We have provided answers to all of the questions propounded by their recent visit to tour our facility.

The Sheriff's Office is still recovering from the effects of Hurricane Katrina in 2011. Two and a half years ago, in 2009, we were mostly in temporary/emergency facilities. The Sheriff's Office has a zero tolerance for any acts of sexual misconduct, sexual victimization, sexual harassment or sexual assault. All instances of sexual misconduct, sexual harassment or sexual assault are reported and documented in our Jail Management System, fully investigated and charged criminally, if substantiated.

As regards the South White Street Jail, during 2008-2009 based upon our Jail Management System (JMS), grievances, incident reporting and informal mechanisms, we have not discovered any substantiated allegations of staff on inmate, inmate on inmate or sexual victimization. In our JMS, we have had only one allegation of a sexual harassing remark by a staff member (a civilian maintenance employee) who allegedly made a sexually derogatory remark. That allegation came through the grievance system and was directed to Colonel Joseph, Female Division Commander, who, after an investigation and a discussion with the inmate, found it to be unsubstantiated. Her

investigation included a review of the log book for the tier and verification in the JMS that there was no work order and no maintenance employee on the premises that day.

The South White Street building's physical configuration also discourages incidents of sexual misconduct, sexual assault, or sexual victimization. It is mostly large, open dormitory style that has a deputy stationed outside and cameras that view the interior of the housing unit.

Specifically with regard to the South White Street building, we have a medical clinic on the 2<sup>nd</sup> floor, a learning laboratory and library on the 1<sup>st</sup> floor and a large day room area. Numerous volunteer chaplains, teachers, case managers, social workers, medical professionals including nurses, psychiatrist and medical assistants, elected officials and other volunteers are able to interact with the inmates in friendly and in some cases also confidential encounters with the inmates. We have supplied affidavits to the panel's staff that unequivocally state that no allegations of sexual assault or sexual harassment were either confided to them or otherwise brought to their attention.

In Orleans Parish Prison in 2009, female inmates were housed in multiple locations with some in the House of Detention and the Intake and Processing Center as well as the South White Street building. The survey analysis seems to treat the South White Street building as a stand-alone jail while it should really be viewed as part of the entire Orleans Parish Prison. While many female **prisons** were included in the study, our female population was only one of two female-only **jails** surveyed. The one other, in California, housed a mere seventeen women. OPP's female South White Street population was then compared to all the other male-predominant jails in the nation, resulting in an inappropriate comparison and misleading conclusions. If the entire population of Orleans Parish Prison had been reported together, as done with most jails in the study, our results would have been more in keeping with the national average. As an aside, the rate of reported sexual victimization in our SWS female facility was comparable to that reported in the one other female-only facility.

In addition to the disclaimers included in the study, in particular remarks from Allen Beck, the person conducting the survey, stated to a previous panel in Washington D.C. on March 11, 2008... "Consider the allegations of staff sexual misconduct, particularly unwanted touching. The prevalence of these allegations maybe strongly related to a frequency of pat downs and strip searches, which inmates simply don't like." I want to further emphasize that these were anonymous responses on computers after being promised a bag of cookies by the students for completing the questionnaire. Aside from the obvious problems with offering a reward for responses, it provides a great opportunity to seek retribution against the Sheriff's Office or individual employees. For those reasons and others stated below, I don't think that there is a high incidence of sexual victimization in the South White Street building.

As regards the Orleans Parish Prison, we have a strong, committed and dedicated staff as well as policies, procedures and protocols with management systems and employee training that focuses on sexual victimization. We also have videos that are shown each day to inmates that detail the

zero tolerance for sexual misconduct or assault at Orleans Parish Prison and provide information on how to report and avoid sexual victimization.

Copies of these videos have been provided to the Panel's staff. In our 90 hour orientation class and in our 411 hour POST Academy class, we utilize the Facilitator's Guide for Facing Prison Rape and PREA Video: Responding to Prisoner Rape. The inmate video includes information on PREA and Louisiana laws prohibiting sexual contact in penal facilities. It also contains instructions on how to make medical appointments and other necessities. Copies of these materials will be provided to the Panel's Staff.

All incidents of any nature are reported in the JMS and all grievances filed by inmates are entered into the JMS. Incident Reports include formal or informal statements from inmates, statements from attorney's family members or staff. Our JMS then preserves and documents all of these allegations and we are able to search by date, verbiage or the name of the inmate.

As previously stated all allegations of sexual victimization are completely investigated by our Special Operations Division under the command of Major Michael Laughlin. The process begins with the receipt of a complaint or notice of an incident. Detectives conduct preliminary interviews investigation with the victim to gather facts. Then the alleged victim is examined by the Medical Staff before being routed to the hospital for a Sexual Assault Nurse Examiner (SANE) evaluation.

The detectives then collect evidence at the scene, take photographs of the scene, interview possible witnesses, and assemble a photographic line up of possible perpetrators. Then the deputy on the tier and all of the staff are interviewed. Upon the inmate's return, a formal statement is obtained from the victim. When the victim returns from the hospital, the SANE kit is reviewed before it is placed in evidence. If sufficient evidence is available, the matter is referred to the District Attorney for prosecution.

The Medical Department's response to reports of sexual violence is similarly standardized. If an assault is reported to a nurse, or any medical staff member, the Medical Director is immediately notified. The Medical Director then notifies the Commander of Special Operations (Maj. Laughlin) to initiate an investigation and discuss necessary medical actions. The medical staff briefly screens the victim for obvious injuries to ensure the patient is stable. The only medical evaluation or treatment is to correct potentially life-threatening injuries and make sure the patient is stable enough to get to the hospital. The staff does not perform evaluations that might interfere with the collection of evidence. The medical staff also inquires about the medical status of the alleged perpetrator, in order to establish risk for transmission of contagious diseases. After this initial screening, the staff immediately sends the victim to University Hospital, located less than a mile away. Here, a SANE evaluation is performed by specially trained staff. Forensic evidence is obtained, post exposure prophylaxis medications are started, and crisis event counseling is performed, as indicated. After the forensic component of the evaluation, the hospital treats injuries and provides recommendations for further evaluation and treatment.

Upon return from the hospital, the victim is brought directly to the Acute Psychiatric Unit. Here the victim is housed for protection and provided mental health care. The psychiatrist evaluates the patient, starts medical treatment if necessary, establishes follow-up, and houses the patient until psychiatrically stable. Social worker follow-up is established for ongoing counseling, and MD follow-up is established in order to continue medical treatment and follow-up testing. The Medical Director is notified of arrival to the Psychiatric Unit so that medical, social work, and psychiatric follow-up is ensured. Only when psychiatrically stable, and when safe housing is ensured, would the patient be transferred from the protective custody of the Psychiatric Unit.

Each Warden responds immediately to all reports of sexual victimization and then contacts the SOD. Wardens also review all grievances and incident reports filed in the JMS and respond to the inmate either in person or in writing. We also receive information from third parties including lawyers and family members that is acted on immediately.

Of course, we know that we can improve our system. For example, we plan to implement the PREA Screening Checklist currently being used by the LA Department of Corrections to help us better identify both predators and potential victims to improve our classification system. We also plan to institute the Sexual Assault and Sexual Misconduct with Offenders Acknowledgment Form with all our commissioned and non-commissioned staff. We also plan to designate a staff member to assist our designated PREA Coordinator who will have responsibility for monitoring compliance and training with all PREA guidelines and standards.

As stated at the outset, although we are still recovering from Hurricane Katrina's devastation, we have begun construction on a new facility that meets the highest design standards and will employ direct supervision.

We pledge to you our continued cooperation with your process and our willingness to implement any recommendation to the best of our ability to further the goals of PREA.

Sincerely,



Marlin N. Gusman  
Sheriff

MNG/dcb