

New Orleans jail conditions violate inmates' constitutional rights

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Little more than five years after the shocking reports that inmates at the Orleans Parish Prison (OPP) were left to die in locked cells filled with the rising water unleashed by Hurricane Katrina, a new government report states that present conditions at the jail constitute a violation of inmates' constitutional rights.

The Justice Department's Civil Rights Division pointed to incidents of extreme and unprovoked violence by the New Orleans prison's guards against inmates, failure to stop attacks on inmates by other prisoners, lack of adequate care for mentally ill prisoners and sanitary conditions that constitute a health hazard.

The report was based on three separate visits to OPP by Justice Department inspectors between June and November of last year in which interviews were conducted with both jail staff and inmates.

The jail currently has a capacity for about 2,500 inmates, down from 6,500 before Katrina.

In its most damning section, the report details a series of recent incidents in which inmates—the majority of them either yet to be tried or convicted of minor crimes—have been severely beaten by guards.

In July 2008, the report states, two inmates “were ordered into an empty holding cell on the OPP receiving docks. Once in the cell, an officer entered the cell and began hitting and repeatedly beating both inmates.”

The first “was beaten in the face, chest, and stomach,” and, after he was knocked to the ground, “the officer continued to beat and drag” him across the floor “before finally choking and threatening to kill him.” The guard then turned to the second prisoner beating him “in the arm, chest, and stomach area.” After the beating, “the officer placed his fist against [the inmate's] jaw and stated, “I should break your f----- jaw.”

“Notably,” the report adds, “this incident lasted for more than 10 minutes while several other officers observed the beatings without intervening or reporting the

abuse.”

In a September 2007 incident, according to the report, a guard ordered an inmate found smoking a cigarette to step outside and demanded that he “tie his shoes,” a phrase used in the New Orleans jail to challenge someone to a fight. When the inmate refused to fight, the guard “slapped [him] in the face, knocked him to the ground, and continued to punch him several times in his back.”

Another inmate was severely beaten in August 2007 after exposing himself to a female guard. A sergeant supervising the unit reported the incident to the female guard's boyfriend and gave him the “green light” to punish the inmate, the report states.

“The officer went into [the inmate's] cell and began repeatedly punching and kicking him,” according to the report. It continues: The officer knocked [him] to the floor then he dragged [him] out of the cell and continued to beat him on the tier.” He stopped only after the inmate “started bleeding under his eye.” Like the other incidents, the beating went unreported by other guards who watched it.

It goes on to document several other instances of extreme brutality, including an incident in which two guards dragged a sleeping inmate from his bunk and beat him for nearly 10 minutes, and another in which an inmate was sent to the emergency room after two guards beat and kicked him in his face and head.

The jail employed a system for assigning inmates to cells that takes no account of their prior convictions, propensity for violence and records of prior assaults. This creates conditions in which weaker inmates must fend for themselves against predatory inmates in 10-person cells. “Not surprisingly, we found a disturbingly high number of assaultive incidents in the multiple-occupancy cells,” the report states.

Based on an examination of the records of the jail's

emergency room, the federal inspectors “found a litany of serious injuries normally associated with assaultive behaviors including: blunt head trauma, facial fractures, jaw fractures, stab wounds, lip lacerations, and eye socket fractures. The majority of these injuries resulted from inmate-on-inmate assaults.”

The jail also failed to adequately screen incoming prisoners for mental health problems, due to an understaffed medical team. The report noted that inmates aren’t usually identified with existing mental health problems before lockup, but only after they have been imprisoned, in some cases for weeks.

Also, psychotropic and antipsychotic medications are not regulated with any greater care than other medications. Inmates self-administer these drugs, a practice that the investigation found led to two overdoses.

The mental ward in the prison remains understaffed. Such understaffing has led to the use of restraints, that the report acknowledged was not in accordance with “generally accepted professional standards.”

In one case cited in the report, an incoming female inmate “was placed in five-point restraints even after she repeatedly complained of asthma and breathing distress.” Guards failed to consult medical staff “to determine if medication was appropriate or if placing an asthmatic individual in a five-point restraint was acceptable.”

The guards watched the woman struggling to get out of the restraints and complaining that she couldn’t breathe until her body went limp. “She was sent to the emergency room, where she was later pronounced dead,” the report states.

The investigators saw vermin such as cockroaches and mice during their time in the prison and said that improper handling of food entailed a high risk of food-borne disease.

The Orleans Parish Prison has a long a history of brutalizing inmates, which was brought to national attention in the days following Hurricane Katrina. (See *New Orleans prisoners left to drown after Katrina struck*).

Thousands of inmates were left locked in their cells without food or water for a three-day period. Because generators had gone out, there was no ventilation or lights, meaning that the inmates were trapped in the dark as, in some cases, toxic water rose up to their necks.

Only after three days of believing they would die there, were the prisoners evacuated. Many were forced to spend days more on a highway overpass in the heat of the Louisiana summer, where they were subjected to beatings.

Some guards also went through the ordeal having been left at their posts for the same period. While New Orleans was under a mandatory evacuation order because of the hurricane, it emerged that the jail authorities had no evacuation plan for the thousands of inmates at OPP.

Oddly, the federal report whitewashes this horrific cruelty to inmates. It notes that “prior to our investigation, many media reports, allegations, and even rumors circulated regarding conditions at the Jail following the Hurricane.” It then declared, “commendably, we recognize the Sheriff’s efforts in safely and efficiently evacuating the inmates and his efforts to secure the necessary funding to rebuild.”

Sheriff Marlin Gusman, who was in charge of the jail during Katrina, has remained in his position. In response to the revelations about the horrors inflicted on inmates during Katrina, Gusman dismissed them as lies told by “crackheads, cowards and criminals.”

Gusman has denied many of the charges contained in the Justice Department report, while attributing other failures at the jail to lack of funding, inadequate staffing levels and post-Katrina recovery. He described the report’s recommendations for changes at the jail as “unrealistic comments for a system which receives less than half of the operational funding which it needs.”

While no doubt inadequate funding, insufficient staff and low salary levels play their part, the brutality and violations of basic constitutional rights inflicted on inmates at OPP are representative of conditions prevailing across the US, a country that has placed some 2.3 million of its own citizens behind bars.



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