

EXHIBIT 28

Screening Out Family Time:
The For-Profit Video Visitation Industry in Prisons and Jails

New Orleans Motion

PRISON
POLICY INITIATIVE

IN THE CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO. 2011-10638

DIVISION: "L"

SECTION: 6

ORLEANS PUBLIC DEFENDERS

VERSUS

MARLIN N. GUSMAN,
IN HIS OFFICIAL CAPACITY AS SHERIFF FOR THE PARISH OF ORLEANS

consolidated with

NUMBER: 2012-3188

DIVISION: "L"

SECTION: 6

R. JUDSON MITCHELL, WILLIAM P. QUIGLEY,
STEPHEN I. SINGER, D. MAJEEDA SNEAD

VERSUS

MARLIN GUSMAN,
IN HIS OFFICIAL CAPACITY AS SHERIFF FOR THE PARISH OF ORLEANS.

FILED: _____

DEPUTY CLERK

**MOTION TO ENFORCE THIS COURT'S ORDER AND INCORPORATED
MEMORANDUM IN SUPPORT**

NOW INTO COURT, through undersigned counsel, come Petitioners, Orleans Public Defender (OPD) and R. Judson Mitchell, et al, (hereinafter "Petitioners"), who file this Memorandum in Support of Petitioners' Motion to Enforce This Court's Order to provide private and constitutional attorney-client visitation conditions at the Orleans Parish Prison (hereinafter "the jail"). As demonstrated below, Defendant Gusman continues to impinge on detainees' right to legal counsel by failing to comply with Article 511 of the Louisiana Code of Criminal Procedure and this Court's May 3, 2012 Order. By failing to provide adequate contact visitation facilities, Defendant Gusman has demonstrated his continued willful resistance to complying with the terms of this Court's Order. Accordingly, Petitioners seek intervention from this Court forthwith to appoint a Special Master to ensure enforcement of this Court's Order.

I. FACTS AND PROCEDURAL HISTORY

On October 4, 2011, OPD filed a Writ of Mandamus action against Defendant Marlin Gusman alleging that Defendant Gusman unjustifiably impinged on jail detainees' right to legal counsel and violated his statutory duty as Sheriff to provide attorneys with reasonable access to clients held in his custody, pursuant to Article 511 of the Louisiana Code of Criminal Procedure. Specifically, Defendant Gusman failed to provide confidential attorney-client visitation areas at any of the facilities under his control, failed to produce clients in a timely manner, with wait times often exceeding an hour, and failed to provide consistent, adequate visitation hours. All of these failures significantly impeded the attorneys' ability to see clients expediently.

The Sheriff has been on notice of the significant problems with his attorney visitation program since at least October of 2011 when the suit was filed. Despite this notice, the Sheriff built the Temporary Detention Center (TDC), a facility relying exclusively on video visitation that does not provide for or address the significant privacy concerns OPD highlighted in its suit. In response to the Sheriff's decision to ignore the significant concerns raised by OPD and to build yet another facility that by its very design fails to provide constitutional attorney-client visitation conditions, OPD filed a Preliminary Injunction Motion on March 26, 2012. Petitioners R. Judson Mitchell, et al. subsequently filed a similar mandamus action and the two cases were consolidated in March 2012. The parties were able to reach agreement on May 3, 2012, which was entered by this court as a Stipulated Preliminary Injunction. *See Exhibit 1*, Stipulated Preliminary Injunction.

Defendant Gusman made a few initial changes to his facilities and policies to begin to bring the attorney visitation program into compliance with the Stipulated Preliminary Injunction. However, after two months, these initial steps stalled, forcing Petitioners to file a Contempt Motion on July 5, 2012, which remains pending. Petitioners' Contempt Motion highlighted Defendant Gusman's ongoing failures to reduce wait times, provide private and confidential visitation, and adequate contact visitation facilities to comply with the terms of this Court's May 3, 2012 Order.

Following the filing of the Contempt Motion, Defendant Gusman and Petitioners met for a series of status conferences and meetings to attempt to resolve the issues raised

in the motion. In the course of these meetings, counsel for the Sheriff repeatedly represented that there was inadequate existing space at the jail that could be made available for contact visitation; however, in the new facility currently under construction, adequate space would be made available for contact visitation. As negotiations and construction of the new building have progressed, the problems with contact visitation in the current facilities have worsened and the defendant's commitment for an adequate number of attorney-client contact visitation rooms in the new facility has not been realized. In fact, as explained below, Defendant Gusman has retreated from his original representations regarding the number of attorney-client contact visitation rooms.

**A. THE PROBLEMS WITH SCHEDULING CONTACT VISITS CONTINUE
UNABATED TWO YEARS LATER**

Paragraph (e) of the Stipulated Preliminary Injunction provides, "The Orleans Parish Sheriff will permit, upon the request of an attorney, contact visit between attorneys and prisoners housed at all jails and prison facilities. Attorneys requesting contact visits with prisoners housed at facilities where accommodations for contact visits do not exist must provide at least 4 hours of advance notice to the facilities Watch Commander..." Stipulated Preliminary Injunction, p. 2, paragraph (e), entered May 3, 2012. Over two years after the Court's Order, Defendant Gusman has not complied with this provision. In the July 2012 contempt motion, Petitioners noted that their clients were subjected to punitive conditions when transferred for contact visits, attempts to call to set up contact visits went unanswered, and the contact visitation rooms at OPP were constantly oversubscribed leading to extended wait times. See July 5, 2012 Contempt Motion and Memorandum in Support. These problems have only been partially addressed, and have been augmented by new problems, which continue to significantly impede attorney-client visitation.

**1. Lack of attorney visit room space continues to pose significant
impediments to accessible confidential visitation**

In the July 2012 contempt motion, Petitioners filed affidavits avering that the two available contact rooms at the Old Parish Prison building (OPP) have been significantly over-taxed resulting in extended wait times and sometimes denial of access to clients. One additional contact room has been made available in the House of Detention (HOD) since that filing but has done little to abate the significant over-subscription of the contact

rooms. Virginia Ryan, a Client Advocate at OPD, attempted to conduct contact visits with her clients at OPP nearly every day from June 26 to July 3, 2014. Each time she went to OPP, her contact visit request went unmet after waiting an hour or more on three of those days. On three different days, her client was never produced. On another day, she could not schedule a contact visit because the contact visitation rooms were already fully booked. When she did manage to book a contact visit a full day in advance, she still could not see her client when she arrived for her appointment because the contact visitation rooms were oversubscribed. And when she finally did get a contact visit with her client, that visit was interrupted and cut short by a deputy who asked her to leave because others were waiting to use the space for their visits. *See Exhibit 2, Affidavit of Virginia Ryan. See also Exhibit 3, Affidavit of Stella Cziment (forced to meet with her female client in a hallway at HOD due to lack of visitation rooms).*

In an effort to quantify the potential problems that would arise from such limited contact visitation, OPD conducted a survey of client visits by its staff members between May 12 and May 18, 2014. *See Exhibit 11, OPD Visitation Survey.* This survey indicates a total of 164 individual clients¹ visited in seven days. This survey does not include attorney visits conducted by the private bar, law school clinics, or other organizations representing clients in the jail, which if included would make the actual visit volume significantly higher. There are currently fifteen (15) face-to-face visitation rooms spread throughout the facility to accommodate this volume of visits. As the survey reflects, the insufficient number of rooms causes excessive wait times in violation of the Court's Order and many contact visits were not accommodated because of overbooking of the very few contact rooms in the facility.

2. Reliance On Video Visitation at TDC Has Directly Contributed To The Overburdening of Contact Visitation Rooms

In their July 2012 contempt motion, Petitioners highlighted the substantial problems they experienced accessing clients housed at TDC arising from TDC's video only visitation arrangement. In order to meet privately with clients held at TDC, attorneys

¹ This number is different from the number OPD previously stated in its letter to Chief Tidwell on May 28, 2014. *See Exhibit 12, Letter to Chief Tidwell, 5/28/14.* The number stated in the letter was 187. When OPD was analyzing the data collected in preparation for this filing, OPD noticed that some attorneys inadvertently submitted their jail visit surveys twice on-line resulting in double entries and some entries were missing critical information such as the name of the client visited. The number of visits cited in this motion omits the double entries and entries missing critical information such as the name of the inmate visited.

must schedule contact visits that occur outside of TDC, typically at OPP. TDC's video conferencing visitation system raises several privacy concerns. First, in order to confer with clients about documents while visiting at TDC, an attorney must pass the document back to the client through a deputy. *See Exhibit 4, Affidavit of Jacob McCarty* (having to give a deputy a sensitive document to pass to his client at TDC).

Second, as pled in the Petitioners' mandamus action, injunction, and July 2012 motion for contempt, video conferencing poses significant challenges to relationship building that is essential in any legal representation, but particularly in criminal defense. On June 29, 2014, Bernice Aguas, a law clerk at OPD, visited a Spanish speaking client at TDC. Ms. Aguas was not able to effectively communicate and build rapport with her client using the video system. Ms. Aguas tried the video equipment in both of the attorney visitation booths at TDC with similar results: her client sounded garbled, distant, and muffled despite the fact that he was speaking right into the phone receiver and repeating things over and over again, and she could not make eye contact or read her client's body language due to the angle of the camera. Her client became frustrated during the course of the visit and Ms. Aguas left knowing she did not effectively build rapport and trust with the client. *See Exhibit 5, Affidavit of Bernice Aguas*.

Another law clerk, Emily New, had similar experiences when she visited her client at TDC using the video system. Her client's voice was faint and garbled and the client told her that he wanted to cut the visit short because he could not understand what she was saying. Additionally, her client expressed discomfort that others may be listening to their conversation, noting the lack of privacy and confidentiality of the space he occupied. The lack of privacy and confidentiality was confirmed when Ms. New's next client, whom she had requested to see, came immediately to the video screen and phone after her first client got up and left. *See Exhibit 6, Affidavit of Emily New*.

Other OPD staff and attorneys have expressed same concerns that attorney-client conversations are not conducted in a confidential and private space at TDC. Tina Peng, an attorney at OPD, has noted that on numerous occasions, it was clear other inmates were within clear earshot of her conversation with her client by their proximity to her client and by seeking to speak to her right after she finished her conversation with her client. Ms. Peng has had her visits with her client interrupted by other inmates who

appear on-screen behind her client. See *Exhibit 7*, Affidavit of Tina Peng. For these reasons, video visitation is not a viable visitation option for most legal visits. These concerns about video visitation have been raised repeatedly to Defendant Gusman in the course of meetings, letters, and pleadings in this case. See e.g., *Exhibit 13*, Letter to Blake Arcuri, 4/22/14; *Exhibit 12*, Letter to Chief Michael Tidwell, 5/28/14; July 5, 2012 Contempt Motion and Memorandum; Preliminary Injunction Motion and Memorandum.

Because TDC does not have viable visitation areas, the problems of setting up contact visitation have remained unabated and worsened. Essentially all visits with clients held in TDC must occur in OPP's overburdened two contact visitation rooms. Defendant did attempt to address the problems with disconnected phone lines and unanswered phone calls when attorneys were attempting to set up contact visits in accordance with the terms of the Order; however, problems related to significant delays in transferring clients to OPP or complete failure to transfer for requested contact visits persist. Often, attorneys must make several attempts over the course of several days to have a client transferred from TDC for a visit. For example, Kelly Orians, a law clerk at OPD, made six attempts to conduct a contact visit with her client detained at TDC. Ms. Orians' client was not produced at the scheduled date and time and when she tried to reschedule for the following day, she was told the contact visitation rooms were already booked. Ms. Orians was finally able to visit with her client after her seventh attempt when she reached out to a Sergeant in charge. See *Exhibit 8*, Affidavit of Kelly Orians.

B. DEFENDANT GUSMAN'S PRACTICE OF COMPLETELY HALTING CONTACT VISITATION WITHOUT NOTICE TO PETITIONERS CONTINUES IN CLEAR DISREGARD OF THIS COURT'S ORDER

This Court's Order has now been in place for more than two years, and yet, Defendant Gusman operates his jail facilities as though the Order does not exist. For example, he fails to take into consideration how the attorney-client jail visitation program may be affected and remain fully operational while inmates are moved from one facility to another. Contact visitation of female inmates came to a complete halt for two days when they were moved from one facility to another. On or about the week of July 7, 2014, female inmates housed in Tents were moved to TDC. On July 9, 2014, Andrew Sullivan, a law clerk with OPD, attempted to schedule a contact visit with a female client moved from Tents to TDC. Mr. Sullivan was instructed to appear at *Templeman V* for

his 1:00 pm contact visit appointment with his client. He showed up on time and waited an hour for his client. Finally, a deputy informed Mr. Sullivan that his client will not be produced for a visit and that no contact visit requests with female inmates in TDC will be honored anymore. *See Exhibit 9, Affidavit of Andrew Sullivan.*

Law Clerk Bernice Aguas and Client Advocate Jacob McCarty of OPD experienced similar outright denials of contact visit requests. On July 11, 2014, Ms. Aguas and Mr. McCarty attempted to schedule a contact visit with their client and were told by a deputy at Templeman V that all female clients must be seen at TDC and that no contact visits with female inmates will be permitted. *See Exhibit 10, Affidavit of Bernice Aguas.* Ultimately, the Sheriff's Office resolved the problem and contact visitation resumed.

OPD is relieved that the problem appears to have been remedied, however the lack of warning in the shutdown of the visitation system for the women, and lack of communication and consultation from the Sheriff's Office in response to requests for information raise significant concerns about Defendant Gusman's commitment to providing a constitutional visitation program. Defendant Gusman's continued disregard of this Court's Order significantly impedes attorney-client visitation and warrants immediate intervention from this Court to appoint a Special Master to ensure enforcement of this Court's Order.

C. THE SHERIFF'S FUTURE PLANS CAST DOUBT ON HIS CONTINUED COMMITMENT TO COMPLY WITH THIS COURT'S ORDER

1. The Current Plans For The New Facility Do Not Include Sufficient Number Of In-Person Visitation Rooms

The significant problems with video visitation have been made manifest by the video visitation system currently in place at TDC. However, Defendant Gusman continues to insist on relying on video visitation over the objections of Petitioners and the demonstrated failures of video visitation systems. This Court's May 3, 2012 Order Paragraph (j) provides, "The Orleans Parish Sheriff will construct all future facilities in such a manner that will comply with the provisions set forth in this Stipulated Preliminary Injunction and shall submit to the Court and permit counsel for Petitioners to review architectural plans for the construction or renovation of any visitation areas at

least 30 days before any such plans are finalized.” Petitioners sought to enforce this provision by seeking blueprints.

On March 14, 2013, the Sheriff’s Office provided redacted versions of blueprints of contact visitation rooms on each floor of the new jail building. *See Exhibit 14*, Email from Blake Arcuri, 3/14/13. In attempting to fully understand the plans for the visitation program proposed by the Sheriff’s office, Petitioners deposed Defendant Gusman as the representative for the Orleans Parish Sheriff’s Office (OPSO) pursuant to Petitioners’ request for a Rule 1442 deposition. In the course of that deposition, Sheriff Gusman represented that there would be fifteen (15) contact visit rooms — one room next to all but one of the 16 housing tiers — as well as two (2) attorney contact visit rooms on the second floor immediately past central control, and three (3) face-to-face but non-contact visitation rooms on the second floor for a total of twenty (20) rooms available for in-person attorney visits. *See Exhibit 15*, Deposition of Marlin Gusman, p. 8:6-9,11-12; 9:23-25; 12:8-11; 16:12-24. Petitioners’ examination of blueprints of the facility supported this representation. Petitioners believed this space to be adequate for the Sheriff to comply with the Court Order currently in place regarding attorney-client visitation.

The plans for the visitation rooms in the new facility appear to have changed dramatically in the last year. On March 28, 2014, OPD met with Jail Administrator, Chief Michael Tidwell, to acquaint him with the history of this case, raise some continuing problems with the visitation program to him, and ensure that the plans for the visitation rooms in the new facility remained on track. In the course of that meeting, Chief Tidwell offered to allow OPD to conduct a tour of the new jail to inspect the new visitation rooms. OPD accepted this offer and on April 10, 2014, Petitioners toured the new facility with counsel for the Sheriff and Captain Holt of OPSO. Chief Tidwell was not present for this tour. In the course of this tour, representatives for OPSO and Defendant Gusman indicated that there would be six (6) in-person visitation rooms, with the possibility of building out an additional three (3) contact visitation rooms for a total of (9) in-person visitation rooms for attorneys. There are twenty-four (24) video visitation rooms currently planned for the new facility.

Petitioners raised these concerns in a letter to Sheriff's counsel seeking clarity on the number of contact visitation rooms and expressing concern at the apparent heavy reliance on video visitation. *See Exhibit 13*, Letter to Blake Arcuri, 4/22/14. Mr. Arcuri's response did not offer to address these concerns, but asserted that the visitation plans would be adequate. *See Exhibit 16*, Email from Blake Arcuri, 4/22/14. After receiving Mr. Arcuri's response, Petitioners sought to quantify the existing problems by conducting the survey described above. Petitioners brought the findings of this survey and their concerns regarding the visitation program directly to Chief Tidwell in the form of a letter. *See Exhibit 12*, Letter to Chief Tidwell, 5/28/14. To date, Petitioners have not received a response to this letter.

Petitioners are deeply concerned about the inadequacy of the number of planned rooms. Notwithstanding the expertise of the jail architects and Chief Tidwell, Petitioners' experience in attempting to visit clients in the current facilities suggests that a reduction in the number of face-to-face visitation rooms will exacerbate the significant problems that continue to plague the visitation program, further impinging on attorney access to clients. Defendant Gusman's continued insistence on relying on video visitation raises significant questions regarding their good faith in attempting to comply with this Court's Order as the new facility becomes operational. We are requesting a commitment to provide no fewer than 20 face-to-face visitation rooms in the new facility as laid out in the original blueprint shared by Defendant Gusman to Petitioners and to comply with the terms of this Court's Order.

2. The Proposed Plans For Transferring Clients To DOC Have Not Taken Contact Visitation Needs Into Account

On June 16, 2014, the Sheriff issued a press release regarding plans to move clients in need of acute mental health care to a facility at St. Gabriel an hour away. No one from the Sheriff's Office approached the Petitioners regarding this proposal, nor does the Sheriff's press release address the significant logistical question of how OPSO would comply with paragraph (e) of this Court's Order requiring that clients be produced for contact visits upon request.

OPD is committed to ensuring that people in the jail, many of whom are represented by OPD staff, receive appropriate mental health care. To the extent that this move is essential to ensure that clients in need of acute mental health care receive

adequate treatment, OPD cannot oppose the move itself. OPD, however, is deeply concerned at the lack of attention to this move's impact on the visitation program. No accommodation or plan to remediate the onerous conditions created by moving clients an hour distant has been made to ensure OPD has ready access to clients who may be moved to this new facility.

This proposal and the fact that neither Defendant Gusman nor any representative from OPSO conferred with the Petitioners about it, suggest that the Sheriff is not taking seriously his obligation to provide adequate visitation. OPD would urge that OPSO adopt any solution regarding the housing and treatment of people with significant mental illness that would allow for return of the acute unit to the OPP campus as quickly as possible.

II. LAW AND ARGUMENT

Louisiana court's acknowledge motions to enforce as an appropriate and expedient method of seeking enforcement of a Court's Order.

a review of published appellate caselaw as to the enforcement of settlement agreements shows that the most common means of enforcing a settlement of litigation is by a motion to enforce settlement agreement rather than a completely new civil action. *See, e.g., Dammann v. Molero*, 97-1944 (La.App. 4 Cir. 3/18/98), 709 So.2d 344; *Addison v. RTA*, 97-2289 (La.App. 4 Cir. 12/3/97), 703 So.2d 810; *Mayeaux v. Denny's, Inc.*, 95-453 (La.App. 5 Cir. 10/18/95), 663 So.2d 822; *Hendrix v. City of New Orleans*, 562 So.2d 1164 (La.App. 4th Cir.1990); *D'Arbonne Bank & Trust Co. v. James*, 597 So.2d 165 (La.App. 2nd Cir.1992) writ denied, 604 So.2d 1000. Second, when a settlement of litigation is sought to be enforced, a motion to enforce that settlement is properly characterized as "an incidental question arising in the course of [that] litigation" which may properly be addressed by a summary proceeding (i.e. a motion) rather than by a completely new civil action. La.Code Civ. Proc. art. 2592(1).

Banque De Depots v. Bozel Mineracao E Ferroligas, 98-0742 (La. App. 4 Cir. 1/27/99), 728 So. 2d 533, 538 writ denied sub nom. *Depots v. Ferroligas*, 99-0557 (La. 4/23/99), 742 So. 2d 882.

Defendant Sheriff Gusman knows of the significant and continuing problems plaguing his attorney visitation program. In fact, two months after the entry of this Court's May 3, 2012 Order Petitioners filed a Contempt Motion highlighting Defendant Gusman's ongoing failure to reduce wait times, provide private visitation, and adequate contact visitation facilities.

This Court's Order remains in effect, and Defendant Gusman is aware of the terms of the Stipulated Preliminary Injunction. In addition, Defendant Gusman personally is trained as a lawyer. Accordingly, he understands the importance of attorney client privilege as well as the weighty authority of a court order. Notwithstanding this knowledge, Defendant Gusman continues to fail to implement necessary reforms to comply with the Court Order. He has not sought to remedy the significant concerns raised by the lack of facilities available for contact visits despite the construction of an entirely new facility since the filing of the mandamus action two years ago. He has failed to address the major concerns presented by the mandamus action. Two years after this Court's Order, contact visitation remains functionally unavailable for most of the 2,500 people held at the jail.

The problems outlined above can be remedied quickly and affordably by appropriately designating sufficient attorney client meeting rooms in the new facility still under construction. Creating an efficient and functional contact visit system and moving away from relying on video visitation will alleviate many of the problems described above. Defendant Gusman has absolutely no excuse for allowing these visitation conditions to persist in the face of this Court's Order and his duties as Orleans Parish Sheriff.

The lack of progress towards an efficient and constitutional attorney visitation program despite this Court's Order two years ago can only be attributed to Defendant Gusman's willful neglect of his statutory duty to provide reasonable access to clients he holds and willful disobedience of this Court's lawful Order.

III. CONCLUSION

The unconstitutional attorney-client visitation conditions at the jail have persisted for years. Defendant Gusman has had ample opportunity to remedy these conditions and refuses to do so. Defendant Gusman will not consider the rights of the people he holds in custody to have confidential access to their attorneys nor his duty to provide attorneys with reasonable access to their clients until a court forces him to comply with these duties. Petitioners respectfully request that this Court enforce its Order and appoint a

Special Master to ensure that adequate visitation space is constructed and allocated to meet the demands of the attorney visitation program.

Respectfully Submitted,

/s Stephen Haedicke

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Certificate of Service

I hereby certify that I have caused service by electronic mail on counsel of record and by placing the same in the United States mail, postage prepaid, on the date of filing

/s Elizabeth Cumming

ELIZABETH CUMMING (#31685)
Counsel for the Orleans Public Defenders

IN THE CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO. 2011-10638

DIVISION: "1."

SECTION: 6

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FILED: _____

DEPUTY CLERK

STIPULATED PRELIMINARY INJUNCTION

Petitioners, Orleans Public Defenders, R. Judson Mitchell, William P. Quigley, Stephen I. Singer, D. Majeeda Snead ("Petitioners") and defendant, Marlin Gusman, in his official capacity as Sheriff for the Parish of Orleans ("Orleans Parish Sheriff"), hereby stipulate in this court order that the Orleans Parish Sheriff and his wardens, deputies, officers, agents, servants, employees, representatives, and successors and all those persons acting in concert or participation shall implement the following the policies and procedures with respect to visitations between attorneys, legal professionals, and prisoners at all prison facilities in Orleans Parish. "Attorneys" and "legal professionals" constitute members of the bar, agents of attorneys, including investigators and paralegals, and student practitioners under Louisiana Supreme Court Rule XX. This order is being entered as a compromise between the

(102450871.1)

Ex. 1



parties and does not constitute an admission of wrongdoing by Sheriff Gusman, the Orleans Parish Sheriff's Office, or any other party hereto. The order shall remain in place for a period of 30 days or until the Court holds a status conference with the parties to discuss the entry of a permanent injunction, whichever is longer.

(a) The Orleans Parish Sheriff shall maintain or modify fixed visitation hours to allow attorneys to meet with prisoners on all weekdays, except court holidays, for a minimum of 3 hours in the mornings, 4 hours in the afternoons, and 3 hours in the evenings per day. An attorney shall produce identification prior to visitation;

(b) The Orleans Parish Sheriff shall establish fixed visitation hours for attorneys to meet with prisoners on Saturdays, Sundays, and court holidays for a minimum of 4 hours per day;

(c) The Orleans Parish Sheriff shall post the visitation hours established herein for attorneys to meet with prisoners on weekdays, weekends, and court holidays on www.opso.us;

(d) The Orleans Parish Sheriff will produce a prisoner in the visitation area within 30 minutes of a request by an attorney to meet with the prisoner and will permit the attorney to meet with the prisoner for an unlimited duration during visitation hours. The attorney may request to meet with no more than three prisoners per visit. If the attorney requests to see two or more prisoners, the Orleans Parish Sheriff's Office will produce the first prisoner within 30 minutes and the remaining prisoner(s) within an hour of the initial request;

(e) The Orleans Parish Sheriff will permit, upon the request of an attorney, contact visits between attorneys and prisoners housed at all jails and prison facilities. Attorneys requesting contacting visits with prisoners housed at facilities where accommodations for contact visits do not exist must provide at least 4 hours of advance notice to the facility Watch Commander, to permit the prisoner to be transported to a facility which can accommodate contact visits. A contact visit is defined as a meeting between an attorney and prisoner in the same room unobstructed by partitions, bars, or other barriers. The Orleans Parish Sheriff may provide non-contact visit areas to avoid

undue burden on the Orleans Parish Sheriff's Office or excessive wait times by other attorneys, but shall not deny contact visits in the event an attorney states that a contact visit is necessary. The Orleans Parish Sheriff may conduct an appropriate wand search of attorneys before any contact visit and may search prisoners before and after any contact visit, but in no event shall review or retain any legal papers or documents or take punitive action against an inmate based solely on their participation in a contact visit;

(f) Without any admission on his part, the Orleans Parish Sheriff will not monitor, record, or obstruct meetings or communications between attorneys and prisoners, or permit others to do so, and will permit attorneys and prisoners to exchange documents between themselves directly without inspection;

(g) Without any admission on his part, the Orleans Parish Sheriff will establish conditions in the visitation areas in each jail and prison facility, which will permit attorneys to meet with prisoners confidentially, without their communications being overheard or monitored by third parties;


(h) The Orleans Parish Sheriff will in good faith take steps to install fans and maintain suitable meeting conditions in the visitation areas;

(i) The Orleans Parish Sheriff will disseminate an executed copy of this Stipulated Preliminary Injunction to all his employees who are involved, directly or indirectly, in the attorney-prisoner visitation process;

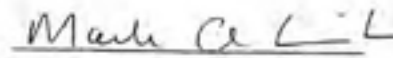
(j) The Orleans Parish Sheriff will construct all future facilities in such a manner that will comply with the provisions set forth in this Stipulated Preliminary Injunction and shall submit to the Court and permit counsel for petitioners to review architectural plans for the construction or renovation of any visitation areas at least 30 days before any such plans are finalized; and

(k) Should an issue arise, the parties at their option may either provide written notice to the other party and meet and confer, or bring the issue to the attention of the court.

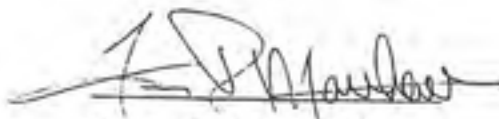
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Attorneys for Sheriff Marlin Gusman

IT IS SO ORDERED:

New Orleans, Louisiana, this 3rd day of May, 2012.


Kern Reese
Civil District Court Judge
Orleans Parish

A TRUE COPY

DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LA.

AFFIDAVIT

**STATE OF LOUISIANA §
 §
PARISH OF ORLEANS §**

BEFORE ME, the undersigned Notary Public, personally came and appeared:
VIRGINIA RYAN, DOB: 5/20/1988, who after being duly sworn did depose and state the following:

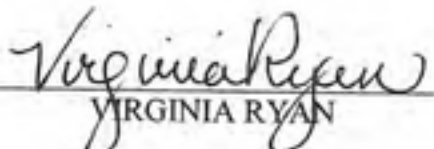
1. My name is Virginia Ryan. I am a Client Advocate at the Orleans Public Defender (OPD). As part of my job, I regularly visit OPD clients detained in Orleans Parish jail.
2. On June 26, 2014, I visited my client Steven Williams at the Old Parish Prison (OPP). I waited approximately 35 minutes for my client to be brought to the visitation room. After waiting 35 minutes, I was told by the deputy on duty that I could not see my client because the deputy could not "find the key to the tier" where my client was located.
3. The next day June 27, 2014, I returned to OPP to visit my client Steven Williams. I waited approximately 60 minutes for my client to be brought to the visitation room. The deputy on duty eventually told me that my client could not be retrieved because there wasn't a deputy on duty on the tier where Mr. Williams is housed.
4. On June 30, 2014, I called OPP to schedule a contact visit with my client Derrick Robin at approximately 8:30 am. I scheduled the contact visit for 2:00 pm. I arrived at OPP at 2:00 pm. I wait for 2 hours for my client to show up but he was never produced. Before leaving, I scheduled a contact visit to see Mr. Robin for 9:30 am the next day. I then left OPP without seeing my client.
5. On Tuesday, July 1, 2014, I arrived to OPP at 9:30 am for my contact visit with Mr. Robin. When I arrived, the deputy on duty informed me that I wasn't going to be able to see my client because all of the contact visitation rooms were full and would be full until 11:00 am when morning visitation ends at OPP. I was told this despite scheduling my contact visit the day before.
6. On the morning of July 2, 2014 at approximately 9:00 am, I called OPP to schedule a contact visit with my client, Derrick Robin. I scheduled the contact visit for 2:00 pm. When I arrived at 2:00 pm, I submitted an additional request to see my client Steven Williams. I waited for 1 hour and 20 minutes to see my client Mr. Robin who was



scheduled for a 2:00 pm contact visit. He was brought to the visitation room at 3:20 pm. At approximately 4:15 pm, the deputy on duty came into the contact visitation room and told me I had to leave because the 3:00 pm and 4:00 pm contact visits were still waiting to see their clients.

7. On July 3, 2014, I called OPP at 9:15 am to schedule a contact visit to see my client Steven Williams. I was told by the deputy on duty that I could not schedule a contact visit because there were no available contact visits for that day.

That these statements are true and correct to the best of my knowledge, information and belief.


VIRGINIA RYAN

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 9th DAY OF JULY 2014.


NOTARY PUBLIC

Adrienne Cousins
Bar No. 32388

My Commission is for life.

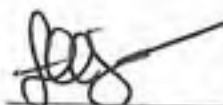
AFFIDAVIT

STATE OF LOUISIANA §
PARISH OF ORLEANS §

BEFORE ME, the undersigned Notary Public, personally came and appeared:
STELLA CZIMENT, DOB: 01/13/1984, who after being duly sworn did depose
and state the following:

1. My name is Stella Cziment. I am an attorney at the Orleans Public Defenders (OPD), and licensed to practice law in the State of Louisiana (Bar No. 33792).
2. On May 14, 2014, I went to the Tents to visit my client Safia Streetman. Ms. Streetman is a female inmate housed in the Tents. I called the Watch Commander and requested a visit with my client approximately 15 minutes before walking over to the Tents. I waited in the lobby for around 10 minutes before going upstairs to meet with my client. We met in a private, in-person visitation room separated by wire mesh.
3. During this visit, a deputy interrupted our meeting and told me that there were too many male inmates waiting to see their respective attorneys. I was then asked to move to the other side of the facility to the contact visitation room.
4. I agreed to move to the contact visitation room. However, when we arrived, another attorney was in the contact visitation room meeting with their client. Therefore, I was forced to stand in the hallway with my client. The deputy attempted to give us some space, but since we were in a hallway, the deputy was within hearing range and our meeting was not private or confidential.

That these statements are true and correct to the best of my knowledge, information and belief.

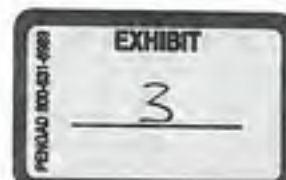


STELLA CZIMENT

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 9th DAY OF JULY 2014.


NOTARY PUBLIC

Kenneth Hardin, Jr.



AFFIDAVIT

**STATE OF LOUISIANA §
 §
PARISH OF ORLEANS §**

BEFORE ME, the undersigned Notary Public, personally came and appeared:

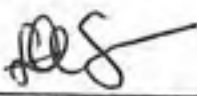
JACOB MCCARTY, DOB: 4/24/1990, who after being duly sworn did depose and state the following:

1. My name is Jacob McCarty. I am a Client Advocate Fellow at the Orleans Public Defenders (OPD). As part of my job, I regularly visit OPD clients detained in Orleans Parish jail.
2. On October 4, 2013, I visited my client Steven Duckworth at the Temporary Detention Center (TDC). I visited Mr. Duckworth using the video conferencing system. I was there to visit Mr. Duckworth to determine whether he was receiving the medical treatment he needed while incarcerated.
3. During the course of my visit with Mr. Duckworth, I needed him to sign a medical waiver and release of information. Since I was using the video conference system to meet with my client, I had to ask a deputy to walk the private medical release of information form to my client in order for him to sign it. After explaining the form to my client, he signed it and handed it back to the deputy.
4. I left the video visitation room and waited in the lobby for the deputy to return with the signed document. I waited for approximately 20 minutes before asking the deputy on duty to call and check on the location of the document. The deputy showed up about 5 minutes later with the document. The document was crumpled in transit.

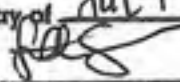
That these statements are true and correct to the best of my knowledge, information and belief.


JACOB MCCARTY

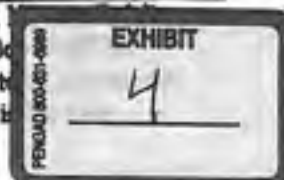
SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS ____ DAY OF JULY 2014.



NOTARY PUBLIC

Sworn to and subscribed before me
this 9 day of JULY, 2014


STELLA M. CZIMENT, Notary # 132270, Bo
Parish of Orleans, State
My Commission expires



AFFIDAVIT

STATE OF LOUISIANA §
 §
PARISH OF ORLEANS §

BEFORE ME, the undersigned Notary Public, personally came and appeared:

BERNICE AGUAS, DOB: 09/06/1985, who after being duly sworn did depose and state the following:

1. My name is Bernice Aguas. I am a Law Clerk at the Orleans Public Defenders (OPD). I am currently a student at Loyola University Law School. My supervising attorneys are Max Gumina and Donna Weidenhaft, both staff attorneys at OPD.
2. On Sunday, June 29, 2014, I called the Temporary Detention Center (TDC) and requested contact visitation with OPD client Alex Garcia. I spoke to a deputy at TDC who was unsure if I could request a contact visit on Sunday. I was transferred around to a few different people, placed on hold for quite some time, and my call was eventually dropped. I called back a few times and kept getting transferred or disconnected. Eventually, I got through, and the deputy at TDC told me that I "missed the window" for requesting a contact visit that day. I was told I would have to visit my client at TDC without making an appointment.
3. I arrived at TDC to visit my client at 5pm. I met with my client using the video visitation system. I went into the private room, booth #16, to visit with my client. My client was hunched over and looking down the whole time. Because of the angle of the video camera, I was not able to see why he was hunched over. I asked my client how he was doing, and he began to talk very rapidly. It sounded as though he was mumbling even though he was not. The sound was very garbled and the volume was low. Mr. Garcia sounded as though he was far away even though he was speaking very close to the receiver. I had to repeatedly ask him to slow down and repeat himself.
4. Mr. Garcia is a Spanish speaker. I understand and speak Spanish. The attorney I worked for sent me to visit and speak with Mr. Garcia because I am conversational in Spanish. Due to the poor quality of the phone system, I could not understand what Mr. Garcia was saying.

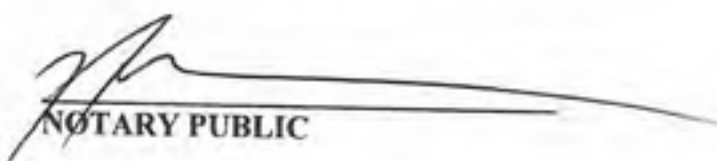


5. After about 15 minutes of trying to communicate with him, I decided to move to a different booth to see if the sound and video quality improved. I moved to the other private visitation booth, booth #9.
6. The sound and video quality in booth #9 were nearly identical. Mr. Garcia still sounded distant, garbled, and muffled. I also continued to have trouble reading his body language or making eye contact due to the angle of the camera.
7. After moving to booth #9, my client began to answer all of my questions very tersely. He was significantly less forthcoming with information after I asked him to move, and due to my difficulty seeing him and understanding him, I had trouble figuring out why his mood had shifted.
8. Because of the poor quality of the video conference system, I was not able to effectively build rapport and trust with Mr. Garcia to assist him in his case.

That these statements are true and correct to the best of my knowledge, information and belief.


BERNICE AGUAS

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 8 DAY OF JULY 2014.


NOTARY PUBLIC



NIA WEEKS
Notary Public
Notary ID No. 131598
Orleans Parish, Louisiana

AFFIDAVIT

STATE OF LOUISIANA §
§
PARISH OF ORLEANS §

BEFORE ME, the undersigned Notary Public, personally came and appeared:
EMILY NEW, DOB: 7/25/1987, who after being duly sworn did depose and state the following:

1. My name is Emily New. I am a Law Clerk at the Orleans Public Defenders (OPD). I am currently enrolled at New York University Law School. My supervising attorneys are Emily Voshell and Andrew Lee, both attorneys at OPD.
2. On June 27, 2014, I visited two clients Jason Walker and Joseph Ellis at the Temporary Detention Center (TDC). I arrived at approximately 3:00 pm. I was in one of the two private video visitation rooms, booth #9.
3. Jason Walker was waiting for me when I entered the video visitation booth. I talked to Mr. Walker for approximately five minutes. Mr. Walker and I both had difficulty seeing and hearing each other. Mr. Walker was constantly looking down to look into the viewfinder of the camera. I had difficulty reading the client's body language and other non-verbal cues.
4. The sound quality also hindered our communication. Mr. Walker's voice was faint and garbled. He and I both had to repeatedly ask each other to repeat what we had just said to each other. Mr. Walker eventually told me that the quality of the video and sound made it too difficult to understand me. He also expressed discomfort that someone might be listening to our conversation. He finally told me that he didn't want to talk over the video phone. I asked if he would feel more comfortable if I scheduled a contact visit and he said yes.
5. After Mr. Walker and I cut short our visit due to the poor functioning of the video conference system and lack of privacy and confidentiality, my second client Joseph Ellis came into the visitation booth. It was clear that Mr. Ellis was already in the room and could hear my previous conversation with Mr. Walker because he came right to the videophone after my other client left.



6. I talked with Mr. Ellis for about 20 minutes. He felt more at ease talking on the phone than Mr. Walker; however, his voice was still garbled and distant, and he and I were not able to understand each other any better than Mr. Walker and I. I spent most of the visit asking Mr. Ellis to repeat what he had just said. I was also unable to read Mr. Ellis' body language as he stared down into the viewfinder for most of the visit. Due to the persistent difficulty of understanding Mr. Ellis, I told him I would have to end our visit and schedule a contact visit at a later date.

That these statements are true and correct to the best of my knowledge, information and belief.


EMILY NEW

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 9th DAY OF JULY, 2014.


NOTARY PUBLIC

Adrienne Cousins

Bar No 32388

My Commission is for Life.

AFFIDAVIT

STATE OF LOUISIANA §
 §
PARISH OF ORLEANS §

BEFORE ME, the undersigned Notary Public, personally came and appeared:

TINA PENG, DOB: 09/19/1986, who after being duly sworn did depose and state the following:

1. My name is Tina Peng. I am a staff attorney at the Orleans Public Defenders (OPD) and licensed to practice law in the State of Louisiana (Bar No. 35279).
2. On May 30, 2014, I went to visit my client Leron Williams at the Temporary Detention Center (TDC). I visited my client using the video visitation system. I was placed in a private room, booth #16.
3. My visit with Mr. Williams was brief because I had just a few updates about his case to share. After the visit, as I prepared to leave, Mr. Williams asked me if I would mind if someone else could ask me a question. I told him I wouldn't mind, and another inmate walked up to the booth. There was very little delay between my client leaving and the other inmate arriving. It was unclear, due to the poor video quality, whether the other inmate had been in the room the entire time, if the door to the room was open, or if anyone else was listening to my conversation with my client.
4. After I answered the inmate's question, several other inmates crowded into the room and wanted to ask me questions. Again, it was unclear if these inmates were listening the whole time from within the room, or if they walked in afterwards.
5. On numerous occasions I have requested to see more than one client at TDC. At the end of one visit, my client, whom I had just finished visiting, would ask if I wanted him to "get the next inmate." My client will then walk off-screen and my next client whom I had requested to see will walk in right away. It appeared as though all of my clients whom I've requested to see during is all produced at the same time and are standing within earshot of each other's visit with me. The confidentiality and privacy have been seriously compromised during such a visit.
6. On at least one other occasion, other inmates have walked into my client's visitation booth without warning or notice. Some of the inmates walk by and leave, while others



have remained on-screen behind my client, severely compromising the privacy and confidentiality of our client-attorney visits.

That these statements are true and correct to the best of my knowledge, information and belief.


TINA PENG

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 8 DAY OF JULY 2014.


NOTARY PUBLIC



NIA WEEKS
Notary Public
Notary ID No. 131598
Orleans Parish, Louisiana

AFFIDAVIT

STATE OF LOUISIANA §
 §
PARISH OF ORLEANS §

BEFORE ME, the undersigned Notary Public, personally came and appeared:

KELLY ORIAN, DOB: 03/23/1986, who after being duly sworn did depose and state the following:

1. My name is Kelly Orians. I am a Law Clerk at the Orleans Public Defenders (OPD). I am currently a student at the University of California, Los Angeles, School of Law. My supervising attorneys are Omavi Harshaw and James Carrington, III, both staff attorneys at OPD.
2. On the afternoon of June 24, 2014, I called the Temporary Detention Center (TDC) to schedule a contact visit with my client, Michael Baker. I requested the visit for the following day, June 25, at 10:00 am. The deputy took my information and told me I would receive a phone call confirming my visit. A few minutes later, the deputy called back and confirmed my contact visit.
3. I arrived at OPP on the morning of June 25, 2014 at 10:00 am. The deputy on duty told me my client had not yet been transported to OPP. I told the deputy I would check back later and left.
4. I went back to OPP at 10:30 am. The deputy again told me that my client was not at OPP. At this point, I called TDC to check on the status of my client's transport. The deputy at TDC told me my client was already at OPP and to check with the deputy at OPP. The deputy at OPP called to check whether my client was in the holding cell and told me he was not there. Again, I told the deputy I would check back later and left.
5. I returned to OPP at 10:50 am. The deputy at OPP told me again that my client was not there. I called TDC again to check on the status of my client's transport and location. The deputy at TDC told me they would get back to me but did not call back before they closed at 12:00 pm.
6. I went back to OPP at 1:00 pm and the deputy told me my client was there but that they sent him back because I was not there. I told the deputy that I was not at OPP because the facility was closed between 11:00 am and 1:00 pm and I was unable to wait for my client. The deputy simply repeated that they sent him back because I was not there. I called TDC



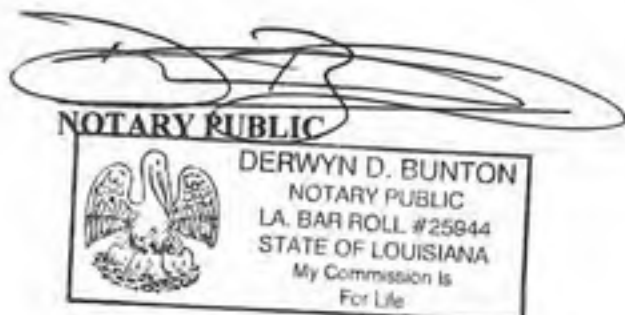
and the deputy told me my client had been at OPP since 10:05 am and that the "lazy deputy wouldn't check the holding cell." I asked if my client could be transferred back to OPP, but the deputy told me they were full for the rest of the day. I then asked if I could schedule a visit for the following morning. I was told that visitation at OPP was already full for the next morning. I was unable to see my client that day or the next day.

7. On the afternoon of Tuesday, July 1, 2014, I called TDC to schedule a contact visit with my client, Michael Baker, for the following day at 2:00 pm. A few minutes later, I received a phone call from the deputy who took my information confirming my visit.
8. I arrived at OPP for my contact visit at 2:00 pm. The deputy told me that my client was not there. I called TDC and the deputy informed me my client had not been transferred because they had no record of my request despite the fact that I received a confirmation call the day before. The deputy said they would look into it and will call me back. Approximately 1 hour later, I received a phone call telling me again, that TDC had no record of my request. Approximately, 20 minutes later, the ranking Sergeant called me back, apologized for the mishap, and said that Mr. Baker will be transported to OPP for a contact visit. I was able to finally see Mr. Baker this afternoon.

That these statements are true and correct to the best of my knowledge, information and belief.


KELLY ORIAN

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 9th DAY OF JULY 2014.



AFFIDAVIT

STATE OF LOUISIANA §
§
PARISH OF ORLEANS §

BEFORE ME, the undersigned Notary Public, personally came and appeared:
ANDREW SULLIVAN, DOB: 6/07/1990, who after being duly sworn did depose and state the following:

1. My name is Andrew Sullivan. I am a Law Clerk at the Orleans Public Defender's (OPD) office. My supervising attorneys are Mary Murphy and Kenneth Hardin. I am enrolled in law school at University of Chicago Law School.
2. On July 9, 2014 I called the Temporary Detention Center (TDC) to schedule a contact visit with my client Armonika Hall. I called at approximately 3pm. I requested a visit for 1pm the following day at the Olde Parish Prison (OPP). The deputy told me that the contact visit would take place at 1pm at Templeman Phase 5 (TP5).
3. I arrived at TP5 on July 10, 2014 at approximately 12:55pm. I told the deputy at the front desk that I was there for a contact visit with Armonika Hall. The deputy had no knowledge of the visit, but told me she would check to see if my client was present.
4. I waited at TP5 for about 1 hour before the deputy told me that no inmates were coming from TDC. I asked her if I should call back tomorrow, when another OPD intern, Hunter Baehren, chimed in and said that contact visits normally happen at OPP. The deputy then told both of us that the sheriff's office wasn't "doing that anymore." I understood her to mean that no more contact visits were taking place with inmates from TDC, and that visitation would have to take place via video visitation.

That these statements are true and correct to the best of my knowledge, information and belief.


ANDREW SULLIVAN

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 14 DAY OF JULY, 2014.


NOTARY PUBLIC



NIA WEEKS
Notary Public
Notary ID No. 131598
Orleans Parish, Louisiana



AFFIDAVIT

STATE OF LOUISIANA §
 §
PARISH OF ORLEANS §

BEFORE ME, the undersigned Notary Public, personally came and appeared:
BERNICE AGUAS, DOB: 09/06/1985, who after being duly sworn did depose
and state the following:

1. My name is Bernice Aguas. I am a Law Clerk at the Orleans Public Defenders (OPD). I am currently a student at Loyola University Law School. My supervising attorneys are Max Gumina and Donna Weidenhaft, both staff attorneys at OPD.
2. On July 10, 2014 I went to visit a client, Grace Moulton, at the Tents. I made multiple attempts to call the Tents and request my client prior to arriving at the facility. The line went unanswered multiple times. Eventually, calling the number resulted in a busy signal. After calling twice and getting a busy signal each time, I abandoned my attempts to call ahead and went over to the Tents to request to see my client.
3. When I arrived at the Tents at approximately 1:10 pm, the deputy on duty told me that all female clients had been moved to the Temporary Detention Center (TDC). Prior to arriving at the Tents, the AS400 computer system indicated that my client was still there.
4. Earlier in the afternoon, when I was attempting to call the Tents to request a visit with my client, Grace Moulton, I also called TDC to request a visit with my client, Monica Lagarde. When I called, the Watch Commander provided me with a different number to call. He indicated this number was for "visitation," and that I should call them at 2:00 pm to schedule a visit. Since contact visits can normally be requested during the full visitation hours (1-5), I tried to call the number right away. The number was disconnected.
5. After I was denied visitation with Grace Moulton at the Tents, I returned to Municipal Court. From Municipal Court, I called TDC to schedule contact visits with Grace Moulton and Monica Lagarde. I called at 2:15 and was disconnected. I called again at 2:17 and was transferred and then placed on hold. After a wait of approximately 3 minutes, I set up two contact visits. One visit with Grace Moulton for 9am on July 11,



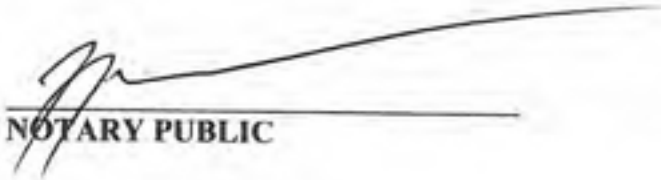
- 2014, and another visit for Monica Lagarde for 1pm on July 11, 2014. The deputy told me that the contact visits would take place at Templeman Phase 5 (TP5).
6. On the morning of July 11, 2014, I arrived with my colleague, Jacob McCarty, to TP5. The deputy on duty, Deputy Weber, told us that Grace Moulton would not be brought to TP5 for a contact visit. When we asked for an explanation, the deputy simply restated that she wouldn't be brought, and that no females were being brought to TP5 for a contact visit. I told her I had a contact visit scheduled with a female client for 1pm, and asked if that contact visit would be denied as well. Deputy Weber told me, again, that no female clients would be brought to TP5. Deputy Weber also stated that her ranking officer told her no females would be brought that day.
 7. Mr. McCarty and I then went to TDC to visit Grace Moulton. During our visit, after I finished talking with our client, I left Mr. McCarty in the booth to talk with Grace alone. I stepped back into the lobby to request to see my other client, Monica Lagarde via the video visitation system. The deputy on duty, Deputy Belcher, told me that she spoke with her ranking officer and was told that two female inmates were taken to TP5 at 7:30 that morning. She further noted that she called her ranking officer and confirmed that TP5 was in receipt of Monica Lagarde's paperwork, and that my contact visit scheduled for 1pm would take place. I asked if Grace Moulton was one of the female inmates transported to TP5 that morning at 7:30. Deputy Belcher called her ranking officer again. Grace Moulton was not one of the inmates transported at 7:30am.
 8. Later that afternoon, at 12:50pm, I returned to TP5 for my contact visit with Monica Lagarde at 1:00pm. Deputy Hadley was on duty and informed me that visitation would not start until 1:00pm. I offered my ID, but Deputy Hadley refused to take it until 1:00pm. The deputy left the front desk before 1:00pm. At 1:13pm, Lieutenant Ross was walking down the hall towards the front desk. From the other side of the gate, Lieutenant Ross asked me who I was there to see. I told her Monica Lagarde. She told me that I would have to go to TDC in order to visit my client. I explained my earlier communication with Deputy Belcher. Lieutenant Ross then went to the front desk, made a call, and asked someone to bring Monica Lagarde over.
 9. When my client arrived, I was taken to the kitchen to visit with my client. There was a small window on the door to the kitchen. Throughout the entire visit, a deputy stood

outside the door and watched me and my client through the window. At one point during the visit, Deputy Weber opened the door, looked at me and my client, and then left.

That these statements are true and correct to the best of my knowledge, information and belief.


BERNICE AGUAS

SWORN TO AND SUBSCRIBED TO BEFORE ME, NOTARY, THIS 14 DAY OF JULY 2014.


NOTARY PUBLIC



NIA WEEKS
Notary Public
Notary ID No. 131598
Orleans Parish, Louisiana

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014

STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
William Snowden	Attorney	Warren Lawless	TP5	5/12/2014	10 min	NO	YES				YES	
Zachary Carpenter	Attorney	Larry Rudolph	OPP	5/12/2014	15 minutes	YES	NO	NO			NO	
Zachary Carpenter	Attorney	Isiah Spencer	OPP	5/12/2014	15 minutes	YES		NO		Had to leave for court		
Seth Wayne	Attorney	Kevin Dawson	Tents	5/12/2014								
Christen Chapman	Attorney	Eugene Scarborough	Tents	5/12/2014		NO	YES				YES	
Christen Chapman	Attorney	Damon Knighten	Tents	5/12/2014		NO	YES				YES	
Christen Chapman	Attorney	Brandon Daggs,	TP5	5/12/2014	20 min	NO	YES				YES	
Christen Chapman	Attorney	Gerreid Jordan	TP5	5/12/2014	20 min	NO	YES				YES	
Christen Chapman	Attorney	Norman Brasly	TP5	5/12/2014	20 min	NO	YES				YES	
Zachary Carpenter	Attorney	Larry Rudolph	OPP	5/12/2014	25 minutes	NO	YES				NO	Many inmates and guards were walking past the cell, inmates were asked to line up just on the other side of the grating on the door. Our conversation could be heard by anyone outside of the door.
Amanda Fraser	Attorney	James Johnson	TP5	5/12/2014	23 mins	NO	NO				YES	
James Harper	Attorney	Mack Pearl	OPP	5/12/2014	15 minutes	NO					YES	
Chana Rose Rabinovitz	Investigator	Shamichael Ventry	TP5	5/12/2014	1.5 hours-- 'feed up' was late.	YES	NO	YES	In the hallway directly in front of entrance gate. I requested contact visit in order to photograph Client's injuries.		NO	
William Snowden	Attorney	Floyd Simon	CTA	5/12/2014	15 minutes. Both booths were occupied when I arrived.	NO	YES				YES	
Kimberly Thomas	Social Worker	Antonio Lewis	CTA	5/12/2014	5 min	NO	YES	NO	n/a	n/a	NO	My conversations can be overheard by the person in the adjacent room.

EXHIBIT

11

0000-102-000 07/01/04

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Kimberly Thomas	Social Worker	Dannell Barabin	OPP	5/12/2014	5 min	YES	YES	YES	OPP		YES	
Jacob McCarty	Client Advocate	Michael Larrieu	CTA	5/12/2014	10 minutes	NO	YES	NO	no contact visit at CTA		YES	
Mary Murphy	Attorney	Melvin Dennis	Tents	5/12/2014	Not at all- they were waiting for me when I arrived 30 minutes after I called.	NO	YES				YES	
Mary Murphy	Attorney	Michael Price	Tents	5/12/2014	Not at all- they were waiting for me when I arrived 30 minutes after I called.	NO	YES				YES	
Mary Murphy	Attorney	Philip Marziale	Tents	5/12/2014	Not at all- were there waiting for me when I arrived 30 minutes after I called.	NO	YES				YES	
Sarah Chervinsky	Attorney	Torrey Legendre	TP5	5/12/2014	15 minutes for the first client, 30 minutes for the second client	YES	YES	YES	Downstairs attorney room		YES	
Sarah Chervinsky	Attorney	Carnell Massey	TP5	5/12/2014	15 mins for the first client, 30 mins for the second client	YES	YES	YES	Downstairs attorney room		YES	
Daniel Engelberg	Attorney	Devin Waterhouse	OPP	5/12/2014	45 min	NO	YES	YES			YES	
Lauren Boudreaux	Attorney	Curtis Hawthorne	TP5	5/12/2014	25 minutes	NO	YES	YES	TP5		YES	
James Harper	Attorney	Renaldo Taylor	TDC	5/12/2014	2 minutes	NO	NO	NO				
Russell Barksdale	Attorney	Joshua Brady	CTA	5/12/2014	15 minutes		YES				NO	Attorneys can hear each other through the doors.
Anna Fecker	Attorney	August Riley	CTA	5/12/2014	15-20 mins.	YES	YES	YES	In back visitation room		YES	
Russell Barksdale	Attorney	Kendrick Murray	CTA	5/12/2014	15 minutes	NO	YES	NO			NO	You can hear other attorneys through the doors.
Sierra Thompson	Attorney	Rosel Guillen-Mendez	OPP	5/12/2014	10 mins.	NO					YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Sierra Thompson	Attorney	Carlos Brass	OPP	5/12/2014	10 mins.	NO	YES				YES	
Sierra Thompson	Attorney	Thomas Malone	OPP	5/12/2014	10 mins.	NO					YES	
Emily Voshell	Attorney	Cedric Smith	OPP	5/12/2014	15-20 minutes	NO	YES	NO			YES	
Noelle Deltufo	Client Advocate	Kentrell Harris	Tents	5/12/2014	30 mins.	NO	NO			she was not brought down	NO	
Noelle Deltufo	Client Advocate	Tia Gahie	Tents	5/12/2014	30 mins.	NO	YES				YES	
Noelle Deltufo	Client Advocate	Eric Carter	TP5	5/12/2014	40 minutes	NO	YES				YES	
Laura Reeds	Attorney	Nathan Neal	OPP	5/12/2014	20 min	NO	NO		confessional		YES	
Laura Reeds	Attorney	Damian Pichon	Tents	5/12/2014	30 min	NO	YES		Private booth		YES	
Laura Reeds	Attorney	Derroll Graves	Tents	5/12/2014	I waited about 30 minutes to see the first client, but they brought my two clients up together, so after I spoke with the first client, I was able to have a visit with Mr. Graves immediately thereafter.	NO	YES		Private booth		YES	
Donald M. Donnelly	Attorney	Myron Jackson	TP5	5/12/2014	10 minutes	NO	YES	NO			YES	
Vaishali Patel	Other	Charles Ducros	CTA	5/12/2014	45 minutes	YES	YES	YES	Conchetta.		YES	
Christen Chapman	Attorney	Gregory Anderson	TDC	5/12/2014	30 minutes	YES	YES	YES			YES	
Christen Chapman	Attorney	Eddie Thomas	TDC	5/12/2014	30 minutes	YES	YES	YES			YES	
Christen Chapman	Attorney	Kendall Thompson	TDC	5/12/2014	30 minutes	YES	YES	YES			YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Tina Peng	Attorney	Calvin Bridges	CTA	5/13/2014	five minutes	NO	NO	NO		The rooms were full so I sat out in the main phone area.	NO	I came at 6:30 and was told there were two people inside who were each seeing two clients. I came back at 6:50; both attorneys were still in their respective rooms, so I just did my meeting in the more public phone area.
Sarah Chervinsky	Attorney	Charles Travis	OPP	5/13/2014		NO	NO	NO		Had to pass through deputy	YES	
Sarah Chervinsky	Attorney	Emile Trueblood	TDC	5/13/2014	Under 15 mins	YES	YES	YES	OPP room		YES	
Sarah Chervinsky	Attorney	Jalil Williams	OPP	5/13/2014	Under 15 minutes	NO	YES	YES	OPP room		YES	
Jim Harper	Attorney	Philip Gibson	CTA	5/13/2014		NO		NO				
Jim Harper	Attorney	Edward Green	CTA	5/13/2014	5 minutes							
Russell Barksdale	Attorney	Dandre Demby	OPP	5/13/2014	20 minutes	NO	YES				YES	
Stella Cziment	Attorney	Allen Smith Jr.	CTA	5/13/2014	14 minutes	YES	YES	YES	It was in a private attorney room.		YES	(It is confidential as in we're in a room together, however, you can hear everything being said in the next room and the next room can hear your conversation as well. So in that respect, it doesn't feel confidential)
Carrie Ellis	Attorney	Tyrone Jones	OPP	5/13/2014	10-15 minutes	NO	YES	YES	In one of the rooms with a table at OPP.		YES	to the extent that you can. I think you can hear sometimes even in the rooms at OPP.
Zachary Carpenter	Attorney	Carlos Beard	OPP	5/13/2014	45 minutes	YES	NO	NO	Requested contact visit at OPP and was placed in the confessional booth due to too many lawyers visiting other clients at the same time that I was trying to visit my clients.	I ask the deputy to pass documents to my client after the visit was over.	YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Zachary Carpenter	Attorney	Percy Brown	TP5	5/13/2014	15 minutes before I was told to come back another time.	YES	NO	NO			NO	
Zachary Carpenter	Attorney	Joseph Pittman	TP5	5/13/2014	15 minutes	YES	NO	NO			NO	
Zachary Carpenter	Attorney	Steven Hansen	OPP	5/13/2014	45 minutes	YES	NO	NO	I was placed in the confessional booth because there were too many other lawyers trying to see their clients for me to get a contact visit room		YES	
Josh Schwartz	Attorney	Desmond Harris	Tents	5/13/2014	no time	NO	NO			Client not preset	NO	Client not present
Josh Schwartz	Attorney	Martin Fortune	Tents	5/13/2014	15 minutes	NO	YES				YES	
Josh Schwartz	Attorney	Brandon Smith	Tents	5/13/2014	15 minutes	NO	YES				YES	
Josh Schwartz	Attorney	Kendall Sylve	TDC	5/13/2014	10 minutes	NO	NO			Phone visit in TDC	YES	
Josh Schwartz	Attorney	Daniel Gondeck	TDC	5/13/2014	10 minutes	NO	NO			Phone visit at TDC	YES	
Josh Schwartz	Attorney	Blaine Johnson	OPP	5/13/2014	30 minutes	NO	YES				YES	
Josh Schwartz	Attorney	Charles Terry	OPP	5/13/2014	30 minutes	NO	YES				YES	
Josh Schwartz	Attorney	Shannon Dowling	CTA	5/13/2014	20 minutes	NO	YES				YES	
Josh Schwartz	Attorney	Reginald Bouie	CTA	5/13/2014	20 minutes	NO	YES				YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Mary Murphy	Attorney	Dempster Wilson	OPP	5/13/2014	I waited about 40 minutes for Mr. Wilson. After my visit was done with Mr. Wilson I wanted to meet with Mr. Robateau but I waited 5 minutes and left because they had not called for him yet.	NO	YES	NO			NO	There are holes in the doors and windows so the deputies could hear.
Mary Murphy	Attorney	Terrence Robateau	OPP	5/13/2014	40 minutes for the first. Then I had to leave before they called down for Mr. Robateau.	NO						
Christen Chapman	Attorney	Robert Steward	OPP	5/13/2014	40 min	NO	YES				YES	
Christen Chapman	Attorney	Branden Lavallais	OPP	5/13/2014	40 min	NO	YES				YES	
Christen Chapman	Attorney	Anthony Reed	CTA	5/13/2014	10 min	NO	YES				YES	
Christen Chapman	Attorney	Brandon Tillman	CTA	5/13/2014	10 min	NO	YES				YES	
Mary Murphy	Attorney	Antonio Gallagher	CTA	5/13/2014	5 minutes	NO	YES				NO	Walls too thin
Mary Murphy	Attorney	Kenneth Gray	CTA	5/13/2014	5 minutes	NO	YES				NO	Walls too thin
Mary Murphy	Attorney	Darius Jackson	Tents	5/13/2014	I called at 1 and said I would be there at 3. I called at 3 and said I would be late. I arrived at 3:15 and they had not called my clients. I waited 30 minutes.	NO	YES				YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Mary Murphy	Attorney	Melvin Dennis	Tents	5/13/2014	I called at 1 and said I would be there at 3. I called at 3 and said I would be late. I arrived at 3:15 and they had not called my clients. I waited 30 minutes.	NO	YES				YES	
Mary Murphy	Attorney	Tyrek Gaines	Tents	5/13/2014	I called at 1 and said I would be there at 3. I called at 3 and said I would be late. I arrived at 3:15 and they had not called my clients. I waited 30 minutes.	NO	YES				YES	
Tina Peng	Attorney	Tommy Johnson	Tents	5/13/2014	maybe 10 minutes	NO	YES	NO			YES	
Russell Barksdale	Attorney	Willie Brumfield	OPP	5/14/2014	20 minutes	NO	YES	NO			YES	
Donald M. Donnelly	Attorney	Tyasha Wright	TP5	5/14/2014	20 minutes	YES	YES	YES			YES	
Zoe Engberg	Investigator	Shawn Peterson	OPP	5/14/2014	30 minutes	YES	YES	YES	OPP visitation booth		YES	
Ginger Parsons	Social Worker	Darryl Watson	OPP	5/14/2014	about 15 minutes the second time. When I went in the morning, they said he was in school and still offered to get him, but I told them no. He did confirm this afternoon that he was in school this morning.	NO	NO			We were initially in a contact room but then got bumped to a confessional. The guard did open his door and allow me to get releases signed.	NO	Our visit got cut short because an alarm went off and it was so loud we couldn't hear each other speak.

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Josh Schwartz	Attorney	Desmond Harris	Tents	5/14/2014	30 minutes for first client and 1 hour for second client. called ahead for visit 15 minutes before arriving	NO	YES				YES	
Kimberly Thomas	Social Worker	Adam Trahan	TP5	5/14/2014	2 min	NO	NO	NO			NO	
Kimberly Thomas	Social Worker	Wardell Helmstetter	TP5	5/14/2014	10 min	NO	YES	NO			YES	
Jill Pasquarella	Attorney	Dan Green	OPP	5/14/2014	20 min	NO	NO	NO			YES	
Jill Pasquarella	Attorney	Hilda Vasquez	Tents	5/14/2014	20 minutes	YES	NO	YES	in the side room of HOD. first we were in booth and then were moved to accommodate men coming down. there was another lawyer visiting her female client so she had to have a non-private meeting with her client in the hallway while we took the room.		YES	
Christopher Murell	Attorney	Shawn Peterson	OPP	5/14/2014	~25 minutes for the first; ~ 5 minutes for the second	YES	YES	YES	in the booth		YES	
Christopher Murell	Attorney	Juan Smith	OPP	5/14/2014	~25 minutes for the first; ~ 5 minutes for the second	YES	YES	YES	in the booth		YES	
Scott Sherman	Attorney	Philip Gibson	CTA	5/14/2014	5 minutes	NO	YES	NO			YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Stella Cziment	Attorney	Safia Streetman	Tents	5/14/2014	10 minutes in lobby (called 10-15 before arriving at the jail)	YES	YES	YES				In the middle of our meeting, the deputy interrupted us and informed me that because there were too many men waiting for attorney visits, we had to move to the other side where contact visitation room is located. I agreed to move but another attorney also visiting a female inmate got there first. I had to meet with my client in the open hallway. The deputy tried to give us space but our conversation was not confidential. We did not have a place to sit. We stood in the middle of a hallway.
Seth Wayne	Attorney	James Bailey	OPP	5/14/2014	10 minutes	NO	YES				NO	
Donna Weidenhaft	Attorney	Terry Owens	TP5	5/14/2014	30 minutes	YES	YES	YES			YES	
Donna Weidenhaft	Attorney	Terry Owens	TP5	5/14/2014	30 minutes	YES	YES	YES			YES	
Jacob McCarty	Client Advocate	Michael Larrieu	CTA	5/14/2014	10 minutes	NO	YES	NO			NO	
Virginia Ryan	Client Advocate	Steven Williams	TDC	5/14/2014	45 minutes	NO	YES	YES	In the visitation room		YES	another attorney and a PO walked through our room to get to the second room during the meeting
Virginia Ryan	Client Advocate	Mark Luzzo	TDC	5/14/2014	45 minutes	YES	YES	YES	In the visitation room in OPP		YES	
Virginia Ryan	Client Advocate	Preston Baker	TP5	5/14/2014	30 minutes	NO	YES	NO			YES	
Virginia Ryan	Client Advocate	Desmond Lewis	TP5	5/14/2014	30 minutes	NO	YES	NO			YES	
Virginia Ryan	Client Advocate	Michelle Harris	TP5	5/14/2014	30 min	NO	YES	NO			YES	
Laura Reeds	Attorney	Larry Sandifer	CTA	5/14/2014	10 min	NO	YES		Private booth		YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Laura Reeds	Attorney	Roberto Arias	Tents	5/14/2014	25 minutes	NO	YES		Private booth		YES	
Ricky Zacharias	Investigator	Jeremy Burse	OPP	5/14/2014	15 minutes	NO	YES	YES			NO	Everyone in the hall could practically hear us.
Laura Reeds	Attorney	Jerrard Laroche	Tents	5/14/2014	I waited 25 minutes for the first client. This was the second client. I was able to see him immediately after I finished with the first client.	NO	YES		Private booth		YES	
Laura Reeds	Attorney	Rachelle Brown	Tents	5/14/2014	I waited 25 minutes to see the first client. This was the third client. I was able to see the second and third clients immediately after I had finished speaking with the previous client.	NO	YES				YES	
Anna Fecker	Attorney	Charles Ducros	CTA	5/14/2014	10-15min	NO	YES	YES	CTA visitation booths		YES	

OPD Jail Visitation Survey: May 12, 2014 to May 18, 2014												
STAFF NAME	POSITION	CLIENT NAME	JAIL FACILITY	DATE OF THE VISIT	How long did you wait?	Did you request a contact visit?	Were you able to provide legal documents to your clients directly?	Did the contact visit occur?	If YES, where did the contact visit occur?	If NO, what happened?	Did you have a confidential meeting with your client?	If NO, why not?
Zachary Carpenter	Attorney	Percy Brown	TP5	5/14/2014	20 minutes	YES	NO	YES		The slot where documents are supposed to be passed was filled with urine when I arrived in the visitation room. I showed the deputy prior to client entering the room that there was standing urine in the slot used for passing documents, the deputy said "that's gross" and left. I asked her to have someone clean it up but nothing was done and I had to conduct two separate client visits with a pool of urine between myself and my client.	YES	
Zachary Carpenter	Attorney	Joseph Pitts	TP5	5/14/2014	20 minutes	YES	NO	YES		The slot where documents are supposed to be passed was filled with urine when I arrived in the visitation room. I showed the deputy prior to client entering the room that there was standing urine in the slot used for passing documents, the deputy said "that's gross" and left. I asked her to have someone clean it up but nothing was done and I had to conduct two separate client visits with a pool of urine between myself and my client.	YES	
Mary Murphy	Attorney	Cornell Johnson	OPP	5/14/2014	10 minutes	NO	YES	NO			NO	Walls are too thin.
Mary Murphy	Attorney	Robert Heidel	TP5	5/14/2014	15 minutes	NO	YES				YES	
Mary Murphy	Attorney	Brian Bullock	TP5	5/14/2014	I came back and waited 15 minutes.	NO	YES				YES	
Mary Murphy	Attorney	Brandon Thomas	TP5	5/14/2014	I came back and waited 15 minutes	NO	YES				YES	

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Kiah Howard	Investigator	August Riley	CTA	5/14/2014	20 minutes, maybe a little more. There was an open room in the back which I got into right away. But I think they forgot I was back there or were never notified because I waited about 15 minutes then a deputy asked me who I was waiting for. It was another 5-10 minutes before they brought client down.	NO		NO			NO	You can hear between the two booths in the back and there was a lawyer visiting a client at the same time.
Tina Peng	Attorney	Eric Widman	Tents	5/14/2014	10/15/2014	NO	YES	NO			YES	
Tina Peng	Attorney	Michael Johnson	Tents	5/14/2014	10/15/2014	NO	YES	NO			YES	
Tina Peng	Attorney	David Francis	TP5	5/14/2014	at least an hour - both visitation rooms were full	NO	YES	NO			YES	
Stella Cziment	Attorney	Corey Gayle	Tents	5/14/2014	10 minutes (called ahead about 10-15 minutes before I arrived)	YES	YES	YES	In an attorney room on the second floor of HOD - Tents.		YES	
Laura Reeds	Attorney	Christopher Anders	OPP	5/14/2014	40 min	NO	NO		Confessional	There are no document slots in that facility. Client wanted my card. I had to roll it up and shove it through a hole. There's no way you could pass actual documents back and forth.	YES	
Josh Schwartz	Attorney	Schatasha Robertson	Tents	5/14/2014	1 hour for this client. called ahead for visit 15 minutes before arriving	NO	NO			Client not preset		
Anna Fecker	Attorney	Charles Ducros	CTA	5/15/2014	15min	YES	YES	YES			YES	
Anna Fecker	Attorney	Kevin Robinson	OPP	5/15/2014	10 min	NO	YES	YES			YES	

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Sarah Chervinsky	Attorney	Paul Demoulin	OPP	5/15/2014	10 mins	NO	YES	YES	OPP room		YES	
James Harper	Attorney	Philp Gibson	CTA	5/15/2014		NO	YES	NO			YES	
Lauren Boudreaux	Attorney	Randy Pittman	OPP	5/15/2014	5 minutes	YES	YES	YES	OPP		YES	
Emily Voshell	Attorney	Walter Johnson	Tents	5/15/2014	called at 12:50, saw client at 1:30	NO		NO			YES	
Emily Voshell	Attorney	Ruffin Simon	OPP	5/15/2014	40 minutes	NO	YES	YES	OPP visit room		YES	
Donna Weidenhaft	Attorney	Alice Wright	Tents	5/15/2014	40 minutes	NO	YES	YES	in that back left corner spot in TNT visitation area, large room, inadequate chairs but good degree of privacy if it's not wiretapped.		YES	
Amanda Fraser	Attorney	Corey Lewis	OPP	5/15/2014								
Tina Peng	Attorney	Maurice Dyson	TDC	5/16/2014	5 minutes	NO	YES	NO			YES	
Tina Peng	Attorney	Carroll Forbes	TDC	5/16/2014	5 minutes	NO	YES	NO			YES	
Andrew Lee	Attorney	Kirschten Cheatham	Tents	5/16/2014	Called from 215 - 315, with no avail. Finally got through 315. Arrived 330; no one at front desk. 340 someone arrives; my person had not been called in. Had another visit scheduled at 4pm.	YES	NO	NO	Difficulty in getting person called in time.			
Seth Wayne	Attorney	Milton Riggins	Tents	5/16/2014	30	NO	YES				YES	
Andrew Lee	Attorney	Jason Walker	TDC	5/16/2014								
Anna Fecker	Attorney	Dirk Anderson	TP5	5/16/2014	15minutes	YES	YES	YES			YES	
Laura Reeds	Attorney	Johnavon Thompson	Tents	5/16/2014	30 minutes	NO	YES		Private booths		YES	

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Laura Reeds	Attorney	Melvin Brooks	Tents	5/16/2014	I waited 30 minutes to see the first client. This was the second client. I got to see him immediately after I was done speaking to the first client.	NO			Private booths		YES	
Noelle Deltufo	Client Advocate	Dwayne Maxwell	OPP	5/16/2014	10 minutes	NO	YES				YES	
Sierra Thompson	Attorney	Denzel Parker	CTA	5/16/2014	5 minutes	NO					NO	The doors between the booths at Conchetta are very thin, and there was someone in the booth next door.
Sierra Thompson	Attorney	Taino Heisser	OPP	5/16/2014	10 minutes	NO					YES	
Sierra Thompson	Attorney	James Dauphine	OPP	5/16/2014	10 mins	NO					YES	
Sierra Thompson	Attorney	Jamie Massey	OPP	5/16/2014	15 minutes	NO	YES				YES	
Sierra Thompson	Attorney	Sandra Woods	Tents	5/16/2014	30 minutes once I got to HOD, plus the 10 minutes between when I called to schedule the visit and when I arrived at HOD	NO					YES	
Donna Weidenhaft	Attorney	Gary Burnett	OPP	5/16/2014	20	YES	YES	NO			NO	You can hear what people are saying in the other visitation rooms
Donna Weidenhaft	Attorney	Darrell Johnson	OPP	5/16/2014	20	NO	YES	YES			NO	You can hear other peoples visits in the interview rooms
James Harper	Attorney	Philip Gibson	CTA	5/17/2014	5 minutes						NO	
Mary Murphy	Attorney	Jehoiakim Jones	CTA	5/17/2014	5 minutes	NO	YES				NO	Walls are too thin
Mary Murphy	Attorney	Lloyd Charles	CTA	5/17/2014	5 minutes	NO	YES				NO	The walls are too thin
Mary Murphy	Attorney	Alphonse Dorsey	CTA	5/17/2014	5 minutes	NO	YES				NO	Walls too thin
Carrie Ellis	Attorney	Tyrone Jones	OPP	5/17/2014	about 25-30 minutes	YES	YES	YES	In one of the rooms in basement at OPP		NO	in OPP the deputy sits right outside the room and the doors are not solid.

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Lauren Boudreaux	Attorney	Randy Pittman	OPP	5/17/2014	30 minutes	NO	YES	YES	OPP holding tank		NO	Visits in the holding tank are never really private. Deputies and other inmates walk by and can hear your conversation. Deputies on watch sit by the tank within listening distance.
Lauren Boudreaux	Attorney	Ruffin Simon	OPP	5/17/2014	30 minutes	NO	YES	YES	OPP holding tank		NO	Visits in the holding tank are never really private. Deputies and other inmates walk by and can hear your conversation. Deputies on watch sit by the tank within listening distance.
Zachary Carpenter	Attorney	Isiah Spencer	OPP	5/17/2014	45-60 minutes	YES	NO	NO			NO	
Zachary Carpenter	Attorney	Milton Carter	OPP	5/17/2014	45 minutes	YES	YES	YES	OPP		NO	During our visit many other inmates and at least 3 or 4 other deputies walked past the open-grate door many times. I tried to stop speaking when someone was directly outside the door but enough people went past that there was always some level of concern that people could hear us outside the door.
Barkesdale Hortenstine, Jr.	Attorney	David Quinn	TP5	5/18/2014	less than 5 minutes. fantastic visit.	YES	YES	YES			YES	
Mary Murphy	Attorney	Gwyne Burnett	TP5	5/18/2014	5 minutes	NO	YES				YES	
Mary Murphy	Attorney	Brandon Dwyer	TP5	5/18/2014	5 minutes	NO	YES				YES	
Laura Reeds	Attorney	Kenneth Jury	CTA	5/18/2014	I waited 10 minutes for the first client. This was the second client. I was able to visit him within a few minutes of finishing with the first client.	NO	YES		Private booth		YES	
Laura Reeds	Attorney	Brian Irving	CTA	5/18/2014	10 min	NO	YES		Private booth		YES	
Laura Reeds	Attorney	Antoine Keys	CTA	5/18/2014	15	NO	YES		Private booth		YES	

[illegible]



ORLEANS PUBLIC DEFENDERS

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May 28, 2014

Chief Michael Tidwell
Orleans Parish Sheriff's Office
3000 Perdido Street
New Orleans, LA 70119

Re: Attorney Visitation Program

Dear Chief Tidwell:

We are writing regarding the grave concerns OPD has with the proposed changes in the attorney visitation program at Orleans Parish Prison (OPP). We are very concerned about the inconsistent representations regarding the number of attorney visitation rooms that will be available in the new jail facility currently under construction. Last year, on March 19, 2013, Sheriff Gusman represented in a deposition that there would be fifteen (15) contact visit rooms next to all but one of the 16 housing tiers, two (2) attorney contact visit rooms on the second floor immediately past central control, and three (3) face to face but non-contact visitation rooms on the second floor for a total of twenty (20) rooms available for attorney contact visits. See Deposition of Marlin Gusman, p.8:6-9,11-12; 9:23-25; 12:8-11; 16:12-24. Our examination of blueprints of the facility supported this representation. We believed this space to be sufficient to conduct visitation in compliance with the court order currently in place.

In April, in meetings with you and the attorney for the Orleans Parish Sheriff's Office (OPSO), Blake Arcuri, we were informed that the number of contact visitation rooms in the new jail were currently limited to six (6) with the possibility of building out a total of nine (9) contact visitation rooms. Our attorney, Elizabeth Cumming, wrote to Mr. Arcuri requesting clarification regarding the number of rooms and indicating that nine (9) contact visitation rooms would be insufficient to comply with the court's order regarding visitation. Mr. Arcuri's response did not provide any clarification on the number of rooms and simply asserted the number of rooms would be sufficient.

To avoid mere conjecture, we as an office undertook a weeklong survey of the number of visits our office regularly conducts at all OPP buildings. This survey, based on OPD staff reporting, indicates a total of 187 clients visited and 188 individual visits between May 12 and May 18, 2014. This survey does not include attorney visits conducted by the private bar, law school clinics, or the MacArthur Justice Center, making the actual weekly visitation volume

ORLEANS PARISH PUBLIC DEFENDERS



significantly higher. With the currently existing 15 face to face visit rooms,¹ this visitation volume causes OPD staff to frequently have their contact visits denied by OPSO because of the high visit volume. Indeed, during the week of the survey, a full half of the requested contact visits did not occur because of overbooking of the very few contact visit rooms available at the facility.

The OPSO's position that nine (9) attorney contact visitation rooms is sufficient to meet the volume of visits by our office alone without a significant reduction in pre-trial population is untenable at best. The current fifteen (15) rooms has proved inadequate for the volume of visits and has resulted in repeated violations of the Judge Kern Reese's order in the pending lawsuit brought by our office against Sheriff Gusman. See *Orleans Public Defender v. Marlin Gusman*, Orleans Civ. Dist. Ct., 11-10638. We understand OPSO is in a period of great transition and have been willing to overlook repeated violations of the court's order in a spirit of cooperation with OPSO. However, the current plan for the profoundly inadequate number of attorney visitation rooms in the new jail facility demonstrates OPSO is not operating in good faith to comply with the court's order.

We believe the current proposal for nine (9) attorney contact visitation rooms would effectively violate the terms of the court order currently in effect, which provides for contact visitation in Section (c),

The Orleans Parish Sheriff will permit, upon the request of an attorney, contact visits between attorneys and prisoners housed at all jails and prison facilities. Attorneys requesting contacting visits with prisoners housed at facilities where accommodations for contact visits do not exist must provide at least 4 hours of advance notice to the facility Watch Commander, to permit the prisoner to be transported to a facility which can accommodate contact visits. A contact visit is defined as a meeting between an attorney and prisoner in the same room unobstructed by partitions, bars, or other barriers. The Orleans Parish Sheriff may provide non-contact visit areas to avoid undue burden on the Orleans Parish Sheriff's Office or excessive wait times by other attorneys, but shall not deny contact visits in the event an attorney states that a contact visit is necessary.

Given OPSO's inability to adequately provide for contact visit requests with fifteen visitation rooms, nine (9) rooms will be entirely inadequate for meeting this requirement of the court's order.

¹ By our count there are two (2) face to face visit rooms in Conchetta, two (2) contact rooms and three (3) confessional booths in OPP, three (3) face to face visit rooms in TPV, and one (1) contact visit room and four (4) face to face visit booths for people in the tents for a total of fifteen (15) rooms. There are no functional visit rooms at TDC, as that facility relies solely on video visitation, which our office deems inappropriate for confidential visits. In the course of our weeklong survey, our attorneys visited twelve (12) clients housed at TDC and used the video visitation only twice for those visits.

Please advise us as soon as possible, but no later than June 9, 2014, a commitment to the number of rooms that will be provided for contact attorney visitation in the new jail.

Sincerely,

Jee Park
Special Litigation Counsel

cc:

Mayor Mitch Landrieu
Councilmember Susan Guidry
Councilmember Latoya Cantrell
Councilmember Jason Williams
Councilmember Stacey Head
Councilmember Nadine Ramsey

Elizabeth Cumming
Attorney at Law
316 S. Dorgenois Street New Orleans, LA 70119
Tel. 504.822.4455 Fax. 504.822.4458
Email. ecumminglaw@gmail.com

April 22, 2014

Blake Arcuri
Usry, Weeks, and Matthews
Via Email: barcuri@gmail.com

RE: OPD v. Gusman, Civ. Dist. Ct., 2011-cv-10638

Dear Blake,

I am writing on behalf of the Orleans Public Defenders (OPD) in reference to the above captioned case to seek clarity and inform you of our deep concerns regarding the physical space that will be provided for the attorney visitation in the new jail facility.

Derwyn Bunton, Colin Reingold and Jee Park met with Chief Tidwell on March 28, 2014. On April 10, 2014, you arranged a tour of the new jail facility currently under construction. In the course of that tour, Captain Holt, a member of the transition team, explained that there would be 24 private video visitation areas, one on each of the six pods on all four floors. He also showed us three visitation rooms with transparent room dividers and pass-throughs on the first floor, similar in style to those rooms in use at House of Detention, three contact rooms on the second floor, and an adjacent larger multi-purpose room that is currently under redesign to be converted into additional two or three contact visitation rooms. As OPD has explained in numerous letters, court filings, and in the current practice of avoiding the use of video visitation facilities at the Temporary Detention Center (TDC) whenever possible, video visitation is not an acceptable substitute for in person visitation. Judge Reese has also expressed his grave concerns regarding video visitation, and has made recommendations that OPSO provide sufficient space for in person attorney-client meetings.

Based on the current design presented at the tour, the total number of in person visitation rooms total nine for the entire facility designed to house 1,438 inmates, plus the population of the TDC. Captain Holt did indicate that there may be additional rooms on floors three and four that might provide additional space for attorney contact visitation, but current building programming does not contemplate additional visitation rooms on these upper floors.

First, we would like clarity regarding OPSO's position regarding the additional visitation rooms on the upper floors of the new jail facility. Second, it is our position that nine visitation rooms is insufficient for the current size of the population and expected volume

Page 1 of 2



of legal visits. There are a total of approximately eleven visitation rooms currently spread among the facilities, which consistently proves to be inadequate, particularly during weekday afternoons. Additional in person visitation rooms in the new facility are essential to comply with the injunction. Based on the plans provided by Chief Tidwell and the scope of that discussion, we believe there is sufficient space to program additional attorney visitation rooms on the upper floors.

Please advise no later than May 2, 2014 of your position with regard to these additional visitation rooms. We will set a status conference with Judge Reese if we do not hear from you.

Best,

A handwritten signature in black ink, appearing to be 'Elizabeth Cumming', with a stylized, cursive script.

Elizabeth Cumming

From: **Blake Arcuri** <barcurei@uwmlaw.com>
Date: Thu, Mar 14, 2013 at 11:40 AM
Subject: Jail Plans
To: Elizabeth Cumming <ecumminglaw@gmail.com>

Liz

These are the contact visitation and non contact visitation plans. Please be advised that the same contact visitation rooms exist on all four floors. The noncontact visitation is a pass through system which exists on only the first floor.

Blake J. Arcuri

USRY, WEEKS & MATTHEWS

1615 Poydras St., Suite 1250

New Orleans, LA 70112

Tel: 504.592.4600; Fax: 504.592.4641

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1 CIVIL DISTRICT COURT
 2 PARISH OF ORLEANS
 3 STATE OF LOUISIANA
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 8 * * * * *
 9 ORLEANS PUBLIC DEFENDERS* NO. 2011-10638
 10 VERSUS * DIVISION "L"
 11 MARLIN GUSMAN, ET AL * SECTION 6
 12 * * * * *

13
 14
 15
 16
 17
 18 Article 1442 Deposition of
 19 ORLEANS PARISH SHERIFF'S OFFICE, through its
 20 representative SHERIFF MARLIN GUSMAN, taken on
 21 Tuesday, March 19, 2013, commencing at 2:00
 22 p.m., in the offices of Usry, Weeks & Matthews,
 23 Attorneys-at-Law, 1615 Poydras Street, Suite
 24 1250, New Orleans, Louisiana.
 25

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1 APPEARANCES:

2

3 Representing the Plaintiff:

4 LAW OFFICE OF STEPHEN J. HAEDICKE, LLC
Attorneys-at-Law
5 639 Loyola Avenue, Suite 1820
6 New Orleans, Louisiana 70113

7 BY: STEPHEN J. HAEDICKE

8

9 ORLEANS PUBLIC DEFENDERS
2601 Tulane Avenue, Suite 700
10 New Orleans, Louisiana 70119

11 BY: JEE PARK

12

13 LAW OFFICES OF ELIZABETH CUMMING
Attorneys-at-Law
14 316 South Dorgenois
15 New Orleans, Louisiana 70119

16 BY: ELIZABETH CUMMING

17

18 Representing the Defendant:

19 USRY, WEEKS & MATTHEWS
Attorneys-at-Law
20 1615 Poydras Street, Suite 1250
21 New Orleans, Louisiana 70112

22 BY: FREEMAN R. MATTHEWS

23 Reported by: Wanda Vice-Loupe, CCR
24 Certified Court Reporter
State of Louisiana

25

1 S T I P U L A T I O N

2

3 It is stipulated and agreed, by and
4 between Counsel, that the deposition of
5 ORLEANS PARISH SHERIFF'S OFFICE, represented by
6 SHERIFF MARLIN GUSMAN is being taken under the
7 Louisiana Code of Civil Procedure in accordance
8 with the Code.

9

10 The formalities of reading, signing,
11 sealing, and certification are hereby waived.
12 The party responsible for service of the
13 discovery material shall retain the original.

14

15 All objections are to be made in
16 accordance with the Louisiana Code of Civil
17 Procedure.

18

19 * * * * *

20

21 Wanda Vice-Loupe, Certified Court
22 Reporter, in and for the State of Louisiana,
23 officiated in administering the oath to the
24 witness.

25

1 SHERIFF MARLIN GUSMAN, as
2 representative of ORLEANS PARISH SHERIFF'S
3 OFFICE, 819 South Broad Street, New Orleans,
4 Louisiana, 70119, after having been first duly
5 sworn, testified on his oath as follows:

6 MR. HAEDICKE:

7 We're on the record, and this
8 is a 1442 Deposition. I'll go ahead
9 and mark as Plaintiff's Exhibit 1 the

10 Notice of Deposition which has an
11 Addendum for describing the topics
12 that are going to be covered,
13 specifically the visitation plans and
14 processes of the new jail that's under
15 construction by the Orleans Parish
16 Sheriff's Office.

17 EXAMINATION BY MR. HAEDICKE:

18 Q. Sheriff, thank you for being here for
19 this. We're going to just start. The Public
20 Defender was provided recently some
21 architectural plans by -- I understand by your
22 office or maybe indirectly from your office,
23 which we were told are the plans for the new
24 visitation areas at the jail, the jail that's
25 under construction. So I guess I'd mark this

6

1 as Plaintiff's Exhibits 2 and 3. I'll show you
2 these. I'll show your counsel as well.

3 I was hoping that you could just start
4 by explaining, you know, what it is we're
5 looking at, because I can see it says interview
6 rooms on Plaintiff's Exhibit 2, or is that 3?

7 THE WITNESS:

8 Can we take a break?

9 MR. MATTHEWS:

10 Yeah.

11 (Short recess.)

12 EXAMINATION BY MR. HAEDICKE:

13 Q. I apologize. I should have said at
14 the outset if you ever want to take a break,
15 feel free.

16 MR. MATTHEWS:

17 We're good to go.

18 EXAMINATION BY MR. HAEDICKE:

19 Q. So I think we were talking about, I
20 was asking about, Plaintiff's Exhibits 2 and 3
21 which we were told were the plans or schematics
22 for interview rooms under construction at the
23 new jail facility. So I was hoping that you

24 could just explain to me what we're looking at
25 here in terms of, you know, where these rooms

7

1 are.

2 A. I think I'm better off if you ask me
3 questions. So where these rooms are, I can
4 help you with that.

5 Q. Sure.

6 A. Exhibit 2, these rooms are located on
7 the first floor immediately adjacent to the
8 courtrooms in areas that are accessible to the
9 people that are in custody on this side and the
10 people that are not in custody on that side,
11 and these would have the ability to pass
12 through documents.

13 Q. Sure.

14 A. So those are three rooms there.

15 Q. And when you say "the ability," these
16 are dividers, I take it?

17 A. Yes, sir. I'm sorry, and those are
18 dividers. That's what those little triangles
19 in there mean, and there's a door I think on
20 each one of them.

21 Q. There are a total of six rooms?

22 A. No. There's a total of --

23 Q. Well, three?

24 A. -- three, yes.

25 Q. Three and then dividers down. Now

8

1 Plaintiff's Exhibit 3.

2 A. Okay. What are you asking me about
3 these?

4 Q. Could you tell me where these are
5 located or would be located?

6 A. Okay, we have one of these located
7 immediately adjacent to each housing tier

8 except I think one, but there's -- there's like
9 16 housing tiers, I think.

10 Q. Okay.

11 A. So there's 15 of these that are
12 located adjacent to each housing tier.

13 Q. Okay.

14 A. They don't have the whole thing on
15 here, so I can see why you're asking questions.

16 Q. And I understand why some of this was
17 redacted so that -- that is what prompted the
18 questions. So there's one on each housing tier
19 except for the one that doesn't have one, and
20 how many tiers on each floor of the new jail
21 facility?

22 A. Four.

23 Q. Four on each tier or on each floor.
24 So there are going to be a total of four
25 interview rooms on each floor of the new

9

1 housing facility?

2 A. I said that there's one that doesn't
3 have one.

4 Q. Okay.

5 A. So 15.

6 Q. 15 total divided?

7 A. 15 interview rooms, 16 housing tiers.

8 Q. Okay. How many interview rooms on
9 each floor of the --

10 A. Four except for the one that has
11 three. I don't mean to cut you off. I thought
12 I answered that already.

13 Q. I apologize if I asked it again. So
14 four on each floor, and these -- I've been
15 looking at the drawing. Correct me if I'm
16 wrong, but are these open rooms? There are no
17 pass through slots, there's no plexiglass
18 dividers between people in these rooms? These
19 are contact rooms? Maybe I should ask you,
20 when I say contact room, what is it that you

21 understand that term to mean, just so we're on
22 the same page?
23 A. This is a contact room.
24 Q. Okay.
25 A. The rooms are like this.

10

1 Q. So there's no divider between client
2 and attorney?
3 A. No, sir.
4 Q. And is that the case with these rooms
5 that are shown on Plaintiff's Exhibit 3, that
6 there's no divider? They're true contact rooms
7 with no dividers between the attorneys and the
8 clients or whoever is in these rooms?
9 A. Yeah, there's no dividers, sir.
10 Q. And how many people are -- will be
11 housed on each tier at the new jail facility?
12 what are they designed for, I guess would be
13 the better way to ask you that question?
14 A. They're designed for 60. That's
15 really a -- they have 60 beds, but we can't
16 fill every bed obviously, but 60 beds.
17 Q. So total of 240 beds per floor?
18 A. Yes.
19 Q. So there are a total of three rooms
20 shown on Plaintiff's Exhibit 2, which are on
21 the first floor, and then a total of 15 contact
22 rooms which are represented -- three of which
23 are represented on Plaintiff's 3. Are there
24 any plans for any other attorney visitation
25 areas at the new jail facility?

11

1 A. Yes.
2 Q. Can you describe what that is?
3 A. Well, don't think you-all got
4 everything here. So there are -- there are two

5 attorney visitation rooms, and we're going to
6 get these. That's why I stepped out.

7 Q. Sure.

8 A. That are immediately past central
9 control, which is on the second floor.

10 Q. Okay.

11 A. And those are two attorney visitation
12 rooms.

13 Q. I get --

14 A. Then in addition to that, of course,
15 there are other methods for visitation located
16 on each tier.

17 Q. Other than these interview rooms?

18 A. Yes.

19 Q. Can you describe what those other
20 methods are?

21 A. Those are primarily video visitation
22 to supplement the ones that I mentioned to you
23 already.

24 Q. Just to be absolutely clear, these
25 rooms that we have been talking about that are

12

1 shown on Plaintiff's 2 and 3, those are
2 envisioned as attorney/client visitation rooms;
3 is that correct? That's what we asked for and
4 these plans were produced, but these rooms are
5 designed and it's envisioned that these will be
6 used for attorney/client conferences; is that
7 correct?

8 A. I think they're -- the ones in Exhibit
9 2 and the ones I mentioned that are past
10 central control are specifically designed for
11 attorney/client visitation.

12 Q. Okay.

13 A. I think these other ones, we could
14 make use of those for that purpose, but they're
15 not designed to the exclusiveness of their use
16 for anything else.

17 Q. And those are the --

18 A. I think that's what you were asking

19 me.

20 Q. That's right. Referring now to the
21 contact rooms that are shown on Plaintiff's 3?

22 A. Yeah, the interview rooms. You know,
23 we have a number of, you know, reasons to
24 utilize those, social workers, you know, other
25 consultations. So they're not exclusively

13

1 designed for attorney/client visitation,

2 Q. Would they be available for
3 attorney/client visitation?

4 A. Sure.

5 Q. And describe to me the video
6 visitation plans that you said are going to be
7 on each tier.

8 A. In each -- you can actually see a
9 little bit of it right here. But in each
10 housing tier, there's an area set aside where
11 the inmates can utilize video visitation and
12 have privacy as well in the utilization of
13 that.

14 Q. So where in that video visitation
15 conference, where are the attorneys going to
16 be? Is there some place in the jail or is it
17 something you can do on-line, or what's the --

18 A. Well, I guess that's how I got into
19 this deposition to begin with, but we really
20 are trying to develop a video visitation center
21 similar to the one that we have down at the
22 temporary detention center where we would have
23 private booths for the attorneys to be able to
24 communicate with their clients and, of course,
25 also have the ability to do -- I don't know all

14

1 of these technical terms, but to be able to do
2 it through the internet remotely, say from your

3 office, and you could have a video conference
4 prearranged and prescheduled. So that's also a
5 part of what we would like to do.

6 Q. Stepping back, what is your, in your
7 mind, what's going to be the process for
8 attorney/client visitation at the new jail? Is
9 it your belief that most of that visitation
10 will occur over the video conferencing or is
11 there, you know, is it envisioned that there's
12 going to be more contact visit?

13 MR. MATTHEWS:

14 I'm going to object to the form
15 of the question. If you know.

16 THE WITNESS:

17 You know, my idea, you know,
18 just like I've been trying to do all
19 along, is to try to afford as much
20 access to the attorneys as possible,
21 and I think we've gone way beyond
22 what's been done before to afford that
23 sort of access, and I have no
24 inclination or feeling to go back. I
25 want to keep going forward. Am I

15

1 answering your question?

2 EXAMINATION BY MR. HAEDICKE:

3 Q. Yeah, I appreciate that. I guess do
4 you see the video conferencing being the
5 primary way that attorneys meet with their
6 clients or is in-person consultation, you know,
7 in your vision of this new jail the primary
8 way?

9 MR. MATTHEWS:

10 Object to the form again. I
11 think it's outside the scope of what
12 the deposition is for today as far as
13 how they're going to be used. What
14 the intent is and why they're being
15 built is more to do with the 1442.

16 THE WITNESS:
17 well, we had plans to really
18 have more robust visitation
19 opportunities. With the project being
20 scaled back and the limitations on it,
21 it's making it more difficult to reach
22 as far as we want to reach. But
23 responding to your question about
24 what's the primary way, I don't think
25 I really saw anything as the primary

16

1 way. I think for some people video
2 visitation works and for some people
3 and at some times attorney/client face
4 to face works, and I think sometimes
5 you -- some people desire to have a
6 contact visitation. So I don't really
7 see any one as being exclusive or the
8 primary one. I'm just trying to
9 afford as much as I can, given the
10 restrictions that I have.

11 EXAMINATION BY MR. HAEDICKE:

12 Q. Sure. So the total number of attorney
13 visit rooms at the new facility would be the 15
14 contact rooms which would also be used for
15 other purposes at times, plus these three rooms
16 that are shown in Plaintiff's 2; is that right?

17 A. Then I added -- I told you there were
18 two more that you weren't provided with.

19 Q. Right.

20 A. Then I also said the video visitation
21 ones.

22 Q. So 20 face-to-face rooms and
23 additional video conferencing facilities?

24 A. Yes, sir, to the best of my knowledge.

25 Q. Sure. How many video visitation rooms

1 are in the plans?

2 A. I'd have to refer to the plans to look
3 at that. I don't want to hazard -- I think I
4 know what the answer is, but I'd rather give
5 you a precise answer.

6 Q. Sure. Thank you.

7 MR. MATTHEWS:

8 If that's not here by the time
9 the deposition is over, I'll supply
10 that to you.

11 MR. HAEDICKE:

12 Sure.

13 EXAMINATION BY MR. HAEDICKE:

14 Q. Are these video rooms also going to be
15 used for family visitation, or they're
16 exclusively for attorney visitation?

17 A. I believe these were set aside for
18 attorney use, similar to the ones that we have
19 at the temporary detention center. I don't
20 know if you're familiar with those.

21 Q. I've seen them, but I wasn't under the
22 impression they were --

23 A. On the attorney side. On the visitor
24 side, we have booths, enclosed booths, and the
25 idea is that we would have that same thing on

18

1 the inmate side that we don't have now.

2 Q. At the TDC?

3 A. At the TDC.

4 Q. So on both ends of the video
5 conferences, there's going to be an enclosed
6 room --

7 A. To the best of my knowledge.

8 Q. -- to give people privacy? So say an
9 attorney shows up at the new facility. I'm
10 trying to think of the best way to ask this
11 question. If someone wants to see a client at
12 the new facility, they say ask for a contact
13 visitation with this person. Could you walk me

14 through what the process would be, what plans
15 have been made to afford that attorney access
16 to their client?

17 A. We haven't really developed any firm
18 plans on that yet. Frankly, I think it depends
19 upon how we can best work together. I'm not
20 getting the feeling we're working together too
21 good right now. I'm getting the feeling that
22 this is a confrontational issue. And when you
23 get into a confrontation, you're really
24 hesitant to, you know, to do -- to really think
25 more out of the box than what you would

19

1 normally do. At least that's the way I am.

2 Q. Well, I mean --

3 A. So we haven't made any formal plans
4 yet on the precise details on what would
5 happen.

6 Q. I mean, these rooms up on the tiers,
7 these contact rooms, I assume that the
8 attorneys could be taken up to the tiers and do
9 interviews in these rooms with clients?

10 A. Sure. I thought you were asking a
11 much more detailed question.

12 Q. Well, I was.

13 A. Okay.

14 Q. And I understand the building is still
15 in the works and you guys are still developing
16 plans. I get that. So there would be at least
17 some access to attorneys going up onto the
18 tiers to these interview rooms, at least with
19 the plans that stand right now?

20 A. As the plans stand right now, yes.

21 Q. And how about the --

22 MR. MATTHEWS:

23 Excuse me. Can we go off the
24 record just a minute?

25 MR. HAEDICKE:

1 Sure.

2 (Discussion held off the record.)

3 MR. MATTHEWS:

4 We have another document that's
5 been produced, and I guess we'll mark
6 this as Exhibit Number 4. You can
7 give it to the sheriff and ask him to
8 identify it and let you know what it
9 represents.

10 EXAMINATION BY MR. HAEDICKE:

11 Q. So we've just been handed what we've
12 marked as Plaintiff's Exhibit 4. Sheriff,
13 could you tell me what that is?

14 A. This is the second floor and central
15 control is located somewhere over here. This
16 is the main corridor. This is central control
17 right over here (indicating). So these
18 interview rooms are right here and they would
19 be attorney/client interview rooms.

20 Q. And is it envisioned that those rooms
21 will be used for particular populations, or why
22 are those rooms on the second floor as opposed
23 to on the tier?

24 A. Well --

25 Q. I'm not complaining they are. I'm

1 just curious about the thought process.

2 A. That's part of the design that we went
3 with, which might be a good time for me to
4 point out that before we completed the design
5 on this building, I convened a meeting with all
6 of the stakeholders, including the chief public
7 defender and his assistant, a man named Michael
8 somebody. I forget his last name.

9 Q. Bradley?

10 MS. PARK:

11 Bradley?

12 THE WITNESS:

13 Michael Bradley, and presented
14 to them, along with the district
15 attorney and everybody else, the plans
16 that we had and we made changes based
17 upon their suggestions. We
18 implemented their changes. So that's
19 why I find it a little bit
20 disconcerting that we're back here now
21 talking about it after I showed them
22 all of this in the beginning and made
23 changes to accommodate them, because I
24 thought it was a good idea for us to
25 let them see the building that we were

22

1 going to be working in together. You
2 know, I saw it as a true partnership.

3 EXAMINATION BY MR. HAEDICKE:

4 Q. I'll just say I obviously wasn't at
5 that meeting. My understanding is that at the
6 time there were plans for these attorney
7 visitation rooms included in the plans. I
8 think I speak for the entire Public Defenders
9 Office that they are very appreciative that
10 there are these plans for these rooms and being
11 brought into the process in this way.

12 A. All of this was discussed at the
13 design stage before we went out to bid, before
14 we completed the final drawings, and these were
15 the products.

16 Q. Again, I wasn't there, but that was
17 not my understanding of the meeting. Okay,
18 could you tell me -- there have been some
19 issues that the Public Defenders have had with
20 visiting different particular populations. For
21 example, right now the women are being held at
22 Terminal 5, I believe, and a lot of visitation
23 is occurring on the second floor in nonprivate
24 conditions because of issues with staffing and

25 having to keep them separate from the men.

23

1 what plans are in place at the new facility to
2 address those issues with, for example, let's
3 start with visiting women? Are they going to
4 be housed on a particular floor at this new
5 facility with their own dedicated visitation
6 rooms, or are there some other plans in the
7 works?

8 MR. MATTHEWS:

9 I would object to the form of
10 the question. It's very compound.
11 There's a lot of moving parts to it.

12 MR. HAEDICKE:

13 I'll narrow it down.

14 EXAMINATION BY MR. HAEDICKE:

15 Q. Where would the women be housed, and
16 could you describe for me the visitation plans
17 for the women?

18 A. We are planning on housing the women
19 on the fourth floor and we'll afford everyone
20 that's housed in the facility the opportunity
21 to use the visitation rooms that we have set
22 up.

23 Q. Okay.

24 A. It's a very different facility than
25 what we have right now. For example, the women

24

1 are going to be moved from their current
2 location tomorrow.

3 Q. Okay. To the -- if I can, to the new
4 facility?

5 A. Oh, no.

6 Q. I was surprised, but I haven't been
7 over there.

8 A. Can we go off the record?

9 MR. HAEDICKE:

10 Yeah.

11 MR. MATTHEWS:

12 Yeah.

13 (Discussion held off the record.)

14 EXAMINATION BY MR. HAEDICKE:

15 Q. I just have one other question I'd
16 like to put on the record. And again, it's
17 just about the physical construction, the
18 bricks and mortar part of it. It sounds like,
19 understandably, not all the staffing and
20 process as part of the attorney visitation
21 system has been worked out as of this point.
22 But in terms of the bricks and mortar part of
23 it, are these contact rooms that are shown in
24 Plaintiff's 2 and then the noncontact rooms
25 that are shown in 3, are they planned to be

25

1 soundproofed in any way?

2 A. Yes.

3 Q. Can you tell me how?

4 A. (Shrugs shoulders.)

5 Q. They're going to be soundproofed?

6 A. These rooms are designed to minimize
7 the amount of sound that can travel through
8 them. So they're not designed with, you know,
9 with being able to hear everything entering the
10 mind. Sounds really bad. I don't know all
11 this technical stuff. I have a fine architect
12 who designs jails all around the country, and
13 we designed this in keeping with the best
14 practices of the American Correctional
15 Association, and that's the standards that we
16 used. That's what he does.

17 MR. HAEDICKE:

18 Let's go off the record for a
19 second.

20 (Conclusion of Deposition at 2:55 p.m.)

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1 C E R T I F I C A T E

2 This certification is valid only for a
3 transcript accompanied by my original signature
4 and original required seal on this page.

5 I, Wanda Vice-Loupe, Certified Court
6 Reporter, in and for the State of Louisiana, as
7 the officer before whom this testimony was
8 taken, do hereby certify that SHERIFF MARLIN
9 GUSMAN, after having been sworn by me upon
10 authority of R.S. 37:2554, did testify as
11 hereinbefore set forth in the foregoing
12 twenty-five (25) pages;

13 That the testimony was reported by me
14 in the stenotype reporting method, was prepared
15 and transcribed by me or under my personal
16 direction and supervision, and is a true and
17 correct transcript to the best of my ability
18 and understanding;

19 That the transcript has been prepared
20 in compliance with transcript format guidelines
21 required by statute or by rules of the board,
22 that I have acted in compliance with the
23 prohibition on contractual relationships, as
24 defined by Louisiana Code of Civil Procedure
25 Article 1434 and in rules and advisory opinions
of the board;

 That I am not related to Counsel or to
the parties herein, nor am otherwise interested
in the outcome of this matter.

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Wanda Vice-Loupe, CCR
Certified Court Reporter
State of Louisiana
Certificate Number 88010

From: **Blake Arcuri** <barcurei@uwmlaw.com>
Date: Tue, Apr 22, 2014 at 5:18 PM
Subject: Re: Letter following up on attorney visitation
To: Liz Cummings <ecumminglaw@gmail.com>
Cc: Stephen Haedicke <haedickelaw@gmail.com>

Liz,

Chief Tidwell, an expert in corrections in every sense of the word, has already stated that he feels the facility can comply with the injunction and all relevant laws with the space currently allotted for attorney Visitation. He has managed facilities with more inmates and less Visitation space without any issue, and is confident that it will work in this facility. Further, the design team of the new jail, which has designed well over a billion dollars of corrections facilities nationwide, is of the belief that the number of rooms reserved for attorney Visitation is well in accordance with best practices. Finally, the assumption that we are working with a single facility is incorrect.

We have been reasonable with the public defenders, who have often placed blame upon the Sheriff for issues which result from their own staffing shortages and internal issues for which we are not responsible. Chief Tidwell has expressed a willingness to work with that office to make all accommodations necessary to further their representation of their clients.

However, please note that if this turns litigious, we fully intend to pursue this to final judgment, and I will recommend to the Sheriff that he re-purpose any rooms currently designated for attorney visitation which exceed those required to comply with the bare minimum constitutional standards in the wake of that judgment.

If you want to set this for a hearing on a permanent injunction, let me know.

Thanks,
Blake

