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March 3, 1978

PSL:SAW:lrs  
DJ 168-33-64

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Proposed Litigation Concerning  
Vernon Parish Jail

We are prepared to file suit under Title III of the Civil Rights Act of 1964, 42 U.S.C. §2000b, and Section 122 of the Revenue Sharing Act, 31 U.S.C. §1242(g), to desegregate the Vernon Parish Jail.

I. FACTS

This matter arose out of our November 1, 1977 Revenue Sharing audit. An F.B.I investigation was conducted during January, 1978.

The Vernon Parish Jail, Leesville, Louisiana, is located on the second floor of the Parish Courthouse. Although opened in 1974, the Jail is a traditional maximum security cellblock facility. There are four cellblocks, each consisting of three four-man cells measuring approximately 9' x 9' and a dayroom measuring 20' x 13'. In addition, there are two cells for females, two for juveniles, four single cells, a drunk tank, and a padded cell. Due to overcrowding, a storage room is being used for housing and two juvenile cells are used for adult inmates. The Jail has a capacity and an average population of 60.

This is one of the few Louisiana jails that maintains daily housing records showing the race and cell assignment of each inmate. We have obtained copies of these records for the last six months of 1977 and they demonstrate a pattern and practice of racial segregation in the four main cellblocks. The chart below shows the racial composition of the cellblocks at ten day intervals. Note that the population in excess of 12 per block would be sleeping on the floor.

cc: ~~Records~~  
Trial File

Chrono  
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| <u>Cellblock</u> | 1       | 2       | 3       | 4       |
|------------------|---------|---------|---------|---------|
| <u>Date</u>      |         |         |         |         |
| July 1           | 11b     | 10b     | 18w     | 15w     |
| July 11          | 8b      | 10b     | 10w     | 10w, 1b |
| July 21          | 8b, 4w  | 12b     | 15w     | 10w, 1b |
| July 31          | 8b, 9w  | 15b     | 17w     | 12w, 1b |
| Aug. 10          | 7b, 10w | 14b     | 16w     | 9w, 2b  |
| Aug. 20          | 10b, 7w | 10b, 9w | 18w     | 10w, 2b |
| Aug. 30          | 9b, 6w  | 7b, 6w  | 18w     | 10w, 4b |
| Sept. 9          | 8b, 6w  | 8b, 6w  | 16w     | 6w, 3b  |
| Sept. 19         | 12b     | 3b, 12w | 14w     | 7w, 3b  |
| Sept. 29         | 10b, 2w | 2b, 10w | 12w     | 8w, 3b  |
| Oct. 9           | 12b,    | 2b, 10w | 9w      | 8w, 3b  |
| Oct. 19          | 12b     | 2b, 10w | 10w, 2b | 6w, 3b  |
| Oct. 29          | 11b     | 3b, 10w | 9w, 1b  | 9w, 1b  |
| Nov. 8           | 12b     | 3b, 12w | 14w, 1b | 8w, 1b  |
| Nov. 18          | 15b     | 2b, 13w | 16w     | 7w, 2b  |
| Nov. 28          | 16b     | 15w     | 12w     | 7w, 2b  |
| Dec. 8           | 12b     | 3b, 7w  | 10w, 1b | 10w, 2b |
| Dec. 18          | 12b     | 2b, 9w  | 11w, 1b | 9w, 2b  |
| Dec. 28          | 11b     | 1b, 11w | 11w, 1b | 9w, 2b  |
| Jan 13 <u>1/</u> | 10b     | 1b, 10w | 10w, 2b | 7w, 2b  |

In addition to these cellblock figures, it should be noted that the four single cells held only black inmates during this entire six month period.

Thus, the jail started out in July as strictly racially segregated. As the population pressure increased through the month of August, parts of the Jail were integrated. When the population level declined in September and October, the normal pattern of segregation was gradually reinstated. During this entire period, there was always at least one major housing area that was segregated. Those housing areas that contain members of both races are overwhelmingly white with only a few blacks. There is no integrated housing area with a majority black population.

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1/ Date of FBI investigation.

Seven black inmates were interviewed. They state their cells have either been all black or that they were the only black inmates in the cell.

Sheriff Howard stated to the FBI that race is not a factor in cell assignment, although cellblocks may occasionally contain inmates of only one race. Chief Jailer Carver advised me that the jail is segregated by race to avoid potential violence. He advised the FBI that race is not a factor in cell assignment. When asked to document the claim of violence, Carver cited two 1976 incidents of alleged sexual assault of black prisoners on white prisoners. Neither case, however, was prosecuted.

Despite the assertions of Parish officials, the jail records demonstrate a clear pattern and practice of cell assignment on the basis of race.

## II. LAW

### A. Jurisdiction

Jurisdiction is based on Title III of the 1964 Civil Rights Act, 42 U.S.C. §2000b, and the Revenue Sharing Act, 31 U.S.C. §1242(g).

For Title III purposes, we have received a written complaint from an indigent black prisoner alleging racial segregation. For Revenue Sharing purposes, \$32,859 of entitlement funds is being received by the Vernon Parish Sheriff this fiscal year.

### B. Parties

The appropriate parties are the Parish as the owner, the Sheriff as the operator, and the Police Jury as the governing entity.

C. Discrimination

A jail is a public facility covered by Title III.  
U.S. v. Wyandotte County, 480 F.2d 969 (10th Cir. 1973).  
A fear of violence should integration occur does not  
justify continuing segregation in a penal facility.