

Louisiana

WOMEN IN PRISON: 2,496 (03/05)¹

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 14:134.1 – *Malfesance in office; sexual conduct prohibited with persons confined in correctional institutions.*ⁱ

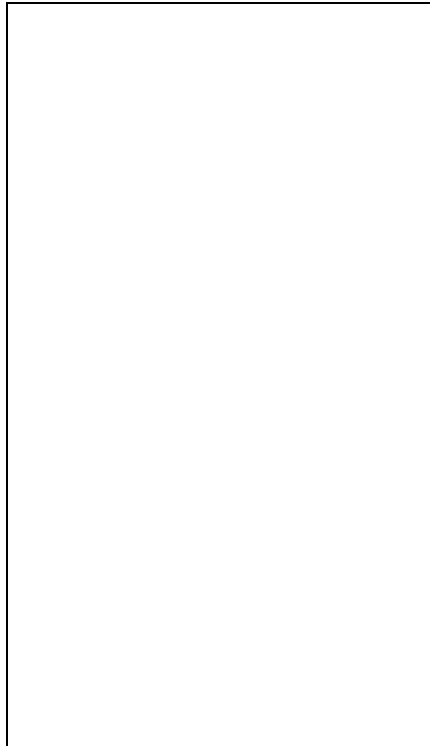
Louisiana’s law is in the criminal code section devoted to Offences against Organized Government.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	Yes	The law prohibits all forms of sexual conduct.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	No	The law does not allow the consent of the victim to be used as a defense.
Does the statute cover all custodians and staff in contact with inmates?	No	The law specifies public employees; it does not include private contractors or ancillary service providers.
Does the statute cover all places where an inmate might be abused?	No	The law specifies prisons, jails and correctional institutions, which does not include hospitals or work releasees.
Is the penalty a felony?	Yes	Violation is up to 10 years in prison and up to \$10,000 fine.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ²	Amnesty International did not receive a response from the Louisiana Attorney General’s Office.
Incidents reported in select media since January 2000	- Bossier Parish- William Olan Wise was charged with two counts of malfesance in office for allegedly engaging in sexual activities with a female inmate. If convicted, Wise could face up to 10 years in prison and \$10,000 in fines on each of the charges. (<i>Shreveport Times</i> , 02/12/05)
	- Basile Detention Center - Four male employees, Kenneth L. Stenson Sr., Horace J Edwards, Frank A. Lenoir and Jeffery Collins were all charged with malfesance in office. The charges were based on allegations of prohibited sexual conduct with inmates. Each faces at least 10 years in prison in addition to \$10,000 in fines. (<i>Daily World</i> , 06/13/04)
	- Southeastern Louisiana Correctional Center – Investigators are looking into allegations of illegal sexual contact between a female prisoner and a guard at the Louisiana private prison housing prisoners from Alabama. This is reportedly the second such investigation involving an Alabama inmate and an employee or employees of Southeastern Louisiana Correctional Center. (<i>The Birmingham News (Alabama)</i> , 02/13/2004)
	- Ascension Parish Prison: Corrections officer John G. Jackson was convicted of raping a female inmate while transporting her from the Gonzalez Jail to the parish prison. Jackson allegedly pulled his vehicle into an isolated sugar cane field, where he raped the victim. Under Louisiana law, the sentence could range from five to 40 years. (<i>AP State and Local Wire</i> , 07/19/03)

¹ The text of Louisiana’s statute is reprinted at the end of this section.



- East Baton Rouge Parish Juvenile Detention Center: A guard was accused of having sex with teenage girls in detention. He was booked on charges related to forcible rape, carnal knowledge of a juvenile, malfeasance, and molestation of a juvenile. The guard pleaded guilty to two counts of molestation of a juvenile and a count of carnal knowledge of a juvenile. He was given a two year jail sentence and five years on probation after release from prison, (*The advocate (Baton Rouge, LA) 06/21/02 and 12/17/03*)
- Rapides Parish: A sheriff's jailer pleaded guilty to a charge of malfeasance in office based on an allegation of sexual misconduct with a female inmate. He was placed on one year of supervised probation. (*Daily Town Talk Alexandria, LA 03/16/02*)
- Evangeline Parish Jail: Former warden Michael Savant was fined and sentenced to prison on allegations of coercing sexual favors from family members of jail inmates. He pled guilty to two counts of malfeasance in office. (*Daily Town Talk- Alexandria, 02/08/02*)
- St. John the Baptist Parish Jail: Three deputies were fired for misconduct. Two allegedly had sex with female inmates. They face charges of malfeasance in office. (*Saturday State-Times/Morning Advocate, 02/17/01*)
- DeSoto Parish Detention Center: Officer Todd Smith resigned amid allegations of sexual misconduct. Two other officers were being investigated for allegedly allowing male prisoners into the females' cell in exchange for money. (*The Advocate (Baton Rouge, LA), 02/11/00*)

Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following is based on data provided by the Louisiana Department of Corrections in response to AI's survey in 2000. AI did not receive data from the Louisiana Department of Corrections in 2002 and 2005. Additional information from other sources is included where available.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Policy includes direct and specific language about the nature of the sexual behaviors prohibited. ³
Allow cross-gender pat-down searches?		No information provided.
What is the percentage of female officers in relation to male officers?		No information provided.
Restrictions on the duties of male guards?		No information provided.
Staff training on sexual misconduct?		No information provided.
Inform inmates of agency policies and reporting procedures on sexual misconduct?		No information provided.

Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response

The following is based on the Louisiana Department of Corrections response to AI's survey in 2000, please see above.

Is medical help available for the victim of alleged sexual abuse?		No information provided.
Are immediate mental health services available for the victim of		No information provided.

alleged sexual abuse?		
Is counselling available for the victim of alleged sexual abuse?		No information provided.
Is a rape kit taken?		No information provided.
Are there special procedures for investigating allegations of sexual misconduct?		No information provided.
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?		No information provided.
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?		No information provided.
Is the investigation external?		No information provided.
If there is an external investigation, how is it triggered?		No information provided.
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?		No information provided.
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?		No information provided.
Are special measures taken to shield alleged victims from retaliation?		No information provided.
If so, do the measures include solitary confinement or lock-down of the inmate?		No information provided.

Custodial Sexual Misconduct—Pending Legislative Proposals

None

Pregnancy in Custody

Pregnancy - Statute

Legislation banning shackling in the third trimester or during labour.	No	Louisiana has no legislation limiting the use of shackling on pregnant inmates.
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Pregnancy - Policies, Procedures and Practices

The following is based on the Louisiana Department of Corrections response to AI's survey in 2000, please see above.

Use of restraints in third trimester	Yes	According to stated Louisiana DOC policy, most restraints can be used on pregnant inmates. This includes four- or five-point restraints, although policy stipulates that visibly pregnant inmates may be restrained face-up only. The policy does not mention restrictions on the use of restraint chairs on pregnant inmates. ⁴ The policy indicates that chemical agents or security devices should not be used on pregnant inmates, unless necessary to prevent loss of life, injury, or property damage. ⁵
Restraints during transport	Yes	Louisiana DOC policy requires that leg-irons and handcuffs be

		applied. ⁶
Restraints during labour	Yes	Louisiana DOC policy does not differentiate between restraints for transportation and restraints during medical procedure (in this case, delivery). Leg irons and handcuffs may be applied. The policy stipulates that the restraints can be removed at the request of attending physician. ⁷
Officer in delivery room	No	Louisiana DOC practice is to place guards outside the labor and delivery room. ⁸

Contact information

LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

Secretary Richard L. Stalder Mailing Address: P.O. Box 94304 Baton Rouge, LA 70804 Street Address: 504 Mayflower Street Baton Rouge, LA 70802 Phone: (225) 342-6741; Fax: (225) 342-3095	Homepage: http://www.corrections.state.la.us/
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LOUISIANA DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Louisiana Correctional Institute For Women (LCIW) Inmate population: 1,092 ⁹ Capacity: 1020 Warden: Johnnie W. Jones P.O. Box 26 St. Gabriel, LA 70776 Phone: (225) 642-5529 Houses all female inmates of all security classes. The institution has designated space for new offender intake, death row, IMPACT (boot camp), and residential substance abuse treatment.
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LOUISIANA EXECUTIVE

Governor Kathleen Babineaux Blanco P.O. Box 94004 Baton Rouge, LA. 70804-9004 Phone: (225) 342-0991; Fax: (225) 342-7099 Email (web based): http://www.gov.state.la.us/govemail.asp	Home page: http://www.gov.state.la.us/ Elected: 2004
Attorney General Charles C. Foti Jr. State of Louisiana 1885 N. 3 rd St. P.O. Box 94005 Baton Rouge, Louisiana 70804 Phone: (225) 326-6705	Home page: http://www.ag.state.la.us/ Elected: 2004

LOUISIANA LEGISLATIVE INFORMATION

<p>Legislative Session: The Louisiana legislature is a continuous body. Regular sessions in odd-numbered years convene on the last Monday in March. Regular sessions in even-numbered years convene on the last Monday in April.</p> <p>The legislature may meet for no more than 30 legislative days during a period of 45 days in even-numbered years. Sessions are restricted in even-numbered years. The governor may convene extraordinary sessions at other times, as may presiding officers of both houses upon petition of a majority of the members of each house.</p> <p>Senate: 39 members, 4-year term House: 105 members, 4-year term</p>	<p>Legislative information home page: http://www.legis.state.la.us/ For general information on the legislature, see http://house.legis.state.la.us/Orientation/cover.htm</p> <p>Bill Search: http://senate.legis.state.la.us/SessionInfo/2000RS/SearchAll.htm</p>
<p>Senate P.O. Box 94183 Baton Rouge, Louisiana 70804 (225) 342-2040</p>	<p>Senate homepage: http://senate.legis.state.la.us/ For senators contact details generally, see http://senate.legis.state.la.us/senators/</p>
<p>House of Representatives P.O. Box 94062 Baton Rouge, Louisiana 70804-9062</p>	<p>House home page: http://house.legis.state.la.us/ For email addresses of House members generally, see: http://house.legis.state.la.us/WebRepresentatives/meme-mail.asp</p>

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International.

<p>CARE Louisiana P.O. Box 181 Baton Rouge, LA 70821 Phone: (225) 923-2037; Fax: (225) 922-8357</p>
<p>Straight Low: Louisiana Prison News Magazine Dixon Correctional Institute P.O. Box 788 Jackson, LA 70748 Website: http://www.doc.louisiana.gov/dci/</p>
<p>ACLU of Louisiana P. O. Box 56157 New Orleans, LA 70156-6157 Telephone: (504) 522-0617; Toll Free: (866) 522-0617 Website: www.laclu.org</p>

Louisiana's Custodial Sexual Misconduct Statute

14:134.1. Malfeasance in office; sexual conduct prohibited with persons confined in correctional institutions

A. It shall be unlawful and constitute malfeasance in office for any person who is a law enforcement officer, officer of the Department of Corrections, or employee of a prison, jail, or correctional institution, to engage in sexual intercourse or any other sexual conduct with a person confined in a prison, jail or correctional institution.

B. Whoever violates a provision of this Section shall be fined not more than ten thousand dollars, or imprisoned for not more than ten years, or both.

¹ Louisiana Department of Public Safety and Corrections, *Fact Sheet: Demographic Profiles of the Female Correctional Population*, March 2005, available at http://www.corrections.state.la.us/Statistics/PDF_BB/02-Office%20of%20Adult%20Services/2f.pdf, as per 01/27/06.

² The information does not reflect prosecutions or convictions under rape statutes.

³ US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000.

⁴ Louisiana Correctional Institution for Women (LCIW), Regulation # 3-01-005 D.(6)(b) page 8. Policy sent by Assistant Warden Helen Travis, Louisiana Department of Corrections, LCIW, 11/14/00.

⁵ Louisiana Correctional Institution for Women, Regulation # 3-01-005 D.(6)(b) page 8. Policy sent by Helen Travis, Assistant Warden, Louisiana Department of Corrections, LCIW, 11/14/00.

⁶ Louisiana Correctional Institution for Women, Regulation # 3-01-005 D. (6)(b) page 7 (3). Policy sent by Helen Travis, Assistant Warden, Louisiana Department of Corrections, LCIW, 11/14/00.

⁷ Louisiana Correctional Institution for Women, Regulation # 3-01-005 D. (6)(b). Policy sent by Helen Travis, Assistant Warden, Louisiana Department of Corrections, LCIW, 11/14/00.

⁸ Letter from Helen Travis, Assistant Warden, Louisiana Department of Corrections, LCIW, 11/14/00.

⁹ Louisiana Office of Planning and Budget, FY 2005-2006 Executive Budget and Supporting Document, Department of Public Safety and Corrections at 08A-23, available at: http://www.doa.louisiana.gov/OPB/pub/FY06/ExecutiveBudget/08A_Corrections_Services.pdf, as per 01/27/06.