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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

April 28, 2009

via fax and mail 504-826-7037
Sheriff Marlin Gusman
819 South Broad Street
New Orleans, LA 70119-7418

Re: sexual assaults at Orleans Parish Prison

Dear Sheriff Gusman:

This letter is to inform you that this office has received an alarming number of complaints of sexual assaults, including rapes and attempted rapes, by inmates against gay and transgendered prisoners in Orleans Parish Prison. Complaints include accounts of inmates forcing others to perform various sex acts including gang rape; setting inmates on fire; inmates choking other inmates; and other horror stories. One transgendered prisoner was repeatedly groped, and her only opportunity to shower was in a room where men openly masturbated in her presence. We understand that several inmates have asked for protection at booking, knowing that as gay prisoners they would be subject to abuse. They have been told that the Sheriff's Department does not separate gay and transgendered prisoners to protect them.

Moreover, at least one inmate reports filing emergency Administrative Remedy Procedure grievances stating he was sexually assaulted and feared for his life. He reports he never received any reply to the grievances he filed and continued to be gang-raped by a group of his cellmates. He along with others report that their grievances were not investigated by the Special Operations Division of your office.

These reports paint a troubling picture of how gay and transgendered prisoners are treated by other prisoners and not protected by staff. It is clear that gay and transgendered prisoners are left to fend for themselves in the general population. Their pleas for help have been ignored, with the result that serious abuses appear to be rampant among OPP inmates.

Coming on the heels of the observations contained in the troubling report on Orleans Parish Prison issued by the National Institute for Corrections ("NIC"), these allegations are particularly disturbing. That report, sent to you in October, revealed significant concerns with staffing and oversight within OPP. The report indicates that prisoners are left to "fend for themselves," and "inmate supervision is sporadic." Where prisoners are not appropriately classified and guards do not supervise inmates, violence will occur. The rapes and assaults in OPP are a consequence of these shortcomings. The NIC brought these concerns to your attention months ago, which makes it all the more alarming that reports of sexual abuse and lack of guard supervision continue.

As a law enforcement official, it is your duty to protect everyone in your custody from assault, including sexual assault. Inmates cannot be permitted to prey on one another. At one time, gay and transgendered prisoners at OPP were housed in a separate tier to protect them from

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attack. Since Katrina, this practice has reportedly been abandoned, with the result that sexual attacks appear to be on the rise. While all prisoners should be safe without being segregated, given the resources available to your office, it appears that this might be the best way to protect gay and transgendered prisoners. We therefore urge you to reinstate this system as quickly as possible. We also urge you to ensure that your guards provide adequate supervision to prevent these kinds of attacks.

We also request that sexual assaults be reported to the Orleans Parish District Attorney for prosecution, and investigated by qualified, trained law enforcement officers trained in sex crimes investigation. Sexual assaults within the prison are criminal acts and should be treated as the crimes that they are.

This is not an issue we raise lightly. We have spoken with several of the abused prisoners to verify their concerns. We do not contact your office each time a prisoner complains about conditions at OPP. However, because there has been an increase in complaints of this type, and these complaints come from several different prisoners, we feel it is our duty to bring them to your attention.

It is clear to us that prisoners at OPP are left to fend for themselves even after seeking help from your staff. The NIC expressed its concerns as well. We hope that you and your staff will take immediate steps to remedy the problems we address. Please let us know what procedures you implement to protect the gay and transgendered individuals in your custody.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjorie R. Esman', with a long horizontal line extending to the right.

Marjorie R. Esman
Executive Director

cc: Leon Cannizzaro 504-309-8052
Allen Usry 504-592-4641