



FOUNDATION

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MARJORIE R. ESMAN
EXECUTIVE DIRECTOR

February 17, 2012

OPEN LETTER REGARDING SEWERAGE IN ST. JOHN THE BAPTIST JAIL

by fax Fax 985.652.7916
and by regular mail
Sheriff Wayne L. Jones
St. John the Baptist Parish Jail
PO Box 1600
LaPlace, Louisiana 70069

Dear Sheriff Jones:

The ACLU of Louisiana has recently received complaints regarding an issue with sewerage back up in the "Old Jail" (federal detention center). We understand that some inmates in this facility are housed with sewerage covering the floors of their cells, placing them at risk of disease. This letter is to advise you that forcing inmates to endure these conditions constitutes a violation of their rights under the 8th amendment to the U. S. Constitution.

In *Gates v. Cook*, 375 F.3d 323 (5th Cir. 2004), the U. S. Fifth Circuit court affirmed that malfunctioning toilets causing feces of one inmate to bubble up into the neighboring cell's toilet violates the Eight Amendment. The court stated: "No one in civilized society should be forced to live under conditions that force exposure to another person's bodily wastes," and ordered prison officials to remedy the problem. Further, in *Fruit v. Norris*, 905 F.3d 1149, 1151 (8th Cir. 1990); *see also, e.g., DeSpain v. Uphoff*, 264 F.3d 965, 974 (10th Cir. 2001), other courts held that exposure to human waste violates the standards of dignity embodied by the Eighth Amendment.

The law is clear that corrections officials must maintain basic standards of public health, and we urge you to recognize that a malfunctioning sewerage system is a critical public health problem that violates the law, and therefore requires immediate attention.

If you have any questions, please contact our office.

Sincerely,

Marjorie R. Esman
Executive Director