



***PUNISHED
PROTESTERS
in Baton Rouge***

**Conditions in East
Baton Rouge Parish Prison**



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**PUNISHED PROTESTERS:
Conditions in East Baton
Rouge Parish Prison**

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PUNISHED PROTESTERS: Conditions in East Baton Rouge Parish Prison

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Executive Summary



The arrest and detention of approximately 180 individuals protesting the police killing of Alton Sterling provided a distressing window into the actual conditions of East Baton Rouge Parish Prison. On July 5, 2016, two Baton Rouge police officers tasered, tackled, shot, and killed Alton Sterling, a Black man who was selling CDs outside of a local convenience store. The weekend following Mr. Sterling's killing, thousands of people gathered in Baton Rouge, Louisiana to peacefully protest the murder of Mr. Sterling, as well as nationwide police brutality, primarily against Black men. Over 67% of these arrestees were Black, and nearly 90% of those arrested were charged with obstruction of a highway. Most of the protesters were booked, processed, and held at the East Baton Rouge Parish Prison, sometimes for days.

This report details the conditions of the prison, the experiences of the arrested protesters, and the governing legal standards for detention of arrestees, based on more than a dozen interviews conducted on July 11th and 12th of 2016 and June 2017, in conjunction with prison policy manuals, local and national statistics, and independent investigations and studies into East Baton Rouge Parish Prison.

Each person retains basic human rights under Louisiana and federal law, even when arrested and imprisoned. If police detain an individual, the correctional facility is required

by law to provide a safe environment with basic sanitary needs, medical care, and access to a lawyer and a telephone. An arrest for any offense, much less for actions involving civic engagement, should not, constitutionally, be punitive. Under the Due Process Clause of the U.S. Constitution, a prison guard's actions are punitive when they are unnecessary or unrelated to a legitimate penological goal.

Through the eyes of these protesters, we see the inhumane and punitive conditions at East Baton Rouge Parish Prison, including:

- **Excessive use of force:** At least seven individual accounts described large groups of inmates being pepper sprayed for various reasons, none of which included threats to officer or prison safety, in violation of the law and established policies. There is not a single report of violence or threats by the detainees. Protesters were also threatened with losing access to phones, losing their court date hearing, or being sprayed with "mace" if they spoke at a normal volume. At least two protesters noted that officers were openly racist, and made clear that the abusive treatment the protesters were receiving was punishment for their protest.

- **Denial of Medical Care:** In seven interviews, at least twenty-one instances of inadequate or outright denial of medical treatment were experienced or observed. Jail staff refused or provided inadequate

treatment for injuries sustained during arrest, including two head traumas, as well as for arrestees' pre-existing medical conditions, including diabetes. The punitive denial of adequate medical care to arrested protesters is emblematic of the poor medical care generally available in the prison due to lack of training, staff, procedures, and space.

- **Inhumane Conditions:** Detainees were housed in unsanitary cells caked with grime and blood, denied access to drinking water, and some lacked access to basic supplies including tampons, soap, running water, and toothbrushes. They described receiving only thin clothing despite the constant mechanical cooling, being held without access to the basic sanitary requirement of toilet paper, and being denied a free phone call at the prison.

- **Overcrowding:** At least two-thirds of the detainees interviewed reported extremely cramped housing for extended periods of time. A male detainee described spending an entire night in a 12 by 12 foot holding cell with twenty-six people, without nearly enough space for everyone to sit or lay down and without any bedding. A female detainee spent over five hours in a cell with two benches and twenty-four women. While some of this overcrowding was likely due to operational capacity, it was at least in part retaliatory; one detainee reports being crammed into a holding cell with forty or fifty other people even though he could see two completely empty cells available.

- **Deliberate Humiliation:** At least five people detail strip searches they or their fellow detainees endured, most often in front of other inmates. Both men and women describe

degrading group strip searches in which they were forced to remove their clothes in front of anywhere from six to fifteen other people. The seventeen-year-old, deliberately housed separately from her mother but with other adults, was strip-searched in a group of six women. At least two women were strip searched twice during their one-day detentions, despite having no contact with the outside world in between the searches. One of these women, who was a woman of color, was required to remove and surrender her bra permanently, allegedly due to a metal underwire; multiple white women with underwire bras were allowed to keep their bras on.

The experiences of these protesters, sustained over several days in some cases, speaks to the unconstitutional conditions endured by tens of thousands of others who are arrested and detained in the parish prison. In addition to substandard conditions, the East Baton Rouge Parish Prison appears to encourage or at least tolerate abusive and humiliating conduct by guards. The manner in which East Baton Rouge Parish Prison treated those protesting police misconduct bears an uncanny resemblance to the treatment of those fighting for civil rights over half a century ago. Unfortunately, this report reflects the treatment of detainees in the East Baton Rouge Parish Prison when the whole world was watching.



Methodology

This report relies on a variety of sources and features more than a dozen first-hand accounts and affidavits taken from detainees who spent at least one night in the East Baton Rouge Parish Prison following the peaceful protests in Baton Rouge in early July, 2016. These protests occurred as a result of the increasing publicity of police brutality across the country, including the police killing of Alton Sterling on July 5, 2016. These accounts describe in detail the conditions of the East Baton Rouge Parish Prison, the personal and eyewitness experiences of these detainees, as well as second-hand accounts from men and women who had been detained in the prison before the protesters arrived. Many of the people who contributed to this report were brutally arrested and charged with low-level misdemeanors – such as “obstruction of a highway” – and some report that their arrest paperwork was pre-printed with these charges.

This report also relies on resources produced by the East Baton Rouge Sheriff’s Office, the government agency responsible for overseeing and maintaining the East Baton Rouge Parish Prison. These resources include policy manuals, self-reporting statistics on the prison’s website, and the online inmate roster which is constantly updated with the names of the prison’s detainees.

Finally, this report references objective sources produced externally to assess

conditions in the East Baton Rouge Parish Prison, such as a comprehensive report on the clinical operations at the prison prepared by Health Management Associates (HMA) and a survey from the Association of State Correctional Administrators, among others. These sources contextualize the experiences of those incarcerated in Baton Rouge, and demonstrate how conditions in East Baton Rouge Parish Prison fall short of nationwide best practices.

Taken together, these sources demonstrate that the conditions in the East Baton Rouge Parish Prison unlawfully impose punishment on detainees. For the peaceful protesters arrested in July 2016, this punishment included not only unconstitutional hardship but also grave humiliation.



KAREN SAVAGE

Introduction

The arrest and detention of approximately 180 individuals protesting the police killing of Alton Sterling provided a distressing window into the actual conditions of East Baton Rouge Parish Prison. Through the eyes of these protesters, we see the inhumane and punitive conditions endured by arrestees, including physical violence and denial of basic sanitation and medical care. The experiences of these protesters, sustained over several days in some cases, speaks to the conditions endured by tens of thousands of others who are arrested and detained in the parish prison.²

On July 5, 2016, two Baton Rouge police officers tasered, tackled, shot, and killed Alton Sterling, a Black man who was selling CDs outside a local convenience store.³ Despite



an investigation that revealed that one officer shot Sterling three times in the chest, paused, then shot him three more times in the back, the US Department of Justice declined to bring federal charges against either officer.⁴ A full year after the murder of Alton Sterling, the two officers involved continue on paid leave while a Baton Rouge Police Department investigation remains open⁵ and the Louisiana Attorney General conducts a state investigation.⁶

The weekend following Mr. Sterling's killing, thousands of people gathered in Baton Rouge, Louisiana to peacefully protest the murder of Mr. Sterling, as well as nationwide police brutality, primarily against Black men. Somewhere between 180 and 200 civil rights demonstrators were arrested during the protests from July 8th through 10th, 2016.⁷ Over 67% of these arrestees were Black, and nearly 90% of those arrested were charged with obstruction of a highway.⁸ Most of the protesters were booked, processed, and held at the East Baton Rouge Parish Prison, sometimes for days.

This report details the conditions of the prison, the experiences of the arrested protesters, and the governing legal standards for detention of arrestees, based on more than a dozen interviews conducted on July 11th and 12th of 2016 and June 2017, in conjunction with prison policy manuals, local and national statistics, and independent investigations and studies into East Baton Rouge Parish Prison.



Jenna's Story

When Jenna Finkle was twenty-five years old, she spent twenty-five hours in the East Baton Rouge Parish Prison. At about 7:35 pm, while attending a peaceful protest on July 10, 2016 in Baton Rouge, Louisiana, a large male officer tackled Jenna from the side and placed her under arrest, throwing her backpack and cell phones onto the lawn. When Jenna asked at least four different officers why she was being arrested and requested that someone retrieve her property, officers told her it was “not their problem” and it was her fault

A male guard came to the cell with pepper spray in his hand and ordered everyone to stop singing or he would spray them all.

for protesting. Over an hour and a half after her initial arrest, Jenna was processed into the East Baton Rouge Parish Prison.

Before she was even booked, officers took all of the detainees' property, including Jenna's eyeglasses. The entire time she was detained, Jenna could not see more than a few feet in front of her or recognize other people. Jenna had to fill out all of her booking and release paperwork without being able to read it. Officers ignored her repeated requests for her glasses. Jenna spent her night in prison surrounded by strangers and guards she could not see.

Once Jenna was processed, she was taken to a holding cell around 9:00 pm, where she remained for the next six hours. The cell was designed to hold a maximum of ten people; during Jenna's confinement, there were consistently between seventeen and twenty-four other people in the cell. No one could lie down and most detainees could not even find space to sit. The cell was so tight that women sat on the ground right next to the toilets, which had to be used without any privacy. Jenna waited out the night crammed in with

her cellmates, unable to sleep.

A few of the women began singing to keep their spirits up. A male guard came to the cell with pepper spray in his hand and ordered everyone to stop singing or he would spray them all. Later, pepper spray that was being excessively sprayed into another holding cell drifted down the hall and spread throughout Jenna's cell. Many women began coughing and their eyes and throats burned. Finally, around 3:00 am, Jenna was taken to general population with several others from her holding cell.

Before being moved to general population,

Jenna was strip searched in a group of ten to fifteen women. All the women had to remove all their clothes, then squat down entirely naked. The search in front of so many strangers was humiliating. Jenna was never given a reason for these searches.

The general population cell was even worse

Jenna had to fill out all of her booking and release paperwork without being able to read it. Officers ignored her repeated requests for her glasses.

than the holding cell. The air conditioning was set so low that the cell was freezing cold and everyone was immobilized. No one had been given socks. Bedding was limited to a torn blanket per person.

Although there were several phones available, different officers gave conflicting information about whether arrestees could use the phones. Despite asking multiple times, Jenna and those booked with her were never given the pin numbers necessary to make phone calls from a correctional facility.¹⁰ Some women who had been in the prison prior to the protests also said the phones were offline for hours at a time, so even detainees with pins couldn't use them consistently.

No one was given soap, toilet paper, towels, or a toothbrush. No one explained the prison's rules to any of the arrestees. Jenna did her best to learn the prison rules from other women so she would not get in trouble. Arrestees were repeatedly reprimanded for unknown infractions.

Jenna's bond hearing was at 1:30 pm that day; the charges on her bond paperwork had been pre-printed and looked just like everyone else's. Afterward, Jenna was taken back to general population, but not before a second group strip search. Jenna wasn't released until 8:30 pm on July 11, 2016, at which point her

glasses were finally returned to her. When she asked for her glasses to read the release paperwork she was asked to sign, officers refused; when she squinted and brought the paperwork inches from her face so she could determine what she was signing, officers taunted her.

Ultimately, Jenna was wrongfully charged with two misdemeanor crimes: obstruction of a highway despite being arrested on private property, and resisting arrest despite being blindsided and tackled by an officer. No one ever read Jenna her *Miranda* rights. She was stuffed into an overcrowded cell for hours, publicly strip searched, placed in a freezing cell overnight without basic sanitary necessities, and rendered effectively blind for over a full day, all before ever seeing a judge or being advised of the reason for her arrest and detention. The lesson from law enforcement to Jenna is clear: if you exercise your rights to protest our use of force, we will arrest you, incarcerate you, and humiliate you.¹¹





Background and Legal Standard

Each person retains basic human rights under Louisiana and federal law, even when arrested and imprisoned. If police detain an individual, the correctional facility is required by law to provide a safe environment with basic sanitary needs, medical care, and access to a lawyer and a telephone. An arrest for any offense, much less for actions involving civic engagement, should not, constitutionally, be punitive.

The East Baton Rouge Parish Prison is responsible for housing every person who has been booked or is awaiting trial within the 19th Judicial District of Louisiana, as well as some who have been sentenced.¹² The prison, then, is a mix of a small number of people who have been found guilty of an offense and are serving their sentence and hundreds who have been arrested but have not yet had a final resolution in their cases.

Each person who has not yet been adjudicated – whether awaiting their first appearance so they may post bond, trial, or another determination of their case – is considered a detainee. This is the vast majority of the East Baton Rouge Parish Prison; approximately 89% of those incarcerated there are pre-adjudication, and the average length of time a detainee stays is almost thirty-two days.¹³ 87.5% of those incarcerated are black, whose average stay is nearly fifteen days longer than white detainees for both violent and non-

violent crimes.¹⁴ The presumption of innocence protects all of these detainees. Due process also dictates that these pre-adjudicated detainees be protected from punishment.

In *Bell v. Wolfish*, 441 U.S. 520 (1979), the Supreme Court made clear that under the Due Process Clause, a person who has not yet been fully adjudicated as guilty cannot be “punished.”¹⁵ What specific actions are deemed punishment have been developing in our case law through the years, but the same standard has always applied; if a restriction or condition is arbitrary or purposeless and not reasonably related to a legitimate non-punitive governmental goal, the government may not subject detainees to such conditions.¹⁶ If the government actor does not display an express intent to punish, then the courts will look for whether there is an alternate purpose to their action, and whether this action appears excessive compared to the purpose for such action.¹⁷

Simply put, a prison guard’s actions are excessive when they are unnecessary or unrelated to a legitimate penological goal. Such actions are punitive and violate a detainee’s right to due process. Officers may only take corrective actions that are deemed necessary to maintain a function of the facility, such as to ensure the safety of officers or detainees. This report analyzes the conditions of the East Baton Rouge Parish Prison under this standard.



Unconstitutional Conditions of Confinement

Excessive Use of Force

“I heard an officer threaten a man, saying ‘Somebody is going to get shot tonight.’”¹⁸

Nearly every detainee interviewed recounted at least one account of the unnecessarily cruel and harsh treatment detainees received while incarcerated. In a number of instances, officers in East Baton Rouge Parish Prison engaged in open and unnecessary brutality. Race was omnipresent in interactions between arrestees and prison staff, which is particularly troubling given the racial dimensions of the murder of Alton Sterling and recent claims of police brutality nationwide. The brutality included threats of violence against the detainees and the indiscriminate use of pepper spray in violation of the law and established policies for the prison.

INTIMIDATION AND RACISM

Some detainees stated that officers “treated them like animals,”¹⁹ while others claimed they were outright ignored.²⁰ Officers threatened to “knock [their] asses off” if the detainees made any noise above a whisper²¹ and protesters were threatened with a range of punishment such as losing access to phones, losing their court date

hearing, or being sprayed with “mace” if they spoke at a normal volume.²² When one woman rhetorically asked out loud, “How many people are going to be killed before we wake up?,” an officer responded by staring threateningly at her and responding, “As many as needed.” He then maintained eye contact with her as she was taken to her holding cell, like “he wanted to do something to [her].”²³

At least two protesters noted that officers were openly racist and made clear that the abusive treatment protesters were receiving was punishment for their protest:

“I also saw police harass a white man in his late 20s or early 30s who had told me he was a librarian at Tulane University. A tall, white police officer with dark blond hair in a Mohawk haircut told him: “I can tell what type of person you is; why are you out here with *them*?” I guess he was mad because the man was white and with us. The officer snatched papers from this librarian’s hands very aggressively, lifted him, pushed him down, and moved him around very roughly.”²⁴

Another officer “constantly berated and demeaned the prisoners” and referred to one of the units as a slave plantation.²⁵ One of the





detainees noted that “it seemed to me that the white prison staff members were angry at us.”²⁶

Another woman described being arrested and hauled off to the prison with her daughter while her five-year-old son was left in the car alone.²⁷ She was then deliberately kept in a separate holding cell from her seventeen-year-old daughter, despite their pleas to be kept together.²⁸ This general air of hostility and intimidation manifested in specific, measurable instances of brutality as well.

PHYSICAL VIOLENCE

“I overheard people in a different holding cell singing gospel songs and being told that they would be maced as a result. A few seconds later, everybody in my holding cell started coughing and our eyes started burning. We could barely breathe and assume they had been maced.”²⁹

“When we were being processed out in Central Booking one of the guards told us to be quiet or he would pepper spray us. There were about 30 guys in the cell at the

About 30 minutes after the first time the guard pepper sprayed us, one of the other guards said “Hit them again.”

time. About 30 minutes after the first time the guard pepper sprayed us, one of the other guards said “Hit them again.” The same guard pepper sprayed us again...we didn’t receive any medical attention.”³⁰

“Lynn Smith, a protestor with me, was maced in the face even though he was not being violent at all.”³¹

The East Baton Rouge Sheriff’s Office Policy and Procedure Manual outlines when deputies are authorized to use “less than lethal weapons,” which include Freeze Plus-P CS/OC spray (commonly known as pepper spray). This Freeze Plus-P spray, advertised on the manufacturer’s website as “the most intense, incapacitating agent available today,” contains a red pepper oil that causes coughing, a burning sensation on the skin, and watering in the eyes.³² “The strong respiratory effects of OC combined with the severe pain induced by CS magnify each other.”³³ According to the prison’s policy and procedure manual, an officer may only use pepper spray if necessary to:

1. Protect themselves or others from physical harm;
 2. Restrain or subdue a resistant individual;
- or
3. Bring an unlawful situation safely and effectively under control.³⁴

This policy balances the need to deploy non-lethal force in specific situations with the rights and physical safety of the public.

Physical force must be applied “in a good faith effort to maintain or restore discipline” when there is a “disturbance that indisputably poses *significant risks to the safety* of inmates and prisoner staff.”³⁵ However, when officers “maliciously and sadistically use force to cause harm, contemporary standards of decency always are violated.”³⁶ The courts are clear:

physical force, including using chemical gas, can only be used to prevent serious safety risks and must only be used when necessary to promote control. It may not be used as a form of punishment.

Unfortunately, these guidelines were blatantly disregarded in the East Baton Rouge Parish Prison. At least seven individual accounts described large groups of inmates

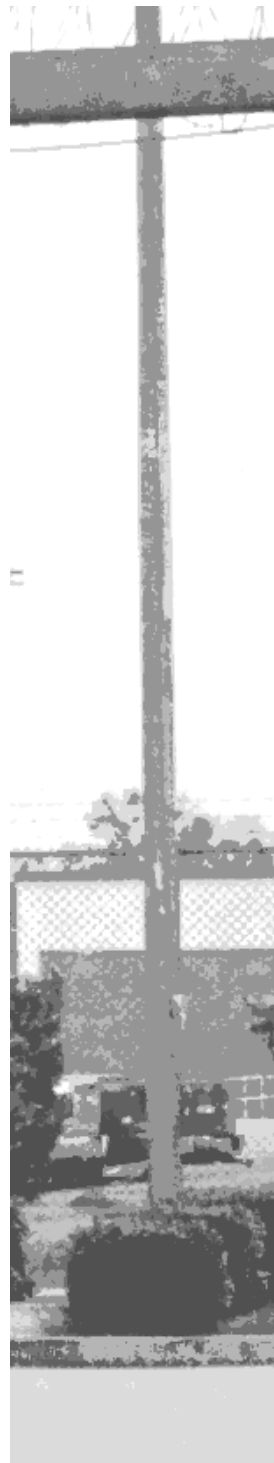
When some women began singing, a guard holding spray said “you will stop singing or you will be gassed.”

being pepper sprayed for various reasons, none of which included threats to officer or prison safety.³⁷ There is not a single report of violence or threats by the detainees. A few people described officers pepper spraying a group of detainees singing gospel songs to pass the time.³⁸ Another detainee reported an officer “macing” several people for clapping as their fellow detainees were being released.³⁹ Officers used the chemical sprays indiscriminately on groups, as compared to directing the spray at one specific alleged threat. The chemical spray was so intense that detainees down the hall experienced coughing, choking, and burning eyes.⁴⁰ Even officers had to step outside to get fresh air because of the excessive spray.⁴¹ The pepper spray was being discharged maliciously in these instances and used as a means of intimidation and punishment rather than in response to an actual threat to anyone’s safety. Several female detainees described a guard blatantly using the threat of pepper spray to punish constitutionally protected behavior; when some women began singing, a guard holding spray said “you will stop singing or

you will be gassed.”⁴²

As further proof of an intent to maliciously punish, the prison did not provide any medical care to anyone exposed (directly or indirectly) to the pepper spray, according to one account. This is in direct contradiction with the East Baton Rouge Sheriff’s policy, which requires that when an officer accidentally or intentionally causes injury with less lethal force,

he or she *shall* “request necessary emergency medical aid.”⁴⁴ Despite this clear procedure, no one was seen by medical personnel. This failure to provide necessary medical treatment for detainees’ burning eyes, throats, and skin is part of a larger failure to provide any medical care for detainees’ injuries and pre-existing conditions.





Denial of Medical Care

“A diabetic woman asked for water or a peppermint, but she was also told no... [w]hile we were being processed, the diabetic woman, who was crying, requested immediate food, saying that she needed it fast. Finally, a police officer brought her a handful of cookie crumbs crumpled up in his hand.”⁴⁵

The deprivation of adequate medical care, or indeed any care at all, at the East Baton Rouge Parish Prison is profoundly troubling. “A prison that deprives prisoners of basic sustenance, including adequate medical care, is incompatible with the concept of human dignity and has no place in civilized society.”⁴⁶ Yet, seven of the twelve people interviewed detail the prison’s failure to acknowledge necessary medical care or emergencies, insufficient resources, and deliberate indifference. In

Even though he requested medical attention multiple times, prison officials refused to provide medical consultation or treatment.

seven interviews, at least twenty-one instances of inadequate or outright denial of medical treatment were experienced or observed.⁴⁷

Officers met requests for medical assistance with derision or contempt.

ARREST-RELATED MEDICAL DENIALS

Eleven of the twenty-one observed instances of inadequate medical care were related to injuries sustained by the detainees during their arrests.

Staff at the prison denied medical care to one detainee who had suffered a concussion during his arrest. The detainee had been knocked out by the police with a blow to the head during his arrest. Prior to being booked in the prison, and despite discouragement from officers, the detainee insisted on hospital treatment and ultimately needed several stitches. After the hospital, he was taken to East Baton Rouge Parish Prison, where he asked

to see a doctor three separate times. At the prison, he was nauseous and scared, but had no information about his medical condition

because the doctors had only communicated with the police officers even though he was handcuffed nearby. Each time he requested medical assistance in the prison, he was ignored. The prison did not respond to his medical complaints, even though prison staff knew he had suffered a concussion. It was not until he was released over a day later that he learned he had suffered a concussion during his arrest.⁴⁸

Another young woman was booked into the prison after sustaining an arrest-related head injury. During her arrest, a police officer stepped on her head, resulting in swelling and deep bruises as she entered East Baton Rouge Parish Prison. During her detention, she began feeling disoriented and couldn't see clearly. Her eyes had trouble tracking the fingers of

a fellow cellmate who was trying to help. The detainee's requests for medical attention were met with various responses, from neglect to outright hostility. It became clear that denial of medical treatment was a way to punish the arrestees for protesting the Baton Rouge Police Department's excessive use of force against Alton Sterling. When a medic finally examined her after several pleas for help, he

ROUTINE TREATMENT MEDICAL DENIALS

Ten of the twenty-one medical denials were for conditions not related to arrest, but required some sort of evaluation or treatment that was not provided. Prison officials could have easily provided the requested medical care, but deliberately denied or delayed medical



KAREN SAVAGE





care for the arrestees. A diabetic woman was refused food or water until she was nearly in diabetic shock.⁵⁴ After hours of complaining about her spiraling blood sugar levels and requesting help, she was eventually given a few cookie crumbs by a guard.⁵⁵ Another woman was denied medication for a gout attack in her arm, which is a type of arthritis that can cause attacks of sudden burning pain, stiffness, and swelling in joints. She had an existing prescription in her purse, which could have been easily verified by prison staff. Prison staff also failed to accommodate her medical complaints when they assigned her a top bunk which, because of her medical condition, she could not reach.⁵⁶ Women who had been arrested before the protests told the protesters that they were routinely denied regular meals, prescription and non-prescription medication, and access to visitors.⁵⁷

SYSTEMIC MEDICAL DEPRIVATIONS

The punitive denial of medical attention for both arrest-related and routine medical conditions is emblematic of poor medical care generally available in the prison. One arrestee reported meeting two pregnant women who had been at the prison for at least several days prior to the protests; neither were getting the appropriate diet or necessary pre-natal care.⁵⁸ One of these pregnant women said the prison refused to even give her a pregnancy test in order not to have to record her as being pregnant at all.⁵⁹

These experiences show that the reality of being booked and held in the East Baton Rouge

Parish Prison is in stark contrast to the prison's official policy. In a 2016 study, prison officials maintained:

“The arrestee is then submitted to a pat down and an informal interview regarding immediate medical needs... If more immediate medical attention is necessary, the offender will typically be escorted to the nearest hospital by the arresting officer for assistance. The Prison also has nurses on hand to assist with less immediate and more common medical needs.

...

Each offender is filtered through Classification, which interviews each arrestee to learn more about their criminal history, personal lives, medical histories and charges to best determine where in the Prison that inmate should be assigned... before moving on to a medical screening with Prison nurses. After the medical screen, the prisoner is moved to his assigned place within the prison.”⁶⁰

This policy claims that each person booked into the prison receives multiple evaluations, a chance to go to the hospital if they have serious medical issues, and ample nurses and staff on hand to analyze medical histories and provide medical care. However, not one person interviewed recalled a medical screening, interview, or evaluation at any time in their booking or classification process.

Detainees have a constitutional right to receive medical evaluation and care.⁶¹ However, the medical care available in the East Baton Rouge Parish Prison is not just well below the legal standard; it is well below the

medical community's standard as well.

In February 2016, the Mayor of Baton Rouge initiated a study conducted by an independent group of health care professionals from Health Management Associates (HMA) to assess the provision of medical care at the prison. The team included a physician, a

physician had ordered for them.⁶⁷ The physical environment inside the prison was also wholly deficient. There were inadequate medical units, dental units, and screening spaces, and the housing units themselves are poorly designed for observing detainees who may be having medical or mental health issues.⁶⁸ Not only

In effect, this deficient system operates as a total bar to proper medical care for many who are detained at East Baton Rouge Parish Prison.

nurse practitioner, and a clinical psychologist, together representing “decades of community and correctional health and inmate population management experience.”⁶² HMA conducted over fifty interviews and reviewed thousands of pages of documents to inform their evaluation.⁶³ In June 2016, just before many of the detainees in this report arrived at the prison, HMA presented their report and recommendations on the clinical operations at the East Baton Rouge Parish Prison.⁶⁴

Overall, the HMA consultants concluded that the East Baton Rouge Parish Prison would definitively not pass the standards of the National Commission on Correctional Health Care.⁶⁵

The prison has only one medical doctor for the entire facility. Considering the other duties assigned to the one physician, the prison's sole doctor was operating at only 60% capacity. Given the prison's average population, which is almost always at or above design capacity, this one medical provider could only meet 36% of the actual need of the detainees.⁶⁶ The HMA also found that nearly a fifth of the inmate population was not receiving the medication that the prison

was there insufficient infirmary space,⁶⁹ but the HMA also found there was actually “no true infirmary” within the facility.⁷⁰

From the time detainees enter the prison door, they are effectively guaranteed inadequate medical care. HMA emphasized that the detainee medical evaluation, which should be the first step in the booking process, is a **critical process** (emphasis in original) and should be happening 100% of the time.⁷¹ This process should include intake questions such as “do you need to see a doctor?” and “are you on any medications?”⁷² Yet, the detainee accounts in this report clearly demonstrate that the prison did not provide any intake medical evaluation. Even when medical assistance was requested, it was denied. This is consistent with HMA's findings that the “majority of detainees are not offered follow-up medical visits based on health service request.”⁷³

HMA found that medical evaluation process only occurred for 88% of the people booked into Baton Rouge Parish Prison and often only after significant delays. Not only is this problematic on its face, as HMA stressed





this process should never be missed, but they note that often these evaluations didn't take place for twenty-four to thirty-six or more hours after intake.⁷⁴ This unacceptable delay endangers not only those who are on set prescribed medications, but those who need an emergency evaluation or time-sensitive care.

In effect, this deficient system operates as a total bar to proper medical care for many who are detained at East Baton Rouge Parish Prison. The bare numbers make this strikingly clear: the prison's own report for May 2016 "showed 646 inmates were released without any record of medical care and the average number of days they were incarcerated was 80 days."⁷⁵

Perhaps what is most evident from both the report and the detainees' experiences is the profound inability or intentional hostility of prison officials who are tasked with providing medical care. The HMA report found that the prison staff lacked any experienced health administrators,⁷⁶ and their primary finding was that the "current leadership [is] not capable of taking EBR Prison where they need to go."⁷⁷

The failure of individual guards to respond appropriately to detainees' medical complaints is unsurprising in light of HMA's findings. The HMA report notes the East Baton Rouge Parish Prison healthcare "policies, protocols and standards of care are not accessible to staff or distributed, updated or kept current; some have not been reviewed or updated in 10+ years, or tailored to the EBR Parish Prison facility."⁷⁸ This means officers, medics, and any other officials the detainees encountered had no standard operating procedure when one of the 1,500 plus daily inmates makes a medical complaint, an event that cannot be uncommon. Moreover,

HMA found that documentation of any previous care within the prison or even whether the detainee was medically evaluated is either entirely absent or considered unreliable.⁷⁹ At a minimum, the HMA report raises the question of whether the East Baton Rouge Parish Prison adequately trains its staff to respond to medical complaints.

This lack of training is anecdotally clear based on the experiences of the detainees. When one woman requested medical help multiple times, a guard claimed she had already seen a medic even though she had not. That same guard then claimed there were no medics in the building when there was at least one visible from the cell.⁸⁰ Several other detainees reported that officers appeared confused and detainees received very different information (or no information) depending on whom they asked.⁸¹ Many detainees reported being ignored altogether by prison staff.⁸²

The ultimate findings and recommendations the HMA presented are scathing. Among them, HMA states that current leadership is woefully inadequate, unacceptable staffing vacancies persist, available positions have no functional job descriptions, and the staff have no systematic procedures in place to address (or even document) detainee medical complaints.⁸³ Overall, there is not a single person currently on staff who is "focused on instituting a quality program."⁸⁴ All of HMA's findings, which demonstrate that the operations at the East Baton Rouge Parish Prison are well below constitutional standards, are well-supported by the experiences of the detainees interviewed for this report.

Inhumane Conditions

“We spent the night with 26 of us in the one cell without any bedding. Because of the crowded space and thin jumpsuits we were wearing, many stood throughout the night because it was too cold and cramped to lay on the floor. After several hours we were finally given one cooler of water that only provided a four ounce cone of water per person. We were not given any food for the first ten and a half hours of our detention. We were then fed ‘pancakes’ and a black meat substance.”⁸⁵

The description of the unsanitary and unsafe conditions at the East Baton Rouge Prison is bleak at best. Detainees described receiving

The holding cells were at least thirty or forty years old, and there was dirt and blood caked on the walls.

only thin clothing despite the constant mechanical cooling, being held without access to the basic sanitary requirement of toilet paper, and having food and water withheld, all before any conviction of an alleged crime. Even in post-adjudication contexts, courts have held that similar conditions violate both

the Fourteenth and Eighth Amendments.⁸⁶ As each of these detainees had not yet even had their first appearance before a court, the punitive environment described is either a result of retaliation or woefully inadequate funding or planning.

UNSANITARY CONDITIONS

The holding cells were at least thirty or forty years old,⁸⁷ and there was dirt and blood caked on the walls.⁸⁸ The sinks were covered in grime and the showers did not work.⁸⁹ The access to basic hygienic products was equally abysmal. Many reported that neither the men’s nor women’s cell bathrooms had any toilet

paper.⁹⁰ The women’s bathrooms did not have soap, and the men’s toilets did not even have running water, exposing the cellmates to each other’s waste.⁹¹ No one received a towel or a toothbrush.⁹² The women found that there were no tampons available.⁹³





TEMPERATURE AND LACK OF ADEQUATE SUPPLIES

Many detainees reported that the cells were kept freezing cold,⁹⁴ and they could feel the cold air blowing right onto them.⁹⁵ It “felt like it was 40 degrees in there,”⁹⁶ and no one could sleep, restrained by how frigid it was even though they were packed so tightly together.⁹⁷ One detainee heard from other women who had been arrested previously that since the protests

Once arrested, they were no longer able to hydrate; officers withheld water from those detained despite their requests.

had begun in the city, the air conditioning had been set so cold that it was difficult to get any rest.⁹⁸ At least one protester felt as though the freezing cold temperature was deliberately used as a form of social control; the cold air blowing into the cells was immobilizing and kept the inmates from moving or doing anything but concentrating on staying warm.⁹⁹

The dire conditions were compounded by the shocking lack of supplies and the further discovery that what supplies the prison provided were woefully inadequate. Many people did not get jackets¹⁰⁰ or socks¹⁰¹ or access to any blankets throughout the night.¹⁰² Those who did found that their blankets had massive holes and rips throughout, rendering them ineffective to combat the cold.¹⁰³ The detainees were also not insulated from the cold concrete floor; there were nowhere near enough bunks for everyone housed in the cell, and not a single person reported receiving a mat to sleep on.¹⁰⁴

LACK OF ACCESS TO WATER AND FOOD

At least four people interviewed described being held without adequate access to food or water. In Louisiana in July, daytime temperatures are often over ninety degrees outside, and many of the protesters had been sweating in the unrelenting summer sun all day before being taken to freezing cold holding cells. Once arrested, they were no longer able

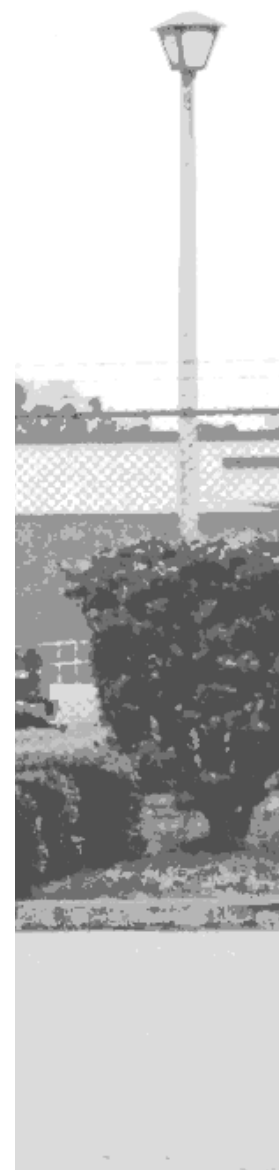
to hydrate; officers withheld water from those detained despite their requests.¹⁰⁵ When they were finally given water, there was one cooler for the entire cell, so each person ultimately only got four ounces of water,¹⁰⁶ and they had to stretch their arms through the bars to reach it.¹⁰⁷

Despite being held for over a day, one person reported being fed only once, and missing lunch with several others because he was made to watch a safety video about sexual assault instead.¹⁰⁸ The food served could not possibly have met basic safety standards; the chicken was raw and bleeding,¹⁰⁹ and others could not even identify the “black meat substance” they were given after ten and a half hours of incarceration.¹¹⁰ Meals were at unconventional and disorienting hours; one detainee reports being moved into general population at 3:00 am and allowed to sleep fewer than two hours before being fed at 5:15 am.¹¹¹ The detainees were only given five

minutes to eat and whatever they could not finish in that time had to be thrown away.

LACK OF ACCESS TO TELEPHONE

According to detainees, the prison violated its own policies regarding telephone access. The East Baton Rouge Parish Prison policy provides for one free phone call before a detainee is placed in a holding cell.¹¹³ None of the interviewed detainees were provided with a free telephone call. In addition, the prison's policy requires that each detainee receive an identification card and pin number, which can then be used to make collect phone calls from the prison.¹¹⁴ At least one person reported never receiving a pin card to use the phones at all.¹¹⁵



Overcrowding

“From approximately 9pm until 3am we were kept in a holding cell. There were always at least 17 women in the small holding cell, a maximum of around 24. The cell had enough space for approximately 8-10 people to sit. There was not enough space for anyone to lie on the ground, people were sitting or curled up.”¹¹⁶

At least two-thirds of the detainees interviewed reported extremely cramped housing for extended periods of time. A male detainee describes spending an entire night in a 12 by 12 foot holding cell with twenty-six people, without nearly enough space for everyone to sit or lie down and without any bedding.¹¹⁷ A female detainee spent over five hours in a cell with two benches and twenty-four women.¹¹⁸ Many others report similar circumstances; too many people, far too little space.¹¹⁹ While some of this overcrowding was likely due to operational capacity, it was at least in part retaliatory; one detainee reports being crammed into a holding cell with forty or fifty other people even though he could see two completely empty cells available.¹²⁰

There was also either not enough space to house all the detainees in appropriate conditions or a deliberate misuse of housing as punishment. A detainee who identified as female requested to be housed in a female cell, but was ignored or mocked by staff.¹²¹ A mother and her seventeen-year-old daughter were informed by an officer that they were deliberately split from each other when they were moved into general population, leaving the underage daughter terrified and alone in an adult prison overnight,¹²² in violation of Louisiana law.¹²³

The official numbers tell a similar story. According to the most recently available East Baton Rouge Sheriff’s Office Annual Report from 2014, the average daily inmate account was 1,504.¹²⁴ While at first glance this may seem sufficient as it is ninety people under the official operational capacity of 1,594,¹²⁵ this self-reporting statistic appears to be inaccurate; a regular look at the official and consistently updated prison roster shows that the number of offenders very often exceeds 2,000.¹²⁶ The official capacity cap also includes space in the administration segregation “lockdown areas,” which are rusty, often inoperable areas of the



prison constructed in the 1960's.¹²⁷ During a media tour of the prison, Warden Dennis Grimes pointed out that many of the cells in the older wing of the prison are absolutely consumed by rust. He explained: "some of the cell doors' mechanisms are so rusted that they can't be open and shut, and the cells can no longer be used [until parts can be found to fix them]. The parts to replace the mechanisms are so old that they're hard to find."¹²⁸

The overcrowding issue at the prison is getting worse year after year. A 2016 study of the overcrowding of the East Baton Rouge Parish Prison shows that the annual bookings have increased 99% for males and 120.5% for females.¹²⁹ The same study found that in addition to operating at or over capacity much of the time, anywhere from 500 to 700 additional people are housed at out-of-parish facilities on a daily basis, at an increased cost to the city and parish.¹³⁰

Apart from the obvious need for each detainee to have adequate space to sit and sleep if they are being detained overnight, this level of overcrowding presents a serious safety concern. According to a 2010 Association of State Correctional Administrators survey of twenty-nine different jurisdictions, the average detainee to correctional officer/supervisor rate is 5.1:1.¹³¹ Appropriate staff ratios are critical in ensuring the safety of both detainees and correctional staff. Conservatively, the East Baton Rouge Parish Prison appears to operate at a ratio of over 6.8 detainees for every one security officer.¹³² Only six other jurisdictions out of the twenty-nine surveyed had ratios above this 6.8:1 figure. Clearly, the lack of appropriate housing leads not only to day-to-day discomfort and health issues, but can also put a severe strain on the ability of security personnel in the building to keep both detainees and staff safe.



DIANA SAMUELS



Deliberate Humiliation

“We were brought into a bathroom and strip searched as a group. My gender non-conforming co-defendant was mocked by the guards for their ‘alternate lifestyle.’ Another arrestee was mocked and abused when the supervising officer did not believe there was enough compliance with the spreading of his butt cheeks.”¹³³

At least five people detail strip searches they or their fellow detainees endured, most often in front of other inmates.¹³⁴ Both men and women describe degrading group strip searches, where they were forced to remove their clothes in front of anywhere from six to

day detentions, despite having no contact with the outside world in between the searches.¹³⁷ One of these women, who is a woman of color, was required to remove and surrender her bra permanently, allegedly due to a metal underwire; however, multiple white women with underwire bras were allowed to keep their bras on.¹³⁸

Under the law, valid reasons exist for a prison official to strip search a detainee even if the arrest is for a minor offense.¹³⁹ However, each strip-search of a detainee requires a particularized balancing of the need for that specific search against the invasion of personal rights that the search entails.¹⁴⁰ The Supreme Court has described the practice of

“At least two women were strip searched twice during their one day detentions, despite having no contact with the outside world in between the searches”

fifteen other people.¹³⁵ The seventeen-year-old who was still being held in the adult prison away from her mother was strip searched in a group of six women.¹³⁶ At least two women were strip searched twice during their one-

strip searching as giving the Court “the most pause,” and the Court has acknowledged that security guards may thwart the stated policy and invade a detainee’s privacy abusively.¹⁴¹ Should a search be deemed abusive, it is

searches, and of course, intentional harassment of even the most hardened criminals cannot be tolerated by a civilized society.¹⁴² So while there is deference given to facility officials when reviewing their policies, searches are clearly not to be used as forms of punishment or humiliation.

The strip search policy used in the East Baton Rouge Prison falls vastly short of both legal and common decency standards. To be detained for a minor crime, comply with all commands and requests, but to be intimately strip searched in front of a group of people regardless is nothing short of intended degradation. These group strip searches were comprised mainly of protesters and happened after they had already been in custody for several hours. For some, a second strip search was conducted after they had been in continuous custody for nearly a full day, when they had had no contact with the free world in between. It would be a near impossibility for officers to articulate a need to strip search each and every one of these dozens of detainees, considering the drastic invasion of privacy. Even if they could, the intended humiliation rises to an unnecessary level; detainees could have been searched individually and in private instead of being forced to strip down entirely in front of strangers. The group search practice in the East Baton Rouge Parish Prison was carried out an unnecessarily invasive way considering the low potential for harm or contraband.





Conclusion

The conditions in the East Baton Rouge Parish Prison fall vastly short of constitutional standards. Staff at the East Baton Rouge Parish Prison used threats of violence, humiliation, and sub-standard medical care to unconstitutionally punish detainees. Most of those at the East Baton Rouge Parish Prison are held unable to make bond, without conviction. In the instance of those arrested for demonstrating, the majority were arrested either illegally or for conduct that could otherwise be subject to a traffic citation.

Though no one should have to suffer these abuses, the law is clearly more suspicious when these abuses are directed at detainees (i.e., people who have only been arrested but not convicted). The presumption of innocence provides even greater protection to detainees

Even though it was so bad, they went through much worse when we weren't there...

from arbitrary punishment and abuse. Unfortunately, as outlined extensively above, Baton Rouge Parish Prison's intentionally hostile response to arrestees violates the Due Process Clause of the US Constitution.

In addition to substandard conditions, the East Baton Rouge Parish Prison appears to encourage or at least tolerate abusive and humiliating conduct by guards. The inability or refusal to provide appropriate medical care

is also inhumane, and when medical care is provided, it falls far below the standard of care.

Law enforcement's response to protests in East Baton Rouge reflects an overwhelming intolerance to dissent, civic engagement, and the exercise of First Amendment rights. The lessons learned from the mass arrests following the civic protests of the killing of Alton Sterling are clear: systemic problems in the East Baton Rouge Prison require reform, not just of the conditions of confinement but to the intentionality of conduct that seeks to use threats of violence, humiliation, and disarray as punishment rather than detention. The manner in which East Baton Rouge Parish Prison treated those protesting police misconduct bears an uncanny resemblance to the treatment of those fighting for civil rights

over half a century ago.¹⁴³

Unfortunately, this report reflects the treatment of detainees in the East Baton Rouge Parish Prison when the whole world was watching. Jenna's summary thoughts on her confinement as a protest detainee are haunting: "I got the impression, from talking to other women who had been in the prison longer, that even though it was so bad, they went through much worse when we weren't there..."¹⁴⁴

Recommended Reading

Some of the major primary sources for this report can be found at the websites below:

- The declarations utilized herein were initially compiled for a First Amendment lawsuit filed by the National Lawyers Guild, the ACLU of Louisiana, and the New Orleans Workers' Center for Racial Justice. The original complaint and all declarations, including those used in this report, may be found at:

https://www.laclu.org/press/2016/NBRM_v_City_of_BR.htm

- Health Management Associates' presentation of their study on the medical practices at East Baton Rouge Parish Prison may be found at:

<http://justicespromise.org/about-us/news-press/157-east-baton-rouge-parish-prison-findings-through-health-management-associates>

- The East Baton Rouge Parish Justice Center Study by Loop Capital Financial Consulting Services, which examined review current local processes that affect the jail population against national best practices, particularly where these inefficiencies prolonged a detainee's stay in the prison, may be found at:

<http://www.brgov.com/press/Baton%20Rouge%20Justice%20Center%20Study%20-%20Final%20Report.pdf>

- A 1961 pamphlet by two Southern University students who were jailed for protesting segregation in Baton Rouge, which describes protest suppression and subsequent punitive prison conditions with striking resemblance to the experiences described in this report, can be found at:

http://www.crmvet.org/info/61_batonrouge.pdf





About the Promise of Justice Initiative

The Promise of Justice Initiative is a private, non-profit organization that advocates for humane, fair, and equal treatment of individuals in the criminal justice system. Our projects focus on ending the death penalty, fixing inhumane conditions of confinement, exposing prosecutorial and judicial misconduct, eliminating poor representation of criminal defendants, and ending racial discrimination in the criminal justice system. Our organization is composed of dedicated board members, staff, and volunteers who are committed to our Constitution's promises of justice and dismayed by society's shortcomings in making good on them.

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Notes

¹ The authors wish to thank all of the interviewees for their willingness to speak openly about their experiences. Additional thanks to the Louisiana chapter of the National Lawyers Guild for their rapid response to the detention and prosecution of these protestors. Special thanks to Ben Cohen for editing this piece, and to Emet Celeste-Cohen for designing and formatting this report.

² East Baton Rouge Parish Prison typically books anywhere from 40 to 80 new arrests a day, or anywhere from 14,600 to 29,200 people processed into the prison annually. LOOP CAPITAL FINANCIAL CONSULTING SERVICES, EAST BATON ROUGE PARISH JUSTICE CENTER STUDY – FINAL REPORT at 6 (June 30, 2016), <http://www.brgov.com/press/Baton%20Rouge%20Justice%20Center%20Study%20-%20Final%20Report.pdf>.

³ Steve Almasy, Holly Yan, Jamiel Lynch and Eric Levenson, *No federal charges against officers in Alton Sterling Death*, CNN, May 3, 2017, <http://www.cnn.com/2017/05/03/us/alton-sterling-doj-death-investigation>.

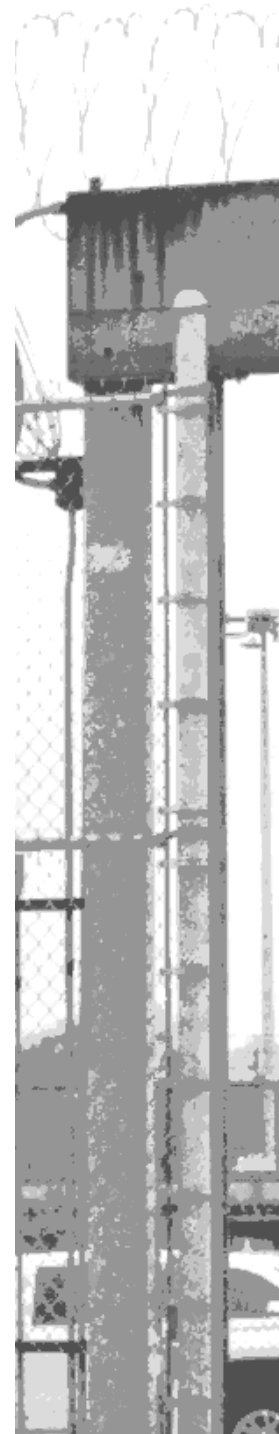
⁴ Department of Justice, Office of Public Affairs, *Press Release: Federal Officials Close Investigation Into Death of Alton Sterling*, UNITED STATES DEPARTMENT OF JUSTICE, May 3, 2017, <https://www.justice.gov/opa/pr/federal-officials-close-investigation-death-alton-sterling>.

⁵ Corporal L’Jean Mckneely Jr, *Press Release: Officer Involved Shooting on North Foster Dr*, BATON ROUGE POLICE DEPARTMENT, July 6, 2016, http://brgov.com/dept/brpd/news/pdfs/07-06-16_update_officer_shooting.pdf (citing officer’s paid leave immediately following the shooting); Bryn Stole, Jim Mustian And Andrea Gallo, *What’s next for Baton Rouge officers after federal Alton Sterling investigation closed*, May 4, 2017, http://www.theadvocate.com/baton_rouge/news/alton_sterling/article_d556416c-3116-11e7-a190-233a696e342d.html (paid leave continues for officers past the completion of the federal investigation).

⁶ Jeff Landry, *Press Release: Attorney General Jeff Landry Statement on Sterling Investigation*, LOUISIANA DEPARTMENT OF JUSTICE, May 3, 2017, <https://www.ag.state.la.us/Article.aspx/2406?catID=5>.

⁷ Rebekah Allen, Andrea Gallo, and Emma Discher, *3 Alton Sterling protesters arrested, but Baton Rouge authorities hopeful no need for militarized force*, THE ADVOCATE, May 3, 2017, http://www.theadvocate.com/baton_rouge/news/alton_sterling/article_88d03b60-2ff2-11e7-a041-3f479afded39.html.

⁸ Megan Wyatt, *Who’s being arrested in Baton Rouge and what they’re being charged with*, WWLTV, <http://www.wwltv.com/news/local/whos-being-arrested-in-baton-rouge-and-what-theybe-being-charged-with/272011303>.





⁹ “When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel.” La. C.Cr.P. Art. 218.1: Advice of reasons for arrest or detention and of rights.

¹⁰ “The person arrested has, from the moment of his arrest, a right to procure and confer with counsel and to use a telephone or send a messenger for the purpose of communicating with his friends or with counsel.” La. C.Cr.P. Art. 230: Rights of person arrested.

¹¹ *North Baton Rouge Matters, et al v. City of Baton Rouge, et al*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 14-16 (Declaration of Jenna Finkle (July 12, 2016)); Interview with Jenna Finkle (June 21, 2017).

¹² East Baton Rouge Sheriff’s Office, *Who We Are: Parish Prison*, <http://www.ebrso.org/WHOWEARE.aspx>.

¹³ LOOP CAPITAL FINANCIAL CONSULTING SERVICES, *supra* note 2, at 1.

¹⁴ *Id.* at 2-3.

¹⁵ *Bell v. Wolfish*, 441 U.S. 520, 535 (1979).

¹⁶ *Id.* at 539.

¹⁷ The Court has considered a number of factors in analyzing whether an action amounts to punishment or not, including “[w]hether the sanction involves an affirmative disability or restraint, whether it has historically been regarded as a punishment, whether it comes into play only on a finding of scienter, whether its operation will promote the traditional aims of punishment -- retribution and deterrence, whether the behavior to which it applies is already a crime, whether an alternative purpose to which it may rationally be connected is assignable for it, and whether it appears excessive in relation to the alternative purpose assigned.” *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168-69 (1963) (footnotes omitted).

¹⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-3 at 18 (Declaration of Brachell Brown (July 11, 2016)).

¹⁹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)).

²⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

²¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).

²² *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 8 (Declaration of Julien Burns (July 12, 2016)).

²³ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

²⁴ *Id.*

²⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 8 (Declaration of Julien Burns (July 12, 2016)).

²⁶ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 17 (Declaration of Karen Savage (July 12, 2016)).

²⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 19 (Declaration of Tammy Lynn Cheney (July 12, 2016)); R. Doc. 2-8 at 20 (Declaration of Marina Sparagana (July 12, 2016)). The officers arresting Mrs. Cheney refused to let her get into her own car to make sure her five-year-old son was alright, and threatened her with felony charges of abandonment. She was made to sit on the curb, her hands zip-tied behind her back; officers refused to investigate the child in her car until she responded “yes” when they asked “did you learn your lesson?”

²⁸ *Id.*

²⁹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 21 (Declaration of Marina Sparagana (July 12, 2016)).

³⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 4 (Declaration of Christopher Brown (July 11, 2016)).

³¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 3 (Declaration of Andrew McDaniel (July 12, 2016)).

³² Freeze +P, AERKO INTERNATIONAL, <http://aerko.com/freeze-p/>.

³³ *Id.*

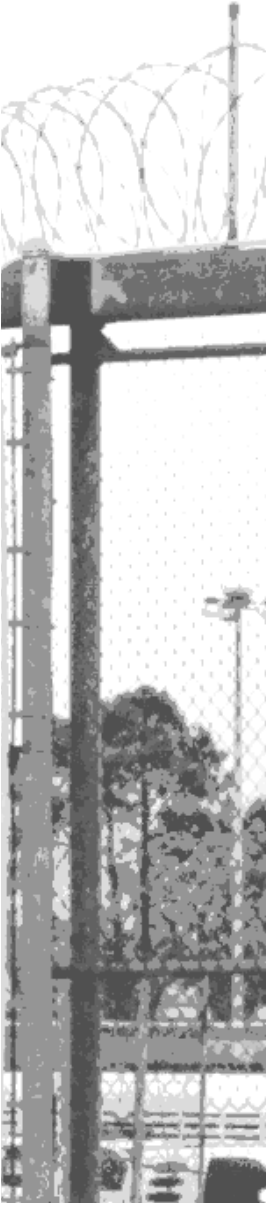
³⁴ East Baton Rouge Parish Sheriff’s Office Policy and Procedures Manual, Policy 04-03.06: Use of Force: USE OF LESS THAN LETHAL FORCE, last revised Jan. 26, 2009 (reevaluated annually), *available at* <https://studylib.net/doc/7222826/policy---east-baton-rouge-sheriff-s-office>.

³⁵ *Whitley v. Albers*, 475 U.S. 312, 320 (1986) (emphasis added).

³⁶ *Id.* at 327; *Hudson v. McMillian*, 503 U.S. 1, 9 (1992).

³⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 15 (Declaration of Jenna Finkle (July 12, 2016)); R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)); R. Doc. 2-4 at 4 (Declaration of Christopher Brown (July 11, 2016)); R. Doc. 2-6 at 9 (Declaration of Max Geller (July 12, 2016)); R. Doc. 2-3 at 18- 19 (Declaration of Brachell Brown (July 11, 2016)); R. Doc. 2-8 at 3 (Declaration of Andrew McDaniel (July 12, 2016)); R. Doc. 2-8 at 21 (Declaration of Marina Sparagana (July 12, 2016)).





³⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 21 (Declaration of Marina Sparagana (July 12, 2016)); R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)).

³⁹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 9 (Declaration of Max Geller (July 12, 2016)).

⁴⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 15 (Declaration of Jenna Finkle (July 12, 2016)); R. Doc. 2-8 at 21 (Declaration of Marina Sparagana (July 12, 2016)); R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)); R. Doc. 2-3 at 18-19 (Declaration of Brachell Brown (July 11, 2016)).

⁴¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)).

⁴² *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)); Interview with Jenna Finkle (June 21, 2017).

⁴³ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 4 (Declaration of Christopher Brown (July 11, 2016)).

⁴⁴ East Baton Rouge Parish Sheriff's Office Policy and Procedures Manual, Policy 04- 03.07 Use of Force: MEDICAL AID, last revised Jan. 26, 2009 (reevaluated annually), available at <https://studylib.net/doc/7222826/policy---east-baton-rouge-sheriff-s-office>.

⁴⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

⁴⁶ *Brown v. Plata*, 563 U.S. 493, 511 (2011).

⁴⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)); R. Doc. 2-4 at 7-8 (Declaration of Julien Burns (July 12, 2016)); R. Doc. 2-8 at 16-17 (Declaration of Karen Savage (July 12, 2016)); R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)); R. Doc. 2-6 at 8-9 (Declaration of Max Geller (July 12, 2016)); R. Doc. 2-8 at 20-21 (Declaration of Marina Sparagana (July 12, 2016)); Interview with Jenna Finkle (June 21, 2017).

⁴⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 8-9 (Declaration of Max Geller (July 12, 2016)).

⁴⁹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 20-21 (Declaration of Marina Sparagana (July 12, 2016)).

⁵⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 15-17 (Declaration of Karen Savage (July 12, 2016)).

⁵¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).

⁵² Taser x26c, <https://buy.taser.com/taser-x26c/>; Lorry Schoenly, *Taser Injury: the Stunning Truth*, CORRECTIONALNURSE.NET, <https://correctionalnurse.net/taser-injury-the-stunning-truth/>.

⁵³ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)).

⁵⁴ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

⁵⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

⁵⁶ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

⁵⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 17 (Declaration of Yakeista Hughes (July 12, 2016)).

⁵⁸ Interview with Jenna Finkle (June 21, 2017).

⁵⁹ *Id.*

⁶⁰ LOOP CAPITAL FINANCIAL CONSULTING SERVICES, *supra* note 2, at 9.

⁶¹ *Sibley v. Lemaire*, 184 F.3d 481 (5th Cir. 1999).

⁶² Linda Follenweider, Jack Raba, and Karen Batia, *Report and Recommendations: Clinical Operations at East Baton Rouge Parish Prison*, slide 1 (June 8, 2016) (identifying Linda Follenweider as a Master of Science, PhD candidate, and Certified Nurse Practitioner, Jack Raba as a Medical Doctor, and Karen Batia as a PhD).

⁶³ *Id.* at slides 5-6.

⁶⁴ *Id.* at slide 1.

⁶⁵ *Id.* at slide 25.

⁶⁶ *Id.* at slide 12.

⁶⁷ *Id.* at slide 14.

⁶⁸ *Id.* at slide 23.

⁶⁹ *Id.*

⁷⁰ *Id.* at slide 3.

⁷¹ *Id.* at slide 16.

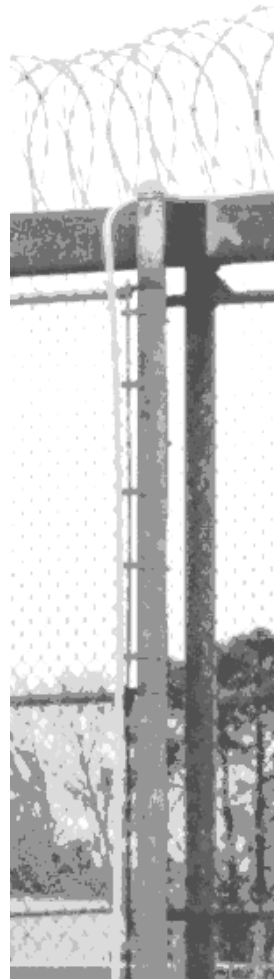
⁷² *Id.* at slide 8.

⁷³ *Id.* at slide 17.

⁷⁴ *Id.* at slide 16.

⁷⁵ *Id.* at slide 24.

⁷⁶ *Id.* at slide 24.





⁷⁷ *Id.* at slide 27.

⁷⁸ *Id.* at slide 15.

⁷⁹ *Id.* at slides 16-17.

⁸⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 21 (Declaration of Marina Sparagana (July 12, 2016)).

⁸¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7-8 (Declaration of Julien Burns (July 12, 2016)); R. Doc. 2-5 at 15-16 (Declaration of Jenna Finkle (July 12, 2016)).

⁸² *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)); R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)); R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)); R. Doc. 2-4 at 7-8 (Declaration of Julien Burns (July 12, 2016)).

⁸³ Follenweider *supra* note 62 at slides 27-28.

⁸⁴ *Id.* at slide 27.

⁸⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).

⁸⁶ *Bibbs v. Early*, 541 F.3d 267 (5th Cir. 2008) (inmates cannot be subjected to extreme heat or cold, and must be given appropriate bedding and clothing for the temperature); *see also Gaston v. Coughlin*, 249 F.3d 156 (2d Cir. 2001); *Foster v. Runnels*, 554 F.3d 807 (9th Cir. 2009) (meals cannot be denied as retaliation, since denying meals can be a deprivation of a life necessity); *Keenan v. Hall*, 83 F.3d 1083, 1089 (9th Cir. 1996) (prisons must provide prisoners with opportunities for exercise outside of their cells); *see also Delaney v. DeTella*, 256 F.3d 679 (7th Cir. 2001); *DeSpain v. Uphoff*, 264 F.3d 965 (10th Cir. 2001) (prisoners are entitled to sanitary toilet facilities, proper trash procedures, no roach or rat infestations, and basic supplies such as toothbrushes, toothpaste, soap, sanitary napkins, razors, and cleaning products); *see also Gillis v. Litscher*, 468 F.3d 488 (7th Cir. 2006).

⁸⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)).

⁸⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)).

⁸⁹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)).

⁹⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 16 (Declaration of Jenna Finkle (July 12, 2016)); R. Doc. 2-4 at 8 (Declaration of Julien Burns (July 12, 2016)); R. Doc. 2-4 at 19 (Declaration of Tammy Lynn Cheney (July 12, 2016)); R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

⁹¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 8 (Declaration of Julien Burns (July 12, 2016)).

⁹² *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 16 (Declaration of Jenna Finkle (July 12, 2016)).

⁹³ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)).

⁹⁴ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)); R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)); R. Doc. 2-8 at 17 (Declaration of Karen Savage (July 12, 2016)); R. Doc. 2-6 at 17 (Declaration of Yakeista Hughes (July 12, 2016)); R. Doc. 2-5 at 15 (Declaration of Jenna Finkle (July 12, 2016)).

⁹⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 17 (Declaration of Karen Savage (July 12, 2016)).

⁹⁶ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 19 (Declaration of Tammy Lynn Cheney (July 12, 2016)); R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)).

⁹⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 15 (Declaration of Jenna Finkle (July 12, 2016)); R. Doc. 2-6 at 17 (Declaration of Yakeista Hughes (July 12, 2016)).

⁹⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 17 (Declaration of Yakeista Hughes (July 12, 2016)).

⁹⁹ Interview with Jenna Finkle (June 21, 2017).

¹⁰⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)).

¹⁰¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 16 (Declaration of Jenna Finkle (July 12, 2016)).

¹⁰² *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)); R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)); R. Doc. 2-4 at 19 (Declaration of Tammy Lynn Cheney (July 12, 2016)).

¹⁰³ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 16 (Declaration of Jenna Finkle (July 12, 2016)).

¹⁰⁴ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)); R. Doc. 2-5 at 15 (Declaration of Jenna Finkle (July 12, 2016)).

¹⁰⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).





¹⁰⁶ *Id.*

¹⁰⁷ Interview with Jenna Finkle (June 21, 2017).

¹⁰⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)).

¹⁰⁹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)).

¹¹⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).

¹¹¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 15-16 (Declaration of Jenna Finkle (July 12, 2016)).

¹¹² *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 8 (Declaration of Julien Burns (July 12, 2016)).

¹¹³ LOOP CAPITAL FINANCIAL CONSULTING SERVICES, *supra* note 2, at 9.

¹¹⁴ *Id.*; Interview with Jenna Finkle (June 21, 2017).

¹¹⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 16 (Declaration of Jenna Finkle (July 12, 2016)).

¹¹⁶ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-5 at 15 (Declaration of Jenna Finkle (July 12, 2016)).

¹¹⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).

¹¹⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 16 (Declaration of Karen Savage (July 12, 2016)).

¹¹⁹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)); R. Doc. 2-5 at 15 (Declaration of Jenna Finkle (July 12, 2016)); R. Doc. 2-6 at 16 (Declaration of Yakeista Hughes (July 12, 2016)); R. Doc. 2-8 at 3 (Declaration of Andrew McDaniel (July 12, 2016)).

¹²⁰ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 3 (Declaration of Christopher Brown (July 11, 2016)).

¹²¹ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).

¹²² *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 19 (Declaration of Tammy Lynn Cheney (July 12, 2016)).

¹²³ A juvenile **shall** be held in custody in a juvenile detention center;” however, “[i]f a detention facility for juveniles is not available, he may be held in an adult jail or lockup for identification or processing procedures or while awaiting transportation only as long as necessary to complete these activities **for up to six hours.**” La. Child. Code Ann. § 306 Places of detention; juveniles subject to criminal court jurisdiction (emphasis added).

¹²⁴ East Baton Rouge Sheriff's Office, ANNUAL REPORT 2014, <http://www.ebrso.org/Portals/0/ebr-ar-2014-web.pdf>.

¹²⁵ LOOP CAPITAL FINANCIAL CONSULTING SERVICES, *supra* note 2, at 1.

¹²⁶ East Baton Rouge Sheriff's Office, Prison Roster, <http://www.eastbatonrouge.lavns.org/>.

¹²⁷ Diana Samuels, *East Baton Rouge Parish Prison: See new photos of the conditions inside*, THE TIMES-PICAYUNE, Feb. 3, 2015, http://www.nola.com/news/baton-rouge/index.ssf/2015/02/east_baton_rouge_parish_prison.html.

¹²⁸ *Id.*

¹²⁹ LOOP CAPITAL FINANCIAL CONSULTING SERVICES, *supra* note 2, at 3.

¹³⁰ *Id.* at 24.

¹³¹ Association of State Correctional Administrators, *ASCA Responses Staff to Inmate Ratio Survey*, PRISON LEGAL NEWS, June 16, 2010, , <https://www.prisonlegalnews.org/media/publications/ASCA%20Responses%20Staff%20to%20Inmate%20Ratio%20Survey%2C%20Association%20of%20State%20Correctional%20Administrators%2C%202010.pdf>.

¹³² The Baton Rouge Sheriff's Office self-reports 350 deputies who are employed by the prison, but this includes "secretarial workers, guards, and administrative staff" (<http://www.ebrso.org/WHOWEARE/Divisions/ParishPrison.aspx>). Even if we make the large assumption that two-thirds of the total staff are security guards, the ratio of East Baton Rouge Parish Prison staff to detainees is 6.8:1 any time the prison is running at full capacity. We know this ratio is actually regularly even higher, as 1) the prison operates above capacity nearly half the time, driving the inmate number up, and 2) not every person employed by the prison is on duty at all times, decreasing the number of officers in the prison at any time.

¹³³ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)).

¹³⁴ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 17 (Declaration of Karen Savage (July 12, 2016)); R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)); R. Doc. 2-6 at 9 (Declaration of Max Geller (July 12, 2016)); R. Doc. 2-5 at 16 (Declaration of Jenna Finkle (July 12, 2016)); R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)).

¹³⁵ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 17 (Declaration of Karen Savage (July 12, 2016)); R. Doc. 2-4 at 7 (Declaration of Julien Burns (July 12, 2016)); R. Doc. 2-5 at 16 (Declaration of Jenna Finkle (July 12, 2016)); R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)).



¹³⁶ Karen Savage, *Reporter Recounts Arrest, Prison Stay After Baton Rouge Protest*, JUVENILE JUSTICE INFORMATION EXCHANGE (July 22, 2016), <http://jjie.org/2016/07/22/reporter-recounts-arrest-prison-stay-after-baton-rouge-protest/>.

¹³⁷ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-6 at 9 (Declaration of Max Geller (July 12, 2016)).

¹³⁸ *NBRM v. City of Baton Rouge*, 3:16-cv-00463-JWD-RLB, R. Doc. 2-8 at 11 (Declaration of Nadia Salazar (July 12, 2016)).

¹³⁹ *Florence v. Bd. of Chosen Freeholders*, 566 U.S. 318, 326 (2012) (reaffirming that the proper standard for a specific prison policy is whether “it is reasonably related to legitimate penological interests.”); *see also Watt v. City of Richardson Police Dep’t*, 849 F.2d 195, 197 (5th Cir. 1988).

¹⁴⁰ *Bell*, 441 U.S. at 559.

¹⁴¹ *Id.* at 559.

¹⁴² *Hudson v. Palmer*, 468 U.S. 517, 528 (1984).

¹⁴³ Major Johns and Ronnie Moore, *It Happened in Baton Rouge, USA: A Real Life Drama of our Deep South Today* (1961), available at http://www.crmvet.org/info/61_batonrouge.pdf.

¹⁴⁴ Interview with Jenna Finkle (June 21, 2017).

