

March 27, 2012

Sheriff Marlin Gusman  
819 S. Broad Street  
New Orleans, La 70119

Re: [REDACTED]

Sheriff Gusman,

I am writing to advise you that [REDACTED], an individual in your custody, has endured sexual violence at the Orleans Parish Prison as a direct result of the deliberate indifference exhibited by you and your staff. [REDACTED] is currently in danger of enduring further sexual assaults. If your office fails to take immediate action to protect [REDACTED] from additional harm, SPLC will take formal legal action.

[REDACTED] is a transsexual woman imprisoned in Orleans Parish Prison (“OPP”) House of Detention. [REDACTED] was born with a male anatomy, but identifies and presents herself as a female. Despite her female identity, upon arrival at OPP she was placed in a male tier in Old Parish Prison, which was not adequately supervised. In placing [REDACTED] in an inadequately supervised male dorm, you and your staff wholly ignored the substantial risk of serious harm and sexual violence she faced and continues to face on a daily basis. As a result [REDACTED] has endured multiple rapes—including a rape by an individual who is known to be HIV positive. [REDACTED] tested negative on her HIV test when she first entered OPP. After enduring multiple rapes over the past month, she has now tested positive for HIV.

On or around February 27, 2012 [REDACTED] was attacked in Old Parish Prison and gang raped by approximately five men for forty minutes. These men had knives and held her hostage, forcibly penetrating her both orally and anally. [REDACTED] sought medical attention for two days after the attack. Sheriff’s deputies refused her requests.

On February 29, 2012 [REDACTED] was finally taken to see a nurse. She reported the rape to the nurse, but the nurse did not seem to believe her, or, in any event, did not respond. [REDACTED] was placed on suicide watch on the 10<sup>th</sup> floor of the House of Detention. She was again placed on a male dorm, in an unsupervised cell.

The sexual violence persisted—even while [REDACTED] was on suicide watch. On or around March 7, 2012, [REDACTED] began to be raped by another prisoner on the 10<sup>th</sup> floor HOD. She was raped multiple times over the last several weeks. She was beaten up by her attacker, who punched her so hard in the face that one of her back molars is broken. Sheriff’s deputies failed to take any reasonable efforts to protect [REDACTED] from this abuse. In fact, deputies deliberately increased the chances that

██████ would experience additional abuse by implying to her attacker that she was seeking legal assistance from this office in an effort to halt the abuse she was experiencing on a nightly basis. Upon hearing this information, ██████' attacker became irate and threatened to kill her, and to "break every bone in her body." Deputies once again failed to protect her from this torture.

This weekend, on March 24, 2012 ██████ was strangled and brutalized by her attacker. She filed a sick call that said "help me, I am being raped." The nurse walked over to the cell, looked in, and began to leave. ██████ ran out of the cell before they could close it, and begged the nurse to take her, explaining that she would be killed if the nurse did nothing to protect her.

Finally, ██████ was transported to University Hospital. A rape kit was performed, and she was tested for HIV. Your records reflect that ██████ was HIV negative when she was booked into your jail. She is now HIV positive.

Inexplicably, yesterday Sheriff's deputies again attempted to return ██████ back onto the 10<sup>th</sup> floor of HOD—on the same tier where her attacker is currently housed. When her attacker saw her return to the 10<sup>th</sup> floor he screamed threats at her. She refused to enter the tier. He said "I know they're putting you on the 9<sup>th</sup> floor, I'm going to send someone to get you." She now is housed on the 9<sup>th</sup> floor of the House of Detention. Her attacker knows where she is.

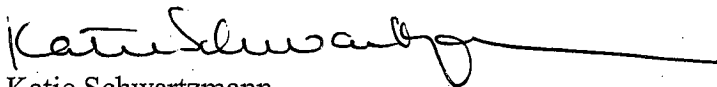
The security on the 9<sup>th</sup> floor is insufficient to protect ██████. Cell doors do not lock, violence is widespread and Sheriff's deputies do not supervise or protect individuals housed on this floor. In order to avoid formal legal action, you must immediately implement emergency measures to protect ██████ from further harm. Such measures must include:

- Moving her to a safe, secure location where Sheriff's deputies are able to keep constant watch on her and where she is not subject to prolonged cell confinement;
- Providing her with access to a telephone so she can communicate with her counsel about her safety at all times.

If you fail to assure her safety, we are prepared to file suit in federal court and seek a temporary restraining order to have her transferred out of your custody.

Please respond to us by 7 p.m. today to confirm receipt of this letter and remedial actions being taken to address this serious situation.

Sincerely,



Katie Schwartzmann  
Managing Attorney

cc: Usry Weeks & Matthews, attn. Blake Arcuri