



## Rationale for Changes in Budget

- **Recent court decisions have clarified the responsibilities of the parish government with regard to funding of jail or Sheriff functions.**
- **These recent rulings were predicated on the indisputable notion that the law is to be determined, first and foremost, on the basis of the statutory language.**
- **Court decisions can be interesting and enlightening, but they are not “the law.”**
- **Rather, it is firmly established that the “sources of law are legislation and custom.”**





## Rationale for Changes in Budget

- In Louisiana, courts must look first and foremost to the state’s “primary sources of law: the State’s Constitution, codes, and statutes.”
- The primary basis of law for a civilian is legislation, and not—as in the common law—a great body of tradition in the form of prior decisions of the courts.
- Indeed, “[s]tare decisis is foreign to the Civil Law, including Louisiana.”
- *Stare decisis* is the legal principle of determining points in litigation according to precedent.
- Jurisprudence, even when so cohesive and entrenched as “to rise to the level of *jurisprudence constante*,” is merely “a secondary law source.”
- Thus, courts are not strictly bound by decisions of other courts.





## Rules of Statutory Interpretation

- **When a statute is clear and unambiguous and its application does not lead to absurd consequences, the provision must be applied as written with no further interpretation made in search of the legislature's intent.**
- **Louisiana courts have frequently noted that our civilian tradition does not recognize the doctrine of *stare decisis* in our state.**
- **This means that case law interpreting a statute are inferior to the statute itself.**
- **The determinations made in the preparation of the proposed FY 25-26 budget do not mean that future requests for appropriations will not be considered—these will be evaluated on a case-by-case basis for validity and appropriateness in line with statutory mandates.**





## Security of Prisoner Obtaining Health Care

- In prior fiscal years, appropriations were made for Jailer Services—Hospital Security.
- These costs pertain to security provided by deputies associated with an inmate having to travel to a hospital or medical facility for health needs.
- These have been eliminated from the proposed budget as these costs are solely the responsibility of the Sheriff under La. R.S. 15:704:

*Each sheriff shall be the keeper of the public jail of his parish, and shall by all lawful means preserve the peace and apprehend all disturbers thereof, and other public offenders.*

- Thus, even outside of the jail, the Sheriff is obligated to preserve the peace by protecting parish residents from disturbers of the peace and other public offenders through arrest.
- In contrast, no statutory obligation exists imposing similar duties upon parish government.





## Clothes, Hygienic Materials and Bedding for Inmates

- In prior fiscal years, appropriations were made for inmate clothing, hygienic materials and beddings for incarcerated inmates.
- These costs are captured under the \$3.50 jailer service fee as further explained in the next slide and thus are the sole responsibility of the Sheriff under La. R.S. 15:705:

*The sheriffs or jailkeepers shall supply each prisoner daily with wholesome food sufficient in quantity for the proper maintenance of life. They shall provide the prisoners with clothing suited to and sufficient for the season.*

- La. R.S. 13:522A states:

*A sheriff . . . shall pay from the Sheriff's Salary Fund, upon warrant drawn by him, all expenses authorized by law which are incurred in the performance of his duties, . . .*

- In contrast, no statutory obligation exists imposing similar duties upon parish government.





## Clothes, Hygienic Materials and Bedding for Inmates

- La. R.S. 15:757 **previously** mandated that the clothing, soap, and individual towels of prisoners shall be “at the expense of the municipality, parish or state”:

*The keeper or manager shall furnish soap and individual towels and clean clothing when the prisoner is not able to provide the wearing apparel, especially underclothing, **at the expense of the municipality, parish or state.***

- However, that statute was **repealed in 1982. It is no longer the law.**
- To the extent that a parish government has any obligation to reimburse a Sheriff for clothing expenses, such an obligation falls under La. R.S. 13:5535(1) and is satisfied by the payment of at least \$3.50 per day under “jailer services,” per prisoner for “feeding and keeping.”
- This expense has been addressed for FY 2025-26 in the proposed budget.





## Security to Guard Inmates Cleaning LPSO Administration Building

- In prior fiscal years, appropriations were made for costs related to providing a “supervisor for inmate/trustee labor.”
- These have been eliminated from the proposed budget as these costs are the sole responsibility of the Sheriff under La. R.S.

**15:704:**

*Each sheriff shall be the keeper of the public jail of his parish, and shall by all lawful means preserve the peace and apprehend all disturbers thereof, and other public offenders.*

- Thus, even outside of the jail, the Sheriff is obligated to preserve the peace by protecting parish residents from disturbers of the peace and other public offenders through arrest.





## Revised Allocation of Inmate Medical Costs Between Parish and Sheriff

- **In prior fiscal years, appropriations were made for “Contractual Services—Inmate Medical Costs.”**
- **In recent years, these costs were allocated on an 80-20 basis, parish to sheriff.**
- **The proposed budget changes from an allocated basis to an actual basis, parish inmates v. non-parish inmates.**
- **This results in a budgeted increase of \$290,000, but is subject to adjustment or “true-up” or “true-down” based on actual expenditures.**





## Appropriation for Capital Projects

- The proposed budget allocates for capital outlay, but only for items that do not pertain to “keeping” of prisoners in the jail.
- Costs associated with “keeping of the jail” are solely the responsibility of the Sheriff under La. R.S. 15:704:  
*Each sheriff shall be the keeper of the public jail of his parish, and shall by all lawful means preserve the peace and apprehend all disturbers thereof, and other public offenders.*
- Thus, requests for vests, gloves, helmets, handcuffs, etc., are not in the budget as they are not the responsibility of the parish.
- Rather, it is the responsibility of the Sheriff to “keep” the prisoners in the jail,” and to “preserve the peace.”





## Appropriation for Capital Projects

- **If approved in the budget proposed for FY 2025-26, an IGA will be executed between the City and Parish whereby the City pays to the Parish the sum of \$1 million.**
- **The funds paid by the City will be earmarked for capital expenditures of LPCC.**
- **Thus, the proposed budget envisions a revision to the long-standing agreement as to capital funding for LPCC.**

