

FESTIVAL CELEBRATES 15 YEARS | MAP + SCHEDULE

LIVING LAGNIAPPE



DEVON WALKER

Leading from the sidelines

SPORTS



The Times-Picayune

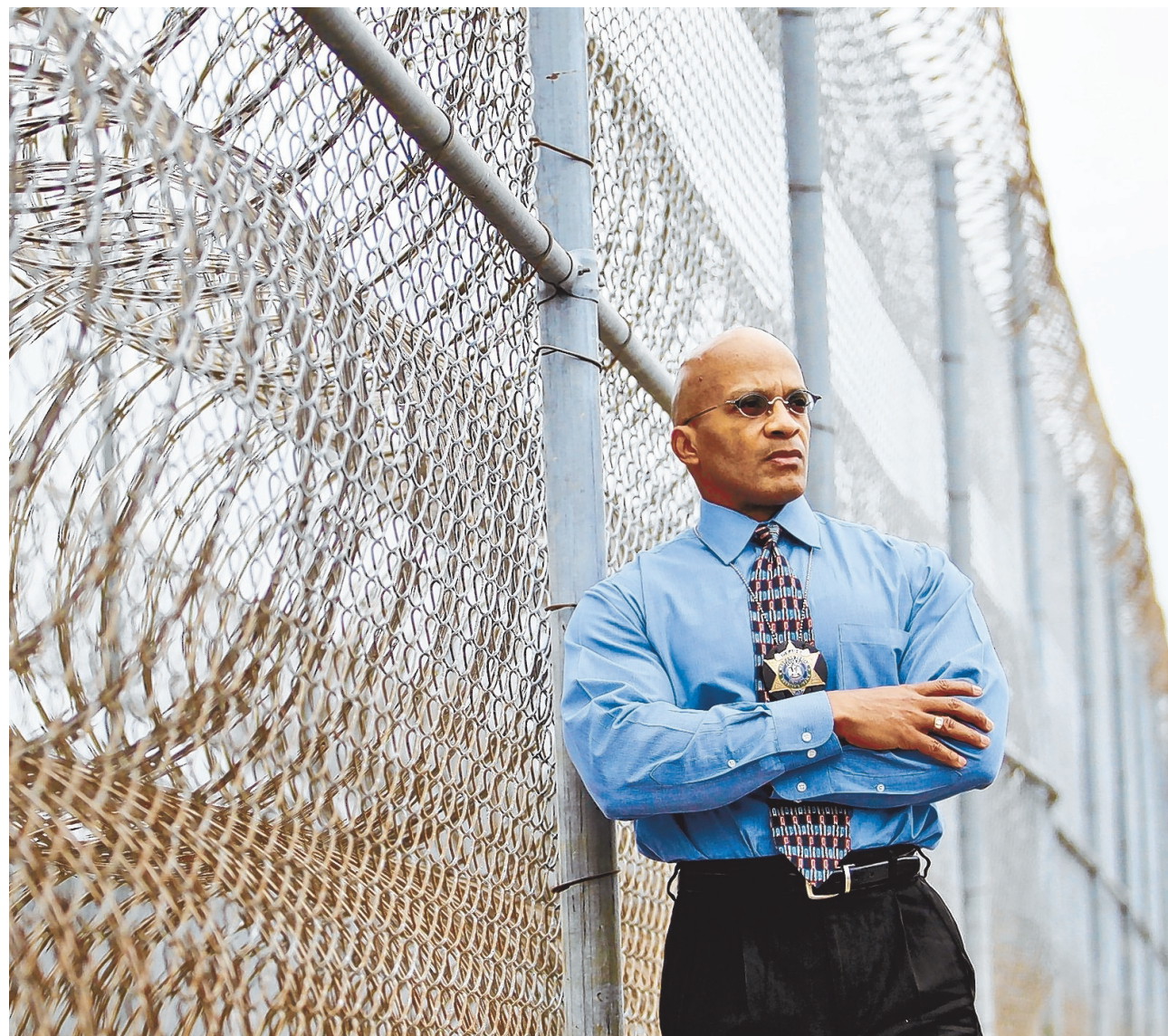
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FRIDAY, NOVEMBER 1, 2013

DAILY & BREAKING NEWS AT



GUARD WHO BLEW THE WHISTLE ON ABUSES AT OPP NOW FEARS FOR HIS JOB



BRETT DUKE / STAFF PHOTOGRAPHER

Orleans Parish Sheriff's Deputy Bryan Collins secretly spoke with the Southern Poverty Law Center about life inside the prison. Now Collins is the subject of criminal and administrative probes.

By Naomi Martin
Staff writer

An Orleans Parish jailer who helped expose rapes, stabbings and poor conditions at the lockup, by secretly providing information to the Southern Poverty Law Center for a civil rights lawsuit that led to federal intervention, could lose his job and face criminal prosecution after the Sheriff's

Office launched an investigation.

The deputy has decided to go public about providing information for the case — and to NOLA.com and The Times-Picayune — because he fears he is being retaliated against for blowing the whistle about what he saw behind the jail's razor wire.

Deputy Bryan Collins, a four-year employee of the Sheriff's Office, has not been allowed to report for duty for a week and has, through a lawyer,

reported his concerns about retaliation to the U.S. Department of Justice.

Sheriff Marlin Gusman's office confirmed late Thursday that Collins is the subject of criminal and administrative probes. In a brief written statement, a Gusman spokesperson said Collins violated department policies when he brought a cellphone into the jail and took the photo of a bloody

See **GUARD**, A-11

New synthetic drug blamed in couple's deaths

Pair found dead in Metairie home

By Michelle Hunter
Staff writer

Anthony Junda and Jessica Lange, the couple found dead Oct. 7 inside an Old Metairie home, overdosed on a relatively new synthetic opioid that has already gained a lethal reputation in New England.

Toxicology tests disclosed that the couple had taken acetyl fentanyl, a deadly drug five times more potent than heroin, said Mark Bone, chief investigator for the Jefferson Parish Coroner's Office.

The Centers for Disease Control and Prevention issued an emergency alert after health officials in Rhode Island identified a cluster of 14 overdose deaths related to the drug. Ten of those deaths occurred in March.

A relative discovered the bodies of Junda, 37, and Lange, 36, on Oct. 7 at the house they shared at 218 Mandarin St.

Lange was in bed, Junda in an outside storage shed. Investigators determined the two had been dead for at least 24 hours.

Bone said the couple's toxicology screens also showed the presence of the pain killer hydrocodone and carisoprodol, a muscle relaxant known by its brand name, Soma. But the main cause

See **DEATHS**, A-10

Parish cuts off lawyers' fees for Coroner's Office

Lawsuits have cost \$1 million this year

By Robert Rhoden
Staff writer

The embattled St. Tammany Parish Coroner's Office has shelled out more than \$1 million in legal fees so far this year, but Parish President Pat Brister has put a temporary kibosh on such spending until an interim coroner is named to replace Peter Galvan, who resigned and pleaded guilty to a federal corruption charge.

Brister last week sent a letter to a half dozen attorneys who have represented the Coroner's Office on various fronts



Pat Brister

ST. TAMMANY PARISH PRESIDENT

Tells attorneys: No payments until interim coroner is named

this year, instructing them to cease all legal work for the agency until an interim coroner is named by Nov. 7.

The message didn't go over well, Brister said, with lawyers telling her that she didn't have the authority to cut them off. The response was akin to "You're not the boss of me," Brister said.

The parish president fired off a second letter on Oct. 25, again citing the new state law giving parish government financial

See **CORONER**, A-11

Doll and Toy Fund season begins for the 118th time
Project brings Christmas joy to children

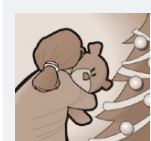
By Jacob Bielanski
Contributing writer

For the 118th year, The Times-Picayune Doll and Toy Fund will be working to make sure that children in need receive gifts for Christmas.

Volunteers will be on hand Dec. 21 to distribute about 12,000 toys of all sorts.

"We'd like to give them all away," said Ron C. McDonald, a retired New Orleans Police

See **FUND**, A-10



THE
TIMES-
PICAYUNE
DOLL &
TOY FUND

SHUTDOWN COSTLY TO STATE, REPORT SAYS

ESTIMATED HIT
\$92 million

By Bruce Alpert
Staff writer

WASHINGTON — Louisiana's economy took a \$91.75 million economic hit because of the partial government shutdown that ran from Oct. 1-16, according to new estimates provided by

Moody's Analytics.

That's equal to a 0.16 percent hit on the state's GDP for the fourth quarter of 2013, the measure of economic activity based on market value of goods and services.

Louisiana fared far better than states with large military and government facilities. For example, Washington, D.C., suffered a 5.59 percentage point drop in GDP, not surprising because it's the center of the federal government.

At the height of the

shutdown, more than 800,000 federal workers were furloughed, including more than 1,000 at the National Finance Center in New Orleans.

Among Metro areas, New Orleans was hit with a 0.31 percent drop in GDP, compared to only 0.09 percent in Baton Rouge, according to the Moody's Analytics report.

The data was released by the Democratic Senatorial Campaign Committee, which accuses House Republicans

of causing the partial shutdown by insisting on defunding or delaying the Affordable Care Act. Some of those GOP House members blamed by the Democratic campaign group, including Bill Cassidy, R-Baton Rouge, are running for the Senate in 2014.

Cassidy has said House Republicans passed bills to reopen major portions of the government during the partial shutdown, but were rebuffed by Senate Democrats.

WEATHER

See B-10

SCATTERED STORMS

HIGH 78° LOW 58°

BUSINESS

A-13

CLASSIFIED

E

COMICS

R

DEATHS

B-3

LIVING

C

LOUISIANA

A-2

NATIONAL

A-7

OPINIONS

B-7

SPORTS

D

TELEVISION

C-4

WASHINGTON

A-2

WORLD

A-15

176th

YEAR

NO. 122



CONTINUED

Guard says he came forward because he couldn't be a part of abuses at OPP

GUARD, from A-1

jail cell that later appeared on NOLA.com.

Gusman did not respond to a request for an interview.

The Southern Poverty Law Center's lawsuit against the Sheriff's Office, which the Justice Department joined in 2012, led to a consent decree mandating widespread changes to the multibuilding lockup after a judge ruled conditions unconstitutional.

Collins began providing information to the group two years ago, and became a confidential source to NOLA.com and The Times-Picayune in June.

Collins recently hired a lawyer after colleagues in the jail told him internal investigators suspected he was a source of information to the nonprofit legal group and to the newspaper.

"What he's done is nothing less than heroic," said Eric Hessler, a New Orleans attorney who represents law enforcement officials. "Shame on them for investigating him for that when he has reported far more heinous crimes occurring inside the jail and they took no action whatsoever. That's unconscionable."

And even as Gusman pledges a new day for the long troubled lockup, Collins says there have been no meaningful changes and the violence that led to the decree continues unabated.

Collins is the first Sheriff's Office employee to speak publicly about the jail. He said the public should know that the Sheriff's Office routinely fails to conduct thorough investigations into contraband and violence.

But at the same time, the office has spent months investigating Collins for providing information to outside organizations. Internal investigators have interrogated Collins and threatened him with a polygraph and criminal prosecution, he said.

Collins was first questioned in June when NOLA.com published his photographs showing a jail cell covered in blood where the stabbing had occurred.

The news organization accepted the photos on the condition of anonymity because Collins feared for his job, and he is only being identified as the source with his consent.

Collins was appalled by the sheriff's public characterization of the inmate's 20 stab wounds as "superficial." By that point, he said, he had seen the department's unwillingness to adequately investigate serious crimes.

"My conscience is killing me," Collins said at the time of his decision to provide the pictures and other information. "This is the reality of life and work behind the walls of OPSO jails. It is apparent that Marlin Gusman does not know how, want to or even care to change anything. Evidently, everything is

superficial."

The public, he said, knows about the New Orleans Police Department's troubles because "they're on patrol and the things they do are clearly visible to the everyday citizen. But in the jail, we're behind an impenetrable curtain and the things that happen that may be illegal, unethical and immoral are never brought to light."

In federal court testimony as part of the consent decree proceedings, a grim picture of the jail's widespread violence has emerged: 32 inmates were stabbed last year, and there were 698 prisoner assaults, one for every three to four inmates. The jail has also long been plagued by high rates of suicide, escape and rape, experts testified.

Rude awakening

At 48, Collins isn't the typical jail employee. The low-paying job, at less than \$10 an hour, often draws young people who plan to do a turn in the jail before moving on to another type of law enforcement position, maybe on patrol or investigating crimes.

After a career in the private sector, as a sales manager for Coca-Cola and running his own business, Collins went to the Sheriff's Office looking for a law enforcement career he could be proud of.

The job was hardly what he thought he signed up for. He was first assigned to what was called the House of Detention, which housed special populations such as those on suicide watch. Later, he worked at a facility called Conchetta, which houses juveniles and other pre-trial detainees.

Just days into his new job, he saw an older inmate being treated in a way that seemed inhumane.

"I saw an old man have to defecate in his hand because deputies wouldn't let this man use a bathroom," Collins said, his voice cracking and tears streaming down his cheek.

The jailer, a lifelong New Orleans resident with a Marine-like bearing, removed his eyeglasses and wiped his eyes. "My ambition became to correct this. This guy just asked to use a bathroom. It's not right. And that's what happens every day."

Until now, no deputies have publicly spoken about the conditions inside the jail. Unlike police officers, the sheriff's employees have no union that can speak for them, and they serve at will, meaning they can be fired at any time.

In his four years working for the Sheriff's Office, Collins said he has been disciplined once. He got a formal reprimand in November 2010 for not attending his academy graduation ceremony. He was too ill to attend, he said.

He provided a record of that reprimand. The sheriff's office



A guard provided a photo of an OPP cell after a June 6 stabbing. The Sheriff's Office characterized the attack on inmate Brian Ellis as 'superficial.' Another inmate is blamed in the incident.

did not immediately release his disciplinary record.

Collins described a deplorable work environment, a picture that has emerged in federal court as well: extreme understaffing in which one guard may be assigned to watch several floors of inmates at a time; fellow staff members who constantly play on their phones or style their hair instead of making rounds; and no support from supervisors in enforcing rules and laws within the jail.

Contraband in the jail is an ongoing. The public saw a snapshot of the problem in the notorious videos aired in federal court in April that showed inmates drinking beer, doing drugs and unloading a gun.

Cellphones are widely available, he said, and inmates regularly post photographs to social media and text people on the outside. Collins described a frequent stench of marijuana in the jail when he arrives to work.

"We're all thinking, 'OK, there's got to be a shakedown today,'" he said, "But there never is."

Additionally, Collins said, inmates who assault guards or each other are rarely punished, either by being disciplined or, in serious cases, rebooked on new charges.

Investigations, when they happen, are done poorly, he said. Inmates are often interviewed in front of each other, making a meaningful investigation difficult because of their fear of retaliation by other inmates. The federal judge has noted that concern.

There are cameras inside the jail but they do not record footage, Collins said. They only provide deputies in control rooms real-time images. The lack of recordings hampers investigations.

It all sends a message to the inmates, he said, that empowers the aggressors and silences assault victims. "The inmates know we have no power," Collins said.

It was that apathy and lack of follow-up that prompted Collins to send NOLA.com and The Times-Picayune the photos of the bloody cell. He was on duty on June 6 when Edward Dean

stabbed Brian Ellis. Dean was an inmate tier representative, a position that allowed him to enter Ellis' cell to serve food.

Collins described a weak investigation that didn't go anywhere until after Ellis' mother called. About a week later, Dean was rebooked into the jail on a charge of aggravated battery.

Gusman issued a statement at the time, saying Ellis' wounds were "superficial" and that he was transported to a local hospital "out of an abundance of caution."

On Thursday, Gusman stood behind those characterizations, saying the office "made full disclosure to the news media, the district attorney and all other interested parties" about the incident.

But despite that characterization, the District Attorney's Office charged Dean with a more serious felony, attempted murder, which he pleaded guilty earlier this month.

Collins chaffed by what he saw as another instance of the sheriff downplaying horrendous violence in the jail. So he sent NOLA.com and The Times-Picayune the photos.

The day after the photos were published, Collins said there was a roll call in which two high-ranking supervisors gave a chilling speech to the deputies. Collins' account was corroborated by another deputy who was present.

"The man is pissed," the supervisors reportedly told the guards. "We have a rat. Somebody is going to pay. You're going to learn that what happens here, stays here. When we catch this person, he will be arrested for malfeasance and go to jail. You're going to be left out on an island by yourself and no one's going to defend you. You will never get another job in law enforcement."

Soon after that, investigators narrowed their search to a few deputies, including Collins. They interrogated him and threatened him.

And in the months since, he said, he has been harassed. Co-workers told him they heard investigators subpoenaed his personal phone records.

"They have launched far more

resources into this investigation than when someone dies," Collins said.

The Sheriff's Office in its Thursday statement said investigators had determined that Collins brought a cellphone on the tier where the stabbing occurred.

"The appearance of the phone on the tier is, in and of itself, contraband under jail rules," the statement says, "and the taking of pictures in the cell area is in violation of security regulations."

Collins said he and other jailers routinely carry cellphones because they don't always have working radios and may need to use their personal phones in an emergency.

The Sheriff's Office also said that Collins had "submitted false information on his employment application."

Though the Sheriff's Office declined to confirm what that false information was, Collins said he believed it was his home address, which he did not want the agency to know. Internal investigators called him two weeks ago, asking about the address, which he had provided, and an investigator told him he had tried to dispatch a car to his address. Collins took that to mean he was potentially going to be arrested.

The Sheriff's Office said the "entire matter is under investigation for the possible lodging of charges. The District Attorney's Office has been notified."

A spokesman for District Attorney Leon Cannizzaro said prosecutors had received word of the investigation, but the Sheriff's Office had not yet provided them with a formal report.

When asked whether the accusations against Collins seemed criminal, spokesman Christopher Bowman said it was too early to say.

Consent decree takes hold

The Southern Poverty Law Center began investigating the prison's conditions in September 2011. It filed a class-action civil rights lawsuit the following year, seeking improvements at the lockup. The Sheriff's Office settled the case by grudgingly entering into the consent decree in December 2012.

In approving the decree in June, U.S. District Judge Lance Africk ruled that Gusman and his staff had shown a "deliberate indifference" to the inmates' risks of serious harm, violating their constitutional rights. Predators routinely remain in cells with their victims, the judge wrote.

He wrote that the federal oversight was "the only way to overcome the years of stagnation that have permitted OPP to remain an indelible stain on the community, and it will ensure that OPP inmates are treated in a manner that

does not offend contemporary notions of human decency."

For the Southern Poverty Law Center, Collins, as well as many other deputies, helped to report incidents of violence as well as corroborate the accounts of inmates. Collins said he reported each incident first to the Sheriff's Office, but there was rarely, if ever, any follow-up.

Katie Schwartzmann, director of the Southern Poverty Law Center's Louisiana office, said the organization's policy is to protect the identity of sources. Such informants are critical to their work, she said.

"We are always grateful for the bravery of anyone willing to come forward and speak about the horrendous conditions at the jail. It is critically important that people be able to do so without fear of intimidation or retaliation. We should all be working together and focused on fixing this jail."

One incident emblematic of those that spurred Collins to call the law center, he said, was the rape of inmate Byron Morgan.

Collins had been off work for several days, and when he returned the inmate told him that he was raped in the shower by three men. The inmate said he had tried to tell other deputies and supervisors, but nobody cared.

The Sheriff's Office took Morgan to Interim LSU Public Hospital where preliminary results showed no forced sex, Gusman said in a press release at the time.

In a press release, Gusman said the inmate was lying and Southern Poverty Law Center attorneys were "in the business of cultivating rumors and untruths to serve their own litigious purposes."

Collins said he was the one who reported the rape and other incidents like it to the Southern Poverty Law Center because he felt the department was white-washing heinous crimes.

"The rank," he said of supervisors, "thinks everybody lies — inmates lie, deputies lie. I easily could have turned my back to him and it never would have come to light. You turn your back, things just go away, so they hope."

Collins could seek whistleblower protections under a federal law that prohibits retaliation against anyone reporting civil rights violations that are part of lawsuits like the consent decree proceedings. There is also an anti-retaliation provision in the consent decree.

But that's a legal battle that hasn't yet begun.

Faced with the prospect of losing his job — and potentially being prosecuted — Collins said he made the right decision.

"I just hope it makes this a better jail and a better city."

Coroner sued parish over legislation transferring agency's financial control

CORONER, from A-1

control over the Coroner's Office and, this time, having Chief Deputy Coroner Michael DeFatta lend his signature to the document.

DeFatta has declined the post of interim coroner, but is running the agency until an interim head is named by the Parish Council.

Attorney Jacques Bezou, who has been representing the Coroner's Office in a wrongful termination lawsuit brought by a former employee, acknowledged the second letter, Brister said. Bezou cited her letter in asking the 22nd Judicial District Court in Covington for a postponement of a court hearing that had been scheduled Wednesday.

The other lawyers have not responded, Brister said.

"But we do know that there will not be any more payments made until a new coroner is in, either interim or permanent," she added.

The parish government's

concern has not only been the amount of money that has been spent by Galvan on legal services but the hourly rates that the Coroner's Office has been paying, Brister said. In some cases, they are double the rate set by the state, she said.

Legal experts have said some of the firms employed by Galvan command \$400 to \$500 per hour for their services.

State law requires that public bodies receive the approval of the attorney general to hire outside attorneys. Public bodies can pay up to \$175 per hour and must obtain special approval to go above that range, according to the Attorney General's Office.

However, the law does not apply to the state's coroners' offices or parish governing authorities like St. Tammany that have a home-rule charter form of government and charter provisions for hiring counsel, the office has said.

The Coroner's Office has been fighting a number of legal

battles.

In June, Galvan filed suit against the state and the parish over the legislative act that transferred financial control of the agency to the parish government.

Galvan hired attorney Phil Wittmann of the prestigious Stone Pigman law firm in New Orleans to represent the agency.

The parish responded with a lawsuit of its own, asking the court to validate the financial takeover and hold Galvan personally liable for any misuse of Coroner's Office funds for property.

In April, the state Legislative Auditor filed suit against Galvan after the coroner refused to turn over emails that were part of an investigative audit into the agency's spending habits. Attorney Kyle Schonekas represented Galvan in that case.

Galvan's office is also embroiled in a long legal battle in a wrongful termination case brought by a former employee. That case led to the release

of numerous Coroner's Office financial records, prompting a series of news stories about lavish spending by Galvan and his agency.

Schonekas' firm also has represented Galvan in the criminal case brought by federal authorities.

Galvan resigned Oct. 18 and pleaded guilty the following week to a charge of conspiring to steal from the agency he had run since 2000. He faces a sentence of up to five years in prison and a \$250,000 fine.

Sentencing is scheduled Jan. 29.

The Parish Council will have to vote to call a special election to replace Galvan.

April 5 is the next available election date in St. Tammany, with a May 3 runoff if needed, officials have said. Qualifying for that election date is Feb. 12 to 14.

Reporter Kim Chatelain contributed to this story. Robert Rhoden can be reached at rrrhoden@nola.com or 985.898.4830.

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