

JESSIE BELLARD, IN HIS CAPACITY
AS PARISH PRESIDENT, ON BEHALF OF ST. LANDRY
PARISH GOVERNMENT

V.

BOBBY J. GUIDROZ, IN HIS CAPACITY
AS SHERIFF OF ST. LANDRY PARISH

DOCKET NO. _____

27TH JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY
STATE OF LOUISIANA

PETITION FOR DECLARATORY JUDGMENT AND UNJUST ENRICHMENT

NOW INTO COURT, through undersigned counsel, comes Petitioner, JESSIE BELLARD, IN HIS CAPACITY AS PARISH PRESIDENT, ON BEHALF OF ST. LANDRY PARISH GOVERNMENT ("SLPG"), who alleges and avers as follows:

PARTIES AND VENUE

1.

Petitioner is Jessie Bellard, in his official capacity as St. Landry Parish President, on behalf of St. Landry Parish Government ("SLPG"), a political subdivision that is the governing authority of St. Landry Parish, Louisiana.¹

2.

Defendant is Bobby Guidroz, in his official capacity as the elected Sheriff of St. Landry Parish ("Sheriff Guidroz").

3.

This Honorable Court has jurisdiction over this matter pursuant to La. Code Civ. Proc. art. 6. And, Venue is proper in this Court pursuant to La. R.S. 13:5104.

SUMMARY OF PETITION

4.

SLPG seeks a declaratory judgment and a judgment providing recovery for unjust enrichment, based on Sheriff Guidroz's enrichment of his office, at the expense of SLPG, through the misuse of Louisiana statutes related to mandatory expenses for inmate costs.

5.

In short, Sheriff Guidroz is transferring Parish Inmates to jails in other parishes, at great expense to SLPG and without valid justification, so that Sheriff Guidroz can keep additional DOC Inmates in the Parish Jail, and profit from the per diem paid by DOC to the Sheriff for each

¹ The St. Landry Parish Council authorized the Parish President to initiate legal action, on behalf of SLPG and against Sheriff Guidroz, during the Parish Council's Regular Meeting on October 16, 2024.

inmate.

6.

In so doing, Sheriff Guidroz is inflating SLPG's costs, and essentially using SLPG's funds, to increase the revenues of his office.

FACTS AND LAW

7.

The Louisiana Local Government Budget Act states, "Each political subdivision shall cause to be prepared a comprehensive budget presenting a complete financial plan for each fiscal year for the general fund and each special revenue fund... The total of proposed expenditures shall not exceed the total of estimated funds available for the ensuing fiscal year." La. R.S. 39:1305.

8.

And, La. R.S. 33:2921 states that local governments shall not "in any one year, make any appropriation of, approve any claim against, or make any expenditure from the annual revenue for that year, if the appropriation, approved claim, or expenditure, separately or together with other appropriations, approved claims, or expenditures, is in excess of the estimated revenue of that year."

9.

SLPG, like many parish governments, fights an uphill battle to ensure its budget and expenditures do not exceed its revenues—a task which has become increasingly difficult, and requires continuous financial maneuvers to avoid falling into a deficit.

10.

Sheriff Guidroz, on the other hand, has a surplus of over \$10,000,000 and growing, due in part to the revenue scheme at issue in this lawsuit, detailed more fully below.

11.

SLPG's required expenditures include numerous statutory mandates to fund other parish entities and operations. Included in these mandatory expenses, and pertinent to this lawsuit, SLPG is required to cover the day-to-day costs of St. Landry Parish inmates ("Parish Inmates"), and the fixed costs of the St. Landry Parish Jail ("Parish Jail"), which are the jail costs present even in the absence of all prisoners, like utilities, maintenance, and insurance.

12.

At the Parish Jail, to cover the day-to-day costs of the Parish Inmates, SLPG contracts with a physician and employs the nurses to render medical care, employs the jail kitchen staff, and purchases the food for the jail.

13.

For the Parish Jail's fixed costs and the day-to-day inmate costs, SLPG spends approximately \$17.50 per inmate, per day.

14.

However, SLPG is not responsible for the costs related to the state Department of Corrections inmates ("DOC Inmates").

15.

Pursuant to La. R.S. 15:824, DOC pays a per diem of \$26.39 for each DOC Inmate in the Parish Jail to Sheriff Guidroz, who is responsible for operating the parish jail and ensuring the prisoners are properly fed, clothed, and cared for.

16.

Currently, 59 of the 294 inmates in the Parish Jail are DOC Inmates. Extrapolated over a year, this equals approximately \$568,308 per year being paid by DOC to Sheriff Guidroz.

17.

Because SLPG handles most inmate costs in the Parish Jail, but is not responsible for DOC Inmates, Sheriff Guidroz pays SLPG a per diem of \$3.50 for each DOC Inmate in the Parish Jail. This amount is \$14 less than the actual daily cost to SLPG for each DOC Inmate.

18.

The St. Landry Parish Sheriff audit for the year ending on June 30, 2023, published on the Legislative Auditor's website, shows that Sheriff Guidroz was paid \$846,225 for "feeding, keeping, and transporting prisoners." The audit does not detail which amounts were paid for each of the feeding, the keeping, and the transporting of inmates.

19.

However, the audit states Sheriff Guidroz spent \$62,920 on "prisoner feeding and maintenance." This is the total paid by Sheriff Guidroz to SLPG over that year for DOC Inmates.

20.

Sheriff Guidroz's profit from DOC Inmates is fiscally unnecessary, considering his audit shows revenue of \$19,490,450 for the year ending in June 2023, including \$3.2mill in ad

valorem taxes and \$11.46mill in sales taxes, with his cash on hand and net position increasing by over \$1,000,000 during the year. In fact, Sheriff Guidroz's over \$10million cash on hand made over \$55,000 in interest over the year, which is nearly enough by itself to cover the DOC Inmate per diem amounts paid to SLPG.

21.

Not only is Sheriff Guidroz greatly profiting off of the DOC Inmates because SLPG covers the vast majority of inmate costs, but Sheriff Guidroz is also severely increasing SLPG's costs for Parish Inmates, because Sheriff Guidroz transfers Parish Inmates to other jails, to maintain the large number of DOC Inmates held in the Parish Jail.

22.

SLPG is responsible for Parish Inmate costs when held in other jails. And, unlike the \$17.50 cost for each Parish Inmates when held in the Parish Jail (which includes the fixed costs of the jail), SLPG is paying a per diem of \$26.39 per Parish Inmate to the sheriffs of the other jails. SLPG is also required to pay for the transportation to and from the other parish jails, including the initial transportation of the inmates, as well as any returns for hearings, and then back thereafter.

23.

SLPG is paying \$26.39 per day for each of the 55 Parish Inmates currently being held in other jails, while also covering at least \$14 per day for each of the 59 DOC Inmates in the Parish Jail, for whom SLPG is not statutorily responsible.

24.

Per La. R.S. 15:706, Sheriff Guidroz can send Parish Inmates to the jails of other parishes, pursuant to the terms of a contract between Sheriff Guidroz and the sheriff operating the other jail. SLPG is then required to pay the other sheriff the costs agreed to by Sheriff Guidroz, without any input or concurrence by SLPG.

25.

The statute noted above, La. R.S. 15:706, states in pertinent part:

A. Whenever the jail of a parish is unsafe or unfit for the security of prisoners, or is held by judicial decree unfit for the detention of some or all of the inmates, or presents a security risk to a prisoner or other prisoners or to the public, or whenever a particular prisoner presents a security or health risk to himself or to other prisoners or to the public, the sheriff of the parish maintaining and keeping the prisoner or prisoners may transfer any prisoner or prisoners to the jail or jails of any other parish by written contract with the sheriff of the other parish.

* * *

B. The sheriff to whom the transfer of the prisoner or prisoners is made shall receive, for the maintenance of such prisoner or prisoners, the same compensation authorized by law for the keeping and feeding of prisoners, which shall be paid by the parish transferring the prisoner or prisoners.

26.

This statute provides Louisiana sheriffs the ability to negotiate and contract for the costs of parish inmates being transferred and housed in other jails, without participation or input from parish governments. Accordingly, parish governments are not afforded the ability to control costs by limiting the parish inmates being transferred or limiting the costs incurred.

27.

Furthermore, Sheriff Guidroz has never formally provided the reasons for transferring Parish Inmates to other jails, which Louisiana statutes only permit when the jail or inmate is unsafe, unfit, or presents a security risk. *See* La. R.S. 15:706, above.

28.

Sheriff Guidroz's reason for transferring out Parish Inmates, to the extent there is one, cannot be overcrowding, because Sheriff Guidroz has never complied with the statutory requirements related to overcrowding of parish jails. In particular, La. R.S. 15:764 provides:

A. If the prisoner population of a parish jail exceeds the rated design capacity of the parish jail for seven consecutive days, the sheriff of that parish shall certify that fact in writing, by first class mail or personal delivery, to each district, municipal and traffic court judge in the parish, to the district attorney and the chief of police of any municipality within the parish, and to the senior official of the parish governing authority. If this condition exists for seven consecutive days after notification of said officials, the sheriff shall declare a parish jail overcrowding state of emergency and shall notify such officials.

B. After the declaration of emergency is made in accordance with Subsection A of this Section, the sheriff may reduce overcrowding in the parish jail by any or all of the following means:

(1) The substitution of appearance tickets or summons for booking at the parish jail and the release or furlough of pre-trial arrestees, based on factors included in Code of Criminal Procedure Article 317 and on any other factors related to public safety or the likelihood of court appearance, however only persons charged with violations of municipal ordinances which are nonviolent offenses shall be eligible for such release.

(2) The furlough of individuals who have been convicted under municipal ordinance for nonviolent offenses who are within one year of release

29.

On November 20, 2024, Sheriff Guidroz addressed the SLPG Council at its regular meeting, and acknowledged the high costs to SLPG, as well as his unwillingness to send the vast majority of DOC Inmates to state facilities instead of keeping them in the Parish Jail.

30.

Regarding costs to SLPG, Sheriff Guidroz told the Parish Council, "I understand you're spending a lot of money every month to house inmates in other parishes. I hope you don't mind me saying, but \$100,000 a month is a lot of money for parish government to be spending to house parish inmates in other jails."

31.

Sheriff Guidroz stated that he keeps DOC Inmates who are from St. Landry Parish in the Parish Jail so that their families can visit them, and to staff work crews. Importantly, he also admitted, "It's a money maker, but it's not a big money maker."

32.

Sheriff Guidroz stated that he intends to send DOC Inmates from other parishes to state facilities, but admitted that only 12 of the 59 current DOC Inmates were going to be transferred. This means Sheriff Guidroz intends to keep the 47 local DOC Inmates in the Parish Jail, despite it requiring Parish Inmates be sent elsewhere (no mention of their families), and the costs to SLPG. In fact, Sheriff Guidroz said that the Parish President is "faced with the constitutionally mandated expenses, and he's got to find it somewhere."

RELIEF REQUESTED

33.

Sheriff Guidroz is currently sending Parish Inmates to other parish jails, without providing a valid reason, to increase the number of DOC Inmates held in the Parish Jail, again without a valid reason. Not only do the 55 Parish Inmates in other jails cost SLPG an alarming amount of money, but Sheriff Guidroz's retention of 85% of the 59 DOC Inmates per diem amounts—when SLPG handles the vast majority of inmate expenses—results in a windfall of profit at SLPG's detriment.

34.

SLPG requests that this Honorable Court issue a judgment declaring that Sheriff Guidroz is required to begin the process of transferring all DOC Inmates to state facilities, and must return as many Parish Inmates as possible to the Parish Jail.

35.

SLPG further requests that the Court declare in the judgment that Sheriff Guidroz is required to provide legally valid reasons for each DOC Inmate kept in the Parish Jail, as well as providing legally valid reasons for each Parish Inmate that is being transferred to other jails.

36.

SLPG also requests that the Court declare that SLPG is not responsible for the day-to-day costs associated with DOC Inmates, and that SLPG can only administer medical care and feed the DOC Inmates if SLPG receives funding for these services from the DOC per diems.

37.

Finally, SLPG requests that the Court render a money judgment in favor of SLPG and against Sheriff Guidroz, for the amounts that Sheriff Guidroz has been unjustly enriched at the expense, detriment, and loss of SLPG.

WHEREFORE, Petitioner, Jessie Bellard, in his capacity as Parish President, on behalf of the St. Landry Parish Government prays that, after due proceedings are had, this Court render a Declaratory Judgment against Defendant, Bobby Guidroz in his official capacity as St. Landry Parish Sheriff, declaring the following:

- A. Sheriff Guidroz is required to initiate the process of transferring all DOC Inmates to state facilities, and must return as many Parish Inmates as possible to the Parish Jail;
- B. Sheriff Guidroz is required to provide legally valid reasons for each DOC Inmate kept in the Parish Jail, as well as providing legally valid reasons for each Parish Inmate that is being transferred to other jails; and,
- C. SLPG is not responsible for the day-to-day costs associated with DOC Inmates, and SLPG can only administer medical care and feed the DOC Inmates if SLPG receives funding for these services from the DOC per diems.

SLPG further prays that, after due proceedings are had, the Court render a judgment in favor of SLPG and against Sheriff Guidroz, finding Sheriff Guidroz liable to SLPG for the amounts Sheriff Guidroz has been unjustly enriched at the expense, detriment, and loss of SLPG.

AND FOR ALL OTHER JUST, EQUITABLE, AND/OR LESSER INCLUDED RELIEF.

** SIGNATURE ON THE FOLLOWING PAGE **

Submitted by:
PERSON & ORTTE LAW

A handwritten signature in black ink, appearing to read "B. Lance Person". The signature is stylized with a large "B" and "P" and a cursive "Lance" in the middle.

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