DA: DWI Statute Could Worsen Jail Conditions

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NEW IBERIA — Sixteenth District Attorney Bernard Boudreaux says the passage of state legislation mandating tough penalties for driving while intoxicated will add to the overcrowding problem in parish jails.

To help relieve the overcrowding in the 16th Judicial District, he is suggesting that law enforcement officials in St. Martin, St. Mary and Iberia parishes cooperatively operate a tri-parish minimum security facility for minor offenders.

Boudreaux addressed members of the Iberia Parish Police Jury Finance Committee during a meeting to discuss solutions to the jail problem.

“We're looking at a DWI statute that's probably going to require some jail time and that's going to put a strain on the prisons. We're also looking for the judge (U.S. District Judge Frank Polozola) to set a minimum population,” Boudreaux said. “I strongly recommend that you establish a minimum security facility because the courts are going to put a capacity on you that you're not going to like.”

The district attorney said no effort is being made by the state Legislature to consider the overcrowding burden likely to follow passage of a DWI statute calling for a mandatory jail sentence.

Time For Action

He added: “It's obvious that it ought to be addressed but it's not being addressed. You are faced with a clear and present, imminent overcrowding problem.”

Committee chairman Ceasar Comeaux told other parish officials, “Right now is the time to take some kind of action — if we're going to do anything at all.”

Comeaux has expressed interest in the past in a work-release program for minor offenders and says money is available for a minimum security dormitory to house the workers.

A prisoner detailed under the program would do public works chores such as cleaning ditches and picking up litter in exchange for a reduction in his sentence.

He would be confined at night in a minimum security lock-up with a limited number of other inmates.

Such offenders are now confined to parish jails for up to six months.

“If you want to take the pressure off you want to do it as inexpensively as you can — that's minimum security. You're going to need the cooperation of all three parishes if not more,” Boudreaux advised the committee. “If you've got three parishes sharing the burden then it's more palatable. The three sheriffs need to see if they can get together. If so, how quickly and where.”

Liability?

But Comeaux said he feared the parish would be liable for the injury of a prisoner under a work-release program.

“Can we incorporate in the law whether we can hold the Police Jury free of liability?” he asked.

“You can ask for a hold harmless, but I don't believe you'll be successful in getting it. If you do get it, there's a question of constitutionality,” Boudreaux said. He suggested that the Police Jury try to work out an agreement with its insurance underwriter to cover possible accidents.

Hold harmless, similar to oilfield legislation, relieves responsibility of liability from the secondary employer.

The committee agreed to seek out the appropriate insurance coverage and available buildings that could be converted into a minimum security dormitory. Representatives of the sheriffs' offices of the three parishes said they will also meet to attempt to work out details of such a minimum security jail facility.

Meanwhile, Iberia Parish Sheriff Romo Romero said he will ask state and federal officials to reconsider the 69-inmate maximum jail population expected to be set for the parish jail.

The current population is about 80.

“I have an immediate need right now to house criminals. How am I going to do this?” Romero asked. “We've got people committing crimes out there. If I don't have the space to put them, I can't be a 100 percent sheriff.”