

Natchitoches
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10th JUDICIAL DISTRICT COURT FOR THE PARISH OF NATCHITOCHES

STATE OF LOUISIANA

NO. 96652

DIVISION: B

NATCHITOCHES PARISH GOVERNMENT,
A POLITICAL SUBDIVISION OF THE STATE OF LOUISIANA

VERSUS

R. STUART WRIGHT, IN HIS OFFICIAL CAPACITY AS
SHERIFF OF NATCHITOCHES PARISH AND
THE NATCHITOCHES PARISH LAW ENFORCEMENT DISTRICT

FILED: _____

DEPUTY CLERK

**PETITION FOR DECLARATORY JUDGMENT
AND SUPPLEMENTAL RELIEF**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, Natchitoches Parish Government, who, in an action for declaratory and supplemental relief, respectfully avers as follows:

1.

Plaintiff herein is Natchitoches Parish Government ("Parish"), a political subdivision of the State of Louisiana.

2.

Made defendants herein are:

(a) R. Stuart Wright, in his official capacity as Sheriff of Natchitoches Parish ("Sheriff"), a person of the full age of majority and domiciled in Natchitoches Parish, Louisiana; and;

(b) The Natchitoches Parish Law Enforcement District ("District"), a political subdivision of the State of Louisiana created by La. R.S. 13:5901 (formerly La. R.S. 33:9001), who can be served through the Sheriff, as the ex officio Chief Executive Officer of the District at 200 Church Street, Suite 100, Natchitoches, Louisiana 71457 (referred to collectively with the Sheriff as "Sheriff").

3.

Venue is proper for this action pursuant to La. R.S. 13:5104(B).

NON-CERTIFIED COPY

4.

This action is brought pursuant to Louisiana Code of Civil Procedure articles 1871-1883 governing actions for declaratory judgment.

5.

The declaratory judgment articles are remedial in nature and must be liberally construed and applied so as to give the procedure full effect within the contours of a justiciable controversy.

6.

As hereinafter more fully described, a justiciable controversy exists between the Parish and the Sheriff regarding the statutorily mandated funding that must be provided by the Parish for the Natchitoches Parish Detention Center ("Detention Center") as well as the application of and interpretation of statutes governing funding of the Sheriff's office generally.

7.

At all material times herein, the Parish operates under a Home Rule Charter pursuant to Article VI, Section 5 of the Louisiana Constitution and the provisions of La. R.S. 33:1395.

8.

The Parish is required by the Louisiana Local Government Budget Act to submit a proposed operating budget with total proposed expenditures that "shall not exceed the total of estimated funds available for the ensuing fiscal year." La. R.S. 39:1305(E).

9.

The Parish's annual budget is difficult to balance with many competing priorities and not all important programs can be adequately funded; therefore, difficult funding decisions must be made each year by the Parish Council regarding which agencies, departments, and programs receive the limited funding available.

10.

The annual revenues of the Parish are required to be dedicated under a legislative priority system which provides that "first, all statutory charges shall be paid from the respective funds upon which they are imposed." La. R.S. 33:2922(A).

11.

Accordingly, it is imperative that the statutorily mandated Parish funding obligations, including the obligation to fund state agencies within Natchitoches Parish such as the Natchitoches Parish Sheriff's Office and the Detention Center, are well defined and understood.

12.

Disputes exist between the Parish and the Sheriff regarding the statutorily mandated funding obligations of the Parish and the Sheriff related to the Detention Center and the prisoners housed therein as well as those parish prisoners detained outside of Natchitoches Parish.

13.

As more fully set forth below, the Parish seeks the declaratory judgment of this Honorable Court to declare those expenses the Parish is required by law to pay and those expenses the Sheriff is required to pay in connection with the Detention Center as well as to declare the respective duties and obligations of the Parish and the Sheriff regarding the housing, transportation, feeding, and keeping of both parish and non-parish prisoners.

14.

Under Louisiana law, the sources of law are legislation and custom. La. Civ. Code art. 1. However, legislation is the solemn expression of legislative will and prevails over custom. La. Civ. Code art. 2. Accordingly, in order to determine the respective rights and obligations of the Parish and the Sheriff with regard to the Detention Center and the prisoners housed therein, one must first understand the applicable legislation.

Parish Government Duty to Provide and Maintain the Jail Building

15.

A parish government has a statutory obligation to provide a parish jail. More particularly, La. R.S. 33:4715 provides:

La. R.S. 33:4715. Providing parish court-house and jail

The police jury of each parish shall provide a good and sufficient court-house, with rooms for jurors, and a good and sufficient jail, at such place as they may deem most convenient for the parish at large, provided that when the seat of justice is established by law, they shall not have power to remove it. (emphasis supplied).

16.

However, the sheriffs are also authorized to purchase and equip a jail. Specifically, La. R.S. 13:5522(D) provides:

D. Notwithstanding the provisions of R.S. 33:4713, a sheriff and ex officio tax collector may purchase and equip such real property as is necessary in the performance of his duties, including but not limited to an adequate and safe jail. The ownership of such real property shall be vested in the parish law enforcement district.

17.

A law enforcement district is created pursuant to La. R.S. 13:5901 "for the purpose of providing financing to the office of sheriff for that parish." The boundaries of the District are coterminous with the boundaries of the Parish, and the duly elected Sheriff is, by statute, the chief executive officer of the District.

18.

La. R.S. 13:5909 provides that "[i]t is the purpose of this Chapter to create special district for the financing of the sheriff's office," and that "[n]othing contained herein shall be interpreted as diminishing any of the authority of the sheriff as delegated to him in the constitution and laws of this state."

19.

Once the jail is provided for, a parish government then has the statutory duty to maintain the jail. More particularly, La. R.S. 15:702 provides:

La. R.S. 15:702. Maintenance of parish jails

The governing authority of each parish shall be responsible for the *physical maintenance of all parish jails and prisons*. In those parishes in which the governing authority operates the parish jail the governing authority shall pass all bylaws and regulations they may deem expedient for the police and good government of the jails and prisons being operated by the parish governing authority. (emphasis supplied).

20.

The clear and unambiguous intent of La. R.S. 33:4715, La. R.S. 13:5522(D) and La. R.S. 15:702 is that the Parish bears the duty to provide and physically maintain an appropriate parish jail facility, although the Sheriff is likewise authorized to construct a jail facility when he deems it necessary in the performance of his duties.

21.

Likewise, the day-to-day janitorial services needed by the parish jail are not "maintenance" of the jail building as that term is used in La. R.S. 15:702, but instead janitorial services, for example mopping floors, taking out trash, and cleaning cells and bathrooms. Janitorial services are part and parcel of keeping or operating the jail which falls under the sheriff's statutory duties. Janitorial services are normally performed by inmate trustee laborers.

22.

The foregoing statutes impose no obligation on the Parish with regard to any operations of the parish jail.

Sheriff Duty to Operate the Jail

23.

Instead, a parish sheriff bears the duty to keep his parish's jail. More particularly, La. R.S. 15:704 provides:

15:704. Sheriff keeper of jail

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. (emphasis supplied).

24.

Likewise, in virtually identical language, La. R.S. 13:5539(D) provides that "[e]ach sheriff shall be keeper of the public jail of his parish and shall preserve the peace and apprehend public offenders."

25.

Pursuant to La. R.S. 13:5539 and La. R.S. 15:704, the Sheriff has the duty to "keep" the Detention Center. Stated differently, the Sheriff has the duty of jailkeeper which means that the Sheriff has the duty of operating the Detention Center.

26.

It is not just the duty to operate, but also the expenses associated with the operation of the parish jail that are likewise a sheriff's statutory obligation. More specifically, La. R.S. 13:5522 makes it clear that "all expenses" incurred by a sheriff in the performance of his duties are his obligation to pay. It states:

13:5522. Expenditures to be made from sheriff's salary fund

- A. *A sheriff and ex officio tax collector 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, including, but not restricted to, clerical expenses, the salary of the sheriff, and of all deputies, reasonable attorney fees for legal services, the premium of bonds required by the sheriff and deputies, the cost of uniforms for deputies, including clothing for deputies assigned plain clothes duty or undercover operational duties, and the membership dues of the sheriff and deputies in the Louisiana Sheriffs' Association and in the National Sheriffs' Association. (emphasis supplied).*

The language of La. R.S. 13:5522 is clear and unambiguous and therefore in accordance with La. Civ. Code art. 9 must be interpreted as written. If the Sheriff possesses a duty, he must pay all expenses associated with that duty (unless modified by a more specific statute elsewhere). That is, to say, La. R.S. 13:5522 ties together a sheriff's duties and his obligation to pay all expenses incurred in the performance of those duties. The Sheriff possesses the statutory duty to keep (i.e., to operate) the Detention Center and therefore must bear all expenses associated with the jail operations, including specifically the salaries and benefits of the Sheriff's deputies providing jail keeping services, unless otherwise stated in more specific legislation.

27.

The general statutory regime is clear: the Parish must provide a jail building, but, alternatively, the Sheriff is authorized to do so in its place, and the Parish must either physically

maintain it or pay all costs of its maintenance. The Sheriff must operate the jail and pay the expenses of that operation, except where further modified by statute.

Limited Statutory Jail Expense Charges Assessed to Parish Governments

28.

One jail expense expressly allocated to a parish government is the obligation to provide healthcare to parish prisoners. More specifically, La. R.S. 15:703 provides in pertinent part:

La. R.S. 15:703. Physician to be appointed for each parish; salary

A. The governing authority of each parish shall appoint annually a physician who shall attend the prisoners who are confined in parish jails whenever they are sick. His salary shall be fixed by the governing authority. Any physician so appointed shall be licensed as provided in R.S. 37:1271 and shall be a qualified health care provider in accordance with R.S. 40:1231.2.

1. In lieu of appointing a physician, the governing authority of any parish may enter into a contract with a health care provider, licensed or regulated by the laws of this state, to provide requisite health care services, as required in this Section. The term "health care provider" as used in this Subsection means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or regulated by the laws of this state to provide health care services or professional services as a physician and qualified as such in accordance with R.S. 40:1231.2.

29.

So, the financial obligation to pay for the healthcare of parish prisoners is expressly allocated to parish governing authorities by La. R.S. 15:703.

30.

However, a parish's obligation to pay for the healthcare of parish prisoners pursuant to La. R.S. 15:703 does not extend to prisoners being held for other entities, for example, State Department of Corrections ("DOC") prisoners, other states' prisoners, or federal prisoners of any type.

31.

More specifically, the Sheriff houses prisoners in the Detention Center from the DOC, as well as prisoners from other states, including specifically from the State of Texas (collectively,

“non-parish prisoners”). There is no statutory mandate that the Parish pay any expenses, including medical expenses, associated with these non-parish prisoners.

32.

To the contrary, La. R.S. 15:824 governs persons committed to the Louisiana Department of Public Safety and Corrections (“DOC”) but held in parish jails and sets a statutory per diem amount¹ to be paid by the DOC to a sheriff for keeping a DOC prisoner. It provides in relevant part that “[w]hen the State makes payment in accordance with this Subsection, *no additional compensation from the parish governing authority shall be paid to the sheriff for the care of those prisoners being held for the department.*” La. R.S. 15:824(B)(2)(emphasis supplied).

33.

The costs associated with housing other non-parish prisoners, including those held pursuant to federal charges, interstate agreements, or immigration detention, are governed exclusively by contracts between the Sheriff and the respective detaining authorities, to which the Parish is not a party.

34.

The Parish cannot be liable for any expenses of housing non-parish prisoners under contracts to which it is not a party.

35.

Accordingly, the Parish is not responsible or liable for any expenses, including costs of housing, feeding, keeping, transportation, or medical care, associated with DOC prisoners, out-of-state prisoners, prisoners detained for immigration violations, or federal prisoners, whether or not held in the Detention Center.

¹ La. R.S. 15:824(B)(1)(a) controls the *per diem* paid for housing of DOC Prisoners: “the sum of twenty-five dollars and thirty-nine cents [\$25.39] per day for Fiscal Year 2019-2020, the sum of twenty-six dollars and thirty-nine cents [\$26.39] per day for Fiscal Year 2020-2021, and each fiscal year thereafter.”

A further set of itemized expenses that must be reimbursed to sheriffs, in many cases, in connection with jail operations by parish governments, is set forth in La. R.S. 13:5535. It provides:

La. R.S. 13:5535. Fees in criminal matters

The compensation, fees, and costs allowed sheriffs, the parish of Orleans excepted, for all services in criminal matters, shall be the following:

- (1) For keeping and feeding of prisoners in jail not less than three dollars and fifty cents per diem for each prisoner. Any surplus funds remaining at the end of the fiscal year shall be returned to the parish governing authority.
- (2) For executing any prisoner sentenced to capital punishment, fifty dollars to be paid by the parish.
- (3) For every mile they actually and necessarily travel in going to and returning from the service of any process outside the parish, a mileage rate equal to the mileage rate established by the division of administration for the use of state owned vehicles and all actual expenses incurred in the service of the process; and a mileage rate equal to the mileage rate established by the division of administration for the use of state owned vehicles for each mile actually traveled in recovering and conveying each fugitive from justice to the jail of the parish in which he is charged with having committed the offense, plus all actual expenses incurred in recovering and conveying the fugitive to the jail, provided the fugitive is charged with the commission of an offense which might be punishable with imprisonment in the state penitentiary. Where the fugitive is charged with a misdemeanor, the sheriff shall be reimbursed the actual expense incurred by him in recovering and conveying the fugitive to the parish jail. An explicit bill for each item of such expenses, with receipts therefor, if receipts can be obtained, including the fees and charges for making the arrest, must be made out. This bill shall be paid by the parish upon the approval of the district judge or police jury.
- (4) For transportation of prisoners to the penitentiary or other prison, for every mile which the sheriff or his deputies necessarily travel in going to and returning from, a mileage rate equal to the mileage rate established by the division of administration for the use of state owned vehicles. In addition, not more than two deputies shall be compensated at the rate of ten cents per mile for every mile which is necessarily traveled in going to such penitentiary or other prison; and for the expense of each prisoner conveyed, five cents per mile for going only, but not less than five dollars for each prisoner.
- (5) No sum shall be paid for any service specified in the preceding paragraph unless the sheriff's account names the prisoner conveyed and is approved by the district judge or police jury.

- (6) For conveying an insane person to the insane asylum, the same fees as above set forth for the conveyance of prisoners to the penitentiary or other prison, to be paid out of the parish treasury upon the order of the district judge or police jury, and all other expenses previously incurred in bringing the insane person before the district judge.
- (7) For each warrant executed outside of the parish, two dollars.
- (8) Sheriffs are entitled to receive the same fees as fixed in civil matters when a person is convicted and condemned to pay costs, which in no event shall be less than five dollars.
- (9) For taking appearance bond when required to do so, fifteen dollars, unless suspended by a judge of the district court of the parish. A judge of a district court of the parish shall waive this fee if a defendant has been tried and found not guilty or if the charges against the defendant are dismissed.

37.

La. R.S. 13:5535 makes it clear that these are the exclusive charges in all criminal matters for which the Sheriff can be reimbursed because it states "[t]he compensation, fees, and costs allowed sheriffs, the parish of Orleans excepted, *for all services in criminal matters, shall be the following:...*" Because La. R.S. 13:5535 includes within its mandate certain jail-related compensation, fees and costs, these are the only charges allowed a sheriff in connection with the parish jail.

38.

Thus, La. R.S. 13:5535 enumerates just nine distinct fees or charges that a sheriff can collect, some from parish government, in criminal matters including some expenses related to the parish jail and its prisoners.

39.

The charges that can be recovered from parish governments by a sheriff in connection with a sheriff's jail operations are: (1) not less than three dollars and fifty cents (\$3.50) per day for each prisoner for the keeping and feeding of the prisoners; (2) fifty (\$50.00) dollars for executing any prisoner sentenced to capital punishment; (3) for recovering and conveying each fugitive from justice to the jail of the parish in which he is charged with having committed the offense, a mileage rate equal to the mileage rate established by the division of administration for the use of state owned vehicles for each mile actually traveled in recovering and conveying each fugitive from

justice to the jail of the parish in which he is charged with having committed the offense, plus all actual expenses incurred in recovering and conveying the fugitive to the jail; (4) for transporting prisoners to and from the jail, the mileage rate established by the division of administration for the use of state owned vehicles, plus ten (\$0.10) cents per mile for each deputy engaged in the transportation up to two deputies, plus five (\$0.05) cents per mile for each prisoner for going to the prison only, but not less than five (\$5.00) dollars for each prisoner; (5) for conveying an insane person to the insane asylum, the same fees as allowed for transportation of prisoners; (6) for each warrant executed outside of the parish, two (\$2.00) dollars.

40.

As set forth in La. R.S. 13:5535(1), a parish governing authority is obligated to pay to a sheriff "for keeping and feeding of prisoners in jail not less than three dollars and fifty cents per diem for each prisoner" with any surplus funds remaining at the end of the fiscal year to be returned to the parish governing authority. Thus, a parish governing authority fully satisfies its statutory obligation to pay for keeping and feeding of parish prisoners when it pays a sheriff \$3.50 per day per parish prisoner because it has paid a sum that is not less than \$3.50 per day.

41.

As set forth in La. R.S. 13:5535(4), a parish governing authority must reimburse a sheriff at a statutorily prescribed rate for transporting prisoners to and from the state penitentiary or other prison, which would include the parish jail. That rate is the mileage rate established by the division of administration for the use of state-owned vehicles, plus ten (\$0.10) cents per mile for each deputy engaged in the transportation up to two deputies, plus five (\$0.05) cents per mile for each prisoner for going to the prison only, but not less than five (\$5.00) dollars for each prisoner. Thus, a parish governing authority fully satisfies its statutory obligation to pay for parish prisoner transportation when it pays a sheriff the foregoing prescribed rate.

42.

The remaining reimbursements mandated by La. R.S. 13:5535 are clear and not in dispute. Accordingly, as to the charges of La. R.S. 13:5535 that can be assessed to the Parish, La. R.S. 13:5535(1), 5535(2), 5535(3), 5535(4), 5535(6), and 5535(7), the Parish seeks only a declaration

that these are the exclusive charges that can be assessed by the Sheriff against the Parish in connection with parish prisoners, unless such charges are established by other statutes.

43.

A parish governing authority is obligated to reimburse a sheriff for his actual expenses incurred in connection with criminal proceedings. More specifically, La. R.S. 15:304 provides:

La. R.S. 15:304. Expenses to be paid by parishes; juror's fee in city of New Orleans

All expenses incurred in the different parishes of the state or in the city of New Orleans by the arrest, confinement, and prosecution of persons accused or convicted of crimes, their removal to prison, the pay of witnesses specifically provided for by law, jurors and all prosecutorial expenses whatever attending criminal proceedings shall be paid by the respective parishes in which the offense charged may have been committed or by the city of New Orleans, as the case may be. The expenses shall be paid by the parish treasurer or by the city of New Orleans after an account of the expenses shall be duly certified to be correct by the presiding judge and the clerk of court. The fees, salaries, and expenses to be paid shall be fixed and regulated by the parish or city authority unless otherwise provided by law.

44.

As expressly stated in La. R.S. 15:304, the foregoing charges may be imposed *only* after they have been duly certified to be correct by the presiding judge and the clerk of court in the criminal proceeding. Among the charges that may be imposed are (1) transportation costs (which are now more specifically itemized in La. R.S. 13:5535(1)); (2) the compensation of witnesses specifically provided for by law (presumably expert witnesses), (3) the fees of jurors; and (4) all other prosecutorial expenses. La. R.S. 15:304. The only matter contained in La. R.S. 15:304 that pertains to a sheriff reimbursement or a jail expense is the transportation of prisoners (i.e., "removal to prison"), which transportation costs are now itemized as a prescribed mileage reimbursement in La. R.S. 13:5535(1).

45.

Accordingly, La. R.S. 15:304 is not generally applicable to sheriffs or their obligations but instead is intended to apply only to expenses actually incurred directly in connection with a criminal court proceeding creating an obligation of the parish governing authority to reimburse those expenses after they have been certified correct by the presiding judge and clerk of court.

Certain Jail Building Expenses Are Variable and Must Be Allocated

46.

The Sheriff has statutory authority to house non-parish prisoners, including federal prisoners pursuant to La. R.S. 15:707 and state prisoners committed to the Department of Public Safety and Corrections pursuant to La. R.S. 15:824.

47.

Both La. R.S. 15:707 and La. R.S. 15:824 provide compensation to the Sheriff for the housing of such non-parish prisoners, and neither statute alters or expands the statutory obligations existing between the Sheriff and the Parish.

48.

The Sheriff chooses to house DOC, federal, out-of-state and/or immigration detention prisoners in the Detention Center.

49.

The Sheriff receives remuneration from the detaining entities with whom he has contracts in exchange for keeping their prisoners.

50.

Because the Sheriff chooses to house non-parish prisoners in the Detention Center, the Sheriff must bear the cost of paying the variable expenses of the Detention Center building in proportion to the prisoner population that is non-parish.

51.

For example, utility costs of the Detention Center are a variable expense of the jail building and because the Sheriff houses both Parish and non-parish prisoners utility costs shall be allocated monthly in proportion to the prison population that is Parish as compared to non-parish.

Sheriff's Arbitrage of Parish Jail Beds at the Expense of the Parish

52.

The Sheriff has moved parish prisoners out of the Detention Center to instead house those non-parish prisoners for whom he can garner a much higher per diem reimbursement than what a parish government is statutorily obligated to pay under La. R.S. 13:5535(1).

53.

On information and belief, the sheriff houses out-of-state prisoners in the Detention Center and receives compensation approaching \$100 per prisoner per day.

54.

In effect, the Sheriff arbitrages the beds and cells at the Detention Center for the financial benefit of the Sheriff's Office, but at the expense of the Parish and the citizens of Natchitoches Parish.

55.

These Sheriff actions result in Natchitoches parish prisoners being sent out of the parish to be kept at other parish jails throughout the state.

56.

These other parish jails, or the sheriffs keeping them, receive Natchitoches Parish prisoners, then in turn invoice the Parish for the keeping of these Natchitoches Parish prisoners at rates well above the \$3.50 statutory per diem rate for feeding and keeping set forth in La. R.S.13:5535(1).

57.

This significantly increases the costs to the Parish incurred in the feeding and keeping of parish prisoners in violation of La. R.S. 13:5535 and serves to enrich the Sheriff's Office and the District (and its contractor LaSalle), due to the Sheriff and District effectively arbitraging the beds at the Detention Center for the Sheriff's Office's and District's own increased revenues.

58.

Furthermore, the removal of parish prisoners from Natchitoches Parish results in complications in trying to resolve the criminal docket of the 10th Judicial District Court due to the repeated absence of Natchitoches Parish prisoners from the parish and the need to schedule their transportation back to the parish from other outlying parishes throughout the state for hearings, trials, and other criminal proceedings.

59.

Likewise, the removal of parish prisoners from Natchitoches Parish results in undue hardship on criminal defendants, who are presumed innocent until convicted, and their families by

making meeting with their retained or appointed defense counsel difficult if not impossible and by causing families to have to travel in order to visit their detained family members.

60.

The only existing statutory authority allowing the Sheriff to relocate parish prisoners from the Detention Center to other parishes is set forth in La. R.S. 15:706. It provides in relevant part:

§706. Transfer of prisoners to jail of another parish

A.(1) 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.

(2) If the prisoner or prisoners to be transferred are not under sentence to the Department of Public Safety and Corrections, the sheriff proposing to make the transfer shall notify the court which set bail for the prisoner or prisoners at least seventy-two hours before making the transfer.

(3) If the prisoner or prisoners transferred are under sentence to the Department of Public Safety and Corrections, the sheriff transferring the prisoner or prisoners shall notify the department.

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.

La. R.S. 15:706(A) & (B).

61.

As stated in the Subsection (A) of La. R.S. 15:706, parish prisoners can only be relocated out of the parish to a jail of another parish if one of the following stated conditions exists: (1) the jail is unfit or unsafe for security of prisoners; (2) when a judicial decree declares the jail unfit for some or all of its inmates; or (3) when the jail presents a security risk to a prisoner, other prisoners, or the public.

62.

None of the stated conditions of La. R.S. 15:706(A) warranting the relocation of Parish prisoners exist at the Detention Center. Accordingly, there is no legal basis for the Sheriff's transfer of any parish prisoners out of Natchitoches Parish.

63.

Moreover, the Sheriff has not and does not provide on any regular basis the 72-hour notice to the trial judge of the 10th Judicial District Court prior to any prisoner transfer as required by La. R.S. 15:706(A)(2) and therefore does not satisfy the procedural prerequisite for the transfer of any parish prisoner for which the required notice is not provided.

64.

Finally, La. R.S. 15:706(B) sets the amount that a sheriff from another parish can charge the Parish for keeping and feeding its prisoners. That amount is the "same compensation authorized by law for the keeping and feeding of prisoners" which is the \$3.50 per diem set forth in La. R.S. 13:5535(1).

65.

Accordingly, the Parish is not obligated to pay any more than the \$3.50 per diem for the keeping of its prisoners outside of Natchitoches Parish.

66.

Despite the applicable law, the Parish is routinely invoiced by other sheriffs for the keeping and feeding of Parish prisoners outside of Natchitoches Parish in amounts in excess of the statutory mandate.

Sheriff Improperly Classifies Prisoners in Support of Invoicing

67.

The correct classification of an inmate is important to support the invoicing and payment functions between the Sheriff and the Parish.

68.

Upon information and belief, the Sheriff continues to invoice the Parish for the per diem of prisoners after those prisoners have been sentenced and committed to the custody of the Department of Public Safety and Corrections.

69.

Once a prisoner is sentenced, that prisoner becomes a DOC prisoner for purposes of the statutory compensation regime under La. R.S. 15:824.

70.

La. R.S. 15:824 also provides that "[w]hen the State makes payment in accordance with this Subsection, no additional compensation from the parish governing authority shall be paid to the sheriff for the care of those prisoners being held for the department." La. R.S. 15:824(B)(2).

71.

Accordingly, upon a prisoner's sentencing and commitment to the DOC, the Parish's obligation to pay the per diem set forth in La. R.S. 13:5535(1) for that prisoner ceases.

72.

Despite the clear language of the statute, the Sheriff continues to invoice the Parish for charges related to prisoners after the date of their sentencing and commitment to the DOC.

73.

The Parish's statutory obligation to pay for certain expenses for parish prisoners exists only where that prisoner is charged with and being held for a Title 14 violation. Where the District Attorney does not charge a prisoner with a Title 14 violation but instead on a municipal violation, that prisoner is not a parish prisoner and the Parish has no financial obligation related to that prisoner.

74.

On information and belief, the Sheriff classifies and invoices the Parish for prisoners who are being charged and held solely on municipal charges simply because they were originally arrested for Title 14 violations.

75.

Additionally, prisoners "held" due to warrants issued in other parishes are not Natchitoches parish prisoners for purposes of the statutory compensation regime between the Sheriff and the Parish, but instead are prisoners of the parish that issued the warrant who must pay to the Sheriff the statutory compensation due.

76.

Similarly, prisoners "held" due to state probation or parole violations are not parish prisoners for purposes of the statutory compensation regime existing between the Sheriff and the Parish, but instead the Sheriff must be compensated by the state parole board or other state agencies requesting such hold for the costs of keeping and feeding such prisoners while they await hearings on their alleged probation or parole violations. *See* La. R.S. 15:574.7(A) ("Each parolee shall remain in the legal custody of the Department of Public Safety and Corrections").

77.

Likewise, prisoners booked by ICE agents with immigration detention holds are not parish prisoners for purposes of the statutory compensation regime existing between the Sheriff and the Parish, but instead the Sheriff must be compensated pursuant to contracts in place with the Department of Homeland Security/ICE.

78.

The classification of whether a prisoner is a city, parish, DOC, federal, or other prisoner should be done in accordance with law pursuant to the criminal charges lodged against the prisoner (and not which agency made the arrest or the geographic location where the arrest occurred), or in accordance with whether the prisoner is being held due to warrants from other parish or state agencies, whether the prisoner is being held due to parole or probation holds, or whether the prisoner is being held pursuant to an immigration detention hold.

79.

On information and belief, the Sheriff charges the Parish for prisoners who are not properly classified as parish prisoners.

Occupancy of Jails in the Parish

80.

The facility which houses inmates in Natchitoches Parish, the Natchitoches Parish Detention Center ("Detention Center"), is owned by the District pursuant to La. R.S. 13:5522(D) and 13:5911 and was constructed with funding paid by the Natchitoches Parish taxpayers and for the citizens of Natchitoches Parish.

81.

The Detention Center has a maximum capacity of approximately 550 prisoners.

82.

The Sheriff and the District have entered into arrangements, whether verbal or by written contact, with other entities including, but not necessarily limited to, the State Department of Corrections and Natchitoches Solutions, LLC, an affiliate of LaSalle Corrections, LLC (collectively "LaSalle"), to house prisoners in the Detention Center that are non-parish prisoners.

83.

In the case of LaSalle, the District entered into a written Operations and Management Agreement ("Operations Agreement") with LaSalle in August of 2024 regarding the operations of the Detention Center.

84.

Pursuant to the Operations Agreement, LaSalle is contractually obligated to operate the Detention Center in compliance with all applicable laws, is obligated to contract with available entities seeking to house prisoners in the Detention Center, is entitled to house such prisoners such that the maximum Detention Center occupancy is achieved, and is entitled to invoice for, receive, and keep all revenues generated from the detention of all prisoners in the Detention Center.

85.

Pursuant to the Operations Agreement, LaSalle is only obligated to keep 102 beds for all pre-trial detainees from Natchitoches Parish, whether parish prisoners or municipal prisoners.

86.

On information and belief, LaSalle and the District contract with federal agencies and other entities outside of Louisiana, including particularly Harris County, Texas, to house prisoners in the Detention Center at rates exceeding \$70 per day and in the case of Harris County, Texas, reportedly as much as \$100 per day.

87.

By keeping the population of parish prisoners low regardless of actual demand, LaSalle is able to maximize its revenues.

88.

However, because the Detention Center was paid for at the expense of Natchitoches taxpayers and for the benefit of the citizens of Natchitoches Parish, these parish jail facilities should be used first to house parish prisoners.

89.

Only after all parish prisoners are properly housed in the Detention Center should the Sheriff, the District, and its contractor, LaSalle be allowed to keep other non-parish prisoners.

90.

To the extent that the Sheriff causes the Parish to incur additional expense or liability as a result of the Sheriff's filling of beds and cells in the Detention Center to the exclusion of parish prisoners the Sheriff should bear any such increased expense.

91.

Furthermore, the detention of parish prisoners outside Natchitoches Parish violates the rights of parish prisoners by making the retention of and communication with defense counsel more difficult and expensive.

92.

Additionally, the detention of parish prisoners outside Natchitoches Parish serves to increase the burden on the judicial system by removing parish prisoners from Natchitoches Parish and slowing the judicial process when prisoners are not readily available for hearings and other pretrial appearances.

Incarceration of Parish Juvenile and Female Offenders

93.

The Sheriff is sending all juvenile and female offenders out of Natchitoches Parish for their pretrial incarceration at other Louisiana parish jails the expense of the Parish.

94.

On information and belief, there exists sufficient capacity to house juvenile and female offenders at the Detention Center.

95.

Applicable law requires the Sheriff to house these offenders within Natchitoches Parish to the extent possible, or, alternatively, if the Sheriff elects to house them elsewhere to bear the expense of their incarceration.

Sheriff Improperly Invoices the Parish

96.

The Sheriff has repeatedly invoiced the Parish for amounts that are not due under applicable law.

97.

The Sheriff has in the past and continues to this day to invoice the Parish monthly for per diem amounts for the feeding and keeping of Parish prisoners in excess of the \$3.50 per diem amount set forth in La. R.S. 13:5535(1).

98.

Applicable law mandates that the pro-rata share of variable expenses based on prison population be paid according to prisoner classification. However, the Sheriff's office has never provided a breakdown of various variable costs showing the parish vs. non-parish prisoner basis. the Sheriff's Office has presented numerous invoices for payment with no clear accounting and assurance that the Parish would pay only for parish prisoners, as mandated by law. The Court should declare that all invoicing must include a description of the prisoner classification supporting the invoicing.

99.

On information and belief, the Sheriff/Sheriff's Office has invoiced the Parish for other expenses relating to non-parish prisoners in contravention of the statutory regime.

100.

The Sheriff/Sheriff's Office also improperly invoices for the incorrect number of prisoner per diems (a/k/a "man days") on a somewhat regular basis including per diem charges for prisoners who are not parish prisoners or who have been released or transferred to other prisons.

101.

The Parish is entitled to a declaration that the Sheriff is only authorized by law to invoice the Parish for those amounts expressly authorized by the statutory regime as recognized by this Court's declaratory judgment in this proceeding.

102.

Following entry of a declaratory judgment in favor of the Parish as prayed for herein, and as supplemental relief in accordance with Louisiana Code of Civil Procedure article 1878, the Parish is entitled to recover from the Sheriff all expenses it has incurred as a result of the foregoing violations of law by the Sheriff and the District.

103.

Wherefore Plaintiff, Natchitoches Parish Government, prays that the Defendants, the Sheriff and the District, be served and cited to appear, and after all legal delays and due proceedings are had, that there be judgment herein in favor of the Plaintiffs, and against the Defendants declaring as follows:

- (a) La. R.S. 33:4715 requires the Parish to provide a jail building but does not require the Parish to operate that jail building;
- (b) La. R.S. 13:5522(D) authorizes the Sheriff to build a Parish jail.
- (c) La. R.S. 15:702 requires the Parish to maintain the jail building; which includes both routine maintenance and repairs as well as capital expenditures, but that maintenance does not include regular janitorial services such as cleaning, mopping, and trash removal which services are part of keeping the parish jail;
- (d) La. R.S. 15:704 and La. R.S. 13:5539(D) require the Sheriff to keep or operate the parish jail;
- (e) Pursuant to La. R.S. 13:5522 and La. R.S. 13:5523, the Sheriff must bear all expenses of the operations of the Detention Center, including specifically the salaries and benefits of the Sheriff's deputies providing jail keeping services, except as otherwise expressly set forth in other statutes;

- (f) Pursuant to La. R.S. 15:703, the Parish is responsible for the healthcare, including all of its cost, for Parish prisoners; however, the Parish is not responsible for any healthcare expenses associated with non-parish prisoners;
- (g) The Sheriff, not the Parish, is responsible for any and all expenses associated with the keeping of non-parish prisoners;
- (h) La. R.S. 13:5535 provides the exclusive set of charges that can be imposed by the Sheriff in connection with criminal matters including charges that can be assessed to the Parish; those charges are set forth in La. R.S. 13:5535(1), 5535(2), 5535(3), 5535(4), 5535(6), and 5535(7);
- (i) La. R.S. 13:5535(1) requires that the Parish pay \$3.50 per day for each parish prisoner kept in parish prisons;
- (j) La. R.S. 13:5535(4) requires the Parish to compensate the Sheriff for the transportation of parish prisoners to and from the parish jails at a rate equal to the mileage rate established by the Division of Administration for the use of state-owned vehicles, plus the rate of ten cents (\$0.10) for each deputy, up to two (2) deputies, traveled and a separate amount of five cents (\$0.05) per mile one way for each prisoner conveyed but not less than \$5.00 for each prisoner transported; these are the only transportation charges that can be assessed to the Parish for transport of parish prisoners;
- (k) Pursuant to La. R.S. 15:304, the Parish's obligation created by that statute is to reimburse the actual costs incurred in criminal prosecutions after they have been certified correct by the trial judge and Clerk of Court and nothing beyond such costs;
- (l) To the extent that any expenses that can be charged to the Parish are for goods and services that likewise benefit non-parish prisoners, for example DOC prisoners, out-of-state prisoners, or federal prisoners then such expenses shall be considered variable expenses and shall be allocated between the Sheriff and the Parish based upon the percentage of Parish prisoners versus non-parish prisoners with the Sheriff being responsible for the allocation of the percentage for all non-parish prisoners.

- (m) The utilities at the Detention Center shall be allocated as a variable expense between the Sheriff and the Parish based on the percentage of prisoners that are Parish versus non-parish prisoners;
- (n) The Sheriff is not entitled to fill beds and cells at the Detention Center with non-parish prisoners to the exclusion of parish prisoners as these facilities were built by Natchitoches Parish taxpayers for the benefit of Natchitoches Parish;
- (o) To the extent that the Sheriff fills the cells and beds of these facilities with non-parish prisoners, any increased costs resulting to the Parish shall be borne by the Sheriff;
- (p) La. R.S. 15:706 provides the only authority pursuant to which the Sheriff can transfer parish prisoners from the Detention Center to out-of-parish prisons.
- (q) Pursuant to La. R.S. 15:706(A), the Sheriff may not transfer parish prisoners out of Natchitoches Parish unless there is determination that the Parish jail is unsafe or unfit for the security of prisoners, a judicial decree declares the Parish jail unfit for the detention of some or all the inmates, or the Parish jail presents a security risk to a prisoner or other prisoners or to the public;
- (r) Pursuant to La. R.S. 15:706(A)(2) the Sheriff is required to notify the 10th Judicial District Court trial judge at least seventy-two (72) hours before the transfer of any parish prisoner based on the provisions of La. R.S. 15:706(A);
- (s) Pursuant to La. R.S. 15:706(B), to the extent a parish prisoner is relocated to a parish jail of another parish in accordance with La. R.S. 15:706(A), the Sheriff of that other parish shall receive the statutory per diem of \$3.50 per day as set forth in La. R.S. 13:5535(1) which fee shall be paid by the Parish;
- (t) Pursuant to La. R.S. 15:706(D), to the extent a prisoner is transferred from a parish prison to another parish in connection with a criminal prosecution in that parish, the parish in which the criminal court proceeding is to be held shall directly pay the Sheriff for the cost of such transportation;
- (u) For purposes of invoicing the Parish, the Sheriff is required by law to properly classify such prisoner as a parish prisoner; all persons arrested for and charged with

Title 14 violations within the Parish of Natchitoches whether arrested by the Sheriff's Department or the Natchitoches City Police Department, or whether arrested inside or outside of a municipality in Natchitoches Parish are properly considered Parish prisoners and are subject to the compensation regimes set forth in the statutes existing between the Sheriff and the Parish, including but not limited to La. R.S. 13:5535;

- (v) Where the District Attorney does not charge a prisoner with a Title 14 violation, that prisoner is not a parish prisoner for purposes of the statutory compensation regime, and the Parish is not obligated to pay for the keeping and feeding of that prisoner regardless of the basis for the initial arrest;
- (w) Once a prisoner is sentenced and committed to the custody of the Department of Public Safety and Corrections, that prisoner becomes a DOC prisoner for purposes of the statutory compensation regime between the Sheriff and the Parish, and the Parish's obligation toward that prisoner ceases as of the date of sentencing, regardless of whether the prisoner has been physically transferred out of the Detention Center;
- (x) Persons arrested for parole and probation violations are the responsibility of the Probation and Parole Board of the State of Louisiana, not the Parish, and the Sheriff cannot charge the Parish for the incarceration of such persons;
- (y) To the extent a person is arrested both for probation and parole violations and other new Title 14 violations, such person is still subject to the jurisdiction of State Probation and Parole Board, and therefore, the Sheriff must invoice that agency and not the Parish;
- (z) Prisoners held due to issuance of warrants issued by other jurisdictions, including other Louisiana parishes, are not Natchitoches Parish prisoners for purposes of the statutory compensation regime between the Sheriff and the Parish but instead are prisoners of the parish that issued the warrant; accordingly, the Parish is not obligated to pay the Sheriff for the keeping and feeding of prisoners arrested pursuant to warrants from other jurisdictions;

- (aa) The classification of whether a prisoner is a parish prisoner, a DOC prisoner, a federal prisoner, or some other prisoner should be done in accordance with law pursuant to the criminal charges lodged against the prisoner or pursuant to the criminal charges for which the person was convicted and/or are otherwise being held in custody;
- (bb) There exists no basis in the statutory compensation regime between the Sheriff and the Parish to classify a prisoner on the basis of the geographic location where he was arrested;
- (cc) There exists no basis under the statutory compensation regime between the Sheriff and the Parish to classify a prisoner based on the agency which made the arrest;
- (dd) Because the Detention Center was paid for by Natchitoches Parish taxpayers for the benefit of Natchitoches Parish, Natchitoches Parish prisoners should be housed at these facilities to the greatest extent possible and to the exclusion of non-parish prisoners;
- (ee) To the extent practicable, the Sheriff is required to house juvenile and female offenders in the Detention Center, and can only house those juvenile or female offenders outside of Natchitoches Parish if the Detention Center cannot house such juvenile or female offenders under applicable law;
- (ff) The Detention Center has sufficient capacity to house both juvenile and female inmates.
- (gg) The Sheriff is required by applicable law to invoice the Parish only for those statutory charges expressly allowed in this declaratory judgment action, including specifically the correct number of prisoner per diems (a/k/a "man days");
- (hh) Pursuant to La. C.C.P. art. 1878(A), Plaintiff be granted supplemental relief for any and all amounts owed to the Parish as a result of the Sheriff's and the District's violations of law as declared by this Court, together with legal interest thereon from the date of judicial demand until paid;(ii) For all other legal or equitable relief that is warranted by the allegations of this Petition for Declaratory Judgment and Supplemental Relief.

(jj) And the Parish further prays that the Sheriff be taxed with all costs of this proceeding.

Respectfully submitted,

DAIGLE FISSE & KESSENICH, PLC

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**COUNSEL FOR PLAINTIFF,
NATCHITOCHES PARISH GOVERNMENT**

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R. Stuart Wright, Sheriff
200 Church St
Natchitoches, LA 71457
(318) 352-6432

and

Natchitoches Parish Law Enforcement District
through
R. Stuart Wright, Sheriff
200 Church St.
Natchitoches, LA 71457
(318) 352-6432



CITATION

NATCHITOCHES PARISH GOVERNMENT, Tenth Judicial District Court
A POLITICAL SUBDIVISION OF THE
STATE OF LOUISIANA

VS

Parish of Natchitoches

R. STUART WRIGHT, IN HIS OFFICIAL
CAPACITY AS SHERIFF OF
NATCHITOCHES PARISH AND THE
NATCHITOCHES PARISH LAW
ENFORCEMENT DISTRICT

State of Louisiana

DOCKET NUMBER: C-96652 B

TO: NATCHITOCHES PARISH LAW ENFORCEMENT DISTRICT
THROUGH:
R. STUART WRIGHT SHERIFF
200 CHURCH STREET
NATCHITOCHES, LA 71457

YOU HAVE BEEN SUED.

Attached to this Citation is a certified copy of the Petition. The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within TWENTY-ONE (21) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Natchitoches Parish Courthouse, in the City of Natchitoches in said Parish.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within TWENTY-ONE (21) days, judgment may be entered against you without further notice.

Witness the Honorable Judges of our said Court on this AUGUST 13, 2026.

DAVID STAMEY, Clerk of Court

BY: Danielle B. Zuercher
Deputy Clerk
Natchitoches Parish

ATTORNEY:
JAMES L. BRADFORD, III

ATTACHMENTS:
CERTIFIED COPY OF PETITION FOR DECLARATORY JUDGMENT AND SUPPLEMENTAL RELIEF

NOTICE

Access to the Natchitoches Parish Courthouse is available to those persons with disabilities who require a ground level entrance through the St. Denis Street entrance. To request special accommodation call the Clerk of Court at (318) 352-8152 or the office of the Chief Judge at (318) 357-2210. The following facilities are available to persons with disabilities:

- *Ground level access at St. Denis Street entrance to courthouse
- *Handicapped accessible elevator to all floors
- *Wheelchair accessible doors to courtrooms

NON-CERTIFIED COPY



D2743326

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NATCHITOCHES PARISH GOVERNMENT, Tenth Judicial District Court
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IN HIS OFFICIAL CAPACITY AS SHERIFF OF NATCHITOCHES PARISH
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