

municipality, school board or district, court of limited jurisdiction, or other political subdivision or district, or the office of any sheriff, district attorney, coroner, or clerk of court, by the act of accepting such office or employment assume a personal obligation not to misappropriate, misapply, convert, misuse, or otherwise wrongfully take any funds, property, or other thing of value belonging to or under the custody or control of the public entity in which they hold office or are employed. The breach of an obligation established under this Section gives rise to an action in favor of the public entity for the recovery of any such funds, property, or other things of value and for any other damages resulting from the breach.

LSA-R.S. 49:125 provides, in part, that the state or any political subdivision of the state is hereby authorized to sell surplus movable property at public auction, in addition to the other methods provided by law for such sales.

Article 7, Section 14 of the Louisiana Constitution of 1974 provides that except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.

Attachment IV

Louisiana Revised Statute
15:708

WEST'S LOUISIANA STATUTES
UNANNOTATED
LOUISIANA REVISED STATUTES
TITLE 15. CRIMINAL PROCEDURE
CHAPTER 7. PRISONS AND CORRECTIONAL
INSTITUTIONS
PART I. PRISONS AND PRISONERS IN
GENERAL

Current through all 1994 Regular and Fourth
Extraordinary Session Acts

Sec. 708. Labor by prisoners permitted; workday
release program; indemnification

A. (1) Whenever a prisoner sentenced to a parish prison of any parish of the state, by any court of competent jurisdiction, or a prisoner in a parish prison awaiting transfer to a state correctional facility shall be willing of his own free will to perform manual labor upon any of the public roads, levees, streets, or public buildings, works, or improvements inside or outside of the prison, the sheriff may set the prisoner to work upon labor determined by the governing authority of the parishes and the municipal authorities of the towns and cities. The prisoners shall always remain under the custody and control of the sheriffs.

(2) Whenever a prisoner sentenced to the parish prison of any parish of this state, by any court of competent jurisdiction, or a prisoner in a parish prison awaiting transfer to a state correctional facility shall be willing of his own free will to perform manual labor upon any cemetery or graveyard or work in a solid waste recycling program administered by a state agency or political subdivision and approved by the sheriff, the criminal sheriff may set the prisoner to work upon labor determined by the governing authority of the parishes and the municipal authorities of the towns and cities. The prisoners shall always remain under the custody and control of the sheriffs.

(3)(a) Whenever a prisoner sentenced to a parish prison of any parish of the state, by any court of competent jurisdiction, or a prisoner in a parish prison awaiting transfer to a state correctional facility shall be willing of his own free will to perform manual labor by assisting the governing authority of any municipality to maintain the municipality in a safe and sanitary condition by

cutting, destroying, or removing noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any sidewalks or banquettes and on any lot, place, or area within the municipality and the sheriff has approved the work, the sheriff may set the prisoner to work upon labor determined by the governing authority of the municipality to effectuate this purpose. The prisoners shall always remain under the custody and control of the sheriffs. The governing authority of any municipality shall comply with the provisions of *R.S. 33:5062* and all other relevant provisions of law. *R.S. 33:815* and *4766* are not affected by the provisions of this Paragraph. The Department of Transportation and Development is excluded from this Paragraph and is subject to the requirements of *R.S. 48:261(B), (C), and (D)* and all other relevant provisions of law.

***15185** (b) The use of prison labor shall in no way reduce the work force of any highway maintenance gang or cause the layoff of any classified employee.

(c) No sheriff shall be liable for any loss sustained by any such prisoner, except for those caused by the gross negligence or intentional acts of the sheriff or his deputies.

B. The sheriffs of the parishes shall establish regulations which they may deem necessary to carry into effect the provisions of this Section and for the discipline, working, and employment of the prisoners.

C. This Section shall not apply to criminals convicted of crimes of first or second degree murder, attempted first or second degree murder, aggravated rape, attempted aggravated rape, forcible rape, aggravated kidnapping, aggravated arson, armed robbery, attempted armed robbery, producing, manufacturing, distributing, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or II of *R.S. 40:964*, or persons sentenced as habitual offenders under *R.S. 15:529.1*, except during the last six months of their terms.

D. (1)(a) Whenever a person is convicted of a misdemeanor for violation of any state law or any parish or municipal ordinance and is sentenced to imprisonment, the sentencing court may order the person so sentenced to report, during the term of imprisonment, to the sheriff to participate in a court-

LA R.S. 15:708, Labor by prisoners permitted; workday release program; indemnification

approved workday release program as established and administered by the sheriff.

(b) The person so sentenced shall pay the sum of fifty dollars to the sheriff to defray the cost of participation in the program. The payment of the costs shall be based upon the defendant's ability to pay.

(2) Each sheriff shall establish written rules for the administration of the workday release program. However, each participant shall be required to report for work for a period of time during daylight hours for not less than eight nor more than ten hours to be determined by the sheriff. Upon release each participant shall not be confined to jail, but shall return to his place of residence. The sheriff may determine that an inmate shall not participate in the program if such participation may result in harm to the community or to the participant.

*15186 (3) If any participant violates the rules of the workday release program prescribed by the sheriff, or if the sheriff determines that a person shall not participate in the program, the inmate shall be imprisoned for the remainder of his sentence.

Failure to report to or return from the scheduled workday program shall be considered an escape under the provisions of *R.S. 14:110*.

E. The political subdivision which administers the solid waste recycling program or any other public work or nonprofit program shall indemnify and hold the sheriff, the state, and the state agency harmless for any injury caused by the inmate, unless the gross negligence or intentional act of the sheriff or the state or the state agency was a substantial factor in causing the injury.

CREDIT(S)

1992 Main Volume

Amended by Acts 1954, No. 387, Sec. 1; Acts 1983, No. 615, Sec. 1; Acts 1985, No. 786, Sec. 1; Acts 1986, No. 704, Sec. 2; Acts 1990, No. 416, Sec. 1.

1995 Interim Update

Amended by Acts 1992, No. 402, Sec. 1.

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STATE OF LOUISIANA LEGISLATIVE AUDITOR

St. Helena Parish Sheriff's Office
Greensburg, Louisiana

February 16, 1996



Investigative Audit

Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor

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Under the provisions of state law, this report is a public document. A copy of this report has been submitted to the Governor, to the Attorney General, and to other public officials as required by state law. A copy of this report has been made available for public inspection at the Baton Rouge office of the Legislative Auditor and at the office of the parish clerk of court.

St. Helena Parish Sheriff's Office

February 16, 1996



**Investigative Audit
Office of the Legislative Auditor
State of Louisiana**

**Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor**

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February 16, 1996

THE HONORABLE EUGENE HOLLAND
ST. HELENA PARISH SHERIFF
Greensburg, Louisiana

Transmitted herewith is our investigative report on the St. Helena Parish Sheriff's Office. Our examination was conducted in accordance with Title 24 of the Louisiana Revised Statutes and was performed to determine the propriety of certain allegations received by this office.

This report represents our findings and recommendations, as well as your responses. Copies of this report have been delivered to The Honorable Duncan Kemp, District Attorney for the Twenty-First Judicial District of Louisiana, and others as required by state law.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel G. Kyle".

Daniel G. Kyle, CPA, CFE
Legislative Auditor

AFB:ka

Executive Summary

Investigative Audit Report St. Helena Parish Sheriff's Office

The following summarizes the findings and recommendations that resulted from this investigation. Detailed information relating to the findings and recommendations may be found at the page number indicated.

Inmate Labor Used on Private Property

(Page 1)

Finding: Sheriff Eugene Holland allowed state inmates to be used on private property in violation of Louisiana law to provide benefits for himself, his family, and others. In addition, Sheriff Holland continually subjected the residents of St. Helena Parish to unnecessary risks by allowing unsupervised state inmates convicted of crimes such as molestation of a juvenile, possession of cocaine with intent to distribute, and attempted armed robbery to work throughout the parish. Furthermore, Warden Wright Porter used state inmates to perform farm and yard work on his personal property in spite of knowing there was no formal work release program.

Recommendation: We recommend that Sheriff Holland and Warden Porter stop using state inmates to work on private property in violation of Louisiana law. We also recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action.

Management's Response: The sheriff disagreed with the finding.

Sheriff Unable to Account for Building Materials**(Page 6)**

- Finding:** Since the renovations of the jail were completed in May 1992, the St. Helena Parish Sheriff's Office purchased building materials and supplies totaling \$13,110. Sheriff Eugene Holland could not explain where the majority of these materials and supplies were used. However, Sheriff Holland acknowledged that some of the materials were used on his private property and mistakenly charged to the sheriff's office.
- Recommendation:** We recommend that the sheriff's office review the list, determine those items that were not used for a valid public purpose, and seek reimbursement from those responsible. In addition, we recommend that the sheriff's office implement procedures to ensure that all purchases are related to the valid business of the sheriff's office. These procedures should prohibit inmates and restrict employees from charging items to the sheriff's office. Furthermore, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.
- Management's Response:** The sheriff states that the department was not aware of any theft problems until told of certain purchases. He further states that these purchases may not be related to the jail or the sheriff's office and are being investigated.

**Sheriff Used Public Funds to Pay
Personal Electric and Water Bills****(Page 9)**

- Finding:** Sheriff Eugene Holland used \$3,923 of public funds to pay his personal electric and water bills during the period July 1992 through March 1995.
- Recommendation:** We recommend that Sheriff Holland comply with Louisiana law and not divert public funds for his personal use. In addition, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

Management's Response: The sheriff responded that the department has stored items at his barn rent free. He further stated that the department had paid the electric bills and water bills for the barn to preserve the items stored there and for an ice machine that the department used.

Sheriff Diverted Public Property for Personal Use**(Page 10)**

Finding: Sheriff Eugene Holland used \$800 of sheriff's office funds to purchase 400 sheets of tin. Some of this tin was used on a mobile home previously owned by Sheriff Holland, Sheriff Holland's barn, and Mr. James Akins' home. The remainder, approximately 150 sheets, cannot be located. In addition, Sheriff Holland used \$275 of sheriff's office funds to purchase a storage box which is being used to store feed for his personal horses.

Recommendation: We recommend that Sheriff Holland comply with Louisiana law and not divert sheriff's office funds for his personal use or the use of his friends and relatives. In addition, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

Management's Response: The sheriff states that the department is unsure of the whereabouts of the tin and is investigating this issue.

Sheriff Used Public Materials for Personal Gain**(Page 12)**

Finding: Sheriff Eugene Holland used materials from the Pine Grove gym, which belonged to the St. Helena Parish Sheriff's Office, for his own benefit and the benefit of his friends. In addition, Sheriff Holland sold some of these materials and received at least \$600; these funds were not deposited into the sheriff's office account.

Recommendation: We recommend that Sheriff Holland comply with Louisiana law and not divert sheriff's office materials or funds to his personal use or the use of his friends. In addition, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

Management's Response: The sheriff responded that the gym was in a terrible state of disrepair and deterioration. He stated that some of the materials were given away in an unconditioned state and some materials were sold to Mr. Lee Sims. The money received from Mr. Sims was used to provide gifts to inmates.

Deputies Receive Improper Payments**(Page 14)**

Finding: Deputy Linda M. Spears submitted false hotel invoices and receipts for personal purchases to support travel advances of \$903, charged \$270 to a sheriff's office credit card for personal automotive repairs, and received a \$151 mileage reimbursement to which she was not entitled. Deputy Michael Martin, a sheriff's office detective, received \$308 for travel expenses to which he was not entitled and charged \$320 to a sheriff's office credit card for personal items.

Recommendation: We recommend that Sheriff Holland establish written policies regarding the use of sheriff's office credit cards restricting use to official business only. Furthermore, credit card users should be required to submit all credit card receipts and invoices for an appropriate review before payment. Finally, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

Management's Response: The sheriff stated that upon notification of the alleged problems he suspended both deputies with pay pending the final audit. Upon receipt of the final audit, these cases will be referred to the district attorney.

Fuel Purchased for Privately-Owned Tow Trucks**(Page 17)**

Finding: Sheriff Eugene Holland authorized Mr. Tyrone Williams, while a part-time sheriff's office employee, to fill his privately-owned tow trucks with fuel and charge it to the sheriff's office in exchange for towing services. Fuel delivery receipts indicate that the sheriff's office paid at least \$3,420 over a two-year period for the fuel purchased by Mr. Williams. However, neither Sheriff Holland nor Mr. Williams maintained any record of these towing services and, as a result, the sheriff is unable to demonstrate that the services received were commensurate with the fuel purchased for Mr. Williams.

Recommendation: We recommend that Sheriff Holland discontinue any agreements whereby he is unable to demonstrate that the goods or services received are commensurate with the compensation paid and that he not contract with his employees.

Management's Response: This matter is being actively investigated as to both Mr. Tyrone Williams and the payments made and will be referred to the district attorney.

Sheriff Fails to Comply With Law in Disposing of Car (Page 19)

Finding: On June 5, 1994, Sheriff Eugene Holland sold a 1991 Ford Crown Victoria to Mr. Bennie Smith for \$145. This transaction violates Louisiana law which requires that surplus assets be disposed of by public auction.

Recommendation: We recommend that Sheriff Holland comply with Louisiana law by disposing of assets by public auction.

Management's Response: The 1991 Ford disposed of was wrecked, had over 175,000 miles on the odometer and had transmission and engine troubles. It was sold for "crush value."

Sheriff's Office Has Inadequate Controls Over Disbursements (Page 19)

Finding: The St. Helena Parish Sheriff's Office has not established adequate controls to ensure the proper disbursement of its public funds.

Recommendation: We recommend that Sheriff Holland take steps to segregate the three responsibilities of authorizing transactions, recording transactions, and maintaining custody of assets. Finally, we recommend that the sheriff establish a written policies and procedures manual to provide guidance to employees in all areas relating to their official duties.

Management's Response: Prior to consultations with the legislative auditors, the department was unaware that the controls in place were inadequate. A purchase order system has been implemented and written policies and procedures are being developed.

Inmates Operate Car Wash for Personal Profit

(Page 21)

Finding: Inmates of the St. Helena Parish jail are operating a car wash for both public and non-public vehicles and are retaining the proceeds for their personal use.

Recommendation: We recommend that Sheriff Holland contact the Department of Corrections and ask them to review this matter to ensure that the sheriff's office is in compliance with the appropriate guidelines and regulations. In addition, we recommend that the sheriff's office maintain records to account for the collection and disbursement of all car wash funds.

Management's Response: The department has, since the original meeting with the auditor, discontinued the car wash of other than public vehicles.

Background and Methodology

We received several allegations concerning actions of the St. Helena Parish Sheriff's Office. We conducted our investigation to determine the propriety of these actions.

Our procedures consisted of (1) examining selected sheriff's office records, (2) interviewing current and former employees of the sheriff's office, (3) interviewing other persons as necessary, (4) reviewing Louisiana laws applicable to our investigation, and (5) making inquiries and observations to the extent we considered necessary to achieve our purpose.

During our investigation, other matters came to our attention and were included within the scope of our work.

The results of our investigation are the findings and recommendations presented herein.

Findings and Recommendations

INMATE LABOR USED ON PRIVATE PROPERTY

Sheriff Eugene Holland allowed state inmates to be used on private property in violation of Louisiana law to provide benefits for himself, his family, and others. In addition, Sheriff Holland continually subjected the residents of St. Helena Parish to unnecessary risks by allowing unsupervised state inmates convicted of crimes such as molestation of a juvenile, possession of cocaine with intent to distribute, and attempted armed robbery to work throughout the parish. Furthermore, Warden Wright Porter used state inmates to perform farm and yard work on his personal property in spite of knowing there was no formal work release program.

The St. Helena Parish Sheriff's Office houses state inmates for the Louisiana Department of Corrections and, for this service, receives \$21 per inmate, per day. As such, Sheriff Holland is responsible for incarcerating state inmates in accordance with their sentences.

Labor performed by state inmates housed in parish jails is governed by Louisiana Revised Statutes (LSA-R.S.) 15:708 and 15:711. LSA-R.S. 15:708 authorizes a workday release program whereby inmates may be used to work on certain public facilities in and outside of the jail. This statute does not authorize inmates to work on private property.

LSA-R.S. 15:711 provides that parish jails are allowed to administer a work release program which allows inmates to perform work outside of the jail. The law requires that the inmates be paid customary wages for their services. These wages are to be distributed to the sheriff and used to defray the cost of incarceration, support the inmates' dependents, pay other obligations, and the balance, if any, may be given to the inmates upon their discharge.

According to the Department of Corrections, the St. Helena Parish jail had no approved work release program. Sheriff Holland and Warden Porter both admitted that they did not have a work release program.

Although Sheriff Holland did not have a work release program, he allowed state inmates to be used on private property to build and remodel nine houses and a barn, plant and pick farm crops, build fences, repair automobiles, prune peach trees, haul hay, cut firewood, clean horse stalls, install sewer lines, and mow grass for his friends, family, and himself. On many occasions, the state inmates were not supervised by a law enforcement officer. In addition, Sheriff Holland allowed unsupervised inmates who had been convicted of crimes including

molestation of a juvenile, possession of cocaine with intent to distribute, and attempted armed robbery to work outside the jail. These crimes would prohibit an inmate from participating in a work release program. Furthermore, on those occasions when the inmates were compensated, Sheriff Holland allowed the inmates to retain their wages rather than distributing them in accordance with law.

Work on Private Property

During our investigation, we learned that state inmates performed the following work on private property:

Sheriff Holland's Property

Sheriff Holland used state inmates to convert his one bedroom, one bathroom house into a two bedroom, two bathroom house with a porch surrounding the outside. Sheriff Holland also used state inmates to install an oak hardwood floor in his den as described in a separate finding. In addition, Sheriff Holland informed us that the inmates worked on his two-story cypress barn.

Ms. Betty Holland's House

Sheriff Holland purchased a lot with an existing house for his ex-wife, Ms. Betty Holland. State inmates removed the old house and, with the assistance of a local carpenter, Mr. Elvis Day, built Ms. Holland a new house.

Mr. Chris Holland's House (Sheriff Holland's son)

Sheriff Holland stated that his son, Mr. Chris Holland, built a house with the assistance of a state inmate.

Ms. Toni Holland Creel's Mobile Home (Sheriff Holland's daughter)

Sheriff Holland informed us that he bought a mobile home for his daughter for approximately \$500 and, during the winter of 1992, state inmates remodeled it. The inmates rewired and re-roofed the house trailer. They also replaced flooring, sheetrock, and plumbing fixtures. After the mobile home was partially completed, Sheriff Holland stated that he sold it for over \$2,000 to Greensburg Mayor Ronald Ficklin. Mr. Ficklin is also a full-time deputy.

Ms. Linda Craddock's House

During 1994, state inmates built an addition to Ms. Craddock's house. The addition consisted of a bedroom and one and a half bathrooms. Also, the inmates replaced the existing roof and built a shed behind Ms. Craddock's house.

Ms. Dawn Blades' House

In 1994, Sheriff Holland allowed state inmates to assist Ms. Blades in the construction of her new home.

Mr. Wayne McMorris' House

Mr. McMorris used state inmates to remodel one of his rent houses. Sheriff Holland stated that he allowed Mr. McMorris to use the inmates because he and Mr. McMorris were good friends and he trusted him.

Ms. Diane Hornsby's House

In 1991, state inmates assisted Mr. Elvis Day, a local carpenter, by installing cypress siding on the exterior and remodeling the interior of Ms. Hornsby's house. Former state inmate, Mr. Wilbert Walker, informed us that, while an inmate, he built a fence around Ms. Hornsby's property.

Mr. Kenneth Hidalgo's Ranch

A state inmate performed work at the J.K. Ranch, owned by Mr. Kenneth Hidalgo, over 75 times in a one-year period.

Ms. Joyce McGregor's Farm

On over 66 occasions during a one-year period, a state inmate worked at Ms. McGregor's farm.

Warden Wright Porter's Property

Although Warden Porter knew that there was no work release program, he repeatedly used state inmates to perform farm and yard work on his farm. Warden Porter used inmates to do chores such as cleaning stalls and dog boxes, working in his garden, helping him plant 12 acres of sugar cane and peas, and working on vehicles at his shop.

Mr. Henry Breeland's House

State inmates built a porch on Mr. Breeland's house while he was the warden of the jail.

Other Work Performed

We were informed that state inmates also built fences, pruned peach trees, hauled hay, cut firewood, installed sewer lines, and mowed grass on individuals' private property.

Inmates Were Not Supervised

During our investigation, we also learned that while these state inmates performed the work previously mentioned, they were not supervised by law enforcement personnel.

- A local carpenter, Mr. Elvis Day, stated that most of the time he supervised state inmates while building houses for Sheriff Holland and his friends. He indicated that no sheriff's office deputies were present while working on these projects.
- Former state inmates, Mr. James Akins, Mr. Warren Duncan, Mr. Wilbert Walker, and Mr. Tyrone Williams, confirmed that, for the most part, they were not supervised by sheriff's office employees while working on these projects. According to Mr. Akins, 99 percent of the time he supervised himself. Mr. Williams stated that while an inmate, he used a sheriff's office vehicle to transport other inmates to these work sites. This is confirmed by the Trustee Work Detail sign in/out documents completed by Mr. Williams on at least 41 occasions.
- Sheriff Holland stated that Ms. Betty Holland sometimes picked up inmates to work in her yard and was responsible for supervising them. She is not an employee of the sheriff's office.
- Sheriff Holland confirmed that when inmates worked on Mr. Blades' house, he (Mr. Blades) would get the inmates from the jail and was responsible for their supervision.
- Mr. McMorris stated that when he got inmates from the jail to work on his property, there were no sheriff's office employees at his house supervising the inmates.
- Sheriff Holland said that Ms. Hornsby or Mr. Day supervised the inmates who worked at Ms. Hornsby's farm--neither are sheriff's office employees.
- Mr. Hidalgo, owner of the J.K. Ranch, stated that he would send one of his workers to the jail to get a state inmate, the inmate was supervised by his employees, and he could not remember any deputies or the sheriff ever coming to his ranch to supervise the inmates.
- Ms. Joyce McGregor stated that she used a state inmate to perform farm labor on her property. She stated that she would go to the jail and get the inmate and he was supervised by her husband.

Inmates Were Allowed to Keep Their Wages

Several individuals who had work performed on their property informed us that they paid the inmates for their labor. Louisiana law requires that these wages be used to defray the cost of incarceration, support the inmates' dependents, pay other obligations, and the balance, if any, may be given to the inmates upon their discharge. However, Sheriff Holland allowed the inmates to retain the wages paid to them.

Sheriff Holland Apparently Had Knowledge of the Law

Deputy Linda Spears, chief civil deputy and bookkeeper, informed us that she attended three meetings of the Louisiana Sheriff's Association where she received copies of the regulations and laws relating to working of inmates. She stated that, upon returning to the sheriff's office, she discussed these laws with Sheriff Holland and informed him that they might get into trouble by not following these guidelines. According to Deputy Spears, Sheriff Holland responded that he was the boss.

Mr. Henry Breeland stated that in June 1992, when he became warden of the sheriff's office, he questioned Sheriff Holland about the use of state inmates for labor on private property. According to Mr. Breeland, Sheriff Holland assured him that he had nothing to worry about because he had been given authority to establish the work programs by the Louisiana Department of Corrections (DOC). Mr. Breeland stated that subsequent to this conversation, he used state inmates to build a porch on his house. Later, when he read the Basic Jail Guidelines and learned that state inmates may not work on private property, he stopped using inmates on his property and resigned his position at the sheriff's office effective May 19, 1993.

Responses Made by Sheriff Holland During Our Investigation

On September 26, 1995, the Department of Corrections cited Warden Porter for the use of inmate labor on his private property as detailed above. According to DOC records, Sheriff Holland informed them that he had no knowledge of these DOC inmates being used in this fashion.

We discussed this work by state inmates with Sheriff Holland on three different occasions.

Our first discussion with Sheriff Holland regarding the state inmate labor occurred on November 29, 1995. During this conversation, Sheriff Holland informed us that he knew that we had visited the homes of Ms. Craddock and Ms. Blades and that, other than Mr. Breeland's, these were the only houses that inmates worked on.

On the following day, we again discussed this subject with Sheriff Holland. This time he reiterated that those were the only three houses where inmate labor was used. He stated further that the work on Ms. Blades' and Ms. Craddock's houses was done on the weekends so he could be present to supervise the inmates.

On January 22, 1996, we again spoke with Sheriff Holland. This time we confronted Sheriff Holland with evidence supporting that inmates worked on additional houses and performed work on private property other than constructing houses. Sheriff Holland agreed that, in addition to Ms. Blades', Ms. Craddock's, and Mr. Breeland's houses, state inmates also worked on his house, his barn, and houses belonging to Ms. Betty Holland, Mr. Chris Holland, Ms. Toni Holland Creel, Mr. Wayne McMorris, and Ms. Diane Hornsby. Furthermore, Sheriff Holland agreed that state inmates were used to perform other work on the properties of Mr. Kenneth Hidalgo and Ms. Joyce McGregor.

These actions may be in violation of one or more of the following Louisiana laws:

- LSA-R.S. 14:67, "Theft"
- LSA-R.S. 14:68, "Unauthorized Use of a Movable"
- LSA-R.S. 14:134, "Malfeasance in Office"
- LSA-R.S. 15:708, "Workday Release Program"
- LSA-R.S. 42:1116, "Abuse of Office"
- LSA-R.S. 42:1461, "Fiduciary Duty"

We recommend that Sheriff Holland and Warden Porter stop using state inmates to work on private property in violation of Louisiana law. We also recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action.

SHERIFF UNABLE TO ACCOUNT FOR BUILDING MATERIALS

Since the renovations of the jail were completed in May 1992, the St. Helena Parish Sheriff's Office purchased building materials and supplies totaling \$13,110. Sheriff Eugene Holland could not explain where the majority of these materials and supplies were used. However, Sheriff Holland acknowledged that some of the materials were used on his private property and mistakenly charged to the sheriff's office.

The sheriff's office renovated its jail facilities during the spring of 1992. According to Sheriff Holland, the renovations were completed in May of 1992. On May 29, 1992, United States District Judge Frank J. Polozola issued a court order to increase the total inmate population at the jail to 41 inmates signifying the completion of the jail renovations. However, from June 1992 to May 1995, the sheriff's office purchased materials totaling \$31,243 from Newman & Associates, Inc., and Greensburg Building Center. It appears that \$18,133 are items that may have been used for general maintenance. The remaining \$13,110 appears to be building materials that may have been used for construction purposes. These building materials include

electrical, plumbing, and painting supplies, lumber, and other building materials as described below:

- The electrical materials included electrical wire, telephone wire and jacks, receptacles, receptacle boxes and covers, and light switches.
- The plumbing materials included galvanized and PVC water pipe, pipe fittings, faucets, and glue. During the jail renovations, the water lines in the jail were converted to copper tubing thus eliminating the need for galvanized and PVC pipe.
- The painting materials included at least ten different colors of paint, brushes, rollers, and other painting supplies. The sheriff's office and jail are painted grey and white.
- The lumber and other building supplies consisted of 2 x 4's, 1 x 4's, 2 x 6's, 441 pounds of nails, hollow core doors, concrete, and carpenters' tools.

Both Sheriff Holland and Warden Wright Porter stated that only general maintenance and repairs ordered by the State Fire Marshall or the Health Department have been performed on the jail since the renovations were completed. Based on our review of these inspection reports, the only repairs made were to the fire alarm system, a shower wall, a leaking toilet, a leaking faucet, and a wall in the isolation cell. The fire alarm system was repaired by a licensed fire alarm company and paid for by the St. Helena Parish Police Jury.

Deputy Linda Spears stated that the police jury is responsible for repairs made to the parish jail and, during the renovation period, she submitted the construction invoices to the police jury for payment or reimbursement. According to Deputy Spears, after the renovations were completed, she continued to receive numerous invoices for building materials. Deputy Spears stated that she knew that there wasn't any construction going on at the jail that cost as much as the invoices she was receiving. Deputy Spears added that, because she knew that the police jury would question the invoices and she would not know how to respond, she discontinued submitting the invoices for payment or reimbursement.

According to Deputy Spears, she asked Sheriff Holland to explain the invoices and he told her that the building materials were for the jail. She stated that every month, before making payment, she presented the invoices to Sheriff Holland for his approval. Deputy Spears informed us that after Sheriff Holland reviewed the invoices, he authorized her to pay the bills and to charge the amounts to the jail and building maintenance account. Sheriff Holland confirmed that this was the procedure used in paying the invoices.

Newman & Associates, Inc., and Greensburg Building Center both submit billing statements supported by signed charge tickets to the sheriff's office. Our investigation revealed that during the period June 1992 to May 1995, Mr. Tyrone Williams' signature appeared on these tickets. Mr. Williams was an inmate housed at the St. Helena jail from 1987 until April 1993.

Thereafter, Sheriff Holland employed Mr. Williams to perform maintenance work at the sheriff's office. Many of these tickets were signed by Mr. Williams while he was an inmate.

According to Mr. Williams, he followed Sheriff Holland's instructions by signing all charge tickets for building materials purchased at Newman & Associates, Inc., and Greensburg Building Center whether or not he personally picked up the materials. Mr. Williams stated that when someone else picked up the materials, he would sign the charge tickets the next time he was in these stores. Mr. Williams identified numerous tickets charged to the sheriff's office for building materials which he indicated were not used at the parish jail or the sheriff's office. According to Mr. Williams, these materials were used on Sheriff Holland's property, Ms. Toni Holland Creel's mobile home, Ms. Linda Craddock's house, and Ms. Betty Holland's house. Mr. Williams stated that Sheriff Holland instructed him to charge all materials used on these houses to the sheriff's office. Mr. Williams stated that when he purchased materials for these houses, the tickets were charged to "St. Helena Sheriff."

Mr. Williams informed us that he installed the plumbing and "roughed in" the electrical work for these houses. According to Mr. Williams, the plumbing work consisted of installing PVC water and sewer pipe, and the electrical work consisted of running the electrical wire and connecting the outlets and switches.

Mr. Williams stated further that he used galvanized pipe, galvanized fittings, red oxide primer, and white paint to construct gates and the fence at Sheriff Holland's barn. According to Mr. Williams, Sheriff Holland instructed him to charge these items to the "St. Helena Sheriff."

On January 22, 1996, Sheriff Holland agreed that the majority of these building materials are not in the jail. He stated that he wasn't going to sit there and tell us that these materials are in the jail, because they aren't. On January 27, 1996, we questioned Sheriff Holland again about these building materials. This time Sheriff Holland stated that he did not know where all of the materials were used. Sheriff Holland identified the red oxide primer and brushes used to apply it, band saw blades, and walnut wood stain as items for his personal use. He indicated that these materials were charged to the sheriff's office by mistake, and he agreed to reimburse the sheriff's office for these purchases. These items totaled \$511. Furthermore, Sheriff Holland stated that he would be willing to reimburse the sheriff's office for items that are found to have been used on his daughter's mobile home or used by former inmate, Mr. James Akins, to build and refinish furniture.

These actions may be in violation of one or more of the following Louisiana Revised Statutes:

- LSA-R.S. 14:67, "Theft"
- LSA-R.S. 14:68, "Unauthorized Use of a Movable"
- LSA-R.S. 14:134, "Malfeasance in Office"
- LSA-R.S. 42:1461(a), "Fiduciary Duty"

We have provided a list of the materials and supplies mentioned above to the sheriff's office. We recommend that the sheriff's office review the list, determine those items that were not used for a valid public purpose, and seek reimbursement from those responsible. In addition, we recommend that the sheriff's office implement procedures to ensure that all purchases are related to the valid business of the sheriff's office. These procedures should prohibit inmates and restrict employees from charging items to the sheriff's office. Furthermore, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

SHERIFF USED PUBLIC FUNDS TO PAY PERSONAL ELECTRIC AND WATER BILLS

Sheriff Eugene Holland used \$3,923 of public funds to pay his personal electric and water bills during the period July 1992 through March 1995.

During 1992, the sheriff's office purchased an ice machine and Sheriff Holland had it installed in his personal barn located adjacent to his residence. The ice machine was purchased to provide ice for the parish jail; however, we were informed that sometime around the end of 1993, it stopped working and the sheriff's office found other means to provide ice for the jail. The ice machine was connected to the barn's existing electrical service. According to Sheriff Holland, he uses the barn for his horses and, before the installation of the ice machine, he personally paid the electricity bill. However, Sheriff Holland began paying the electricity bills for the barn with sheriff's office funds during October 1992 and continued through March 1995, over a year after the ice machine broke. It should be noted that our investigative audit began in March of 1995. As of March 1995, Sheriff Holland used \$3,314 of public funds to pay these electric bills and Sheriff Holland personally signed many of these checks.

In addition to the electricity bill, Sheriff Holland had the ice machine's water line connected to the water line that services his personal residence. Therefore, the water bills associated with this line included Sheriff Holland's personal residence. As with the electricity bills, Sheriff Holland began using sheriff's office funds to pay his personal water bills during July 1992 and continued paying these charges through August of 1994. Sheriff Holland used \$609 of public funds to pay these water bills, and Sheriff Holland also signed many of these checks.

Sheriff Holland stated that he required the sheriff's office to pay the utility bills in exchange for "messing up" his barn. He added that he thought the sheriff's office stopped paying the bills when the ice machine quit working during the winter of 1993. Sheriff Holland indicated that it was a mistake that the sheriff's office continued to pay his utility bills after the ice machine was broken and that he probably forgot the office was paying them.

Deputy Linda Spears informed us that she brought this situation to Sheriff Holland's attention. Deputy Spears stated that upon noticing that the sheriff's office was purchasing ice as well as paying the utility bills for the ice machine, she asked Sheriff Holland why they were being billed by DEMCO even though the ice machine was broken. According to Deputy Spears, Sheriff Holland told her to find out why but provided no solution.

Ms. Sarah Fugler, the secretary-treasurer of the St. Helena Parish Police Jury, stated that the police jury is responsible for paying the DEMCO electricity bill and the Town of Greensburg water bill for the St. Helena Parish Sheriff's Office and the jail. She also stated that these bills are mailed directly to the police jury and never pass through the sheriff's office. In addition, Ms. Fugler stated that the sheriff's office is not required to reimburse the police jury for these payments. Therefore, the only utility bills that the sheriff's office receives are those related to Sheriff Holland's barn and his personal residence.

By using sheriff's office funds to pay his personal utility bills, Sheriff Holland may have violated one or more of the following Louisiana laws:

- LSA-R.S. 14:67, "Theft"
- LSA-R.S. 14:134, "Malfeasance in Office"
- LSA-R.S. 42:1461, "Fiduciary Duty"

We recommend that Sheriff Holland comply with Louisiana Law and not divert public funds for his personal use. In addition, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

SHERIFF DIVERTED PUBLIC PROPERTY FOR PERSONAL USE

Sheriff Eugene Holland used \$800 of sheriff's office funds to purchase 400 sheets of tin. Some of this tin was used on a mobile home previously owned by Sheriff Holland, Sheriff Holland's barn, and Mr. James Akins' home. The remainder, approximately 150 sheets, cannot be located. In addition, Sheriff Holland used \$275 of sheriff's office funds to purchase a storage box which is being used to store feed for his personal horses.

Purchase of Tin

In April 1993, the St. Helena Parish Sheriff's Office purchased 400 sheets of used tin for \$800 from Mr. Larry Freeman. Deputy Linda Spears stated that Sheriff Holland instructed her to pay Mr. Freeman for the tin and to charge this purchase to the jail and maintenance fund.

Mr. Tyrone Williams, a former inmate and former sheriff's office employee, stated that he and several inmates tore down a chicken house on Mr. Freeman's property and delivered the tin roofing to Sheriff Holland's barn. According to Mr. Williams, Sheriff Holland instructed him to pick out the best tin and use it on a mobile home that Sheriff Holland purchased for his daughter. Mr. Williams stated that he put substantially all of the tin on the mobile home, Sheriff's Holland's barn, and Mr. James Akins' mobile home, which is also located on Sheriff Holland's property.

Mr. Freeman confirmed that Sheriff Holland purchased 400 sheets of tin for \$800; however, Mr. Freeman stated that before receiving a sheriff's office check, he was under the impression that he was selling the tin to Eugene Holland, not to the sheriff's office. Mr. Freeman further stated that the tin was unusual because it was flat with one "v" shaped corrugation in the center of each sheet. Mr. Freeman stated that he helped deliver the tin to Sheriff Holland's barn and he identified the tin as being the same type of tin used on the roofs of the mobile homes on Sheriff Holland's property.

On January 22, 1996, Sheriff Holland informed us that the tin was purchased to build a shed on his property to cover a walk-in cooler belonging to the sheriff's office; however, this shed was never built. Sheriff Holland stated that none of this tin was used on the jail or the sheriff's office. Sheriff Holland admitted that some of the tin was used on the mobile home that he purchased for his daughter. Sheriff Holland stated that none of the tin was used on his barn or Mr. Akins' mobile home. On January 27, 1996, Sheriff Holland showed us the addition that the inmates built on his barn and the mobile homes on his property. We identified some of the tin on his barn and Mr. Akins' mobile home as being the same tin purchased by the sheriff's office. Sheriff Holland stated that he would reimburse the sheriff's office \$800 for the purchase of the tin.

Purchase of a Van Box

On September 24, 1992, the sheriff's office purchased two van boxes from Ms. Linda Thomas for \$275 each. Van boxes are the rear cargo portion of delivery trucks and can be removed from the frame of the truck to be used for storage. One of these van boxes is currently being used at the parish jail to store dry goods and commodities; however, the other van box is at Sheriff Holland's barn. Deputy Donald Lee, jailer, and Deputy F. A. Yarborough, jailer, both stated that the parish jail does not store any supplies or materials at Sheriff Holland's barn. In addition, Deputy Spears stated that neither the sheriff's office nor the parish jail stores any materials or supplies at Sheriff Holland's barn.

Sheriff Holland confirmed that the sheriff's office purchased two van boxes from Ms. Thomas and that one of the boxes is in his barn. Sheriff Holland stated that, at one time, the sheriff's office used the van box in his barn to store commodities. Sheriff Holland stated further that the sheriff's office no longer receives commodities, so he uses the van box in his barn to store feed for his horses.

By using funds from the St. Helena Parish Sheriff's Office to purchase items for his personal use and the use of his relatives and friends, Sheriff Holland may have violated one or more of the following laws:

- LSA-R.S. 14:67, "Theft"
- LSA-R.S. 14:134, "Malfeasance in Office"
- LSA-R.S. 42:1461(a), "Fiduciary Duty"

We recommend that Sheriff Holland comply with Louisiana law and not divert sheriff's office funds for his personal use or the use of his friends and relatives. In addition, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

SHERIFF USED PUBLIC MATERIALS FOR PERSONAL GAIN

Sheriff Eugene Holland used materials from the Pine Grove gym, which belonged to the St. Helena Parish Sheriff's Office, for his own benefit and the benefit of his friends. In addition, Sheriff Holland sold some of these materials and received at least \$600; these funds were not deposited into the sheriff's office account.

On September 30, 1993, the St. Helena Parish School Board entered into an intergovernmental agreement with the sheriff's office for the purpose of transferring ownership of the Pine Grove gymnasium to the sheriff's office. According to that agreement, the sheriff's office received ownership of the building materials contained within the gym structure. The sheriff's office agreed to demolish and completely remove the gym from the school site. Sheriff Holland used inmates from the parish jail to disassemble the gym, saving much of the building materials as this was done. Sheriff Holland then sold some of these building materials, used some of the building material to remodel his house and barn, had inmates use some of the building material to remodel Ms. Linda Craddock's house; gave some of the building material to Mr. James Akins to remodel his house, which is located on Sheriff Holland's property, and has the remainder stored next to his barn.

On November 23, 1993, Sheriff Holland sold a portion of the hardwood floor from the gym to Mr. Lea Vern Sims for \$500. On May 26, 1994, Sheriff Holland sold an additional portion of the hardwood floor from the gym to Mr. Sims for \$100. Mr. Sims paid for both purchases of the oak floor with checks made payable to "Eugene Holland." Sheriff Holland admitted that he cashed both of these checks. On November 30, 1995, Sheriff Holland stated that he used this cash to pay the inmates who tore down the gym. On January 22, 1996, Sheriff Holland stated that he used the cash to purchase clothes and boots for the inmates who tore down the gym.

Deputy Joe Chaney, a sheriff's office employee, stated that he gave Sheriff Holland cash for some of the lumber out of the gym; however, Deputy Chaney could not remember exactly how much cash he gave Sheriff Holland. Ms. Felton Hall also purchased some of the gym lumber from Sheriff Holland. Ms. Hall stated that she had given Sheriff Holland cash for the lumber, but she could not remember how much. At first, Sheriff Holland could not recall if Ms. Hall and Deputy Chaney paid him for the gym lumber. However, on February 2, 1996, during our exit conference, Sheriff Holland acknowledged that they paid him but could not remember how much. Deputy Chaney and Ms. Hall both stated that they picked up the lumber from Sheriff Holland's barn. We reviewed the sheriff's office accounts and could not find where these funds were deposited.

Mr. Kenneth Moore, Mr. Warren Duncan, and Mr. Tyrone Williams all confirmed that they were part of the inmate crew that tore down the gym structure in Pine Grove. According to these individuals, the materials from the gym were delivered to Sheriff Holland's barn. Deputy Wendell Day stated that he supervised the demolition of the gym, and he also confirmed that the materials were delivered to Sheriff Holland's barn. According to Deputy Day, the demolition of the gym was done on a volunteer basis only, and none of the inmates were paid or received gifts for that work. Mr. Moore, Mr. Duncan, and Mr. Williams all stated that they did not receive any payment or gifts for tearing down the gym.

In addition to selling lumber from the gym, Sheriff Holland admitted that he used approximately 600 square feet of the gym floor in his personal residence. Mr. Elvis Day, a carpenter, and Mr. James Akins, a former inmate, both stated that they installed hardwood flooring from the gym into Sheriff Holland's house. Former inmate Mr. Wilbert Walker stated that he used materials from the gym to build a portion of Sheriff Holland's barn. Sheriff Holland admitted that materials from the gym were used to construct an addition to his existing barn.

According to Mr. Elvis Day, some of the gym lumber was also used to build an addition to Ms. Linda Craddock's house. Mr. Day stated that he and several inmates built an addition consisting of a bedroom and one and a half bathrooms on to Ms. Craddock's house. Mr. Duncan stated that while he was an inmate, he hauled some of the gym lumber from Sheriff Holland's house to Ms. Craddock's house. According to Mr. Duncan, this lumber was used to put floors in the addition and to cover the exterior of the house. Sheriff Holland admitted that the exterior siding on the front of Ms. Craddock's addition came from the gym. In addition, Sheriff Holland stated that some of the gym materials may have been used on Ms. Craddock's floor.

Sheriff Holland stated that he gave Mr. James Akins, former inmate, approximately 500 square feet of gym lumber. Mr. Akins stated that he used this lumber to cover the exterior of his mobile home.

By using materials belonging to the St. Helena Parish Sheriff's Office for his own personal gain and for the benefit and use of his friends, Sheriff Holland may have violated one or more of the following laws:

- LSA-R.S. 14:67, "Theft"
- LSA-R.S. 14:134, "Malfeasance in Office"
- LSA-R.S. 42:1461(a), "Fiduciary Duty"

We recommend that Sheriff Holland comply with Louisiana Law and not divert sheriff's office materials or funds to his personal use or the use of his friends. In addition, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

DEPUTIES RECEIVE IMPROPER PAYMENTS

Deputy Linda M. Spears submitted false hotel invoices and receipts for personal purchases to support travel advances of \$903, charged \$270 to a sheriff's office credit card for personal automotive repairs, and received a \$151 mileage reimbursement to which she was not entitled. Deputy Michael Martin, a sheriff's office detective, received \$308 for travel expenses to which he was not entitled and charged \$320 to a sheriff's office credit card for personal items.

Between June 1993 and April 1995, Deputy Spears and Deputy Martin attended three training conferences as representatives of the sheriff's office. Records at the sheriff's office indicate that both Deputy Spears and Deputy Martin received travel advances before attending the conferences. In each case, the advances were prepared by Deputy Spears who is responsible for preparing and signing travel advance checks. Deputy Spears is also responsible for reviewing the receipts provided to support the actual travel expenditures. Our review of the supporting documentation on file at the sheriff's office indicates that both Deputy Spears and Deputy Martin reported and were paid for charges that were not actually incurred.

Louisiana Juvenile Officers Association Training Conference

On April 17, 1995, Deputy Martin received a \$640 travel advance to attend the Louisiana Juvenile Officers Association Training Conference held April 18-21, 1995, in Lafayette, Louisiana. Deputy Spears stated that she received \$320 of Deputy Martin's advance to cover her travel costs; Deputy Martin kept the other half. Deputy Martin and Deputy Spears each submitted invoices to the sheriff's office to support the travel expenses incurred during the conference.

Holiday Inn invoices submitted to support Deputy Martin's and Deputy Spears' lodging expenses totaled \$194 each. We showed these invoices to Ms. Tessa Cancienne, an assistant general manager at the Holiday Inn in Lafayette, who stated that the invoices did not appear to be valid. Ms. Cancienne stated that the Holiday Inn has no record of Deputy Spears registering for a room during April 1995. Ms. Cancienne did find

record of registration for Deputy Martin; however, the invoice on file at the Holiday Inn was materially different from the invoice submitted to the sheriff's office.

For example, the invoice on file at the sheriff's office indicates that Deputy Martin registered on April 17, 1995, and stayed for four nights at a cost of \$45 per night, or \$194. The invoice provided by Holiday Inn, however, indicates that Deputy Martin did not register until April 18, and shows that he only stayed for three nights at a cost of \$44 a night, or \$136. Based on the actual invoice on file at the Holiday Inn, Deputy Martin was overpaid \$58.

Based on the information provided, it appears that Deputy Spears did not actually incur lodging expenses at the Holiday Inn but supported her travel advance with a false invoice; she was overpaid \$194.

1994 Magnolia State Peace Officers Association Convention

In June 1994, Deputy Spears and Deputy Martin attended the 1994 Magnolia State Peace Officers Association Convention in Shreveport, Louisiana. Both Deputy Spears and Deputy Martin received advances of \$350 to cover their travel expenses relating to this convention. An invoice submitted to support Deputy Martin's advance indicates that he incurred lodging expenses of \$250 at the Grand Isle Hotel. We noted that Deputy Martin charged his lodging to the sheriff's office American Express card which the sheriff's office pays directly. Because Deputy Martin did not return his travel advance or use his advance to reimburse the sheriff's office for his lodging, he kept \$250 to which he was not entitled.

Deputy Spears submitted a \$200 Grand Isle Hotel invoice to support her travel advance. However, the invoice Deputy Spears submitted appears to be the second page of Deputy Martin's bill with numerous white-outs and alterations. Ms. Nici Creighton, a representative of the Grand Isle Hotel, informed us that the hotel has no record of Deputy Spears' registration. By submitting a false invoice to support her advance for lodging, Deputy Spears received \$200 to which she was not entitled.

1993 Magnolia State Peace Officers Association Convention

The Magnolia State Peace Officers Association Convention was held June 9, 1993, through June 12, 1993, in Alexandria, Louisiana. Deputy Spears issued a sheriff's office check to Hotel Bentley to prepay Deputy Martin's convention lodging on May 13, 1993. On June 8, 1993, Deputy Spears prepared a \$763 travel advance for herself. Deputy Spears submitted a Hotel Bentley invoice to support her lodging expenses. According to Mr. Fred Rosenfeld, a representative of the Hotel Bentley, the invoice Deputy Spears submitted as support for lodging appears to have been typed on the hotel's stationery that is available to guests. Mr. Rosenfeld confirmed that the hotel has no record of Deputy Spears's registration. By submitting a false invoice to support

her travel advance, Deputy Spears received \$251 for lodging expenses that she did not incur.

Deputy Spears initially informed us that she did not prepare or alter the hotel bills she submitted to support her travel advances. However, later, when asked whether we had found all of the documents that she altered, she indicated that we had. Deputy Spears further explained that she felt overworked and underpaid, adding that this was not an excuse for what she did.

Deputy Martin informed us that he submitted his original hotel invoices to Deputy Spears. Upon showing Deputy Martin the hotel bills on file in the sheriff's office as support for his advances, Deputy Martin indicated that he was not familiar with the bills and would get back to us. As of the date of this report, Deputy Martin has not provided any further information.

Deputy Spears also used receipts for personal purchases to provide support for her travel advances. During the period June 1992 through April 1995, Deputy Spears supported her use of travel advances with receipts, totaling \$452, for items such as clothing, cosmetics, and alcoholic beverages.

In addition, both Deputy Spears and Deputy Martin charged personal expenses to the sheriff's office American Express cards. Records at the sheriff's office indicate that Deputy Spears charged personal automotive repairs on the sheriff's office American Express Card on September 29, 1994. Deputy Spears subsequently signed a sheriff's office check paying the American Express invoice which included the \$270 charge. Deputy Spears informed us that she is repaying the charge through payroll deductions; however, no deductions have been made.

On May 20, 1994, Deputy Martin charged the cost of an airline ticket for his son on the sheriff's office American Express card. The \$320 charge was later approved by Deputy Spears and paid by the sheriff's office. Deputy Martin informed us that he used the credit card to guarantee the reservation and that he paid cash for the ticket. Deputy Martin stated that he would provide documentation showing that he paid cash for the ticket but has not done so as of the date of this report.

We also found where Deputy Spears paid herself \$151 for mileage expenses that she did not incur. According to notations on the check and supporting documentation in the sheriff's office records, the payment represented a mileage reimbursement for 520 miles at \$.29 per mile. However, Deputy Spears informed us that the payment was not for mileage. According to Deputy Spears, this payment was actually a payment for meal expenses which she believed she was entitled to but for which she did not submit a reimbursement claim. Deputy Spears indicated that she would provide the specific dates, times, and circumstances entitling her to the meal reimbursements; however, as of the date of this report, she has failed to do so.

In all, based on this information, it appears that Deputy Spears received \$2,197 and Deputy Martin received \$628 to which they were not entitled. These actions may be in violation of one or more of the following Louisiana laws:

- LSA-R.S. 14:67, "Theft"
- LSA-R.S. 14:26, "Conspiracy"
- LSA-R.S. 14:72, "Forgery"
- LSA-R.S. 14:134, "Malfeasance"
- LSA-R.S. 42:1461, "Obligation Not to Misappropriate"

We recommend that Sheriff Holland review the internal controls relating to the payment of employee travel expenses and implement policies and procedures to ensure that the funds of the sheriff's office are being adequately safeguarded. These policies and procedures should include:

1. written policies detailing procedures for requesting, preparing, and receiving travel advances;
2. written policies detailing reimbursable costs, including meals, lodging, and other travel related expenses and the documentation required and procedures to follow to obtain reimbursement; and
3. an adequate separation of duties.

In addition, we recommend that Sheriff Holland establish written policies regarding the use of sheriff's office credit cards restricting use to official business only. Furthermore, credit card users should be required to submit all credit card receipts and invoices for an appropriate review before payment. Finally, we recommend that the District Attorney for the Twenty-First Judicial District of Louisiana review this information and take appropriate legal action, to include seeking restitution.

FUEL PURCHASED FOR PRIVATELY-OWNED TOW TRUCKS

Sheriff Eugene Holland authorized Mr. Tyrone Williams, while a part-time sheriff's office employee, to fill his privately-owned tow trucks with fuel and charge it to the sheriff's office in exchange for towing services. Fuel delivery receipts indicate that the sheriff's office paid at least \$3,420 over a two-year period for the fuel purchased by Mr. Williams. However, neither Sheriff Holland nor Mr. Williams maintained any

record of these towing services and, as a result, the sheriff is unable to demonstrate that the services received were commensurate with the fuel purchased for Mr. Williams.

Mr. Williams owns a 24-hour towing service in addition to being employed as a part-time maintenance employee at the sheriff's office. Sheriff Holland informed us that he uses Mr. Williams' towing service to tow patrol cars on an as needed basis. According to Sheriff Holland, he authorized Mr. Williams to occasionally charge a tank of diesel fuel to the sheriff's office account in lieu of payments for services rendered. We reviewed fuel delivery receipts on file at the sheriff's office and determined that, during the period March 1993 through April 1995, the sheriff's office paid at least \$3,420 for fuel purchased by Mr. Williams. Sheriff Holland stated that he was unaware that Mr. Williams had charged so much diesel, stating further that he believed that Mr. Williams went overboard with the amount of diesel he charged.

Mr. Williams has agreed to reimburse the sheriff's office for the diesel he received. On January 31, 1996, Sheriff Holland confirmed that Mr. Williams has reimbursed the sheriff's office \$195.

In addition to authorizing Mr. Williams to charge diesel, Sheriff Holland may have authorized other individuals to charge fuel purchases to the sheriff's office. Mr. Daryl Hanks, owner of Hank's Garage & Mini Mart (a vendor where the sheriff's office has a charge account), stated that persons not employed by the sheriff's office occasionally attempt to charge fuel purchases to the sheriff's office. Mr. Hanks stated that when this happens, he calls Sheriff Holland who sometimes authorizes the charge.

Neither Sheriff Holland nor Mr. Williams kept any record of the towing services performed for the sheriff's office. By Mr. Williams' estimate, he towed approximately five sheriff's office vehicles per month.

Because records were not maintained, there is no way to determine whether the services rendered by Mr. Williams were commensurate with the amount of diesel he charged to the sheriff's office. We spoke with 12 deputies who have use of sheriff's office vehicles. Five of these deputies said that their patrol cars were not towed in the past year. The other seven deputies estimated that Mr. Williams towed their cars a total of 16 times in the past year. Based on this information, Mr. Williams' estimate of towing five sheriff's vehicles per month appears unreasonable.

These actions may be in violation of one or more of the following Louisiana laws:

- LSA-R.S. 42:1113(A), "Prohibited Contractual Arrangements"
- LSA-R.S. 42:1461(A), "Fiduciary Duty"
- Article 7, Section 14 of the Louisiana Constitution

We recommend that Sheriff Holland discontinue any agreements whereby he is unable to demonstrate that the goods or services received are commensurate with the compensation paid

and that he not contract with his employees. Futhermore, we recommend that the sheriff discontinue the practice of contracting with his employees in violation of state law.

SHERIFF FAILS TO COMPLY WITH LAW IN DISPOSING OF CAR

On June 5, 1994, Sheriff Eugene Holland sold a 1991 Ford Crown Victoria to Mr. Bennie Smith for \$145. This transaction violates Louisiana law which requires that surplus assets be disposed of by public auction.

As of June 1995, the retail value of the vehicle was in excess of \$6,000. Sheriff Holland stated the vehicle had front-end damage and no transmission; however, he did not verify that the fair market value of the vehicle was only \$145.

Mr. Smith told us that he purchased the vehicle from the sheriff's office for \$145.37. He said that the vehicle was not in operating condition when he made the purchase. Furthermore, Mr. Smith said that the vehicle needed body work and a transmission and that he invested about \$2,500 to get the vehicle into operating condition.

LSA-R.S. 49:125 provides, in part, that the state or any political subdivision of the state is hereby authorized to sell surplus movable property at public auction, in addition to the other methods provided by law for such sales.

We recommend that Sheriff Holland comply with Louisiana law by disposing of assets by public auction.

SHERIFF'S OFFICE HAS INADEQUATE CONTROLS OVER DISBURSEMENTS

The St. Helena Parish Sheriff's Office has not established adequate controls to ensure the proper disbursement of its public funds.

The sheriff's office does not have a centralized purchasing system. A centralized purchasing system places purchasing authority and responsibility with a few specific individuals. A centralized purchasing system ensures that all purchases are properly authorized, that funds are budgeted and available for purchases, that the best possible price has been negotiated before a purchase, and that items purchased are received before a payment is made.

The sheriff's office has no written purchasing policy. During our examination, we noted that deputies, sheriff's office employees, and even inmates were allowed to make purchases for the sheriff's office. Although the sheriff's office has purchase order forms, we found that the forms are rarely used by employees.

Also, the responsibility for authorizing purchases, authorizing disbursements, and recording transactions in the sheriff's records have not been adequately separated. A proper segregation of duties provides a system of checks and balances which reduces the risk that errors and/or irregularities will occur. An example of the lack of segregated duties was discussed in a previous finding wherein we reported that one employee received money she may not have been entitled to because she was allowed to prepare travel advances, sign advance checks, collect and review the supporting documentation turned in after the travel, and determine whether any of the advanced funds should be returned to the sheriff's office.

The sheriff's office requires dual signatures on all sheriff's office checks; however, Sheriff Holland informed us that he occasionally signed several checks in-blank so that bills can be paid in his absence. Once he signs the blank check, only one signature is needed to approve a purchase and, therefore, the control requiring two signatures is eliminated.

We also noted weak controls over the receipt of items purchased. Mr. Tyrone Williams, a former part-time sheriff's office employee, informed us that he frequently signed for auto parts and fuel invoices even though he did not actually receive the purchased items. Mr. Williams was unable to confirm whether the parts and fuel for which he signed were actually received by someone from the sheriff's office.

In addition, although the sheriff's office has fuel credit cards, there are no written policies restricting their use to official business. Warden Porter used the sheriff's office credit card to purchase \$141 of gasoline for his personal vehicle. Warden Porter believed that he was entitled to this purchase since he used his personal vehicle for official business without receiving a mileage reimbursement. However, Warden Porter neither maintained nor submitted any documentation to support the use of his personal vehicle and, therefore, has no support for his purchases.

We recommend that Sheriff Holland implement a centralized purchasing system. The system should (1) include a formal requisition process, (2) restrict purchase authorization to as few employees as possible, (3) incorporate the use of purchase orders and receiving reports, (4) provide for the lowest possible price to be obtained in compliance with applicable bid laws, and (5) ensure that items purchased are received before payment.

We further recommend that Sheriff Holland take steps to segregate the three responsibilities of authorizing transactions, recording transactions, and maintaining custody of assets. Finally, we recommend that the sheriff establish a written policies and procedures manual to provide guidance to employees in all areas relating to their official duties.

INMATES OPERATE CAR WASH FOR PERSONAL PROFIT

Inmates of the St. Helena Parish Jail are operating a car wash for both public and non-public vehicles and are retaining the proceeds for their personal use.

Warden Porter informed us that both state and parish inmates held in the St. Helena jail may, on a voluntary basis, wash privately-owned vehicles. The inmates charge \$10 per car, of which half is remitted to him and half is kept by the inmate. Warden Porter stated that he uses the funds he receives for the betterment of the inmate population as a whole. Warden Porter stated that he kept no records of amounts collected or expended. At our request, he produced a brown envelop containing \$260 that he said was unused proceeds from car washes for the last four or five months.

Mr. Johnny Creed, Assistant Secretary for the Department of Public Safety and Corrections (DOC), informed us that his office investigated this matter. He told us that regulations established by the Department of Corrections prohibit inmates from retaining funds derived from any for-profit activity. In addition, DOC regulations provided to us by Mr. Creed prohibit state inmates from performing ". . . any work for any private citizen or on any private property."

In a memorandum dated September 7, 1995, Mr. Creed informed this office that in February and March of 1995 he made an on-site visit to the St. Helena Parish jail to review allegations made related to its operations. Mr. Creed writes that he and Ms. Linda Guidroz, DOC staff, advised Sheriff Holland to discontinue the practice of washing cars or deposit any funds from such car washes into an inmate welfare account. Mr. Creed further writes that Sheriff Holland stated that he would discontinue the car wash except for public vehicles.

Sheriff Holland informed us that there has been no change in policy regarding the car wash. He stated that those inmates who choose to work are allowed to keep and retain control of their earnings for personal use. Sheriff Holland said that he does not recall any recommendations from the Department of Corrections regarding inmate operation of a car wash.

We recommend that Sheriff Holland contact the Department of Corrections and ask them to review this matter to ensure that the sheriff's office is in compliance with the appropriate guidelines and regulations. In addition, we recommend that the sheriff's office maintain records to account for the collection and disbursement of all car wash funds.

Attachment I

Management's Responses

In addition to his response to our findings, Sheriff Holland submitted various exhibits including signed affidavits, receipts, and photographs. Because of the volume and nature of the exhibits provided by Sheriff Holland, we were unable to include them in our report. However, copies of these documents are available for inspection at the Baton Rouge office of the Legislative Auditor.

FORMAL RESPONSE TO THE INVESTIGATIVE REPORT OF
THE ST. HELENA SHERIFF'S OFFICE BY THE LEGISLATIVE AUDITOR

This is the formal response of the St. Helena Sheriff's Office (hereinafter called the department) to the investigative report of the St. Helena Sheriff's Office by the legislative auditor. Certain matters reviewed by the auditor are under active criminal investigation. Any such matters under investigation must be dealt with "utmost care" as to not impede or hinder the investigation and ultimate prosecution of the wrongdoers. Each allegation is dealt with separately.

I. Inmate Labor used on private property:

La. R.S. 15:708 provides:

A. (1) Whenever a prisoner sentenced to a parish prison of any parish of the state, by any court of competent jurisdiction, or a prisoner in a parish prison awaiting transfer to a state correctional facility shall be willing of his own free will to perform manual labor upon any of the public roads, levees, streets, or public buildings, works, or improvements inside or outside of the prison, the sheriff may set the prisoner to work upon labor determined by the governing authority of the parishes and the municipal authorities of the towns and cities. The prisoners shall always remain under the custody and control of the sheriffs.

(2) Whenever a prisoner sentenced to the parish prison of any parish of this state, by any court of competent jurisdiction, or a prisoner in a parish prison awaiting transfer to a state correctional facility shall be willing of his own free will to perform manual labor upon any cemetery or graveyard or work in a solid waste recycling program administered by a state agency or political subdivision and approved by the sheriff, the criminal sheriff may set the prisoner to work upon labor determined by the governing authority of the parishes and the municipal authorities of the towns and cities. The prisoners shall always remain under the custody and control of the sheriffs.

(3)(a) Whenever a prisoner sentenced to a parish prison of any parish of the state, by any court of competent jurisdiction, or a prisoner in a parish prison awaiting transfer to a state correctional facility shall be willing of his own free will to perform manual labor

by assisting the governing authority of any municipality to maintain the municipality in a safe and sanitary condition by cutting, destroying, or removing noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any sidewalks or banquettes and on any lot, place, or area within the municipality and the sheriff has approved the work, the sheriff may set the prisoner to work upon labor determined by the governing authority of the municipality to effectuate this purpose. The prisoners shall always remain under the custody and control of the sheriffs. The governing authority of any municipality to effectuate this purpose. The prisoners shall always remain under the custody and control of the sheriffs. The governing authority of any municipality shall comply with the provisions of R.S. 33:5062 and all other relevant provisions of law. R.S. 33:815 and 4766 are not affected by the provisions of this Paragraph. The Department of Transportation and Development is excluded from this Paragraph and is subject to the requirements of R.S. 48:261 (B), (C), and (D) and all other relevant provisions of law.

(b) The use of prison labor shall in no way reduce the work force of any highway maintenance gang or cause the layoff of any classified employee.

(c) No sheriff shall be liable for any loss sustained by any such prisoner, except for those caused by the gross negligence or intentional acts of the sheriff or his deputies.

B. The sheriffs of the parishes shall establish regulations which they may deem necessary to carry into effect the provisions of this Section and for the discipline, working, and employment of the prisoners.

C. This Section shall not apply to criminals convicted of crimes of first or second degree murder, attempted first or second degree murder, aggravated rape, attempted aggravated rape, forcible rape, aggravated kidnapping, aggravated arson, armed robbery, or attempted armed robbery, or persons sentenced as habitual offenders under R.S. 15:529.1, except during the last six months of their terms.

D.(1)(a) Whenever a person is convicted of a misdemeanor for violation of any state law or any parish or municipal ordinance and is sentenced to imprisonment, the sentencing court may order the person so sentenced to report, during the term of imprisonment, to the sheriff to participate in a court-approved workday release program as established and administered by the sheriff.

(b) The person so sentenced shall pay the sum of fifty dollars to the sheriff to defray the cost of

participation in the program. The payment of the costs shall be based upon the defendant's ability to pay.

(2) Each sheriff shall establish written rules for the administration of the workday release program. However, each participant shall be required to report for work for a period of time during daylight hours for not less than eight nor more than ten hours to be determined by the sheriff. Upon release each participant shall not be confined to jail, but shall return to his place of residence. The sheriff may determine that an inmate shall not participate in the program if such participation may result in harm to the community or to the participant.

(3) If any participant violates the rules of the workday release program prescribed by the sheriff, or if the sheriff determines that a person shall not participate in the program, the inmate shall be imprisoned for the remainder of his sentence. Failure to report to or return from the scheduled workday program shall be considered an escape under the provisions of R.S. 14:110.

E. The political subdivision which administers the solid waste recycling program or any other public work or nonprofit program shall indemnify and hold the sheriff, the state, and the state agency harmless for any injury caused by the inmate, unless the gross negligence or intentional act of the sheriff or the state or the state agency was a substantial factor in causing the injury.

A clear reading of La. R.S. 15:708 (B) gives the Sheriff the absolute right to determine the discipline, working, and employment of prisoners.

The legislative auditor had incorrectly quoted the law as to La. R.S. 15:708. Inmates convicted of molestation of a juvenile and possession of cocaine with intent to distribute cocaine are eligible for outside work. Further inmates convicted of attempted armed robbery are eligible for outside work if the inmate is in the last six months of his term.

In further rebuttal of the allegations made by the legislative auditor, attached are affidavits from Wayne Gill and Elvis Day (Marked as Exhibit A and Exhibit B, respectively) which states that the work done on the sheriff's property, or the property of his relatives, was performed by the appearers without inmate assistance, except for Tyrone Williams. The appearers further state that Tyrone Williams told them on numerous occasions that he volunteered to help as he was a longtime acquaintance of the sheriff.

Though some inmates may have worked on private property, this is allowed under the clear reading of La. R.S. 15:708. There is no evidence or allegation that the sheriff received money or wages personally for any work of inmates on private property. La. R.S. 15:708 allows the inmate to keep the wages earned outside the jail, giving the sheriff discretion to charge the inmate \$50.00 per day. The department has charged no inmate the fee as all of the inmates have been in necessitous circumstances.

It has always been the policy of the department that all inmates shall always remain under the custody and control of the department, and this policy will continue.

II. Sheriff Unable to Account for Building Materials:

The department runs a 41 prisoner jail and is further in charge of the 2000 square foot sheriff's office. The jail is approximately 30 years old. In 1992 the jail went through an extensive renovation project. As stated by the auditors report, \$31,243.00 was charged at hardware stores. Of that the Legislative

Auditors has identified \$18,133.00 as general maintenance supplies. \$13,110.00 of supplies have been identified as construction supplies. Even after renovations, a building the age of the jail requires extensive upkeep, especially from the extensive wear and tear caused by the keeping of the prisoners. The department was not aware of any theft problems until told of certain purchases. These purchases which may not be related to the jail or sheriff's office are being investigated. For further problems with theft, by employees of the department, see later in this response.

In order to overcome any allegations or innuendo that the Sheriff may have charged his personal building supplies to the Department, attached as exhibit C is the Sheriff's personal billing records from Greensburg Building Center and attached as exhibit D is the Sheriff's personal billing records from Newman's Hardware.

III. Sheriff Diverted Public Property for Personal Use:

Deputy Breeland was working on a project for a possible new jail and storage shed. The department recalls Deputy Breeland requesting the purchase of the tin, but the department is unsure of the whereabouts of the tin and is investigating this issue.

Attached as Exhibit E is an aerial photograph of a barn that previously existed on the Sheriff's property. Exhibit F, an affidavit of Wayne Gill, states that he dismantled the barn and stored the tin in the other barn, shown in Exhibit G. A close look at the pictures shows the tin from the barn to be the same tin used on the Toni Creel mobile home and Aiken mobile home. The interior of the mobile home is paneled, a building supply that is not even

available at either Greensburg Building Supply or Newman's Hardware.

As stated earlier, there is an active investigation of the tin Deputy Breeland purchased for the department.

As to the Van boxes, they belong to the Department. One is stored at the jail. The other is stored behind the sheriff's barn. The St. Helena Jail is on a very small portion of ground. From time to time the barn at the Sheriff's house (Exhibit G) is used for storage purposes. The sheriff charges no rent for the barn.

La. R.S. 33:1437 provides:

Police juries may provide the sheriff and deputy sheriffs of their respective parishes with radio patrol cars and other equipment, arms, and ammunition in aid of law enforcement, and may maintain the same.

The equipment, arms, and ammunition shall be entrusted to the sheriff. At the expiration of his term of office he shall account to the president of the police jury for such parish property as was received by him from the police jury.

The sheriff fully intends to comply with the law and account for each item belonging to the department as the expiration of his tenure as sheriff.

IV. Sheriff used Public Materials for Personal Gain:

Pine Grove School was closed in January, 1989. The gym, a structure over 40 years old, was in disrepair at the time of the closure of the school. After the school was abandoned the gym fell into even greater disrepair, as the roof caved in and the interior rotted. Further, both the department and the school board were receiving numerous complaints that drug activity and other criminal activities were being conducted in the gym. Exhibit H, I, and J

show the terrible state of disrepair and deterioration of the gym as well as the vandalization of the gym.

Pursuant to the complaints they received, the school board requested the sheriff tear down the gym. As the pictures show, very little of any of the materials would be salvageable and in fact over 80% of the materials were piled up and burned. Any of the other materials would have been in extremely deteriorated condition. Any of the remainder of the materials were given away in an unreconditioned state (that is with rot, nails, and all). Lee Sims offered to pay for some of the flooring. The sheriff at first refused, but reconsidered and told Mr. Sims that he would buy the inmates who worked on the project boots and other clothes for their efforts in tearing down the gym. Attached as exhibits K, L, M, N-1, N-2, and N-3, are affidavits from Billy Benton, Warren Duncan, Jimmy Cutrer, Kenny Moore, Marshal Scott, and Timothy Johnson wherein they acknowledged receipt of certain dress items for their work on the Pine Grove Gym. One inmate, Wilbert Walker, who received leather boots and socks was unable to be located.

The sheriff did not keep any funds and in fact paid for the inmates lunches personally some days.

V. Sheriff uses Public Funds to pay personal electric and water bills.

As stated earlier, the jail is on a small portion of ground, very small for the facility. The sheriff has allowed the department to use his barn, rent free for storage. The department has stored commodities, building supplies, equipment, cars, and

other department property at the barn, all rent free. The department had paid electric bills and water bills for the barn in order to preserve the items store there and for an ice machine that the department used. These are still department items stored at the barn.

In order to rebut any allegation or innuendo the sheriff had the department pay his personal utilities, attached is a copy of the sheriff's personal utility bill from DEMCO, (exhibit 0).

VI. Deputies received improper payments:

The cases of Linda Spears and Michael Martin are being actively investigated. Upon the initial meeting with the legislative auditors and upon notification of the alleged problems, both deputies were suspended with pay pending the final audit. Upon receipt of the final audit, these cases will be referred to the District Attorney. Discrepancies in the hardware purchases may able to be lodged with the proper authorities as Deputy Spears received, reviewed, and actually paid on most of the purchases of the department. The department will need the advice of the district attorney regarding the employment status of the deputies.

VII. Fuel Purchased for Privately Owned Tow Trucks:

This matter is being actively investigated as to both Tyrone Williams and the payments made and approved as per the investigation of item 6 above. This matter will be referred to the district attorney after the investigation is completed.

VIII. Sheriff fails to comply with law in disposing of car:

The 1991 Ford disposed of was wrecked, had over 175,000 miles on the odometer, had transmission and engine troubles. It was sold for "crush value". Exhibit P attached is the affidavit of Bennie Smith wherein he attest to what repairs had to be made to the car to just make it operable..

IX. Sheriff had inadequate controls over Disbursements:

Prior to the initial consultations with the legislative auditors, the department was unaware that the controls in place were inadequate to keep what was thought was trusted employees from wrongdoing. Since that time a purchase order system has been implemented and is operating. In addition, the recommendations of the legislative auditors concerning a written policies and procedure manual is being developed. The department would welcome a review a year from now as to the new systems in place.

X. Inmates Operates Car Wash for Personal Profit:

The department refers back to La. R.S. 15:708, which has been discussed extensively. The department has, since the original meeting with the auditor, discontinued the car wash of other than public vehicles.

XI. Caveat

As a general overview of the report of the auditor, which took 2 years to compile involving hundreds of man hours of the legislative auditor's office, the department is satisfied that it has provided sufficient answer to rebut allegations of wrongdoing by the sheriff. No one can agree that any public agency is perfect and has no room for improvement. Improvement in the future, with

help from the suggestions from the legislative auditors, will be implemented. The department is proud of the trustee program that has been in effect. No trustee has ever escaped or committed a crime. Some of the trustees have chosen to make St. Helena their home after release and are contributing members to the community. The department is proud of its record and the departments ability to provide safe, efficient law enforcement to a rural parish at a very low budget.

Further, the department shows through this response that much of the media criticism it has received is not deserved. The unfounded allegations, not based in fact, by one disgruntled ex-inmate and/or disgruntled ex-employees should not be a blemish on an honest, hard-working department.

Respectfully,


Eugene Holland, Sheriff

Attachment II

Legislative Auditor's Rebuttal

Legislative Auditor's Rebuttal

I. Inmate Labor Used on Private Property

Our finding states that Sheriff Holland allowed state inmates to be used on private property. The sheriff's response restates selected portions of LSA-R.S. 15:708 and indicates that a clear reading of the law gives the sheriff the absolute right to determine the discipline, working, and employment of prisoners. The specific portion of the law referred to by the sheriff, LSA-R.S. 15:708(B) provides that the sheriff shall establish regulations to carry into effect the provisions of this law. However, the law cited does not authorize Sheriff Holland to use inmates on private property. In fact, the law specifically lists those properties on which inmates may work. These include public properties, cemeteries, and such other work as maintaining the municipality in a safe and sanitary condition. Furthermore, while the law gives the sheriff the authority to establish regulations to carry out work for these public purposes, it specifically does not give the sheriff the authority to determine what work is performed; this authority is clearly reserved for the parish police jury and municipal government officials.

Sheriff Holland's response states that our finding incorrectly quotes the law as it relates to the eligibility of inmates convicted of molestation of a juvenile and possession of cocaine with intent to distribute. This is not true. Participants in work release programs must be approved by the secretary of the Department of Corrections. An official of DOC informed us that the department would not authorize inmates convicted of these offenses to participate in such a program. In addition, until the passage of Act 908 of the 1995 regular session of the Louisiana Legislature, which became effective August 15, 1995, persons convicted of possession of cocaine with intent to distribute were specifically prohibited from participation in a work release or workday release program. Since the work performed by state inmates described in this report occurred before August 15, 1995, this amendment is irrelevant. The complete statute has been included as Attachment IV.

Sheriff Holland's response also states that inmates convicted of armed robbery are eligible for outside work if the inmate is in the last six months of his term. This is not applicable since the inmate in question performed work outside the jail throughout his six-year term.

Sheriff Holland's response includes an affidavit from Mr. Elvis Day which states that the work done on Sheriff Holland's property, or the property of his relatives, was performed by himself without inmate assistance, except for Mr. Tyrone Williams. This affidavit is in direct contradiction to a taped interview we conducted with Mr. Day wherein he stated that, with the help of a few inmates, he put the floor in Sheriff Holland's house. Mr. Day also stated that he used inmates to build Ms. Betty Holland's house.

Furthermore, on January 22, 1996, Sheriff Holland informed us that inmates Mr. James Akins and Mr. Warren Duncan closed in his porch and added a bath to his house. In addition, Sheriff Holland stated that Mr. Duncan and Mr. Williams performed work on his daughter's mobile home.

Sheriff Holland's response states that LSA-R.S. 15:708 allows inmates to work on private property. While the law does permit inmates to perform work to maintain a municipality in a safe and sanitary condition and some of this work may fall on private property, such work is determined by the governing authority. The law does not give the sheriff the authority to improve his personal property or build houses for his relatives.

Our finding points out that Sheriff Holland allowed inmates to retain their wages earned while Louisiana law requires that such wages be collected by the sheriff and disbursed according to law. The sheriff's response indicates that the law allows inmates to keep their wages and gives the sheriff discretion to charge the inmate a \$50 fee. Sheriff Holland has taken this provision of law totally out of context. This provision applies only to persons convicted of a misdemeanor, not to inmates convicted of crimes such as those who worked on Sheriff Holland's projects.

II. Sheriff Unable to Account for Building Materials

Sheriff Holland is correct in his response that \$31,243 of materials were purchased from Newman and Associates, Inc., and Greensburg Building Center; however, in our report, we identified \$18,133 of materials that may have been used for general maintenance. We identified the remaining \$13,110 as building materials that may have been used for construction purposes. In his response to our report, Sheriff Holland gave no explanation as to how these building materials were used. According to Deputy Spears, Sheriff Holland approved all of the invoices prior to payment. In addition, Sheriff Holland's signature is on all but two of the checks to Newman and Associates, Inc., and Greensburg Building Center.

Sheriff Holland had numerous opportunities to provide our office with his personal receipts for materials used on or around his house or his daughter's mobile home and failed to do so. On February 8, 1996, Sheriff Holland indicated that he could not find any receipts for the work on or around his house.

III. Sheriff Diverted Public Property for Personal Use

In his response, Sheriff Holland recalls that Deputy Breeland requested the purchase of tin. Sheriff Holland states that the department is unsure of the whereabouts of the tin. Mr. Larry Freeman stated that before receiving a sheriff's office check, he was under the impression that he was selling the tin to Eugene Holland, not to the sheriff's office. Mr. Freeman further stated that he helped deliver the tin to Sheriff Holland's barn. On January 22, 1996, in a taped conversation, Sheriff Holland stated that Mr. Williams put a roof on the mobile home for his daughter. When we asked where the tin purchased from Mr. Freeman was located, Sheriff

Holland responded that he could not answer for the rest of the tin, because the only place he knows it was used is on his daughter's mobile home. On January 27, 1996, we, accompanied by Sheriff Holland, identified tin used on an addition to his barn and tin on Mr. Akins' mobile home as being the same type of tin as used on his daughter's mobile home. At that time, Sheriff Holland stated that he would reimburse the sheriff's office for the entire purchase price of the tin.

LSA-R.S. 33:1437 does provide that the sheriff and deputy sheriffs will be entrusted with parish equipment, arms, and ammunition. However, this statute does not provide that the sheriff can use this parish equipment for his own personal benefit, such as the storage of feed for his personal horses.

IV. Sheriff Used Public Materials for Personal Gain

Sheriff Holland's response includes affidavits from Mr. Kenneth Moore and Mr. Warren Duncan wherein they acknowledge receipt of certain dress items for their work on the Pine Grove gym. These affidavits contradict statements made by these individuals during our examination. In addition, on several occasions we asked Sheriff Holland for the names of the inmates who received gifts for working on the gym. Each time we asked, Sheriff Holland stated that he could not remember their names. In addition, the sheriff's response does not address the materials used for his personal benefit, nor does it address the flooring that was sold to two others for cash.

V. Sheriff used Public Funds to Pay Personal Electric and Water Bills

Sheriff Holland's response states that the sheriff's office did not pay his personal utilities. As proof, Sheriff Holland included copies of electric bills from DEMCO for his personal residence. Our report does not indicate, in any way, that the electric bill for Sheriff Holland's house was paid for by the sheriff's office. Our report states that the sheriff's office paid Sheriff Holland's personal water bill for his house and barn and the electric bill for his barn. Sheriff Holland failed to address the fact that his entire water bill was paid for by the sheriff's office. Upon an examination of Sheriff Holland's barn, we found no items belonging to the sheriff's office that would require electricity or water for its preservation. In addition, according to Sheriff Holland, the sheriff's office has not received commodities for quite some time. The ice machine has not been operational since 1993.

VI Sheriff Fails to Comply With Law in Disposing of Car

Despite the assertions made by Sheriff Holland concerning necessary repairs and the value of the vehicle, Louisiana law requires that surplus movable property be sold through public auction.

XI. Caveat

The Office of Legislative Auditor began its investigation of the St. Helena Parish Sheriff's Office in March 1995, less than one year ago. The original work was completed and the report was scheduled to be released in the fall of 1995 until additional information was brought to our attention. Investigative auditors of the Office of Legislative Auditor began work on the additional allegations at that time. The ten findings in this report are the combined result of both phases of the work performed by the Legislative Auditor. Therefore, the sheriff's statement that the Legislative Auditor took two years to compile his report is incorrect.

Attachment III

Legal Provisions

Legal Provisions

The following legal citations are referred to in the Findings and Recommendations section of this report:

LSA-R.S. 14:26 provides that criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that an agreement or combination to commit a crime shall not amount to a criminal conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.

LSA-R.S. 14:67 provides, in part, that theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices or representations.

LSA-R.S. 14:68 provides that unauthorized use of a movable is the intentional taking or use of a movable which belongs to another, either without the other's consent, or by means of fraudulent conduct, practices, or representations, but without any intention to deprive the other of the movable permanently.

LSA-R.S. 14:72 provides that forgery is the false making or altering, with intent to defraud, of any signature to, or any part of, any writing purporting to have legal efficacy.

LSA-R.S. 14:134 provides, in part, that malfeasance in office is committed when any public officer or public employee shall (1) intentionally refuse or fail to perform any duty lawfully required of him, as such officer or employee; (2) intentionally perform any such duty in an unlawful manner; or (3) knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him or to perform any such duty in an unlawful manner.

LSA-R.S. 15:708 states, in part, that whenever a prisoner sentenced to a parish prison of any parish of the state, by any court of competent jurisdiction, shall be willing of his own free will to perform manual labor upon any of the public roads, levees, streets, or public buildings, works, or improvements inside or outside of the prison, any cemetery or graveyard, or work in a solid waste recycling program administered by a state agency or political subdivision, or assist the governing authority of any municipality to maintain the municipality in a safe and sanitary condition, the sheriff may set the prisoner to work upon labor determined by the governing authority of the parishes and the municipal authorities of the towns and cities. The prisoners shall always remain under the custody and control of the sheriffs. This section shall not apply to criminals convicted of crimes of first or second degree murder, attempted first or second degree murder, aggravated rape, attempted aggravated rape, forcible rape, aggravated

kidnapping, aggravated arson, armed robbery, attempted armed robbery, producing, manufacturing, distributing, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or II of R.S.40:964, or persons sentenced as habitual offenders under R.S. 15:529.1, except during the last six months of their terms.

LSA-R.S. 15-711 states, in part, that the sheriff of each parish is hereby authorized to establish and administer a work release program for inmates of any jail or prison under his jurisdiction. Inmates sentenced to the Department of Corrections who are in the custody of the sheriff shall not be eligible for work release unless such inmates are in compliance with standards for work release within the department and written approval of the secretary of the department is obtained. The sheriff may approve as work release privileges, placement in universities, colleges, technical, vocational or trade schools or in sheltered workshops or in training programs designed to improve the skills and abilities of the inmate. The wages of an inmate so employed shall be not less than the customary wages for an employee performing similar services. These wages are to be distributed to the sheriff and used to defray the cost of incarceration, support the inmates' dependents, pay other obligations, and the balance, if any, may be given to the inmate upon his discharge. Any inmate convicted of first or second degree murder, attempted first or second degree murder, aggravated rape, attempted aggravated rape, forcible rape, aggravated kidnapping, aggravated arson, armed robbery, attempted armed robbery, producing, manufacturing, distributing, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance classified in Schedule I or II of R.S. 40:964, or persons sentenced as habitual offenders under R.S. 15:529.1, shall be prohibited from participation in a work release program except during the last six months of their terms.

LSA-R.S. 42:1112(B) provides that no public servant shall participate in a transaction involving the governmental entity in which any member of his immediate family has a substantial economic interest.

LSA-R.S. 42:1113(A) provides, in part, that no public servant or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

LSA-R.S. 42:1116 provides that no public servant shall use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to provide himself, any other public servant, or other person with any thing of economic value.

LSA-R.S. 42:1461(A) provides that officials, whether elected or appointed and whether compensated or not, and employees of any "public entity," which, for purposes of this Section shall mean and include any department, division, office, board, agency, commission, or other organizational unit of any of the three branches of state government or of any parish,