February 22, 2019

Via Hand-Delivery and Email

To:  
Mayor LaToya Cantrell  
Councilmember Helena Moreno, At-Large  
Councilmember Jason Williams, At-Large  
Councilmember Joseph Giarrusso, District A  
Councilmember Jay Banks, District B  
Councilmember Kristin Palmer, District C  
Councilmember Jared Brossett, District D  
Councilmember Cyndi Nguyen, District E  

CC:  
Justice Lance Africk  
Darnley Hodge, Compliance Director  
Marlin Gusman, Sheriff  
Suni LeBeouf, City Attorney  
Tenisha Stevens, Criminal Justice Commissioner  
Zachary Smith, Director of Safety and Permits  
Vincent Smith, Director of Capital Projects  
Ms. Emily Washington

RE: COMMUNITY OPPOSITION TO EXPANDING THE JAIL AND THE RENOVATION OF THE TEMPORARY DETENTION CENTER

Dear Members of the New Orleans City Council,

The Orleans Parish Prison Reform Coalition (OPPRC), along with the undersigned organizations, wish to convey our firm commitment to the 1,438-bed cap of the jail, and our opposition to any jail expansion in excess of that cap. We call upon our elected officials to use their authority to support a Phase III with no additional beds, support a retrofit of Phase II to constitutionally house those with mental illnesses who must be incarcerated, and to permanently demolish and decommission the Temporary Detention Center (TDC), rather than renovate and operate it. We believe these measures are necessary in order to truly improve safety for residents inside and outside of jail.

Consent Judgment Jones et al. v. Gusman et al., 2:12-cv-00859 Rec. Doc. 466, as well as the announcement that Hunt Correctional Center will no longer be available to house Orleans Justice Center (OJC) prisoners beginning on October 15, 2019, presents the City with an opportunity to find a solution to the continuing crisis of safely housing people with mental illness in the jail that does not involve expanding the jail through constructing Phase III or operating TDC. Retrofitting
Phase II would be the cheaper and quicker option and would thus serve as a better short-term and long-term solution to housing those with mental health needs who are currently at Hunt facility.

The authority to enforce the bed cap and oppose an expansion lies with the City. According to Jude Africk’s Order, signed on January 25, 2019, it is the City (in collaboration and consultation with the Compliance Director and Monitors) that is to submit a “specific written proposal regarding a short-term solution to mental health-related issues” by February 25, 2019. In addition, according to the Stipulated Order for Appointment of Independent Jail Compliance Director, which tasked the previous Compliance Director with developing a plan for special populations, “The City of New Orleans shall maintain final authority and approval over capital expenditures associated with that plan, including use of Templeman II FEMA funding exclusively for the use of that plan.” Additionally, under the Prison Litigation Reform Act (PLRA), a federal judge cannot order the construction of a jail building. Finally, according to Ordinance No. 24,282, construction of additional jail buildings will require a conditional use permit and an operating budget requiring final approval of City Council. Thus, the City has the authority and responsibility to ensure that no additional jail beds are constructed; doing so is a matter of political will.

While we share a deep concern for the condition of people in the jail with acute mental illness, Phase III is an inappropriate way to care for people with severe psychological disorders or psychiatric disorders, who do not belong in jail. Providing constitutional conditions in the existing jail can be achieved through a smart retrofit of Phase II facilities to safely house people until they can be transferred to a hospital. City money used to operate a mental health jail is money that could be spent on mental health treatment in the community, to provide care for people so they never enter the criminal justice system, and to care for them when they are released.

Additionally, there is no need for additional beds in our jail system, given the historic decline in the number of people incarcerated in the jail. With a recent 25 percent drop in our jail population, New Orleans has made great strides in losing its reputation as the most incarcerated

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1 Section 802, subsection C of the Prison Litigation Reform Act of 1996 states that “Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.”
place in the world\textsuperscript{2} by surpassing the original Safety and Justice Challenge goal of reducing the jail population to 1,277 by 2018. The City has recently received additional funding from the John D. and Catherine T. MacArthur Foundation to continue those efforts by decreasing the jail population to 998 by 2021\textsuperscript{3}. There is no need to build an additional 89-bed facility when the jail will already have an excess of beds; this space could be utilized instead for a retrofit. Because a smaller jail contributes to a more equitable justice system, allowing a jail expansion of any kind would be a major step backward. Our elected officials have the power to stop the misuse and overuse of the local jail.

In addition, we have concerns that renovating the Temporary Detention Center undermines its status as a \textit{temporary} facility. According to Ordinance No. 24282, TDC was required to be demolished and decommissioned in April 2017. Although a motion to amend this ordinance was introduced in May 2017, the ordinance has not yet been amended, and \textbf{under current law TDC should not be open}. Nevertheless, it was reopened in July 2017 to handle “temporary overflow”, and now, a second reason for continuing to operate it—temporarily housing the acutely mentally ill—has been proposed. We remain concerned that unless TDC is permanently demolished and decommissioned, or unless clear parameters are set for closing it (such as in the event of operating it while Phase II is retrofitted) the TDC will be operated indefinitely, in violation of the spirit and the law of the 1,438 bed-cap ordinance.

Furthermore, operating a jail humanely and constitutionally is expensive, and a Phase III building, as well as continuing to operate TDC, would further increase operating costs and exacerbate existing staffing shortages. According to estimates from the Vera Institute of Justice, it would cost the City $2.2 million annually to operate the 89-bed part of the Phase III, in addition to the renovation costs associated with TDC which would not be covered by FEMA funds. The City’s past proposal to retrofit the jail is faster and cheaper: it is estimated to cost roughly $6 million and could be completed in under one year, whereas the Sheriff’s plan for a Phase III is far more costly and may even exceed the $54 million available in FEMA funding for construction. Recall that Sheriff Gusman originally requested $84 million to construct the new jail over a period of three years. Investing further resources in a Phase III facility with additional beds is a waste of taxpayer dollars and does not contribute to public safety.


Mayor Cantrell and many members of the New Orleans City Council were elected on promises of reducing the size of the jail, and their commitment to the 1,438 bed cap. Mayor Cantrell, as a councilmember, voted in 2017 against this 89-bed expansion and in favor of a retrofit; several councilmembers committed to the 1,438 bed cap during their campaigns. The City and the City Council have an opportunity to make good on these commitments and campaign promises; deviating from that position would undermine public trust and accountability.

Though we oppose the 89-bed expansion and renovation of TDC, we support a Phase III facility with an infirmary, additional attorney visitation rooms, and additional family visitation rooms. These additions will enhance the safety and wellbeing of those held in OPSO custody, will ensure that cases are processed more quickly, and will help people who are incarcerated maintain their relationships and connections to family and community.

New Orleans residents were promised that the new jail facility would be capped at 1,438 beds and that serious steps would be taken to eliminate the violence and neglect that plagues OJC. The recommendation for expansion exacerbates many factors that led to violence and deaths at the jail, including the critical staffing shortage. The undersigned are adamantly opposed to the addition of 89 more beds in the Phase III building, which would significantly undermine the City’s efforts to reduce mass incarceration.

Sincerely,
The Orleans Parish Prison Reform Coalition

Undersigned organizations:
American Civil Liberties Union (ACLU) of Louisiana
ATD 4th World
Bail Black Mama’s
Birthmark Doula Collective
Black Men Rising
BreakOUT!
BYP100 New Orleans
Center for Ethical Living and Social Justice Renewal (CELSJR)
Citizen She United
Color of Change
Families and Friends of Louisiana’s Incarcerated Children (FFLIC)
Foundation for Louisiana (FFL)
Healing Minds NOLA
Hope House
Jesuit Social Research Institute
Jewish Voice for Peace New Orleans
Louisiana Center for Children's Rights (LCCR)
Louisiana CURE
Music and Culture Coalition of New Orleans (MaCCNO)
Newcomb Prison Project
New Orleans Democratic Socialist of America
New Orleans Hospitality Worker Committee
New Orleans Safety & Justice Challenge Community Advisory Group
New Orleans Workers' Center for Racial Justice (NOWCRJ)
New Orleans Palestine Solidarity Committee (NOPSC)
No Dream Deferred
NOLA to Angola
Operation Restoration
Orleans Public Defenders (OPD)
OUR Walmart
The New Orleans People’s Assembly
The Promise of Justice Initiative
Power Coalition
Project Detour
Rethink
Roots of Renewal
Southern Organizing Academy
Southerners on New Ground (SONG)
Solitary Gardens
Supporting Urban Agriculture (SUA)
Restaurant Opportunities Center (ROC-NOLA)
Take ‘Em Down NOLA
Voice of the Experienced (VOTE)
Voters Organized to Educate
Women With A Vision (WWAV)