

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

**<https://www.vera.org/blog/justice-in-katrinawake/reform-efforts-bear-fruit-but-racial-disparities-remain>**

### Public Facing Advocacy Writing

As we mark ten years since Hurricane Katrina and the failure of the levee system, countless pundits and policymakers will lift up New Orleans as an example of resilience. And it is. But it should not have to be. People in New Orleans who've been marginalized as a matter of public policy are frequently cited as resilient precisely because we have been asked to bear more than our fair share, more than what is just, reasonable, and decent, sometimes more than is humanly possible. Somehow we survive anyway, but not without significant cost to us and society. This is perhaps best represented by the intersection of race and mass incarceration.

New Orleans remains, as it always been, a city informed by African culture. When enslaved peoples gathered on Sundays in Congo Square to practice and preserve cultural traditions that were killed off in other American cities, they taught their children the importance of fighting for their freedom and gaining their humanity through resistance. Black New Orleanians never lost sight of that vision of cultural preservation as central to our survival.

This is why noted civil rights attorney A.P. Tureaud fought to end Jim Crow practices in New Orleans, Oretha Castle Haley set the pace in successfully expanding rights, Reverend Avery Alexander literally dug his heels in on economic justice issues, and young Ruby Bridges reminded us that children are a rich source of strength in fighting for education equity. This is also why, while struggling to return to and rebuild our beloved city, Black New Orleanians in partnership with friends and allies of all races committed to fight against mass incarceration as it manifested in the then-proposed construction of a new 5,800 bed jail. The population of our local jail, Orleans Parish Prison (OPP), [was and remains](#) overwhelmingly Black; while New Orleans as a whole is 60 percent Black, the population inside OPP is nearly 90 percent Black. This disparity is fueled by structural racism built into every level of our criminal justice system; most notably formal and informal arrest incentives and financial barriers to pretrial release.

Soon after the storm, a scrappy group of community organizations, activists, elected officials, and movement lawyers saw that OPP housed more than five times the number of persons as could be expected for a city our size, and recognized that conditions were dehumanizing and unconstitutional. Petition signatures were gathered, newspaper ads were run, funds cobbled together for a billboard, public protests were staged, op-eds written, and inmate grievances were detailed to the Department of Justice. These actions garnered support from the city council and the mayors office to launch a working group to investigate drivers of incarceration and develop solutions. With their support and the energy of many community members, the tide began to turn.

The progress we now observe a city committed to decarceration belongs first and foremost to those who have suffered in our jail and courageously told their stories despite known risks for speaking truth to power. More important than distributing accolades, however, is the recognition that our steadfast commitment to preserving our victories and advancing reforms must not waiver. The 1,438 bed cap embraced by the Mayors working group and unanimously voted into law by the City Council is continually under threat of collapse. The number of pretrial detainees is down, but length of stay is up. We have seen a dramatic reduction of unnecessary arrests in the past five years; the police's increased use of summonses in lieu of arrest 70 percent for municipal charges indicates that we have come a long way even while our over-sized jail indicates we can make even more progress as a city.

Due to recent national tragic events, city leaders in New Orleans and around the country are considering the removal of Confederate monuments. While symbols are important, we should also set aside Confederate-era policies and practices that undermine our future. OPP currently functions largely as a debtors prison, a Confederate-era institution that undermines the freedom and humanity of Black communities today in much the same way it did 150 years ago. We can and must do better.

The City's leadership, including if not especially the City's Black leadership, must stand up now, like those who came before us, to right this wrong no matter how difficult. When we remember our history, when we remember it viscerally and with sobering candor, we must acknowledge that the 21<sup>st</sup> century criminal justice system was created in the 19<sup>th</sup> century to control Black bodies, even as legalized national slavery was ended. The vestiges of the impulse to control Black bodies is a Confederate-era holdover that has never been shaken off and instead has embedded itself at every decision point within the criminal justice system. But those of us who have inherited this legacy have also inherited a legacy of fighting for our freedom and humanity. So this week, amidst all the national buzz over the recovery efforts, let us commemorate Katrina by supporting the resistance, rejecting the tradition of over-incarcerating Black people, and unequivocally ending any suggestion of building additional jail beds beyond the 1,438. This remains a matter of our survival.

Through the voices of those who fought for reform from elected officials to community organizers, advocates to public health experts the [Justice in Katrina's Wake](#) blog series reflects on local incarceration practices, the movement to foster fairness in the criminal justice system, and efforts to increase safety for all communities.

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