

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

**<https://www.vera.org/blog/justice-in-katrinawake/getting-jail-size-right-now>**

### Public Facing Advocacy Writing

I think it unlikely that an American city has ever undergone a more profound transformation of its social fabric than New Orleans in the 10 years since Hurricane Katrina abruptly disorganized the institutional status quo. The import of this disorganization for the life of the city as a whole often gets lost in controversy about this or that particular institution. Around the world, wasteful and corrupt public institutions are associated with limited economic opportunity and heightened racial, ethnic, and religious tensions. Beginning with the dubious selection of its geographic location, one heavily influenced by insider dealing on the part of its founder, Jean-Baptiste Le Moyne de Bienville, the history of New Orleans is notable for 300 years of wasteful and corrupt public institutions.

The future of one of those institutions, the Orleans Parish Prison (OPP), is being decided now. Prior to Hurricane Katrina, OPP held more than 6,000 inmates; previously, as many as 7,500 were jailed. Most were not awaiting resolution of pending cases, but rather serving state sentences for a per diem fee paid to the sheriff by the Louisiana Department of Corrections (DOC). Most New Orleanians are likely unaware that for many years, their parish jail held more inmates than most state and federal prisons. The incentives in that arrangement are not hard to decipher: The more bodies in beds, the more revenue to the sheriff. The historic costs of this massive imprisonment, borne mainly by poor African American individuals, families, and neighborhoods are incalculable, as are its damaging effects on public safety and our local workforce.

The momentous question before us now is whether the newly built 1,438-bed facility plus 500 beds in the existing Temporary Detention Center are sufficient for public safety and also cost effective as the Landrieu administration and some city councilmembers believe or whether space for an additional 1,000 beds should be constructed, as the Metropolitan Crime Commission (MCC) and some business leaders assert.

The administration and some councilmembers point to a 15 percent drop in OPP's population from January 2014 through August 2015 as evidence that implementing policies like providing pretrial services, police issuing summonses in lieu of arrests, and discontinuing the practice of housing state prisoners significantly lowers the jail population; the MCC and some business leaders assert that this drops correlation with these policies cannot be proven, and is more likely reflective of the fact that as the number of NOPD officers drops, so do arrests. The administration and some councilmembers believe that if we build more beds, they will be filled; the MCC and some business leaders believe that beds could be mothballed efficiently if not needed. The administration and some councilmembers believe that we are jailing many people pretrial without valid public safety reasons, including low-level drug offenders; the MCC and some business leaders point out that 91 percent of those currently being held were either convicted of felonies or had pending felony charges and, as such, represent a threat to public safety. The administration and some councilmembers believe that a significant number of prisoners serving state sentences, including about 200 people in the Orleans Parish Sheriff's Re-entry Program, should be held in state facilities until they are released; the MCC and some business leaders are convinced that the re-entry program at OPP makes the city safer by reducing recidivism and that other state prisoners currently being held cannot be sent to DOC facilities efficiently and effectively in numbers large enough to affect the jail size.

Over the past three years, the organizations of the New Orleans Crime Coalition have heard these views from their advocates repeatedly and considered them carefully. As we have done so, I have come to see this as a good-faith dispute over how to address two public goods: public safety and stewardship of tax revenues. The MCC and some business leaders genuinely believe that we will put public safety at risk for the long term if we don't provide for sufficient additional beds now, and that the cost savings involved simply do not warrant that risk. The administration and some city councilmembers are equally convinced that continuing to implement smarter policies will save the city significant dollars by driving down the number of local inmates without compromising public safety, while building a larger jail will inevitably reduce the pressure to continue those policies.

As a matter of public safety and cost savings, we can prudently choose either a smaller jail with a credible backup plan in case more beds are needed for public safety, or a larger jail with a strict plan for 1) monitoring who is held there and for how long, and 2) closing down parts of the structure if target numbers are hit because smart policies continue to be implemented. A resolution of the conflict playing out publicly between Mayor Landrieu and Sheriff Gusman will not settle the question of jail size.

It is time for elected officials, community advocates, business leaders, and criminal justice experts such as the MCC and Vera to come to agreement on this matter. No agreement will fully satisfy both sides not because of ill will but rather legitimate differences in perspective on what all agree is a critical decision for public safety, wise use of public monies, and the administration of justice in our city.

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.

Transformative change, sent to your inbox.

Vera Institute of Justice. All rights reserved.

