

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/justice-in-katrinawake/the-shameful-cost-of-unnecessary-detention>

Public Facing Advocacy Writing

More than 15 years ago, I met with nearly two dozen teenage boys in a room inside a juvenile prison in northeast Louisiana. We all knew each other, but we had never all come together before. I was their lawyer and they were my clients; they represented the class of children who were being abused daily inside state juvenile prisons. I told them we were suing the State of Louisiana so the abuse, neglect, and corruption would stop so children in custody could be safe.

At the same time, I told them, the case would take a long time, and they likely would not benefit from any positive changes. I told them they were doing this for the children incarcerated in the future and gave them the choice to opt out. Each of those young men stood firm, and I promised them and myself to represent them with all I had. When the dust settled, a juvenile prison once described as [the worst in the nation](#) by the New York Times was closed. Moreover, the entire Louisiana juvenile prison system, which held more than 2,000 children before our lawsuit, held fewer than 400 when litigation ended.

As I predicted, many of the boys I brought together in that room when litigation started were not in the juvenile prison system when Louisiana was released from federal oversight. Indeed, too many did not even live to see that day. Those young men remain my heroes and are one of the abiding reasons I continue to be a defender, in spite of seemingly insurmountable obstacles on the path to justice.

The harms of prolonged, unnecessary detention showed on the faces of those boys 15 years ago, and I see it every day on the faces of our clients here at the Orleans Public Defenders office (OPD) today. Sometimes, the damage to people is manifest and immediate. For example, one OPD client arrested on charges of theft with no prior record stayed in jail for more than nine months. Almost instantly after being locked up, he lost his business and his reputation. Recently, in a discretionary move with countless collateral consequences, the client was shipped four hours away to East Carroll Parish, Louisiana. This prolonged his case, increasing his costs and length of detention.

The costs of unnecessary detention are sometimes difficult to measure. Looking at past clients, OPD has had many who are doing really well post-release. This is especially true for our clients held for nonviolent charges. We have represented young men who are now in college, mothers who are currently able to take care of their children, fathers and grandfathers with cancer now receiving appropriate treatment, and so on. These examples make me stop and, with anger and sadness, wonder how many points were robbed from their GPAs, how many loving memories with their children disallowed, how many days of life lost due to inadequate treatment? In my opinion, these are the most important and most shameful costs of unnecessary detention.

A 2011 [Justice Policy Institute report](#) found that under-resourced public defense means more people in jail who pose no risk to public safety. The results of our own advocacy tell us this is true. OPD's over-detention initiative saved a total of 12,022 detention days in just a few months of operation in 2014. The advocacy affected 23 clients and saved the equivalent of 33 years of incarceration. Additionally, it saved the state of Louisiana \$568,000. That same year, OPD's bond advocacy likewise enjoyed a 53 percent success rate in reducing excessive bonds or eliminating bond obligations altogether for poor and low-risk clients. Without OPD, these clients would not have received shorter terms, lower bonds, or release. Simply put, if OPD is not properly funded, we won't be able to continue holding the jail system accountable; the jail will grow and so will its costs.

Fifteen years ago, a group of more than 20 teenage boys who had been brutalized by Louisiana's infamous juvenile prison system personified courage and showed me what it really means to be selfless—they stood together in order to fight for the rights of future generations. Even when it feels like we're still fighting the same fight, decade after decade, we should take inspiration from these boys and commit ourselves to building the city we aspire to live in: safe, just, healthy, and prosperous for all.

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.