

The New Orleans Prosperity Index: Tricentennial Collection

# The Impact of 300 Years of Jail Conditions

ANDREA ARMSTRONG, LOYOLA UNIVERSITY

## Introduction

We have jailed people in New Orleans for almost as long as the city has existed. Beginning from the first incarnation of Orleans Parish Prison in 1721 by Bienville at Jackson Square to its current iteration under federal court supervision near the criminal courthouse at Tulane Avenue and Broad Street, the jail has imposed inhumane conditions on the people detained there. The conditions in the jail not only affect those detained, but our community as well. Modern accounts of Orleans Parish Prison (OPP), recently renamed the Orleans Justice Center, have focused on the impact of Hurricane Katrina in 2005 and its aftermath, with little attention to centuries of detention that came before. This article links the current conditions in the jail and the jail's historical role in New Orleans to explore the extent to which detention in the New Orleans jail has contributed to racial inequality in New Orleans today.

A historical account of the jail is important to understand the centuries of inhumane conditions imposed overwhelmingly on African American members of our community. Written accounts from the 1800s to present describe dangerous, unsanitary, and torturous conditions for Orleans parish detainees. As recently as 2013, Judge Africk described the conditions in the jail as “an indelible stain on the community.”<sup>1</sup> These dehumanizing conditions are disproportionately imposed on African Americans. Local, state, and federal legislative reforms of criminal justice policies have focused on the drivers and outputs of incarceration, but have largely ignored the conditions of confinement themselves. In so doing, these reform efforts ignore the devastating and lifelong effects on detained individuals and our community. This essay concludes by highlighting the importance of community engagement in improving conditions at the jail.

## The Jail Today

The jail population has shrunk dramatically since Hurricane Katrina, but conditions within the jail remain abysmal. As of May 2017, the Orleans parish jail housed an average of 1,586 people on a given day, of which 91 percent had not had a judge determine their guilt or innocence.<sup>2</sup> The 2017 population is a sizeable reduction from a pre-Katrina daily population of approximately 6,000.<sup>3</sup> However, seven people died in 2017 as a result of their detention in the jail.<sup>4</sup> Individuals entering the New Orleans jail are overwhelmingly African American, young, and male. Despite comprising only 26 percent of the New Orleans population ages 15–84, African American men were 81 percent of the jail population in May 2016.<sup>5</sup> In 2017, the jail also housed, on average, 15 “youthful offenders” (juveniles who are being prosecuted as adults in criminal court).<sup>6</sup> Juveniles arrested in Orleans Parish are “almost exclusively African-American.”<sup>7</sup> Although it is difficult to obtain data on exactly how many individuals are detained annually in the jail, available statistics are illustrative of the broad numbers impacted.<sup>8</sup> In 2015, the Vera Institute of New Orleans estimates approximately 11,000 people were admitted to the jail.<sup>9</sup> In a three-month period between April and June 2017, the jail released 4,367 people from custody.<sup>10</sup> In December 2017, the average length of stay was 45 days, although 50 percent of people admitted to jail custody are released within 1–3 days.<sup>11</sup> Thus, every year, thousands of people are exposed to the conditions in the Orleans Parish jail.

Although the jail is under the authority of the Orleans Parish sheriff, the jail is currently being operated by a compliance director appointed by the court as part of the 2013 consent decree governing conditions of OPP.<sup>12</sup> The current consent decree arises from litigation initiated in 2012, alleging:

*[r]apes, sexual assaults, and beatings are common place throughout the facility. Violence regularly occurs at the hands of sheriff's deputies, as well as other prisoners. The facility is full of homemade knives, or “shanks.” People living with serious mental illnesses languish without treatment, left vulnerable to physical and sexual abuse.<sup>13</sup>*



THE DATA CENTER

The 2013 consent decree between the plaintiffs, the U.S. Department of Justice, and the Sheriff's Office requires that the Sheriff's Office develop policies, practices, and procedures to protect detainees from harm, provide constitutionally adequate mental and medical health care, and ensure sanitary living conditions, among other improvements.<sup>14</sup>

Despite the transition to a brand-new building in 2015, the jail still struggles to meet the basic provisions of the consent decree. As of March 2017, the jail had achieved substantial compliance with only 17 of the 173 required reforms.<sup>15</sup> In May 2017, court-appointed monitors found that progress had in fact regressed and that the levels of violence and disorder remained at "unacceptable levels."<sup>16</sup> In its latest monitoring report issued in January 2018, the monitoring team concludes that the jail is "critically unsafe for inmates and staff."<sup>17</sup> According to the monitors, "[i]ncidents involving substance abuse overdoses inside the facilities, disturbances, and deaths of inmates continue to present serious challenges..."<sup>18</sup>

Since 2006, at least 52 people have died either at the jail or as a result of injuries/negligence sustained at the jail.<sup>19</sup> Eleven of those deaths were by suicide, including one of a 15-year-old boy.<sup>20</sup> Three of these suicides have occurred since March 2016.<sup>21</sup> At least six of the 52 deaths were related to violence in the jail.<sup>22</sup> Twenty-eight of these deaths were related to medical conditions, including heart attacks, cancer, and HIV/AIDS, which at least raises the question of whether they would have died if they had access to more robust health care.<sup>23</sup> According to New Orleans' independent jail monitors, the mortality rate for the Orleans Parish jail in 2017 was four times the national average.<sup>24</sup>

Beyond those inmates who suffer death, many more experience horrific violence by both other inmates and staff. According to the independent jail monitors, in the first year of operating the new jail facility from 2015-16, there were at least: "14 allegations of sexual assault... 412 inmate/inmate assaults... 207 uses of force [staff/inmate]... and 52 inmate assaults on staff."<sup>25</sup> Violence is pervasive throughout the facility.

Detained individuals are also denied adequate medical and mental health care while in custody, even in the new jail facility. Detainees are not free to seek their own health care and, therefore, are subject to whatever services the jail provides. In May 2016, the independent monitor on mental health care testified that the jail "house[s] acutely ill inmates, they don't treat them."<sup>26</sup> The new facility lacks appropriate housing for the mentally ill<sup>27</sup> and therefore the sheriff has contracted for 39 beds at St. Gabriel prison to house the acutely mentally ill.<sup>28</sup> Despite at least eleven suicides (and an unknown number of attempted suicides), the new jail still does not have adequate medical emergency training and other tools to respond to suicide attempts.<sup>29</sup> In light of delays in access to medical and mental health care and staffing shortages, the independent jail monitors recently concluded that "medical and mental health care continues to be dangerously short of the requirements of the Consent Judgment after more than four years of work."<sup>30</sup>

Beyond physical harms, people who are booked into the facility also suffer from conditions that could impact them psychologically. The new jail is comprised of two-story units containing 60 persons, with each person living in either a two-person cell or in open dormitory housing. The new jail is designed to reduce staff costs by limiting the movement of detained individuals outside of each jail unit. All detainee activities – meals, showers, and programs—occur within the unit. Thus, individuals—except for limited and rare exceptions<sup>31</sup>—are confined to these self-contained 60-person units for days, weeks, and possibly months at a time. Video visitation, the only type of visitation available at the new jail, is conducted from the unit where the detainee is housed. Each unit in the jail has its own small "outdoor" area for recreation. The "outdoor" space consists of three and a half walls, with mesh grating covering the upper half of the fourth wall. The new jail thus deprives detainees of two basic human needs: personal contact and direct sunlight.

Clearly, the construction of a new jail has not solved the dangers for individuals accused of a crime and then detained in the New Orleans jail; nor are the challenges of operating a safe, humane, and constitutional jail new. In fact, examining the history of jails in this city demonstrates that New Orleans has long operated jails that impose inhumane punishment, which then has lasting negative impacts on our entire community.

## History of the Challenge

In 1721, Sieur de Bienville built the first New Orleans prison on the plaza behind Place d'Armes (now Jackson Square in the French Quarter).<sup>32</sup> Although today the OPP (recently renamed the Orleans Justice Center) functions primarily as a jail, earlier incarnations functioned as both a jail (for detaining the accused but unconvicted) and a prison (for incarcerating the convicted) for the New Orleans colony.<sup>33</sup> The plaza included a small church, housing for a priest, a guardhouse, and a prison.<sup>34</sup> Archeological investigations of the site reveal that accounts of the "fetid condition of the prison" might have been understated, given the extensive rat skeletons found throughout the site.<sup>35</sup> The prison "categorized, housed, and exploited suspected runaways; inflicted corporal punishment on recalcitrant slaves at their masters' request; incarcerated whites and free blacks... and exploited slave and free inmates' labor to build the city."<sup>36</sup> Following a fire in December 1794, Don Andres Almonaster built a new prison on St. Peter between Chartres and Royal Streets.<sup>37</sup> Until the end of the Civil War, slaveholders could "lease" their slaves (who were held in the jail) to the City for work on drainage repair, levee construction, street cleaning, etc.<sup>38</sup> The leases could extend for months and the enslaved were housed in the jail—working, eat-

ing, and sleeping with people detained and/or convicted for criminal offenses.<sup>39</sup> In some instances, the City compensated slaveholders for the life imprisonment (and labor) of slaves convicted of a crime.<sup>40</sup> By 1831, interracial chain gangs laboring on public works were outlawed, after which “all of the men and women on the chain gang were [B]lack.”<sup>41</sup> One report in 1832 described prison conditions as a “horrid sink” “only fit for those dirty animals found here together with the prisoners.”<sup>42</sup> In 1832, construction began on a new prison at Congo Square, at that time at the edge of the city.<sup>43</sup> The new prison, opened in 1837, included ample space to segregate the multi-racial detainee population.<sup>44</sup> In the 1830s, 80 percent of those forced to work were African American and one in five was a woman.<sup>45</sup>

Violence was also a prominent feature of the jail. The 1807 Regulations for the Police Prison provided for payment “each time jailers beat an enslaved prisoner,” creating financial incentives for physical abuse.<sup>46</sup> The jail would hold mass whippings, with groups of 30 men at a time being lashed.<sup>47</sup>

*In antebellum days the [Orleans] parish prison was ... also the place where refractory slaves were sent to receive a dose of cat o’ nine tails, or to be confined in the dungeons, with socks on their feet, and in extreme cases the rebellious blacks were kept immured in the dark cells on a diet of bread and water until reduced to the proper degree of submission.*<sup>48</sup>

One hundred and fifty years later, little had changed. Dozens of detainees complained of beatings by jail staff in the 1950s.<sup>49</sup> Arrestees could be “disciplined” by being assigned to “stand-up” cells, which measured 6.5' x 2.5'.<sup>50</sup> In the 1960s and 1970s, “physical and sexual assault were frequent and the threat of attack was constant.”<sup>51</sup> By the 1990s, the use of stun belts, delivering 50,000 volts of electricity, was so institutionalized that HIV-positive detainees were allegedly required to sign release forms agreeing to wear the belt to be transported to court and outside medical care.<sup>52</sup>

Overcrowding continuously plagued the New Orleans jail, despite regularly opening new facilities on Tulane Avenue in 1895,<sup>53</sup> the Old Parish Prison in 1929–1930,<sup>54</sup> the House of Detention in 1965 and the Community Corrections Center in 1973.<sup>55</sup> For example, the Old Parish Prison, also called the Orleans Parish Prison, was designed to hold 400-450 people, but by 1970 actually housed 800-900.<sup>56</sup> Cells designed for two people, measuring 13' x 8.5' x 7.5', often held six to eight people.<sup>57</sup>

In 1969, detainees at Orleans Parish Prison sued to improve the horrendous conditions. Conditions included corroded plumbing, unsanitary mattresses, and cells infested with rats and vermin.<sup>58</sup> In part due to the overcrowding, federal Judge Christenberry found in 1970 that “the conditions of ... confinement in Orleans Parish Prison so shock the conscience as a matter of elemental decency and are so much more cruel than is necessary to achieve a legitimate penal aim that such confinement constitutes cruel and unusual punishment” in violation of the U.S. Constitution.<sup>59</sup> As a result, the jail was subject to a consent decree and monitoring, which only ended in 2007.<sup>60</sup>

Despite the consent decree, overcrowding continued unabated. In 1974 alone, the population nearly doubled from 700 to 1,200.<sup>61</sup> During Sheriff Foti’s tenure from 1974 to 2002, jail capacity skyrocketed from 850 to 8,500 while the population of Orleans Parish decreased more than 18 percent (from more than 593,000 in 1970 to less than 485,000 in 2000).<sup>62</sup> The sheriff also segregated inmates by gender, race, and sexual orientation, placing “homosexuals” on lockdown with only one hour out of their cell each day.<sup>63</sup> However, an expansion in capacity at four separate buildings in the 1970s did little to improve the actual conditions experienced by detainees at the New Orleans jail.<sup>64</sup>

The jail continued to profit from detainees through work-release programming for state-sentenced inmates, repeating patterns of exploitation of slave and detainee labor since the jail’s founding in 1721. In 1968, for example, 111 men worked regular jobs in the community and returned to the jail at night under the jail’s work release program.<sup>65</sup> Under state law, inmates were required to reimburse the sheriff for their room and board, travel expenses, as well as pay personal debts from their salaries. A pilot transitional work program in 1980 for women underscores the racial dynamics of these new work programs: Of the 70 women participating in the program, 66 were African American and four were white.<sup>66</sup> The jail also allowed detainees to be used as test subjects in pharmaceutical trials, but relied on a network of volunteer and medical interns to provide cursory medical care.<sup>67</sup>

Detainees suffered (and sometimes died) from inadequate health care while in custody. Up until the 1990s, the jail did not perform any intake health screening for contagious diseases, exposing all detainees to infection.<sup>68</sup> The only dental service at the time consisted primarily of tooth extractions, averaging 17 extractions a week.<sup>69</sup> As a result of a 1989 lawsuit, then-Sheriff Foti agreed to hire the first full-time medical director for the jail.<sup>70</sup> Nevertheless, the deaths continued. In the 1990s, families alleged that two women died of diabetic shock due to the failure to provide appropriate health care.<sup>71</sup>

“Orleans Parish Prison was like a small, grim city” by the time Hurricane Katrina and the subsequent levee failures decimated New Orleans in 2005.<sup>72</sup> Pre-Katrina, the New Orleans jail actually consisted of 12 different buildings: Central Lock-Up, the Community Correctional Center (“CCC”), Conchetta, Fisk Work Release, the House of Detention (“HOD”), the Old Parish Prison, South White Street, and Templeman buildings I, II, III, IV through V with a total bed count of 7,520.<sup>73</sup> The jail housed at least 6,375 individuals<sup>74</sup> when Hurricane Katrina hit, though other estimates are as high as 7,000.<sup>75</sup> In 2005, 90 percent of the jail population was African American, despite constituting only 66 percent of the city’s population.<sup>76</sup>

## Impact of Jail Conditions and Implications for Policy

For centuries, New Orleans residents, primarily African American, have been housed in unsanitary cells, denied medical and mental health care, subjected to extreme violence and trauma, and exploited for their labor in the New Orleans jail. In 2012, one in seven African American men from New Orleans were either in prison, on probation, or on parole, many of whom likely were detained at some point in their conviction process in the New Orleans jail.<sup>77</sup> The impact of these inhumane conditions goes beyond the individuals detained to affect families, neighborhoods, and communities.

These inhumane jail conditions—experienced by generations of New Orleans families—also impact relationships within the family and community. Psychologists have argued that conditions in a jail can shape an individual's interactions with others, such that “trust is a liability and intimacy a danger.”<sup>78</sup> Other studies have noted that people in jails and prisons exhibit high rates of trauma from being subjected to such unsafe and abusive conditions.<sup>79</sup> These psychological effects are present at even 72 hours of incarceration.<sup>80</sup> While one in 28 children nationally has a parent incarcerated in a prison or jail, a full 8 percent of Louisiana's children have an incarcerated parent.<sup>81</sup> Thus, the impacts of incarceration on family relationships weigh more heavily on New Orleans children.

The impact of exposure to these conditions can also disproportionately impact certain neighborhoods in New Orleans. In 2009, a Columbia University study found that Central City “contains some of the highest incarceration levels, and costs, in the city.”<sup>82</sup> Central City, though changing, is a historically African American neighborhood, with higher rates of single-parent homes and poverty than Orleans Parish, generally.<sup>83</sup> Concentrated incarceration rates in communities can disrupt social and economic networks, in effect, reinforcing a community's marginalization.<sup>84</sup>

The failure to provide adequate medical care in the jail also reaches into communities. Ernest Drucker describes the physical and mental effects of detention, as currently practiced in America, as the “long tail of mass incarceration.”<sup>85</sup> Infectious diseases are more prevalent among people who are incarcerated than in the non-detained population. Specifically, HIV/AIDS is two to seven times more prevalent and an estimated 17 percent of all people with HIV living in the U.S. pass through a correctional facility each year.<sup>86</sup> Significant and increased risks of HIV/AIDS, other sexually transmitted diseases, hepatitis, and tuberculosis constitute one of the “enduring effects of punishment” long after a person has been released.<sup>87</sup> According to Mr. Drucker: “Over the last 40 years the criminal justice system has expanded to such a degree that, today, mass incarceration is one of the major contributors to poor health in communities.”<sup>88</sup>

Beyond the impact of jail conditions, any detainment during the pre-trial period imposes collateral costs on individuals and communities as well. Individuals may lose their employment, housing, or custody of their children. To avoid pre-trial detention, individuals or their families may be required to pay a bond they cannot afford in order to purchase their freedom while they await trial.<sup>89</sup>

We have failed to provide safe and humane jail conditions since the city's founding. Jail reform, whether through new buildings or judicial consent decrees, simply has not worked. Some critics, including the Sheriff, have argued that the jail is simply underfunded.<sup>90</sup> The City of New Orleans has argued that poor management, not funding, is responsible for the unsafe jail conditions.<sup>91</sup> But, what is apparent from the history of the jail is that we have failed to account for the voices of impacted communities.

There is growing awareness that independent oversight of jails (and prisons) is essential for sustained change. The American Bar Association passed a resolution supporting enhanced independent oversight for jails and prisons.<sup>92</sup> The Commission on Safety and Abuse in America's Prisons has urged greater transparency, noting “[m]ost correctional facilities are surrounded by more than physical walls; they are walled off from external monitoring and public scrutiny to a degree inconsistent with the responsibility of public institutions.”<sup>93</sup> Community organizations, such as the Orleans Parish Prison Reform Coalition, Women with a Vision, and Voice of the Experienced, among others, have had some success in their campaigns to address jail conditions, but they lack direct mechanisms to hold city officials and the Sheriff accountable.<sup>94</sup> A more systemic approach is needed; one that gives community a direct role in the administration of the jail.

One potential mechanism is the newly formed Community Advisory Group (CAG), created in 2017 through the MacArthur Safety and Justice Challenge grant to the City of New Orleans. The CAG is composed of 28 individuals with a wide range of experiences (including law enforcement, formerly incarcerated, and teachers) who come from different neighborhoods within the city. The mission of the CAG is to hold city officials accountable for increasing public safety through reducing the jail population and reducing racial and ethnic disparities in the New Orleans criminal legal system. While the CAG's primary focus is on strategies that reduce the jail population, jail conditions affect communities, which in turn affects public safety. The CAG also has a structural platform to achieve its mission through its three voting seats on the Jail Population Management Sub-committee of the New Orleans Criminal Justice Council, which is chaired by the Mayor.

In order to succeed, city leadership and criminal justice agencies must robustly support community engagement in the jail. Such support could take the form of enhanced transparency of jail operations and data<sup>95</sup> to the creation of a public oversight entity staffed by community. The mission of the CAG could be expanded to encompass a more direct role in the jail administration, such as acting as

an official third party for receiving detainee complaints or providing a channel for community engagement in jail operational policies, similar to the Citizen Oversight Board of the Los Angeles County Sheriff.

Community engagement, in and of itself, cannot rectify the enormous harms wrought by the jail. But through its independence from government, its connection to impacted communities, and its diverse experiences, a community advisory group empowered with the proper tools and policies can articulate the kind of jail that New Orleans should have moving forward.

## Conclusion

Improving jail conditions means meeting detainees' basic needs for safety, medical and mental health care, personal contact, and direct sunlight. It is also a prerequisite for eradicating inequity in our city. Unearthing the long history of inhumane conditions at the New Orleans jail amplifies the importance of community engagement in improving conditions in the jail and including the voices of impacted communities.



## Endnotes

1. Jones v. Gusman, 296 F.R.D. 416 (E.D. La. 2013)(discussing the acute and unconstitutional conditions in the Orleans Parish jail and approving the consent judgment to “overcome the years of stagnation that have permitted OPP to remain an indelible stain on the community”).
2. Vera Institute of Justice. (2017, December). New Orleans: Who’s in jail and why? (second quarterly report 2017). New York: Vera Institute of Justice. Retrieved from <https://www.vera.org/publications/new-orleans-jail-population-quarterly-report>
3. Vera Institute of Justice. (2015, December 15). Trends in incarceration, population count for Orleans Parish jail, 2015 & 2005. Retrieved from <http://trends.vera.org/rates/orleans-parish-la?incarcerationData=all&incarceration=count>; see also The Times-Picayune Editorial Board. (2016, August 14). ‘Most incarcerated city’ is not what New Orleans should be: Editorial. The Times-Picayune. Retrieved from [http://www.nola.com/politics/index.ssf/2016/08/new\\_orleans\\_jail\\_size.html](http://www.nola.com/politics/index.ssf/2016/08/new_orleans_jail_size.html)
4. 1) Colby Crawford, 23 years old and suffering from severe mental illness, died of a cocaine overdose while incarcerated at the jail in February 2017. Sledge, M. (2017, November 27). After man overdoses at New Orleans jail mother files lawsuit alleging guards let it happen. The New Orleans Advocate. Retrieved from [http://www.theadvocate.com/new\\_orleans/news/courts](http://www.theadvocate.com/new_orleans/news/courts)  
2) Jamaine Johnson, 23 years old, hung himself and died at the hospital after in February 2017. Sledge, M. (2017, May 22). New Orleans inmate who hanged himself in jail dies; lawsuit filed over separate suicide. The New Orleans Advocate. Retrieved from [http://www.theadvocate.com/new\\_orleans/news/courts](http://www.theadvocate.com/new_orleans/news/courts)  
3) Jason Pierce, 40 years old, died of a seizure in July 2017 and had pre-existing heart and liver health problems. Sledge, M. (2017, July 12). New Orleans jail inmate who died was 40-year-old who’d been at facility less than 2 days. The New Orleans Advocate. Retrieved from [http://www.theadvocate.com/new\\_orleans/news/courts](http://www.theadvocate.com/new_orleans/news/courts)  
4) Terry Smith, 71 years old, died in August 2017 as a result of a 2012 beating by another inmate in the jail. The beating left him brain dead and unable to communicate. He lived the last five years at a state-run nursing home. Webster, R. A. (2017, August 10). Man beaten in New Orleans jail in 2012 dies; case spurred consent decree. The Times-Picayune. Retrieved from <http://www.nola.com/crime>  
5) Narada Mealey: 32 years old, complained of ulcer and didn’t receive treatment. He died of cardiac arrest on November 2, 2017. Sledge, M. (2017, November 6). OPSO: Two New Orleans inmates die within past week; one family alleges inadequate medical treatment. The New Orleans Advocate. Retrieved from [http://www.theadvocate.com/new\\_orleans/news/crime\\_police](http://www.theadvocate.com/new_orleans/news/crime_police)  
6) Evan Sullivan, 27 years old, died of “natural causes” on November 5, 2017 and was transported to the hospital after an onsite medical evaluation. Sledge, M. (2017, November 6). OPSO: Two New Orleans inmates die within past week; one family alleges inadequate medical treatment. The New Orleans Advocate. Retrieved from [http://www.theadvocate.com/new\\_orleans/news/crime\\_police](http://www.theadvocate.com/new_orleans/news/crime_police)  
7) Dennis Edwards, 41 year old inmate, died during the “detoxification protocol” for opiate in December 2017. Sledge, M. (2018, January 3). Coroner identifies man who died in New Orleans jail last month. The New Orleans Advocate. Retrieved from [http://www.theadvocate.com/new\\_orleans/news/crime\\_police](http://www.theadvocate.com/new_orleans/news/crime_police); see also Bacon-Blood, L. (2017, December 15). Orleans Parish jail inmate on detox ‘protocol’ died Friday, sheriff’s office says. The Times-Picayune. Retrieved from <http://www.nola.com/crime>
5. Vera Institute of Justice. (2017, December). New Orleans: Who’s in jail and why? (second quarterly report 2017). Retrieved from <https://www.vera.org/publications/new-orleans-jail-population-quarterly-report/new-orleans-whos-in-jail-and-why-second-quarterly-report-data-supplement/black-people-overrepresented-our-jail>
6. Orleans Parish Jail Monitors. (2018, January 12). Report No. 8 of the Independent Monitors, p.158. Retrieved from <http://www.nolajailmonitors.org/monitors-reports.html>
7. Louisiana Center for Children’s Rights. (2018). Juvenile Justice Data Dashboard: Juvenile Arrests by Race 2013-2017. Retrieved from <http://www.laccr.org/dashboard-2/>
8. The data published by the City of New Orleans focuses on bookings/admissions to the jail, rather than individuals admitted to the jail. Thus, the city’s data could include multiple admissions over the course of a year for a single individual.
9. Laisne, M., Wool, J., & Henrichson, C. (2017, January). Past due: Examining the costs and consequences of charging for justice in New Orleans, p. 4. New York: Vera Institute of Justice. Retrieved from <https://www.vera.org/publications/past-due-costs-consequences-charging-for-justice-new-orleans>
10. Vera Institute of Justice. (2017, December). New Orleans: Who’s in jail and why? (second quarterly report 2017).
11. New Orleans Criminal Justice Council. (2018, January 22). Jail population management sub-committee of the City of New Orleans Criminal Justice Council, presentation.
12. Consent Judgment, Jones v. Gusman, 2:12-cv-00859 Rec. Doc. 466 (June 6, 2013); Gary Maynard resigned as Compliance Director on January 29, 2018 and the court appointed one of the existing independent monitors, Darnley Hodges, as his replacement. See Minute Entry, Jones v. Gusman, 2:12-cv-00859 (Jan. 29, 2018).
13. Complaint, Jones v. Gusman, 2:12-cv-00859, p.2 (Apr. 2, 2012).
14. Consent Judgment, Jones v. Gusman, 2:12-cv-00859 Rec. Doc. 466 (June 6, 2013).
15. Orleans Parish Jail Monitors. (2017, March 23). Summary of findings of compliance as of March 23, 2017. Retrieved from [http://www.nolajailmonitors.org/uploads/3/7/5/7/37578255/tab\\_3\\_03\\_23\\_17\[670\].pdf](http://www.nolajailmonitors.org/uploads/3/7/5/7/37578255/tab_3_03_23_17[670].pdf)

16. Orleans Parish Jail Monitors. (2017, May 1). Report No. 7 of the Independent Monitors, Jones v. Gusman, p.4. Retrieved from <http://www.nolajail-monitors.org/monitors-reports.html>
17. Orleans Parish Jail Monitors. (2018, January 12). p.1.
18. Orleans Parish Jail Monitors. (2018, January 12). p.vii.
19. List available with author.
20. Julio Sortes; Louis Prince; Michael Hitzman; Jose Nelson Reyes Zelaya; Luis Alvarez; William Goetzee; Clifton Morgan; Ryan Miller; Cleveland Tumblin; Jaquin Thomas; Jamaine Johnson.
21. Cleveland Tumblin, Jaquin Thomas, Jamaine Johnson.
22. Kerry Washington; Oscar Fusselier; Cayne Miceli; Chris Blevins; Willie Lee; Terry Smith.
23. Lawrence Barra; Joe Trotter; Deadre Henry; Daniel Barry; Guy Zarzana; Benjamin Ninnemann; Dale Brown; Berthawe Edwards; Juan Mayson-et; Christopher Trepagnier; Patrick Bell; John Sanchez; Earl Gilson; Michael Scimemi; Raymond Martello; Mary Hickey; Richard Searce; David O'Neal; Izell Henderson; Maurice Williams; Lawrence Hathorn; Earl E. Lodge; Wardell Taylor; John Alexcee Jr; Charles Allen; Calvin Thomas; Jason Pierce; and Shedrick Godfrey.  
  
See also Gibbons, J. J. (2006). Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prison. Washington University Journal of Law & Policy, 22, 385-562 (finding "prisoners on average require significantly more health care than most Americans because of poverty, substance abuse, and because they most often come from underserved communities").
24. Orleans Parish Jail Monitors. (2018, January 12). p.4. (Note that the monitors' calculation is based upon six deaths in the jail in 2017 and does not include the death of Terry Smith, who died in 2017 as a result of a 2012 beating sustained in the jail. Therefore, the mortality rate for New Orleans' jail may in fact be higher than calculated by the monitors. )
25. Orleans Parish Jail Monitors. (2016, October 25). Report No. 6 of the Independent Monitors, Jones v. Gusman, p.2. Retrieved from <http://www.nolajailmonitors.org/uploads/3/7/5/7/37578255/compliance-report610.25.16.pdf>. The report also notes that the Orleans Parish Sheriff's Office, which operates the jail, contests these exact figures.
26. Lane, E. (2016, May 26). Mental health care 'abysmal' inside Orleans Parish jail, expert testifies. The Times-Picayune. Retrieved from [http://www.nola.com/crime/index.ssf/2016/05/mental\\_health\\_situation\\_abysma.html](http://www.nola.com/crime/index.ssf/2016/05/mental_health_situation_abysma.html)
27. The jail has long served as the city's warehouse for the mentally ill. In 1851, the state's home for the mentally ill in Jackson was full, so they were sent to the parish jail. See *Chronicling America: Historic American Newspapers*. (1851, June 21). Condition of the Insane, The Southern Sentinel. Washington D.C.: Library of Congress. Retrieved from <http://chroniclingamerica.loc.gov/lccn/sn88064476/1851-06-21/ed-1/seq-2/>
28. New Orleans City Council (2017, May 18) City Council regular meeting news summary at <http://www.nolacitycouncil.com/news/meetingsummary.asp?id=%7BE17E2928-42BC-4F10-B686-BC7488670AC0%7D>
29. Orleans Parish Jail Monitors. (2018, January 12). p.107.
30. Orleans Parish Jail Monitors. (2018, January 12). p. xi.
31. Exceptions include visits to court, the medical clinic, the high school within the jail or to attorney-client visitation rooms.
32. Follis, R. J. (1971, March). A study of pastoral care in Orleans Parish Prison (p.17). Doctoral dissertation, New Orleans Baptist Theological Seminary.
33. Jails are typically administered by city or county government officials for the detention of individuals accused, but not yet adjudicated, of a felony crime. They may also hold individuals who have been adjudicated, i.e. found guilty, of misdemeanor crimes typically serving sentences up to one year. Prisons, on the other hand, may be administered by a state or national government and typically only hold individuals who have been sentenced to confinement following a determination of their criminal culpability. See Schlanger, M. (2003) Differences between jails and prisons. Retrieved at: [https://www.law.umich.edu/facultyhome/margoschlanger/Documents/Resources/The\\_Difference\\_Between\\_Jails\\_and\\_Prisons%20.pdf](https://www.law.umich.edu/facultyhome/margoschlanger/Documents/Resources/The_Difference_Between_Jails_and_Prisons%20.pdf)
34. Follis, R. J. (1971, March). p.17.
35. Dawdy, S. L., Gray, R., & Yakubik, J. (2008, June). Archaeological investigations at the Rising Sun Hotel site, New Orleans, Louisiana (Vol. I, final report). University of Chicago, Department of Anthropology.
36. Johnson, R. (2016). Slavery's metropolis: Unfree labor in New Orleans during the age of revolutions, p.127. New York, NY: Cambridge University Press.
37. Follis, R. J. (1971, March). p.17.
38. Johnson, R. (2016). p.135, 144. (The 1806 Black Code of Louisiana provided that arrested "negroes" could be put to "hard labor" at the city's expense.)
39. See e.g. Girod, N. (1813, September 26). Voucher in French for Work Done by Negro Slave in the Chain Gang. Retrieved from <http://cdm16948.contentdm.oclc.org/cdm/singleitem/collection/p16948coll6/id/4034/rec/4>; Johnson, R. (2016). p.130, 146.

40. Johnson, R. (2016). p.135. Johnson describes the case of Marie Rose, who was convicted of attempting to murder her "owner" and his family. She was convicted and sentenced to life imprisonment. Two months after her sentence, the legislature ordered the treasury to pay \$500 in compensation to the slaveholder in return for transfer of title. See *Territory of Orleans v. Marie Rose* (1810).
41. Johnson, R. (2016). p.157.
42. Johnson, R. (2016). p.158. (quoting de Toqueville).
43. Johnson, R. (2016). p.160.
44. Johnson, R. (2016). pp.127,160.
45. Johnson, R. (2016). p.145. "Today's public works consisted of 33 monthly negres, 57 negres in chains, 29 negresses, and 36 convicts working..."
46. Johnson, R. (2016). p.141.
47. *Chronicling America: Historic American Newspapers*. (1844, May 17). The New York Herald. Washington D.C.: Library of Congress. Retrieved from <https://chroniclingamerica.loc.gov/lccn/sn83030313/1844-05-17/ed-1/seq-1/>
48. Staff (1895, January 18). From the Old Prison to the New Jail. *Daily Picayune*.
49. Mustian, J. (2015, September 14). As new \$145 million jail opens, city closes sordid chapter with shuttering of Old Parish Prison. *The New Orleans Advocate*.
50. Heyd, L. (1958). *Parish Prison Progress 1954-1958*, p.5. Retrieved from <http://nutrias.org/~nopl/spec/pamphlets/prison/prisoncover.htm>
51. Harris, K. M., & Spiller, D. P., Jr. (1977, October), p.252.
52. Alpert, B. (1999, June 9). Foti's deputies blasted for using stun belts on HIV-positive inmates. *The Times-Picayune*.
53. Follis, R. J. (1971, March).p.17.
54. Timeline, Sheriff's Office (on file with author); Follis, R. J. (1971, March).p.18.
55. Timeline, Sheriff's Office (on file with author).
56. Harris, K. M., & Spiller, D. P., Jr. (1977, October). After Decision: Implementation of Judicial Decrees in Correctional Settings: A Case Study of *Hamilton v. Schiro*, pp.249, 251-252. *American Bar Association* 1976.
57. Harris, K. M., & Spiller, D. P., Jr. (1977, October).pp.249,260
58. Harris, K. M., & Spiller, D. P., Jr. (1977, October).p.252.
59. Harris, K. M., & Spiller, D. P., Jr. (1977, October).pp.249,251
60. *Hamilton v. Morial et al.*, 2:69-cv-02443-LMA-ALC Rec. Doc. 2007 Filed 08/23/07.
61. Mayor's Criminal Justice Coordinating Council. (1977, January). Treatment of criminal behavior: Evaluation of rehabilitation programs at Orleans Parish Prison, p.33.
62. American Civil Liberties Union. (August 2006.) Abandoned and Abused: Orleans Parish Prisoners in the Wake of Hurricane Katrina. p.13. Retrieved from [https://www.aclu.org/sites/default/files/field\\_document/oppreport20060809.pdf](https://www.aclu.org/sites/default/files/field_document/oppreport20060809.pdf)
63. Follis, R. J. (1971, March), p.31.
64. The four buildings in use were: 1) The Sixth Street Annex at 2500 Felicity Street (formerly a holding and detention center for NOPD) was used as a minimum security work-release facility, holding approximately 48 people. 2) The First District Annex at 500 Basin Street held primarily maximum security and federal detainees and could hold up to 120 inmates. 3) House of Detention Annex in building complex operated by NOPD at 2735 Perdido, one floor loaned to Sheriff from NOPD, 60 inmates, 12 cells with 4 each + 12 beds in dayroom, 2 showers total.4) main structure facing 531 South Broad Street, constructed 1930 to house 400. In 1970 housed 975. See Follis, R. J. (1971, March), pp. 19-21.
65. Follis, R. J. (1971, March), p.37.
66. Selmore, A. P., & New Orleans Mayor's Criminal Justice Coordinating Council. (1981). An evaluation of the Orleans Parish Criminal Sheriff's pre-release/work-release program for women, notes 7 (race) & 1 (Conchetta). New Orleans, LA.
67. Follis, R. J. (1971, March), p.29.
68. Goldsmith, Seth B. (1972, November) Jailhouse medicine: Travesty of justice, health services report.
69. Goldsmith, Seth B. (1972, November).
70. Finch, S. (1990, August 31). Heath care upgrade for prison OK'd. *The Times-Picayune*.
71. Elie, L. (1999, June 23). Jailed dads. *The Times-Picayune*.
72. The Times-Picayune Editorial Board. (2016, August 14). 'Most incarcerated city' is not what New Orleans should be: Editorial. *The Times-Picayune*. Retrieved from [http://www.nola.com/politics/index.ssf/2016/08/new\\_orleans\\_jail\\_size.html](http://www.nola.com/politics/index.ssf/2016/08/new_orleans_jail_size.html)



73. Orleans Parish Sheriff's Office. (2010, October 18). Sheriff's presentation, p. 2. Retrieved from <http://www.opcso.org/ppt/presentation20101018.pdf>  
Facilities included: Orleans Parish Prison (831 beds); Community Corrections Center (1,280 beds); House of Detention (825 beds); Rendon (Female Facility)(200 beds); Conchetta (Female Facility)(408 beds); South White St. (Juvenile Facility) (288 beds); Fisk School (Work Release) (200 beds); Templeman Phase 1 (840 beds); Templeman Phase 2 (890 beds); Templeman Phase 3 (1,204 beds); Templeman Phase 4 (234 beds); Templeman Phase 5 (320 beds); Total beds: 7,520. See also American Civil Liberties Union. (August 2006.) pp. 13-14.
74. Kotey, P. (2009). Judging under disaster: The effect of Hurricane Katrina on the criminal justice system. J. I. Levitt & M. C. Whitaker (Eds.), Hurricane Katrina: America's Unnatural Disaster (p. 108). University of Nebraska Press.
75. The Times-Picayune Editorial Board. (2016, August 14).
76. Kotey, P. (2009), p.108
77. Chang, C. (2012, May 13). Louisiana is the world's prison capital. The Times-Picayune. Retrieved from <http://www.nola.com/crime>
78. Dolovich, S. (2009). Foreword: Incarceration American style. Harvard Law & Policy Review, 3, pp. 237, 248
79. See e.g. Haney, C. (2002) The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment. Retrieved from <https://www.urban.org/sites/default/files/publication/60676/410624-The-Psychological-Impact-of-Incarceration.PDF>
80. Gibbs, J. J. (1987). Symptoms of psychopathology among jail prisoners: The effects of exposure to the jail environment. Criminal Justice and Behavior 14(3), 288-310.
81. Western, B., & Pettit, B. (2010, October 6). Collateral costs: Incarceration's effect on economic mobility. Retrieved from [http://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes\\_assets/2010/collateralcosts1pdf.pdf](http://www.pewtrusts.org/-/media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf). See also Kids Count Data Center. (2016, April). A shared sentence: The devastating toll of parental incarceration on kids, families, and communities. Annie E. Casey Foundation. Retrieved from <http://www.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>
82. Spatial Information Design Lab. (2009, February). Justice re-investment New Orleans, pp.29-30. Retrieved from [http://www.spatialinformationdesignlab.org/MEDIA/JR\\_NewOrleans.pdf](http://www.spatialinformationdesignlab.org/MEDIA/JR_NewOrleans.pdf)
83. The Data Center. (2016, December 16). Central City Statistical Area. Retrieved from <https://www.datacenterresearch.org/data-resources/neighborhood-data/district-2/central-city/#people---household-characteristics>
84. Clear, T. R. (2008). The effects of high imprisonment rates on communities, pp. 122-23. Chicago Journals, 37(1), 97-132. Retrieved from <http://www.jstor.org/stable/10.1086/522360?origin=JSTOR-pdf>
85. Drucker, E. (2011). A plague of prisons: The epidemiology of mass incarceration in America (p. 108) The New Press.
86. Cloud, D. (2014, November). On life support: Public health in the age of mass incarceration. Retrieved from [https://storage.googleapis.com/vera-web-assets/downloads/Publications/on-life-support-public-health-in-the-age-of-mass-incarceration/legacy\\_downloads/on-life-support-public-health-mass-incarceration-report.pdf](https://storage.googleapis.com/vera-web-assets/downloads/Publications/on-life-support-public-health-in-the-age-of-mass-incarceration/legacy_downloads/on-life-support-public-health-mass-incarceration-report.pdf)
87. Drucker, E. (2011), pp.108,118
88. Cloud, D. (2014, November), p.4.
89. Daniels Jr., F., Weber, B., & Wool, J. (2018). From bondage to bail bonds: Putting a price on freedom in New Orleans. New Orleans Prosperity Index: Tricentennial Edition. New Orleans, LA: The Data Center.
90. Orleans Parish Sheriff's Office. (2015, July 10). Sheriff's office explains gap between city funding and actual budget needs. Retrieved from [http://www.opcso.org/index.php?option=com\\_content&view=article&id=471%3Asheriffs-office-explains-gap-between-city-funding-and-actual-budget-needs&catid=1%3Alatest-news&Itemid=1](http://www.opcso.org/index.php?option=com_content&view=article&id=471%3Asheriffs-office-explains-gap-between-city-funding-and-actual-budget-needs&catid=1%3Alatest-news&Itemid=1)
91. Memorandum in support of third-party defendant City of New Orleans' motion for appointment of a receiver, Jones v. Gusman, 2:12-cv-00859 Rec. Doc. 392-1 at 2 (April 9, 2013).
92. Saltzburg, S.J. (2008). Report to the House of Delegates. Retrieved from [http://www.americanbar.org/content/dam/aba/publishing/criminal\\_justice\\_section\\_newsletter/crimjust\\_policy\\_am08104b.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_policy_am08104b.authcheckdam.pdf). ("RESOLVED, That the American Bar Association urges federal, state, local and territorial governments to develop comprehensive plans to ensure that the public is informed about the operations of all correctional and detention facilities ... within their jurisdiction and that those facilities are accountable to the public.")
93. Gibbons, J. & Katzenbach, N. (2006). Confronting confinement. Washington University Journal of Law & Policy, 22, p 408.
94. Zombolla, M. (2010, December 3). Smaller jail a step in the right direction. The Times-Picayune. Retrieved from [http://www.nola.com/opinions/index.ssf/2010/12/smaller\\_jail\\_a\\_step\\_in\\_the\\_right.html](http://www.nola.com/opinions/index.ssf/2010/12/smaller_jail_a_step_in_the_right.html)
95. Armstrong, A. (2014). No prisoner left behind? Enhancing public transparency of penal institutions. Stanford Law & Policy Review, 25, p 435.

## About the Author

Andrea Armstrong joined the Loyola University New Orleans, College of Law faculty in 2010. Her research focuses on the constitutional dimensions of prisons and jails, specifically prison labor practices, the intersection of race and conditions of incarceration, and public oversight of detention facilities. She teaches in the related fields of constitutional law, criminal law, race and the law, and constitutional criminal procedure. Professor Armstrong is a graduate of Yale Law School, the Woodrow Wilson School of Public and International Affairs at Princeton University, where she completed her M.P.A. in International Relations, and New York University.

## Acknowledgments from the Author

This essay benefited from research assistance by Loyola University College of Law students Perry Graham, Monica Mendoza and Caitlin Newswanger. The author would also like to thank Calvin Johnson, Bill Quigley, Ben Weber, Jon Wool, as well as participants in the Tricentennial Authors' Roundtable for their valuable comments throughout the research and writing of this essay.

## For More Information

Andrea Armstrong  
Professor  
Loyola University New Orleans  
College of Law  
[armstron@loyno.edu](mailto:armstron@loyno.edu)

## About The Data Center

The Data Center is the most trusted resource for data about greater New Orleans and Southeast Louisiana. Since 1997, The Data Center has been an objective partner in bringing reliable, thoroughly researched data to conversations about building a more prosperous, inclusive, and sustainable region.

The Data Center (formerly known as the Greater New Orleans Community Data Center) became the local authority for tracking post-Katrina recovery with The New Orleans Index, developed in partnership with the Brookings Institution.

## About The New Orleans Prosperity Index: Tricentennial Collection

The New Orleans Prosperity Index: Tricentennial Collection includes contributions from more than a dozen local scholars. These reports will assess the long reach of historical practices on contemporary policies and practices contributing to today's racial disparities across multiple systems (criminal justice, education, housing, business ownership, health care, etc.), and provide recommendations for furthering future progress. In addition, The Data Center will release a comprehensive set of metrics that address the question: "Have black New Orleanians experienced increased economic inclusion since the end of the Civil Rights era?"

## Acknowledgments from The Data Center

Many thanks go to Elaine Ortiz for editorial assistance, and Southpaw Creative for design.

The Data Center wishes to thank the Ford Foundation, JPMorgan Chase Foundation, Surdna Foundation, Entergy Corporation, and the W.K. Kellogg Foundation for their generous support of this inaugural edition of The New Orleans Prosperity Index. Additional gratitude goes to Baptist Community Ministries, Foundation for Louisiana, The Keller Family Foundation, Methodist Health System Foundation, RosaMary Foundation, and United Way of Southeast Louisiana for their generous support of the work of The Data Center.

## For More Information

Lamar Gardere  
Executive Director  
The Data Center  
[lamarg@datacenterresearch.org](mailto:lamarg@datacenterresearch.org)

Allison Plyer  
Chief Demographer  
The Data Center  
[allisonp@datacenterresearch.org](mailto:allisonp@datacenterresearch.org)

## Disclaimer

*The New Orleans Prosperity Index: Tricentennial Collection* includes studies and reports on timely topics worthy of public consideration. The views expressed are those of the authors and should not be attributed to The Data Center, its trustees, or its funders.