



September 19, 2014

ACLU of Louisiana Response to Metropolitan Crime Commission Report Concerning the Size of Orleans Parish Prison

On August 27, 2014, the Metropolitan Crime Commission (MCC) issued a report analyzing the composition of the inmate population at the Orleans Parish Prison (OPP), with a recommendation that the new jail be larger than the 1438 beds approved by the New Orleans City Council. That report is fundamentally flawed in both its assumptions and its analysis. Using the numbers provided by the MCC report, the ACLU of Louisiana maintains that a jail of 1438 beds is more than adequate to meet the needs of Orleans Parish.

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A proper analysis of the size of any jail must begin with the people who need to be there. Of the 2163 inmates in OPP during the time examined by the MCC, 24 of them were convicted of felonies and sentenced to time there. In that period, the jail held an average of 81 people who were convicted of any crime, including municipal misdemeanors and traffic violations, and sentenced to serve time in OPP. In other words, roughly 0.4% – four tenths of one percent – of the inmates were sentenced to time specifically at OPP. The remaining 99.6% were either awaiting trial and presumptively not guilty, participants in Department of Corrections re-entry programs, or held for other jurisdictions.

A full 80%, or 1679 inmates, were being held while awaiting trial – many because they are too poor to post bond. Seven hundred seventy-seven were held on violent felony charges, and 409 on nonviolent crimes or non-drug related felonies. If those 777 were kept in custody while awaiting trial, that still would leave hundreds of people who could be safely released at no risk to the public.

The MCC's report appears to be based on the premise that every person in the jail needs to be there. Yet their own numbers make it clear that the overwhelming majority of the people housed at OPP do not need to be incarcerated at all, and that releasing them will have no detrimental effect on public safety.

The purpose of the jail is, first and foremost, to promote public safety. The public is not served by incarcerating people for low-level, nonviolent offenses for which someone with means can post bond and be released. Doing so perpetuates a system that disproportionately punishes the poor (which, in New Orleans, often means African Americans) and allows those with resources to buy their way out.

Incarceration carries collateral costs, and should be used only when no alternative exists. For every person awaiting trial on nonviolent charges, there is a family left behind. There is income lost, housing and jobs lost, at both a human and financial cost to the community. For too long Orleans Parish has led the world with its incarceration rate. If we want to improve public safety, we will reserve our jail for only those who pose a risk to the rest of us, and for whom no alternative exists. For the rest, we can and must find alternatives. We can't continue the flawed practices of the past. The MCC report corroborates, rather than contradicts, the recommendation for a jail of no more than 1438 beds.