When inmates die, Sheriff Gusman owes families the courtesy Editorial

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When Willie Lee's mother attempted to bail him out of Orleans Parish Prison in March, she got a recorded message telling her he had been released. She couldn't understand how that had happened and spent hours trying to find him.

Late that night, her son's former girlfriend got a call from an inmate who told her the truth. Willie Lee, who had been arrested trying to hide from police during a domestic disturbance, was dead at age 40 of a heart attack after a fight.

His family should have gotten that news from Sheriff Marlin Gusman's staff, not through the prison grapevine.

As detailed by NOLA.com | The Times-Picayune reporters Richard Webster and Naomi Martin, Mr. Lee's relatives aren't the only ones who have been led to believe a relative had been released from jail who was actually dead.



Kerry Washington's wife, Cheryl, called the jail daily for two weeks in 2006 and was told repeatedly he had been released. "I'm looking all over for him, was calling people asking if they saw or heard from him ... something was wrong," she said.

She finally went to the jail and was told he had died while in restraints.

The same sort of delay happened for relatives of Fitzroy George and Mark Jones.

Mr. Jones, who was booked into the jail in 2004 after police found him passed out in public, had a fight with deputies when he arrived at OPP. He ended up with a fractured neck and brain damage and was taken to Charity Hospital, where he was on life support for 30 hours.

His brother called the jail during that time and was told Mr. Jones couldn't be bailed out. Doctors also called the jail, asking deputies to let his family know he was dying and to ask whether his organs could be donated.

That didn't happen.

There could easily have been a different outcome: The jail had his wallet, which had his driver's license showing his intent to donate his organs and a cell phone number for his brother.

Mr. Jones' death occurred six months before Sheriff Gusman took office, so he inherited the problem. OPP should have had policies in place to ensure Mr. Jones' family and others were notified of such a grievous injury or death -- but didn't at the time. It took jail officials five years after Mr. Jones died to write a policy for notifying families when an inmate is seriously ill, injured or dies.

The policy is in step with the American Correctional Association's recommendations. Yet there continue to be instances when inmates die and their next of kin aren't quickly notified by the jail.

The sheriff's office did not respond to reporters' requests for an interview about the notification process. Lawsuits are pending in some of these cases, so the silence is perhaps not surprising.

But Sheriff Gusman owes New Orleans residents an explanation for the continued lapses by his staff.

Inmate Fitzroy George was taken to a hospital with 18 stab wounds in 2010. His sister said the family found out about his injuries from an inmate and someone they knew in the criminal justice system.

Sheriff Gusman's public relations representative said at the time that the injuries hadn't been "critical enough" to trigger notification.

That doesn't make sense except as an attempt after the fact to smooth over a major breach in policy. There is no excuse for such callous treatment of people by a public institution -- not even a jail.

"The family of the people who are locked up did not commit the crime, so why would you subject them to this extraordinary pain and suffering?" Jeffrey Schwartz, former consultant with the National Institute of Corrections, said.

Not only that, most of the people held at Orleans Parish Prison haven't been convicted of anything. Many are there on fairly minor charges, waiting to be bonded out -- as in Mr. Lee's case.

Sheriff Gusman and his jailers have a duty to keep inmates safe and secure. They have done a poor job of that in the past -- which is why the jail is operating under a federal court consent decree.

There are many things that need to be fixed at Orleans Parish Prison, and the notification problems could be seen as one of the smaller issues. But leading families to believe a loved one has been released who has in fact died is cruel. It would be understandable for such an error to happen once, but there is a pattern here. That isn't acceptable.

"They could change this tomorrow if they wanted to, and they should," Mr. Schwartz said. Sheriff Gusman should make sure that is done.

Correction: An earlier version of the editorial said Fitzroy George died of his injuries. He survived.

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