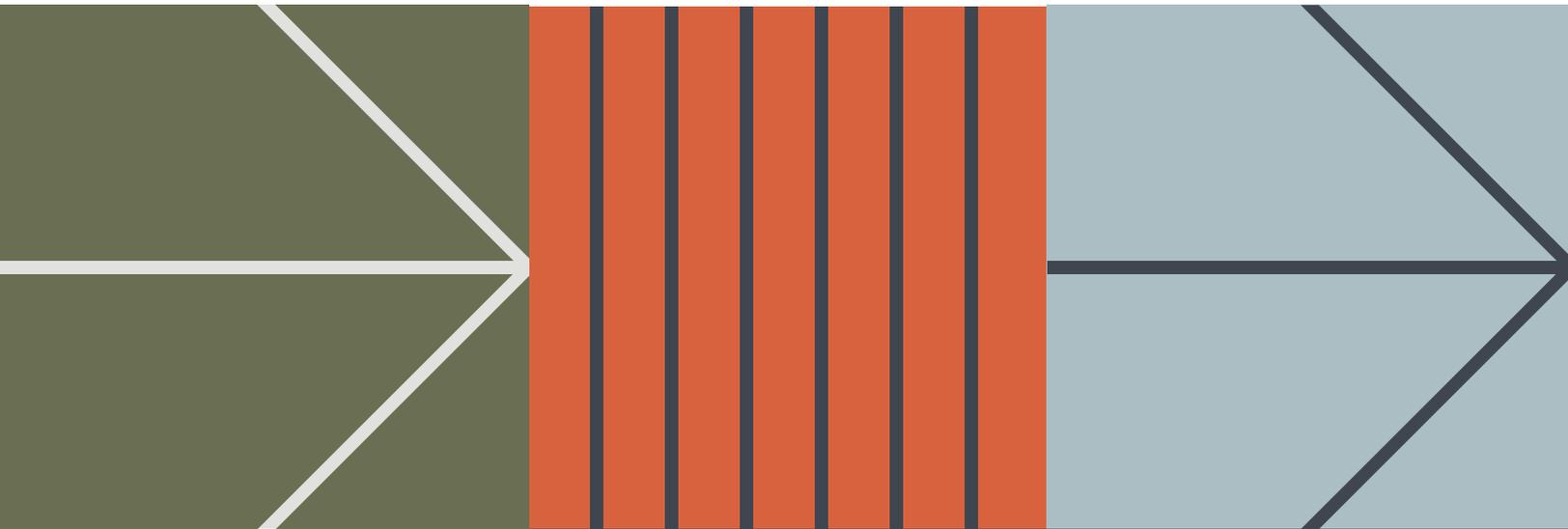


# Louisiana Justice: Pre-trial, Incarceration, & Reentry



**Public Welfare  
Foundation**

Andrea Armstrong  
& Marcus Kondkar

November 2022

**“Mass incarceration  
is the largest  
industry we have  
in this state.”**

– Rev. Alexis Anderson, Baton Rouge

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# Letter from Candice Jones, President and CEO of Public Welfare Foundation

## **Community-led. Restorative. Racially just.**

For 75 years, Public Welfare Foundation has supported efforts to advance justice and opportunity for people in need. Today, our efforts focus on catalyzing a transformative approach to justice that is community-led, restorative, and racially just through investments in criminal justice and youth justice reforms.

Our belief that the best ideas bubble up from communities compelled us to develop a framework that prioritizes betting big on emerging leaders, local organizations, and innovative solutions.

We selected Louisiana as one of our jurisdictions of focus in 2020. Louisiana remains one of the nation's top incarcerators, standing neck and neck with Oklahoma. And while it over-incarcerates people for nonviolent offenses, the main drivers for Louisiana's staggering incarceration rate are its extreme sentences and lengthy parole periods. Louisiana is also facing a pivotal moment in youth justice, with forwards and backwards steps happening in tandem.

But there are also reasons for hope. In 2017, Louisiana enacted a series of reforms projected to reduce the prison population by 10 percent, and state lawmakers committed to reinvesting 70 percent of the savings into reentry programs for youth and adults. Strong, local organizations have earned community trust and are driving change despite inadequate funding and significant opposition.

Our partners at Loyola University New Orleans developed this comprehensive overview of Louisiana's justice systems to highlight the current impact and operations of Louisiana's criminal legal system. Professor Andrea Armstrong interviewed individuals leading reform efforts across the state to inform many

of the observations made in this report and offer partners a space to frankly assess progress while balancing their anonymity. Professor Marcus Kondkar contributed new and ground-breaking statistical analysis of the impact of these justice systems on the people of Louisiana.

Our team at PWF has also built relationships and worked with local organizations to develop our Louisiana grantmaking strategy. We are investing heavily in promising work around the state and will continue to support transformative justice in Louisiana.

Transforming Louisiana's youth and adult justice systems will take a broad coalition of like-minded partners to bring this new vision to fruition. As the Foundation continues to work deeply in targeted jurisdictions, we are committed to sharing our learnings and making data accessible to our partners and Louisiana residents.

We hope this overview provides some of the needed grounding to advance a new transformative vision of justice in Louisiana—a justice system that is actually just.

A handwritten signature in black ink, appearing to be the name 'Candice Jones'.

Candice Jones  
*President and CEO, Public Welfare Foundation*

# Preface

This report evaluates the current impact and operations of the criminal legal system in Louisiana. It offers a landscape scan of the current state of criminal justice reform efforts in the state, including an overview of how the system functions after arrest, current data and information at each step of the criminal legal system, and the views of people impacted by and/or working to reform the system.

Two main themes emerge from this research. First, the significance of race in the criminal legal system in Louisiana cannot be overstated. There are significant racial disparities at every stage, most notably in multi-bill sentencing (also known as “habitual offender sentencing”). Multi-bill sentencing is when a person gets an extended sentence for a conviction based on their prior criminal history. Notably, not one parish in Louisiana applies the multi-bill equally to both Black and white populations. Racial disparities were also evident in the youth justice system, with Black boys disproportionately represented in secure and non-secure detention. Compared to other southern states, Louisiana also has the highest rate of youth custody and the highest Black-white racial disparity in the South.

Second, this report significantly expands understanding of the state’s practice of confining almost half of the prison population in local jails. Louisiana is relatively unique nationally in housing a large proportion of people serving state sentences in locally operated jails instead of state prisons. Five out of 64 parishes house one-third of people serving their sentence, creating political and financial incentives at the local level to build larger and higher-capacity facilities. Moreover, women have been disproportionately housed in local jails since 2016 when the primary state prison for women flooded. The data analysis in this section also demonstrates how larger and more urban parishes contribute to the outflow of resources to smaller, more rural parishes through prosecution practices.

This report highlights the ways in which the criminal legal system in Louisiana is unique in comparison to other U.S. jurisdictions. In 2020, Louisiana had the highest per capita incarceration rates for both prisons and jails in the South and in the United States. Louisiana has the highest percentage of people serving life sentences than any other southern state. Louisiana is also the only state in the nation that primarily funds public defense through the imposition of fines and fees, including traffic tickets and fees for pleading guilty before trial.

Finally, a caveat is in order. This is a high-level systems overview, one that we hope will be accessible and actionable. Accordingly, we could not address every detailed aspect of the system's impact or operation. This overview is designed for developing and planning strategies that support reducing incarceration in Louisiana and identifies specific areas for philanthropic support of on-the-ground advocates.



Andrea Armstrong  
Law Visiting Committee  
Distinguished Professor,  
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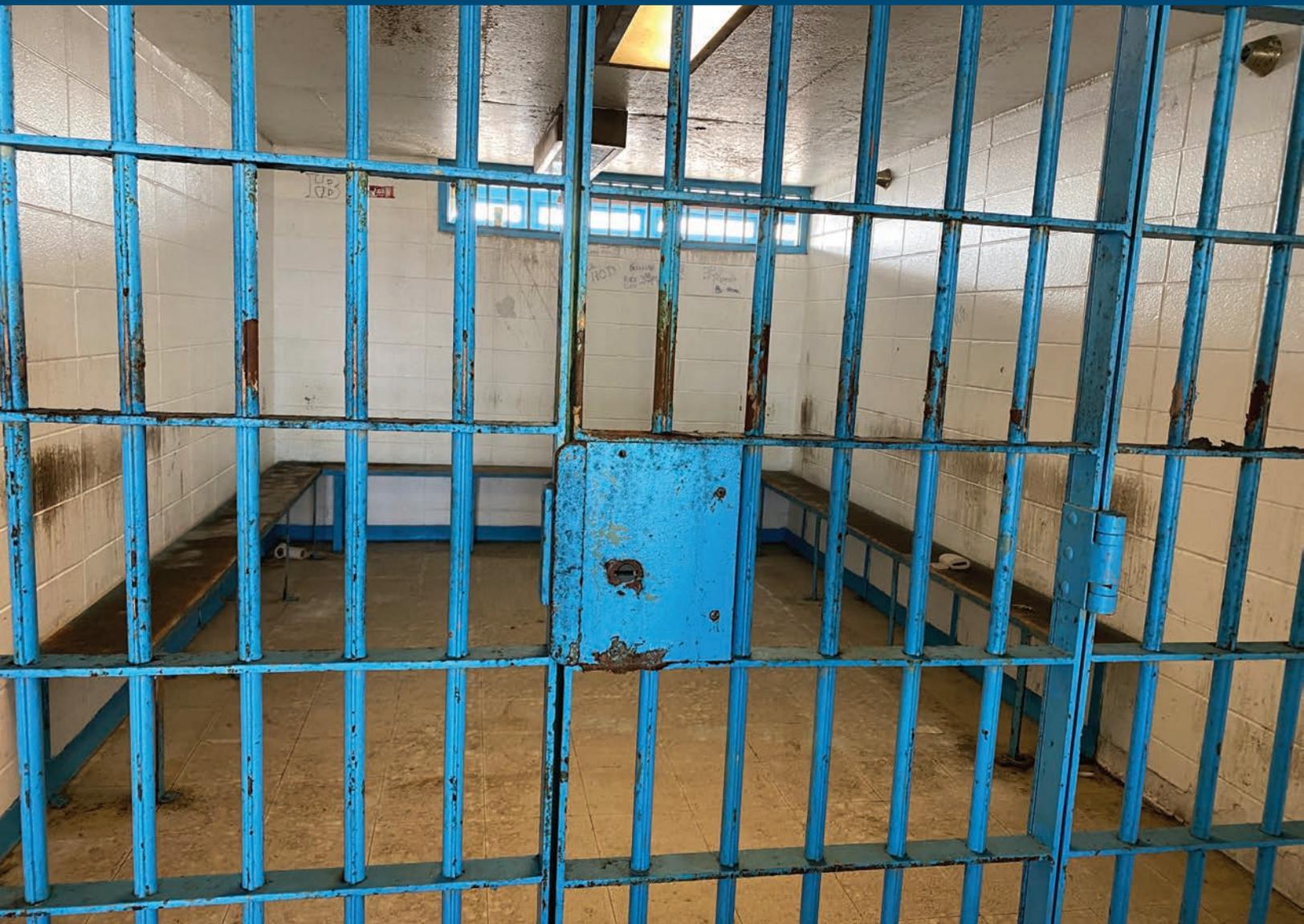
Marcus Kondkar  
Associate Professor and Chair,  
Department of Sociology,  
Loyola University New Orleans

# Methodology

The authors conducted qualitative and quantitative analysis to assess the state of the criminal legal system in Louisiana. Professor Andrea Armstrong, Loyola University New Orleans, College of Law, led the qualitative analysis, which included a review of legislative enactments, litigation, and reports by governmental and non-governmental organizations. She also conducted interviews with organizations and individuals engaged in reform efforts in the state, including directly impacted individuals, in addition to holding four regional focus groups in New Orleans, Baton Rouge, Lafayette, and Shreveport.<sup>1</sup> Professor Marcus Kondkar, Chair of the Sociology Department at Loyola University New Orleans, conducted the quantitative analysis based on existing and newly requested data sets from the Louisiana Department of Public Safety & Corrections (DPSC) as well as data provided by organizational interviewees. This report is based on analysis of a Louisiana incarceration database created with data obtained from the Louisiana DPSC in February 2017, and July and September of 2020. The data in this report, unless otherwise noted, is current as of September 2020. Public Welfare Foundation, which commissioned this report, also participated in the selection of topics for inclusion and structuring of this report.

The authors are grateful for the assistance of: Meredith Booker and Lale Brown, law students at Loyola University New Orleans, College of Law for their research assistance; Carrie Ann Welsh for her research and contributions to this report; and the Public Welfare Foundation for their financial support of this project.

# Overview of Louisiana's Criminal Legal System



House of Detention, New Orleans (2020, closed 2012).

# Louisiana Leads the Nation in Mass Incarceration



Photo: Voice of The Experienced.

In 2020, Louisiana had the highest per capita prison population in the United States, with an incarceration rate of 589 per 100,000 residents.

In addition to the highest incarceration rate, Louisiana also has the highest percentage of people serving natural life without the possibility of parole at 16.6%. One-quarter of the current prison population is over 50 years old.

The state's prison population has more than doubled in the last 30 years. The resulting disproportionately high incarceration rate in the state is a function

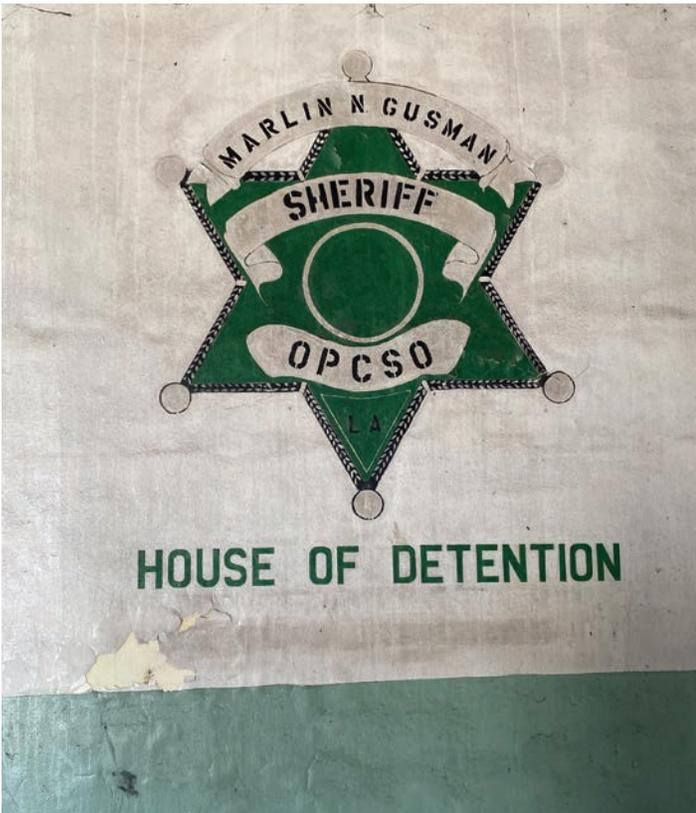
of several variables, including excessively long or mandatory sentences, limited releases through parole, and multi-billing practices in several parishes. Furthermore, Louisiana is also unique among states in the extensive use of local jails (instead of state prisons) to house people convicted of state crimes.

Interviews with movement leaders and advocates across the state highlighted factors that they consider essential to understanding why Louisiana has consistently had the highest incarceration rate in the U.S.: racism and lack of accountability.

## Drivers of Louisiana's Incarceration Rate

The Justice Reinvestment Initiative process (JRI) identified several factors (or “drivers”) of Louisiana’s high incarceration rate.<sup>2</sup> According to analysis by Pew Charitable Trusts, which provided technical assistance to the state for the JRI process, Louisiana’s high incarceration rate is a function of the following factors:

- Mandatory sentencing schemes, including mandatory life without parole for certain crimes
- Restrictions on good time credits for crimes of violence
- Exclusion of crimes of violence from sentencing reform initiatives
- Prosecutorial decisions to invoke multi-bill penalty enhancements
- Decisions to charge youths as adults



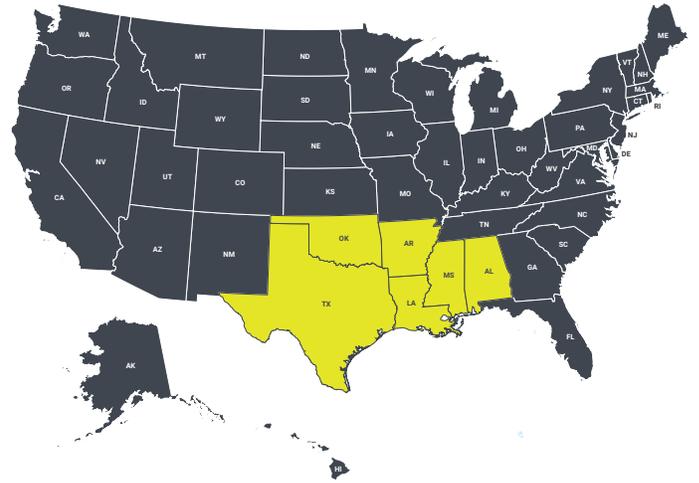
House of Detention, New Orleans.

First, interviewees highlighted how racism itself is a driver of incarceration, from school discipline and over-policing to the treatment of victims of crime. As a former slave state, many of the so-called “objective” rules, standards, and policies originated during historical eras of exploitation and subordination of racial minorities.

Second, participants described how a lack of accountability for policies adopted in the 1980s and 1990s fueled Louisiana’s steep increase in incarceration. This lack of accountability, according to interviewees, allows systems actors to paint incarcerated populations as particularly undeserving of mercy or rehabilitation.

## Comparison to Other Southern States

Louisiana has the one of the highest per capita incarceration rates for both prisons and jails in the South and in United States. Compared to other southern states, it also has the highest rate of youth custody and the highest Black-white racial disparity in the South. Louisiana also has the highest percentage of people serving life sentences than any other southern state.



### LOUISIANA INCARCERATION DATA COMPARED TO NEIGHBORING STATES AND U.S. 2019:

\* Jails and prisons combined

State	Prison Incarceration Rate (per 100K)	Jail Incarceration Rate (per 100K)	Life Without Parole % of Prison Population	White Incarceration Rate (per 100K)*	Black Incarceration Rate (per 100K)*	Black / White Ratio Incarceration Rate	Youth Custody Rate (per 100K)
<b>LOUISIANA</b>	<b>680</b>	<b>870</b>	<b>13.4</b>	<b>438</b>	<b>1,740</b>	<b>4 : 1</b>	<b>193</b>
ALABAMA	419	410	6.2	425	1,417	3.3 : 1	168
ARKANSAS	586	380	8.2	443	1,665	3.8 : 1	175
MISSISSIPPI	636	590	7.8	346	1,052	3 : 1	74
TEXAS	529	340	0.5	457	1,844	4 : 1	153
OKLAHOMA	639	430	3.5	580	2,625	4.5:1	131
US	419	310	3.6	275	1,408	4.8:1	152

SOURCES: SENTENCING PROJECT, CENSUS, LA INCARCERATION DATABASE

## Political & Legal Context

The criminal legal system in Louisiana is driven, in part, by elected leaders. All sheriffs, district attorneys, and trial and appellate judges are elected officials. Numerous state and local entities have the power to arrest in Louisiana. Each parish (also known as a “county” in other states) has a sheriff. In addition, a parish may also include municipal police departments within the parish. For example, Orleans parish includes both the Sheriff for Orleans, as well as the head of the New Orleans Police Department, who is appointed by the mayor. In addition, several other law enforcement agencies also operate by agreement within New Orleans, including the Louisiana State Police and officers with the Housing Authority of New Orleans, University Police, the Levee Board, and Harbor Police. Each city may have their own police department and, in some cases, the municipal police department is larger than the sheriff’s office, as in New Orleans.

## Louisiana’s Criminal Code

Louisiana’s criminal code sets out the types of punishable behavior, sentence ranges, and mandatory minimum sentences for certain crimes. The code contains over 600 felony offenses, some of which are duplicative or contradictory, but efforts to restructure the criminal code into a felony class system proposed by the JRI taskforce failed in the legislature.<sup>3</sup> One of the most noted minimums is the automatic life sentence for anyone convicted of second-degree murder.<sup>4</sup>

## Incarceration Disparities Among Louisiana Parishes

Louisiana’s prison population is driven by a small number of its 64 parishes. The incarcerated come from all over the state but are concentrated in certain parishes. Louisiana’s 4.4 million residents are distributed across 64 parishes.

**1/2**  
(14,740)

Just over half of all people convicted of state crimes (14,740) were convicted in one of eight parishes, including the five most populous (Orleans, Jefferson, East Baton Rouge, Caddo, St. Tammany, Calcasieu, Ouachita, and Terrebonne).

**1/3**  
(9,257)

One third (9,257) were convicted in one of three parishes (Orleans, Jefferson, and East Baton Rouge).

**1/2**  
LWOP

Half of all prisoners serving life without parole (LWOP) were convicted in four parishes: Orleans (20%), Jefferson (12%), East Baton Rouge (11%), and Caddo (8%).

**1/2**  
YOUTH TRIED AS ADULTS

The same four parishes account for half of all youth tried as adults: Orleans (19%), Jefferson (12%), East Baton Rouge (11%), and Caddo (7%).

**1/2**  
MULTI-BILL

Half of all prisoners charged under the multi-bill statute come from two: Orleans (28%) and Jefferson (23%).

# Pre-Trial



Shreveport Courthouse.

## Probable Cause/ Arraignment Hearings

After a person is arrested, Louisiana law requires a judge to review whether there was probable cause for the arrest if arrested without a bill of information or indictment and in custody. These hearings, which are often combined with bail/bond determinations for release from pre-trial detention, are typically held within 48 to 72 hours of arrest. If a person qualifies due to their low income, they may be represented by a public defender at that hearing, when they are also informed of the charges for arrest. The defendant may be released with or without payment of bail depending on the charges. In cases of pre-trial release, defendants may be required to participate in pre-trial supervision, which may include agreeing to certain conditions and periodic checks by the court.<sup>5</sup> If bail is unaffordable or the judge determines release is not appropriate, the defendant remains incarcerated until their trial.

[Court Watch NOLA](#) and [Court Watch Baton Rouge](#) are often the sole sources of public information for these court proceedings. Participants in both organizations describe observing haphazard and chaotic proceedings, where defendants were either unrepresented or lacked time to meaningfully consult with their public defenders, judges set bail amounts without determining the accused person's ability to pay, and the prevalence of Black children being prosecuted for adult crimes.

Baton Rouge recently piloted a project to ensure defendants were arraigned within 72 hours, a significant decrease of prior wait times of five to twelve weeks.<sup>6</sup> Though the two-month pilot was successful in reducing pre-trial incarceration in the parish, saving the parish approximately \$215,000, local judges scaled back the project.<sup>7</sup>

## Bail/Bond

When a person is arrested, the court must decide if the person should be released until their trial or detained in jail. The only official reasons a person can be detained pre-trial are if the person is considered a risk to public safety or if the person is considered unlikely to return to court to face their charges. If the person is deemed eligible for release, the judge can release them on their “own recognizance,” i.e., without payment of bail. Alternatively, the judge can release them with financial or non-financial conditions. For financial conditions, the judge can require “secured” (guaranteed by property or bondsman) or “unsecured” payments such as cash.

Commercially secured bail through bail bond companies allows an arrestee to pay approximately 13% of the full amount ordered by the court in return for release from jail pending trial. But that money is non-refundable. Regardless of whether the arrestee appears for trial, the bail bond company keeps the money. No fee is assessed for people who do not use commercially secured bonds, i.e., people posting cash bail in the full amount, personal sureties (like through property), or people released on their own recognizance or with non-financial conditions.

Advocates argue that judges set bail amounts without fully assessing whether a person is a continued risk to public safety or the person’s ability to pay the set amount. **The median bail amount, according to the ACLU-Louisiana, is \$24,000, while the median income in Louisiana is \$27,027.**<sup>8</sup> These high bail amounts disproportionately impact Black communities, given the higher levels of detention for Black residents compared to white defendants.

In 2019, federal courts found that the funding arrangement for the New Orleans court system, which received a percentage of cash bail fees, created

an unconstitutional conflict of interest.<sup>9</sup> Prior to August 2020, the Orleans Parish Criminal District Court was user funded, meaning it was funded in part by the bail, bond, fines, and fees that judges in that court imposed.<sup>10</sup> In response, civil rights groups filed a class action lawsuit in 2017 alleging the current system created a financial conflict of interest for judges.<sup>11</sup> In August 2019, a federal appeals court ruled that system – where judges take a percentage cut of every monetary bond they set to fund their courts – was unconstitutional.<sup>12</sup> In response, the State enacted a temporary solution that changed how the courts were funded: “by directing the money from bond and conviction fees to the city of New Orleans rather than directly to the judges themselves”.<sup>13</sup> The new law expires in July 2022.<sup>14</sup> In the meantime, the Louisiana Commission on Justice System Funding is responsible for coming up with a permanent solution.<sup>15</sup>



## Charging Period

Effective January 1, 2022, prosecutors in Louisiana are required to charge a defendant who is being held in jail after an arrest within 30 days for a misdemeanor (reduced from 45 days), 60 days for a felony, and 150 days for a felony that is punishable by death or life imprisonment.<sup>16</sup> If the person is not being held in jail after the time of arrest, the charging window is even longer.<sup>17</sup> In contrast,

“[m]ost states give prosecutors 72 hours to file charges before a defendant must be released. California allows for 48 hours. New York allows for six days. Florida allows for 33 days. Texas allows 60 days for felonies and 30 days for misdemeanors.”<sup>18</sup> In practice, some Louisiana jurisdictions have been identified as holding people longer than the statutory period.

2013-2015

# 6 MONTHS +

From 2013 to 2015, The Advocate found 19 people in East Baton Rouge who were held in jail longer than 6 months before they were charged or released.<sup>19</sup>

2014

# 52 DAYS

During the first half of 2014, the median time for charging on a felony arrest in New Orleans was 52 days, which was three days longer than the same period in 2013.

2016

# 69 DAYS

In St. Tammany Parish, “[i]t took medians of 69 days in 2016 and 57 days in 2017 to reach decisions on whether to prosecute felony suspects.”<sup>20</sup>

2017

# 57 DAYS



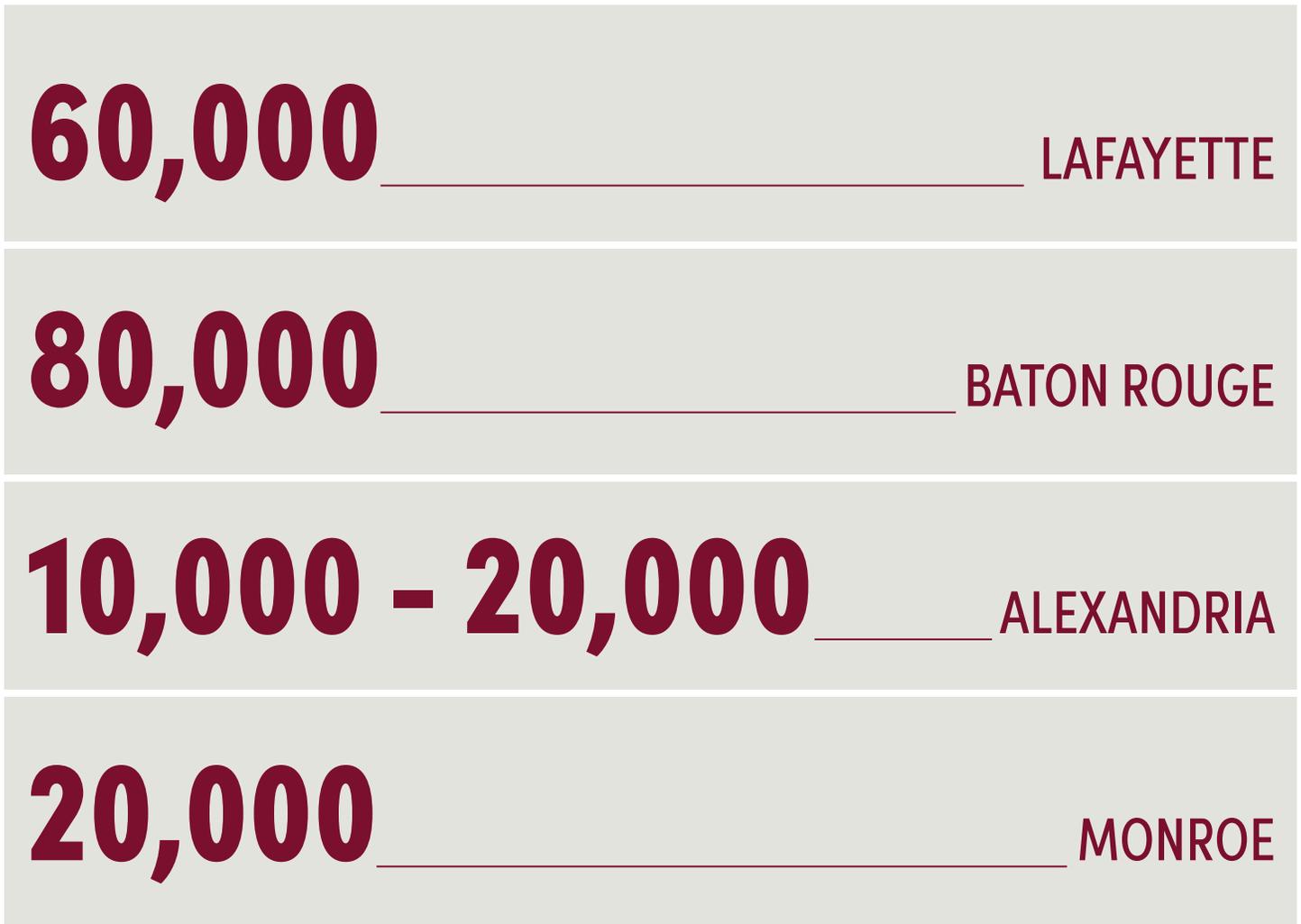
Photo: Promise of Justice Initiative.

The extended charging period, according to interviewees, may lead some defendants to plead guilty, particularly for relatively low-level crimes where a person may be released for time served. The pressure to plead guilty to a crime prior to trial can lead to unanticipated consequences. For example, [VOTE](#) described how a person who is detained pre-trial may plead guilty to a first offense with time served simply to return home. By pleading guilty, he or she may sign away significant rights through supervision requirements. If they do anything that is considered a parole violation, they often end up incarcerated again.

As part of a series of changes in response to the COVID-19 pandemic, the Louisiana Governor temporarily suspended the charging window.<sup>21</sup> This caused advocates to raise concerns, pointing to the already long times that people are held in jail awaiting charging, noting that COVID-19 spreads rapidly in jail settings where social distancing and disease-preventing practices are difficult, if not impossible.

# Warrants

## OPEN WARRANTS ACCORDING TO INTERVIEWEES BY REGION:



People may also be incarcerated due to open warrants for outstanding fines or failure to attend court. The impact can be devastating, particularly for those who have lost their driver's license because of the unpaid fines/fees. Participants in focus groups in Lafayette, Baton Rouge, and New Orleans all pointed to racial disparities in traffic stops, which then generate fees for the court and the state Department of Motor Vehicles. Unpaid

fines and fees can then lead courts to issue warrants (or open attachments) to compel court attendance to address the fines/fees. Warrant clinics, organized by advocates in collaboration with local judges, have worked in New Orleans by negotiating payments to satisfy the warrant's obligations. Advocates are attempting to replicate that success in other areas of the state.

## Detention & Releases

Louisiana has the highest pre-trial incarceration rate in the country.<sup>22</sup> Several factors contribute to Louisiana's high pre-trial incarceration rate, including bail amounts, public defender funding, and extended time periods for prosecutors to file formal charges. Pre-trial incarceration can have significant consequences for the person accused of a crime. Being detained pre-trial can lead to a person losing their employment or housing, which can destabilize their families and communities.

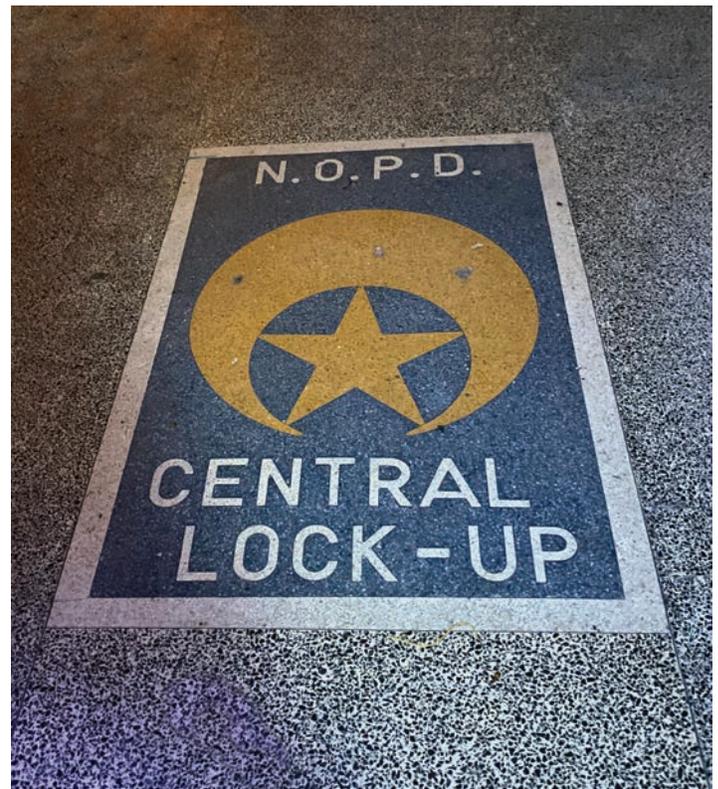
A 2020 report from the American Civil Liberties Union-Louisiana provides the most recent data on pre-trial incarceration:<sup>23</sup>

- 57% of people are incarcerated pre-trial for non-violent offenses;
- Drug possession is the most common charge for people detained pre-trial;
- Pre-trial detention costs an average of \$290 million statewide per year;
- Black people are more than twice as likely to be detained pre-trial than white people; and
  - Black boys and men ages 15-24 are five times more likely to be jailed after arrest than white boys and men in the same age group.
- The average length of detention for all people held pre-trial is five and a half months.
  - Drug offenses: 71 days<sup>24</sup>
  - Violent offenses: 132 days
  - Property offenses: 63 days

To reduce pre-trial detention, some jurisdictions in Louisiana have adopted reforms aimed to lessen the risk of failure to appear for court and threats to public safety. In addition to bail/bond reform, some jurisdictions have adopted the use of pre-trial risk assessments and electronic monitoring pre-trial.

### Pre-Trial Risk Assessments

In April 2018, Orleans Parish announced the adoption of a Decision-Making Framework (DMF) for public safety assessments for judges to utilize



House of Detention, New Orleans (2020, closed 2012).

when making bail determinations.<sup>25</sup> In general, pre-trial risk assessments use a series of factors to predict whether a defendant is likely to engage in misconduct in the future.<sup>26</sup> This determination is used to decide whether the defendant should be incarcerated before their trial.<sup>27</sup> Generally, those with a higher risk score are more likely to remain in jail pre-trial. Although risk assessments promise greater “consistency, accuracy, and transparency to judicial decisions,”<sup>28</sup> advocated have raised concerns that these tools are perpetuating and reinforcing the racial disparities that pervade the criminal legal system. When applied to a risk assessment, “the end result is the same: people of color are likely to average longer criminal histories, increasing their average risk score.”<sup>29</sup>

Orleans Parish was the first jurisdiction in Louisiana to adopt this model and joined 36 other jurisdictions across the country who used the model assessment.<sup>30</sup> A little over a year after the DMF was adopted, Jon Wool from the Vera Institute said in an interview with Arnold Ventures:

**“I think it’s fair to say that the resulting bail decisions mainly don’t follow the DMF’s recommendations. The use of release on recognizance seems to have gone up some, but the DMF recommends it for all the people assessed as risk level 1-4. Judges certainly are not doing that. And judges are not using detention, as the DMF recommends for risk level 5. They’re simply using money bail. The underlying point of the DMF is that money not be the determinant of detention or release.”<sup>31</sup>**

In August 2018, the Louisiana State Bar Association’s Criminal Justice Committee released a report surveying the state of pre-trial practices in bail setting in Louisiana.<sup>32</sup> Its central finding was that most jurisdictions do not use risk assessment tools, but rather set bail amounts based on the charged offense.<sup>33</sup> Survey results indicated that only Orleans and St. Tammany utilized, or were planning to utilize, a risk assessment tool.<sup>34</sup> The committee ultimately recommended implementing “a validated pre-trial risk assessment tool” throughout the state.<sup>35</sup> Nevertheless, there are significant concerns about racial bias in pre-trial risk assessments, given evidence that Black defendants nationally are assigned higher risk levels than whites even when controlling for the type of crime alleged.<sup>36</sup>

### **Electronic Monitoring**

In lieu of incarceration, either as part of a sentence or pre-trial, courts may require electronic monitoring of defendants while they are in the community. In Louisiana, the following private, for-profit companies utilize SCRAM Systems

products, which are the most common forms of electronic monitoring in the state and include Continuous Alcohol Monitoring (CAM),<sup>37</sup> Remote Breath,<sup>38</sup> GPS Ankle Monitor,<sup>39</sup> House Arrest,<sup>40</sup> and TouchPoint<sup>41</sup> technologies: EM Systems, LLC, (serving Shreveport and Monroe), ETOH Monitoring, LLC (serving New Orleans), Innovative Monitoring Network (serving Shreveport), Acadiana Safety Association (serving Lafayette), and Alternative Incarceration Services, LLC (serving Lake Charles)<sup>42</sup>. Another private company, Azi, also serves the New Orleans area.<sup>43</sup> Additionally, the Gretna Police Department operates the Home Incarceration Program that provides ankle monitoring services.<sup>44</sup> Costs associated with electronic monitoring can vary by jurisdiction and type of monitoring, but “[d]efendants generally must pay a \$100 installation fee and monitoring fees of \$10 a day or more.”<sup>45</sup>

The Louisiana Sentencing Commission is required to “conduct a comprehensive review of Louisiana’s current sentencing structure and practices including a review and evaluation of home incarceration and electronic monitoring.”<sup>46</sup> In addition, every

electronic monitoring service provider is required to “submit information to the court, the sheriff of the parish, and the Department of Public Safety and Corrections.”<sup>47</sup> The Louisiana Sentencing Commission surveyed district, municipal, and juvenile courts.<sup>48</sup> The survey found that courts used 43 unique providers for home incarceration and electronic monitoring, utilizing technologies such as voice verification, radio frequency tethers, and GPS bracelets.<sup>49</sup>

## Diversion Courts

According to the Grant Parish District Attorney, there are 35 “pre-trial” diversion programs currently operating in Louisiana.<sup>50, 51</sup> Most diversion programs in Louisiana are operated out of District Attorneys’ Offices. For example, the District Attorney’s Office for the 26th Judicial District, which serves Bossier and Webster parishes, has programs for youth diversion, pre-trial diversion, and traffic pre-trial diversion.<sup>52</sup> Similarly, Orleans Parish,<sup>53</sup> Baton Rouge,<sup>54</sup> and the Sixth Judicial District (Madison, East Carroll, and Tensas Parishes)<sup>55</sup> all have some form of pre-trial diversion programs in their jurisdictions. Generally, these programs serve people facing non-violent or low-level charges in criminal, traffic, or juvenile court. Some parishes also have specific diversion programs for those whose offenses stem from drug addiction and/or abuse. All of these programs require a guilty plea, but participants in these courts can avoid incarceration if they comply with all conditions set in their case by the specialty court.

Although these programs are praised for diverting people out of the criminal legal system and sparing them the collateral consequences that come along with it, the two largest criticisms of these programs are that they (1) raise money solely for prosecutors’ offices by collecting fees that would generally go to the parish or state government through the court process, and (2) are only provided as an option to

people with connections to the office or as political favors.<sup>56</sup> In mid-2018, in light of ongoing corruption and concerns about diverting money to DA’s offices and away from other city services, the Legislative Auditor’s Office investigated the diversion program in DeSoto Parish<sup>57</sup> and the Chief Justice of the Louisiana Supreme Court requested three years of data from every district attorney in the state to identify “how often prosecutors are steering cases away from the courtroom and into pretrial diversion programs.”<sup>58</sup> The data is reportedly being compiled for a study by the Louisiana Judicial Council.<sup>59</sup> However, District Attorneys immediately pushed back, stating that the request is a “massive amount of data, much of which is either unavailable or would require substantial effort and expense to compile and report.”<sup>60</sup>

Louisiana has two specific statutes that provide for diversion programs for people charged with driving while intoxicated and the purchase of sexual activity.<sup>61</sup> A Louisiana statute also provides for specialty diversion programs for veterans who have been diagnosed with post-traumatic stress disorder.<sup>62</sup> The statute implies that other existing pretrial diversion programs are not only acceptable, but also expected.

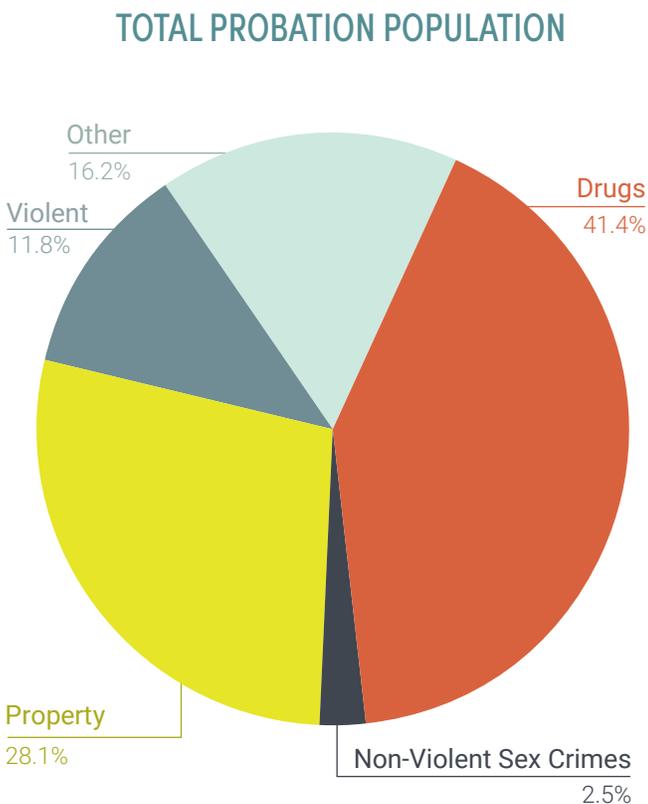
# Sentencing



Photo: Families and Friends of Louisiana's Incarcerated Children.

# Probation

A judge can sentence a person to probation when allowed under the Louisiana Code of Criminal Procedure.<sup>63</sup> **Approximately 30,000 people are on probation in Louisiana. Of that 30,000, 50% are Black and 74% are men.** Probation is most often imposed for drug crimes (41.4%), followed by property offenses (28.1%).



When a judge sentences someone to probation, they generally impose a supervision fee and conditions, which may include: (1) submitting to monthly reporting, (2) maintaining family responsibilities, (3) reporting to a probation officer, (4) allowing home visits, (5) maintaining employment, (6) refraining from owning or possessing weapons, (7) paying restitution, (8) avoiding criminal people or places, (9) staying within a specific jurisdiction, (10) learning English, (11) requiring community service, (12)

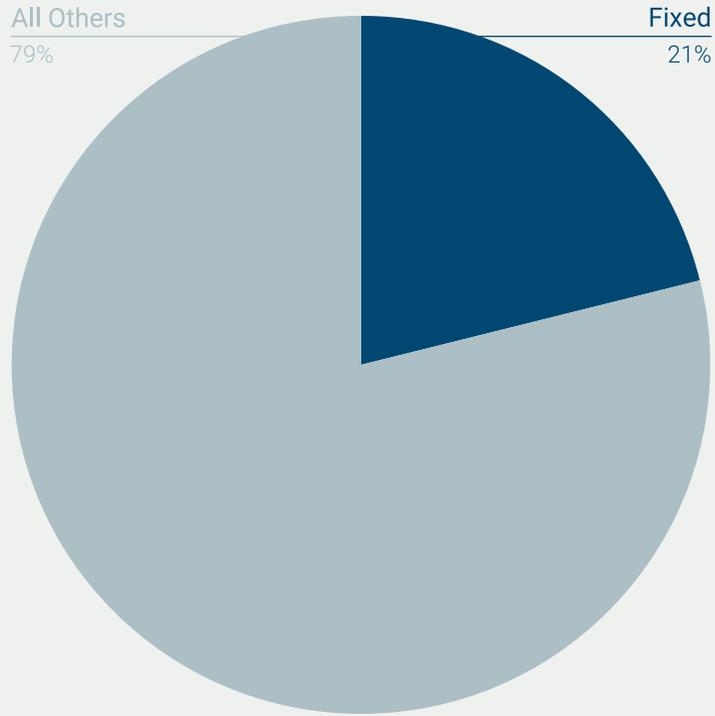
submitting to medical testing, and/or (13) consenting to random searches. Judges also have wide discretion to require other conditions depending on the type of conviction.

In general, when someone is convicted of a misdemeanor, the judge has the discretion to place the person on probation for up to two years.<sup>64</sup> If the person's case is assigned to a drug division probation program, the judge may keep the person on probation for up to eight years.<sup>65</sup> While probation sentences are largely dependent on the specific facts and circumstances surrounding each case, this is especially true when probation is imposed in felony cases.<sup>66</sup> When making sentencing decisions, judges are directed to forgo probation and impose a prison sentence when there is a perceived risk that the person will reoffend, when treatment would best be administered in an institutional setting, or when a lesser sentence would undermine the seriousness of the offense.<sup>67</sup>

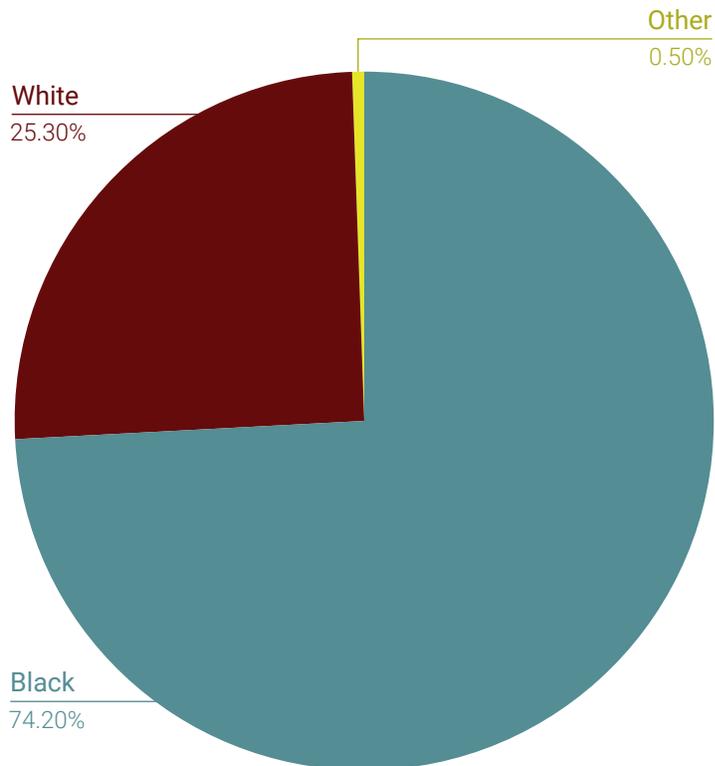
## Sentencing Disparities

**In Louisiana, 21% of prisoners are serving sentences over 20 years, life without the possibility of parole, or death.** To calculate mean sentences for the prison population, the Louisiana Department of Public Safety and Corrections (DPSC) equates life sentences with 20 years and death sentences with 13 years. Using this questionable formula, the mean sentence for the total prison population is 18 years. A critical factor driving Louisiana's high incarceration rate is the high percentage of people serving sentences of 20 years or more.

## POPULATION WITH SENTENCES GREATER THAN 20 YEARS

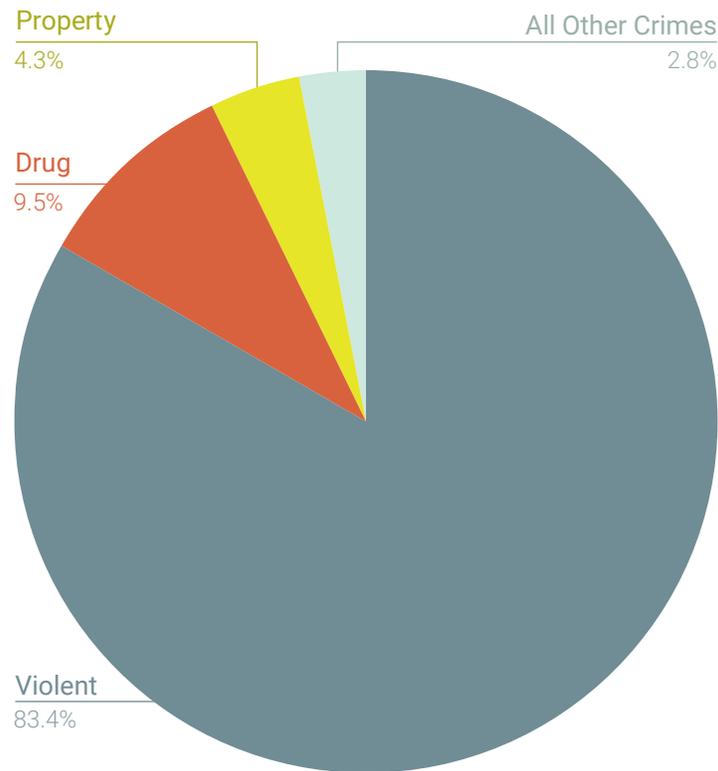


## RACE & SENTENCES GREATER THAN 20+ YEARS



As in other aspects of incarceration in Louisiana, the data demonstrates that Black people and men are, disproportionately to their numbers in prison, more likely than whites and women to be serving fixed term sentences over 20 years in Louisiana.

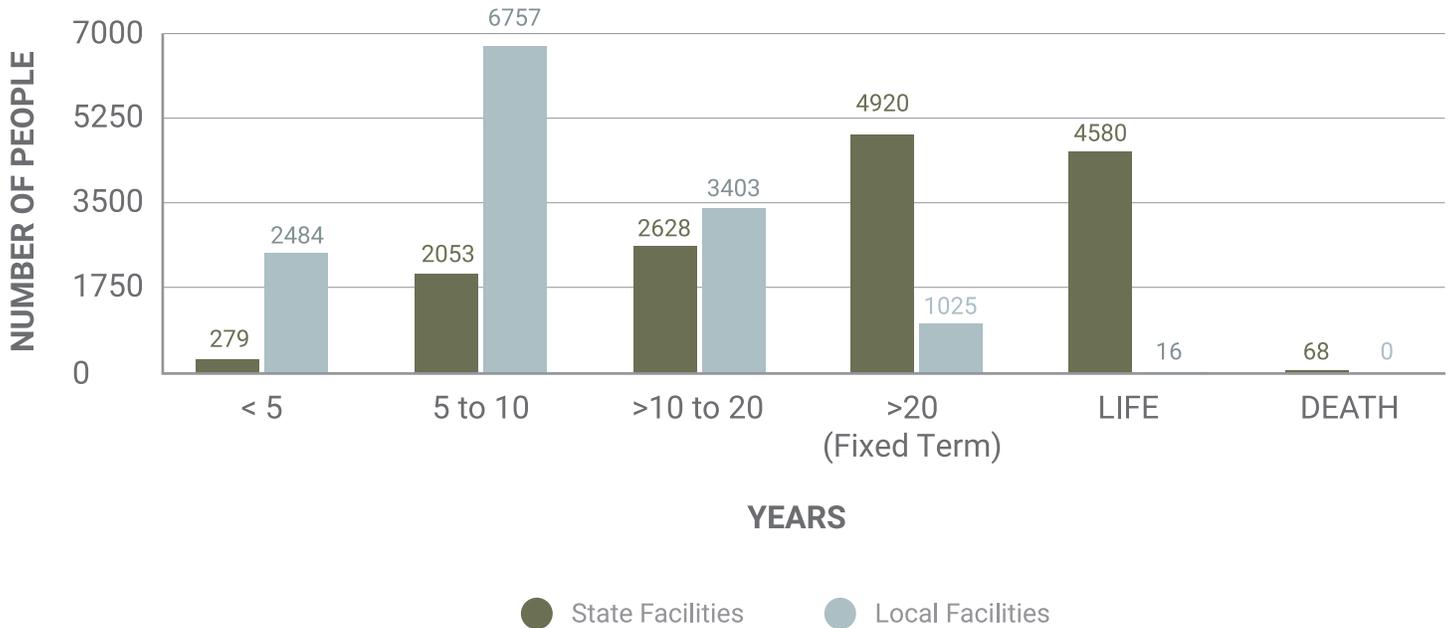
## MOST SERIOUS CRIME COMMITMENT FOR PEOPLE SENTENCED TO 20+ YEARS



Most people with a sentence of 20 years or more in Louisiana are serving time on a conviction of a violent offense. Drug related offenses (9.5%) constitute the largest category of non-violent offenses. That said, the data only captures the offense of the most recent conviction and cannot account for criminal histories. People convicted of violent offenses make up the largest portion of prisoners in both state and local facilities. **41% of people with fixed term sentences over 20 years are serving 40 years or more. At the same time, the majority (55%) of those sentenced to more than 20 years have served less than ten of them, indicating that Louisiana's incarceration rate is unlikely to drop significantly without retroactive reforms.**

Individuals with longer sentences and almost all individuals serving life or sentenced to death are housed in state facilities; this population constitutes two-thirds of the people held in state prisons. Most people serving their sentence in a local parish jail are serving sentences of no more than ten years. They constitute two-thirds of the people serving their sentence in a local facility. Using DPSC's formula equating life sentences with 20 years and death sentences with 13 years, the mean sentence for prisoners in state facilities is 25 years compared to 10 years for prisoners in local facilities.

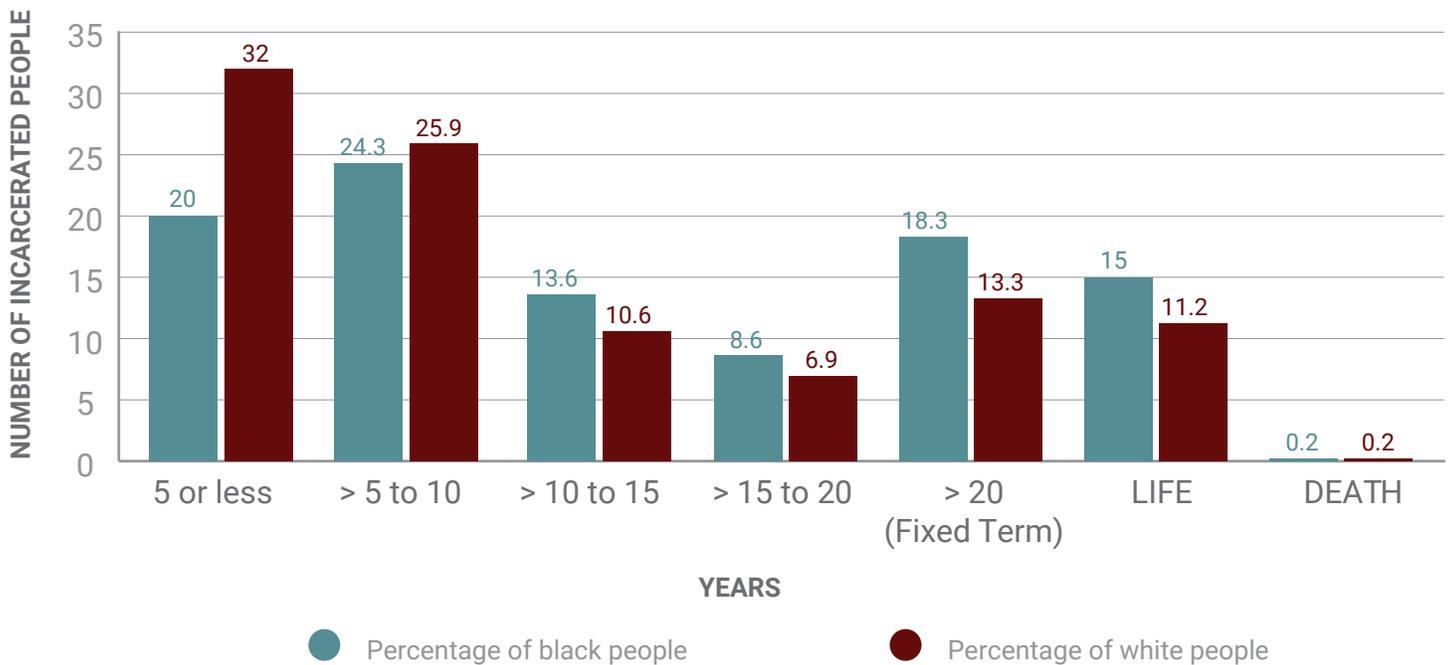
## YEARS SENTENCED BY FACILITY



The greater the sentence, the higher the disproportionate impact on Black people. When examining the population serving life sentences (or equivalent), 73.4 % of the population is Black compared to 26% white. Focus group participants explained the disparities by pointing to different community standards for different races. Several noted that the criminal legal system is historically—and therefore currently—a racialized system that is performing as expected and intended. While participants focused on reentry emphasized the role of individual agency in mitigating the structural disadvantages of living in poverty, they also noted that institutionalized racism remains powerfully entrenched.

Racial disparities also carry over to sentence length. Black people are overly represented in higher sentence brackets compared to their white counterparts. 44.3% of Black incarcerated people are serving sentences of less than 10 years, compared to 52.9% of white incarcerated people.

## YEARS SENTENCED: BLACK AND WHITE PERCENTAGES



## Extreme Sentencing

### Life Without the Possibility of Parole (LWOP)

The continuing mandatory life without parole sentencing policy is a key factor in Louisiana’s high incarceration rate. Louisiana sentences a higher percentage of its residents to life than any other state. **A little over 16% of the prison population has been sentenced to life without the possibility of parole.** And in Louisiana, a life sentence is a sentence without the possibility of parole. There are currently about 4,600 people serving life in Louisiana, and 84% of them are at the Louisiana State Penitentiary at Angola, the highest-resourced facility in the state with respect to vocational and educational programs. Three-quarters of those sentenced to life are Black. Almost a fifth of people serving LWOP have served 30 years or more. By contrast, only 2.8% of the total prison population have served 30 years or more.

### Parish Disparities

Of the fifteen most populated parishes in Louisiana, Orleans has the highest racial disparity, based on racial proportions of parish population, for LWOP sentences. A Black person is eight-and-a-half times more likely to receive a LWOP sentence than a white person. Terrebonne Parish has a lower racial disparity in part because their rate for life sentences for both whites and Blacks is one of the highest in the state.

### Life Sentences and Aging

With an average age of 46, people sentenced to life sentences in Louisiana epitomize the national trend of the graying of the prison population. Almost half are over 50 years old; a third are over 55. Most will die in prison. Without reducing the entering and existing population of people serving life sentences, significantly reducing the incarceration rate is a major challenge. Organizations like the [Louisiana](#)

[Center for Children's Rights \(LCCR\)](#) and the [Promise of Justice Initiative](#) are working to reframe “lifers” as caregivers removed from the family, whose removal causes additional negative repercussions for the family and community.

## Multi-Bill Sentencing

Multi-bill sentencing creates mandatory sentences based on prior offenses. This type of sentencing disproportionately incarcerates Black people and depopulates Black communities.

After a plea or verdict of guilty, before a person is sentenced, a district attorney may pursue an enhanced sentence based on the person's criminal record. This “habitual offender” sentencing enhancement, also called “being multi-billed,” creates mandatory minimum sentences based on the number and types of prior offenses.<sup>68</sup>

### Disparities in Multi-Bill Sentencing

In the fifteen most populated parishes in Louisiana, the multi-bill is not uniformly pursued and does not appear correlated with criminal caseload. For example, East Baton Rouge is the largest parish but only produces 4.1 percent of all people incarcerated under a multi-bill sentencing enhancement. **Only a few parishes drive Louisiana's use of the multi-bill, including Orleans, Jefferson, St. Tammany, and Caddo Parishes.** Other populous parishes, including Tangipahoa, Ascension, Lafourche, and Bossier, each produce less than 1% of the total population incarcerated under a multi-bill.

Thirteen percent of the prison population (3,591) are currently serving a “multi-bill” sentence in Louisiana. 79.4% of all those serving multi-bill sentences in Louisiana are Black. One focus group participant described the multi-bill law as providing “rocket fuel for racial disparities” in Louisiana's prison population. For this reason, focus group participants across the state, including Voice of the Experienced (VOTE) and the Promise of Justice Initiative (PJI), have prioritized strategies to challenge the multi-bill statute. **The average**



House of Detention, New Orleans (2020, closed 2012).

**age of people serving multi-bill sentences is 44.4. The average age at conviction for the most recent offense is 33.2.** Most people sentenced under this law were convicted of a non-violent offense though some may have had prior convictions for violent offenses. Over half (51.4%) of them are serving sentences of more than 20 years or life without parole with an average sentence of 40 years, compared to an average of 18 years for the total prison population.

Regardless of whether parish district attorneys pursue multi-bill sentence enhancements, there are clear racial disparities in the application of the multi-bill. Lafayette, which is the fifth largest parish in Louisiana, does not seek multi-bill enhancements often. But when it does, Blacks are 19.2 times more likely to be multi-billed than whites, the highest racial disparity in the state. Other parishes, such as Orleans, utilize the multi-bill relatively often for both Black and white populations, but nevertheless have a racial disparity rate of approximately nine to one. In 2021, VOTE's priority bill to restore parole eligibility to people serving life sentences for violent crimes included a 15-year parole eligibility for people sentenced to lengthy terms under the multi-bill. These reforms went into effect August 1, 2021.

## MULTI-BILL RATES AND RACE FOR 15 LARGEST PARISHES<sup>69</sup>

Parish	Population	Percent Parish Population Black	Percent of all Louisianians Multi-Billed	White Multi-Bill Rate (per 100K Whites)	Black Multi-Bill Rate (per 100K Blacks)	Black & White Multi-Bill Rate Ratio
East Baton Rouge	438060	47	4.1	3.02	51.48	17.08 : 1
Jefferson	431102	28	22.59	40.27	412.56	10.24 : 1
Orleans	389284	60.2	27.7	33.56	303.82	9.05 : 1
St. Tammany	262803	12.5	14.94	88.71	633.17	7.14 : 1
Lafayette	245667	26.8	1.74	3.34	63.79	19.12 : 1
Caddo	237575	49.8	9.5	21.8	199.47	9.15 : 1
Calcasieu	203695	25.7	1.38	6.61	53.49	8.09 : 1
Ouachita	151987	37.6	1.2	10.54	40.25	3.82 : 1
Livingston	142184	6.7	.4	6.03	31.49	5.22 : 1
Tangipahoa	135679	30.3	.29	1.06	17.03	16.1 : 1
Rapides	128970	32.00	1.09	5.70	60.58	10.62 : 1
Ascension	128350	23.60	.33	3.06	19.81	6.47 : 1
Bossier	127056	22.90	.58	5.10	37.81	7.41 : 1
Terrebonne	109759	19.20	1.60	14.66	147.10	10.04 : 1
Lafourche	97247	13.60	.47	7.14	52.93	7.41 : 1
LOUISIANA	4637898	32.66	100	18.19	144.56	7.95 : 1

### MULTI-BILL COMMITMENTS BY PARISH (TOP FIVE)

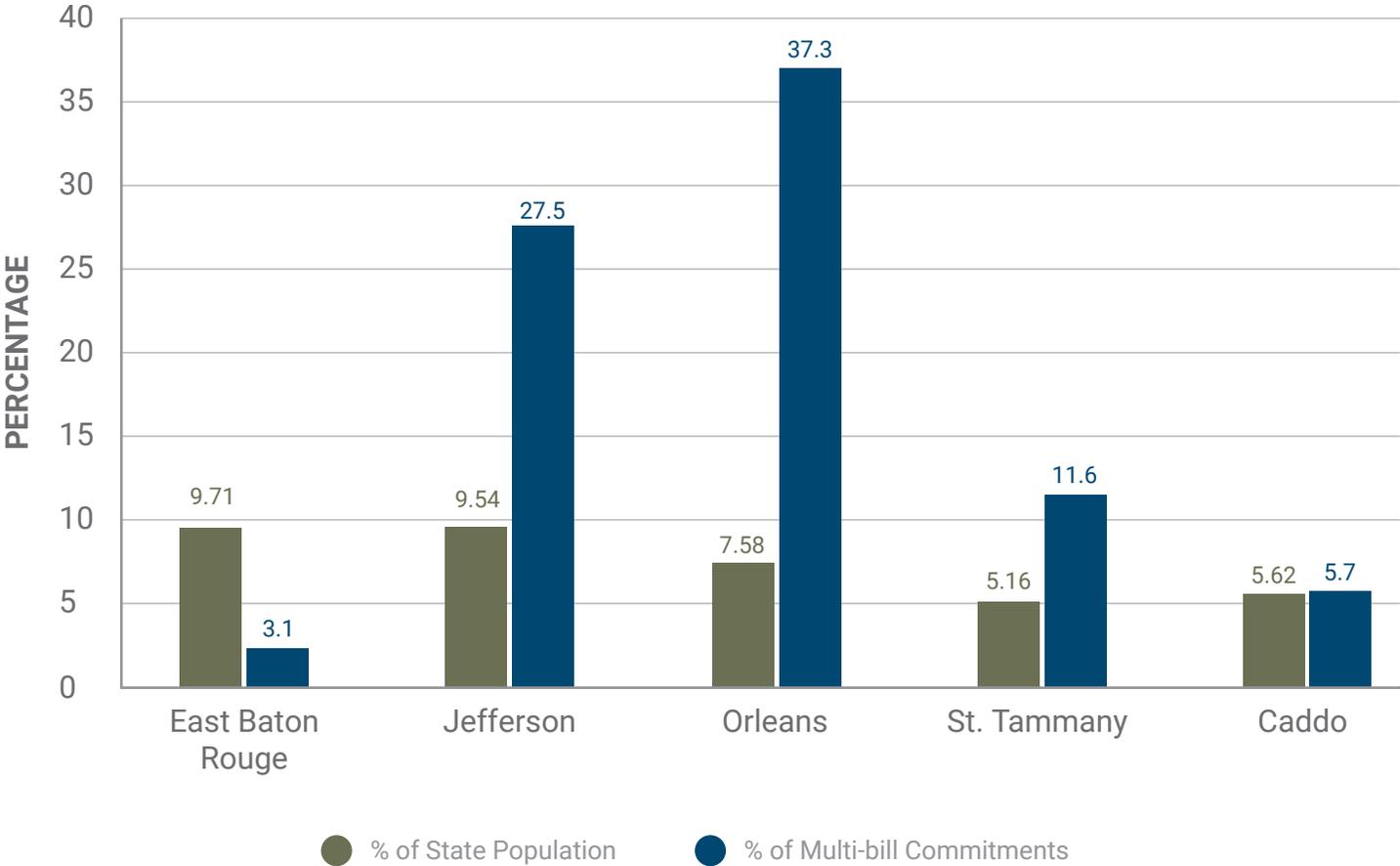


Photo: Curtis Davis, Decarcerate Louisiana.

# Incarcerated Populations & Conditions



House of Detention, New Orleans (2020, closed 2012).

# The data in Louisiana incarceration can be broken down into three main demographic categories: race, sex & gender, and age.

## Race



Most notably, every single large jurisdiction incarcerates Black people at higher rates than white people.

The following table includes data for the fifteen most populous Louisiana parishes, from the largest general population to the smallest.

## INCARCERATION RATES AND RACE FOR 15 LARGEST PARISHES

Parish	Population	Number of People Convicted and Incarcerated	Incarceration Rate (per 100K residents)	Percent Parish Population Black	White Incarceration Rate (per 100K Whites)	Black Incarceration Rate (per 100K Blacks)	Black : White Rate Ratio
East Baton Rouge	438060	2391	545.82	47	147.7	994.7	6.73 : 1
Jefferson	431,102	2963	687.31	28	264.8	1773.7	6.7 : 1
Orleans	389,284	3903	1002.61	60.2	198.8	1534	7.72 : 1
St. Tammany	262,803	1642	624.80	12.5	423.1	2036.5	4.81 : 1
Lafayette	245,667	715	291.04	26.8	126.2	741.2	5.87 : 1
Caddo	237,575	1936	814.90	49.8	328.7	1305	3.97 : 1
Calcasieu	203,695	1108	543.95	25.7	313.2	1211.1	3.87 : 1
Ouachita	151,987	842	553.99	37.6	264.7	1034.2	3.91 : 1
Livingston	142,184	555	390.34	6.7	324.9	1301.6	4.01 : 1
Tangipahoa	135,679	619	456.22	30.3	230.52	975.4	4.23 : 1
Rapides	128,970	768	595.49	32.00	271.38	1284.21	4.73 : 1
Ascension	128,350	348	271.13	23.60	137.67	703.19	5.11 : 1
Bossier	127,056	553	435.24	22.90	270.52	989.83	3.66 : 1
Terrebonne	109,759	797	726.14	19.20	407.06	2068.93	5.08 : 1
Lafourche	97,247	452	464.80	13.60	277.31	1655.88	5.97 : 1
LOUISIANA	4,637,898	27313	588.91	32.66	284.03	1217.4	4.29 : 1

The two parishes with the largest Black populations, Orleans and Caddo, also have the highest incarceration rates per capita. Both parishes also have some of the highest rates of people in poverty, unemployment, children in poverty, and the lowest median household incomes.<sup>70</sup>



Photo: East Baton Rouge Parish Prison Reform Coalition.



## Sex & Gender

Men make up the vast majority of incarcerated people in Louisiana, similar to other states. **In Louisiana, women are 4.5% of the population serving sentences, compared to 7.3% nationally.** Women are 2.9% of the population sentenced to die in prison, i.e., serving life sentences. The broader racial disparities for incarceration are also present when examined by sex. Among men, 69% are Black. Among women, 43.9% are Black. This data supports public perceptions articulated by Shreveport focus group members that incarceration is removing primarily Black parents from their families and ultimately creating a domino effect of missing community members unable to participate in the lives of their children.

Since women are such a small percentage of the overall incarcerated population, women are rarely the focus of advocacy or reforms to meet their specific needs. Even though men far outnumber women in both state and local facilities, proportionally women are more likely than men to wind up in a local facility. This is largely due to the flooding of St. Gabriel in 2016, which dispersed incarcerated women across the state to serve their time in local jails, where there are fewer resources generally and significantly fewer for women. **69% of women serve their sentence in a local jail, compared to 47.5% of men.** This lack of attention to the needs of incarcerated women, highlighted by the staff of the [Promise of Justice Initiative](#), is starting to change. [Operation Restoration](#) was founded in 2016 specifically to address the unique needs of women and has had success in securing some legislative changes, including requiring prisons and jails to provide sufficient sanitary products to incarcerated women without charge.<sup>71</sup>

On average, incarcerated women are serving shorter sentences than incarcerated men. **79.1% of incarcerated women are serving sentences of 20 years or less, compared to 62% of incarcerated men.** **Approximately 10% of incarcerated women are**

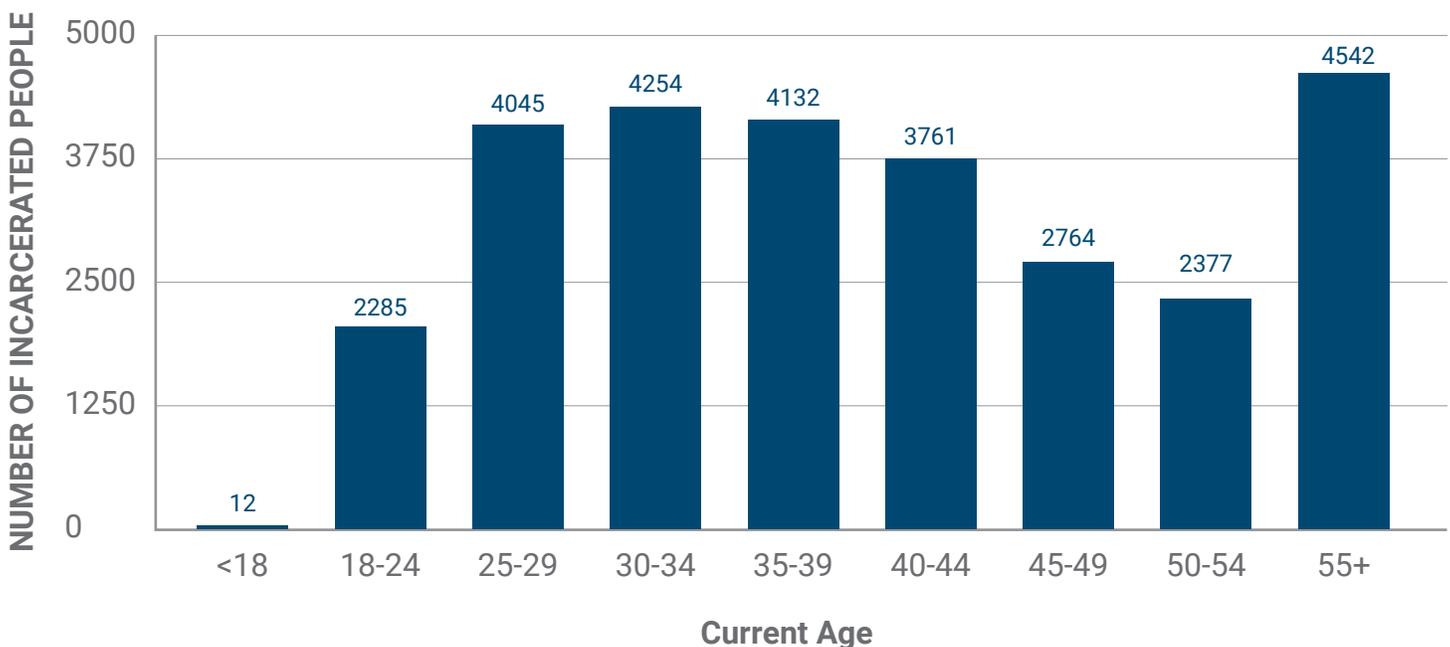
**serving life without parole compared to 16.6% of men.** The average sentence for incarcerated women is 12.3 years compared to 18.2 years for men.

The Department of Public Safety and Corrections (DPSC) does not systematically collect information on non-binary or trans populations, thus the data presented only addresses categories of men and women. According to advocates, the DPSC generally houses people based on their birth certificate sex unless full gender reassignment surgery has been completed. This policy could mean that non-binary and trans individuals lack access to appropriate medical care, in addition to elevated risk of sexual harassment and abuse while incarcerated.<sup>72</sup>

## Age

Due to the use of mandatory minimum sentences and life sentences, the average age of people incarcerated in Louisiana prisons is increasing. Approximately 25% of Louisiana prisoners are over 50 years old (up from 20% five years ago). The average age of Louisiana prisoners is 40 years old for men and women alike (up from 36 years old five years ago).

AGE OF PRISON POPULATION 2020



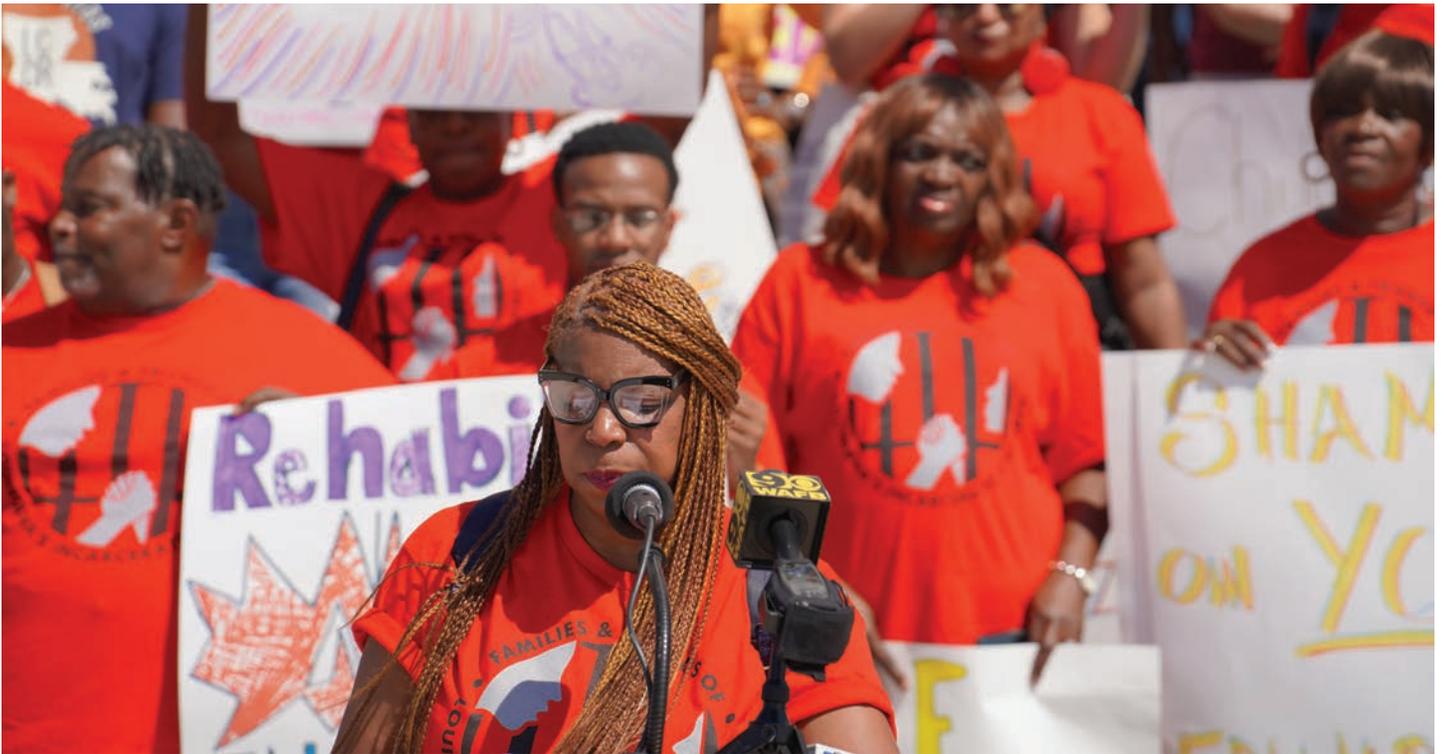


Photo: Families and Friends of Louisiana's Incarcerated Children.

Prison admissions data in Louisiana is consistent with other states that demonstrate lower crime rates for older populations. Only 2.4% of the prison population is serving time for crimes committed past the age of 55.

**A full 36.6% of Louisiana prisoners are serving time for crimes they committed before their 25th birthday.** Additionally, 1,938 or 5.6% are incarcerated for crimes they committed as youths. Individuals older than 40 years old are more likely to serve their sentence at a state prison instead of a local jail, which is likely due to internal policies that favor state facilities for people with increased medical needs and/or longer sentences.

## Youth

At the end of 2020, 308 children were held in secure custody,<sup>73</sup> and 345 in non-secure custody.<sup>74</sup> Secure custody is the equivalent of a detention center operated by the state, while non-secure custody usually takes the form of group homes and locally operated detention centers. Non-secure custody also includes Families in Need of Services (FINS), which

includes an informal process to identify harmful behaviors and services to support the child and family.

According to the Louisiana Office of Juvenile Justice (OJJ), **“African American youth are disproportionately represented in every custody and supervision status.”**<sup>75</sup> Of children in secure custody at the end of 2020, 82% are Black and 92% are male.<sup>76</sup> Of those in non-secure delinquent custody, 80% are Black and 94% are male.<sup>77</sup>

Data on racial and gender disparities from 2018, the most recent year that parish-level data is available, appears consistent with the broader racial and gender disparities identified by OJJ at the end of 2020.<sup>78</sup> While a third of Louisiana children are Black, over two thirds of children served by the OJJ are Black (a ratio disparity of 2:1) and almost 80% are male.<sup>79</sup> Gender disparities are consistent across Louisiana parishes, while racial disparities vary more dramatically. Additionally, those parishes with smaller percentages of Black residents tend to have higher ratio disparities than Louisiana as a whole.

**TABLE: YOUTH SERVED BY OJJ FOR VARIOUS OFFENSES 2018 BY PARISH BY RACE AND GENDER FOR 8 LARGEST PARISHES**

Parish/State	Number of Youth Served by OJJ	Percent of State Youth Population Generally	Percent of all State Youth Served	Percent of Parish Population Black	Percent of Parish Youth Served Black	Percent of Parish Youth Served Male
East Baton Rouge	333	9.45	5.8	47	93.7	87.4
Jefferson	125	9.30	2.2	28	76.0	88.8
Orleans	233	8.39	4.1	60.2	93.6	86.3
St. Tammany	234	5.67	4.3	12.5	39.9	75.7
Lafayette	263	5.30	4.6	26.8	66.2	82.9
Caddo	240	5.12	4.2	49.8	83.8	87.1
Calcasieu	128	4.39	2.2	25.7	66.4	82.0
Tangipahoa	234	2.93	4.1	30.3	73.5	79.9
LOUISIANA	5,693	100	100	32.66	64.9	79.6

In 2017, the most recent and publicly available analysis by OJJ, the average length of stay was 388 days and 251 days in secure and non-secure custody, respectively.<sup>80</sup>

The most recent data available on the types of charges in youth adjudications is from fiscal year 2018.<sup>81</sup>

**OFFENSES RANGE FROM**

**SIMPLE BURGLARY** ..... 1187 ADJUDICATIONS

**TO**

**THEFT OF CRAWFISH** ..... 1 ADJUDICATION

**APPROXIMATELY 45% PERCENT OF ADJUDICATIONS INVOLVED THE FOLLOWING NINE VIOLATIONS:**

Simple Burglary | Simple Battery | Ungovernable | Resisting an Officer | Unauthorized Use of a Motor Vehicle | Disturbing the Peace by Fistic Encounters | Simple Criminal Damage to Property Less Than \$1,000 | Truancy | Disturbing the Peace

Youth convicted in adult courts are more prevalent in some parishes than others, though the overall number should lessen as the Raise the Age legislation takes effect. As of July 1, 2020, all youth 17 years old and younger are included in the juvenile justice system, though district attorneys retain discretion to charge them in the adult system for certain serious crimes. In 2020, there were 1,477 people incarcerated in Louisiana's adult prisons who were children when they were tried and convicted as adults. **Four parishes in Louisiana produce almost 50% of the children convicted as adults, namely Orleans, East Baton Rouge, Jefferson, and Caddo Parishes.** Orleans Parish leads the state, accounting for 18.5% of all youth convicted in adult court. In addition, the larger parishes also prosecute more youth in adult court than the smaller parishes.

In 2018, there were over 10,000 total youth adjudications across the state. The gap between a parish's general population share of Louisiana youth and its share of youth adjudications indicates that smaller Louisiana parishes are adjudicating more than their share of the juvenile population. For secure care admissions, three parishes (Orleans, East Baton Rouge, and Jefferson) account for 40% of secure care admissions.

*Youth on probation.* One significant aspect of the youth detention system in Louisiana is the prevalence of youth on probation. At the end of 2020, statewide there were 1559 children on probation, and 171 on parole supervision.<sup>82</sup> Data from OJJ in 2018 indicates that probation is the most likely disposition of youth cases, representing 41% of all dispositions. OJJ does not publish data on probation terms, length, violations, or consequences thereof, but it is possible that some youths are in secure care following a violation of probation rules. An additional 34.5% of all dispositions are roughly split between secure and non-secure custody.

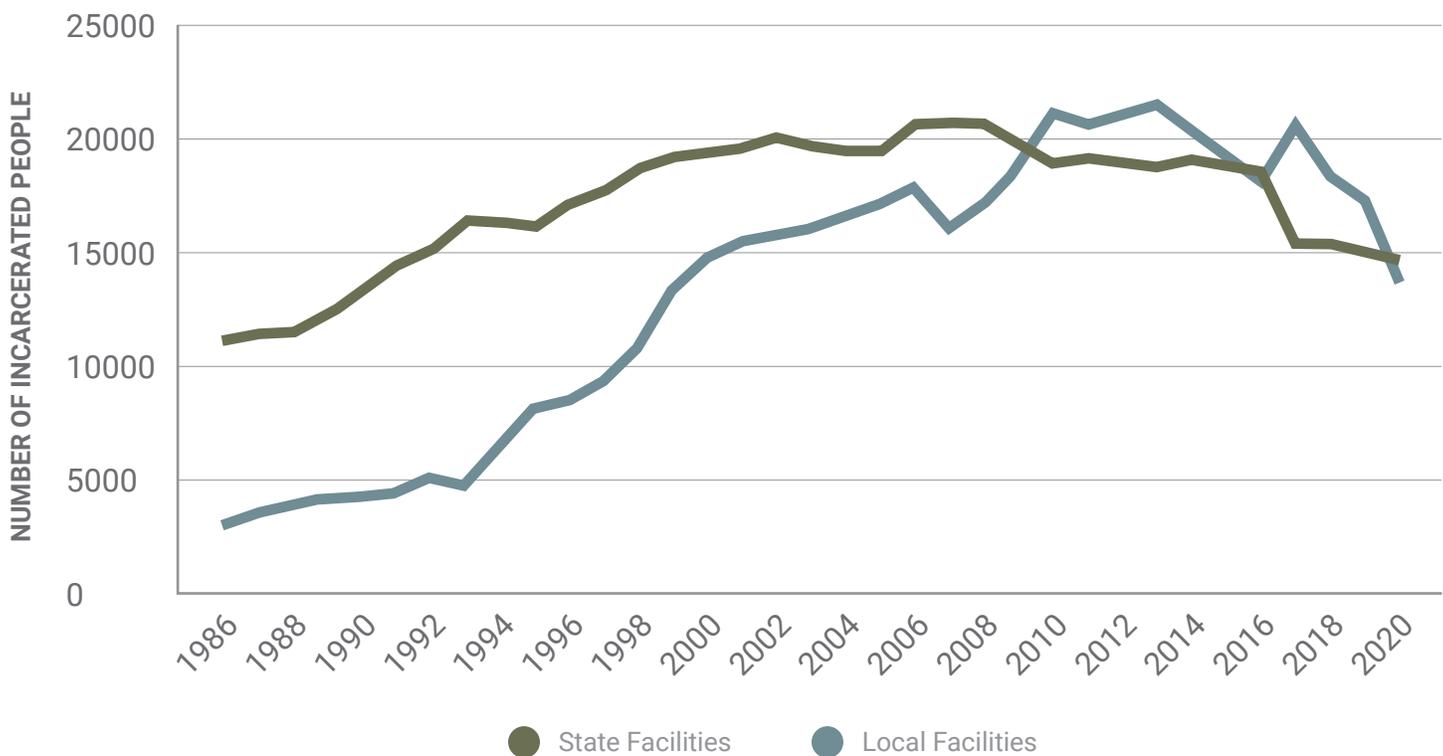
*LGBTQ youth.* Data highlighting the experience of system-involved lesbian, gay, bisexual, trans, and queer (LGBTQ) youth in Louisiana is not available.

National data indicates that 15-20% of youth in the justice system identify as LGBTQ or gender nonconforming and are overrepresented in justice systems compared to the general population.<sup>83</sup> Almost 40% of girls in youth detention facilities identified as LGBTQ compared to three percent of boys.<sup>84</sup> System-involved LGBTQ youth are overwhelmingly members of racial minorities (85%) nationally.<sup>85</sup> They also appear to be more likely to experience sexual victimization while detained than the non-LGBTQ youth.<sup>86</sup> In 2017, Louisiana the Office of Juvenile Justice adopted a policy of non-discriminatory services for LGBTQ and gender non-conforming youth,<sup>87</sup> but more information is needed on the implementation of this policy.

*Effect of adult reforms.* Several focus group members discussed how reforms in the adult criminal system could help children and perhaps lessen the likelihood of youth offenses. Reforms in police practices, such as prohibiting arrest in front of a person's children, could lessen the trauma of a parent's sudden absence. Second, reforms to sentencing and parole eligibility could positively impact children of incarcerated parents. Dominique Jones and Bree Anderson, founders of Daughters Beyond Incarceration, argue that the absence of parents due to incarceration, combined with non-sympathetic school policies, contributes to kids entering the criminal justice system. Children benefit, they argue, from policies and practices that allow parents an opportunity to return home sooner.

# Use of Local Jails

PRISON POPULATION IN STATE AND LOCAL FACILITIES 1986-2020



In 2020, Louisiana’s prison population was split almost evenly between those housed in state prisons and those held in local parish jails. In the last thirty years, that proportion has risen from 21% to 49% as of December 2020.<sup>88</sup> Black people are more likely than White people to be held in state prisons instead of local jails, although this is driven more by racial disparities in sentencing than anything else: people with longer sentences are more likely to be held in state facilities. Women are more likely to be held in a local jail than men due to the flooding of the Louisiana Correctional Institute for Women in 2016. Of the 1,220 women serving sentences, 795 women (65%) are serving their sentence in a local jail.<sup>89</sup>

Where a person is housed to serve their sentence is significant. Jails generally have fewer educational and vocational programs for people incarcerated since jails primarily serve people detained pre-trial.

Participation in these programs can be significant for people seeking release through the Parole Board. People serving their sentence in jails, accordingly, may have fewer opportunities to participate. Similarly, healthcare services may be less robust in jails, particularly for chronic or specialty care illnesses. Lastly, a 2021 study of deaths behind bars in Louisiana indicates that deaths due to violence or drugs are higher in parish jails than in prisons.<sup>90</sup>

**As of December 2020, five parishes (out of 64) housed one-third of people serving their state sentence in a local facility.** The 13,291 people held in local jails instead of a state prison are not necessarily housed in the jail nearest to their conviction. There is no relationship between conviction location and the geographical distribution of people serving their sentence in a local parish jail. Historically, the New Orleans jail held much larger populations of

people serving state sentences, but recent reforms and city council zoning requirements have limited the ability of the Sheriff to accept people from the state Department of Public Safety and Corrections. Similarly, Jefferson parish is under a consent decree that created a cap on the number of people who can be housed at the local jail.

## PEOPLE SERVING SENTENCES IN LOCAL JAILS (TOP 15 LOCAL JAILS HOLDING LARGEST DPSC POPULATIONS)

Parish	Percent of Population	Percent of All LA Convictions	Number of People Serving State Time in Jails	Percent of All Locally Housed Population	Locally Housed as Percent of All Parish Convictions	Annual Revenue Estimate
Madison	.23	.21	1187	9.10	20.82	10,614,747.50
East Carroll	.15	.14	1161	8.90	31.38	10,382,242.50
Bossier	2.74	2.02	654	5.02	1.18	5,848,395.00
Franklin	.43	.56	640	4.91	4.16	5,723,200.00
Richland	.43	.66	559	4.29	3.11	4,998,857.50
Caldwell	.21	.23	506	3.88	8.03	4,524,905.00
Ouachita	3.28	3.08	504	3.87	.60	4,507,020.00
Concordia	.41	.46	483	3.70	3.83	4,319,227.50
Rapides	2.78	2.81	472	3.62	.61	4,220,860.00
Beauregard	.81	.90	439	3.37	1.79	3,925,757.50
Webster	.82	1.48	390	2.99	.97	3,487,575.00
Claiborne	.33	.23	384	2.95	6.00	3,433,920.00
Tensas	.09	.11	381	2.92	12.29	3,407,092.50
Morehouse	.53	.63	351	2.69	2.03	3,138,817.50
St. Tammany	5.67	6.01	337	2.58	.21	3,013,622.50
LOUISIANA	100	100	13,038	100	49	116,592,315.00

## Incentives for Local Jails

Under a federal court order to reduce prison overcrowding, the state turned to local jails for housing incarcerated people in return for a state paid per diem in the early 1990s.<sup>91</sup> As a result, half of Louisiana’s prison population are currently held in local jail facilities, which are run by locally elected sheriffs, often in rural locations far from the jurisdiction of conviction.

Local sheriffs receive a per diem for each incarcerated person serving a state prison sentence in the jail. From 2008 to 2019, that rate was \$24.39 per day per person.<sup>92</sup> In 2019, the legislature passed Act 245, which provided for an increase in the per diem for fiscal year 2019-2020 to \$25.39, and in fiscal year 2020-2021 to \$26.39 per day. The act also required DPSC to amend its contractual guidelines with local jails to “specifically provide for treatment and educational programming for individuals confined in a parish jail or institution.”<sup>93</sup> At the end of 2020, the annual cost to house a person in a local jail was \$9,632.35, with an average daily cost of \$29.21. The annual cost to house a person in a state facility was \$24,615.60, based on an average daily cost of \$67.44.<sup>94</sup>

This financial incentive becomes even clearer, according to several focus group participants, after statewide reforms reduced the number of people incarcerated. Sheriffs with empty jail beds due to the reforms quickly filled the beds again, but this time with a higher daily per diem from federal Immigration and Customs Enforcement (ICE). Beginning in 2017, ICE more than doubled its holding capacity in the state through concluding individual agreements with sheriffs that paid local jails \$60 or more per person per day.<sup>95</sup> Data on the exact number of people held on behalf of ICE in local jails is not publicly available.



Photo: Kiana Calloway demonstrating cell size in House of Detention, New Orleans. (2020, closed 2012).

## Conditions of Confinement

There are over 130 carceral spaces, including prisons, jails, police lockups, and youth detention centers, in the state of Louisiana. Conditions inside of prisons and jails, including access to adequate medical and mental health care and safety, can influence a person’s ability to succeed after release. Yet historically, the advocacy community has focused on two carceral spaces: the New Orleans jail and Louisiana State Penitentiary (Angola).

The Promise of Justice has started to look at prison and jail conditions statewide and applied some of the lessons learned from reform in those two spaces to other prisons and jails in the state of Louisiana. East Baton Rouge Parish Prison, the deadliest jail in Louisiana, is receiving increased attention through community advocacy (the East Baton Rouge Parish Prison Reform Coalition) and litigation. Disability Rights Louisiana and the American Civil Liberties Union-Louisiana are currently litigating the treatment of people with mental illness at David Wade State prison in northern Louisiana.

## PERCENT OF SUICIDE DEATHS BY LOCATION & FACILITY TYPE

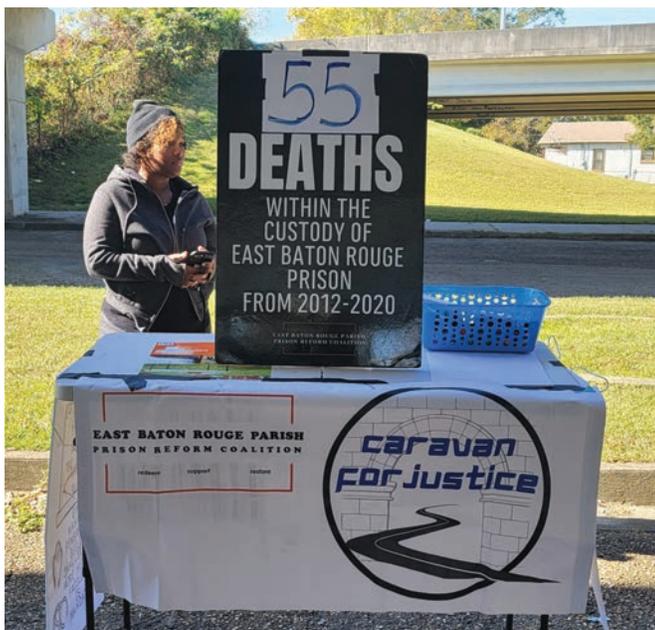
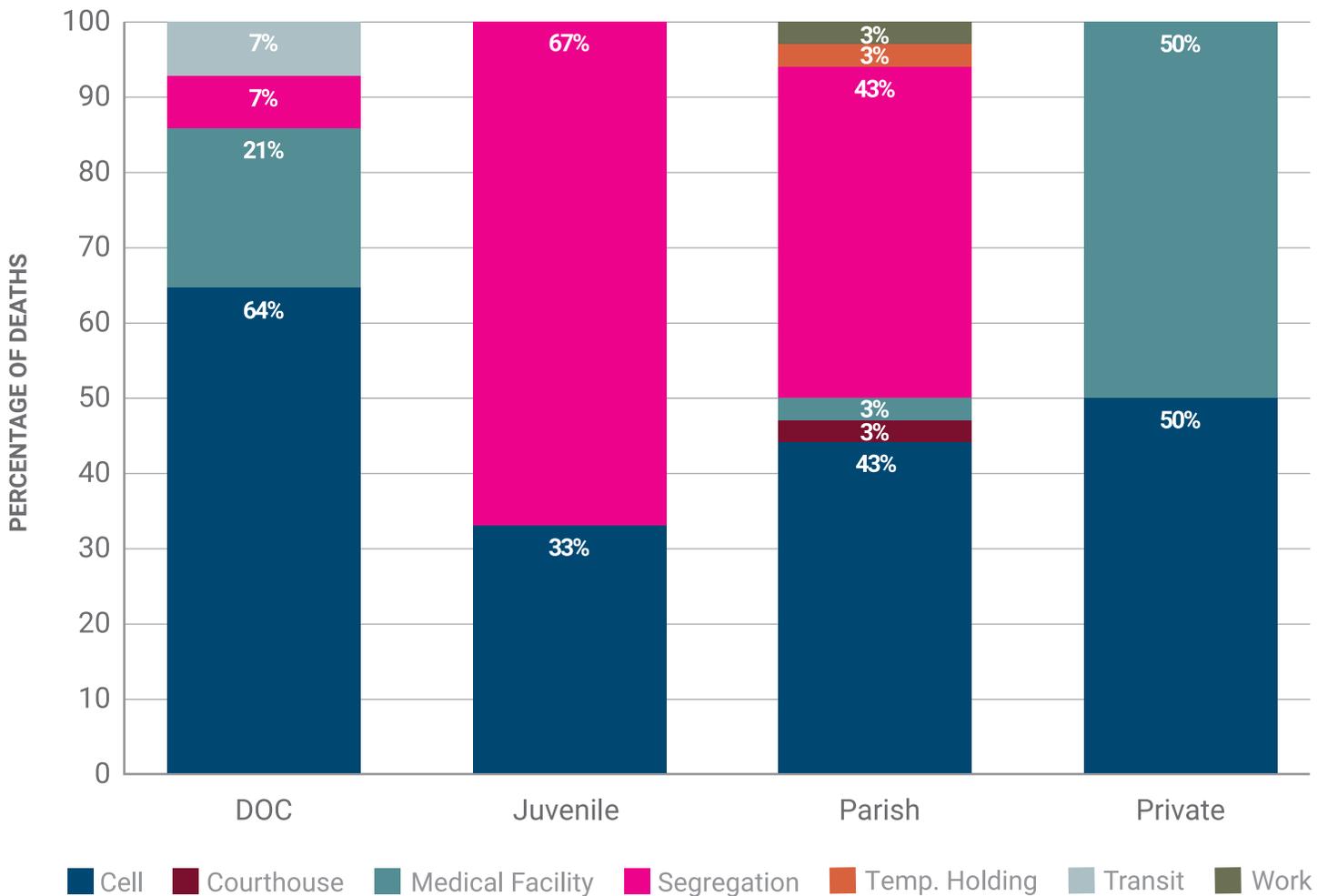


Photo: East Baton Rouge Parish Prison Reform Coalition.

## Healthcare & Deaths While Incarcerated

Loyola University recently led a data collection project to document deaths in prisons, jails, and youth detention centers in Louisiana from 2015-2019.<sup>96</sup> **At least 786 people died behind bars during that five-year period.** The study found higher numbers of suicides, including suicides in solitary confinement, and drug related deaths in jails than in prisons. The study also found, consistent with national trends, that the leading cause of deaths behind bars is medical illness, including heart disease and cancer. Most notably, only 47% of these deaths were due to pre-existing conditions

diagnosed prior to incarceration. The remaining 53% were exclusively diagnosed and treated by prison or jail-based health care providers. This is particularly troubling given a federal court's 2021 opinion finding the medical care provided at Louisiana State Penitentiary (Angola) unconstitutionally deficient and constitutes "cruel and unusual punishment" under the Eighth Amendment to the U.S. Constitution.<sup>97</sup> A recent study of healthcare in state prisons requested by the Louisiana Legislature identified several challenges for prison healthcare providers including: lack of preventative health and dental care, mandatory co-payments for medical services, and difficulties completing specialty care referrals to external healthcare providers.<sup>98</sup> **In 2018, there were roughly twice as many jail and prison beds than hospital beds in the state.<sup>99</sup>**

## Economics of Incarceration

Focus groups in Baton Rouge and New Orleans noted the need for more concrete studies on the economics of incarceration. What is known is that prisons and jails can be financially taxing for impacted communities through profit-oriented pricing on communications (video and telephone calls) and commissary prices. In addition, incarcerated people who are serving time for conviction of a felony offense can be forced to work. As "payment" for the work, incarcerated people are then forced to choose between earning credits towards release or "incentive wages" which range from two cents an hour to \$1.25 an hour. One interviewee noted that a person can be "rehabilitated" enough to work for NASA through work-release but is not "rehabilitated" enough for release. Ultimately, these exploitative practices keep families in poverty, according to Curtis Davis, who leads Decarcerate Louisiana.

# Releases, Pardons, & Parole



Photo: Louisiana Parole Project.

A person must be released after completing the term of their sentence. Some individuals are eligible to apply for parole, i.e., release with supervision, due to earning “good time” credits while incarcerated. In addition, there is “compassionate release” which allows a person with severe medical needs and a terminal diagnosis to spend their remaining days out of confinement. And anyone can apply to the governor for a pardon, whether incarcerated or not.

## Releases

Louisiana reduced its state prison population by 1,617 people over the course of 2018-2019. The mean change among all 64 parishes was a reduction of 25 incarcerated people.

### PRISON ADMISSIONS / RELEASES 2018-2019 FOR 15 LARGEST PARISHES (BY PARISH OF CONVICTION)

Parish/State	Population	2018 Admissions	2018 Releases	2019 Admissions	2019 Releases	2 Year Differential
East Baton Rouge	438060	1191	1111	1106	1064	122.00
Jefferson	431102	1090	1272	1143	1375	-414.00
Orleans	389284	1251	1686	1184	1581	-832.00
St. Tammany	262803	877	1063	821	946	-311.00
Lafayette	245667	570	597	665	614	24.00
Caddo	237575	1153	1138	1074	1156	-67.00
Calcasieu	203695	613	635	793	619	152.00
Ouachita	151987	598	577	539	596	-36.00
Livingston	142184	582	666	655	666	-95.00
Tangipahoa	135679	415	338	400	396	81.00
Rapides	128970	484	461	404	436	-9.00
Ascension	128350	301	283	265	271	12.00
Bossier	127056	561	544	537	503	51.00
Terrebonne	109759	547	578	565	545	-11.00
Lafourche	97247	314	306	296	313	-9.00
LOUISIANA	4637898	15,958	17,010	16,028	16,593	-1,617

## Pardon Board & Clemency

People serving a parole-ineligible sentence can apply for a hearing before the pardon board to have their sentence commuted to a fixed number of years and become eligible for parole. If the board grants the applicant a hearing and rules in their favor, that recommendation goes to the governor. If the governor signs off on the recommendation, the applicant may then apply to the parole board for release. Generally, pardon applications fall into one of two categories: commutation of sentences and executive pardons. Executive pardons are available to people who have already been released to the community and wish to have their criminal records cleared.



Photo: Louisiana Parole Project.

CLEMENCY	2015	2016	2017	2018	2019
APPLICATIONS RECEIVED	804	1247	1600	514	411
APPLICATIONS REVIEWED	311	426	460	341	355
HEARING GRANTED	176	221	205	171	240
HEARING CONDUCTED	171	185	344	167	177
COMMUTATION OF SENTENCE	101	112	193	114	137
EXECUTIVE PARDON	70	73	151	53	40
DENIED	51	68	130	72	73
“TAKEN UNDER ADVISEMENT”	17	14	50	25	21
GRANTED*	103	103	164	70	83

\*The board reports decisions for the total number of hearings (commutations and executive pardons combined). Granting rates are generally much higher for executive pardons than for commutations.

# Parole

Those incarcerated in Louisiana with a parole eligibility date or whose sentence carries the possibility of parole have the right to appear before the parole board, formally known as the Board of Pardons and Committee on Parole.<sup>100</sup> Parole hearings generally occur within six months before a person’s parole eligibility date.<sup>101</sup> In general, an incarcerated person must submit an application and release plan to the parole board before a hearing.<sup>102</sup> After administrative review, the Department of Public Safety and Corrections conducts a pre-hearing investigation.<sup>103, 104</sup> The investigation compiles records from the prison about the prospective parolee’s activities while incarcerated, reaches out to victims from the original crime, and consults with the district attorney, sentencing judge, and local law enforcement.<sup>104</sup> The Committee on Parole will then hold an open hearing to receive testimony from any interested parties, including the prospective parolee, victim(s), or other law enforcement officials involved in the case<sup>105</sup> and then decide whether to grant with conditions or deny the application.<sup>106</sup> Applicants granted parole will be required to pay a monthly supervisory fee for the duration of the sentence that is being served while on parole<sup>107</sup> and remain in regular contact with their assigned parole officer.<sup>108</sup>

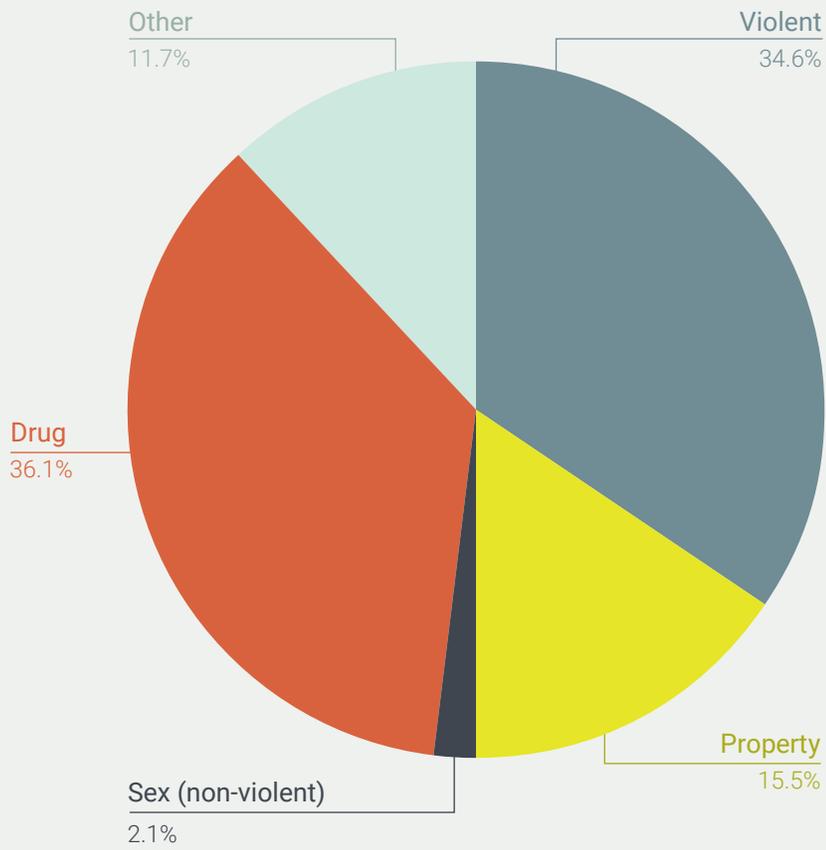
While parole grant rates have been relatively consistent over the last few years, they are still lower than some other southern states like Arkansas (67%) and Georgia (56%), both of which also have lower rates of incarceration.<sup>109</sup> Advocates pointed to two factors underlying Louisiana’s low grant rate, namely opposition from victims, sometimes based on crimes that occurred two to three decades earlier and fears of what “could” happen prevailing over evidence of rehabilitation in parole board hearings.

PAROLE HEARINGS AND GRANT RATE:		
2015:	<b>1680</b>	<b>(45%)</b>
2016:	<b>1471</b>	<b>(44%)</b>
2017:	<b>1179</b>	<b>(44%)</b>
2018:	<b>1256</b>	<b>(45%)</b>
2019:	<b>2154</b>	<b>(54%)</b>

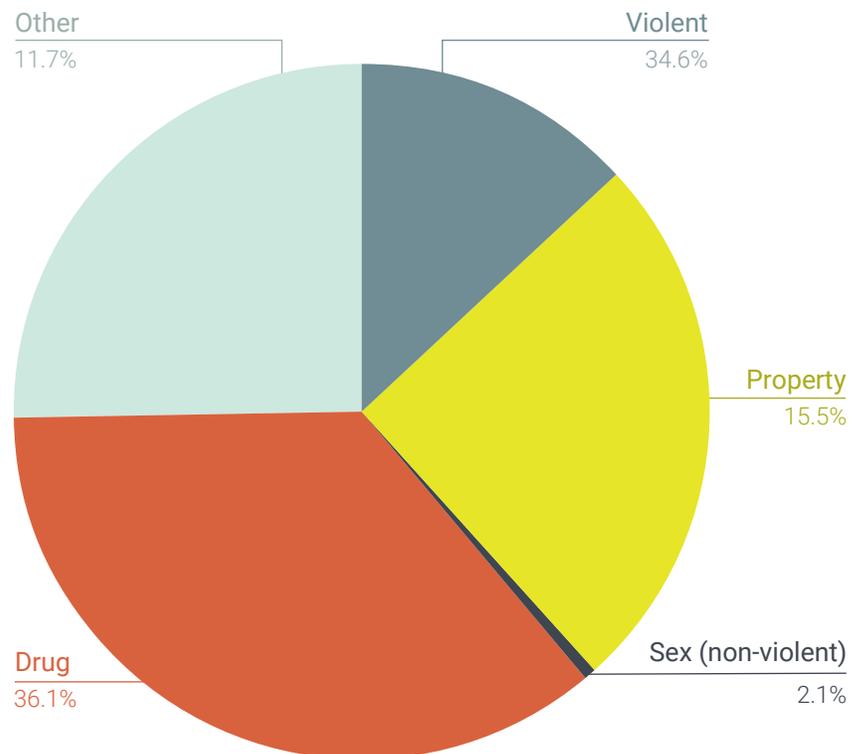
There are currently 24,219 people on parole. Parolees include people released from custody pursuant to diminution of sentence classified as “good time parole supervision” (GTPS) and people who were released after completing their full sentence (classified as parole).

<b>PAROLE</b>	<b>69% BLACK</b>	<b>91.5 % MALE</b>
<b>GTPS</b>	<b>59% BLACK</b>	<b>90 % MALE</b>

## PAROLED POPULATION



## GOOD TIME PAROLE SUPERVISION POPULATION



# Recidivism, Reentry, & Collateral Consequences



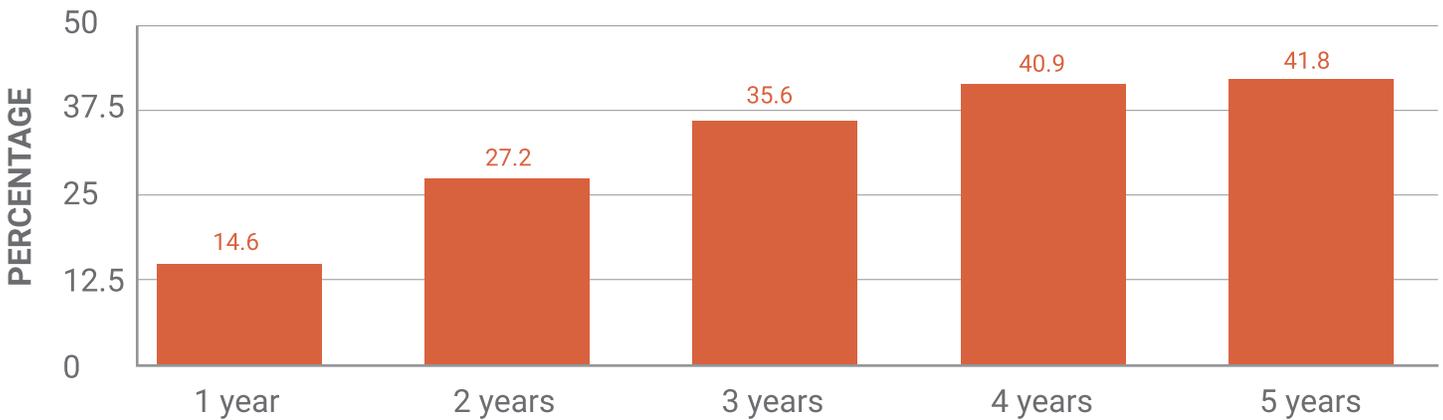
Photo: Voice of the Experienced.

# Recidivism

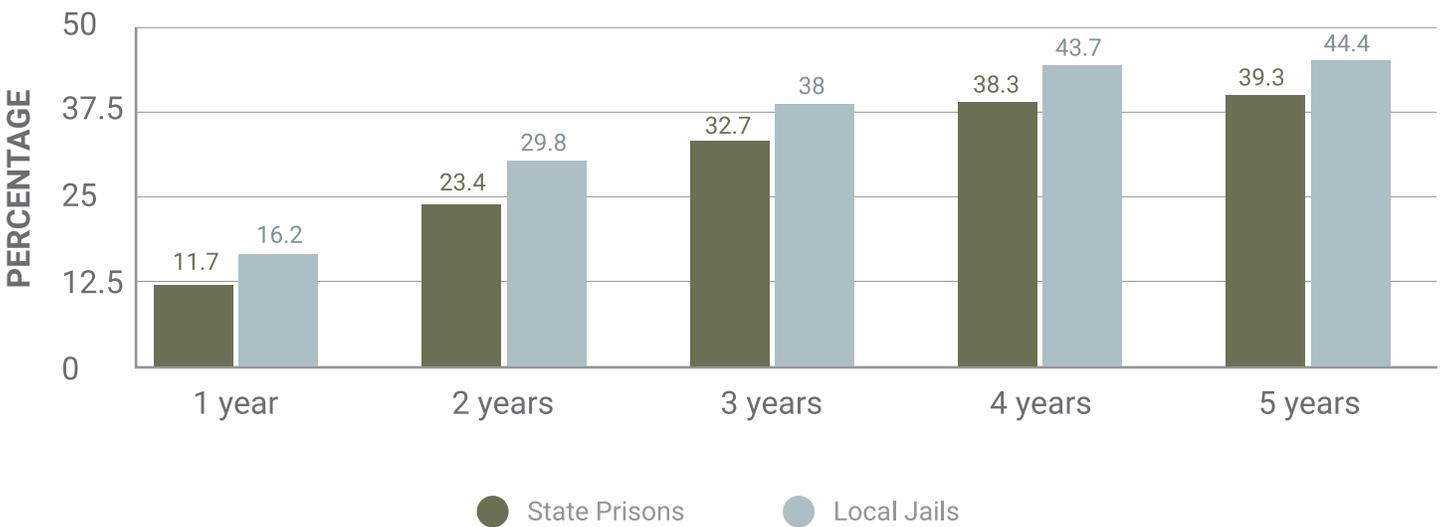
The Louisiana Department of Public Safety and Corrections defines recidivism as “returning to custody following conviction for a new felony or technical revocation of supervision after having been released from incarceration through completed sentence, released on parole, conditional release,

or split probation sentence.” Recidivism rates in Louisiana are in line with national trends, with close to half of all people returning to prison within five years. **Return rates are higher among people released from local facilities compared to those released from state facilities.**

### RECIDIVISM RATES: 2014-2019



### RECIDIVISM RATES: STATE AND LOCAL FACILITIES 2014-2019



Prisons and jails may exacerbate prior trauma suffered by incarcerated people. According to VOTE, untreated prior caregiver or partner abuse, combined with poverty, can often send people back to prison after release.

Advocates also note that certain status offenses tied to a person’s criminal history can prevent a person’s “exit” from the criminal legal system. Examples of these offenses include “failure to register” after a conviction for a sex-related offense, and “felon in possession of a firearm”, which can result in new charges and convictions, even where no actual criminal activity occurred. Advocates involved in reentry also shared that their clients return to prison in part because they can’t pay the mandatory supervision fees for being out.

## Reentry

Successful reentry into the community is difficult. According to VOTE, most people returning home exit prisons with a box of belongings, and in many cases have not been able to maintain strong family relationships while incarcerated.

The Louisiana Justice Reinvestment Initiative (JRI) recognized that community partners had to be involved for reentry to succeed, but there is a lack of quality service providers who are robust enough to complete the JRI grant process. Smaller organizations that do good work are attempting to radically expand to match the needs of people being released, while simultaneously attempting to secure contracts that would fund their expansion.

### STATEWIDE REENTRY PROGRAMS

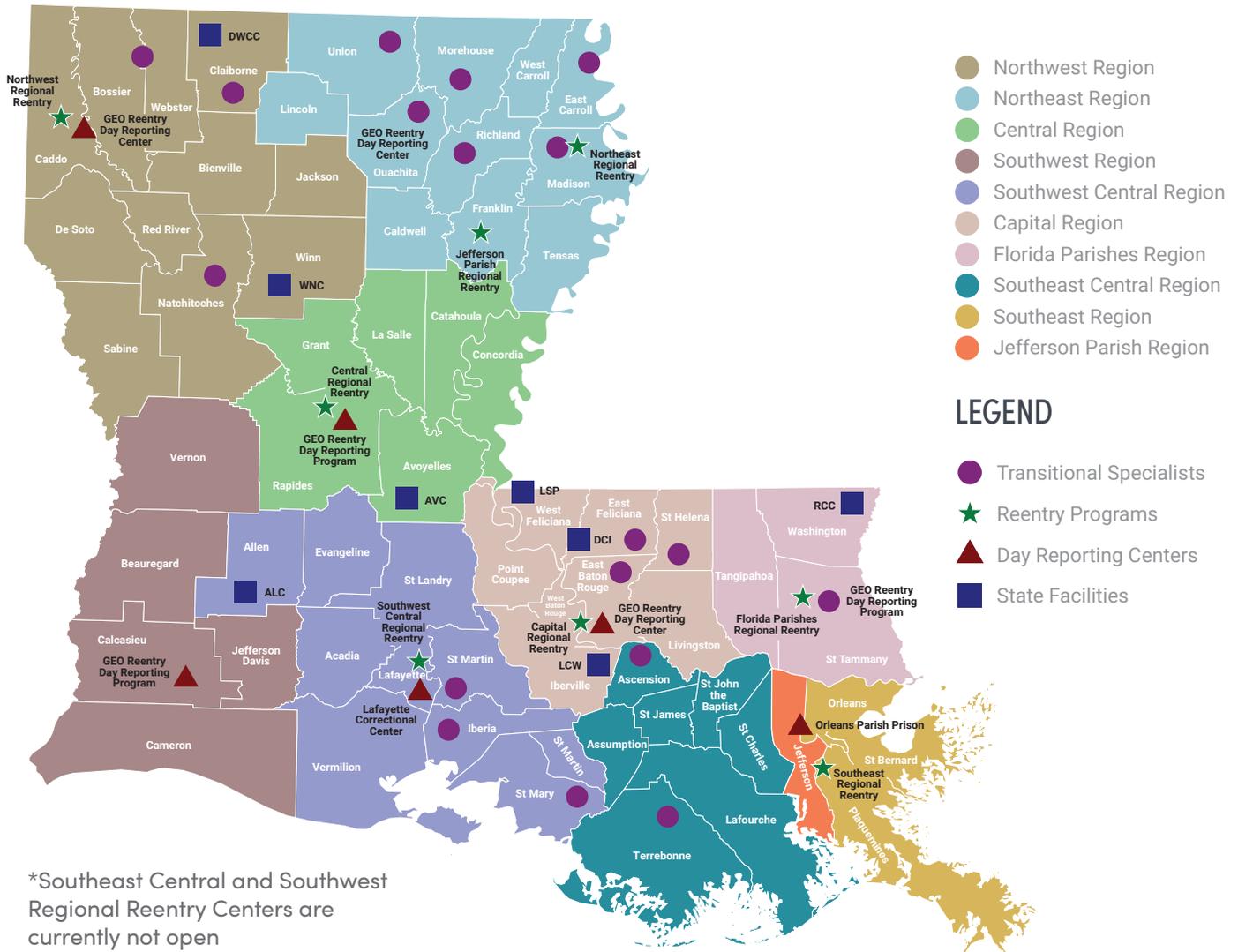




Photo: East Baton Rouge Parish Prison Reform Coalition.

The Louisiana Department of Public Safety and Correction’s (DPSC) Prisoner Reentry Initiative is intended to serve the nearly 18,000 people released from incarceration each year.<sup>110</sup> The regional program is primarily intended to serve the incarcerated people that are serving state prison time in local jails and includes pre-release curriculum, forms of identification, residence and employment plans and more.<sup>111, 112</sup> There are 10 regional reentry programs throughout Louisiana.<sup>113</sup> The Reentry Alliance of Louisiana (REAL) helps facilitate the program and provides resources for reentry.<sup>114</sup>

In the Jefferson Parish Region, United Way operates the program in conjunction with local officials and community partners.<sup>115</sup> After evaluating a group of program participants after one year, 100% of participants did not recidivate, 42% of participants secured permanent employment and 65% of legal cases were resolved.<sup>116</sup> A 2018 evaluation of the program in West Baton Rouge Detention Center and Elayn Hunt Correctional Center found that the program was working well but needed some adjustments “such as ensuring inmates leave with a trade skill and updating old technology.”<sup>117</sup>

## Collateral Consequences

Reentry also occurs within a context of post-conviction discrimination, which one interviewee called the New Jim Crow. Statutory restrictions on occupation, extended terms of post-incarceration supervision, and eligibility for student loans negatively impact the ability of someone recently released to succeed. Greg Philips, who runs a reentry clinic in Baton Rouge, shared that restoring rights for people with criminal convictions would make the single biggest impact in his work with recent returnees.

VOTE has worked to lessen criminal history discrimination in housing, including successfully advocating for policy changes for public housing administered by the Housing Authority of New Orleans (HANO). While VOTE is continuing to advocate for deeper reform in New Orleans through prohibiting discrimination on the basis of criminal history for Section 8 housing vouchers, they are also expanding their work to look at public housing in other major Louisiana cities. Since the adoption of the new HANO policy in 2016 (following a three-year campaign), VOTE was able to get a formerly incarcerated person appointed to the newly created review panel in New Orleans and similar changes are underway in Lafayette and Baton Rouge. In addition, on July 14, 2021, the Louisiana Housing Corporation applied a similar policy for all developers and landlords receiving tax credits (approximately 25% of the rental market). This was done through direct testimony and advocacy of formerly incarcerated people.

One of the hardest groups to help with reentry support is people convicted of sex offenses. In and around Shreveport, focus group participants described the obstacles for their clients returning from incarceration. First, clients are often not granted early release because they can't find housing that meets DPSC criteria. Second, even if housing assistance can be provided, people with sex offense convictions face additional barriers in securing jobs



Photo: Voice of the Experienced.

or access to programming that would support them once home.

## Expungement

In Louisiana, “an arrest creates a permanent criminal record even if no criminal charges are instituted.”<sup>118</sup> This mark on a person’s criminal record can have collateral consequences, including loss of employment or housing, even when no charges result from the arrest.<sup>119</sup> Expungement removes “a record from public access but does not mean destruction of the record. An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other state agencies as stated under Louisiana law.”<sup>120</sup> The burden of expungement falls on the applicant and involves multiple steps, including securing records from several different agencies.<sup>121</sup>

Directly impacted advocates outside of New Orleans argued for investments in their areas for expungement assistance. Though the [Justice and Accountability Center of Louisiana’s](#) “Clean Jacket”<sup>122</sup> app has been helpful, most of their clients do not know how to access some of the required documents, such as the minutes from their criminal case, and lack the required funds to pursue expungement.

# Emergent Issues & Areas for Further Advocacy



Photo: Louisiana Center for Children's Rights.

## Death Row

In 2020, Louisiana had 68 prisoners on death row who comprise 0.2% of all people incarcerated. All of the people on death row are men, except for one woman. The last execution in Louisiana was of Gerald Bordelon in 2010, by a person who waived all appeals and requested execution.<sup>123</sup> The lack of recent executions is due in part to the Department of Public Safety and Correction's inability to legally secure the required drugs for lethal injection, the only authorized means of execution, pursuant to litigation by the Promise of Justice Initiative challenging lethal injection protocols in Louisiana.<sup>124</sup> People held on death row are significantly older than the general prison population with an average age of 50. The average age at the time of offense for people on death row is 28. The numbers of Black and white people on death row are proportionate to their relative numbers in the prison population, but disproportionate to their share of the population generally. People currently on death row have already served an average of 17.7 years.

**Six parishes in Louisiana, with 38.2% of the state's population, are responsible for 71.1% of the state's death sentence commitments.** While East Baton Rouge Parish has the highest number of people on death row, De Soto Parish has the highest rate of death sentences as a proportion of their population. The majority of people on death row (57.4%) have been there for over 20 years.

Death row is located at Louisiana State Penitentiary, commonly known as Angola. As of 2020, Louisiana was fourth in the nation for the number of death row exonerations (11).<sup>125</sup> Faith leaders and the Promise of Justice Initiative have led efforts to end the death penalty in Louisiana.<sup>126</sup> Administrators at Angola have begun allowing time out of cell for people on death row, moving from past practices that required solitary confinement. Litigation by the Promise of Justice Initiative has secured improvements in conditions for people held on

death row with medical needs, including measures to lower the temperature since death row lacks air conditioning.<sup>127</sup>

## Warrant Clinics

Warrant clinics, organized by advocates in collaboration with local judges, have worked in New Orleans by negotiating payments to satisfy the warrant's obligations. Advocates are attempting to replicate that success in other areas of the state. Warrant clinics are another example of the linkages between direct services and organizing. Warrant clinics held in New Orleans, Baton Rouge, and Lafayette are administered by people who have used the clinic's services in the past. The clinics, according to Anza Becnel, founder of Growing Real Alternatives Everywhere, become an "entry point to activism," expanding the field of reformers.

## Cannabis Decriminalization

In 2018, "Black people were 3.4 times more likely to be arrested for [cannabis] possession than white people" in Louisiana.<sup>128</sup> In Orleans Parish, the disparity was 4.5 times and East Baton Rouge Parish had the highest disparity in the state, with Black people 7 times more likely to be arrested for cannabis possession than white people.<sup>129</sup>

Despite the growing adoption of cannabis decriminalization and legalization across the country and 55 percent of Louisianans supporting legalization, Louisiana law does not allow for adult-use cannabis except as treatment for certain medical conditions.<sup>130</sup> Louisiana enacted a new law in 2021, Act 247, significantly decreasing the penalties for possession of fourteen ounces or less of cannabis to a \$100 fine.<sup>131</sup> The state law follows efforts in New Orleans and Baton Rouge to decriminalize possession of marijuana through local laws.

In New Orleans, the City Council passed a 2010 measure making "first-time simple possession

of cannabis a municipal offense, allowing for summonses instead of arrests.”<sup>132</sup> In 2016, the council unanimously passed a law preventing police from making arrests for cannabis possession and allowing them to simply write tickets for it, effectively decriminalizing it.<sup>133</sup> Similarly, in 2018, East Baton Rouge Parish Metro Council passed a similar measure to decriminalize cannabis.<sup>134</sup> However, it does not apply parish-wide, so whether the new measure applies to a police interaction will depend on which jurisdiction’s police force is involved in the encounter.<sup>135</sup>

## Public Defender Funding

Khalid Hudson, Executive Director of Together Baton Rouge, noted that the funding disparities between district attorney offices and public defender offices receive less statewide attention than it should, since both offices are essential to the

administration of the criminal legal system. After Hurricane Katrina, the state enacted significant reforms to public defender funding, creating a statewide public defender board that provides funding to local public defender offices. That funding, however, pales in comparison to the budgetary reliance on court fees and traffic tickets for most public defender offices. More specifically, **“the discrepancy between defense and prosecution budgets... is about 4 to 1 statewide and more than 6 to 1 in several parishes.”**<sup>136</sup> In Lafayette, according to one focus group member, the public defender only receives about 20% of the resources allocated to the DA. Unlike prosecutors’ offices, public defender offices across the state are funded through fines and fees from court convictions, which are an unpredictable stream of revenue and mean that “lawyers who represent the poor receive funding only when their clients get convicted.”<sup>137</sup> Louisiana is the only state in the country to fund their public defenders this way.<sup>138</sup>

**“Lawyers who represent the poor receive funding only when their clients get convicted.”<sup>137</sup>**



Closed Cell Restriction Cell, Louisiana State Penitentiary (2018).

In New Orleans, after continued underfunding of the public defender’s office resulted in 52 attorneys on staff handling 22,000 cases a year, the Chief Public Defender announced in 2016 that their office “would no longer take on any felony cases in which defendants were facing a possibility of life in prison.”<sup>139</sup> Public defenders in East Baton Rouge Parish made a similar decision to reduce their caseload in order to better serve their clients.<sup>140</sup> In December 2019, the Louisiana Supreme Court ruled that they did not have the power to make such changes, and held that only the state legislature could make changes to ensure adequate representation.<sup>141</sup> In 2017, civil rights attorneys filed a class action lawsuit on behalf of all low-income adults facing non-capital criminal charges in Louisiana, alleging that the current public defender system violated their constitutional right to adequate legal representation.<sup>142</sup> In March 2021, an appellate court decided that the case did not merit class action status; however, the case remains ongoing.<sup>143</sup>

Court Watch NOLA has also highlighted municipal court operations, which traditionally handle misdemeanor cases and often entail fewer protections for defendants. **According to Court Watch NOLA, 50% of defendants represent themselves in municipal**

**court.** At the same time, one New Orleans public defender had a 2020 caseload of over 3,000 cases, well over the 400 caseload limit for municipal attorneys recommended by the National Association of Criminal Defense Attorneys.<sup>144</sup>

## Pardon & Parole Board

Interviewees expressed concerns that parole in Louisiana is too minimal to act as a meaningful release valve for the extended and lengthy sentences in Louisiana. Parole is approved in Louisiana approximately 45-50% of the time, lower than our southern neighbors. VOTE noted that the parole board members do not include anyone who has been directly impacted by incarceration, such as a person formerly incarcerated or their family members.

In addition, the parole board does not consider applications for early release from supervision for people released on parole. Supervision can be burdensome through the imposition of monitoring fees and mandatory meetings regardless of work or family obligations. Moreover, according to several interviewees, this supervision period can be lengthy, extending decades after the original criminal act.

# Conclusion

This report lays a data-driven and impact-informed foundation for future efforts to reduce incarceration and promote racial equity within the criminal legal system in Louisiana. In 2020, Louisiana ranked first in the nation for incarceration, but at the bottom of the nation for other indicators of health, including heart disease, diabetes, cancer, teen mothers, and low birth weights for infants.<sup>145</sup> Reversing this trend requires an understanding of how the different components of this system interact. Delays in pre-trial appearances, coupled with high bail amounts, deepen the negative impact of allowing broad prosecutorial discretion on when to file formal charges or whether to multi-bill. Conditions in prisons and jails, whether pre-trial or post-conviction, impact the ability of people to successfully re-enter society after incarceration. Failure to use existing release mechanisms, including clemency, parole, and compassionate release, compounds these challenges for decades to come as people age, get sick, and die in prison on the state's dime.

# Endnotes

1. This study, IRB # 000200, “Landscape Scan of Criminal Justice in Louisiana” was approved by the Loyola University New Orleans Human Subjects Committee for Institutional Review Board (IRB #00001194) on 10/17/2020. Interviews were conducted with representatives of the following organizations: the Bail Project, Court Watch Baton Rouge, Court Watch NOLA, Daughters Beyond Incarceration, Decarcerate Louisiana, East Baton Rouge Parish Prison Reform Coalition, Equipping Black Men, Families and Friends of Louisiana’s Incarcerated Children, First 72+, Goodwill Industries, Growing Real Alternatives Everywhere, Louisiana’s Center for Children’s Rights, Louisiana State University, Orleans Parish Prison Reform Coalition, Power Coalition, Promise of Justice, Together Baton Rouge, Voice of the Experienced (including members of regional chapters), and Westside Organizing in November / December 2020 and in May 2021. All interviews and regional focus group discussions (New Orleans, Baton Rouge, Lafayette, and Shreveport) were conducted via Zoom.
2. La. Just. Reinvestment Task Force, Report and Recommendations, (Mar. 16, 2017), [https://www.lasc.org/documents/LA\\_Task\\_Force\\_Report\\_2017\\_FINAL.pdf](https://www.lasc.org/documents/LA_Task_Force_Report_2017_FINAL.pdf).
3. The Louisiana legislature did not adopt the recommendation from the Justice Reinvestment Taskforce to revamp the criminal code and instead created the Louisiana Felony Class System Taskforce, which issued its non-binding report in February 2018 at [https://www.vote-nola.org/uploads/6/4/9/8/64988423/fcstf\\_-\\_report\\_and\\_recommendations.pdf](https://www.vote-nola.org/uploads/6/4/9/8/64988423/fcstf_-_report_and_recommendations.pdf).
4. La. Rev. Stat. §14:30.1(B) (2015) (Second Degree Murder).
5. See La. State Bar Ass’n Crim. Just. Comm., Report on the Louisiana Bail System, (Aug. 2018), <http://files.lsba.org/documents/CJC/LSBACJCReportonBail.pdf>.
6. Lea Skene, East Baton Rouge judges rollback new faster arraignment process they said was ‘crushing the system’, The Advocate (Dec. 18, 2019, 3:59 PM), [https://www.theadvocate.com/baton\\_rouge/news/courts/article\\_a98b429e-21e1-11ea-8f4e-472369d23549.html](https://www.theadvocate.com/baton_rouge/news/courts/article_a98b429e-21e1-11ea-8f4e-472369d23549.html).
7. Id.
8. Am. C.L. Union of La., Justice Can’t Wait: An Indictment of Louisiana’s Pretrial System, 8 (Feb. 10, 2020), [https://www.laclu.org/sites/default/files/field\\_documents/aclu\\_la\\_justicecantwaitreport\\_02102020\\_online.pdf](https://www.laclu.org/sites/default/files/field_documents/aclu_la_justicecantwaitreport_02102020_online.pdf) [hereinafter ACLU of Louisiana].
9. Ramon A. Vargas, Orleans judge has conflict of interest over bail fees, federal appeals court says, Nola.com (Aug. 30, 2019, 4:00 PM), [https://www.nola.com/news/crime\\_police/article\\_1e2cc712-cb61-11e9-b9a8-83df1fef1786.html](https://www.nola.com/news/crime_police/article_1e2cc712-cb61-11e9-b9a8-83df1fef1786.html).

10. Nicholas Chrastil, New state law seeks to fix New Orleans judges' decades-old conflict of interest on court fines, fees and bail, *The Lens* (Jun. 24, 2020, 4:12 PM), <https://thelensnola.org/2020/06/24/newly-signed-state-law-seeks-to-fix-new-orleans-judges-decades-old-conflict-of-interest-on-court-fines-fees-and-bail/>.
11. C.R. Corps, Orleans Parish, LA: Bail, <https://www.civilrightscorps.org/work/wealth-based-detention/orleans-parish-la-bail> (last visited Sept. 8, 2022).
12. *Id.*
13. Chrastil, *supra* note 10.
14. *Id.*
15. *Id.*
16. 2021 La. Sess. Law Serv. Act 252 (West) (amending La. Code Crim. Proc. Ann. § art. 701(B) (1)).
17. La. Code Crim. Proc. Ann. § art. 701(B)(2) (2022).
18. Albert Samaha, "DA Time": How New Orleans Locks People Up For Weeks Without Charges, *BuzzFeed News* (Aug. 5, 2015, 2:12 PM), <https://www.buzzfeednews.com/article/albertsamaha/da-time-how-new-orleans-locks-people-up-for-weeks-without-ch>.
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70. ECONOMIC WELL-BEING, RACE, AND INCARCERATION FOR 15 LARGEST PARISHES

Parish	Population	Percent Parish Population Black	Percent in Poverty	Percent of Children under 17 in Poverty	Percent of Children 5-17 in Poverty	Unemployment Rate	Median Household Income	Incarceration Rate
East Baton Rouge	438060	47	17.70	24.50	24.50	4.40	56,303	545.82
Jefferson	431102	28	19.10	25.10	23.90	4.70	47,988	687.31
Orleans	389284	60.2	23.50	33.40	36.80	4.90	45,092	1002.61
St. Tammany	262803	12.5	11.50	15.70	13.60	4.20	71,526	624.80
Lafayette	245667	26.8	16.60	22.50	22.00	4.30	60,053	291.04
Caddo	237575	49.8	24.10	35.80	34.20	5.40	45,613	814.90
Calcasieu	203695	25.7	18.90	26.00	24.60	4.10	53,050	543.95
Ouachita	151987	37.6	23.90	37.40	37.00	5.30	43,235	553.99
Livingston	142184	6.7	12.00	15.00	14.30	4.10	63,852	390.34
Tangipahoa	135679	30.3	21.70	31.60	30.60	5.50	47,860	456.22
Rapides	128970	32.00	18.30	26.10	23.10	5.10	49,687	595.49
Ascension	128350	23.60	9.60	12.90	12.70	4.10	83,072	271.13
Bossier	127056	22.90	16.40	25.60	25.50	4.30	54,080	435.24
Terrebonne	109759	19.20	19.00	27.30	24.60	4.60	51,719	726.14
Lafourche	97247	13.60	17.50	26.80	21.60	4.50	54,145	464.80
LOUISIANA	4637898	32.66	18.80	26.40	25.40	4.8	51,108	588.11

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- 1) The person seeking expungement should get a copy of the documentation or minutes from the case via the clerk of court.
  - 2) Determine eligibility for expungement through an attorney, the Justice and Accountability Center of Louisiana, or the “Clean Jacket” App.

- 3) Determine whether they can have fees and costs waived, which is only applicable in limited circumstances.
  - 4) Get a background check.
  - 5) File the Motion to Set Aside a Conviction and/or Motion for Expungement with the court and pay the associated court fees. Costs and filing fees vary by jurisdiction but the filing may range from \$550 to over \$700 and all costs combined, including filing, could range between \$2000 and \$3000.
  - 6) Wait for 60 days while the court receives responses to your motion from the State Police, arresting agency, and applicable District Attorney. In some cases, they will have to appear in court if there is an issue with the motion.
  - 7) If the order is granted, get a certified copy of the expungement and a Certificate of Compliance from the Louisiana State Police.
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**Louisiana Justice:  
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**Public Welfare  
Foundation**